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FIRST SESSION OF THE FORTY-FOURTH CONGRESS.

EXECUTIVE DOCUMENTS

PRINTED BY ORDER OF THE

HOUSE OF REPRESENTATIVES.

1875-'76.

IN SEVENTEEN VOLUMES.

Volume 1..No. 1, part 1, Foreign Relations, parts 1 and 2.
Volume 2..No. 1, part 2, War, parts 1, 3, 4, and 2, volumes 1 and 2.
Volume 3..No. 1, parts 3 and 4, (Navy and Postmaster.)
Volume 4..No. 1, part 5, Interior, parts 1 and 2.
Volume 5..No. 1, parts 6, 7, 8, 9, and Nos. 7 to 13 inclusive.
Volume 6..No. 2, Treasury.
Volume 7..Nos. 3 and 4.
Volume 8..Nos. 5, 6, and 107, (quarto.)
Volume 9..Nos. 14 to 21 inclusive.
Volume 10..Nos. 22 to 83 inclusive, except No. 81.
Volume 11..No. 81, Coast Survey.
Volume 12..Nos. 84 to 158 inclusive, except Nos. 107 and 124.
Volume 13..No. 124, Commerce and Navigation.
Volume 14..Nos. 159 to 195 inclusive, except Nos. 166 and 191.
Volume 15..No. 166, Commercial Relations.
Volume 16..No. 191.
Volume 17..No. 196, Vienna Exposition, parts 1, 2, 3, and 4.

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TO

THE EXECUTIVE DOCUMENTS

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES

FOR THE

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44TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. 1, Part. 1.

PAPERS

RELATING TO THE

FOREIGN RELATIONS

OF

The United States,

TRANSMITTED TO CONGRESS,

WITH THE ANNUAL MESSAGE OF THE PRESIDENT,

DECEMBER 6, 1875.

PRECEDED BY A

LIST OF PAPERS AND FOLLOWED BY AN INDEX OF PERSONS AND SUBJECTS.

VOLUME I.

WASHINGTON:
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1875.

MESSAGE.

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

In submitting my seventh annual message to Congress, in this centennial year of our national existence as a free and independent people, it affords me great pleasure to recur to the advancement that has been made from the time of the colonies, one hundred years ago. We were then a people numbering only three millions. Now we number more than forty millions. Then industries were confined almost exclusively to the tillage of the soil. Now manufactories absorb much of the labor of the country.

Our liberties remain unimpaired; the bondmen have been freed from slavery; we have become possessed of the respect, if not the friendship, of all civilized nations. Our progress has been great in all the arts; in science, agriculture, commerce, navigation, mining, mechanics, law, medicine, &c.; and in general education the progress is likewise encouraging. Our thirteen States have become thirty-eight, including Colorado, (which has taken the initiatory steps to become a State,) and eight Territories, including the Indian Territory and Alaska, and excluding Colorado, making a territory extending from the Atlantic to the Pacific. On the south we have extended to the Gulf of Mexico, and in the west from the Mississippi to the Pacific.

One hundred years ago the cotton-gin, the steamship, the railroad, the telegraph, the reaping, sewing, and modern printing machines, and numerous other inventions of scarcely less value to our business and happiness, were entirely unknown.

In 1776, manufactories scarcely existed even in name in all this vast territory. In 1870, more than two millions of persons were employed in manufactories, producing more than $2,100,000,000 of products in amount annually, nearly equal to our national debt. From nearly the whole of the population of 1776 being engaged in the one occupation of agriculture, in 1870 so numerous and diversified had become the occupation of our people that less than six millions out of more than forty millions were so engaged. The extraordinary effect produced in our country by a resort to diversified occupations has built a market for the products of fertile lands distant from the seaboard and the markets of the world.

The American system of locating various and extensive manufactories next to the plow and the pasture, and adding connecting railroads and steamboats, has produced in our distant interior country a result noticeable by the intelligent portions of all commercial nations. The ingenuity

and skill of American mechanics have been demonstrated at home and abroad in a manner most flattering to their pride. But for the extraordinary genius and ability of our mechanics, the achievements of our agriculturists, manufacturers, and transporters throughout the country would have been impossible of attainment.

The progress of the miner has also been great. Of coal our production was small; now many millions of tons are mined annually. So with iron, which formed scarcely an appreciable part of our products half a century ago, we now produce more than the world consumed at the beginning of our national existence. Lead, zinc, and copper, from being articles of import, we may expect to be large exporters of in the near future. The development of gold and silver mines in the United States and Territories has not only been remarkable, but has had a large influence upon the business of all commercial nations. Our merchants in the last hundred years have had a success and have established a reputation for enterprise, sagacity, progress, and integrity unsurpassed by peoples of older nationalities. This "good name" is not confined to their homes, but goes out upon every sea and into every port where commerce enters. With equal pride we can point to our progress in all of the learned professions.

As we are now about to enter upon our second centennial—commencing our manhood as a nation—it is well to look back upon the past and study what will be best to preserve and advance our future greatness. From the fall of Adam for his transgression to the present day, no nation has ever been free from threatened danger to its prosperity and happiness. We should look to the dangers threatening us, and remedy them so far as lies in our power. We are a republic whereof one man is as good as another before the law. Under such a form of government it is of the greatest importance that all should be possessed of education and intelligence enough to cast a vote with a right understanding of its meaning. A large association of ignorant men cannot, for any considerable period, oppose a successful resistance to tyranny and oppression from the educated few, but will inevitably sink into acquiescence to the will of intelligence, whether directed by the demagogue or by priestcraft. Hence the education of the masses becomes of the first necessity for the preservation of our institutions. They are worth preserving, because they have secured the greatest good to the greatest proportion of the population of any form of government yet devised. All other forms of government approach it just in proportion to the general diffusion of education and independence of thought and action. As the primary step, therefore, to our advancement in all that has marked our progress in the past century, I suggest for your earnest consideration, and most earnestly recommend it, that a constitutional amendment be submitted to the legislatures of the several States for ratification, making it the duty of each of the several States to establish and forever maintain free public schools adequate to the

education of all the children in the rudimentary branches within their respective limits, irrespective of sex, color, birthplace, or religions; forbidding the teaching in said schools of religious, atheistic, or pagan tenets; and prohibiting the granting of any school-funds, or school-taxes, or any part thereof, either by legislative, municipal, or other authority, for the benefit or in aid, directly or indirectly, of any religious sect or denomination, or in aid or for the benefit of any other object of any nature or kind whatever.

In connection with this important question, I would also call your attention to the importance of correcting an evil that, if permitted to continue, will probably lead to great trouble in our land before the close of the nineteenth century. It is the accumulation of vast amounts of untaxed church-property.

In 1850, I believe, the church-property of the United States which paid no tax, municipal or State, amounted to about $83,000,000. In 1860, the amount had doubled; in 1875, it is about $1,000,000,000. By 1900, without check, it is safe to say this property will reach a sum exceeding $3,000,000,000. So vast a sum, receiving all the protection and benefits of government, without bearing its proportion of the burdens and expenses of the same, will not be looked upon acquiescently by those who have to pay the taxes. In a growing country, where real estate enhances so rapidly with time as in the United States, there is scarcely a limit to the wealth that may be acquired by corporations, religious or otherwise, if allowed to retain real estate without taxation. The contemplation of so vast a property as here alluded to, without taxation, may lead to sequestration without constitutional authority and through blood.

I would suggest the taxation of all property equally, whether church or corporation, exempting only the last resting-place of the dead, and, possibly, with proper restrictions, church-edifices.

Our relations with most of the foreign powers continue on a satisfactory and friendly footing.

Increased intercourse, the extension of commerce, and the cultivation of mutual interests have steadily improved our relations with the large majority of the powers of the world, rendering practicable the peaceful solution of questions which from time to time necessarily arise, leaving few which demand extended or particular notice.

The correspondence of the Department of State with our diplomatic representatives abroad is transmitted herewith.

I am happy to announce the passage of an act by the General Cortes of Portugal, proclaimed since the adjournment of Congress, for the abolition of servitude in the Portuguese colonies. It is to be hoped that such legislation may be another step toward the great consummation to be reached, when no man shall be permitted, directly or indirectly, under any guise, excuse, or form of law, to hold his fellow-man in bondage. I am of opinion also that it is the duty of the United States, as contrib-

uting toward that end, and required by the spirit of the age in which we live, to provide by suitable legislation that no citizen of the United States shall hold slaves as property in any other country or be interested therein.

Chili has made reparation in the case of the whale-ship Good Return, seized without sufficient cause upward of forty years ago. Though she had hitherto denied her accountability, the denial was never acquiesced in by this Government, and the justice of the claim has been so earnestly contended for that it has been gratifying that she should have at last acknowledged it.

The arbitrator in the case of the United States steamer Montijo, for the seizure and detention of which the Government of the United States of Colombia was held accountable, has decided in favor of the claim. This decision has settled a question which had been pending for several years, and which, while it continued open, might more or less disturb the good understanding which it is desirable should be maintained between the two republics.

A reciprocity treaty with the King of the Hawaiian Islands was concluded some months since. As it contains a stipulation that it shall not take effect until Congress shall enact the proper legislation for that purpose, copies of the instrument are herewith submitted, in order that, if such should be the pleasure of Congress, the necessary legislation upon the subject may be adopted.

In March last an arrangement was made, through Mr. Cushing, our minister in Madrid, with the Spanish government, for the payment by the latter to the United States of the sum of eighty thousand dollars in coin, for the purpose of the relief of the families or persons of the ship's company and certain passengers of the Virginius. This sum was to have been paid in three installments at two months each. It is due to the Spanish government that I should state that the payments were fully and spontaneously anticipated by that government, and that the whole amount was paid within but a few days more than two months from the date of the agreement, a copy of which is herewith transmitted. In pursuance of the terms of the adjustment I have directed the distribution of the amount among the parties entitled thereto, including the ship's company and such of the passengers as were American citizens. Payments are made accordingly, on the application by the parties entitled thereto.

The past year has furnished no evidence of an approaching termination of the ruinous conflict which has been raging for seven years in the neighboring island of Cuba. The same disregard of the laws of civilized warfare and of the just demands of humanity which has heretofore called forth expressions of condemnation from the nations of Christendom has continued to blacken the sad scene. Desolation, ruin, and pillage are pervading the rich fields of one of the most fertile and productive regions of the earth, and the incendiaries' torch, firing

plantations and valuable factories and buildings, is the agent marking the alternate advance or retreat of contending parties.

The protracted continuance of this strife seriously affects the interests of all commercial nations, but those of the United States more than others, by reason of close proximity, its larger trade and intercourse with Cuba, and the frequent and intimate personal and social relations which have grown up between its citizens and those of the island. Moreover, the property of our citizens in Cuba is large, and is rendered insecure and depreciated in value and in capacity of production by the continuance of the strife and the unnatural mode of its conduct. The same is true, differing only in degree, with respect to the interests and people of other nations; and the absence of any reasonable assurance of a near termination of the conflict must, of necessity, soon compel the states thus suffering to consider what the interests of their own people and their duty toward themselves may demand.

I have hoped that Spain would be enabled to establish peace in her colony, to afford security to the property and the interests of our citizens, and allow legitimate scope to trade and commerce and the natural productions of the island. Because of this hope, and from an extreme reluctance to interfere in the most remote manner in the affairs of another and a friendly nation, especially of one whose sympathy and friendship in the struggling infancy of our own existence must ever be remembered with gratitude, I have patiently and anxiously waited the progress of events. Our own civil conflict is too recent for us not to consider the difficulties which surround a government distracted by a dynastic rebellion at home, at the same time that it has to cope with a separate insurrection in a distant colony. But whatever causes may have produced the situation which so grievously affects our interests, it exists, with all its attendant evils operating directly upon this country and its people. Thus far all the efforts of Spain have proved abortive, and time has marked no improvement in the situation. The armed bands of either side now occupy nearly the same ground as in the past, with the difference, from time to time, of more lives sacrificed, more property destroyed, and wider extents of fertile and productive fields and more and more of valuable property constantly wantonly sacrificed to the incendiaries' torch.

In contests of this nature, where a considerable body of people, who have attempted to free themselves of the control of the superior government, have reached such point in occupation of territory, in power, and in general organization as to constitute in fact a body politic, having a government in substance as well as in name, possessed of the elements of stability, and equipped with the machinery for the administration of internal policy and the execution of its laws, prepared and able to administer justice at home, as well as in its dealings with other powers, it is within the province of those other powers to recognize its existence as a new and independent nation. In such cases other nations

simply deal with an actually existing condition of things, and recognize as one of the powers of the earth that body politic which, possessing the necessary elements, has, in fact, become a new power. In a word, the creation of a new state is a fact.

To establish the condition of things essential to the recognition of this fact, there must be a people occupying a known territory, united under some known and defined form of government, acknowledged by those subject thereto, in which the functions of government are administered by usual methods, competent to mete out justice to citizens and strangers, to afford remedies for public and for private wrongs, and able to assume the correlative international obligations, and capable of performing the corresponding international duties resulting from its acquisition of the rights of sovereignty. A power should exist complete in its organization, ready to take and able to maintain its place among the nations of the earth.

While conscious that the insurrection in Cuba has shown a strength and endurance which make it at least doubtful whether it be in the power of Spain to subdue it, it seems unquestionable that no such civil organization exists which may be recognized as an independent government capable of performing its international obligations and entitled to be treated as one of the powers of the earth. A recognition under such circumstances would be inconsistent with the facts, and would compel the power granting it soon to support by force the government to which it had really given its only claim of existence. In my judgment, the United States should adhere to the policy and the principles which have heretofore been its sure and safe guides in like contests between revolted colonies and their mother country, and, acting only upon the clearest evidence, should avoid any possibility of suspicion or of imputation.

A recognition of the independence of Cuba being, in my opinion, impracticable and indefensible, the question which next presents itself is that of the recognition of belligerent rights in the parties to the contest.

In a former message to Congress I had occasion to consider this question, and reached the conclusion that the conflict in Cuba, dreadful and devastating as were its incidents, did not rise to the fearful dignity of war. Regarding it now, after this lapse of time, I am unable to see that any notable success, or any marked or real advance on the part of the insurgents, has essentially changed the character of the contest. It has acquired greater age, but not greater or more formidable proportions. It is possible that the acts of foreign powers, and even acts of Spain herself, of this very nature, might be pointed to in defense of such recognition. But now, as in its past history, the United States should carefully avoid the false lights which might lead it into the mazes of doubtful law and of questionable propriety, and adhere rigidly and sternly to the rule, which has been its guide, of doing only that which is right and honest and of good report. The question of accord-

ing or of withholding rights of belligerency must be judged, in every case, in view of the particular attending facts. Unless justified by necessity, it is always, and justly, regarded as an unfriendly act, and a gratuitous demonstration of moral support to the rebellion. It is necessary, and it is required, when the interests and rights of another government or of its people are so far affected by a pending civil conflict as to require a definition of its relations to the parties thereto. But this conflict must be one which will be recognized in the sense of international law as war. Belligerence, too, is a fact. The mere existence of contending armed bodies, and their occasional conflicts, do not constitute war in the sense referred to. Applying to the existing condition of affairs in Cuba the tests recognized by publicists and writers on international law, and which have been observed by nations of dignity, honesty, and power, when free from sensitive or selfish and unworthy motives, I fail to find in the insurrection the existence of such a substantial political organization, real, palpable, and manifest to the world, having the forms and capable of the ordinary functions of government toward its own people and to other states, with courts for the administration of justice, with a local habitation, possessing such organization of force, such material, such occupation of territory, as to take the contest out of the category of a mere rebellious insurrection, or occasional skirmishes, and place it on the terrible footing of war, to which a recognition of belligerency would aim to elevate it. The contest, moreover, is solely on land; the insurrection has not possessed itself of a single sea-port whence it may send forth its flag, nor has it any means of communication with foreign powers except through the military lines of its adversaries. No apprehension of any of those sudden and difficult complications which a war upon the ocean is apt to precipitate upon the vessels, both commercial and national, and upon the consular officers of other powers, calls for the definition of their relations to the parties to the contest. Considered as a question of expediency, I regard the accordance of belligerent rights still to be as unwise and premature, as I regard it to be, at present, indefensible as a measure of right. Such recognition entails upon the country according the rights which flow from it difficult and complicated duties, and requires the exaction from the contending parties of the strict observance of their rights and obligations. It confers the right of search upon the high seas by vessels of both parties; it would subject the carrying of arms and munitions of war, which now may be transported freely and without interruption in the vessels of the United States, to detention and to possible seizure; it would give rise to countless vexatious questions, would release the parent government from responsibility for acts done by the insurgents, and would invest Spain with the right to exercise the supervision recognized by our treaty of 1795 over our commerce on the high seas, a very large part of which, in its traffic between the Atlantic and the Gulf States,

and between all of them and the States on the Pacific, passes through the waters which wash the shores of Cuba. The exercise of this supervision could scarce fail to lead, if not to abuses, certainly to collisions perilous to the peaceful relations of the two states. There can be little doubt to what result such supervision would before long draw this nation. It would be unworthy of the United States to inaugurate the possibilities of such result, by measures of questionable right or expediency, or by any indirection. Apart from any question of theoretical right, I am satisfied that, while the accordance of belligerent rights to the insurgents in Cuba might give them a hope and an inducement to protract the struggle, it would be but a delusive hope, and would not remove the evils which this Government and its people are experiencing, but would draw the United States into complications which it has waited long and already suffered much to avoid. The recognition of independence, or of belligerency, being thus, in my judgment, equally inadmissible, it remains to consider what course shall be adopted should the conflict not soon be brought to an end by acts of the parties themselves, and should the evils which result therefrom, affecting all nations, and particularly the United States, continue.

In such event, I am of opinion that other nations will be compelled to assume the responsibility which devolves upon them, and to seriously consider the only remaining measures possible, mediation and intervention. Owing, perhaps, to the large expanse of water separating the island from the peninsula, the want of harmony and of personal sympathy between the inhabitants of the colony and those sent thither to rule them, and want of adaptation of the ancient colonial system of Europe to the present times and to the ideas which the events of the past century have developed, the contending parties appear to have within themselves no depository of common confidence, to suggest wisdom when passion and excitement have their sway, and to assume the part of peace-maker. In this view, in the earlier days of the contest the good offices of the United States as a mediator were tendered in good faith, without any selfish purpose, in the interest of humanity and in sincere friendship for both parties, but were at the time declined by Spain, with the declaration, nevertheless, that at a future time they would be indispensable. No intimation has been received that in the opinion of Spain that time has been reached. And yet the strife continues with all its dread horrors and all its injuries to the interests of the United States and of other nations. Each party seems quite capable of working great injury and damage to the other, as well as to all the relations and interests dependent on the existence of peace in the island; but they seem incapable of reaching any adjustment, and both have thus far failed of achieving any success whereby one party shall possess and control the island to the exclusion of the other. Under these circumstances, the agency of others, either by mediation or by intervention, seems to be the only alternative

which must, sooner or later, be invoked for the termination of the strife. At the same time, while thus impressed, I do not at this time recommend the adoption of any measure of intervention. I shall be ready at all times, and as the equal friend of both parties, to respond to a suggestion that the good offices of the United States will be acceptable to aid in bringing about a peace honorable to both. It is due to Spain, so far as this Government is concerned, that the agency of a third power, to which I have adverted, shall be adopted only as a last expedient. Had it been the desire of the United States to interfere in the affairs of Cuba, repeated opportunities for so doing have been presented within the last few years; but we have remained passive, and have performed our whole duty and all international obligations to Spain with friendship, fairness, and fidelity, and with a spirit of patience and forbearance which negatives every possible suggestion of desire to interfere or to add to the difficulties with which she has been surrounded.

The government of Spain has recently submitted to our minister at Madrid certain proposals which it is hoped may be found to be the basis, if not the actual submission, of terms to meet the requirements of the particular griefs of which this Government has felt itself entitled to complain. These proposals have not yet reached me in their full text. On their arrival they will be taken into careful examination, and may, I hope, lead to a satisfactory adjustment of the questions to which they refer, and remove the possibility of future occurrences, such as have given rise to our just complaints.

It is understood also that renewed efforts are being made to introduce reforms in the internal administration of the island. Persuaded, however, that a proper regard for the interests of the United States and of its citizens entitle it to relief from the strain to which it has been subjected by the difficulties of the questions, and the wrongs and losses which arise from the contest in Cuba, and that the interests of humanity itself demand the cessation of the strife before the whole island shall be laid waste and larger sacrifices of life be made, I shall feel it my duty, should my hopes of a satisfactory adjustment and of the early restoration of peace and the removal of future causes of complaint be, unhappily, disappointed, to make a further communication to Congress at some period not far remote, and during the present session, recommending what may then seem to me to be necessary.

The Free Zone, so called, several years since established by the Mexican government in certain of the States of that republic adjacent to our frontier, remains in full operation. It has always been materially injurious to honest traffic, for it operates as an incentive to trades in Mexico to supply without customs-charges the wants of inhabitants on this side the line, and prevents the same wants from being supplied by merchants of the United States, thereby, to a considerable extent, defrauding our revenue and checking honest commercial enterprise.

Depredations by armed bands from Mexico on the people of Texas

near the frontier continue. Though the main object of these incursions is robbery, they frequently result in the murder of unarmed and peaceably-disposed persons; and in some instances even the United States post-offices and mail-communications have been attacked. Renewed remonstrances upon this subject have been addressed to the Mexican government, but without much apparent effect. The military force of this Government disposable for service in that quarter is quite inadequate to effectually guard the line, even at those points where the incursions are usually made. An experiment of an armed vessel on the Rio Grande for that purpose is on trial, and it is hoped that, if not thwarted by the shallowness of the river and other natural obstacles, it may materially contribute to the protection of the herdsmen of Texas.

The proceedings of the joint commission under the convention between the United States and Mexico of the 4th of July, 1868, on the subject of claims, will soon be brought to a close. The result of those proceedings will then be communicated to Congress.

I am happy to announce that the government of Venezuela has, upon further consideration, practically abandoned its objection to pay to the United States that share of its revenue which some years since it allotted toward the extinguishment of the claims of foreigners generally. In thus reconsidering its determination that government has shown a just sense of self-respect which cannot fail to reflect credit upon it in the eyes of all disinterested persons elsewhere. It is to be regretted, however, that its payments on account of claims of citizens of the United States are still so meager in amount, and that the stipulations of the treaty in regard to the sums to be paid and the periods when those payments were to take place should have been so signally disregarded.

Since my last annual message the exchange has been made of the ratification of a treaty of commerce and navigation with Belgium, and of conventions with the Mexican Republic for the further extension of the joint commission respecting claims; with the Hawaiian Islands for commercial reciprocity, and with the Ottoman Empire for extradition; all of which have been duly proclaimed.

The Court of Commissioners of Alabama Claims has prosecuted its important duties very assiduously and very satisfactorily. It convened and was organized on the 22d day of July, 1874, and, by the terms of the act under which it was created, was to exist for one year from that date. The act provided, however, that should it be found impracticable to complete the work of the court before the expiration of the year, the President might, by proclamation, extend the time of its duration to a period not more than six months beyond the expiration of the one year.

Having received satisfactory evidence that it would be impracticable to complete the work within the time originally fixed, I issued a proclamation (a copy of which is presented herewith) extending the time of

duration of the court for a period of six months from and after the 22d day of July last.

A report made through the clerk of the court (communicated herewith) shows the condition of the calendar on the 1st of November last, and the large amount of work which has been accomplished. Thirteen hundred and eighty-two claims have been presented, of which six hundred and eighty-two had been disposed of at the date of the report. I am informed that one hundred and seventy cases were decided during the month of November. Arguments are being made and decisions given in the remaining cases with all the dispatch consistent with the proper consideration of the questions submitted. Many of these claims are in behalf of mariners, or depend on the evidence of mariners, whose absence has delayed the taking or the return of the necessary evidence.

It is represented to me that it will be impracticable for the court to finally dispose of all the cases before it within the present limit of its duration. Justice to the parties claimant, who have been at large expense in preparing their claims and obtaining the evidence in their support, suggests a short extension, to enable the court to dispose of all of the claims which have been presented.

I recommend the legislation which may be deemed proper to enable the court to complete the work before it.

I recommend that some suitable provision be made, by the creation of a special court or by conferring the necessary jurisdiction upon some appropriate tribunal, for the consideration and determination of the claims of aliens against the Government of the United States which have arisen within some reasonable limitation of time, or which may hereafter arise, excluding all claims barred by treaty-provisions or otherwise. It has been found impossible to give proper consideration to these claims by the Executive Departments of the Government. Such a tribunal would afford an opportunity to aliens other than British subjects to present their claims on account of acts committed against their persons or property during the rebellion, as also to those subjects of Great Britain whose claims, having arisen subsequent to the 9th day of April, 1865, could not be presented to the late commission organized pursuant to the provisions of the treaty of Washington.

The electric telegraph has become an essential and indispensable agent in the transmission of business and social messages. Its operation on land, and within the limit of particular States, is necessarily under the control of the jurisdiction within which it operates. The lines on the high seas, however, are not subject to the particular control of any one government.

In 1869, a concession was granted by the French government to a company which proposed to lay a cable from the shores of France to the United States. At that time there was a telegraphic connection between the United States and the continent of Europe, (through the possessions of Great Britain at either end of the line,) under the control of an association

which had, at large outlay of capital and at great risk, demonstrated the practicability of maintaining such means of communication. The cost of correspondence by this agency was great, possibly not too large at the time for a proper remuneration for so hazardous and so costly an enterprise. It was, however, a heavy charge upon a means of communication which the progress in the social and commercial intercourse of the world found to be a necessity, and the obtaining of this French concession showed that other capital than that already invested was ready to enter into competition, with assurance of adequate return for their outlay. Impressed with the conviction that the interests, not only of the people of the United States, but of the world at large, demanded, or would demand, the multiplication of such means of communication between separated continents, I was desirous that the proposed connection should be made; but certain provisions of this concession were deemed by me to be objectionable, particularly one which gave for a long term of years the exclusive right of telegraphic communication by submarine cable between the shores of France and the United States. I could not concede that any power should claim the right to land a cable on the shores of the United States, and at the same time deny to the United States, or to its citizens or grantees, an equal right to land a cable on its shores. The right to control the conditions for the laying of a cable within the jurisdictional waters of the United States, to connect our shores with those of any foreign state, pertains exclusively to the Government of the United States, under such limitations and conditions as Congress may impose. In the absence of legislation by Congress, I was unwilling, on the one hand, to yield to a foreign state the right to say that its grantees might land on our shores, while it denied a similar right to our people to land on its shores; and, on the other hand, I was reluctant to deny to the great interests of the world and of civilization the facilities of such communication as were proposed. I therefore withheld any resistance to the landing of the cable on condition that the offensive monopoly feature of the concession be abandoned, and that the right of any cable which may be established by authority of this Government to land upon French territory, and to connect with French land-lines, and enjoy all the necessary facilities or privileges incident to the use thereof upon as favorable terms as any other company, be conceded. As the result thereof the company in question renounced the exclusive privilege, and the representative of France was informed that, understanding this relinquishment to be construed as granting the entire reciprocity and equal facilities which had been demanded, the opposition to the landing of the cable was withdrawn. The cable, under this French concession, was landed in the month of July, 1869, and has been an efficient and valuable agent of communication between this country and the other continent. It soon passed under the control, however, of those who had the management of the cable connecting Great Britain with this continent, and thus what-

ever benefit to the public might have ensued from competition between the two lines was lost, leaving only the greater facilities of an additional line, and the additional security in case of accident to one of them. But these increased facilities and this additional security, together with the control of the combined capital of the two companies, gave also greater power to prevent the future construction of other lines, and to limit the control of telegraphic communication between the two continents to those possessing the lines already laid. Within a few months past a cable has been laid, known as the United States Direct Cable Company, connecting the United States directly with Great Britain. As soon as this cable was reported to be laid and in working order, the rates of the then existing consolidated companies were greatly reduced. Soon, however, a break was announced in this new cable, and immediately the rates of the other line, which had been reduced, were again raised. This cable being now repaired, the rates appear not to be reduced by either line from those formerly charged by the consolidated ocmpanies.

There is reason to believe that large amounts of capital, both at home and abroad, are ready to seek profitable investment in the advancement of this useful and most civilizing means of intercourse and correspondence. They await, however, the assurance of the means and conditions on which they may safely be made tributary to the general good.

As these cable telegraph lines connect separate states, there are questions as to their organization and control, which probably can be best, if not solely, settled by conventions between the respective states. In the absence, however, of international conventions on the subject, municipal legislation may secure many points which appear to me important, if not indispensable for the protection of the public against the extortions which may result from a monopoly of the right of operating cable-telegrams, or from a combination between several lines:

I. No line should be allowed to land on the shores of the United States under the concession from another power, which does not admit the right of any other line or lines, formed in the United States, to land and freely connect with and operate through its land-lines.

II. No line should be allowed to land on the shores of the United States which is not by treaty-stipulation with the government from whose shores it proceeds, or by prohibition in its charter, or otherwise to the satisfaction of this Government, prohibited from consolidating or amalgamating with any other cable telegraph line, or combining therewith for the purpose of regulating and maintaining the cost of telegraphing.

III. All lines should be bound to give precedence in the transmission of the official messages of the governments of the two countries between which it may be laid.

IV. A power should be reserved to the two governments, either conjointly or to each, as regards the messages dispatched from its shores,

to fix a limit to the charges to be demanded for the transmission of messages.

I present this subject to the earnest consideration of Congress.

In the mean time, and unless Congress otherwise direct, I shall not oppose the landing of any telegraphic cable which complies with and assents to the points above enumerated, but will feel it my duty to prevent the landing of any which does not conform to the first and second points as stated, and which will not stipulate to concede to this Government the precedence in the transmission of its official messages, and will not enter into a satisfactory arrangement with regard to its charges.

Among the pressing and important subjects to which, in my opinion, the attention of Congress should be directed are those relating to fraudulent naturalization and expatriation.

The United States, with great liberality, offers its citizenship to all who in good faith comply with the requirements of law. These requirements are as simple and upon as favorable terms to the emigrant as the high privilege to which he is admitted can or should permit. I do not propose any additional requirements to those which the law now demands. But the very simplicity and the want of unnecessary formality in our law have made fraudulent naturalization not infrequent, to the discredit and injury of all honest citizens, whether native or naturalized. Cases of this character are continually being brought to the notice of the Government by our representatives abroad, and also those of persons resident in other countries, most frequently those who, if they have remained in this country long enough to entitle them to become naturalized, have generally not much overpassed that period, and have returned to the country of their origin, where they reside, avoiding all duties to the United States by their absence, and claiming to be exempt from all duties to the country of their nativity and of their residence by reason of their alleged naturalization. It is due to this Government itself and to the great mass of the naturalized citizens who entirely, both in name and in fact, become citizens of the United States, that the high privilege of citizenship of the United States should not be held by fraud or in derogation of the laws and of the good name of every honest citizen. On many occasions it has been brought to the knowledge of the Government that certificates of naturalization are held, and protection or interference claimed, by parties who admit that not only they were not within the United States at the time of the pretended naturalization, but that they have never resided in the United States; in others, the certificate and record of the court show on their face that the person claiming to be naturalized had not resided the required time in the United States; in others, it is admitted upon examination that the requirements of law have not been complied with; in some cases even, such certificates have been matter of purchase. These are not isolated cases, arising at rare intervals, but of common occurrence, and which

are reported from all quarters of the globe. Such occurrences cannot, and do not, fail to reflect upon the Government and injure all honest citizens. Such a fraud being discovered, however, there is no practicable means within the control of the Government by which the record of naturalization can be vacated; and should the certificate be taken up, as it usually is, by the diplomatic and consular representatives of the government to whom it may have been presented, there is nothing to prevent the person claiming to have been naturalized from obtaining a new certificate from the court in place of that which has been taken from him.

The evil has become so great and of such frequent occurrence that I cannot too earnestly recommend that some effective measures be adopted to provide a proper remedy and means for the vacating of any record thus fraudulently made, and of punishing the guilty parties to the transaction.

In this connection I refer also to the question of expatriation and the election of nationality.

The United States was foremost in upholding the right of expatriation, and was principally instrumental in overthrowing the doctrine of perpetual allegiance. Congress has declared the right of expatriation to be a natural and inherent right of all people; but, while many other nations have enacted laws providing what formalities shall be necessary to work a change of allegiance, the United States has enacted no provisions of law, and has in no respect marked out how and when expatriation may be accomplished by its citizens. Instances are brought to the attention of the Government where citizens of the United States, either naturalized or native-born, have formally become citizens or subjects of foreign powers, but who, nevertheless, in the absence of any provisions of legislation on this question, when involved in difficulties, or when it seems to be their interest, claim to be citizens of the United States, and demand the intervention of a government which they have long since abandoned, and to which for years they have rendered no service, nor held themselves in any way amenable.

In other cases naturalized citizens, immediately after naturalization, have returned to their native country; have become engaged in business; have accepted offices or pursuits inconsistent with American citizenship, and evidence no intent to return to the United States until called upon to discharge some duty to the country where they are residing, when at once they assert their citizenship, and call upon the representatives of the Government to aid them in their unjust pretensions. It is but justice to all *bona-fide* citizens that no doubt should exist on such questions, and that Congress should determine by enactment of law how expatriation may be accomplished, and change of citizenship be established.

I also invite your attention to the necessity of regulating by law the status of American women who may marry foreigners, and of defining

more fully that of children born in a foreign country of American parents who may reside abroad; and also of some further provision regulating or giving legal effect to marriages of American citizens contracted in foreign countries. The correspondence submitted herewith shows a few of the constantly-occurring questions on these points presented to the consideration of the Government. There are few subjects to engage the attention of Congress on which more delicate relations or more important interests are dependent.

In the month of July last the building erected for the Department of State was taken possession of and occupied by that Department. I am happy to announce that the archives and valuable papers of the Government in the custody of that Department are now safely deposited and properly cared for.

The report of the Secretary of the Treasury shows the receipts from customs for the fiscal year ending June 30, 1874, to have been $163,103,833.69, and for the fiscal year ending June 30, 1875, to have been $157,167,722.35, a decrease for the last fiscal year of $5,936,111.34. Receipts from internal revenue for the year ending the 30th of June, 1874, were $102,409,784.90, and for the year ending June 30, 1875, $110,007,493.58; increase, $7,597,708.68.

The report also shows a complete history of the workings of the Department for the last year, and contains recommendations for reforms and for legislation which I concur in, but cannot comment on so fully as I should like to do if space would permit, but will confine myself to a few suggestions which I look upon as vital to the best interests of the whole people—coming within the purview of "Treasury"—I mean specie resumption. Too much stress cannot be laid upon this question, and I hope Congress may be induced, at the earliest day practicable, to insure the consummation of the act of the last Congress, at its last session, to bring about specie resumption "on and after the 1st of January, 1879," at furthest. It would be a great blessing if this could be consummated even at an earlier day.

Nothing seems to me more certain than that a full, healthy, and permanent reaction cannot take place in favor of the industries and financial welfare of the country until we return to a measure of values recognized throughout the civilized world. While we use a currency not equivalent to this standard, the world's recognized standard, specie, becomes a commodity like the products of the soil, the surplus seeking a market wherever there is a demand for it.

Under our present system we should want none, nor would we have any, were it not that customs-dues must be paid in coin, and because of the pledge to pay interest on the public debt in coin. The yield of precious metals would flow out for the purchase of foreign productions and leave the United States "hewers of wood and drawers of water" because of wiser legislation on the subject of finance by the nations

with whom we have dealings. I am not prepared to say that I can suggest the best legislation to secure the end most heartily recommended. It will be a source of great gratification to me to be able to approve any measure of Congress looking effectively toward securing "resumption."

Unlimited inflation would probably bring about specie payments more speedily than any legislation looking to the redemption of the legal-tenders in coin. But it would be at the expense of honor. The legal-tenders would have no value beyond settling present liabilities, or, properly speaking, repudiating them. They would buy nothing after debts were all settled.

There are a few measures which seem to me important in this connection, and which I commend to your earnest consideration:

A repeal of so much of the legal-tender act as makes these notes receivable for debts contracted after a date to be fixed in the act itself, say not later than the 1st of January, 1877. We should then have quotations at real values, not fictitious ones. Gold would no longer be at a premium, but currency at a discount. A healthy reaction would set in at once, and with it a desire to make the currency equal to what it purports to be. The merchants, manufacturers, and tradesmen of every calling could do business on a fair margin of profit, the money to be received having an unvarying value. Laborers and all classes who work for stipulated pay or salary would receive more for their income, because extra profits would no longer be charged by the capitalist to compensate for the risk of a downward fluctuation in the value of the currency.

Second, that the Secretary of the Treasury be authorized to redeem say not to exceed two million ($2,000,000) dollars monthly of legal-tender notes, by issuing in their stead a long bond, bearing interest at the rate of 3.65 per cent. per annum, of denominations ranging from $50 up to $1,000 each. This would in time reduce the legal-tender notes to a volume that could be kept afloat without demanding redemption in large sums suddenly.

Third, that additional power be given to the Secretary of the Treasury to accumulate gold for final redemption, either by increasing revenue, curtailing expenses, or both—it is preferable to do both; and I recommend that reduction of expenditures be made wherever it can be done without impairing Government obligations or crippling the due execution thereof. One measure for increasing the revenue—and the only one I think of—is the restoration of the duty on tea and coffee. These duties would add probably $18,000,000 to the present amount received from imports, and would in no way increase the prices paid for those articles by the consumers.

These articles are the products of countries collecting revenue from exports, and as we, the largest consumers, reduce the duties, they proportionately increase them. With this addition to the revenue, many duties now collected, and which give but an insignificant return for the

cost of collection, might be remitted, and to the direct advantage of consumers at home.

I would mention those articles which enter into manufactures of all sorts. All duty paid upon such articles goes directly to the cost of the article when manufactured here, and must be paid for by the consumers. These duties not only come from the consumers at home, but act as a protection to foreign manufacturers of the same completed articles in our own and distant markets.

I will suggest, or mention, another subject bearing upon the problem of "how to enable the Secretary of the Treasury to accumulate balances." It is to devise some better method of verifying claims against the Government than at present exists through the Court of Claims, especially those claims growing out of the late war. Nothing is more certain than that a very large percentage of the amounts passed and paid are either wholly fraudulent or are far in excess of the real losses sustained. The large amount of losses proven—on good testimony according to existing laws, by affidavits of fictitious or unscrupulous persons—to have been sustained on small farms and plantations are not only far beyond the possible yield of those places for any one year, but, as every one knows who has had experience in tilling the soil, and who has visited the scenes of these spoliations, are in many instances more than the individual claimants were ever worth, including their personal and real estate.

The report of the Attorney-General, which will be submitted to Congress at an early day, will contain a detailed history of awards made, and of claims pending of the class here referred to.

The report of the Secretary of War, accompanying this message, gives a detailed account of Army operations for the year just passed, expenses for maintenance, &c., with recommendations for legislation to which I respectfully invite your attention. To some of these I invite special attention:

First, the necessity of making $300,000 of the appropriation for the Subsistence Department available before the beginning of the next fiscal year. Without this provision troops at points distant from supply production must either go without food or existing laws must be violated. It is not attended with cost to the Treasury.

Second, his recommendation for the enactment of a system of annuities for the families of deceased officers by voluntary deductions from the monthly pay of officers. This again is not attended with burden upon the Treasury, and would for the future relieve much distress which every old Army officer has witnessed in the past—of officers dying suddenly or being killed, leaving families without even the means of reaching their friends, if fortunate enough to have friends to aid them.

Third, the repeal of the law abolishing mileage, and a return to the old system.

Fourth, the trial with torpedoes under the Corps of Engineers, and

appropriation for the same. Should war ever occur between the United States and any maritime power, torpedoes will be among, if not the most effective and cheapest auxiliary for the defense of harbors, and also in aggressive operations, that we can have. Hence it is advisable to learn by experiment their best construction and application as well as effect.

Fifth, a permanent organization for the Signal-Service Corps. This service has now become a necessity of peace as well as war, under the advancement made by the present able management.

Sixth, a renewal of the appropriation for compiling the official records of the war, &c.

The condition of our Navy at this time is a subject of satisfaction. It does not contain, it is true, any of the powerful cruising iron-clads which make so much of the maritime strength of some other nations, but neither our continental situation nor our foreign policy requires that we should have a large number of ships of this character, while this situation and the nature of our ports combine to make those of other nations little dangerous to us under any circumstances.

Our Navy does contain, however, a considerable number of iron-clads of the monitor class, which, though not properly cruisers, are powerful and effective for harbor defense and for operations near our own shores. Of these all the single-turreted ones, fifteen in number, have been substantially rebuilt, their rotten wooden beams replaced with iron, their hulls strengthened, and their engines and machinery thoroughly repaired, so that they are now in the most efficient condition and ready for sea as soon as they can be manned and put in commission.

The five double-turreted iron-clads belonging to our Navy, by far the most powerful of our ships for fighting purposes, are also in hand undergoing complete repairs, and could be ready for sea in periods varying from four to six months. With these completed according to the present design, and our two iron torpedo-boats now ready, our iron-clad fleet will be, for the purposes of defense at home, equal to any force that can readily be brought against it.

Of our wooden navy also, cruisers of various sizes, to the number of about forty, including those now in commission, are in the Atlantic, and could be ready for duty as fast as men could be enlisted for those not already in commission. Of these, one-third are in effect new ships, and though some of the remainder need considerable repairs to their boilers and machinery, they all are, or can readily be made, effective.

This constitutes a fleet of more than fifty war-ships, of which fifteen are iron-clad, now in hand on the Atlantic coast. The Navy has been brought to this condition by a judicious and practical application of what could be spared from the current appropriations of the last few years, and from that made to meet the possible emergency of two years ago. It has been done quietly, without proclamation or display, and though it has necessarily straitened the Department in its ordinary

expenditure, and, as far as the iron-clads are concerned, has added nothing to the cruising force of the Navy, yet the result is not the less satisfactory, because it is to be found in a great increase of real rather than apparent force. The expenses incurred in the maintenance of an effective naval force in all its branches are necessarily large, but such force is essential to our position, relations, and character, and affects seriously the weight of our principles and policy throughout the whole sphere of national responsibilities.

The estimates for the regular support of this branch of the service for the next year amount to a little less in the aggregate than those made for the current year; but some additional appropriations are asked for objects not included in the ordinary maintenance of the Navy, but believed to be of pressing importance at this time. It would, in my opinion, be wise at once to afford sufficient means for the immediate completion of the five double-turreted monitors now undergoing repairs, which must otherwise advance slowly, and only as money can be spared from current expenses. Supplemented by these, our Navy, armed with the destructive weapons of modern warfare, manned by our seamen, and in charge of our instructed officers, will present a force powerful for the home purposes of a responsible though peaceful nation.

The report of the Postmaster-General, herewith transmitted, gives a full history of the workings of the Department for the year just passed. It will be observed that the deficiency to be supplied from the General Treasury increased over the amount required for the preceding year. In a country so vast in area as the United States, with large portions sparsely settled, it must be expected that this important service will be more or less a burden upon the Treasury for many years to come. But there is no branch of the public service which interests the whole people more than that of cheap and rapid transmission of the mails to every inhabited part of our territory. Next to the free school, the post-office is the great educator of the people, and it may well receive the support of the General Government.

The subsidy of $150,000 per annum given to vessels of the United States for carrying the mails between New York and Rio de Janeiro having ceased on the 30th day of September last, we are without direct mail facilities with the South American states. This is greatly to be regretted, and I do not hesitate to recommend the authorization of a renewal of that contract, and also that the service may be increased from monthly to semi-monthly trips. The commercial advantages to be gained by a direct line of American steamers to the South American states will far outweigh the expense of the service.

By act of Congress approved March 3, 1875, almost all matter, whether properly mail-matter or not, may be sent any distance through the mails, in packages not exceeding four pounds in weight, for the sum of sixteen cents per pound. So far as the transmission of real mail-matter goes, this would seem entirely proper. But I suggest that

the law be so amended as to exclude from the mails merchandise of all descriptions, and limit this transportation to articles enumerated, and which may be classed as mail-matter proper.

The discovery of gold in the Black Hills, a portion of the Sioux reservation, has had the effect to induce a large emigration of miners to that point. Thus far the effort to protect the treaty rights of the Indians to that section has been successful, but the next year will certainly witness a large increase of such emigration. The negotiations for the relinquishment of the gold-fields having failed, it will be necessary for Congress to adopt some measures to relieve the embarrassment growing out of the causes named. The Secretary of the Interior suggests that the supplies now appropriated for the sustenance of that people, being no longer obligatory under the treaty of 1868, but simply a gratuity, may be issued or withheld at his discretion.

The condition of the Indian Territory, to which I have referred in several of my former annual messages, remains practically unchanged. The Secretary of the Interior has taken measures to obtain a full report of the condition of that Territory, and will make it the subject of a special report at an early day. It may then be necessary to make some further recommendation in regard to legislation for the government of that Territory.

The steady growth and increase of the business of the Patent-Office indicates, in some measure, the progress of the industrial activity of the country. The receipts of the Office are in excess of its expenditures, and the Office generally is in a prosperous and satisfactory condition.

The report of the General Land-Office shows that there were 2,459,601 acres less disposed of during this than during the last year. More than one-half of this decrease was in lands disposed of under the homestead and timber-culture laws. The cause of this decrease is supposed to be found in the grasshopper scourge and the droughts which prevailed so extensively in some of the frontier States and Territories during that time as to discourage and deter entries by actual settlers. The cash receipts were less, by $690,322.23 than during the preceding year.

The entire surveyed area of the public domain is 680,253,094 acres, of which 26,077,531 acres were surveyed during the past year, leaving 1,154,471,762 acres still unsurveyed.

The report of the Commissioner presents many interesting suggestions in regard to the management and disposition of the public domain and the modification of existing laws, the apparent importance of which should insure for them the careful consideration of Congress.

The number of pensioners still continues to decrease, the highest number having been reached during the year ending June 30, 1873. During the last year, 11,557 names were added to the rolls, and 12,977 were dropped therefrom, showing a net decrease of 1,420. But while the number of pensioners has decreased, the annual amount due on the pension-rolls has increased $44,733.13. This is caused by the greatly

increased average rate of pensions, which, by the liberal legislation of Congress, has increased from $90.26 in 1872 to $103.91 in 1875 to each invalid pensioner, an increase in the average rate of fifteen per cent. in the three years. During the year ending June 30, 1875, there was paid on account of pensions, including the expenses of disbursement, $29,683,116, being $910,632 less than was paid the preceding year. This reduction in amount of expenditures was produced by the decrease in the amount of arrearages due on allowed claims, and on pensions, the rate of which was increased by the legislation of the preceding session of Congress. At the close of the last fiscal year there were on the pension-rolls 234,821 persons, of whom 210,363 were Army pensioners, 105,478 being invalids and 104,885 widows and dependent relatives; 3,420 were Navy pensioners, of whom 1,636 were invalids and 1,784 widows and dependent relatives; 21,038 were pensioners of the war of 1812, 15,875 of whom were survivors and 5,163 were widows.

It is estimated that $29,535,000 will be required for the payment of pensions for the next fiscal year, an amount $965,000 less than the estimate for the present year.

The geological explorations have been prosecuted with energy during the year, covering an area of about forty thousand square miles in the Territories of Colorado, Utah, and New Mexico, developing the agricultural andmineral resources, and furnishing interesting scientific and topographical details of that region.

The method for the treatment of the Indians, adopted at the beginning of my first term, has been steadily pursued, and with satisfactory and encouraging results. It has been productive of evident improvement in the condition of that race, and will be continued, with only such modifications as further experience may indicate to be necessary.

The board heretofore appointed to take charge of the articles and materials pertaining to the War, the Navy, the Treasury, the Interior, and the Post-Office Departments, and the Department of Agriculture, the Smithsonian Institution, and the Commission of Food-Fishes, to be contributed, under the legislation of last session, to the International Exhibition to be held at Philadelphia during the centennial year 1876, has been diligent in the discharge of the duties which have devolved upon it; and the preparations so far made with the means at command give assurance that the governmental contribution will be made one of the marked characteristics of the exhibition. The board has observed commendable economy in the matter of the erection of a building for the governmental exhibit, the expense of which it is estimated will not exceed, say, $80,000. This amount has been withdrawn, under the law, from the appropriations of five of the principal Departments, which leaves some of those Departments without sufficient means to render their respective practical exhibits complete and satisfactory. The exhibition being an international one, and the Government being a voluntary contributor, it is my opinion that its contribution should be of a character,

in quality and extent, to sustain the dignity and credit of so distinguished a contributor. The advantages to the country of a creditable display are, in an international point of view, of the first importance, while an indifferent or uncreditable participation by the Government would be humiliating to the patriotic feelings of our people themselves. I commend the estimates of the board for the necessary additional appropriations to the favorable consideration of Congress.

The powers of Europe, almost without exception, many of the South American states, and even the more distant eastern powers, have manifested their friendly sentiments toward the United States and the interest of the world in our progress by taking steps to join with us in celebrating the centennial of the nation, and I strongly recommend that a more national importance be given to this exhibition by such legislation and by such appropriation as will insure its success. Its value in bringing to our shores innumerable useful works of art and skill, the commingling of the citizens of foreign countries and our own, and the interchange of ideas and manufactures will far exceed any pecuniary outlay we may make.

I transmit herewith the report of the Commissioner of Agriculture, together with the reports of the commissioners, the board of audit, and the board of health of the District of Columbia, to all of which I invite your attention.

The Bureau of Agriculture has accomplished much in disseminating useful knowledge to the agriculturist, and also in introducing new and useful productions adapted to our soil and climate, and is worthy of the continued encouragement of the Government.

The report of the Commissioner of Education, which accompanies the report of the Secretary of the Interior, shows a gratifying progress in educational matters.

In nearly every annual message that I have had the honor of transmitting to Congress I have called attention to the anomalous, not to say scandalous, condition of affairs existing in the Territory of Utah, and have asked for definite legislation to correct it. That polygamy should exist in a free, enlightened, and Christian country, without the power to punish so flagrant a crime against decency and morality, seems preposterous. True, there is no law to sustain this unnatural vice, but what is needed is a law to punish it as a crime, and at the same time to fix the status of the innocent children, the offspring of this system, and of the possibly innocent plural wives. But, as an institution, polygamy should be banished from the land.

While this is being done, I invite the attention of Congress to another, though perhaps no less an evil, the importation of Chinese women, but few of whom are brought to our shores to pursue honorable or useful occupations.

Observations while visiting the Territories of Wyoming, Utah, and Colorado, during the past autumn, convinced me that existing laws regulat-

ing the disposition of public lands, timber, &c., and probably the mining laws themselves, are very defective, and should be carefully amended, and at an early day. In territory where cultivation of the soil can only be followed by irrigation, and where irrigation is not practicable the lands can only be used as pasturage, and this only where stock can reach water, (to quench its thirst,) cannot be governed by the same laws as to entries as lands every acre of which is an independent estate by itself.

Land must be held in larger quantities to justify the expense of conducting water upon it to make it fruitful, or to justify utilizing it as pasturage. The timber in most of the Territories is principally confined to the mountain regions which are held for entry in small quantities only, and as mineral lands. The timber is the property of the United States, for the disposal of which there is now no adequate law. The settler must become a consumer of this timber whether he lives upon the plain or engages in working the mines. Hence every man becomes either a trespasser himself, or, knowingly, a patron of trespassers.

My opportunities for observation were not sufficient to justify me in recommending specific legislation on these subjects, but I do recommend that a joint committee of the two Houses of Congress—sufficiently large to be divided into subcommittees—be organized to visit all the mining States and Territories during the coming summer, and that the committee shall report to Congress at the next session such laws, or amendments to laws, as it may deem necessary to secure the best interests of the Government and the people of these Territories who are doing so much for their development.

I am sure the citizens occupying the territory described do not wish to be trespassers, nor will they be if legal ways are provided for them to become owners of these actual necessities of their position.

As this will be the last annual message which I shall have the honor of transmitting to Congress before my successor is chosen, I will repeat or recapitulate the questions which I deem of vital importance, which may be legislated upon and settled at this session:

First. That the States shall be required to afford the opportunity of a good common-school education to every child within their limits.

Second. No sectarian tenets shall ever be taught in any school supported in whole or in part by the State, nation, or by the proceeds of any tax levied upon any community. Make education compulsory, so far as to deprive all persons who cannot read and write from becoming voters after the year 1890, disfranchising none, however, on grounds of illiteracy who may be voters at the time this amendment takes effect.

Third. Declare church and state forever separate and distinct, but each free within their proper spheres; and that all church-property shall bear its own proportion of taxation.

Fourth. Drive out licensed immorality, such as polygamy and the importation of women for illegitimate purposes. To recur again to the centennial year, it would seem as though now, as we are about to begin

the second century of our national existence, would be a most fitting time for these reforms.

Fifth. Enact such laws as will insure a speedy return to a sound currency, such as will command the respect of the world.

Believing that these views will commend themselves to the great majority of the right-thinking and patriotic citizens of the United States, I submit the rest to Congress.

U. S. GRANT.

EXECUTIVE MANSION,
December 7, 1875.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE HAWAIIAN ISLANDS.

COMMERCIAL RECIPROCITY.

Concluded January 30, 1875; *ratification advised by Senate March* 18, 1875; *ratified by President May* 31, 1875; *ratified by King April* 17, 1875; *ratifications exchanged at Washington, June* 3, 1875; *proclaimed June* 3, 1875.

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 Hawaiian Islands, on the subject of Commercial Reciprocity, was concluded and signed by their respective Plenipotentiaries, at the city of Washington, on the thirtieth day of January, one thousand eight hundred and seventy-five, which convention, as amended by the contracting parties, is word for word as follows:

The United States of America and His Majesty the King of the Hawaiian Islands, equally animated by the desire to strengthen and perpetuate the friendly relations which have heretofore uniformly existed between them, and to consolidate their commercial intercourse, have resolved to enter into a Convention for Commercial Reciprocity. For this purpose, the President of the United States has conferred full powers on Hamilton Fish, Secretary of State, and His Majesty the King of the Hawaiian Islands has conferred like powers on Honorable Elisha H. Allen, Chief Justice of the Supreme Court, Chancellor of the Kingdom, Member of the Privy Council of State, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, and Honorable Henry A. P. Carter, Member of the Privy Council of State, His Majesty's Special Commissioner to the United States of America.

And the said Plenipotentiaries, after having exchanged their full powers, which were found to be in due form, have agreed to the following articles:

ARTICLE I.

For and in consideration of the rights and privileges granted by His Majesty the King of the Hawaiian Islands in the next succeeding article of this convention, and as an equivalent therefor, the United States of America hereby agree to admit all the articles named in the following schedule, the same being the growth and manufacture or produce of the Hawaiian Islands, into all the ports of the United States free of duty.

SHEDULE.

Arrow-root; castor oil; bananas, nuts, vegetables, dried and undried, preserved and unpreserved; hides and skins undressed; rice; pulu; seeds, plants, shrubs, or trees; muscovado, brown, and all other unrefined sugar, meaning hereby the grades of sugar heretofore commonly imported from the Hawaiian Islands and now known in the markets of San Francisco and Portland as "Sandwich Island sugar;" syrups of sugar-cane, melado, and molasses; tallow.

ARTICLE II.

For and in consideration of the rights and privileges granted by the United States of America in the preceding article of this convention, and as an equivalent therefor, His Majesty the King of the Hawaiian Islands hereby agrees to admit all the articles named in the following schedule, the same being the growth, manufacture, or produce of the United States of America, into all the ports of the Hawaiian Islands free of duty.

SCHEDULE.

Agricultural implements; animals; beef, bacon, pork, ham, and all fresh, smoked, or preserved meats; boots and shoes; grain, flour, meal, and bran, bread and breadstuffs, of all kinds; bricks, lime, and cement; butter, cheese, lard, tallow; bullion; coal; cordage, naval stores, including tar, pitch, resin, turpentine raw and rectified; copper and composition sheathing; nails and bolts; cotton and manufactures of cotton bleached and unbleached, and whether or not colored, stained, painted, or printed; eggs; fish and oysters, and all other creatures living in the water, and the products thereof; fruits, nuts, and vegetables, green, dried or undried, preserved or unpreserved; hardware; hides, furs, skins and pelts, dressed or undressed; hoop-iron, and rivets, nails, spikes and bolts, tacks, brads or sprigs; ice; iron and steel and manufactures thereof; leather; lumber and timber of all kinds, round, hewed, sawed, and unmanufactured, in whole or in part; doors, sashes, and blinds; machinery of all kinds, engines and parts thereof; oats and hay; paper, stationery, and books, and all manufactures of paper or of paper and wood; petroleum and all oils for lubricating or illuminating purposes; plants, shrubs, trees, and seeds; rice; sugar, refined or unrefined; salt;

soap; shooks, staves, and headings; wool and manufactures of wool, other than ready-made clothing; wagons and carts for the purposes of agriculture or of drayage; wood and manufactures of wood, or of wood and metal except furniture either upholstered or carved and carriages; textile manufactures, made of a combination of wool, cotton, silk, or linen, or of any two or more of them other than when ready-made clothing; harness and all manufactures of leather; starch; and tobacco, whether in leaf or manufactured.

ARTICLE III.

The evidence that articles proposed to be admitted into the ports of the United States of America, or the ports of the Hawaiian Islands, free of duty, under the first and second articles of this convention, are the growth, manufacture, or produce of the United States of America or of the Hawaiian Islands, respectively, shall be established under such rules and regulations and conditions for the protection of the revenue as the two Governments may from time to time respectively prescribe.

ARTICLE IV.

No export duty or charges shall be imposed in the Hawaiian Islands, or in the United States, upon any of the articles proposed to be admitted into the ports of the United States or the ports of the Hawaiian Islands free of duty under the first and second articles of this convention. It is agreed, on the part of His Hawaiian Majesty, that so long as this treaty shall remain in force, he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use therein, to any other power, state or government, nor make any treaty by which any other nation shall obtain the same privileges, relative to the admission of any articles free of duty, hereby secured to the United States.

ARTICLE V.

The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America. Such assent having been given, and the ratifications of the convention having been exchanged as provided in article VI, the convention shall remain in force for seven years from the date at which it may come into operation; and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years, or at any time thereafter.

ARTICLE VI.

The present convention shall be duly ratified, and the ratifications exchanged at Washington city, within eighteen months from the date hereof, or earlier if possible.

In faith whereof the respective Plenipotentiaries of the high contracting parties have signed this present convention, and have affixed thereto their respective seals.

Done in duplicate, at Washington, the thirtieth day of January, in the year of our Lord one thousand eight hundred and seventy-five.

[SEAL.] HAMILTON FISH.
[SEAL.] ELISHA H. ALLEN.
[SEAL.] HENRY A. P. CARTER.

And whereas the said convention, as amended, has been duly ratified on both parts, and the respective ratifications were exchanged in this city on this day:

Now, therefore, be it known that I, ULYSSES S. GRANT, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

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 third day of June, in the year of our Lord one thousand eight hundred and seventy-five,
[SEAL.] and of the Independence of the United States the ninety-ninth.

U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.

TO THE PRESIDENT:

The Secretary of State has the honor to transmit herewith a report concerning the business of the Court of Commissioners of Alabama Claims, made through its clerk.

In this connection he has the honor to call your attention to the statement contained therein that, in the opinion of the court, it will be impossible to complete the work before it within the time allowed by existing provisions of law therefor.

HAMILTON FISH.

DEPARTMENT OF STATE,
Washington, November 15, 1875.

COURT OF COMMISSIONERS OF ALABAMA CLAIMS,
1514 H STREET, NORTHWEST,
Washington, D. C., November 1, 1875.

SIR: By order of the Court of Commissioners of Alabama Claims, I have the honor to communicate to you the following statement of the business of that court.

In accordance with the act approved June 23, 1874, and entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the eighth of May, anno Domini eighteen hundred and seventy-one, between the United States of America and the Queen of Great Britain," the judges met and organized the said court at Washington, on the 22d day of July, 1874, and have since that time held all their sittings in that city. On the 24th of July they made certain needful rules and regulations regulating the form and mode of procedure before them, and for carrying into full and complete effect the provisions of the act, (as provided in section 3 thereof,) which rules and regulations, together with a notice of their next session, were duly published.

The court then adjourned to Thursday, October 1, so that claimants might file their claims and prepare for trial, expecting that on the date of their next convening there would be such progress made by the claimants and their attorneys, in the preparation of their petitions and testimony, that the court would find a bar ready and anxious to proceed with a large number of cases. But when the court again met but few were ready for trial, and a very small number of claims had been filed.

From the table which I give below, you will see that the claims were filed very slowly at first, and it was not until the month of October that they began to come in with any rapidity, while 312 more petitions were filed in January alone than in the previous five months together.

The court remained very constantly in session during the winter, considering amendments to their rules, hearing extended arguments on points of law arising on demurrers, and applicable to a large number of claims, and deciding all claims presented to them for final hearing.

There was great delay, however, in the preparation of cases, and, in order to hasten the business of the court the following order was made on the 26th day of January, copies of which were forwarded by the clerk to all the attorneys practicing before the court, and through the press and otherwise it was brought to the knowledge of the public:

The time allowed for the filing of claims in this court expired on the 22d day of the present month of January. The whole number filed is 1,382. Before the expiration of this time it would have been useless to strike cases from the record, for the claimants could have filed new petitions. Justice to all parties now requires that the cases yet unheard should be disposed of with the least practicable delay.

The clerk is, therefore, directed to enter upon the trial-docket, in their numerical order, all claims in which no decision has been rendered. This docket will be called three times, but a greater number than fifty cases will not be called in one day. At each calling of the docket, parties who have not been previously heard will have an opportunity to submit their proofs and arguments. On the third calling of the docket, every claim shall be disposed of by final judgment.

The calendar was regularly called in accordance with this order, the court announcing constantly that, after disposing of the cases set for the day, any other cases ready for hearing might be submitted.

Comparatively few claims were presented for final hearing, and the court, after deciding every case before it, took a short recess, after directing the clerk to publish the following order and to forward a copy of it to the counsel of the respective claimants, which was done:

The court having finished the first calling of the trial-docket, and having entered judgment in every case presented for final hearing, is adjourned until the 28th day of April, 1875, at which time the second calling of the trial-docket will be commenced, and claimants are hereby notified to be ready at that time with their proofs. No case will be passed on the second calling of the docket without sufficient reason assigned, but a greater number than fifty cases will not be called in one day.

The court met pursuant to adjournment, and found that at last attorneys were ready to proceed to trial with a considerable number of cases, and since that date its time has been fully occupied; 643 cases having been argued and submitted since April 28. About 140 of these cases were dismissed by the court for want of jurisdiction; while a large proportion of those allowed were small in amount and presented few points for discussion.

This is not the case with the claims yet to be submitted, which involve larger sums and will require more extended argument.

The court directs me in this connection to communicate to you their high appreciation of the assistance rendered them in their labors by Mr. Creswell, the counsel on behalf of the United States. Allowing no point material to the Government to escape him, he has nevertheless performed his duties with the utmost fairness, and without captious criticism he has used every endeavor to facilitate the quick disposal of cases

and has neglected no opportunity to accommodate counsel with a speedy trial. With a large number of cases to investigate and master, involving, not only many various questions of fact, but also intricate points of law, with a learned bar arrayed against him, thoroughly conversant with their cases and all the points likely to arise in them, it will easily be seen that his task was one of no small magnitude. He has performed it in a most satisfactory and able manner.

The great delay to the business of the court caused by the length of time occupied by the claimants and their counsel in the preparation of cases was, under the peculiar circumstances governing the presentation of claims of this character, somewhat to be expected.

The court met and organized in the summer, when the attorneys were generally absent on vacation tours, and although every effort was made by the clerk through the newspapers and in other ways to bring the rules and form of procedure of the court to the notice of the claimants and their counsel, it was not until the latter part of September that they responded to any great extent; and although it appears that from that time every exertion was made in the preparation of cases, it has been impossible to present many for trial until a comparatively recent period.

Many of the claims are for losses sustained by mariners who are now absent at sea, and in other cases, where the claimants themselves are in this country, the testimony of captains, mates, or sailors, now abroad, has been necessary to substantiate essential points in the evidence necessary to support the claim.

Attorneys have had great trouble in discovering the whereabouts of many of these clients and witnesses, and commissions for the taking of testimony have been sent from this court to almost all parts of the world; in some cases the commission has followed the witness from port to port during a long voyage, arriving at each place just after his departure, until at last it has reached him thousands of miles from the place to which it was first forwarded.

In some cases the witness has not yet been found, and it is probable that many claims admissible under the act have never been presented, and some now on file will not be submitted for trial owing to the absence on whaling or other long voyages of the claimants or important witnesses.

The time which has elapsed since these claims first arose has also greatly increased the labors of counsel. Many of the claimants and witnesses have died leaving their affairs in disorder; many papers have been lost, and many important witnesses have disappeared.

Again, a large number of claims were in the hands of comparatively few attorneys, who were constantly and exclusively occupied, during the six months prescribed for the purpose, in filing petitions, and who, until after the 22d of January last, (when the six months expired within which the act required that all claims must be filed,) had no time for the preparation of testimony; while the other attorneys holding few cases, and those comparatively small in amount, did not feel

at liberty to proceed immediately to trial until the principles upon which the claims were to be adjudicated were more definitely settled, and counsel having more extensive interests at stake and a more intimate knowledge of the points which would probably arise should have an opportunity to present their views to the court.

A large part of the time, however, during which few cases were presented for trial, was occupied by able and extensive argument of counsel, for the forms and mode of procedure of the court being new, and the principles of law which were to govern them in the settlement of claims and the interpretation of the act not being fixed, the first work of the counsel was to learn, as far as possible, what the practice of the court was to be, and what the principles were which should govern them in the preparation and presentation of their cases. For this purpose the counsel on behalf of the United States filed demurrers to many of the points of law advanced in the petitions, and much time was occupied in argument on these demurrers, the decision of which greatly facilitated the disposal of claims when finally submitted for trial.

By the terms of the act of Congress under which the court was created, its duration, unless prolonged by proclamation of the President, was limited to one year from the date of its organization. Six months of that time were given within which petitions might be filed by the claimants, and a large part of the petitions, as has been shown, were filed during the latter part of this period. Although the claimants seemed to be diligent in preparing their cases, but few, comparatively, were ready for trial until late in the spring of 1875, so that out of the 1,382 claims on file, a large number remained undecided in June last, as heretofore mentioned. On the 2d of June, 1875, therefore, the President, by proclamation, extended the duration of the court for six months from the 22d of July, 1875, (as provided by law.) The powers of the court will therefore cease on the 22d day of January next.

The total number of cases in which judgment is now entered is 682, and the total amount allowed is $2,810,088.84, exclusive of interest; petitions have been dismissed or judgment has been entered in favor of the United States in 147 cases, involving $3,274,418.35, exclusive of interest; and 700 cases, involving $5,296,883.58, exclusive of interest, remain to be acted upon at the date of this communication, of which 12 have been argued, and are now under consideration.

Of the total number of cases submitted, 640 have been decided since the court met, on the 28th day of April last.

The court, therefore, direct me to inform you that it is evident to them that they will not be able to complete their work within the time provided by the eighth section of the said act.

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

JOHN DAVIS,
Clerk.

Hon. HAMILTON FISH,
Secretary of State.

Character and amount of judgments.

Character of loss.	Amount claimed.	Amount awarded.	Amount of interest to date of award.	Total amount awarded.
Merchandise	$941,274 79	$746,231 11	$353,907 29	$1,100,138 40
Vessel, freight, &c	2,503,314 19	1,833,388 78	833,622 57	2,667,011 35
Personal effects, &c	377,962 79	225,598 40	102,178 62	327,777 02
Insurers	5,984 74	4,870 55	2,352 19	7,222 74
Petitions dismissed and judgment for the United States	3,274,418 35			
Total	7,102,954 86	2,810,088 84	1,292,060 67	4,102,149 51

Date.	Petitions filed.	Cases argued and submitted.	Petitions dismissed and judgments for United States.	Judgments for claimants.	Total judgments for each month.
July, 1874	3				
August, 1874	5				
September, 1874	64				
October, 1874	119				
November, 1874	160				
December, 1874	264	3		3	3
January, 1875	767	1		1	1
February, 1875		24	1	18	19
March, 1875		17	1	18	19
April, 1875		26	3	5	8
May, 1875		127	3	84	87
June, 1875		285	137	199	336
September, 1875				1	1
October, 1875		205	2	206	208
Total	1,382	688	147	535	682

Number of cases yet undisposed of 700, of which 12 are now before the court.

JOHN DAVIS, *Clerk.*

COURT OF COMMISSIONERS OF ALABAMA CLAIMS,
Washington, November 1, 1875.

FOREIGN RELATIONS.

LIST OF PAPERS, WITH THEIR SUBJECTS.

PROCLAMATION.

No.		Date.	Subject.	Page.
1	Proclamation	1875. May 2	Extending the duration of the "Court of Commissioners of Alabama Claims" for six months from and after July 22, 1875.	1

ARGENTINE REPUBLIC.

No.	From whom and to whom.	Date.	Subject.	Page.
2	Mr. Osborn to Mr. Fish	1874. Aug. 12	Dr. Don Nicolas Avellaneda declared President, and Don Mariano Acosta Vice-President, of the Argentine Republic by the National Congress; attempted assassination of Señor Lanus.	3
3	....do	Sept. 12	Dr. Tejedor, minister of foreign affairs for the Argentine Republic, goes to Rio de Janeiro to conclude negotiations respecting Paraguay, Villa Occidental, and the Triple Alliance; the island of Martin Garcia armed by the Argentines.	3
4	....do	Sept. 29	Seizure of the two government gunboats "Parana" and "Uruguay" by the nationalists and the inauguration of open rebellion thereby.	4
5	....do	Oct. 5	Progress of the revolution inaugurated as above; manifesto of Congress; Generals Mitre and Rivas at the head of the rebels.	6
6	....do	Oct. 13	Inauguration of President Avellaneda; farewell address of President Sarmiento; speech of President Avellaneda; manifesto of General Mitre.	9
7	....do	Nov. 13	Progress of the rebellion; a gloomy outlook; protracted struggle anticipated; General Mitre's proclamation.	17
8	....do	Dec. 15	Suppression of the rebellion; defeat of General Mitre and his army; official dispatch of the surrender; President Avellaneda's amnesty.	19
9	....do	1875. Mar. 1	Mob-violence in Buenos Ayres against the Jesuits; the archbishop's palace and Jesuits' college sacked and burned; the province declared in a state of siege; causes of the outbreak.	22
10	....do	Mar. 6	General Mitre and ten of his companions in the late rebellion arrive in Buenos Ayres as prisoners.	23
11	....do	Mar.	Dr. Tejedor appointed minister to Brazil to adjust difficulties between both countries; rumors of Brazilian objections to the arming of the island of Martin Garcia.	24
12	....do	Apr. 12	Dr. Tejedor about to depart for Brazil; the Paraguayan question; the Bolivian boundary troubles.	25
13	....do	May 10	Opening of the Argentine Congress; President Avellaneda's address.	28
14	....do	June 7	Celebration of the twenty-fifth anniversary of Argentine independence; an amnesty decree issued.	34
15	....do	June 15	Dr. Tejedor's return from his special mission to Brazil; results of the mission.	36
16	....do	June 24	The Paraguayan government rejects the treaty concluded between Dr. Tejedor and Señor Sosa; Dr. Tejedor replies to the strictures of the Brazilian press, giving an account of the negotiations.	37

AUSTRIA-HUNGARY.

No.	From whom and to whom.	Date.	Subject.	Page.
		1874.		
17	Mr. Jay to Mr. Fish	Sept. 18	Arrival in Vienna of the commission appointed by the President in reference to the improvement of the Mississippi; courtesies extended to the commission by the Austro-Hungarian authorities.	41
18	do	Oct. 7	Vienna Exposition; medals and diplomas awarded to American exhibitors.	42
19	do	Oct. 19	Same subject	44
20	do	Dec. 26	Potato-beetle; information thereon furnished by the Agricultural Department for the Swiss minister at Vienna.	45
21	do	Dec. 27	The President's message; misrepresentation of the same by the cable; satisfaction expressed on receipt of the correct version.	47
		1875.		
22	do	Mar. 4	End of ministerial crisis and formation of a fusion ministry; financial troubles of the empire for the past two years.	48
23	do	Mar. 18	Programme of the tour of the Emperor to Italy and Dalmatia; political importance attached thereto.	49
24	Mr. Delaplaine to Mr. Fish	Apr. 2	The same subject	53
25	Mr. Fish to Mr. Delaplaine	Apr. 7	Transmitting act of Congress of March 3, 1875, in relation to the immigration of objectionable persons.	55
26	Mr. Delaplaine to Mr. Fish	Apr. 27	Navigation of the Danube; the new bed opened for vessels of all classes; the work of improvement and the obstacles overcome in accomplishing the same.	55
27	do	May 5	The Emperor's tour through Dalmatia; results attached thereto in Vienna.	56
28	Mr. Orth to Mr. Fish	Sept. 21	The insurrection in Herzegovina; progress of the same.	57

BARBARY STATES.

MOROCCO.

		1874.		
29	Mr. Mathews to Mr. Fish	Aug. 24	Disturbed state of the province of Tangier; meeting of the foreign representatives in relation thereto; note presented to the Moorish minister demanding that an end be put to the present state of affairs.	59
30	do	Sept. 21	The same subject; note received from Cid Mohamed Barjash in reply to the note sent by the foreign representatives.	60
31	do	Sept. 28	The plague; measures taken for the prevention of its introduction into Morocco.	61
		1875.		
32	do	Apr. 1	United States frigate Franklin arrives at Tangier; Rear-Admiral Worden is introduced to the minister for foreign affairs; the British minister visits the Emperor at Fez; arrival of the Italian transport Dora.	61
33	do	June 28	Kaid Jilaly Ben Hamo appointed pasha of Tangier; his energy in treating insubordination; what is expected from his appointment.	62

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179	do	Aug. 16	Trials between citizens of the United States and Chinese; the substitution of a British subject by the taotai of Tien-Tsin to sit in his stead in the American consular court, as related in Mr. Avery's No. 70; opinion of the Department; the British subject clearly wrong in attempting to take the taotai's place in court.	400
180	Mr. Avery to Mr. Fish	Aug. 17	A Japanese royal commission arrive in China to inspect several departments of the Chinese government, with a view to the modification of the Japanese system if it should be considered necessary; the labors of the various commissioners.	401
181	do	Aug. 18	Assaults upon American missionaries; as a result of the efforts made for redress, Mr. Avery forwards translation of an important proclamation issued in the province of Fuhkien.	402
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183	do	Mar. 15	The Chinese loan; the significance of that government borrowing money from foreigners; newspaper comments on the same.	408
184	do	April 27	Telegraphs in China; the taotai at Shanghai directs his subordinates to protect the same within their jurisdiction; prospects for the settlement of the difficulty about the Foo-chow-Amoy line.	411
185	do	June 14	The same subject; final settlement with the Great Northern Telegraph Company by the Chinese government of the difficulty about the Foo-chow-Amoy lines; purchase of the line by the Chinese.	412
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188	....do	Jan. 27	Riotous proceeding in Bogotá; the indifference of the authorities; revolutionary agitators supposed to be inciting the people.	419
189	....do	Feb. 6	Assembling of the Colombian Congress; the President's message; its exhibits and recommendations; synopsis of the same.	420
190	....do	Feb. 17	Provisions in the Colombian constitution governing the election of President; excitement over the coming election; the secretary of war and the commander-in-chief of the army deposed by the President; tranquillity ensues.	422
191	Mr. Fish to Mr. Scruggs	Feb. 18	The indemnity claim of Cotesworth & Powell pressed by the English government; Mr. Scruggs is permitted to act as commissioner; gravity of the results of its settlement; Attorney-General Akerman's opinion in the case of a similar claim, forwarded for Mr. Scruggs' information.	423
192	Mr. Scruggs to Mr. Fish	Feb. 27	Debt of Colombia; statement of the same from the annual report of the secretary of the treasury.	424
193	....do	Feb. 27	Celebration of Washington's birthday; the day observed by the Colombian officials and foreign representatives as well as by the American residents; resolution commemorative of the day passed by the Colombian Congress.	425
194	....do	Apr. 17	Memorial of the secretary of the interior and foreign affairs to Congress; digest of the same—foreign relations; the Montijo case; agreement of arbitration; interoceanic-canal project; the case of Cuba; boundary question between Colombia and Venezuela still unsettled.	426
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196	....do	May 17	The presidential contest assuming a more serious aspect; plans of the Nunez adherents to separate the coast states from the interior; the action to be taken by the British minister in certain contingencies.	431
197	....do	June 7	The same subject; hostilities commenced; the State government of Magdalena overthrown, and the custom-house at Carthagena seized by the insurgents; increase of the army; action of Mr. Scruggs for the protection of American interests; action of the British minister in behalf of English interests; Mr. Scruggs advises that some national vessels be sent to the Colombian coast; correspondence with the minister of foreign affairs.	432
198	....do	June 7	Terrible earthquake on the Colombian and Venezuelan frontiers; wholesale destruction of life and property; statement of the frightful scenes; action of the foreign representatives.	434
199	....do	July 17	The presidential election complications; a peace commission composed of the leaders of both candidates in session in Panama to settle the dispute; hope that the worst has passed.	436
200	....do	Aug. 14	The same subject; hostilities renewed; arrest and seizure of men and steamers by the insurgents; martial-law declared; action of the foreign ministers; correspondence between Mr. Scruggs and the secretary of foreign relations.	437
201	....do	Aug. 15	The same subject; determination of the President to put down the rebellion on the coast by force of arms; the States which support the general government; the difficulty of seeing any cause of the trouble.	439

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203	.....do	April 2	Danish copper and bronze coins; withdrawal of certain denominations of the same from circulation from and after November 1, 1875.	441
204	.....do	June 14	Resignation of the Danish cabinet, and appointment of a new cabinet.	441

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576	.....do.....	Dec. 4	Telegram; indemnity conceded on the same basis as that conceded to Great Britain.	1236
577	.....do.....	Dec. 4	Telegram; the same subject; the question as discussed between the minister of state and Mr. Cushing.	1237
578	Mr. Fish to Mr. Cushing....	Dec. 7	Telegram; the terms of settlement offered by Spain, as understood from Mr. Cushing's telegram of December 4.	1238
579	.....do.....	Dec. 11	Telegram; instructions to Mr. Cushing as to settlement.	1238
580	Mr. Cushing to Mr. Fish....	Nov. 25	Transmits copy of a note from the minister of state in regard to the resolutions of Spain to grant indemnity.	1238
581	.....do.....	Dec. 5	Transmits further notes from the minister of state on the same subject.	1239
582	Mr. Fish to Mr. Cushing....	Dec. 30	In answer to Mr. Ulloa's arguments.....	1246
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583	Mr. Cushing to Mr. Fish....	Feb. 10	Telegram; negotiations in regard to the indemnity.	1247
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585	.....do.....	Feb. 16	Telegram; negotiations completed; terms of the same.	1247
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587	.....do.....	Feb. 21	Telegram; Mr. Cushing's note to the minister of state proposing the amount of indemnity; Mr. Castro's answer.	1248
588	Mr. Fish to Mr. Cushing....	Feb. 24	Telegram; the President approves of the agreement.	1249
589	.....do.....	Mar. 3	Telegram; Mr. Cushing authorized to present his credentials if agreement will be signed immediately after.	1250
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598	Mr. Cushing to Mr. Fish....	April 23	Telegram notifying of the receipt of anticipated payment of indemnity.	1255
599	Mr. Fish to Mr. Cushing....	April 23	Telegram; anticipated payment evidence of friendly disposition on the part of Spain.	1255
600	Mr. Cushing to Mr. Fish....	May 5	Telegram; balance of indemnity received.....	1255
601	Mr. Fish to Mr. Cushing....	May 6	Telegram; President's appreciation of the anticipated payment to be expressed to the Spanish government.	1255
602	.....do.....	May 8	The President and Secretary of State congratulate Mr. Cushing on the settlement of the Virginius question.	1256
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677	.....do	Mar. 30	The same subject as it may apply to United States vessels which may have sailed for those ports without having had notice of the decree.	1369
678	Mr. Fish to Mr. Russell.....	Apr. 24	Claims of United States citizens against Venezuela; payment of same to be demanded without any reserve.	1369
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684	.....do	May 31	Claims of United States citizens against Venezuela; Mr. Russell makes demand for the same.	1374
685	Mr. Fish to Mr. Russell.....	June 4	The same subject; conversation on the subject between the Secretary of State and the Venezuelan minister.	1375
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687	Mr. Russell to Mr. Fish.....	June 19	Venezuelan claim against the Netherlands.....	1378
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PROCLAMATION

No. 1.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, by the eighth section of the act of Congress entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the eighth of May, anno Domini eighteen hundred and seventy-one, between the United States of America and the Queen of Great Britain," approved June 23d, 1874, it is provided, "That the judges of the court created by this act shall convene in the city of Washington as soon as conveniently may be after their appointment; and the said court shall exist for one year from the date of its first convening and organizing; and should it be found impracticable to complete the work of the said court before the expiration of the said one year, the President may, by proclamation, extend the time of the duration thereof to a period not more than six months beyond the expiration of the said one year, and in such case all the provisions of this act shall be taken and held to be the same as though the continuance of the said court had been originally fixed by this act at the limit to which it may be thus extended;"

And whereas it has been made satisfactorily to appear to me that the said court convened on the 22d of July, 1874, and that a large portion of the business of said court still remains undisposed of, and that it is found impracticable to complete the work of the said court before the expiration of the said one year from its first convening and organizing:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by the provisions of the said eighth section of the act of Congress aforesaid, do hereby extend the time of the duration of said "Court of Commissioners of Alabama Claims," for a period of six months from and after the 22d day of July, A. D. 1875.

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

Done at the city of Washington, this 2d day of June, A. D. 1875, and of the Independence of the United States the ninety-ninth.

[SEAL.] U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

CORRESPONDENCE.

ARGENTINE REPUBLIC.

No. 2.

Mr. Osborn to Mr. Fish.

No. 18.] UNITED STATES LEGATION,
Buenos Ayres, August 12, 1874. (Received September 21.)

SIR: Dr. Don Nicolas Avellaneda was declared president, and Don Mariano Acosta, vice-president, of the Argentine Republic, by the national congress, on the 6th instant, and, in accordance with the constitution, will be inaugurated October 12.

The question raised by the nationalists, (friends of General Mitre,) and mentioned in my dispatch No. 16, was settled by congress rejecting the deputies claimed to have been elected by the nationalists, and giving the seats of this province, (Buenos Ayres) in the national congress; to the deputies claimed to have been elected by the Alsina party, who voted with the Avellaneda deputies, thereby giving congress a constitutional quorum to make the proclamation.

The rejection by congress of the deputies returned from this and other provinces, on the national interest, at the election in February last, has produced feelings bitter and intense.

The public mind has for weeks been kept in a state of painful tension. The nightly occurrence of homicides of the most desperate kind for a time produced that general alarm which has been called a "reign of terror."

On the 20th of July, at 6 p. m., the life of Señor Anarasis Lanus, one of the most wealthy men of Buenos Ayres, was attempted at his mansion, in the center of the city, by a party of seven men, masked; fortunately, Señor Lanus and his family escaped, but his cook was killed.

The Alsina party is openly charged with having plotted against the life of Señor Lanus, because he is one of the leaders of the nationalists (Mitre) party. The government organs repel the charge, and attribute the attack simply to an intention to plunder.

President Sarmiento, in a letter, considers the attack on Señor Lanus to be referable to plunder, and not to politics, and accuses the press as fomenters of these disorders.

I am, &c.,

THOMAS O. OSBORN.

No. 3.

Mr. Osborn to Mr. Fish.

No. 20.] UNITED STATES LEGATION,
Buenos Ayres, September 12, 1874. (Received October 22.)

SIR: Dr. Don Tejedor, the minister of foreign affairs for this republic, goes, on the 19th instant, to Rio de Janeiro, to conclude negotiations

respecting Paraguay, Villa Occidental, and the Triple Alliance, &c. I understand that all difficulties have been removed, and the whole matter has been left to arbitration.

As to the island of Martin Garcia and its occupation by the Argentine government, which has given rise to, at least, one question between this Government and Brazil, I have not been able to visit it in consequence of the disabled condition of the United States steamer Wasp; but in a conversation with * * * , he informed me that in May last he visited the island and other points up the rivers Uruguay and Parana, in the British gun-vessel Cracker.

Mr. * * * says the island is decidedly occupied by the Argentine government, and armed to a certain extent. There is no appearance, however, of the construction of fresh works; but at the same time the armed occupation of the island, such as it is, might certainly be regarded by the Brazilian government as a contravention of article 18 of the treaty of 1856.

The position of this island is such that its possession by any one of the river States involves the command of the rivers Uruguay and Parana, and in consequence the neutral commerce on these rivers cannot be considered secured against interruption in the event of war.

It is, I think, unlikely that the Argentine government will ever abandon the island unless compelled to do so by force; and if the Argentine government and that of Brazil do not come to a settlement of their diplomatic misunderstanding, the question as to the future condition or disposal of the island of Martin Garcia will furnish the cause.

The question in controversy between the Argentine government and that of Chili, in reference to a certain portion of the southern part of the territory of Patagonia, and the waters of the Straits of Magellan, I am informed by Mr. Bless Gana, the Chilian minister, are in a fair way of settlement by arbitration; in fact, nothing remains but the settlement of some of the minor details, and the selection of the arbitrators by the governments.

I am, &c.,

THOMAS O. OSBORN.

No. 4.

Mr. Osborn to Mr. Fish.

No. 22.] UNITED STATES LEGATION,
Buenos Ayres, September 29, 1874. (Received November 24.)

SIR: Being advised that the British packet will be permitted to leave this port to-day, I take this first opportunity to inform you that on the night of the 23d instant, the two gun-boats Parana and Uruguay, belonging to the government, through the treachery of the captain of one of these gun-boats, the Parana, were seized by the nationalists, the defeated party in the late election; thereby a rebellion, an open rebellion, is inaugurated against the government.

One of the gunboats, the Uruguay, was disabled and abandoned; the Parana is now being used by the revolutionists to blockade the port, consequently no vessels have been permitted to leave.

The opposition press in this province has been suppressed; there is much excitement in this city, and so many conflicting rumors afloat that it is very difficult to get at the truth.

President Sarmiento has declared all the provinces in a state of siege, and called out the national guards. Many arrests have been made by the government. General Mitre sent in his resignation as general of the army, when an order for his arrest was returned, but he could not be found. It is reported that he has left for Montevideo; others say that he is with the southern division of the army commanded by General Rivas. I think there is no doubt that two of the divisions of the regular army have gone over to the insurgents. I learn from good authority that the rebellion was precipitated; that it was not the intention to strike during the administration of President Sarmiento, as they considered his government legal, but on the 12th of October, to prevent the inauguration of Dr. Avellaneda, who, they claim, was elected by fraud and force. The president and his officers are doing everything in their power to crush out the rebellion.

The United States steamer Wasp, A. T. Mahan commanding, arrived in this port yesterday morning. I send with this note a copy of the message of the President to Congress, in secret session, published in the Standard of this morning.

I am, &c.,

THOMAS O. OSBORN.

[Inclosure in No. 22.]

PRESIDENT SARMIENTO'S MESSAGE TO CONGRESS.

[From the Standard of September 29, 1874.—Translation.]

BUENOS AYRES, *September* 26, 1874.

I have the honor to inform you that a revolution, of which we had previous information, broke out by the commander of one of the new gunboats seizing the commander of the other, and after a series of disagraceful proceedings the matter ended thus:

We have just received telegrams from Colonel Roca that General Ivanowski has been assassinated by General Arredondo, who, pretending infirm health, had some time since solicited permission for an interview with government, and to retire to his own house. His petition was backed by influential persons, and General Ivanowski had himself gone bail for the honorable conduct of his guest.

The plan of the revolt was the sooner made known to us by the efforts of conspirators to corrupt the army. A letter from the Cordoba frontier, dated September 21, had the following paragraph:

"The programme, as I learn from a leading commander in the army, is, that General Mitre will surrender his dsipatches on October 12, either to put himself at the head of the movement or to join as a private citizen."

Yesterday at noon we received a petition, without any date, from General Mitre, requesting to be rubbed off the army-roll as brigadier-general, and resigning his salary as such. The inspector of arms at once sent an officer with a sealed letter intimating his arrest, but the officer could not find him. Up to the present he has not obeyed the order as a soldier is bound to; for a person who has so long governed as he has must know that it is not enough to resign his rank to acquit him of the duties attached to same.

The gunboat stolen by the rebel officer pretends to blockade the port, and exercises acts of jurisdiction, giving orders to vessels that approach.

The government counts on all the divisions of the army, although as yet we have no tidings of the forces under General Rivas.

The governments of the various provinces have responded with spirit, and are raising forces. State of siege having been declared, the national guards are called out to support the excellent line regiments.

We can at once put 20,000 men under arms, without counting the upper provinces. We consider it necessary to declare all the republic in a state of siege, so that even in remote provinces the authorities may be able to crush any effort toward prolonging a war begun in crime and treachery.

Ten years of progress have been written on the face of the country in railways, tele-

graphs, home and foreign loans, joint-stock companies, and enterprises that have brought hundreds of millions of dollars into play, while the credit of the republic was on so solid a basis as to promise security and tranquillity for the future.

In three months not a stone will be left on another of so splendid an edifice, raised and completed with such labor. In my idea the situation and cause are the same as the rebellion of the Confederate States of North America. There as here some individuals had been accustomed to govern the country, and regarded it as their exclusive right. When Lincoln was elected President, they refused to admit him, saying he was elected by the multitude, and applying such coarse epithets as passion suggested.

For the last month those papers edited by the revolutionary party unanimously spoke of the incoming government and the actual Congress as a government and Congress of fact. Unhappy the republic where any colonel in command of a battalion may assume to himself the right to say what authorities he is to obey!

We shall firmly do our duty, however painful, up to the moment of handing over power to the new President.

But we must warn the people and Congress that if the revolution triumph it will be the ruin of the country, exposing any future government to be upset by incendiaries like those of the present moment, who have renounced every sentiment of morality and every feeling of honor before the idol of their own passions, whether embodied in men or in ideas.

DOMINGO F. SARMIENTO.

No. 5.

Mr. Osborn to Mr. Fish.

No. 24.] UNITED STATES LEGATION,
Buenos Ayres, October 5, 1874. (Received Nov. 23.)

SIR: The events of the revolution now going on in this government remain in an undecided condition. Both sides are active in organizing their armies for the struggle.

The government is satisfied that Generals Rivas and Arredondo have gone over with their divisions to the revolutionists. It is reported that other officers of the army will serve the government during the term of President Sarmiento's administration, and then declare for the other side. It is claimed by the revolutionists that two-thirds of the army and of this province (Buenos Ayres) are for General Mitre and the revolution. And while there will be no outbreak or demonstration against the legal government of President Sarmiento, yet Señor Avellaneda will not be permitted to take his seat as President on the 12th instant.

It is a political fight between political parties, and while the government is pressing into the service, irrespective of party, any one who is liable to do military duty, and has gathered about twenty thousand national guards in this province, yet I think it would be quite difficult to tell for whom a great portion of them would fight when brought to battle; hence it seems to me that the greatest difficulty, in the way of success for the government, is in not knowing whom to trust.

In a short unofficial interview with President Sarmiento last Friday, he said to me, "In this matter we are following the example of your Government in her late struggle for life, and we know we cannot go wrong. This government has the power to put down this rebellion, and she will put it down; at least I will do my full duty as President so long as I remain in the presidential chair."

An order was issued this morning by the chief of police, placing under arrest all ministers, and confining them to their houses, but I understand the order will be removed by the government.

The Uruguay, the gunboat seized by the revolutionists, damaged, and then abandoned by them, has been put in fighting trim by the government, and is now out in the Rio de la Plata looking for the Parana.

I have just learned from very good authority that General Mitre is with General Rivas at the head of the southern army, (of rebels,) and will issue his manifesto on the 12th instant.

I have the honor to inclose a printed copy of the manifesto of Congress in reply to the President's message; also a copy of the report of Major Ramirez, a captain of one of the gunboats seized.

I have, &c.,

THOMAS O. OSBORN.

[Inclosure 1 in No. 24.]

MANIFESTO OF CONGRESS.

[From the Standard of October 4, 1874.—Translation.]

The reply of the chamber of deputies to President Sarmiento's message is as follows:

"Before closing the session we think it necessary to allude to the present situation of the country. An attempt of the most iniquitous and disloyal kind has interrupted the march of progress, suddenly forcing us to take up arms in defense of public order.

"The republic was in the full enjoyment of liberty, public attention being devoted to railways, immigration, commerce, and foreign loans for the development of our resources, which were beginning to attract the notice of mankind.

"Our armaments by land and sea were being placed on a footing to make us respected, uniting the arts of peace with the rank and dignity becoming a rising country. The welfare of all parties was increasing, trade springing up around us, new colonies raising their heads in the desert, European habits taking root everywhere, and tending to the general advancement. In the midst of such prosperity our institutions were assuming that character of solidity peculiar to well-established countries. Natives and foreigners were alike laboring for the public aggrandizement in a spirit of mutual good-will. The *habeas corpus* protected each man's liberty; there was the fullest freedom of industry; and a well-regulated democracy was the ground-work of our judicial and administrative system.

"Suddenly a wicked movement has thrown into confusion all the harmonious elements of our organization. Of past civil wars we had extinguished every vestige except a circle of malcontents whose personal interests were opposed to the reign of law and order. These men took up arms even during the elections, and forced us to the alternative of submission or civil war. The cry was 'Our party or civil war!' and so they have acted.

"The immense development of our national credit has only served in the present instance to make more public the responsibility of the parties in question. We cannot say, like the sacred orator, 'Shut the doors of the temple, that strangers may not know our calamities.' Our doors are open to the world; our prosperity and future are before the gaze of all, and we can hide nothing even if we wished.

"Congress is profoundly affected, and is the first to condemn the crime; we trust that every upright and laborious man will aid the authorities to restore order. We feel, moreover, convinced that the constitution will triumph over those men who began by a military revolt and the murder of General Ivanowski. These crimes not only arouse the indignation of patriotic citizens, but, in a special manner, offend the officers and soldiers who remain true to the government, in the honorable and glorious service of the republic.

"Congress does not pretend to dictate to the national government the means for effectually suppressing and punishing the revolt, but we hereby share with the executive all responsibility in carrying out the laws bearing on a case like the present, as regards repression and punishment.

"Mr. President, it is necessary the whole country should know that whatever depredations, crimes, and acts of violence may be committed by the rebels, their agents or accomplices, must be indemnified by the offenders, not out of the public treasury, but from the fortunes and estates of the parties implicated in so iniquitous a revolt. This is the law, in its letter and spirit, and the authorities must be inexorable in carrying it out.

"The evil done cannot be undone, but at least let the vengeance of the law protect us from another attempt of this kind to put in jeopardy our progress and institutions.

"Congress thinks it necessary to convey to Your Excellency the present manifesto as a testimony to the public of our confidence in the triumph of the law. And we hereby declare that we are willing, if the executive so desire, to continue in session and co-operate by every means that the legislature can be of any assistance to government.

"We have, therefore, sanctioned the annexed law to raise funds for the present circumstances:

"'The national government is hereby authorized to spend 20,000,000 hard dollars in putting down the revolution.'"

NOTE.—This law was altered by the senate, allowing the government to dispose of any amount necessary without fixing any sum.

[Inclosure 2 in No. 24.]

SEIZURE OF THE GUNBOATS—OFFICIAL REPORT OF MAJOR RAMIREZ.

[From the Standard, October 4, 1874.—Translation.]

BUENOS AYRES, *October* 2.

To his excellency the Minister of War:

I take this occasion to inform your excellency of my violent arrest by Col. Erasmus Obligado on the night of the 23d ultimo, and the events which followed.

On the evening of the 23d I was at the end of the passenger-mole, about to go on board the vessel of which I was in command, when I met Colonel Obligado just coming ashore, and as he was to sail next day for Bahia Blanca he begged me to accompany him to the play at the Victoria Theater, and that afterwards I would go with him aboard the Uruguay to give him some explanations about the port of Bahia Blanca, as he had never been there before, and needed some information. I readily acceded to his request, as a brother officer, and after the play we went together to the passenger-mole, where Colonel Obligado's boat was waiting for him.

Having pulled alongside the Uruguay, Colonel Obligado asked me to go up first, and the moment I set foot on the deck a man with his face covered said to me, "You're my prisoner, Mr. Commandante," at the same time putting a pistol to my breast, and twenty men with Remington rifles pointing at me from the bulwarks, and ordering me not to say a word.

I was so stupefied that I could not stir nor speak, whereupon Alberto Legui (the same who had arrested me) and Major Correa took me by either arm down to Colonel Obligado's cabin and put two sentinels over me, with directions to shoot me if I made the least movement.

There I was kept in prison till next day, when they abandoned the Uruguay, as she was aground, and removed me under eight or ten armed men to the other gunboat, the Parana. Here they put me under lock and key, with two sentries outside the door, and orders not to let me even open the skylight, lest I should observe their movements or the course they were steering.

In this manner I was detained close prisoner till Sunday afternoon, (27th September,) at 3.30 p. m., when Major Correa opened the door and told me I might go ashore at Colonia, as General Gelly was there waiting for me.

Landing at Colonia wharf, I met General Gelly, who received me very kindly, and took me to his hotel. There for the first time I met my loyal subalterns who had been put ashore on San Gabriel Island (in front of Colonia) without money, clothing, or food. I had not expected that Colonel Obligado would have treated so badly the officers of the Parana.

On Monday (28th) the English steamer Silex called at Colonia, and I had everything arranged to proceed in her to Montevideo. Fearing some fresh outrage from Colonel Obligado, I went to the British consulate to ask if the British flag of the Silex would protect me.

The English consul was not at his house, but I met there Don German Elizalde, who asked me my business, and when I told him, he led me into an adjoining room, where General Mitre was still in bed. The general praised my conduct as a soldier, and spoke to me most friendly, offering to do me any service in his power. I told him I was in want of nothing. In fact, the Argentine vice-consul on hearing of my arrival, had put himself at my orders, and lent me $40 to pay our passage tickets to Montevideo.

At 4.30 p. m. we arrived at Montevideo, where I at once presented myself to the Argentine consul-general, and informed him of all that occurred on board the gunboats Uruguay and Parana.

On Wednesday, 30th, I embarked in the Galileo and returned to Buenos Ayres, being accompanied by my lieutenant, D. Valentin Felberg, my sublieutenants José Mon-

teros and Juan Ostaño, and the cadet Basualdo. The doctor of my ship was detained prisoner on board the Parana.

From the moment of my arrest I never afterwards saw Colonel Obligado, except when they were removing me from the Uruguay to the Parana, but although he saw me he did not speak to me. Besides the officers who guarded me the only one that spoke to me was Major Correa, who told me the reason of my arrest was, that they wanted to seize the gunboat Parana, as she was indispensable for them, in order to keep the command of the rivers for the revolutionary party. He added that they had not intended to make the revolution so soon, but were precipitated to it by government ordering the Uruguay to Bahia Blanca.

My second in command, Capt. Frederic Sprun, had been party to the movement, embarking men secretly in the Uruguay by boats prepared by the Ayndantes Cueli and Rodriguez of the Capatania del Puerto. They had also placed their sentries along the mole to guard against any surprise, with instructions to seize me if I showed any signs of suspicion by trying to embark without them. They had made all these arrangements while I was with Colonel Obligado at the theater.

When they had me prisoner aboard they proceeded to seize my ship, the gunboat Parana, bringing the Uruguay alongside to board her. No opposition could be made, as my second in command, Captain Sprun, gave orders and was obeyed on my ship.

The above is a simple recital of events as far as in my knowledge, but further particulars may be learned from the declarations of my officers. Although the principal occurrences are already of public notoriety, as regards the seizure of the two gunboats, I have to beg that your excellency will order a *sumario* to be drawn up, so as to acquit me of any shadow of suspicion in the matter.

CEFERINO RAMIREZ.

No. 6.

Mr. Osborn to Mr. Fish.

No. 26.] UNITED STATES LEGATION,
Buenos Ayres, October 13, 1874. (Received Nov. 26.)

SIR: I have the honor to inform your excellency that at half-past one yesterday, Dr. Don Avellaneda was inaugurated President of the Argentine Republic, taking the oath of office in the presence of both houses of Congress.

The plazas and adjacent streets were filled with troops; there was no outbreak or disturbance, as apprehended by some, but, on the contrary, the city was remarkably quiet.

I received this morning, from the foreign office, a copy of a decree of the President, announcing his cabinet. On comparison, I find that the Standard has printed the names of the different gentlemen who compose the President's cabinet correctly, hence I inclose the printed list:

The New Cabinet.—President Avellaneda has formed his cabinet of the following gentlemen: Interior—D. Simon Iriondo, senator for Santa Fé, and formerly governor of that province, a lawyer by profession, and said to be of active business habits. Foreign Affairs—D. Felix Frias, at present Argentine plenipotentiary at Santiago, and engaged for some years back in the negotiations with Chili about Patagonia. He is a native of Buenos Ayres, of high family and respectable talents. Finance—Dr. Santiago Cortines, native of San Juan, who has held the same portfolio since the appointment of D. Luis Dominguez as envoy to Peru. He was formerly accountant-general, and is generally esteemed. Justice—Dr. Onesimo Leguizamon, deputy to Congress, native of Entre Rios, for some time editor of the *Nacional*, a very fluent speaker and writer. War—Dr. Adolfo Alsina, late vice-president of the Republic, previously governor of Buenos Ayres, author of the Oficina de Cambios, son of Dr. Valentine Alsina, who made the rural code. He fought under General Mitre at Cepeda, and is the only one of the new cabinet who has visited Europe.

I also inclose a printed copy of the farewell address of President Sarmiento, (marked 1,) and a copy of the address of President Avellaneda,

(marked 2,) and a copy of the manifesto of General Mitre, (marked 3,) putting himself at the head of the revolution.

There has been some skirmishing in the upper provinces, but nothing serious. It is reported this morning that General Rivas has advanced with a column of about four thousand troops toward this city as far as Villa Mercades, and that General Alsina (appointed secretary of war) is marching at the head of about six thousand national guards to meet him.

The armies are said to be only about ten miles apart, and the first battle may be expected any hour.

I am, &c.,

THOMAS O. OSBORN.

[Inclosure 1 in No. 26.—Translation.]

FAREWELL ADDRESS OF PRESIDENT SARMIENTO.

BUENOS AYRES, *October* 8, 1874.

Domingo Faustino Sarmiento, President of the Republic and commander-in-chief of the army and the national guard, to his fellow-citizens:

I hoped to vacate the chair of chief magistrate without again addressing you. Six years of assiduous labor were written on the face of the republic in works of public utility, a general spread of knowledge, a well-disciplined army to defend you from domestic or foreign enemies, a name and credit abroad even superior to our merits, since this last ranked before that of many powerful nations.

Errors or omissions there may have been, since no government can pretend to perfect justice or wisdom.

I had hoped meantime that in retiring to my humble cottage I could have silently said to the nation, "I have left you a government based on principle, not on individuals. You have to elect your own rulers; perhaps you may not always choose the best. In other countries the ruler is born to office; but a nation never perishes, whatever its faults, unless it lose its institutions."

But I was not to enjoy such a satisfaction, although in fifty years of labors, travels, and constant study, I have endeavored to induce my fellow-citizens to strain every nerve for the consolidation of their institutions. Half a century of "caudillos" ought to convince you that these pretended predestinators of government make the country pay very dear for the favor they do it.

My countrymen, under the shade of our institutions you have seen a conclave of men pretend to be the lawful government of the country, and two or three chiefs in the field, favored by a free press and individual credit, form a conspiracy to rectify the public vote, which had been proclaimed by law as your sole guide, perfect or imperfect, as things in this world go.

The government saw what was coming, and prepared accordingly to frustrate the last effort of "caudillos," whether in ponchos or frock-coats, at the same time advancing the interests of peace and progress, and securing the nation from becoming a pedestal to personal ambition. The contempt and indignation of the public should be invoked against the conspirators for their base conduct, which, if your children were to imitate, would imperil the ground-work of society, and hold up our name to dishonor before the world.

They not only conspired against the country, ruining its credit, destroying its wealth, and putting in jeopardy its railways, telegraphs, and other works of civilization, but committed a crime that must forever cover us with shame, a treason to friendship, as the only means to carry out their iniquitous plans.

In the name of public morality and outraged friendship, I hold up to execration, here and hereafter, the names of Ignacio Rivas, Miguel Arredondo, and Erasmo Obligado; the last of whom I made commander of one of the gunboats, because he came to my private house with strong letters of recommendation from a friend who answered for his loyalty, and seeing that I did not suspect him he shook my hand, thanked me, and promised fidelity to the government. Before his hand had cooled from the touch of mine, he went and told the conspirators, "We must make haste; the whole plan is in the hands of government;" and, betraying his friend and comrade, he went away in the silent night, with the two gunboats, intending to blockade us, which would have put us in straits, if he succeeded.

But there is a Divine Providence which protects nations and chastises treason. One of the gunboats went aground, and the plot failed. The traitor had learned from my lips the state of affairs. The plot was precipitated; but the half of it fell through.

General Rivas abandoned his post without call from government, and, abusing the friendship which retained him in command and refused to accept his resignation, he came forward, of his own accord, to effect a reconciliation between the President and General Arredondo, who had been suspended for errors that nowise affected his military reputation. Rivas urged that Arredondo was spitting blood; that his health required camp air; and, invoking the old associations and campaigns of the President and Arredondo, induced them to embrace each other, thus giving Arredondo an opportunity to try and seduce General Ivanowski, who, like the President, relied on the honor of his friends as on his own. Justice ordained that the false friend should become an assas in. The generous Pole, Ivanowski, who had made himself one of us by several times shedding his blood under the Argentine flag, was killed in his bed; not on the battle-field, which is the soldier's couch of glory.

For the honor of my country, I halt in the recital. Suffice it to say, that the great conspiracy amounts to a general murdered and a gunboat stolen. There are, no doubt, also fortunes ruined, speculations undone, and a train of like miseries. Millions have been spent in the elections; but it is you, my countrymen, and your posterity who will have to pay all, with compound interest, for the outrage on morality.

Let us inquire what are the pretexts or real causes for a disaster that throws us back fifty years.

1. The elections were fraudulent.

In the elections of 1852, directed in this city by Colonel Bartolomé Mitre, it appears there were 9,000 votes against the Urquiza party, who counted 2,500 votes. The *Diario de Sesiones* of the provincial legislature of Buenos Ayres shows that it was the men who form the present nucleus of conspirators in the name of popular suffrage, that fraudulently kept back the electoral law of 1858 for reforming same During the administration of General Mitre, no law was proposed by his party to correct fraud or violence in elections, but several employés were dismissed for not siding with the government in elections. Why, then, complain of the fruits of their own work?

It is, however, your duty now to frame proper electoral laws, free from party spirit, to enable your adversaries to appear at least in a minority, or to win the election if they can. If you fail to devise such laws it will cost you one hundred millions every six years to remedy the perverse system heretofore kept as a medium of holding power.

The coming government is one *de facto*.

Phrases of this kind are often used for stratagems. Human society cannot subsist an hour without a government. In monarchies the crown passes to the next prince or a regency. Republics have vice-presidents, &c., for such cases.

In case of a revolution, or colony declaring independence, the government which succeeds is called a government *de facto*, and everybody obeys it. The sentences of the judges are as valid as before, and as soon as things get into order the *de facto* government is recognized by foreign powers.

The junta of the Cabildo on May 25, 1810, was a *de facto* government, and laid the ground-work of our nationality. General Mitre, after a certain battle, (Pavon,) was saluted as *de facto* President, and the provinces quietly obeyed his government until a regular Congress was convened. The people, who never commit frauds, after a decisive battle made the victor their President.

At present European powers are arranging to recognize the *de facto* government of Madrid, just as we previously recognized King Amadeo *de facto*. Thus, even if it were true, which it is not, that the government after mine were merely a *de facto* government, it would be the duty of all honest citizens to obey it, leaving to the conspirators the risk of involving our happy and prosperous country in the troubles of war, bringing in a *de facto* government of the sword after the people had been overcome, terrified, and stripped of their goods. This is their *beau ideal*, conquest.

It pains me to utter such words in the hearing of all men. My whole life has been a struggle with wrong and with "caudillos." My career ought to terminate in the privacy of my cottage, instead of creating posthumous enemies, seeing that I have friends as had Ivanowski, ever ready with the poisoned dagger to plunge into me.

But if I have not left you, as I fondly hoped, a well-constituted government, I at least bequeath you a nation welded together as one people, desirous to live in peace and to uphold the authorities, even though the latter be neither saints nor philosophers.

The moment the telegraph announced the first alarm of civil war, 50,000 Argentines took up arms. Buenos Ayres is on foot with all its power, Santa Fé has 6,000 armed men in the field, and Entre Rios, so long the patrimony of "caudillos," has 12,000 more ready for action. Corrientes, Cordoba, Mendoza, Tucuman, and the other provinces, are likewise in arms, waiting for my orders, while I am uncertain what to do, since I only know at present of three traitors, my sworn friends of yesterday—Rivas, Arredondo, and Obligado.

Let the humblest peasant of the interior know that the President of the republic

thanks him for his noble conduct, and that every upright man is bound to overcome the *energumenons* who are carrying devastation through the provinces like railway-engines that have lost their drivers.

I must also congratulate the army and navy. The officers who refused the gold of the conspirators put into my hands all the particulars of the plot. Some forces have been seduced by the murder of Ivanowski and the treason of their commander. Arredondo has fled from the field, and thought it more glorious to attack the unprotected city of Cordoba. Rivas goes through the frontier towns asking, what news from Buenos Ayres? What forces has the government? Who betrayed the traitors? The sailors of the Uruguay refused to serve their captors, and return from Montevideo to rejoin our navy.

Soldiers, the terrible military law makes a drummer an accomplice if his commander turn traitor. Don B. Mitre cannot command you, because he has resigned his rank. He has no title or commission, and whoever freely obeys him is a traitor. Rivas, Obligado, and Arredondo cannot command you, as they hold no commission even from a revolutionary government, on land or sea, such as the rights of nations treat of. They are merely chiefs of bands of marauders, at the mercy of whoever captures them.

Fellow-citizens, take my parting word as good advice. Rally round government. Shut your ears to political or military adventurers, and to all those who talk largely of patriotism in order to get their hand into the treasury.

Hitherto we have been going on well, without wars, troubles, or revolutions. Railways will save you, if the Vandals do not tear them up. Telegraphs have bound together all the provinces with the national government, making the Argentine watch-word be "Liberty, with government, peace, and institutions."

Having said so much to the people that obey the law, let me now say a word to the enemies who have produced this situation. I did my best to save them from their own errors. And now I can point out my modest cottage, where I had hoped to spend the rest of my days in quiet, and where, perchance, I may meet the dagger which I have never deserved.

National guards of the republic, soldiers of the army, support the new President D. Nicolas Avellaneda. He is to-day the greatest triumph of the Argentine Republic. If you think him weak, support him. Character and energy are not always to be found under a pair of epaulettes, or in the midst of popular plaudits.

Put down this revolution, and you will have given to the rest of America and to Europe the proof that you are a people, not a stepping-stone for ambition.

Wishing you every happiness and wisdom, I now say farewell.

D. F. SARMIENTO.

[Inclosure 2 in No. 26.—Translation.]

THE NEW PRESIDENCY—SPEECH OF PRESIDENT AVELLANEDA.

Business was suspended yesterday partly on account of the rumors of revolution, most of the shops being closed, and partly by reason of numerous brokers, merchants, &c., going to see the ceremonial at Congress, of President Sarmiento handing over the reins of power to Dr. Avellaneda.

Soldiers on foot, gunners, cavalry, national guards, and extramuros, besides contingents from Entre Rios and Santa Fé, kept the streets in animation from an early hour, giving a military aspect to our usually peaceful city. At noon the display of horse and foot in the Plazas Victoria and 25 de Mayo was quite imposing. The national guards occupied the south and west sides of the Plaza Victoria, the Entre Riano or Santa Fé cavalry forming in parade along the front of the cathedral and bishop's palace, while general officers, attended by brilliant staffs, all in a blaze of gold lace and splendid accouterments, galloped up and down by the Arch of Triumph of the Recoba Vieja, facing the obelisk of independence and Mr. Coghlan's fountains.

The Plaza Mayo was still more decorative. The artillery were stationed near the angle of the Hotel Argentino; the escolta, in Hungarian hussar uniforms, formed a line between General Belgrana's statue and the government-house; a double file of national guards connected the two plazas, and the infantry of the line were drawn up from the doors of the Congress-hall, in front of the custom-house and the new post-office, as far as the site of the old gate of San Esteban, (occupied by the English in 1859) recently removed to make way for the new post-office.

The number of spectators in both plazas hardly numbered 500, but the balconies were pretty crowded. The state-coach of the President was at the entrance of the government-house facing Paseo Julio, waiting to convey Don Domingo Sarmiento for the last time, and to receive its new occupant as soon as the Congress ceremony was

over. The windows of the government-house were open, showing inside a variety of grand uniforms and gentlemen in black, but we could not see any of the foreign ministers or consuls. Some of the consulates had their flags flying in honor of the occasion; the public offices also displayed the Argentine flag of blue and white. General officers and others might be seen proceeding from the government-house to Congress, but there was no cheering or disturbance, and the guards were motionless as statues around the entrance of the Congress-hall.

At 2 p. m. the grand cortege left the government-house, and in proceeding to the Congress-hall, Dr. Avellaneda wore a cheerful appearance, as if there was no civil war or the least trouble to damp his spirits. At the same moment an imperial salute of 101 guns was fired from the Plaza 25 battery, the troops presenting arms, the bands playing the national hymn, the members of Congress rising in their seats; and as soon as Dr. Nicolas Avellaneda was sworn in as the new President, he made the following speech:

"Messrs. Senators and Deputies, I have come on the day appointed by the law to take the usual oaths as incoming President of the republic. I have just taken these oaths in this place, whence for the last twelve years have emanated the laws that govern the republic. This is sufficient proof that the predictions of anarchy and treason were false, that subversive efforts were powerless, because in spite of the disturbances which make the occasion doubly grave and solemn, our constitutional system is not interrupted, but the reins of power are transmitted, and a new Presidency commenced according to law.

"On the 12th of June the electors of the fourteen Argentine provinces met and elected the new President and vice-president; friends and strangers and all the provinces watching with intense anxiety the upshot of the great electoral struggle which had so much agitated the country.

"When the contest was over, the result of the scrutiny decided the question irrevocably. Our institutions had sustained a rude shock and come out victorious. Quiet began to settle down on the minds of all, and that generous expansion took new life, which is a national virtue of ours, tending so powerfully to still past dissensions, and re-establishing the soft reign of harmony and good feeling in all our social relations.

"Suddenly a fraction of the beaten party persists in prolonging the struggle, calling in question the result already notorious. This was surprising, although it might be explained by the preceding agitation. Nor had the congress yet solemnly proclaimed the issue. It was only prudent to use toleration, although the shouts became of a menacing character. Moreover, the case was so plain, that we rationally supposed that the weight of conviction would at last quiet the agitators.

"At last the scrutiny by congress took place in legal form; the result of the presidential election was announced to the world, and so great was the disparity between the votes for the rival candidates that, even granting all the concessions called for by the opponents, there was still a considerable majority for the candidate declared by congress as duly elected president of the republic for the next constitutional period.

"But the excited passions did not cool down before the declaration of the law. We had, on the contrary, a spectacle never before witnessed in well-governed countries—the revolutionary emissaries spread themselves over the republic, generals perfidiously allied themselves with treason, conspiracy was carried on in broad daylight, and the press day by day indicated the course to be followed by the conspirators. All this was tolerated, although the party which had won was exercising power throughout the provinces.

"A revolution was hinted, but nobody believed in such a folly. The republic was making such progress and enjoying such liberty, that it was impossible to imagine any attempt would be made to snatch from us the blessings so dearly purchased after 60 years. We did not wish to use repressive measures to irritate the angry or to stir up bad passions, hoping that a sense of patriotism and duty would make them stop short of their sinister designs.

"We were, however, mistaken. The revolt began with the capture of two vessels and two wicked mutinies in the forces placed to defend the frontier from Indian forays. The assassin's dagger laid low two noble martyrs. The intention was to strike terror by means of crime, and at once the enthusiasm of the provinces rose up against it. Already we see Buenos Ayres, Santa Fé, Corrientes, Entre Rios, and Cordoba in arms. The rebel Arredondo traverses ninety leagues without being joined by a single man; while Colonel Roca, who escaped from the treason with barely 200 men, is able in six days to place himself at the head of a powerful army. His march is one of triumph, while the rebels disband or take to flight. It is a civic victory over a barrack mutiny. The revolt continues weak, relying no longer on its own elements, but on the flotsam and jetsam of twenty years of revolution. The institutions will be victorious; our republican system is safe, and we shall again show, as we have so often done before, that fundamental liberties are only obtained by blood and sweat.

"Messrs. Senators and Deputies, you will come next year to resume your sessions without anxiety for the present or alarm for the future; and it will be my pleasing duty

to assure you 'that we form at last a real republic, ruled by the majority; that all Argentines are in the equal enjoyment of liberties and suffrages; that we have suppressed the last conspiracy of an oligarchy which was blinded by the long possession of power, and wished to raise its pride or its folly above the will of the people.'

"But let us pass from the present circumstances, from a criminal episode produced by morbid or strange causes, and which will speedily disappear. The present advanced condition of the Argentine provinces is neither the work of men nor the effect of transitory occurrences. It springs from the public enlightenment, social advancement, wealth, trade, and industry of our actual state. Before long we shall resume the ordinary course of business, completing our lines of telegraph, pushing forward railways, and increasing the number of schools, consolidating and reforming our institutions, not altering the text of existing laws, but carrying out their real letter and spirit in all the provinces of the republic.

"I had intended to speak to you of many different subjects, but they would be of little interest to-day. A president of the Argentine republic can happily form his programme in a few words. His programme is his oath, and he has only to say that he has sworn it with religious sincerity, and will fulfill it with loyalty, perseverance, and patriotism.

"A famous historian, commenting on the progress of the nineteenth century, says that we do not go forward by a chance, but following fixed routes and landmarks. We see at present some of the oldest nations of the world checked in their march, uncertain which way to go, because they seek to solve all political and social questions by dogmatic or partisan rules, often contradictory, representing either the exploded theories of a remote antiquity or the suggestions of a wild utopia, that appears harmless in the abstract, but proves of a most sanguinary and cruel character.

"We have many of the faults of a young country; but we know what we are in search of, and what remedies we must apply to existing evils. Our political organization is clearly defined in our constitution, which may be more luminously explained by the constitutional history of the United States. Our social dogma is contained in the definition of certain rights and certain principles that are acknowledged by all our public men, and bear upon them the seal of common consent. The intentions of government are equally clear, because they simply imply the development of the country according to the wisest manner. For example, everybody knows that when immigration flows in upon our shores we have to foment and increase it, to turn it to good account, by dictating suitable laws, instead of allowing an accumulation of immigrants in a confined area, and thus causing an apparent blessing to become the source of new calamities.

"The increase of population, the gradual reduction of Indians, and their disposition to become civilized, are sufficient to point out the expediency of a new frontier law, such as the executive will think conformable to public opinion. The same may be said of other matters affecting our internal administration on which public opinion has already expressed itself.

"As regards internal policy, my programme is this: I consider the sole legitimate tradition that which overturned Rosas, suppressed arbitrary government, founded the present constitutional system, and sealed the unity of the republic. I do not, however, think that a government founded by liberal parties should be monopolized by a religious caste, as in India, but that office should be open to every honorable man who accepts the existing facts and principles and has enough talent to serve his country.

"A policy of reparation and tolerance is what we most require, for the more we overlook past dissensions the more we efface their recollection or causes, giving to our government a more administrative character, and tending more preferently to the advancement of the interests of public economy.

"As regards our foreign relations, it is unnecessary to say that I shall cultivate them by following the same course of loyalty and justice observed by my predecessor. This is now a national tradition, and America knows that we spare no consideration to be faithful to our international contracts.

"Nevertheless, I must observe that it is high time to settle questions of limits with some of our neighbors. These questions have been luminously discussed for some years back, and the ground is thus prepared for some definitive solution. I believe the same feeling is shared by the governments of the neighboring countries, because a prolongation of such controversies is apt to keep alive sentiments of jealousy, antipathy, and distrust in our mutual relations, thus weakening or endangering the fraternal harmony that has hitherto bound us together by reason of our common origin, language, and religion, and our common glories in the emancipation of this continent, which harmony can never be disturbed unless an aggressive, obstinate, or narrow-minded policy stir up artificial antagonisms among the various countries.

"Messrs. Senators and Deputies, I begin my presidency surrounded by difficulties, but I come by the straight path, bearing in my hands the credentials of the majority of the republic, which will lighten on my shoulders the task of government that I have just assumed. Relying on my own conscience and the support of my fellow-citizens, guided by your wise resolutions, I dare assure you that the credit of the nation will not decline under my administration, and that no act of mine shall sully its honor.

All of us, Argentines, learn from our cradle that the banner of the country must be kept pure and spotless, like the sun emblazened on its colors of white and blue. In placing myself in so elevated a position, I am mindful that my countrymen now view me in the chair where Rivadavia and Sarmiento have sat before me.

"Nations have at times to learn bitter lessons. We have learned in the present instance that the means of repression placed in the hands of government can never be abandoned without putting society in danger, that we may allow public opinion to erect pulpits or found newspapers, but that we can never allow sedition and mutiny to be preached in broad day; because a free people admits discussion and free suffrage, but is bound to shut the door on deeds of violence and arms.

"Messrs. Senators and Deputies, we shall soon have to witness a new spectacle, namely, the resumption of our normal routine of progress, each day marking a new step forward. We shall continue to count the miles of railway made, the steamers arriving, and the thousands of immigrants entering port. We shall push forward our telegraph-wires to the farthest frontiers, where barrack-mutinies have now taken place because we forgot to connect them with Buenos Ayres by wire. The learned men in the national employment will prosecute their scientific inquiries in our territories and our skies, and tell the world, as Dr. Gould has just done in the Athens of North America, the wonders of our unexplored regions; and, when next you meet in this congress hall, it will be to devise, with lofty feelings of patriotism, the most suitable means to restore tranquillity and order to our populations, so long agitated by the electoral struggle and the occurrences of the present hour.

"Messrs. Senators and Deputies, may the Almighty endow you with the wisdom that becomes your office, and give me the firmness and prudence to enforce the constitution and the laws. May the All-wise Providence send our country assistance under tribulations like the present, with which He sometimes visits nations, to draw from passing afflictions a positive and lasting good."

[Inclosure 3 in No. 26.—Translation.]

MANIFESTO OF GENERAL MITRE.

FELLOW-CITIZENS: As a public man of known antecedents, and candidate for president at the last election, and also as a citizen who accepts his moral responsibility before the people, I owe you a word of explanation as regards the attitude I have deliberately assumed in presence of the grave circumstances in which the republic now finds itself.

Permit me, in the first place, to remind you that, when I was the favorite of fortune and liberty, or when honored by the unanimous and unfettered vote of the provinces, I never made use of either victory or power but for the public welfare; that when my time was up I handed over the reins of power to the elect of the nation, leaving the republic, for the first time, united as one people, in the enjoyment of peace and liberty, triumphant abroad and prosperous at home. I retired into private life, free from animosity or ambition, and only came forward when the people and the government summoned me, either for advice or assistance, thinking that I had always corresponded to their confidence on similar occasions. Nor do I believe that the sincerity of my word was ever called in question even by my enemies.

With such antecedents, I neither thought nor wished to be a candidate for the presidency, as I publicly declared when I heard that my name was put forward during my absence from Buenos Ayres. Nevertheless I accepted the honor in the name of freedom of election, which I saw was at stake, my only desire being that the people's choice should prevail. Nor did I take any part, direct or indirect, in the electoral struggle, as I had made up my mind to bow to the will of the majority.

Notwithstanding the iniquitous tactics adopted and the coercion exercised by the governors of provinces, as well as the notorious frauds connived at by the public authorities, and the violent action of the troops on the day of voting, I discouraged and disarmed those who had voted for me, and wished to appeal to arms by declaring publicly, for the sake of patriotism, "that the worst of legal elections was better than the best of revolutions."

This conciliatory declaration, as accepting the ostensible result of the presidential election, even with all its faults, was intended to insure present and future tranquillity, and to leave the solution of all questions to the pacific action of public opinion in a constitutional manner; but it was not accepted.

Those who declared themselves victors aspired not merely to the immediate triumph, but also to a perpetuation in power by the same fraudulent means they had used during the election.

In effect, the public authorities, being parties to the plot, winked at the fraud, shut-

ting out the real representatives of the people, and accepting in their room the representatives of a daring forgery, which nobody denied and everybody openly confessed. The false returns which deprived the majority of the citizens of the right of suffrage were confirmed.

From that moment was, *de facto*, suppressed the right of suffrage, which is the source of all law and authority in democratic communities. The renewal of the public authorities no longer depended on the tranquil action of the vote of the majority, but on forged electoral returns, fraud, repression, and connivance of the government, all leagued in a regular system.

This was the annihilation of the first of our public liberties, from which flow all the rest. It was shutting out a great part of the people from all share, direct or indirect, in public affairs. It was the erection of an official oligarchy without even a majority, consisting of unscrupulous partisans who regarded power as their prerogative, and declared all means legal to this end, in spite of the "*vox populi!*"

This was trampling on the free-born rights of man, upsetting our republican system, violating the constitution in its fundamental part, shutting out, by a wicked usurpation, all legal means for a peaceful solution of questions affecting the commonwealth, and preventing even the hope of an appeal through an imperfect legal election.

The questions that should have been settled by public opinion and voting were thus placed in the ground of action, since there was no other means of recovering the usurped rights or the civil liberties that had been suppressed.

From that moment the revolution, hitherto checked by patriotism, became a necessity, and filled the hearts of all, without anybody having to become a conspirator.

Called, as I was, not only by my own supporters, but even by those who had opposed my candidature, to put myself at the head of the revolutionary movement, I refused point-blank; but I said that the revolution was a right, a duty, a necessity, and that, whether it was supported by few or many, we were bound to protest with arms in our hands, unless we submitted to the infamy of being unworthy or unable to guard or to deserve the liberties we had lost. I further declared that if a revolution were made I would put myself at the head of it throughout the republic, to give it national force and cohesion.

One only condition I laid down, namely, that my candidature should not be revived, and that as soon as the liberties of the Argentine people were once vindicated, I should be allowed to retire forever from public life.

From that moment, the elements of revolution condensed spontaneously. It was already in the minds of all, irresistible and irrevocable. Everybody knew it, except the government authorities, leagued with their partisans; a proof of their isolation and of the popular feeling in favor of the revolution.

The event has come, and true to my engagements and the voice of my conscience, as well as to the fulfillment of the sacred duties I imposed on myself, I now accept and assume the responsibility of the revolution, declaring, as I have hitherto done, that, under existing circumstances, it was a right, a duty, and a necessity, while I deplore that things were driven to such a pass that *de facto* authorities had to be met by *de facto* proceedings.

So it has also been understood by the people, who have responded to the anonymous invitation of the first who took up arms, valorously to defend the constitution and the rights that had been trampled under foot.

Even the majority of the army, which the Government counted on to oppress the people, have put their arms at the service of the revolution. Although it has not yet declared itself among the national guard throughout the republic, it germinates in every heart, even in the prison-cells, where men are now confined for being suspected of loving the integrity of our institutions, the liberty of suffrage, and of aspiring to overturn governments that manipulate elections, *de facto* authorities which owe their origin to fraud in the ballot-boxes.

In presence of this great and manly movement of public opinion, I feel bound also to declare that if, instead of being triumphant and overwhelming as it is, it had been only a weak and isolated movement, I would have embraced it in the same manner, with all its consequences, if only as a protest in defense of our dignity as a free people, since I am resolved to accompany to the end the last man that carries a banner in this cause.

If, as I feel assured, the Argentine people now vindicate their usurped rights, I trust that my fellow-citizens will allow me to declare that my career as a public man has come to a close, which will be fulfilling the sole condition that I demanded when lending my name to the revolution, and accepting its responsibility before friends and strangers.

Your countryman,

BARTOLOMÉ MITRE.

No. 7.

Mr. Osborn to Mr. Fish.

No. 29.] UNITED STATES LEGATION,
Buenos Ayres, November 13, 1874. (Received December 26.)

SIR: The situation here now seems to be critical. At the breaking out of the rebellion it was believed by the best informed that it would soon be suppressed, or that a compromise would be effected, and peace and prosperity restored to the country. But to this date the rebellion has not been suppressed.

The government forces have not surrendered, and business is almost entirely suspended. The outlook now is that the contest for the control of the government will be protracted and ruinous to the country.

The government claims to have now under arms a force of forty thousand men. On the 7th instant, the government issued a decree calling out a "reserve army" of fifteen thousand men, to be stationed at Rosario.

The government forces are opposed by a force said to be inferior in number, commanded by General Mitre in person. The general, on the 25th of October, landed with a small force at Tuyu, about one hundred miles down the coast south from Buenos Ayres, issued his proclamation, (a copy of which I inclose with this,) and put himself at the head of the revolutionary forces in the field.

General Alsina, the minister of war, has been appointed commander-in-chief of all the government forces, and has taken the field in person.

The forces of the government are divided into two armies. The one is known now as the southern army, now at Dolores, about one hundred and twenty miles south of Buenos Ayres, and under the immediate command of Julio Campas. The other, the northwestern army, now at San Luis, under the immediate command of Colonel Roca.

General Mitre's forces are divided so as to oppose these forces, and are respectively commanded by General Rivas and General Arredondo as his chiefs. Rumors of grand battles to be fought "manana" (to-morrow, very soon) have been afloat daily for weeks, and yet nothing of note has taken place in the way of fighting, save the dash of General Arredondo (rebel) into Mendoza on the 2d instant, beating the government forces under Governor Civit, the Mitrestas claiming it as a decided victory, and the government admitting a defeat and two hundred killed.

The respective fleets of the contending parties are about equal in number of vessels and power. Much has been promised by both in the way of naval engagements and the capture or sinking of vessels; but most of the time seems to be occupied in cruising up and down the Rio de la Plata, and the question is often asked, "Will they ever fight?"

The press is still kept under strict control by the government, and no military or political news is permitted to be published until it has been submitted to the war-office and permission granted.

A printed bulletin in the interest of the rebellion, without name or date, makes its appearance almost daily, denying the truth of almost everything published by the government, so far as military operations are concerned; hence, doubt and distrust are thrown over all information as to its reliability.

I have, &c.,

THOS. O. OSBORN.

[Inclosure in No. 29.]

GENERAL MITRE'S PROCLAMATION.

[From the Standard.—Translation.]

The steamer from Montevideo yesterday brought up the following proclamation from General Mitre, on putting himself at the head of the revolutionary forces in the field:

"TUYU, *October* 26.

"FELLOW-COUNTRYMEN AND COMRADES IN ARMS: Being called by the citizens who invoke the national constitution with arms in their hands, protesting against the *de facto* authorities who have by fraud and violence seized the public destinies and robbed the people of their liberties, I have this day set foot on the sacred soil of my country.

"Armed citizens: From this moment I take the field at the head of the army of vanguard, now fighting for the recovery of popular rights in the province of Buenos Ayres. At the same time I assume the command and military direction of the armies and divisions that are fighting for the same cause in the Riverine provinces, in Cuyo, in the west and north of the republic, as well as in the fleet which carries the ensign of liberty in the waters of La Plata.

"Southern inhabitants of Buenos Ayres: You have, in union with the volunteers from the city and central departments and the frontier garrison, got up spontaneously an army of 9,000 men, sufficient to insure triumph. You thus show the rest of the republic that you are descendants of those who raised the cry of liberty in 1839, at Dolores, and responded as valiantly to the revolution of 11th September, 1852.

"Comrades in arms: I come to share your dangers and your glories; to lead you to victory, and recover our lost liberties. This is the only post I accept at the call of patriotism and duty. After the triumph which awaits us; as soon as we deposit our flag and laurels at the feet of the sovereign people, I shall retire into private life, without any office, and hang up my sword, to take the place of a private citizen.

National guards of Buenos Ayres: There was a memorable epoch at which I had the honor to summon you to arms and lead you to do battle for our infant liberties. To-day, in my turn, I come at your call to recover the liberties founded in twenty-three years of struggle in republican life. I feel confident that, now as before, it will be your glorious lot to consolidate once and forever the rights of the Argentine people.

Argentine citizens: You can raise your head with legitimate pride. Revolution, which is a right against violence, and a patriotic duty under the sad circumstances at which we have arrived, was an imperious necessity, to save the body-politic, threatened by official corruption, and also to save our compromised dignity as a free people.

You must show the world that you are able to achieve and keep liberty, and that the rights of the Argentine people are not at the mercy of faithless authorities, who aspire to seat themselves by fraud and violence, depriving the citizens of the right to vote freely in the election of their true rulers.

It is not you who provoke the revolution, but those who have betrayed the sacred trust of public authority, which you confided to them for your service, with duly limited power, those who have revolted against the sovereignty of the people, the fountain-head of all power and right, and wish to impose on us a *de facto* authority, the offspring of compulsion, fraud, and usurpation.

You are the defenders of the violated constitutional law, and are about to revindicate the rights of an outraged people. Your noble attitude in face of so many scandals will remain as a striking lesson to teach peoples and governments how liberties once won are to be kept and defended, and how to treat those who betray high public trusts.

Citizens and comrades in arms: Our cause has the sanction of justice, and is authorized by the constitution. Its triumph is certain from the force of public opinion and the powerful elements sustaining it. The breeze of liberty carries our banners from La Plata to the Andes, from the Parana to the remotest confines of the north. We are the invincible defenders of right; to-morrow, after the triumph, we shall be its trusty guardians.

With these sentiments, and an unshaken faith in our great destiny to recover, preserve, and fructify the liberty which is the ground-work of peace, and which always triumphs in the struggles of democracy, be assured that you can always count on the decision and perseverance of your friend and countryman,

BARTOLOMÉ MITRE.

TUYU, *October* 26, 1874.

MY DEAR FRIEND: At last, yesterday, I touched Argentine soil, and I land to put myself at the head of the army in this province, and all the other armies in the republic that will fight for our cause. We reached this port on the evening of 24th, and at

once set about discharging, which was surrounded with difficulties. The enthusiasm of the camp-people could not be greater, and I could not have been better received. Truly, we have an army of from 9,000 to 10,000 men, well armed and mounted. I inclose my proclamation to the army.

The camps are good, and we hold the whole "caballada" of the province, the horses in splendid condition. The enemy has not crossed the Salado, and is suffering great desertions in Chascomus. The Salado is at swimming-mark, and the three passes on the river are kept by our forces.

Kind regards to all friends.

Yours, as ever,

BARTOLOMÉ MITRE.

No. 8.

Mr. Osborn to Mr. Fish.

No. 31.] UNITED STATES LEGATION,
Buenos Ayres, December 15, 1874. (Received January 22, 1875.)

SIR: I have the honor to inform you that the rebellion is suppressed and peace is restored to the Argentine Republic.

The rebellion, which began on the night of September 23rd, by the seizure of the government gunboats by the insurgents, was brought to a close in this province on the battle-field of La Verde, by the defeat of General Mitre and his army by Colonel Arias, on the 26th of November, and followed by the unconditional surrender of General Mitre and his army on the 2d instant, near Junin.

The battle, defeat, and surrender of General Arredondo and his army to General Roca and the government forces at Santa Rosa, province of Mendoza, on the 8th instant, has terminated the rebellion throughout all the provinces of the republic, and President Avellaneda has decreed next Thursday, the 17th instant, a holiday all over the republic.

The railroad, the telegraph, (pushed forward under the administration of President Sarmiento,) and the Remington rifles, (purchased in the United States,) have triumphantly settled the question at last, I think, in this republic of South America, that rebellion cannot succeed.

The President has decreed amnesty to all the rebel soldiers who laid down their arms at Junin. It is understood that General Mitre and the chief officers of his army will be tried by court-martial. If convicted, none, I think, will suffer death, except General Arredondo, who, as it is understood, caused the death of General Ivanowski, (a favorite general of the government,) by assassination, at Rio Cuarto, on the breaking out of the rebellion.

At the close of the rebellion the government had under arms fifty thousand troops. The grand review of the troops, the *Te Deum*, and solemn mass will take place next Thursday.

I have the honor to inclose printed copies of the official reports of Colonel Arias and General Roca, giving details of the surrender of Generals Mitre and Arredondo; also, copy of decree of amnesty to the rebel soldiers by President Avellaneda.

I have, &c.,

THOS. O. OSBORN.

[Inclosure 1 in No. 31.]

SURRENDER OF MITRE.

OFFICIAL DISPATCH.

[From the Standard.—Translation.]

CAMP AT JUNIN, *December* 2, 1874.

MR. MINISTER: It is my pleasing duty to send you inclosed details of the surrender of the enemy's army, of which I informed you this morning by telegram.

Your excellency is already aware that the beaten enemy abandoned on the field of La Verde on 26th ultimo numerous wounded, to whom it became a duty to attend, as they had no assistance of any kind.

This charge occupied me the rest of the 26th and part of the 27th, on which day I marched, having attended to 230 of the enemy's wounded, and picked up on the field 450 arms of all kinds.

On the morning of the 28th I was joined by Colonel Villegas, and, Levalle's division being here, we formed a council of war before my elevation to the rank of colonel was known. We agreed that Commander Levalle, being the senior, should take command.

On the following day my dispatches arrived, and Colonels Levalle and Villegas at once put themselves under my orders. I at once ordered a march on Chivilcoy, but changed the route, as the enemy were at Bragado, where we arrived on the 30th at 6 p. m. We halted here to eat and rest the horses, and marched again at 8 p. m., as I heard the enemy were going north. We reached Larga at 1 o'clock a. m. on the 1st instant, remained with horses saddled till 8 a. m., started again, marched all day and night, and came up with the enemy's rear guard on the morning of the 2d at Junin. We fell on him then and there, and after a few shots took 200 prisoners and 2,000 horses.

Without losing a moment we resumed the pursuit, and I had ordered Colonel Lagos to hurry in joining me to assist in the destruction of the enemy. We were marching at full gallop, and, joined by Lagos, were about to fall on Mitre's army, when an emissary rode toward us with an open letter, asking for a safe conduct for Don Matias Ramos, who was wounded. The letter was addressed to me under cover to Colonel Lagos. I sent the messenger back, accompanied by Captain Oliver, to tell the enemy to halt, and before the latter returned I sent Adjutant Rivera to summon the enemy to surrender. When Captain Oliver returned he told me the enemy wished to treat. I agreed, and after half an hour's talk we arrived at the following conditions:

1. Amnesty for the citizens in General Mitre's army.

2. Guarantee of life and good treatment for all the officers, from General Rivas to the ensigns.

3. Pardon for the line-soldiers with the rebels.

I let the beaten enemy down easy, Mr. Minister, as their chief admitted that the war terminated at La Verde, as he knew what terms the government had granted to Senor Lanusse. I was also desirous of saving bloodshed, as the enemy must have been destroyed if he elected to continue the struggle.

The whole day was taken up in disarming the enemy, whose force consisted of 2 generals, 45 field-officers, 295 officers, and 3,000 men, 300 of the line from the southern frontier.

After this, I think, I can assure your excellency that peace has been restored in the province, and I have only to recommend to your excellency and the President of the republic all the leaders, officers and soldiers who took part in this glorious day.

Through your excellency I ask the grade of colonel for commanders Levalle, Lagos, and Villegas, who so powerfully aided me, and also a step for their officers.

God preserve your excellency.

JOSÉ ANOCENCIO ARIAS.

[Inclosure 2 in No. 31.]

BATTLE OF SANTA ROSA—BLOODY FIGHTING.

OFFICIAL DISPATCH.

[From the Standard.—Translation.]

The rebellion may now be considered as suppressed all over the republic. Colonel Roca has defeated General Arredondo, taking him and his army prisoners. The following particulars are official:

SAN LUIS, *Tuesday*—5 p. m.

The justice of the peace at Sances sends the following message to the governor of San Luis for transmission to the President of the republic:

DECEMBER 8, *Tuesday*—2 a. m.

Mr. GOVERNOR: I have just received dispatches from Colonel Panelo with the most favorable news. Major Gimenez has just surrendered himself, with four men of the Fourth of the line and three others, announcing the complete defeat of Arredondo. I am starting for the Desaguadero, to watch the passes of the river.

R. TISERA, *J. P.*

On the 7th, at dawn, General Roca (promoted on the field by President Avellaneda) took up position about a league from one of the enemy's flanks. The camps were inundated, as Arredondo had cut the sluices; nevertheless, the national army attacked, and, after two hours' desperate fighting, completely defeated the enemy. The losses were severe, Colonel Paz and Commander Timote being killed, President Avellaneda, to honor their memory, raising both to the rank of colonel in the line.

OFFICIAL DISPATCH.

SANTA ROSA, *December 8th*, 1874.

Mr. MINISTER: I have the honor to inform your excellency that last night at 12 o'clock I advanced on the enemy's flank with artillery and reached his rear guard. At dawn I was ready, in spite of the darkness, the difficulty of the operation, and the uneven character of the ground. Arredondo had to leave his intrenchments and face me.

At 6 o'clock in the morning I attacked him. At half-past 8 o'clock he was routed, and he and all his officers and infantry prisoners, as also part of his cavalry, the rest escaping, having good horses.

The battle lasted two hours. It was bloody, and we have to deplore heavy losses, among them Col. Carlos Paz, who fell in front of the Third of the line, pierced by twelve bullets. Commander Timote fell in the thick of the enemy's ranks, and many other officers, whose names I will forward to your excellency.

I beg to recommend to the government all the chiefs, officers, and men of this army, especially Lieut. Col. Edward Racedo and Colonel Nelson.

I will send on details, and meanwhile congratulate your excellency on the pacification of the republic.

JULIO A. ROCA.

[Inclosure 3 in No. 31.]

THE HERO OF SANTA ROSA.

[From the Standard.—Translation.]

When the President of the republic received, on Tuesday evening, the confirmation of Arredondo's defeat and capture by Colonel Roca, he sent the subjoined telegram, congratulating the hero of the day, and raising him to the rank of general. It is worthy of remark that Colonel Arias, the victor of La Verde, and General Roca, the hero of Santa Rosa, are young men; the former has not yet reached thirty years of age, the latter is thirty-two, while both have had to measure swords with the oldest and most experienced generals in South America, the result in both cases being so decisive as to extinguish two formidable revolutions.

President Avellaneda's telegram runs thus:

"GENERAL ROCA: I salute you general of the armies of the republic on the field of victory. The blood of Colonel Catalan and his comrades is avenged. Arredondo has surrendered to you in presence of your triumphant army, while the bones of the gallant men who fell on the same spot by his hands (in the battle of October) shook in their graves uneasily at the tread of their barbarous immolator.

"It was your destiny, general, to close the campaign with a splendid victory. We all felt a presentiment to this effect, seeing in you that cool intrepidity which marks great captains, and which enabled you to form on a 'plantel' of 200 men, while retreating in the face of a powerful and arrogant enemy, an army sufficient to check his advance, protect the Riverine provinces, and foil the rebels in their plans.

"The military history of the republic has nowhere a week to compare with this in

glory. The echo of joyful salvos for the capture of Mitre's army at Junin was mingled with the first cannonade of the victorious day of Santa Rosa, and the victors of both fields exchange congratulations from Chivilcoy to Mendoza.

"General, salute, in the name of my government, all the commanders, officers, and soldiers of the army of the north, now covered with the dust of so glorious a battle-field.

"NICOLAS AVELLANEDA."

[Inclosure 4 in No. 31.]

Amnesty by President Avellaneda.

[From the Standard.—Translation.]

To the rebel soldiers who laid down their arms at Junin: As you have submitted to the national government, I hereby permit all of you to return to your homes, hoping that clemency will suffice to correct the errors into which you have been led.

During two months you followed the banner of revolt, and you saw the fruits of such a movement.

For two months you have been hunted about from place to place, and suffered all manner of hardship, seeing, moreover, the horrible spectacle of your having the Indians of the desert for allies, fighting by your side in two engagements, in which for the first time you suffered the ignominy of defeat. Before that you were accustomed to victory as loyal soldiers, on the fields of Paraguay, Talita, and Don Gonzalo.

You come now again to take shelter under the glorious banner of the republic. Your sorrows and sufferings are at an end. Return quietly to your homes and labors.

As President of the republic, I hope you will not forget this lesson. Keep it always before you, that it may save you from greater calamities another time. All the leaders, chiefs, and former rulers whom you were accustomed to follow are now fallen and powerless at the feet of the national government, which now restores to you the blessings of peace, contentment, and liberty that you forfeited by the revolt.

Return to your homes! A mild winter has been followed by a beneficent and rainy spring, covering our plains with a rich pasture. Go! And bear in mind that the protection of the national and provincial authorities will follow you everywhere.

Buenos Ayres, December 5, 1874.

NICOLAS AVELLANEDA.

No. 9.

Mr. Osborn to Mr. Fish.

No. 38.] UNITED STATES LEGATION,
Buenos Ayres, March 1, 1875. (Received April 22.)

SIR: Yesterday, Sunday, February 28, the palace of the archbishop was sacked, and the magnificent Jesuit College San Salvador, of this city, was burned to the ground by a mob variously estimated at twenty to thirty thousand, incensed and exasperated against the order of Jesuits by a recent pastoral letter of the archbishop, and his demand on the provincial government to return to the Jesuits the property taken from them by Rosas.

To-day the national government declared this province to be in a state of siege for thirty days, and called out two regiments of guardia nationales; and, while rumors are afloat of the burning of churches, the destroying of property, and the killing of the Jesuit priests, yet all is now quiet, and I believe the government is master of the situation.

The order of the Jesuits has in the last past ten years been tolerated but not recognized by this government. The first settlement in this portion of South America was made by the Jesuits in 1557. They were expelled by Charles the Third, King of Spain, in 1767. General Rosas, dictator of the Argentine Confederation, recalled them in 1836, putting

them in possession of St. Ignatius Church and the university, (originally built by the Jesuits;) but, upon their refusal to comply with his order to place the picture of himself, Rosas, on the altars of all their churches, he expelled them again, in 1842. In 1852, General Rosas was defeated by General Urquiza, leaving the affairs of the country in an unsettled state until 1862, when General Urquiza was defeated by General Mitre, who was elected President with the approval, seemingly, of all parties. In 1863, two batches of Jesuits made their appearance in the Rio de la Plata, one settling in Rosario, province of Santa Fé, the other in this city, and established two important colleges, without, however, demanding the recognition of the order by the government, which doubtless would have been refused. But they went to work quietly, and in the past ten years they have filled Buenos Ayres with converts and schools, having now under their control thirteen or fourteen establishments of great importance, and certainly monopolizing education to a very great extent.

It is generally believed that the present troubles are the results of the warm zeal of the archbishop in behalf of the Jesuits.

During the last session of congress, the archbishop, who is a member of the lower house, claimed, on behalf of the Jesuits, St. Ignatius church, the adjoining buildings of the National College, and the university. As soon as the fact became known, the press, echoing public sentiment, raised a clamor against it. The archbishop, in defense, published a pastoral letter, couched in harsh language, calling his opponents impious unbelievers and wicked.

Dr. Verala, a deputy to the provincial chambers, took up the matter and published an anti-pastoral, accusing the archbishop and deputy of double perjury as a dignitary of the church and as a representative of the people.

The next move was an indignation meeting against the archbishop and Jesuits, called by the "University Club" for the 21st ult., but was not realized on account of the police. Yesterday the meeting at the Variedades Theater, on the Plaza Victoria, was so immense that the police could not control it.

After speeches by the president of the National College and others, and issuing a protest, in the shape of an address to congress, against the claims of the archbishop and Jesuits, the cry was raised, "Down with the Jesuits;" "Free church and state;" "To the palace of the archbishop and Salvador College;" and the crowd rushed out of the theater, being joined by thousands of people by the time it reached the palace and college. Eight are reported killed and many wounded, but it is hardly possible to obtain the facts.

I have, &c.,

THOMAS O. OSBORN.

No. 10.

Mr. Osborn to Mr. Fish.

No. 40.] UNITED STATES LEGATION,
Buenos Ayres, March 6, 1875. (Received April 22.)

SIR: General Mitre, the chief of the rebellion or insurrection, and ten of his companions in captivity, arrived in this city this morning, by

an early train from Lujan. For some time it has been a question with the authorities whether the general should be tried by court-martial or by the civil court. At the breaking out of the revolt he was a brigadier-general in the Argentine army. Before he left the field he tendered his resignation; it was not accepted, but his name was stricken from the roll. It is now, however, understood that he will be tried by court-martial.

General Arredondo, the chief of the northwestern forces of the rebel army in the late rebellion, and captured at Mendoza by General Roca, escaped from his prison, and crossed into Chili by the Los Patos Pass, a telegram sent to the governor of San Juan, ordering troops to intercept him there, having arrived too late. It is rumored that his escape was made by collusion with the officer in command of the post, and has caused quite a sensation here.

I am, &c.,

THOMAS O. OSBORN.

No. 11.

Mr. Osborn to Mr. Fish.

No. 43.] LEGATION OF THE UNITED STATES,
Buenos Ayres, March 15, 1875. (Received May 3.)

SIR: Dr. Don Carlos Tejedor has been named minister extraordinary to Brazil by the President, and will proceed in a few days to Rio de Janeiro, to adjust, if possible, the difficulties between this government and Brazil.

For the past few days rumors have been current respecting objections made on the part of the Brazilian government to the fortifying of the island of Martin Garcia, and of the movements of Brazilian troops on the Uruguay, but this government has officially denied that any notes have been received on the subject.

These rumors are based doubtless on the demand of the Brazilian press that the Emperor should forbid the fortification of the island.

The island of Martin Garcia is being fortified by the Argentine government; but I do not think it will lead to war, for the natural right to fortify it has never been disturbed by any treaty stipulations.

The only treaties bearing on Martin Garcia, the one of 1853, with the United States, England, France, and Sardinia, and the other of 1856, with Brazil, in which the contracting parties stipulate, first, for the free navigation of the tributaries of the River la Plate; and, second, to use their influence to prevent the possession of the island by any riparian State that has not given its adhesion to the principle of the free navigation of said rivers.

In a conversation with the British minister, on the 12th instant, he informed me that his government agreed with the Government of the United States, that there is no legal right to require this government to desist from arming the island, especially so long as it shall respect the provisions of its treaty of 1853 for the free navigation of the rivers Parana and Uruguay.

The only question that can disturb the friendly relations between the two countries are those concerning the limits between Paraguay and the Argentine Republic, and the Paraguay-Brazilian treaties; and when

these questions are approached, the Brazilian press raises the clamor that the Argentine government wants war.

I do not believe there will be war. It is very clear that the Argentine government does not want war. I do not think that the Brazilian government wants war, but rather wishes to absorb the republics of Paraguay and Uruguay by the action of time instead of force.

I have, &c.,

THOMAS O. OSBORN.

No. 12.

Mr. Osborn to Mr. Fish.

No. 48.] UNITED STATES LEGATION,

Buenos Ayres, April 12, 1875. (Received May 22.)

SIR: In my dispatch numbered 43, and dated March 15, I had the honor to inform you of the mission of Dr. Carlos Tejedor to the Brazilian government.

The departure of Dr. Tejedor has been delayed by the yellow fever reported at Rio de Janeiro. I understand now, from Mr. Lamarca, secretary of the legation, that passage has been secured on the steamer that leaves here on Thursday next.

Since my arrival here I have abstained from transmitting any opinions to the Department in reference to the foreign affairs of this country, as I desire first to acquire some knowledge of its language and history, to enable me to do so with some exactness.

Since the dispatch of the acting chargé d'affaires of this legation, dated November 15, 1872, and published by the Department, the official correspondence has been confined to matters of routine, caused doubtless by the frequent changes in the *personnel* of the legation.

I think it not improper now to take up the thread of events concerning the Paraguayan question since the date of the above dispatch, and unravel it to the present time, as another and probably successful effort is about to be made to settle it between Brazil and the Argentine Republic, the two principal parties to the controversy.

The somewhat celebrated note of Dr. Tejedor to the Brazilian government, dated April 27, 1872, which was transmitted to you with the dispatch mentioned, remains as yet without any substantial contradiction, and must, I think, be considered as already belonging to the truths of history.

The mission of General Mitre to Rio de Janeiro subsequent to the note of Dr. Tejedor, while serving to pacify the irritation caused by the language of the note, in fact accomplished nothing as regards the main question of the limits beween the Argentine and Paraguayan Republics, to which is intimately allied the evacuation of Paraguay and of the Argentine island of Cerrito, at the junction of the Rivers Parana and Paraguay, by the forces of Brazil.

In the agreement, the sole result of this mission, signed by the Brazilian and Argentine plenipotentiaries at Rio de Janeiro, and which was approved by the Argentine government, but as yet never sent to Congress for ratification. Article VI provides that the two contracting parties shall withdraw their forces then in Paraguay (November, 1872) within three months after the celebration of the definitive treaties with

Paraguay; or, in case of a delay of more than six months from the date of this agreement, then Brazil and the Argentine Republic will come to an understanding as to a time for the evacuation, when Brazil will also leave the island of Cerrito, (or Otajo.)

* * * * * * *

The discussion of boundaries between this country and Bolivia has made no progress for more than a year, although Dr. Tejedor placed on record some three years ago the cordial desire of this Government to help Bolivia to a solution of its difficulties, by granting a liberal boundary, and material aid to construct a railway (originated by an American citizen) from the capital of Sucre to the River Paraguay, by the valley of the Pilcomayo, its natural southern outlet.

These limits are intimately connected with all the other matters above mentioned, and perhaps a tripartite arrangement between the three republics would be the best way to settle them, although it does not appear that Paraguay has any original right or reasonable claim to any part of the Chaco. I have conversed with several Paraguayans, and they all say that a separate jurisdiction over the opposite bank of their river is the only way to enable civilization to penetrate to their country, as well as the only safeguard of their own lives in case of insurrection or revolution. The latter has proved to be the case several times in the last three or four years. The claim to the opposite bank they declare really originated, and is sustained by the influence of the Brazilian government, with their chiefs, for the sole purpose of preventing that friendship between the two republics which a common origin and a common interest so imperatively require.

Dr. Tejedor goes to Rio de Janeiro to make a fifth attempt to bring all these difficulties to a final solution. He goes, as it is understood, at the express desire of the Emperor, and under positive promises previously rendered, which will probably make his mission a success on Argentine principles. But time alone can prove the truth of this.

In the event of an unfavorable result, I think no war will ensue between the two countries for some time, as I think neither party is mad enough to desire it or begin it, and would prefer to wait and leave matters as at present.

The whole diplomatic and consular corps at Montevideo, a few days ago, protested against the passage of a law making paper money a legal tender there. The Argentine government immediately by telegraph disapproved of the action of its minister, and ordered him to withdraw his signature and apologize. This act has been severely commented on by the press, and the course of this government fully approved.

I have, &c.,

THOMAS O. OSBORN.

[Inclosure in No. 48.—Translation.]

DEPARTMENT OF FOREIGN AFFAIRS—MEMORANDUM ON THE QUESTION OF LIMITS WITH PARAGUAY.

There are two periods to the negotiation with Paraguay.

In the first, Dr. Quintana could not obtain an understanding with Baron Cotegipe, in reference to certain previous declarations intended to define the obligation taken by Brazil, to protect the territorial rights of the Argentine Republic as far as Bahia Negro.

In the second, General Mitre was unable to come to an understanding with the Par-

aguayan government, notwithstanding the unlimited countenance offered by the empire, according to the agreement of November 19, celebrated in Rio de Janeiro, 1872, where useless efforts of two of the most distinguished men of the republic are alone sufficient to prove that the negotiations with Paraguay contain something more than difficulties about limits. In fact the war with Paraguay so completely prostrated that country, that its own sons doubt the possibility of preserving its national independence.

The death of Lopez gave it liberty; a constitution irreproachable in a theoretical point of view has confirmed it; but the civilization, customs, and power necessary to maintain it are wanting; and it is the general conviction that Paraguayan liberties for a long time will be at the mercy of daily insurrectionists.

Under these circumstances, a negotiation in which this republic only defends its national integrity, presents a complicated problem of difficult solution, and the undersigned, minister of foreign affairs, when a resolution is about to be taken which may be of incalculable consequence, feels the necessity of setting forth in writing the motives for his opinion.

Paraguay, withdrawn by the Dictator Francia from the general movement of manipulation in 1810, when that movement commenced, was a province of the vice-royalty, and bound by the rivers Paraguay and Parana; even the line of the Parana was only *de facto*, because her true limits on that side was the river.

The province of Paraguay in colonial times did not permanently occupy any point whatever on the left margin of the river Parana, nor of the right bank of the river Paraguay, the Villa Occidental being of much later origin, as also the Tranguera de Lareto upon the Parana.

The treaty of May 1, (Alliance, 1865,) establishing, as it does by Article XVI, the right to exact the definitive treaty-limits on the following bases: the Argentine Republic shall be separated from the republic of Paraguay by the rivers Parana and Paraguay until the limits of Brazil are met, these being at Bahia Negro, on the right bank of the river Paraguay, did nothing more than corroborate the truth of facts and right.

The Argentine Republic neither received nor increased a single right through victory.

In the first negotiation, nevertheless, Baron Cotegipe did not wish to admit any declaration which might oblige the empire to countenance claims which passed to the north of the Pilcomayo.

In the second, the marquis of San Vincent admitted the force of the treaty of alliance in all its points; but it appears that his government reserved to itself the right again to deny its approval beyond the Pilcomayo, Señor Magalhaens having said in Asuncion that he said San Vicente had disobeyed his instructions by not thus stating in the agreement of November 19.

The question, therefore, of the Chaco with Paraguay, is only on the territory comprised between the Pilcomayo and Bahia Negro; or rather in the Villa Occidental, which Paraguay does not wish to lose, and which Brazil wishes her to keep.

The Argentine Republic as a danger to the independence to Paraguay; as a menace to her commerce.

It may here be asked, is the real danger for Paraguay, perchance, to come from the Argentine Republic? Could not the alleged inconveniences to her commerce be settled by customs agreements? Is not the independence of Paraguay recognized by the Argentine government and guaranteed by the allies? But the answer to all these questions would carry me too far, and I must sacrifice them to brevity, only occupying myself with the attitude which it becomes the republic to assume in this delicate situation.

The Argentine negotiator decided in favor of the cession of the Villa Occidental, and all the territory comprised between the Pilcomayo and Bahia Negro, with the promise on the part of Paraguay to recognize to the Argentine Republic dominion over the missions, island of Cerrito, and Chaco from the frontiers of Sante Fé to the Pilcomayo.

On my part I have maintained my previous negotiation with Bolivia, and during the present one with Paraguay, that the Villa Occidental ought to belong to the Argentine Republic, its northern boundary being the nearest stream or river, and ceding the remainder up to Bahia Negro to the republic which first treated with us.

The reasons on which we both founded our different opinions are extensively set forth in the notes exchanged during the negotiations, and it seems useless to repeat them now. In this memorandum I ought to limit myself to considerations of another order, which corroborate my opinion before omitted, to wit, the cession of the Villa Occidental, were it granted, would import its immediate evacuation, thus repudiating our own conduct when we occupied it. By this cession our frontier on that side would *de facto* be withdrawn to the populated part of the province of Sante Fé, [NOTE BY TRANSLATOR.—Seven hundred miles down the river,] leaving the intermediate bank subject to new settlements *de facto*, of Paraguay, such as those realized from 1810 to 1850.

Paraguay being master of the banks, from twenty degrees to twenty-five degrees thirty minutes of latitude, would hold the power to again impede the navigation of the river, and withdraw itself from the civilizing influences of commerce and contact with other nations.

The weakness of the present government of Paraguay offers no security that it would not fall before the compact which contained such a cession could be constitutionally ratified; or that the successor would refuse to continue it; or congress, on its part, to approve it; then the Argentine government would have entered upon the road of concession, in which it would not be possible to stop.

The instability of the Argentine government, and the resistance of its congress to a treaty made by the executive upon the above-mentioned basis, are not to be feared to the same degree; nevertheless, in prudence, they ought not to be forgotten, because it is not impossible that, for the purpose of rejecting such a treaty, we might witness a coalition of those who formerly opposed the alliance on account of its enemies, no matter in what form it might have been made, because they are the enemies of the empire, whose little friendly influence in this emergency could not be concealed.

But, supposing all for the best, while the Argentine Republic, fulfilling its word, should immediately evacuate the Villa Occidental, Paraguay, through the Brazilian forces, would be subject to an agreement which could not be evaded for much time, neither from considerations of public order in Paraguay, nor from the guarantee offered in the Cotegipe treaties, or from the want of participation of the republic of Uruguay; this fact constitutes a greater danger than the want of treaties with Paraguay.

I do not believe that the good name and patriotism of the Argentine government ought to be exposed to so many and great inconvenience in order that a conventional law may grant that which she already possesses; and, on my part, I propose as follows:

1st. That within the time fixed by the Paraguayan government, it be informed that the last word of the Argentine government is arbitration, exclusively applied to the territory confined between the Pilcomayo and Bahia Negro, including the Villa Occidental; or, instead of this, the definitive line of the Pilcomayo by way of transaction, saving to the Argentine Republic the Villa Occidental.

2d. That this same communication be made simultaneously to the Brazilian government by means of its envoy extraordinary near the Argentine government, Baron de Araguaya, expressing to him, at the same time, the desire that he receive instructions to support either of these pacific solutions; or, in defect thereof, agree to the evacuation of Paraguay, according to article 6th of the agreement of November, 1872.

CARLOS TEJEDOR.

BUENOS AYRES, *October* 14, 1873.

No. 13.

Mr. Osborn to Mr. Fish.

No. 52.] UNITED STATES LEGATION.

Buenos Ayres, May 10, 1875. (Received June 24.)

SIR: On the 8th instant President Avellaneda opened the Argentine Congress by delivering his message in person to both houses assembled in the chambers of deputies.

The President, his cabinet, and officers of the army proceeded on foot from the President's house to the house of congress with a battalion of troops as guard of honor, and was received by a deputation from both houses on his arrival.

The message of the President, which I have the honor to transmit herewith, was well received by the press and the people, is considered a plain statement of facts, and is accepted with much favor, not only by the friends of the administration, but by the foreigners residing here and many of the opposition, who, since the inauguration of President Avellaneda and the close of the rebellion, have stood aloof and have given little or no sympathy to the government.

The two iron-clads, on the monitor plan, and torpedo-boat, built in England for the Argentine government, arrived a few days ago, and are now in the waters of the Plate.

The torpedo-boat, called the Fulminante, was brought out by Mr. Hun-

ter Davison, chief of the Argentine torpedo department, an American, and formerly of the United States Navy. The vessel is considered a very formidable one, and is calculated to do much execution when called into action.

I have, &c.,

THOS. O. OSBORN.

[Inclosure in No. 52.]

President Avellaneda's message to the Argentine Congress.

[From the "Standard," May 9, 1875.—Translation.]

Messrs. Senators and Deputies:

The republic enjoys tranquillity and expects you to dictate those laws which will give stability to its institutions and promote its progress. The rebellion was but a passing fever engendered by the long and convulsive electoral struggle. The people and faithful soldiers rose and crushed it, showing that the oligarchy of a minority may raise a mutinous army, but must succumb to the reason and strength of the nation. When you closed last year's session, six months ago, the insurrection had broken out, and threatened to imperil the welfare and institution of the republic. To-day you resume your benches as peacefully as ever, to study the development of the country, which is the great task of the new administration which you installed in October in the midst of many dangers. These dangers have been overcome, and peace is now triumphant.

The rebellion.

The province of Buenos Ayres was the focus of revolt, and here we organized three *corps d'armée*. After the victory of La Verde the heroic division of Colonel Arias received the submission of the rebels at Junin; the armies of the south and west were also converging thither, but even had the rebels escaped our pursuing forces they must have succumbed to the reserve-army, 6,000 strong, on the Arroyo del Medio.

Arredondo's rebel forces still held their ground in the Cuyo provinces, making forced levies after the defeat of Colonel Catalan, who perished, with 400 of his men, in trying to prevent the rebels from entering Mendoza. Meantime General Roca was preparing the army of the north, and in twenty days started from San Luis by forced marches to overtake Arredondo's army, which he cut to pieces at Santa Rosa.

The water-rebels under Erasmo Obligado had made away with a gunboat, to which the revolutionary committee at Montevideo added an armed steamer; while our only war-vessels were the Uruguay and Pavon, which ran foul of each other in trying to leave port. Pending the arrival of the new iron-clads from England we fitted up the other old steamers, now in commission as coast-guard vessels. At last the rebels abandoned their vessels, Obligado sending back the gunboat with a note to the government.

A movement in Corrientes was opportunely checked by a division of 800 men we sent up from Rosario under Colonel Obligado.

All these operations followed each other so quickly that in ten weeks from the day I had assumed power the war was over, peace firmly established, and after passing in review the largest army ever raised in these countries, I dismissed 60,000 soldiers to their homes, whose efforts had been crowned with victory.

Soldiers and chiefs, people and governors had all done their duty. Impartial reports tell us that Europe and America applauded the new spectacle of a South American republic crushing anarchy and vindicating its government as the only means of peace and progress. Hence our bonds were quoted on the London stock-exchange in January and February at the maximum figure of 95.

Since the pacification, order everywhere prevails, the government resting on the incontrovertible basis of the popular will, except a few hundred individuals who set themselves against the vote of the nation and the authority of Congress, and who seem to reject the benefits of a clement administration by converting their own disappointed views into public grievances.

You, who now come from all points of the republic, know that there are two millions of Argentines secure of the present and confident of the future; and in order to convince natives and foreigners of this fact before the opening of this session, I repaired in person, a few days since, to Entre Rios, which was recently so convulsed, and without a single attendant soldier traversed the extreme eastern frontiers without meeting any but towns and citizens animated with loyalty to the government and a desire to carry out works of progress, such as your honorable chambers will sanction from time to time.

Home affairs.

During the rebellion we had to proclaim state of siege and martial law, while the elements of war were collected with an activity and spontaneity never before witnessed. Only in two or three cases had we to use the extraordinary faculties of the occasion, as we saw no necessity for arrests or personal severities when everything was to be decided in the field. At the termination of the war we followed the same course, and the press of foreign nations unanimously remarks that never before was a revolution in Spanish America put down with less severity to the vanquished.

The terms of the Junin capitulation have been faithfully carried out. In a fortnight we sent 4,000 rebels to their homes, even at the risk of disorder in the rural departments. Even the refugees at Montevideo, who formed the rebel committee for the supply of arms, &c., received permits to return quietly to Buenos Ayres. Hundreds of *civilians* who had actively espoused the rebellion, and public writers of sedition who had even taken up arms, now walk about our streets; nor is there one actually detained in our city prisons.

The only exceptions were those officers of high rank who are about to be tried by a council of war, since it is necessary to uphold army discipline and prevent military commanders from turning to factious ends the arms confided to them by the nation. Hence the sentence, whatever it be, will at least condemn the inflammatory proclamations spread through the Campaña to subvert law and congress.

The results will enable us to judge how far we may consider the rebellion as an episode foreign to our social and political system; but the government has learned by painful experience that if we altogether abandon the means of repression we expose public order to those convulsions which blindness or debility may favor, when social interests call for vigorous protection.

The question of amnesty is of extreme gravity. When the rebels found themselves weak they endeavored to enlist partisans of former rebellions; and then I was urged to declare an amnesty in Entre Rios, to prevent any movement in that province. But I firmly refused, because amnesties should be the magnanimous acts of a strong government, beyond danger of anarchy, and can only inspire confidence under such conditions.

Now, however, that all danger has passed away, I think congress would do well to pass a general amnesty law, (except for ordinary crimes or personal damages,) to include all revolutions previous to that of last September, and even this latter may be included as soon as the implicated parties become convinced that, however party spirit may prevail at home, we have but one name and honor before the world, which it is unlawful to assail, and that the constitution can never be infringed.

Foreign affairs.

The European and American governments deplored the revolution which threatened to interrupt our progress, and hoped that law and order would triumph. Our relations continue friendly with all foreign powers.

Meantime we have questions pending which, as I told you last October, I should do my utmost to wind up amicably, and without affecting the honor of any parties concerned. For this end I have sent Doctor Tejedor on special mission to Brazil to arrange the questions arising out of the triple alliance, especially as regards our limits with Paraguay.

Relations are restored with Uruguay, and a chargé d'affaires appointed at Montevideo. This will obviate the constant difficulties occurring before about sanitary regulations.

A minister has been sent to London for the new legation created by the budget.

Two postal conventions are being arranged with Spain and Germany, through the respective ministers. We have a no less friendly response from the Italian legation to the same purpose. These will be the first postal treaties between this country and European powers; they have been much called for, and will have the effect of reducing the postage, which is at present so high as to create an obstacle to our transatlantic relations.

Interior.

On the conclusion of the war we had to disband and pay off 60,000 men, which occupied all our attention for some time.

The governors of San Luis and San Juan having left the country on the triumph of the federal arms, the local chambers filled their places without any interfence on our part.

In Santiago a similar change of government has been hailed as a new epoch for that people. Hundreds of Santiagueños who were scattered over the other provinces have now returned to their homes. The sectional judge had requested the aid of the federal troops to carry out his decrees, whereupon Colonel Olascoaga was sent thither to be at his orders.

The new system of camp-judges and tribunals in Buenos Ayres promises well—the previous centralization deprived outlying districts of law and order. Let me remind you that the bill for establishing trial by jury all over the republic awaits your consideration.

Finances.

Short wars are always the cheapest, and this has been again proved in the late revolution. The first revolt in Entre Rios cost 7,500,000$ f.; the second, 4,600,000$. Yet up to the present all payments incurred by the September revolution only amounted to 3,900,000 dollars. This includes the pay of 60,000 militia, who were all paid off before discharge, an event unprecedented in these countries.

We have paid the war-expenses and met the ordinary expenditure of the budget, in spite of a decline in revenue; we have also paid 4½ millions fts. of arrears to the war-office between January 1, 1874, and April 30, 1875. We have also paid for the arms and ships bought in Europe, and for which no funds had been set apart. All this has been done without injury to our credit, or even having to negotiate the balance of the loan in London. The finance minister, even at the darkest moment, paid no higher for money than the national-bank rate.

Our revenue arises from the custom-house import and export duties, the two years standing thus:

The public works of the 1871 loan proceed without interruption, and are defrayed out of the loan.

The expenditure during 1874 amounted to 29,784,000$ fts., which, notwithstanding the war, is 1,282,000$ less than the previous year—a proof of the wise economy of the last and the present administration. The budget for 1874 had put down the ordinary expenditure at 23,383,000$; but we expended much less, and find now a surplus of 3,702,000$. The special laws authorized an extraordinary expenditure of $25,000,000, and of this sum we only spent 8,929,000$.

The receipts in 1874 were 16,526,887$, showing a deficit of 3,905,000$ as compared with the estimates in the budget, and a decline of 3,633,000$ from the revenue of 1873.

	1873.	1874.
Import duties	$16,516,000	$12,540,000
Export duties	2,488,000	2,299,000

Import duties show a decline of $4,012,000, but exports only $189,000, which latter was caused by the drought and political events.

If we compare the trade returns, we find the value of imported goods fell away 21,688,000$, while our exports only diminished 2,857,000$. Hence the deficit clearly arises from a decline of import trade, and not from the quantity or value of our exports, which represent the industry and productive power of the nation.

Economists value a country by its products, and as long as our productive power continues the same we shall be able at any time to recover from the transitory effects of a disturbed trade or decline in the consumption of imported merchandise. Thus the crisis which at present affects our great emporium, Buenos Ayres, is of an accidental nature and will pass away as peace takes root in the interior; the increase of our products will speedily bring things back to their normal condition.

The national and provincial loans in London flooded our market with gold. The banks offered cheap money, and the public was tempted by seductive as well as unprecedented facilities for credit. The country was not prepared for such abundance; such enormous capital could not find immediate employment, and speculators then began to pour out wealth on sterile land sites, giving the same artificial value by passing them from one to another, while the merchants saw their warehouses crowded with an accumulation of imported goods far beyond our requirements. When the time came to pay up a crisis ensued, but its effects are already diminishing with a reduction in public and private expenditure.

The trade of the other cities continues as prosperous as before. The Rosario custom-house shows for the first quarter of 1875 an increase of $105,000 over the corresponding quarter last year. Corrientes has doubled in the year, and the minor ports of the province of Buenos Ayers are equally satisfactory.

Post-office and telegraph receipts increased notably in 1874, the former showing a still greater advance in 1875, as also stamped paper.

The finance minister jealously guards our credit in Europe. The money is already in London for payment of the July coupons of the 1824 and 1868 loans, besides a considerable sum remitted for the coupons due next September on the public works loan of 1871.

Immigration.

The tide of European emigration declined last year, not only to the Argentine Republic, but still more as regards the United States and Australia. The returns show—

	1873.	1874.
United States	268,288	149,762

This is found to arise from the measures taken by European governments to increase their armies, and to improve conditions in certain countries.

With us the immigration has been very irregular; in 1870 it reached 41,000, then fell to one-half. Its maximum was in 1873, when it showed 79,712 immigrants, while it fell last year to 63,277, being a decline of 11,400. The present year shows a further decline, owing to the political events and the crisis.

It is impossible to prevent the effects of war or crises; when poverty prevails people will run away, as they are now doing from New York, as well as from Buenos Ayres. But we can distribute immigration better through the country; we can offer land-grants to industrious settlers, and open up a fresh stream of hardy Northern European immigrants by providing them with passages to Buenos Ayres at the same cost as they would pay to the United States. Public opinion urgently calls on congress to adopt these measures. Meantime I have done all in my power, forwarding immigrants to the upper provinces, organizing provincial committees, inciting the various governors, sending agents in all directions, and placing 4,400 immigrants in the first quarter of 1875. This includes 25 sent up to the Bermejo, now open to steamers, where thousands will soon follow. In my six days' trip through Entre Rios I visited the rising colony of Villa Colon, the custom-house of which showed $3,000 for the first quarter of 1874, and $16,000 for the same months of 1875. Let me add, as a proof of the success of our agricultural colonies, that the colonists of Santa Fé obtained two million hard dollars for their grain-crop of 1874. As regards the Concordia colony on the west frontier of Buenos Ayres I sent assistance to the colonists, who had suffered greatly by the war and failure of crops.

Railways, telegraphs, mails.

The committee of three engineers has given its report on the Tucuman Railway. The first two sections are about to be opened for traffic from Cordoba, a length of 170 miles, thus bringing the northern provinces within five days' journey of our ports.

A new section of 75 miles on the Rio Quinto line will be finished this year.

The Primer Entre-Riano line at Gualeguay has been handed over to the Entre-Rios government.

Some days since I personally inaugurated the East Argentine Railway, which runs out 96 miles, from Concordia to Monte Caseros. Congress ought to prolong this line to Paso Los Libres, which would make Concordia the market of all the upper Uruguay trade.

As you suppressed the department of engineers, the surveys for the proposed line from Concordia to Gualeguaychu (160 miles) were approved by the new committee of public works.

No new telegraph lines have been constructed, but you will see what trouble we have had to repair existing lines during the war; 748 miles were repaired on the Entre Rios and Corrientes line, where the rebels had destroyed 27,000 pounds of wire.

The receipts for telegrams increased 40 per cent. over 1873, and telegraphing has now become general with the inhabitants. We are laying two extra wires hence to Cordoba, and one extra from Rosario to Santa Fé.

There are still towns of 7,000 or 10,000 inhabitants in the province of Buenos Ayres without telegraphs, and I have offered every assistance to the governor to remedy such defect. Congress had better at once construct lines to the frontiers of this province, to connect the military outposts with the war-office. The minister of war urges this in his report as all-important to guard against Indian invasions.

The post-office department was prompt to restore the western communications interrupted by the rebellion. Many improvements have also been introduced, increasing the number of mounted couriers, and abolishing the costly mail-cars by subsidizing mensagerias. The post-office produced $174,000, an increase of 16,000$ f. over the previous year; during the current year we shall have three times this increase, owing to the increased service and expenditure. The returns of letters, &c., are superior to all other South American countries, except Brazil, and show for 1874—

Letters	3,731,324
Dispatches	230,143
Newspapers	1,956,864
Total	5,918,331

Which were carried in the following mails:

	Bags.
By steamers	7,906
Sailing-vessels	97
Railways	14,090
Mail-cars	4,972
Horse-men	2,637
Mensagerias	7,747

Each paper or letter cost for carriage two-thirds of a cent, and produced 3⅓ cents. The post-office report suggests interesting reflections.

Administration.

President Sarmiento created ports at Ensenada, Zarate, and San Pedro, which greatly facilitate commerce and increase the revenue. I have in like manner opened Bahia Blanca and Ajo, for coasting and foreign trade; Ajo has already produced 40,000$ revenue in three months.

The new custom-house at Rosario is now in use; a port will be at once constructed, and the finance minister is arranging with the Central Argentine Railway for a branch to the pier, which can be made at little cost, and will be of immense service for the trade of nine of our provinces. The new regulations and facilities for northern trade are found of great benefit.

The proprietors of the Catalinas wharf and stores have petitioned for permission to prolong their works.

The dredging of the Riachuelo was not interrupted during the war. Two dredges are working, and we have already removed 10,000 tons of mud from the river. The project will be submitted to you for canalizing the same, as proposed by the late department of engineers.

Surveys are being made for canalizing the Gualeguaychu, Victoria, Goya, and Esquina Rivers; but there are many other bars in the Parana and Uruguay for which I propose to get out two dredges; and then we shall have the ports and channels free for commerce.

The department of agriculture is doing much good all over the republic. Last year it distributed 200,000 plants and 16,000 parcels of seed. An agent is appointed in each province to facilitate the work, and also to report on the soil and climate.

The park at Palermo, for the city of Buenos Ayres, progresses rapidly under the able direction of the late President of the republic.

Public instruction.

The census of schools has been retarded by the war, but we have to report renewed activity in Mendoza, Santa Fé, Entre Rios, and Buenos Ayres. In Mendoza City we find one-fifth of the inhabitants attending school, including night-schools for adults. A normal-school is about to be opened at Tucuman; that of Parana has doubled its pupils. The government at Buenos Ayres has approved of the plans for the girls' normal-school, for which the national treasury holds $f,400,000 as voted by congress. The national college of Rosario was opened on March 1st. There are in the other 14 national colleges 4,000 pupils, and since January we have appointed 60 professors for new courses of study. We have sent to Europe for physical apparatus, books, &c., and the number of these and of free libraries will greatly increase this year. The Cordoba Academy of Science has been re-opened; the new building is pushed forward.

Dr. Gould has presented two luminous reports on the astronomical and meteorological departments. We shall shortly require funds to publish the Uranometria Argentina and climatic observations, forming voluminous works. Several scientific associations of the United States have sent us valuable donations of works, as an encouragement for our efforts; such friends deserve our public thanks.

The University of Buenos Ayres has remodeled its faculty of science; institutions of this kind raise our intellectual level, and give a lasting glory to the country.

Army and navy.

The war-office had a busy time in equipping armies and moving them about; when the rebellion was over it had to pay off the divisions and convey the men to their homes, as most of the forces of the north, reserve, and Buenos Ayres divisions were national guards. Then the troops of the line had to be sent to the frontiers, where the barracks and plantations had been destroyed, after costing much labor and money; all had to be recommenced.

The army was found short-handed, the rebellion having wiped out four regiments of cavalry and two battalions of foot; but as the ballot was judged inadvisable, the war-minister ordered a general recruiting by voluntary enlistment. For this purpose the republic has been divided into eight sections, each under a high official.

The war-office report will soon be laid before you, with a new method for frontier protection and some bills on army reform. We propose to suppress the proveedurias, which have been making money out of the soldiers' rations.

The artillery-depot has undergone a total reform. Steam workshops are being got ready, which can turn out all kinds of arms and ammunition.

The fleet now consists of 2 iron-clads, 2 gunboats, 1 torpedo-boat, 2 steam-trans-

ports, 8 war-steamers, and some sailing-vessels, besides 4 more gunboats that Minister Garcia reports from England to be nearly finished.

The marine-school is reorganized, and the government is now equipping a floating-school for sailor-boys.

You have now before you, honorable gentlemen, an account of my administration during six months. Let me observe that I have received valuable co-operation from many private citizens, especially from those forming the committees of marine, artillery, and commissariat, besides the director of railways for the province of Buenos Ayres.

Messrs. senators and deputies: You represent a nation that is making great strides, and which only requires wise laws and prudent administration. The rebellion was but an accident, which showed that the republic will not consent to anarchy or disorder. The commercial crisis, far from indicating decadence, is precisely such as the most flourishing nations at times experience. The causes in our case can easily be remedied, and will act as a lesson for the future. When people put capital into unproductive investments, or that the consumption of imports is excessive, you have only to increase labor and production, at the same time cutting down both public and private expenditure. The public is beginning to see this, and already a great reduction of imports shows general economy, without prejudice to our social condition.

I cannot see a cloud on any side of our horizon. Our home-policy is one of clemency and reconstruction; and as regards the rest of America, it is peace.

You may therefore tranquilly resume your seats, but I specially recommend to you the construction of a port in Buenos Ayres, as we shall soon see our railway system connecting us with Chili, Bolivia, and Brazil, and bringing us their rich products; also the measurement of national lands, as a matter of social weight to thousands of men. And, imploring the aid of divine Providence to secure to us the blessings of peace and the constitution, I declare the congress session duly opened.

No. 14.

Mr. Osborn to Mr. Fish.

No. 59.] UNITED STATES LEGATION,
BUENOS AYRES, *June* 7, 1875. (Received July 22.)

SIR: The 25th of May, the national anniversary of Argentine independence, was observed and celebrated by a Te Deum at the cathedral; after which the President reviewed the troops from the government house, and conferred the decorations voted by congress some years ago on the officers and men distinguished in the Paraguayan war. Lunch was served in the government-house, and general good feeling seemed to prevail, the more so, perhaps, from the fact that the day before the government issued a decree of amnesty, a printed copy of which I have the honor to inclose herewith, setting at liberty General Mitre, Colonels Charras and Vidal, who had been condemned to banishment by sentence of the recent court-martial for the terms of—Mitre eight years, Vidal six, and Charras three years.

I also inclose with this a printed copy of the sentence.

General Mitre returned to his home on the night of the 24th. General Rivas and Colonels Ocampas and Murga were shipped to Montevideo, their sentence having been modified by the decree of government from eight years of exile to eighteen months.

I am, &c.,

THOS. O. OSBORN.

[Inclosure 1 in No. 59.—Translation.]

Sentence.

BUENOS AYRES, *May* 19, 1875.

Whereas the military prosecutor, Lieut. Col. Miguel Ochagavia, accused Brigadier-

General Bartolomé Mitre, General Ignacio Rivas, and Colonels Gonsalez, Ocampo, Machado, Vidal, Calvette, Charras, and Murga of having deserted and abandoned their posts, disobeyed orders, removed national troops from their posts, taken up arms in rebellion, and shed blood in engagements against the government army;

And a council of war having been impaneled at the Retiro Barracks, composed of General Nazar, president, and Colonels Gorordo, Payba, Bustillos, Agnero, Nelson, Alvarez, Obligado, Garcia, Matoso, and Goyena, with Dr. Beccar as auditor, the said council sat from the 17th to the 19th instant, and received in evidence the capitulation signed at Junin with Colonel Arias, as well as the documents presented by General Mitre and the other prisoners.

The council of war decided—

1st. That the offenses in question were precisely those reserved for military tribunals according to chapter 8, section X.

2d. That the federal judge has no right to claim jurisdiction in the case.

3d. That having in view the terms laid down at Junin, and bearing in mind the former distinguished services of the accused, (as stated by the military prosecutor,) the sentence of the court be: Ex-Brigadier-General Mitre, Ex-General Rivas, Ex-Colonels Ocampo, Gonsalez, Machado, and Murga to suffer eight years' exile; Ex-Colonel Vidal six years, and Ex-Colonel Charras three years' exile. The cause against Ex-Colonel Calvette terminates owing to his decease. And this sentence is now sent to the comandancia general for ratification.

[Inclosure 2 in No. 59.]

Government decree.

[From the Buenos Ayres Standard.—Translation.]

WAR-OFFICE, BUENOS AYRES, *May* 24, 1875.

The government hereby approves the sentence of the above council of war, which has been conducted with all due forms and legality. And moreover it considers—

1st. That the court has vindicated military discipline, so essential for the public security, and followed the precepts of the military code.

2d. That peace and order are now so firmly established from one end to the other of the republic as to warrant the same clemency as already shown by us on the close of the revolution, so as still further to encourage the development of trade and progress under the auspices of security and public confidence.

3d. That the government and the nation can never forget the services of the prisoners during the Paraguayan war, and especially the principal part performed by Ex-Brigadier Mitre in the consolidation of the Argentine Republic.

4th. That, nevertheless, the honor of the Argentine army and its glorious traditions of fidelity call for some punishment on those commanding officers who seduced the troops under their orders, abandoned the frontier posts, and left the Christians exposed to Indian depredations:

Therefore, to commemorate the glorious anniversary of our political emancipation by an act of clemency and conciliation, the President of the republic, in accord with his council of ministers, decrees the modification of the above sentence in this manner:

Ex-General B. Mitre and Ex-Colonels Gonsalez, Vidal, and Charras are to be set at liberty without suffering the terms of exile ordered by the court.

Ex-General Rivas, who was commander-in-chief of the south frontier, Ex-Colonel Ocampo, also of the south frontier, and Ex-Colonel Murga, of the Bahia Blanca frontier, are to be banished for eighteen months instead of eight years.

Ex-Colonel Machado is pardoned the military offense, but handed over to the federal court for having shot two civilians, as he confesses; as also on the charge of having lanced Tomas Toledo, according to the act of accusation by the mother of said Toledo.

Brigadier Emilio Mitre and Colonel Frederic Mitre are to be cautioned for the language used by them in their defense.

Let orders to the above effect be sent to the comandancia general.

AVELLANEDA.

A. ALSINA.
SIMON DE IRIONDO.
PEDRO PARDO.
O. LEGUIZAMON.
SANTIAGO S. CORTINEZ.

No. 15.

Mr. Osborn to Mr. Fish.

No. 62.] UNITED STATES LEGATION,
Buenos Ayres, June 15, 1875. (Received July 22.)

SIR: Dr. Tejedor, the late minister of foreign affairs of the Argentine Republic, who had charge of the special mission to Brazil, as stated in my dispatch No. 48,* returned on the 8th instant, after an absence of six weeks; and it now becomes my duty to advise you of the result of the mission, so far as I have been able to obtain.

I have learned personally from the very highest and best authority that Dr. Tejedor was received with distinguished consideration at the court of Rio de Janeiro, to which he was accredited; but that no questions were raised concerning the fortification of the island of Martin Garcia, although the Argentine government had expected it, and had given him instructions in regard to them.

Dr. Tejedor proposed, according to his instructions, two solutions of the pending difficulties: 1st. Called a "transaction" or a mutual cession on both sides of a part of these demands, *i. e.*, that the Villa Occidental should belong to the Argentine Republic, its boundaries to be drawn from the Verde stream, one mile north of the village; thence west twelve miles; thence south to the principal channel of the river Pilcomayo, about twenty-four miles according to the course of the river Paraguay.

By this proposition the Argentine Republic voluntarily yields six hundred miles of territory by the channel of the river Paraguay up to Bahia Negro, and which was declared to belong to her by article 16 of the treaty of alliance with Brazil; and, moreover, which she always claimed by virtue of her metropolitan rights, as the seat of the Spanish vice royalty in the Plate.

2d. That the Argentine Republic would leave the whole question of limits to arbitration, provided the island of Cerrito, at the confluence of the rivers Paraguay and Parana, always her territory, and so claimed, but still occupied by the Brazilian forces, should be immediately evacuated.

I learn that neither of these propositions, generous as they at least seem to have been, were accepted by the Brazilian ministers. Dr. Tejedor then addressed himself to Señor Sosa, the Paraguayan minister, who at first declined both propositions; a few days after he decided to treat with Dr. Tejedor, although without instructions to do so, and, in the absence of instructions not to do so, accepted the first proposition.

Inasmuch as Brazil had, as claimed by the Argentine government, violated the treaty of alliance by treating alone with Paraguay, in the case of the treaty known as "Cotegipe," she could not object to the position of the Argentine minister in making a separate treaty with the Paraguayan minister to Brazil; hence a treaty was drawn up by Dr. Tejedor and the Paraguayan minister, based upon the first proposition.

I understand that when the Brazilian ministers were requested to give their approval they declined, but acknowledged the right of the Argentine minister to treat with Paraguay without their concurrence, the same as they had done in the treaty "Cotegipe," without the concurrence of their ally, the Argentine Republic.

The next day the Emperor called a cabinet meeting, and his ministers declined thereafter all action in the negotiation.

But I am informed that they called (and he was present) the Para-

* *Anie.*

guayan minister to induce him to refuse all propositions of the Argentine minister; which he refused to do, although it is claimed the Brazilian government pays his expenses at Rio de Janeiro.

The Paraguayan minister and Dr. Tejedor further agreed upon a separate document, called a "convention adicional," in reference to the war-indemnities. And while it is claimed that Brazil has, in her treaty with Paraguay, fastened upon her a debt of some three hundred millions, the Argentine government, to prevent all possible charge that she bought what always belonged to her, and which she always claimed, to wit, the Villa Occidental, made a separate treaty or convention, releasing Paraguay from all claims or charges for the expenses of the war.

When the council of ministers met after these arrangements, the Brazilian ministers made no opposition to the proposed settlement, but declined to sign the protocols.

Yesterday morning Dr. Rocha, one of the senators of the province of Buenos Ayres, in the Argentine congress, left for Paraguay.

Should the treaties of Dr. Tejedor and the Paraguayan minister not be ratified by Paraguay, it will be, I have no doubt, claimed here as the result of Brazilian occupation in Paraguay.

I am, &c.,

THOS. O. OSBORN.

No. 16.

Mr. Osborn to Mr. Fish.

No. 63.] UNITED STATES LEGATION,
Buenos Ayres, June 24, 1875. (Received August 2.)

SIR: As an extra steamer leaves here this morning direct for New York, I take the opportunity to inform you that a dispatch has just been received that the Paraguayan government has rejected the late treaty, concluded by Dr. Tejedor and Señor Sosa, at Rio de Janeiro, and that Señor Sosa has been dismissed by his government. How reliable this dispatch is I cannot now say, but it is credited here.

I have also the honor to transmit with this a translation of the statement of Dr. Tejedor's reply to the reports, and rumors, and charges of the Brazilian press, that his mission was an imposition and a farce, inasmuch as a treaty had already been made with the government of Paraguay by the Argentine Republic before Dr. Tejedor left for Rio de Janeiro, and that his conduct while there, and the manner of his leaving Rio de Janeiro, was not proper or courteous to the Emperor or the ministry.

I am, &c.,

THOS. O. OSBORN.

[Inclosure 1 in No. 63.]

Dr. Tejedor's mission.

[From the Standard, June 24, 1875.]

Our readers will be grateful to Dr. Tejedor for his history of the recent negotiations at Rio Janeiro; it is divided into 12 chapters, which we condense as follows:

1. *Preface.*—In giving this narrative to the public, I am not yet aware what results

the treaties I concluded at Rio Janeiro with the Paraguayan minister may have had at Asuncion. My object is neither personal nor for sake of party in making this manifesto, since I simply followed my instructions; but it is necessary that all the circumstances be elucidated for those who come after me, to maintain the rights of the country. The alliance with Brazil may have terminated, but not the questions arising therefrom.

If Paraguay approve the present treaties, the evacuation of the country will follow, as stipulated. If she repudiate them, we can then either proceed to make new treaties, or leave the question for arbitration, as Brazil proposes, for a remedy. Mean time I am not animated by rancor in the following narative:

2. *Argentine foreign office.*—When General Mitre's mission failed, the Argentine government trusted that time would do it justice; but Brazil had already concluded the Cotegipe treaties, and found it inconvenient to keep up an army and naval division in Paraguay at great expense. The Paraguayan government at the same time found their commerce hampered till some arrangement would be arrived at. Hence Brazil and Paraguay wished for a solution. Baron Araguaya proposed to renew negotiations on a basis of leaving Villa Occidental for arbitration; whereupon I signified that we would give up all claim to that place if Brazil consented immediately to evacuate Paraguay and hand over to us the island of Cerrito.. This was approved of by President Sarmiento, and Baron Araguaya privately conveyed the intimation to his government. After fifteen days he showed me a reply from Viscount Caravellas, minister of foreign affairs, that he had spoken to the Emperor, and that if I were to go to Rio all would be arranged *instanter*. At the same time the Brazilians induced Paraguay to send a plenipotentiary (Sr. Sosa) to Rio to make separate treaties with me about limits and a joint arrangement with Brazil for evacuation. Suddenly the September revolution ensued, and hence my note of September 24th, suspending negotiations.

3. *Mission to Rio.*—The revolution being extinguished, President Avellaneda offered me the mission to Rio, and after several cabinet councils I drew up the basis of my instructions. I felt reluctant to sacrifice Villa Occidental, and even arbitration would be inconvenient, as it would delay indefinitely the evacuation of Paraguay and surrender of Cerrito. I simply repeated the views I had expressed at the conferences of 1871 and during the Quintana and Mitre missions at Asuncion. As I saw there was very little probability of success on these bases, I told Mr. Fleury, Brazilian chargé d'affaires, how things stood, that he might inform his government. At the same time I sent a note to President Avellaneda, with the draught of my instructions, telling him the mission was sure to fail on such bases, but that I would do my duty. Before my departure Mr. Fleury showed me a letter from Viscount Caravellas about the surrender of Cerrito Island, and repeating that if I went to Rio all would be settled. My knowledge of men and diplomacy told me how fallacious was such promise, but I resolved to go anyhow.

4. *The Brazilian diplomatists.*—Before the close of the Paraguayan war the Argentines seized Villa Occidental, as they had done Missiones, by right of conquest, and the triple alliance. No objection occurred about Missiones, but Brazil from the first objected to our hold of Villa Occidental, and suggested for us to be content with the Pilcomayo line of frontier. Baron Cotegipe insisted on this in the Quintana negotiations, and Baron Araguaya likewise during the Mitre mission.

The same policy has guided Azambuja, Gondin, and Leal, showing that Brazil has always urged Paraguay to resist our demand in the matter.

5. *The Paraguayan diplomatists.*—Paraguay, before the war, was jealous of Brazil, and this sentiment is no less strong now. We must not, therefore, believe all we see on the surface. When Barrias passed through here *en route* for Rio, he was accredited also to this government, but he was always afraid of the Brazilian minister seeing him enter my house. After him was Loyzaga, who had signed the Cotegipe treaties, and brought letters from President Jovellanos that Paraguay wished to free herself, yet he neither spoke nor moved without first consulting the Brazilian minister here, who was Baron Araguaya. When Mitre went to Asuncion, he found Araguaya guided the Paraguayan plenipotentiary, Miranda; and when the Mitre mission burst up, President Jovellanos sought either to come personally, or send an agent to arrange secretly with us, but found it impossible. All this shows that Paraguay has not been unfriendly to our claims.

6. *Plenipotentiary Sosa.*—On my arrival at Rio, Mr. Sosa was not among the first to call on me, but, finally, he came on a dark night, so as not to be seen. When we became more intimate after the first two conferences, he told me some things that convinced me the mission must be a failure. His government had not sent him funds, and he was forced to borrow $2,000 $ f. from the Brazilian government, of which he repaid the half. During his stay of seven months, not one of the cabinet ministers returned his visit. When my appointment was known, he was requested to write to Asuncion, and ask the government of Paraguay to beg the Brazilians would not evacuate. Before each conference he was instructed what position to assume. At the same time his powers were so limited that he could only make arrangements *ad referendum*, and, in every case, must previously place himself in accord with the government of Asuncion.

7. *First conference.*—At the first conference, on April 28, I proposed to arrange the

programme of our discussions, observing that evacuation was the *sine qua non* of my two solutions, and that this was the sole purpose of the three powers represented at the conference, as I could make a treaty of limits myself with the Paraguayan envoy.

The Brazilian plenipotentiaries objected on the grounds of the treaty of November 19, and the conferences of 1871, but I pressed my case, as I wanted to see if they were in earnest about giving up Cerrito Island. They declared Brazil would evacuate Cerrito the same time as Asuncion, but not hand it over to the Argentines till the title was arranged with Paraguay, adding that probably the Argentines would wish to fortify it. Thus I saw had vanished all hopes of arrangement. I replied that Cerrito had been occupied in name of the allies, and the war being over, Brazil should either hand it over to the Argentines or Paraguayans or simply evacuate it; that as Brazil had forts in Matto Grosso, and Paraguay had command of the river at Humayta it mattered little whether we fortified Cerrito, especially as we had Martin Garcia, the key to all the rivers. Here the conference ended.

8. *Second conference.*—This was held on the 4th of May, and at the request of the Brazilian representatives I submitted the following basis for evacuation:

"It is hereby agreed that if the Argentine Republic arrange with Paraguay about the limits, the evacuation shall take place within three months. But if it be agreed to leave the limits for arbitration, then the Brazilian force at Asuncion shall not exceed that of the Argentines at Villa Occidental pending the arbitration. The island of Cerrito to be meantime given up at once to the Argentines."

Viscount Rio Branco insisted that as the disputed territory was neither Argentine nor Paraguayan, neither power should occupy it; adding that my proposal argued a want of confidence which he regretted. I replied that I had always declared the evacuation to be a *sine qua non;* that any want of confidence was caused by the prolonged Brazilian occupation; that we wanted deeds instead of words; that we had mutual points to arrange as regards the debt and occupation; that I could singly arrange the limits with Paraguay; that the Argentines faithfully adhered to the triple alliance; that Paraguay had not yet recognized the war debt to my country as she had to Brazil, and that nothing could restore harmony between all parties, unless an engagement by Brazil to evacuate, seeing that the garrison exercised undue influence at Asuncion, while our forces were on the Chaco side of the river.

The debate was unnecessarily long, but my adversaries would only consent to admit the principle of evacuation in whatever way we should arrange by treaty or arbitration.

Finally, without receding from my point of evacuation and reduction of forces, I drew up this protocol as the result of the conference: "It is hereby agreed that whether Paraguay and the Argentine Republic make a treaty of limits or agree upon arbitration, the evacuation will take place as may be agreed on in respective protocols."

9. *Third conference.*—As requested in last conference, I presented, on May 10, my programme of arrangement, Mr. Paranhos assuring me the Emperor was anxious to see the business settled. What, then, could interfere if I settled the limits with Mr. Sosa? I therefore proposed two solutions:

First. Paraguay to cede us Villa Occidental and Cerrito Island.

Second. The question of limits to be left for arbitration, and the island of Cerrito to be meantime handed over to us, on signing the present convention.

I prefaced my demands by showing that Brazilian evacuation must be the first step, as agreed on in treaty of November 19. I added that we could not give up Villa Occidental without arbitration, as we had so many titles to it; that the triple alliance gave the Argentines all the west bank of the river Paraguay, as high as Bahia Negro, according to our titles, ever since 1810. Moreover, that Argentine and foreign interests were staked there which, Mr. Sosa admitted, Paraguay would be unable to answer for; that all we wanted was to hold guarantee for the navigation of the Bermejo and Pilcomayo. I urged, that, in any event, there was no excuse for delaying the surrender of Cerrito Island; that, if I had foreseen any difficulty on this point I should never have come to Rio, and that I would rather return to Buenos Ayres empty-handed, than bearer of a treaty which my government or Congress would have to reject.

Mr. Sosa was surprised at my proposals, which seemed exactly to meet his instructions. He asked me if he was to consider both proposals together, and as I answered affirmatively, he said:

"That the partial or total evacuation of Paraguay would never be with his government a cause for rupture of negotiations.

"That some difficulty might occur by making the upper branch of the Pilcomayo the boundary, since it was not navigable, whereas the lower mouth in front of Villeta was.

"That he preferred to settle the boundary right off, without arbitration or pretext for delay.

"That, as regarded smuggling from Villa Occidental, his government could employ river-police to prevent it."

Thus, everything was settled. But Mr. Paranhos, after hearing Sosa's declarations, said it was impossible to arrive at once at a decision on the proposed bases; that they

seemed incompatible with the triple alliance, and that at the next conference he hoped the Argentine and Paraguayan envoys would arrive at a complete understanding: adding, that Mr. Sosa had only given his private opinion, since he admitted his instructions did not go so far.

Mr. Sosa replied that he accepted the arrangement as suitable to Paraguay, not as his individual opinion, but in his quality of minister. The conference was suspended, the Brazilian representatives requiring time to consider the matter.

10. *Final conference.*—This was on May 19, and when I pointed out the line which gave Villa Occidental to the Argentines, Viscount Rio Branco made a long speech, suggesting rather to leave it to arbitration, but not in the form I had proposed. He was, however, no longer of opinion that the cession of Villa Occidental would be contrary to the triple alliance, and if Paraguay ceded all the territory up to Bahia Negro there would be no objection made by Brazil, provided always that Paraguay paid the debts to the allied powers evenly.

He added that it would be difficult to draw a frontier line across unknown deserts, or along a small stream; that arbitration removed every difficulty, and there need be no delay if we at once named the arbitrators and gave them a fixed period for their sentence.

He said he would not treat of the basis of arbitration as the Argentine plenipotentiary's terms were impertinent. (!)

Hereupon Mr. Sosa said a third time that he accepted my terms, and while we were describing frontier lines, the Brazilian plenipotentiaries aided us; viscount Caravellas remarking that he was always in favor of such an issue, dividing the territory of Villa Occidental. The Brazilian plenipotentiaries simply required us to sign a protocol that my treaty with Paraguay was not by their advice. I then proposed that Sosa and I should agree on the limits and notify the Brazilian representatives, so that Mr. Paranhos might himself draw up the protocol to his liking. Mr. Paranhos then asked me what we had arranged about the occupation, and I at once proposed the following protocol: "The Brazilian forces shall evacuate Paraguay within three months after the ratification of this treaty;" to which Mr. Paranhos added, "as agreed on in treaty of November 19." The repugnance of the Brazilian plenipotentiaries to the treaty was beyond question, but far from indicating the opposition which arose afterwards.

11. *Treaties of May* 20.—On this day Mr. Sosa and I met at the Hotel de Estrangeiros and arranged the treaty of limits, of which I sent a copy in Sosa's handwriting to Mr. Paranhos, as also a separate protocol about indemnities. The same day I learned at Maua's that the Emperor had been summoned by telegraph, and had held a cabinet council. Next day (21) I went out to Petropolis, and, feeling unwell, returned suddenly on Sunday, 23d. I sent my secretary to procure the signature of the Brazilian plenipotentiaries to the protocol of the third conference, as I was about to leave Rio on June 2. The secretary returned with news that Messrs. Rio Branco and Caravellas had been two hours conferring with Sosa. The latter just then arrived looking very strange, and his story filled me with astonishment. They upbraided him with having separated from them, said they had not supposed he ceded Villa Occidental but only a piece of ground behind, adding that they could not consent to it; that the war debt remained to be settled, and if even the treaty were ratified, Brazil would not evacuate. Mr. Sosa simply replied that the treaty was signed and sealed, and very advantageous to Paraguay. I heard nothing from Rio Branco or Caravellas, who left me in silence and replied to my applications about signing the protocol that Mr. Paranhos was too busy to revise it.

As regards the affair at Petropolis, I sent my secretary to tell the Empress that my wife wished to pay her respects to Her Majesty, and I hoped she would excuse us for not going in court dress, as we had none. Her Majesty sent me answer that the princess was unwell, but I could attend the public reception next day, Sunday, after mass. As I was unwell, I returned to Rio without that ceremony, meeting and shaking hands with the Emperor at the foot of Raiz de Serra, as he was going up to Petropolis. On May 27, (feast of Saint George,) the Emperor and family came to Rio for the season. I was in the house of deputies when a son of Mr. Paranhos handed me a note that the Emperor and Empress would receive me at Cristobal that evening, or at the ball next night. The Emperor conversed with me most amicably, and the Empress with my wife, and I told His Majesty, as the conferences were over, I intended to leave on June 2. He told me of all the pretty places about Rio. After half an hour we separated, the Emperor saying he would see me later at the ball. When I sat down by him, the conversation turned on the conferences. I again told him I was going to sail on the 2d, and asked him what he thought of my treaty. He spoke of the jealousy between the two countries, the arming of Martin Garcia, and said Paraguay would not approve my treaty, adding that arbitration was the best way to settle it. I merely answered about the jealousy of Brazil and the Martin Garcia question, and could see the opposition to Sosa's treaty arose with the Empror. He took leave of me cordially, saying, "I must go and converse with somebody else, because the guests will think we have grave matters in hand, when we have nothing." I had received a note from Viscount Rio Branco

for an interview next morning (29th) at the foreign office. He told me he regretted my treaty would amount to nothing, and that, if I now consented to arbitration, Brazil would at once hand us over Cerrito. I told him his words surprised me, as the documents were in his possession whereby Villa Occidental was given to the Argentines, and that what he asked me was an act of madness. We parted very friendly.

12. *My farewell.*—I had gone on a special mission and had no letter of recall to present at court. No diplomatic usage required me again to call on the Emperor, as I had seen him at the palace on the 28th, and my secretaries on the 30th. Besides, private audiences with crowned heads are not always advisable, since, whenever they like, they refuse to talk of business. The Emperor is indeed an estimable man, and why should I offend him? On returning to my hotel, I sent Viscount Rio Branco a note that I was to sail on the 2d, and would leave the legation in charge of the consul-general. On Sunday, 30th, I called to take leave of the ministers and others, but did not find Viscount Rio Branco at home. Next day I wrote to him to say I was going, and received his reply. My farewell was not congratulatory, but I felt that I had received much kindness.

C. TEJEDOR.

AUSTRIA–HUNGARY.

No. 17.

Mr. Jay to Mr. Fish.

No. 800.] LEGATION OF THE UNITED STATES,
Vienna, September 18, 1874. (Received October 5.)

SIR: Major-General H. G. Wright and General C. B. Comstock called upon me yesterday, and reported the arrival at Vienna of the commission appointed by the President in reference to the improvement of the mouth of the Mississippi.

Learning that they wished to see what was to be seen here as soon as possible, and having as yet received no reply from the foreign office to the note which I addressed to the Count Andrássy on the 4th September, and of which I sent you a copy with my No. 796, I called immediately on the Baron von Hofmann, now acting as the minister for foreign affairs; his excellency explained the delay in the replying to my note by alluding to the absence of nearly all the officials at this season; but promised to attend to the matter without any delay.

This morning I received from him a note, of which I inclose the original, a translation, and a copy of my reply. This evening his excellency dined with General Wright and General Comstock and a few other gentlemen at the legation, and furnished them with the addresses of two additional departments in Vienna, where they would be officially aided in their inquiries. I subsequently presented General Wright to Sir Andrew Buchanan, the British ambassador, who obligingly offered to send him a note of introduction to an English officer near the mouth of the Danube; and General Von Schweinitz will give him another to a German officer connected with the Danube commission on the Black Sea; and the Baron Von Hofmann is to send me an official note, commending the commission to the authorities at Pesth.

To-morrow General Wright and the members of the board are to inspect the new Danube regulation near Vienna under official guidance, and on Sunday evening, the 20th, they propose to proceed to Pesth.

I have, &c.,

JOHN JAY.

[Inclosure 1 in No. 800.—Translation.]

Count Andrássy to Mr. Jay.

VIENNA, *September* 17, 1874.

In gladly complying with the wish expressed in the esteemed note of the 4th of this month, the minister for foreign affairs has lost no time in notifying the imperial and royal minister of the Interior of the soon-expected arrival of the board of engineers which has been sent to Europe by the Government of the United States of America, for the purpose of observation with reference to the improvement of the Mississippi, and to acquaint him with the desire of that board to examine the engineering works at Vienna.

In pursuance of this wish, Baron Von Lasser has instructed the Danube-regulation commission in Vienna to give to these officers any required information, and to grant them the desired examination of all plans, drawings, &c.

As to the other water-works of rivers being under the control of the state, which the commission may propose to inspect, the board will be pleased to apply to Ministerial Counsel Mathias Wanick, the chief of the water and street regulation department in the Imperial and Royal Ministry of the interior.

Should the commission also conclude to extend its visit to Hungary, and be desirous of obtaining a like recommendation, the minister for foreign affairs with pleasure expresses its readiness, after a communication from Mr. John Jay, envoy extraordinary and minister plenipotentiary of the United States of America, to offer his mediation alike in this direction.

The undersigned, minister of the imperial house and for foreign affairs, gladly embraces this opportunity to renew to the envoy the assurance of his distinguished consideration.

For the minister of foreign affairs.

HOFMANN.

Mr. JOHN JAY,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America, Vienna.

[Inclosure 2 in No. 800.]

Mr. Jay to the Count Andrássy.

AMERICAN LEGATION,
Vienna, September 18, 1874.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to acknowledge the receipt, this morning, of the courteous note of his excellency the imperial and royal minister for foreign affairs, advising the undersigned of the arrangements made by the imperial and royal government to assist the commission appointed by the President in reference to the improvement of the mouth of the Mississippi. The undersigned prays his excellency to accept his sincere thanks for this prompt compliance with the wishes of the commission in regard to their visit to Vienna, and to say that he accepts with pleasure the obliging offer of his excellency to furnish the board with a letter of recommendation to Pesth, to which capital, General Wright and his associates propose to proceed on Sunday night.

The undersigned will be most happy to receive such a note on their behalf before their departure, and embraces with pleasure this occasion to renew to his excellency the assurance of his most distinguished consideration.

JOHN JAY.

To his excellency the Count ANDRÁSSY,
Imperial and Royal Minister for Foreign Affairs.

No. 18.

Mr. Jay to Mr. Fish.

No. 809.] LEGATION OF THE UNITED STATES,
Vienna, October 7, 1874. (Received October 30.)

SIR: I have received from the "Imperial and Royal Ministry of Commerce, Universal Exposition Department" three notes, which, with

translations, are herewith inclosed, together with a copy of my reply, with lists of diplomas and medals awarded to American exhibitors of 1873, and two boxes which I understand contain certain medals and diplomas.

The boxes I have had inclosed, unopened, in oil-cloth, and addressed to "the American Department of the Vienna Exposition," Department of State, Washington, care of Edward Robinson, esq., American consul, Hamburg. You will observe that one of the inclosed notes states that there are now sent "diplomas of honorary mention," "art-medals," and "medals for good taste," and intimates that the remaining prizes, particularly the medals for "progress" and "merit," and the "medals for co-operators," and the "honorary diplomas" may be expected to follow in a few months.

I have, &c.,

JOHN JAY.

[Inclosure 1 in No. 809.—Translation.]

Mr. Fellner to Mr. Jay.

IMPERIAL AND ROYAL MINISTRY OF COMMERCE,
UNIVERSAL EXPOSITION DEPARTMENT,
Vienna, 31st August, 1874.

In order to accomplish as far as possible the desires of an early presentation of the honorary prizes awarded by the international jury of the Vienna Universal Exposition 1873, the ministry of commerce has decided, inasmuch as the total completion of the medals to be stamped and diplomas to be prepared in the matter of the Vienna Universal Exposition will probably require several months yet, to issue successively the prizes in question.

Accordingly this ministry has the honor to transmit herewith in advance to the honorable commissioners the diplomas of honorary mention decreed to the exhibitors from the United States of America, who participated in the Vienna Universal Exposition of the year 1873; moreover the *art-medals* and *medals for good taste* awarded to those exhibitors, (together with the documents thereto appertaining,) and to respectfully request that the presentation of the same to those entitled may be effected.

This ministry begs at the same time to remark that in the course of the next few months also the remaining prizes, particularly the medals for progress and merit and the medals for co-operators, also finally, the honorary diplomas, will follow.

For the imperial and royal ministry of commerce.

FELLNER.

To the HONORABLE COMMISSION *of the United States of America to the Universal Exhibition* 1873.

[Inclosure 2 in No. 809.—Translation.]

Mr. Fellner to Mr. Jay.

IMPERIAL AND ROYAL MINISTRY OF COMMERCE,
UNIVERSAL EXPOSITION DEPARTMENT,
Vienna, August 31, 1874.

The ministry of commerce has the honor to transmit to the honorable legation two official notes, intended for the commission of the United States of America for the Vienna Universal Exposition, 1873, relative to the presentation of the prizes awarded at the Universal Exposition, 1873, in Vienna to exhibitors, and to respectfully request that these notes, together with the accompanying diplomas and medals, may be sent by the earliest occasion that may offer to the commission of the United States of America, for which courtesy the legation is solicited to accept the thanks of the ministry of commerce.

For the imperial and royal ministry of commerce.

FELLNER.

To the honorable AMERICAN LEGATION AT VIENNA.

[Inclosure 3 in No. 809.—Translation.]

Mr. Fellner to Mr. Jay.

IMPERIAL AND ROYAL MINISTRY OF COMMERCE,
UNIVERSAL EXPOSITION DEPARTMENT,
Vienna, September 10, 1874.

In connection with the notes of 31st August, the ministry of commerce has the honor to transmit to the honorable commission the accompanying medals for progress, (together with the documents thereto appertaining,) awarded to the exhibitors from the United States of America who participated in the Universal Exposition, 1873, together with a list of the same. This ministry begs, in addition, to respectfully request the favor of the same being presented to the parties entitled thereto.

For the imperial and royal ministry of commerce.

FELLNER.

To the HONORABLE COMMISSION *of the United States of America to the Universal Exhibition* 1873.

[Inclosure 4 in No. 809.]

Mr. Jay to Mr. Fellner.

AMERICAN LEGATION, VIENNA, *October* 6, 1874.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to acknowledge the three several notes from the universal exposition department of the imperial and royal ministry of commerce, two dated August 31, and one September 10, on the subject of the medals and diplomas awarded to exhibitors from the United States, accompanied by lists of the awards of diplomas, medals for progress, for good taste, and art medals, and two boxes.

The undersigned will have great pleasure in complying with the request of the honorable ministry, that those papers and boxes shall be, without delay, forwarded to the Government at Washington, together with copies of the notes in question and the announcement that in the course of the next few months the remaining prizes, and particularly the medals for progress and merit, and the medals for co-operators, and, lastly, the honorary diplomas will follow.

The undersigned has the honor to renew to the honorable ministry the assurance of his distinguished consideration.

JOHN JAY.

No. 19.

Mr. Jay to Mr. Fish.

No. 815.] LEGATION OF THE UNITED STATES,
Vienna, October 19, 1874. (Received November 5.)

SIR: Referring to my No. 809, transmitting a correspondence with the imperial and royal ministry of commerce in regard to medals and diplomas for American exhibitors, I herewith inclose the original and translation of a note received from the Universal Exposition department of the imperial and royal ministry of commerce, stating that an error had crept into my reply of the 6th October, where I anticipated the transmission by that ministry of the *medals for progress* among others, and advising me that those medals had been included among those sent to the legation.

I annex also my reply, showing how the error had occurred.

The two boxes containing the medals and diplomas were carefully inclosed in oil-cloth, and forwarded through Mr. Consul Robinson on the 7th instant.

I have, &c.,

JOHN JAY.

[Inclosure 1 in No. 815.—Translation.]

Mr. Fellner to Mr. Jay.

IMPERIAL AND ROYAL MINISTRY OF COMMERCE,
UNIVERSAL EXPOSITION DEPARTMENT,
Vienna, October 14, 1874.

Through the medium of the imperial and royal ministry of foreign affairs the esteemed note of the honorable legation of the 6th ult. has been received, in which the honorable legation expresses thanks for the transmission of the diplomas of honorable mention and of the medals for art, for good taste, and for progress, intended for the American participators in the Universal Exposition of 1873, and anticipates in the next few months the transmission of the medals for progress, merit, and for co-operators, as also of the honorary diplomas. Inasmuch as in this esteemed note an error has crept to the effect that the medals for progress are included among those classes of prizes the delivery of which is anticipated, therefore this ministry has the honor, in order to avoid any misunderstanding, to advise that, accompanying its note of the 10th of September last, the medals for progress have been sent to the honorable legation of the United States of America, and accordingly only the medals for merit and for co-operators, and the honorary diplomas, remain to be sent.

For the imperial and royal minister of commerce.

FELLNER.

[Inclosure 2 in No. 815.]

Mr. Jay to Mr. Fellner.

AMERICAN LEGATION, *Vienna, October* 19, 1874.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to acknowledge with thanks the obliging note of the imperial and royal ministry of commerce, Universal Exposition department, of the 14th October, advising the undersigned of an error, which had accidentally crept into his note of the 6th October, in reference to the medals and diplomas awarded to the American exhibitors.

On a reference to the three notes of the honorable ministry, to which the undersigned had the honor of replying, he finds that he had relied upon the language used in the note which announced that the diplomas of honorary mention, the art medals, and medals for good taste were transmitted, and that the medals for progress and merit, and the medals for co-operators, and also the honorary diplomas, would follow; and that he had overlooked the late statement in these notes that the medals for progress and the documents thereto pertaining were transmitted.

The undersigned begs to thank the honorable ministry for the correction, of which he will advise the Department at Washington.

The undersigned avails himself of this occasion to renew to his excellency the imperial and royal minister of commerce the assurance of his distinguished consideration.

JOHN JAY.

To his excellency THE IMPERIAL AND ROYAL MINISTER OF COMMERCE,
Universal Exposition Department.

No. 20.

Mr. Jay to Mr. Fish.

No. 842.] LEGATION OF THE UNITED STATES,
Vienna, December 26, 1874. (Received January 23, 1875.)

SIR: I have received your No. 454, under date of December 8, inclosing copy of a note from the Commissioner of Agriculture, dated December 5, in reply to one addressed to that Commissioner by the Department, inclosing a copy of my No. 821, asking for information on the potato-

disease for the Swiss minister at Vienna, Mr. Tschudi, and copies of the Agricultural Reports for 1872 and 1873.

I beg leave to return to the Department, and, through the courteous intervention of the Department, to Mr. Commissioner Watts, my thanks for this obliging attention to my requests.

I have communicated an extract from the note of the Commissioner, with remarks upon the Colorado potato beetle, to the Swiss minister, together with the Agricultural Reports for 1872 and 1873, and I inclose a translation of his excellency's note in reply.

At the close of the note of the Commissioner of Agriculture I find the expression of a wish that I would "forward all the recent statistical and agricultural publications of the present year of the minister of agriculture;" and the note adds, "that, if he has not a full set of the reports of the Agricultural Department at Washington, the number necessary to complete it will be forwarded with pleasure."

In pursuance of this request, I asked Mr. Delaplaine to call upon Mr. Chlumecky, the minister of agriculture, who he found was absent at Mentone. He saw, however, the chief of section, Chevalier Weber von Ebenhof, who gave him two volumes containing a full report of the ministry of agriculture from its origin to the 30th of June last. Mr. von Ebenhof remarked that the statistical statements in these volumes were not very ample, but that more complete tables were being completed for publication.

He added that several treatises in separate form relating to the *Reblaus* (*Phylloxera vastatrix*) were in the possession of the ministry, of which he would transmit copies to this legation. The ravages of this insect were now producing great damage in the vine-growing districts of Austria, and the treatises referred to contained the results of various experiments made at Klosterneuburg (on the Danube, near Vienna) with the view of exterminating the insect; but thus far the means employed had been fatal also to the plant. He referred to the insidious attacks by the insect upon the roots, while the appearance of the vine did not indicate their presence.

Alluding to the Colorado potato-beetle, he said that he believed that the marine branch of the ministry of war had given strict orders to prevent its possible introduction at Trieste through the shipment or sale of potatoes forming unconsumed stores of vessels arriving there.

In conclusion, he expressed his thanks for the courtesy of the Department of Agriculture at Washington in offering to supply the ministry of agriculture with any missing reports, which he remarked would be most acceptable. He is to send a memorandum to the legation on this point, which I will forward when it is received.

I have occasionally presented volumes of our Agricultural Reports to Austrian and Hungarian gentlemen largely engaged in agriculture, and from the remarks made to me I think that their value is very much appreciated. The display of agricultural machines at the Exposition, although not large, was extremely good, and attracted much attention, especially among the great landed proprietors. There are a dozen gentlemen of this class to whom I can send with advantage any surplus volumes which the Commissioner may find it convenient to furnish for the purpose, and, should the idea be approved, I would recommend that the copies may be bound with an inscription within, "Presented by the Department of Agriculture," &c., leaving the name to be filled in at the legation.

I have, &c.,

JOHN JAY.

[Inclosure in No. 842.—Translation.]

Mr. Tschudi to Mr. Jay.

VIENNA, *December* 26, 1874.

EXCELLENCY: I have the honor to thank your excellency for your letter of the 24th instant as well as for the note and the reports of the United States Department of Agriculture for the years 1872 and 1873, which I have read with the most lively pleasure.

I have found, especially in the second part of the report for 1873, a great amount of information, and a number of important details, upon the insect in question, which are of the highest interest.

In again thanking your excellency for these communications, and in praying you to transmit to your Government the expression of my acknowledgments, I seize this occasion to express the assurance of my high consideration.

TSCHUDI.

To his excellency Mr. JAY,
Envoy Extraordinary, &c.

No. 21.

Mr. Jay to Mr. Fish.

No. 843.] LEGATION OF THE UNITED STATES,
Vienna, December 27, 1874. (Received January 20, 1875.)

SIR: I have received from the Department two copies of the President's message.

Finding that the passage relating to Spain and Cuba, which, as reported by the cable, had misrepresented the language of the President, and had called forth remarks and criticism entirely inapplicable to the text, I inclosed a copy to Mr. del Mazo, the Spanish minister, with a brief note, and to-day his excellency called in person to make his acknowledgments, and he expressed his great satisfaction in finding the telegraphic report so completely contradicted by the President's own words.

I have also directed an extract from the text of the message to be sent to some of the leading Vienna journals.

By the people and the press of the continent the first abstract of the President's message, which comes by the cable, is generally accepted as the substance of the message itself, and when the text arrives a fortnight later the subject has usually been displaced by the immediate occurrences of the day. Should the Department, in view of this fact, deem it advisable in future to prepare an official abstract of the message, it would, I think, afford a more accurate idea of the executive policy than that which Europe now receives through irresponsible telegraphic agencies, and which, judging from the last example, may be, to a degree, inaccurate and delusive.

The opportunity afforded on such occasions of deceiving the world in regard to the position of the country and the views of the President appears to me to be full of inconvenience, if not of danger, and I am inclined to think that an official abstract, however brief, would be welcomed by European capitalists and statesmen as forestalling all misrepresentations, whether accidental or intentional.

I have, &c.,

JOHN JAY.

No. 22.

Mr. Jay to Mr. Fish.

No. 878.] LEGATION OF THE UNITED STATES,
Vienna, March 4, 1875. (Received March 24.)

SIR: A prolonged ministerial crisis at Pesth, in the solution of which both the King and the Count Andrássy have lent their assistance, has been terminated by the formation of a new fusion ministry, under the presidency of the Baron de Wenkheim, who has hitherto held the post of minister of the court.

The financial troubles in which, during the last two years, this empire has been involved have been especially felt in Hungary, where charges of governmental mismanagement have been blended occasionally with charges of corruption; and increasing difficulties in the collection of the revenue seemed to threaten even national bankruptcy.

Under the Bitto-Ghyczy ministry, formed by a coalition in March, 1874, to which I alluded in my No. 720, the difficulties of administration have recently seemed to have become insurmountable, and the task of forming a governmental party had to encounter not merely conflicting opinions on radical points of policy, but cliques marked by personal antagonism.

That task, however, is now said to have been accomplished.

With the Baron de Wenkheim, representing the club of the right, is associated Mr. Tisza, representing the left, who takes the portfolio of the interior.

Those of commerce and of communication, into which enter the questions of banks, the commercial convention, and the custom-house, are given to Messrs. Simonyi and Pechy.

The ministry of finance has been accepted by Mr. Szell.

The portfolio of justice, by Mr. Bela Preczel, president of the Chamber of Deputies. The ministry of worship and public instruction, by Mr. de Trefort. The minister for the defense of the country, Mr. Szende de Keveszles, and for Croatia, Count Pejacsevic, remain at their post.

The change is described as a radical transformation, Messrs. Bitto, Ghyczy, Pauler, Zichy, Szapary, and Bartal having left the ministry, and being replaced by the chief and two members of the left, and three Deakists; one portfolio remaining vacant.

The report that the Baron de Wenkheim has but temporarily assumed the presidency, reserving the right to resume his present post, if not before, in any case after the elections, is alluded to as indicating a germ of weakness in the new cabinet.

The programme * * * includes the re-establishment of the equilibrium in the receipts and expenses of the State within the limits of the present system; the realization of such economical reforms as are possible without imperiling the existence of the monarchy; the reform of justice; the re-establishment of harmony in the administration of the country; the improvement of the railway system; the fusion of the smaller railways; the largest possible augmentation of the public revenues without raising the rate of taxes; especially in counteracting the frauds and malpractices which have prejudiced the interests of the State; the making the most of the advantages conferred by the Austrian treaty of duties and of commerce, until it should be revised; and the immediate solution of the question of a bank.

The new ministry was yesterday presented to both houses of the Diet, in full Hungarian costume, and in the lower house the situation

was discussed. There was first a speech from the new president, Baron de Wenkheim, expressing his satisfaction that he had won over men from both parties to abide by the compromise, and who appealed to the house to support the government on the ground of "our country before all."

Mr. Simonyi, referring to the proceedings of the past week, remarked that they must not be taken as a precedent; that the Crown might take in hand the formation of a cabinet; and he objected to the course of the late minister, President Bitto, as not in accord with parliamentary government.

The Baron Paul Sennyey declared with excitement that he and his associates would hold an independent position toward the new government, maintaining the welfare of the country, and exhibiting a loyal and chivalric opposition. They would support the government during the difficulties of its transfer, but it must act speedily.

Mr. Bitto defended himself, and vindicated the conduct of the Crown.

Mr. Lonyay declared that his friends would support the government in measures proper for the present condition of the country, but otherwise would maintain an independent position.

Mr. Preczel, the new minister of justice, resigned, amid cheers, the presidency of the chamber, an office in which it is believed he will be succeeded by Mr. Ghyczy.

The new party has adopted the name of "The Liberal Party," and will form a new club.

Mr. Lonyay and his friends will form a separate club.

The financial programme of the new ministry, on which a contest is expected, is not yet announced.

I have, &c.,

JOHN JAY.

No. 23.

No. 882.] *Mr. Jay to Mr. Fish.*

LEGATION OF THE UNITED STATES,
Vienna, March 18, 1875. (Received April 7.)

SIR: The programme of the tour of the Emperor to Italy and Dalmatia was announced to-day. * * * * * *

To the visit of the Emperor to the King of Italy, who is to meet him at Venice, some political importance is attached. It is in general warmly approved by the Vienna press, and I annex two articles on the subject from the English and one from the French press.

I have, &c.,

JOHN JAY.

[Inclosure 1 in No. 882.]

THE MEETING OF THE EMPERORS.

[From the London Standard.]

The Emperor of Austria and the King of Italy are to meet at Venice on the 5th of next month. There has never been a meeting between two sovereigns better adapted to warm the imagination of the historian, or less calculated to inspire the suspicious

fears of the politician. Yet, striking and suggestive as the promised incident is, the peaceful interview is in the strictest sense natural, and the choice of the locality in which it is to take place is eminently appropriate. When the map of Europe required a fresh arrangement after the final overthrow of the first Napoleon, Austria was placed, by common consent, in the north of Italy, as the guardian of order in the Peninsula, the remainder of which was parceled out among the Emperor's willing vassals, with more or less regard to their historical claims. The only claim that was not admitted, that was not even mentioned or thought of, was the claim of the people of Italy to own a common country, and to erect it into an indivisible state. Yet the *Regno d'Italia*, selfishly fashioned by the great French Emperor, was one of those blind anticipations of reality which are so frequently met with in the records of individual genius; and it is not inconceivable that the Italian blood which runs in the veins of the Bonapartes may have impelled him, by a sort of unconscious instinct, to foreshadow the happy destiny of the country. Be this as it may, it is certain that no sooner had the "geographical expression" been allotted to the care of Austria and her dependents than the idea of a real kingdom or republic of Italy began to ferment in the minds of all the more patriotic and the more virtuous spirits of the land. He would be a shallow historian who blamed the statesmen of Austria for seeing in this notorious fact nothing more than an additional reason for vigilance and repression. Even had the government of Vienna, against all antecedent probability, been inspired with the wish to encourage the aspirations of young Italy, its allies would have loudly protested against such a betrayal of trust. The Holy Alliance was based on a clear and intelligible principle, which is no longer much in vogue, but which has been as useful and pertinent in its time as any principles of government which prevail at the present moment. That principle involved a profound suspicion of all popular movements, and a perfect confidence in the benevolence of painstaking rulers to provide for the welfare of their subjects. The Austrians labored hard to rule Lombardo-Venetia with justice, nor can it be denied that many elements of national well-being throve and prospered under their protection. But they were doomed to perceive that their best efforts failed to pacify the hearts either of the Lombards or the Venetians, and that the radical misgovernment of the kingdom of the two Sicilies and of the territory of the Pope was charged to their account. For thirty-two years they struggled to disregard the hatred of the Italians; but it was no subject of surprise to them that when insurrection in Vienna accompanied insurrection in Paris and Berlin, and their troops had for a time to be drawn northward, the cities of Milan and Venice revolted on the same day, at the same hour, and without time even for concert. The lame and impotent conclusion all over Europe of the ill-directed movement of 1848 left Austria no option but to follow up her ultimate military success against Charles Albert and his Italian allies by restoring affairs in Italy precisely to their pristine position. But though everything seemed outwardly to have resumed its former complexion, there was not a skilled observer on the Continent who did not know that a new era had commenced. Custozza—we refer, of course, to the first battle of that name—and Novara had not been fought in vain. Not in vain had Rome been defended gloriously by Garibaldi, Venice with even yet more luster by Manin. Italians from every province of the Peninsula had for the first time fought and bled on the same battle-field for the same cause; and the title "King of Italy" had on the day of Goito been sounded in the ears of the discrowned exile of Oporto. To him had succeeded a young prince, who was, indeed, espoused to an Austrian archduchess, and who had imbibed his religious tenets from the Jesuits, but who, nevertheless, when Novara came to its bitter end, had shaken his sword fiercely toward the Austrian camp, and exclaimed, with a pious oath, "*L'Italia sarà.*" The whole world knew the change; and the statesmen of Vienna were more alive to it than all other observers. But Austria would not release its hold of Italy until it was forced to do so by the arbitrament of the sword. It was but natural that the Austrians should defend their Italian possessions; but it was still more natural that they should lose them. The element of Austrian domination once removed, the various particles which till then had constituted Italy rushed together; and every fresh incident in the European movement only served to complete the process of national amalgamation. It was with a sigh that the Austrians turned their backs for the last time upon the fair country they had only troubled, and which had paid them back with disaster and humiliation. They surrendered without regret what it had been most unprofitable to possess, and the Italians received without rancor what they knew had been withheld so long only from a mistaken policy and an ignorance which too many of themselves had shared. It was thus without any embarrassment that Victor Emmanuel two years ago visited the court of Francis Joseph; and thus with a feeling of pleasure may Francis Joseph return the visit. The spot is aptly chosen. For five months after the "spada d'Italia" was broken in the hands of Charles Albert, Venice held out under the noble direction of Daniele Manin. Those days are not yet forgotten on the lagoons. But the Emperor may safely trust himself among a people who have quite forgiven his share in the miseries they no longer suffer. We should think that some day a great historian will arise to write the annals of Italy from 1815 to

1870. No nobler or more enticing theme could absorb the labors of genius; and the happy climax with which the vicissitudes of the busy period was crowned should offer an additional inducement to some competent hand to undertake the task. It is certain that one so engaged would have to ask himself how it came about that other nations, far more fortunately circumstanced than Italy at the commencement of his investigation, were found at the date which closed them either sunk in a mixture of torpor and disorder, or strikingly declined from their original position. Why has Spain not thriven, while Italy has prospered? Why has France brought upon itself so many misfortunes, while Italy has contrived to journey from difficulty to difficulty, to find its dearest hopes consummated? Something, perhaps, must be ascribed to the instructive school of adversity, something to national temperament; but the result has been that the Italians, in raising their country from a state of depression to one of honor and dignity, have exhibited a remarkable absence of self-love and vainglorious-ness. They have been modest, and even humble, and they were as far removed from the stupid self-content of the Spaniards, who still fancy their peninsula the center of the world, as from the soaring presumption of the French, who till very recently imagined that it was their mission to overrun or to dictate to Europe. Patience and good sense have wrought that miracle, the unification of Italy. We do not forget how much depended upon there being a constitutional sovereign and a well-disciplined army at hand to assist in the achievement; but had the good sense of the Italians not deliberately chosen these necessary instruments, the great undertaking would infallibly have gone astray. The moment when Victor Emmanuel receives Francis Joseph at Venice should be, in no conventional language, one of the proudest of his life.

[Inclosure 2 in No. 882.]

THE MEETING OF THE EMPERORS.

[From an English newspaper, not named.]

The approaching visit of the Emperor of Austria to Italy possesses an interest beyond that attaching to the progresses of royal personages. It is not, indeed, the first time that Francis Joseph II and Victor Emmanuel have met in friendly intercourse since the close of their life-long rivalry. The mere circumstance of the King of Italy being the honored guest of an Emperor of Austria is in itself strange enough; but about the visit of Victor Emmanuel to Vienna there was nothing of the peculiar romance attaching to the return visit of Francis Joseph to the Peninsula. A quarter of a century is a mere moment in the history of nations; and yet, only five and twenty years ago, the man who had foretold that in this year of grace His Most Catholic and Apostolic Majesty would be the guest of a King of Italy, and that King Victor Emmanuel, would have been set down as a crack-brained fanatic. Still, in the course of next month, if the present programme is adhered to, the Queen of the Adriatic—that home of so much departed glory, that abode of so many deposed princes—will witness the meeting of two sovereigns, one of whom was the last of the kings of Lombardy, and the other of whom is the first king of a united Italy. If the spirits of the departed are cognizant of mundane affairs, the dead patriot whose bust they have just placed in the capitol of Rome must have heard the tidings of this royal interview with mixed feelings of triumph and regret. Had Mazzini lived to see this gathering of sovereigns, we know not whether the pride that save for his labors this could not have been would have been extinguished by the reflection that it was not for this he labored. Be this as it may, the visit marks an epoch, and, as it were, closes the second of one of the most curious pages of contemporary history. And of the actors in the forthcoming pageant, the central figure, by the dignity of fate even more than the majesty of rank, must be the Emperor of Austria, who, as the guest of his former foeman, enters the country which he had invaded at the head of his army to fight for his crown with the sovereign whose courtly hospitality he is now about to enjoy.

Probably, like all the princes of the imperial family, Francis Joseph must, in his youth, have visited those fair transalpine provinces which formed one of the proudest possessions of the Hapsburgh monarchy. But of these visits history has preserved no remembrance; and, indeed, the boy Emperor succeeded so suddenly, and at so early an age, to his uncle's throne, that his "years of wandering" were cut short before he had had time to sojourn in the southern land in which any other inmate of Schönbrunn and the Hofburg must have made his abode for a onger or shorter season. When Francis Joseph was raised to the throne, in 1848, Italy was in open insurrection. The armies of the then King of Sardinia invested the Quadrilateral and occupied Milan. Venice had proclaimed her independence under a new republic, and the only spot in the "Regno Lombardo-Veneto" which recognized his imperial authority was the fortress

of Verona. There the stern old Radetsky had gathered his shattered forces. By the spring of the following year, the last hopes of Italian independence had been, as it then seemed, crushed out upon the battle-field of Novara. The rule of the Hapsburghs appeared to be re-established more strongly than ever, and the white-coated Austrian officers lorded it once more in Milan and Venice and all the historic cities of that Lombard land, so rich in memories. There was talk often of a solemn coronation of the Emperor with the iron crown at Monza, and of an imperial visit to the Italian provinces; but the project always fell through. During the decade which followed 1849 the hatred of the Lombards to the rule of the *Tedeschi* was so bitter and so intense that the Emperor's visit could have been nothing but a military progress. To do the Austrians justice, they tried to conciliate their Italian subjects by fair and not illiberal government. But their mere presence was an unpardonable sin in the eyes of the people of the Peninsula. The Emperor, indeed, would gladly have made himself popular south of the Alps. He sent his brother, the ill-fated Maximilian, to live there as viceroy; but the antipathy of race was too strong for any courtesy of manner to subdue, and long before 1860 the government of Vienna had recognized the unwelcome truth that the Italian provinces could only be retained in subjugation by sheer force of arms. That this force would ever fail Austria was an idea which seemed incredible to those who had fought and conquered with Radetsky; and, indeed, if the Emperor Francis Joseph had been confronted only by the Italians themselves, the Mincio would, in all likelihood, have continued to this day to be the frontier of the Lombardo-Venetian kingdom. To say this is no disparagement of the part Italy played in the recovery of her independence. It is a simple assertion of the plain fact that the military strength of Austria was overwhelming as compared with that of Piedmont. Probably in all Europe there are no two living men who know so well as Victor Emmanuel and Francis Joseph that Italy, as at present constituted, owes her existence to the sometime emperor whose fitful life-story ended at Chiselhurst.

With the gallantry of his race, Francis Joseph, then a man under thirty, entered Italy and placed himself at the head of his army, hoping to drive back the French across the Alps. Military critics say that at one time fortune wavered in the balance, and that had it not been for the services of the Marshal-President of the French Republic, the battle-field to which he owes his title might have led to the total defeat of France. It is curious to speculate how, in this event, the fate not only of Italy, but of Europe, might have been changed. But of all unprofitable speculations, considerations of what might have been are about the idlest; and it remains written that on the field of Solferino the Austrian army, fighting under the command of the Emperor, knew only how to die with honor. Then, when all seemed lost, the peace at Villafranca preserved to Austria the Quadrilateral and Venetia, and Francis Joseph quitted Italy never to return there again as sovereign of his ancestral kingdom. Throughout the years which passed between Solferino and Sadowa, Venetia was converted into a garrison, and hopes were cherished at Vienna, till the last, that at no distant day the armies of the empire would sally forth from the Quadrilateral and restore the ancient greatness of the monarchy. But Prussia completed the work that France had begun; and after Sadowa, the Emperor resolved to surrender a province which had almost cost him his crown. Some day or other the world will, doubtless, learn exactly what inducements prevailed with Francis Joseph when he gave up the fruits of the battle his troops had won at Custozza. But even if, as there is reason to believe, these promises were not fulfilled as expected, the Austrian monarchy has no cause to regret the sacrifice. If by the mere exercise of his will Francis Joseph could restore Lombardy and Venetia to the possession of his throne, we doubt if he would care to employ his power of volition. From the day when he ceded Venetia and the Quadrilateral to the kingdom of Italy, the Emperor has accepted accomplished facts with a frankness and thoroughness rare in the annals of royal abdications. His policy has been directed to winning the confidence and esteem of his transalpine neighbors; and this policy has proved so successful by reason of its transparent honesty, that the Italians have learned to believe they have no more trusty friend and ally than the empire which, in times not long gone by, was, in Italian parlance, a by-word for perfidy and oppression. Nine years have well-nigh passed since the Austrian colors floated for the last time in the Piazza of San Marco; and when the Emperor enters Venice he will find a cordial welcome in the city where, within ten years, to be seen speaking to an Austrian soldier was held an act of infamy. With the recovery of their freedom, the Venetians have learned to judge their former masters more fairly, and to recognize that the odiouisness of Austrian rule was due rather to the exigencies of a false position than to any wllful malignity on the part of the *Tedeschi*. Like all Italians, the inhabitants of the City of the Argosies are a kindly, easy-going people, and, as the guest of the King of Italy, they will bear no ill-will to the Emperor whose armies bombarded their palaces in the days when Manin fought the last fight of Italian freedom; and as Victor Emmanuel and Francis Joseph pass together through the Grand Canal, with all the wealth of pageantry which an Italian town can display, the old days will seem to have come back once more, when the silent City of the Doges was mistress of the Adriatic.

[Inclosure 3, in No. 882.]

THE MEETING OF THE EMPERORS.

[From the Constitutionnel.]

The intended excursion of the Emperor Francis Joseph is the all-absorbing subject of the Austrian press at the present moment.

That sovereign has announced that he will shortly go to Venice to see King Victor Emanuel, and this significant event occupies the entire round of conversation and polemics. Some writers profess to regard this visit only as an act of courtesy and not of policy, asserting that the imperial traveler limits himself simply to returning that paid to him at Vienna by the King of Italy. Others pretend that the fact of stopping short at Venice, in lieu of continuing to Rome, is evidence of a determination not to recognize the legitimacy of the possession of that city. The more moderate consider that His Majesty has not been willing to go to the capital, so as not to create difficulties for the Italian government by paying his respects to the Pope at the Vatican. For our part we deem all these opinions to be speculative and devoid of truth. The Emperor's excursion is a symptom of reconciliation, and the augury of concord in the policy of the two countries, between which the causes of discord and hatred have ceased to exist. Austria has renounced the Venetian States, and Francis Joseph, in entering Venice, will give no lingering thought to the means of once more planting a victorious foot among the lagoons, which for so long a period were a dependency of the Austrian Empire. Iatly, at present compact and united, offers nothing to conquest; and the sole ambition which any neighboring State can entertain is to conclude with her an alliance which may render peace assured.

A great change has supervened in the ruling spirits of Austria since 1866. It has come to be recognized that the time for arbitrary possessions has passed away, and that the balance of power in Europe was broken in favor of a monarchy against which it has become necessary to seek support. The war of 1870-'71 struck a final blow against Austrian ambition, and now, far from thinking of treating Italy as a tributary, the empire is disposed to accept her as a useful ally.

No. 24.

Mr. Delaplaine to Mr. Fish.

No. 2.] LEGATION OF THE UNITED STATES,
Vienna, April 2, 1875. (Received April 21.)

SIR: Yesterday evening the Emperor, accompanied by his two brothers, by several of the ministers of state, and by a numerous suite, left Vienna for Trieste and Venice, having the plan of proceeding subsequently to Pola, and thence to Dalmatia. His presence at the first-named sea-port was chiefly designed to assist at the unveiling of the monument there, erected to his deceased brother, Maximilian, who had, previously to his ill-starred departure in order to assume the imperial power in Mexico, held the command of the Austrian navy, and had fixed his residence at Trieste. There his popularity had been great, and his assiduous and energetic efforts for the advancement and development of the marine service of the empire had been recognized.

The Emperor's visit to Venice is regarded as a masterly act of policy on the part of Count Andrássy, which, while in semblance only a graceful return of the visit of the King of Italy, in 1873, to this court, might accomplish the important result of effecting a complete reconciliation between the people, as well as the sovereigns, of the two countries, so long bitter adversaries, to be followed not only by a perfect and permanent pacification, but even by a sincere sympathy between them. The interests of the commerce and industry of those nations, as also commerce and industry throughout the world, accompanied by an increase

of confidence and an improvement of credit, must moreover be fortified by every fresh assurance that the peace of Europe was in less danger of disturbance. * * * * * * *

It is hereby manifested that not only warm friendship has replaced former animosity, but that Austria has resigned all intention of obtaining future domination in Italy.

This interview, the confirmation of the former apparent reconciliation between the two dynasties of Savoy and Hapsburg, closes a chapter of disasters in the annals of Austria, and will form an episode in history both dignified and illustrative, alike creditable to the magnanimity of the valiant *Kaiser* and of the *Re Galantuomo*, while it might command the sympathies of all liberal Europe.

The Emperor's brief visit to Pola has for its object a personal inspection of that marine arsenal, and a more perfect apprehension of the naval force and resources of the empire, of which but a small portion can be viewed at Trieste, where mainly the commercial marine is harbored.

The Hungarian port of Fiume will also be visited on his return from Dalmatia.

This province, which indeed forms the principal object of his tour, so populous, productive, and flourishing during the rule of imperial Rome, as is attested by the existing vast and magnificent ruins of edifices of that period as well as later, during its subjection to the Venetian Republic, has, since its connection with the Austrian Empire, been unvisited, undeveloped, and half forgotten, although possessing a long line of coast on the Adriatic, provided with some excellent harbors, and being especially valuable to the empire as the cradle and training-school of its seamen.

It is His Majesty's intention now to fully explore this remote province, the interior of which is almost wholly unprovided with roads or means of communication other than the most primitive; and as he will then be accompanied by men of practical scientific attainments and experience, and among them by the present minister of agriculture, the Chevalier de Chlumecky, (who is, he informed me, a Dalmatian by birth, and familiar with the language of the country,) it is fair to conclude that this exploration will instruct the monarch, and enable him to judge as to the capabilities and necessities of the province. Upon this it may be anticipated that the early introduction of railways will follow, together with an improved system of agriculture, more general education and enlightenment, and increased prosperity as the result.

In conclusion, I may add that it may be with certainty anticipated that upon the Emperor's arrival at Cattaro, near the southern limit of Dalmatia, an interview will, in accordance with international courtesy, take place there with the Prince of Montenegro. This small and obscure State, whose rugged country and the valor of its inhabitants have for centuries preserved its independence, although often assailed by its powerful neighbor, has at various times, and even very recently, on the occasion of its provocation, threatened to revive the Eastern question, and to cast a fire-brand of discord in Europe.

It may be assumed that the Prince will learn the pacific policy of Austria-Hungary, while it is hoped that he will decide to imitate it, and that the wild, but brave, mountaineers will in time exchange their present uncertain life for one of progress and civilization.

I have, &c.,

J. F. DELAPLAINE.

No. 25.

Mr. Fish to Mr. Delaplaine.

No. 486.] DEPARTMENT OF STATE,
Washington, April 7, 1875.

SIR: I inclose herewith a printed copy of an act of Congress approved March 3, 1875, in relation to immigration.

Your attention is invited to the fifth* section of the act, which you will perceive is intended to prohibit the immigration into the United States of certain objectionable classes of persons. It is desired that you will bring the provisions of this section to the notice of the Austro-Hungarian government, explaining the object of its enactment, and the penalties and forfeitures denounced against any violation of the law.

I am, &c.,

HAMILTON FISH.

No. 26.

Mr. Delaplaine to Mr. Fish.

No. 12.] LEGATION OF THE UNITED STATES,
Vienna, April 27, 1875. (Received May 17.)

SIR: Yesterday at noon the navigation of the Danube rolling over its new bed was publicly opened and authorized.

The largest steamers, as well as other vessels, already traverse this new way of communication, and are moored at the stone bulk-head recently finished on the southern bank of the river. This important event was inaugurated without public ceremony, or any imposing military or civic manifestations, although it is possible that the Emperor, after his return from Dalmatia, may deem it appropriate to pass over the course of the new stream, and that occurrence may be accounted perhaps as the actual official or state opening. The mighty river, by the action of its own current, had, nearly two weeks ago, quite arbitrarily and to the dismay of the engineers, anticipated the performance of what must be deemed the chief item of the ceremonial programme, namely, the admission of the water into the new bed, which, during several years, thousands of hands had been industriously occupied in excavating. It then burst suddenly through and washed away the upper dam, taking possession of its new bed, and forcing a passage through the lower dam. Against this unexpected occurrence no precautions had been taken by the engineers, and a large inroad was made by the rapid rush of the stream upon the southern bank, which caused some consternation and alarm; but, through the immediate sinking of barges loaded with stone, and other preventive measures, this injury was arrested, and the damages are being now repaired.

The transport of merchandise to and from the Levant which followed this great water-course had been hitherto interrupted at this point,

* See Statutes at Large, vol. 18, part iii, p. 477. A copy of this act was also sent to each of the United States legations in the following countries: China, Denmark, France, Germany, Great Britain, Italy, Japan, Netherlands, Russia, Sweden and Norway, and Switzerland.

where the Danube, divided into various arms, becomes no longer navigable; and a transshipment is therefore unavoidable. Now, over this space the river forms a wide, majestic and unbroken stream, allowing the passage of vessels of large tonnage. This improvement will doubtless be necessarily followed by the regulation of other portions of its course, especially at the so-called Iron Gate, in Servia, in case that government shall receive material assistance from other powers interested, and in case the Porte shall interpose no obstacle.

The future value of this uninterrupted navigation, if followed by the later improvement referred to in developing the productive resources of this empire, and especially in making Vienna a central point of transit and trade, cannot, perhaps, be too highly estimated, if we may be permitted to draw this conclusion from the past history of the commerce of the Orient. Until now there has not been ascribed to the Danube the importance to which, from its magnitude, geographical position, and course upon this continent, it is entitled; but as the commerce of the world, since the opening of the Suez Canal, gravitates toward the East—a commerce which will undoubtedly increase when the projected railways from the Black Sea are continued to Persia and India—that importance as a channel of water-communication must proportionately advance.

To apprehend the future value of the trade with the Orient, it will suffice to consider its influence, before the discovery of the passage around the cape of Good Hope, upon Venice and other maritime cities of the Mediterranean through which the exchange of the productions of the East and West was effected, and from which the prosperity and wealth of those cities arose, but after that event suddenly fell. In view of the before-mentioned opening of the Suez Canal, through which the voyage between Europe and Eastern Asia is abridged by at least a month, also of the increasing steam-navigation, the exchange of the productions of the two continents is facilitated and augmented to an extent far surpassing that of the most prosperous periods during the Middle Ages.

But attention may be reasonably called not only to the intercourse with India, but also to that with Egypt, now rich in the production of sugar and cotton, and throughout that fertile country, provided not only with its Nile navigation, but also progressing by reason of the annually increasing extent of railways, which are advancing towards the newly acquired provinces of Darfur, lying south. These anticipations of the future are certainly only speculative, but they assume, notwithstanding, an aspect of probability.

I have, &c.,

J. F. DELAPLAINE.

No. 27.

Mr. Delaplaine to Mr. Fish.

No. 14.] LEGATION OF THE UNITED STATES,
Vienna, May 5, 1875. (Received May 20.)

SIR: The latest telegraphic intelligence from Dalmatia announces the Emperor's arrival at Cattaro, and his ceremonial interview with the Prince Nikita, of Montenegro.

His Majesty's tour throughout the province had been accompanied everywhere by the most enthusiastic demonstrations of loyalty and

welcome. In every town and hamlet salutes and general illuminations, as well as the formal greetings of the various clergy and of the public authorities, have proclaimed the universal satisfaction.

Politicians in Vienna attach to the imperial tour results of marked importance to the empire beyond those upon Dalmatia alone. The inhabitants of that province being of simple and primitive customs, and whose interests as well as varied idioms have little or no convergence toward Austria proper, or even to Hungary, possess, therefore, more impressionable imaginations; and, viewing in the sovereign an incarnation of their idea of the empire, they naturally experience a closer attachment to the other provinces composing it, and a more vivid apprehension of a common country.

Thus the rivalry between the Italian and Slavonian nationalities in the province is, moreover, diminished, if not removed; and it may be safely presumed that the imperial presence will give a new and powerful impulse in calming the antipathies of party and in realizing a progressive march in an economic and intellectual point of view.

In the course of his tour the Emperor entered the Turkish territory, and received the greetings of the governor of Bosnia, and others of a deputation from the Sultan. They accompanied His Majesty's suite to Ragusa, and were the recipients of marked attentions and of imperial decorations. This event is considered to have dissipated the cloud of difference which recently darkened the relations between the two powers in reference to the question of the Roumanian and other Turkish railways, and their direct connection with the Hungarian and Galician.

* * * * * * *

The prestige of the monarchy will thus find higher luster and greater influence in the councils at Constantinople, and its efforts in favor of consolidating peace and a salutary equilibrium in the interest of Europe against all attempts and tendencies to disturb the general tranquillity will, as it may be reasonably anticipated, not fail in proving successful.

I have, &c.,

J. F. DELAPLAINE.

No. 28.

Mr. Orth to Mr. Fish.

No. 50.] LEGATION OF THE UNITED STATES,
Vienna, September 21, 1875. (Received October 15.)

SIR: The insurrection in Herzegovina has not yet been entirely suppressed. Since my No. 36, of August 24, 1875, on this subject, the Porte has been actively engaged in moving troops and munitions of war into the infected district, which are under the command of Hussein Pasha. Conflicts, or rather skirmishes, have been of almost daily occurrence between the Turkish forces and insurgents, without decisive advantages to either side, although it is admitted that the insurgents, being without regular organization, civil or military, without an adequate supply of the munitions of war, and, what is of greater importance, without moral support from any of the powers, or even from the neighboring principalities, are becoming gradually disintegrated—forced in small parties to surrender, or driven to mountain fastnesses, where, at most, they can only continue a predatory struggle.

Server Pasha, who, as stated in my former dispatch, was sent as "extraordinary delegate" on the part of the Porte, has been in the discharge of his duties for over a month, and sends favorable reports respecting his mission; among others that large numbers of the insurgents have, through his interposition, laid down their arms, and agreed to submit to Turkish rule, under the promise and in the hope of administrative reforms on the part of the Porte.

The mission of the consuls, co-operating as they are, at least in spirit, with Server Pasha, has thus far been successful in inducing some leading insurgents to accept the assurance that a reform of existing abuses cannot longer be delayed, and that such reform is more likely to come upon a complete cessation of hostilities than by continuing a contest which must prove ruinous as well as hopeless without other assistance than that which is now under their control. Should this spirit continue to manifest itself in their leaders, and gradually permeate the great body of the insurgents themselves, then Server Pasha would soon be in a position to offer an acceptable amnesty, based upon the assurance of the powers that administrative reform shall no longer be delayed.

The key to a pacific result of the present troubles is undoubtedly held by Servia, and no one, from present knowledge, can safely predict what may be the Servian attitude thirty or sixty days hence. The public sentiment of Servia, so far as public sentiment can exist or manifest itself among such a people, is undoubtedly for war, while Prince Milan and his immediate party in control of the government are as undoubtedly for peace. The Prince and his party, whatever their personal views in the matter, are merely reflecting the wishes of their powerful neighbors, Russia and Austria-Hungary, by whose favor they are kept in power.

At the meeting of the Servian "Skuptschina," some two weeks ago, the war feeling was largely predominant, but it has been soothed, day after day, until it is a matter of some doubt whether a majority of its members are not to-day inclined to adopt the views of their Prince.

So with Montenegro, the people have all along sympathized with the insurgents, and were ready, at a moment's notice, to manifest such sympathy openly and effectively in the ranks of the insurgents. * *

Present indications are that the insurrection will be suppressed, probably before the commencement of winter; for a poorly-clothed, poorly-fed, and poorly-housed peasantry, however patriotic, cannot long compete with the forces and resources of an organized government.

* * * * * * *

In addition to these considerations the insurgents will be induced to submit in the hope of promised reforms becoming actual reforms, a promise which is as unlikely to be kept as those which have heretofore so often been made.

A wider diffusion of popular intelligence, increased facilities for social and commercial intercourse with the rest of mankind, may, within the next decade, bring about this result without the permission, or perchance in spite of the opposition of the supporters of Turkey.

* * * * * * *

The Russian and Austro-Hungarian governments might be pleased to have Bosnia and Herzegovina erected into a semi-independent but tributary state, somewhat after the mold of Servia, for such a course might tend, for a time at least, to allay the periodical disturbances so prejudicial to the continued peace of Europe. But will Turkey or her Mohammedan subjects in Bosnia and Herzegovina consent to such a change in the present political status of this territory? Judging from the past history and policy of Turkey, or the present temper of this portion of

her subjects, there can be no hesitation in giving a negative answer to this interrogatory. Even should such a course be adopted with reference to Bosnia and Herzegovina, it would, in my judgment, be but a temporary expedient, and not by any means a permanent settlement of the troubles which have so long disturbed the peace and prosperity of Southeastern Europe.

I have, &c.,

GODLOVE S. ORTH.

BARBARY STATES.

MOROCCO.

No. 29.

Mr. Mathews to Mr. Fish.

No. 142.] CONSULATE OF THE UNITED STATES OF AMERICA,
Tangier, August 24, 1874. (Received September 22.)

SIR: I have the honor to inform you that a meeting of the foreign representatives took place at Tangier on the 21st instant, to take into consideration the disturbed state of the province of Tangier. The meeting was held at the residence of the Spanish minister.

Attention was drawn to the state of anarchy, which for two months past has existed in this province, the authority of the Pasha being practically null outside the walls of the town of Tangier. It was pointed out that the preservation of the public peace for any length of time was most uncertain; that any untoward incident might at any moment occur to disturb it; that crimes and acts of violence had been committed with impunity, and that it was notorious that the Pasha had no force at his disposal to put down any insurrectionary movement that may take place. Allusion was also made to the neighboring province of Anjera, which is without governor, and is also far from being in a satisfactory state.

It was unanimously decided that the time had come when some step should be taken by the foreign representatives to bring the critical state of the country to the notice of the Sultan's government, and with this view it was agreed that an identic note should be presented by each representative to the Moorish minister for foreign affairs. The note, was drawn up by Señor Patxot, the Spanish minister, and after undergoing a few slight alterations, was accepted by all the representatives.

I have the honor to inclose herewith (inclosure 1) a translation of this note, which, in concert with the other foreign representatives, I have this day addressed to Cid Mohamed Bargash, and I hope it will meet with your approval.

I have, &c.,

FELIX A. MATHEWS.

[Inclosure in No. 142—Translation.]

Mr. Mathews to the Moorish minister for foreign affairs.

AUGUST 24, 1874.

(After the usual compliments.)

The serious nature of the circumstances which are occurring in this country, compels me to call your attention in a friendly manner to the unsafe state in which this country has remained for some time past. The Christian powers see with astonishment the repeated and scandalous acts of violence by which the public tranquillity is placed in jeopardy, and the impunity with which crimes and frequent acts of violence are allowed to pass without the authorities of the Sultan's government applying an opportune remedy; a state of things which gives grounds for suspecting a culpable apathy, for whose consequences you will be responsible.

Further patience is impossible in view of the insurrection at present existing in this province, and people are grieved to see that the authorities do nothing to terminate this dangerous state of things, which is a constant menace to the public peace.

It is necessary that an end be put immediately to this state of things. I therefore request that you lose no time in bringing this letter to the notice of His Sheriffian Majesty, in which I protest against the state of anarchy in which this country is left; and I request, in the name of my Government, that you apply a prompt remedy to this deplorable state of things which no nation can any longer see or accept with indifference. It is necessary that, without any loss of time, you take measures to cause your authorities to be respected and obeyed, aiding them for this purpose with sufficient force and means, or else that you change them for others who have the power to govern. And know that I render you responsible for all harm and prejudice that may accrue to the citizens or the interests of the nation which I have the honor to represent. Thus you will avoid endless complications and preserve the friendship and highest esteem of all the Christian powers, who have full confidence in the wisdom of His Majesty the Sultan, that he will find a remedy for this lamentable state of things with promptitude and energy. Peace and friendship.

FELIX A. MATHEWS.

No. 30.

Mr. Mathews to Mr. Fish.

No. 146.] CONSULATE OF THE UNITED STATES OF AMERICA,
Tangier, September 21, 1874. (Received October 23.)

SIR: I have the honor to transmit to you herewith the translation of a letter which I have received from Cid Mohamed Bargash, in reply to the note which, in concert with the other foreign representatives, I addressed to him on the 24th ultimo,* in regard to the state of affairs existing at Tangier.

You will observe that the Pasha has been recalled to the Court, and that Cid Aly Mesfeeroy, one of the Sultan's secretaries, who has been sent to Tangier to investigate into the claims of foreign subjects against governors and shicks, has been appointed temporarily to rule over the Kabyles.

The Pasha, Kaid Mohamed Emkished, left Tangier yesterday for the Sultan's Court.

I have, &c.,

FELIX A. MATHEWS.

[Inclosure in No. 146.—Translation.]

Mohamed Bargash to Mr. Mathews.

SEPTEMBER 19, 1874.

(After the usual compliments.)

We have received your letter dated the 24th August, regarding the state of the Kabyles in the neighborhood of Tangier which revolted against the governor, and you demanded that a remedy should be put to such state of affairs.

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* See Foreign Relations for 1874, p. 42.

We transmitted your representation to our lord the Sultan, and His Majesty has ordered the governor to proceed to the Sheriffian Court, and directed his secretary, Cid Aly Mesfeeroy, to rule over the Kabyles above mentioned for the present until further orders.

We acquaint you of this for your information. Friendship and peace.

MOHAMED BARGASH.

No. 31.

Mr. Mathews to Mr. Fish.

No. 147.] CONSULATE OF THE UNITED STATES OF AMERICA,
Tangier, September 28, 1874. (Received November 4.)

SIR: I have the honor to inform you that, with a view to preventing the introduction of plague into this country, the Morocco board of health has passed a resolution that a representation shall be made by each of the foreign representatives to their respective governments, recommending that authority be given to consular officers in the East to refuse to deliver bills of health to vessels conveying pilgrims returning from the Hedjaz to Morocco, and that similarly, consular officers in Morocco be authorized to refuse to issue bills of health to vessels carrying pilgrims from Moorish ports.

The Morocco board of health is composed of the foreign representatives, who have been specially empowered by the Sultans for the purpose.

It is stated that plague has generally been brought into Morocco by pilgrims returning from the East, and it is reasonably feared, that, unless some measure be adopted in Morocco, as has recently been done by the French authorities in Algeria, to put a stop to pilgrimages to Mecca during the present year, the plague will again enter Morocco, and from thence spread into the neighboring countries of Europe.

It is in vain to expect that here the Moorish government will forbid the pilgrimage to the holy places of Islam, as such a course would be regarded as contrary to the precepts of their religion. The only means, then, of attaining this object is that suggested by the Morocco board of health, namely, to take steps to prevent foreign vessels carrying pilgrims, Morocco having no vessels, either mercantile or of war, of her own.

It becomes therefore important, should the measure recommended by this board of health receive your sanction, that the necessary authority be given to the consular officers in Morocco at the earliest opportunity.

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I have, &c.,

FELIX A. MATHEWS.

No. 32.

Mr. Mathews to Mr. Fish.

No. 166.] CONSULATE OF THE UNITED STATES OF AMERICA,
Tangier, April 1, 1875. (Received May 25.)

SIR: I have the honor to inform you that the United States frigate Franklin, flag of Rear-Admiral Worden, anchored in this port on the 18th ultimo; on the following day the admiral, accompanied by his staff, landed, and was introduced by me to the Moorish minister of

foreign affairs, and Pasha, and was by them received with all honors and marked cordiality.

The Franklin left this port for Gibraltar, on her way to Nice, on the 23d ultimo.

I beg also to inform you that Sir John Hay Drummond Hay, British minister plenipotentiary, left on the 30th ultimo for the capital of Morocco, Fez, on a diplomatic visit to the Emperor. The British minister takes, among the presents for the Emperor, a telegraph apparatus, wire, &c., from the British government; Morocco being up to this day in total ignorance regarding telegraphs and their use.

The Italian chargé d'affaires, Signor Scooasso, will also leave shortly for Fez, on a similar mission; the Italian government transport Dora having arrived at this port on the 25th ultimo, with the presents from the Italian government to the Sultan of Morocco.

I have, &c.,

FELIX A. MATHEWS.

No. 33.

Mr. Mathews to Mr. Fish.

No. 172.] CONSULATE OF THE UNITED STATES OF AMERICA,
Tangier, June 28, 1875. (Received July 26.)

SIR: Kaid Jilaly Ben Hamo, late governor of Fez, has been appointed Pasha of Tangier, and has arrived with a considerable force on the confines of this province. It is expected that Kaid Jilaly will demand arrears of taxes which have not been paid for five years, and will further inflict a heavy fine upon the inhabitants of the mountainous districts in this province who have shown for some years a spirit of insubordination. Should the tribes refuse to submit to the Sultan's orders, it is not improbable that they will be attacked, and even larger forces will be dispatched from Fez to subdue the rebels.

Kaid Jilaly has held the rank of chief officer of the Moorish Court for fifty years. He is upwards of eighty-three years of age, and is still a man of great energy, but very arbitrary and severe in his proceedings toward Moorish subjects. Whenever the population of a province shows a spirit of disaffection, Kaid Jilaly is appointed governor *pro tem.* It was on account of the rebellion of the population of Fez, last year, that he was appointed governor of that city, where he has succeeded in restoring order.

I have, &c.,

FELIX A. MATHEWS.

TRIPOLI.

No. 34.

Mr. Vidal to Mr. Hunter.

No. 57.] UNITED STATES CONSULATE AT TRIPOLI,
March 1, 1875. (Received April 7.)

SIR: I have the honor to inform the Department that, after a number of adventures, for which I was not prepared when I commenced my

overland journey along the African coast, and which culminated in my being shipwrecked on the coast of Pamphylia, I came back to Tripoli on the 5th ultimo. I traveled on horseback all the way from Benghazy to Alexandria, and I can say that my journey was a complete success as far as the United States consul was concerned, but the man had much to complain of, though my health was invariably good. I was detained forty days in Egypt by a sham quarantine, purposely starved the greater part of that time, and then shipped off by force on board an Ottoman schooner of fifty-two tons, which brought me to Adalia, on the coast of Karamania, in the very nick of time to be shipwrecked. Were it not for a line opportunely thrown me by a Greek from the top of the walls of the city, to climb up from the wrecked vessel to *terra firma*, the results of my exploration would have been lost to the Department. On that same day, the 21st of November, seventeen persons were drowned near the entrance to that port, and a great number of vessels lost on that coast, as well as in other parts of the Mediterranean. When I reached Malta, at last, I found my wife dangerously ill, in consequence of the terrible anxiety in which she was kept for several months, absolutely without any kind of information in regard to my whereabouts. While I was nursing her, who should arrive in the island but Sahmi Pasha, lately governor of Tripoli, on his way to Aleppo, of which he had just been appointed governor. He had about fifteen negro slave girls in his train, and I had, of course, to snatch a few moments from my wife's bedside to hasten to the police headquarters and invite the Maltese authorities to do their duty. * * * * * *

I will, for the present, confine myself to this statement, that the Pasha and his slaves were allowed to proceed on their way to Constantinople without any magistrate in Malta making a legal inquiry in regard to those negroes' civil status, and that I was thus denied the occasion to prove my charges against Sahmi Pasha and the Malta police. Negro slavery exists as much this day in every province of the Ottoman Empire as it did a hundred years ago. When that social institution was legally recognized by the Ottoman government, the negro slave would become free the moment he would embrace the Mussulman religion. Such, at least, was the law. * * * *

Nevertheless it was exceptional only that the child of a *harbi* (or non-Mussulman) woman was kept in slavery after the mother was converted to Mohammedanism. Nowadays, when slavery is an institution tolerated only in Turkey, and at which the Ottoman government may condescend to kindly blink, but which it cannot regulate, out of respect for European opinion, the general rule is to emancipate slaves' children born in Turkey; and that's precisely the horrid feature of that state of things. If there may be two opposite opinions in regard to the respective advantages and disadvantages of slavery, as it was established in most of the European colonies of the New World, that is, of the keeping and rearing of the negro child in the same kind of bondage in which it was born, there never was, and can be, but one cry of condemnation against the horrid negro-slave traffic, the kidnapping of thousands and thousands of quiet and happy human beings, who are not Ottoman subjects, and whom the great powers of Christendom have taken under their official protection, and bringing them across immense sand-deserts and amidst horrible sufferings, which the statesmen of Washington, London, Paris, and Berlin cannot have a correct idea of, either to Egypt or Barbary, thence to be exported to Turkey. Therefore, the more numerous the cases of slave-emancipation in Turkey, and the more general the system, far the greater the slave-traffic in Africa to supply the deficiency. After

all, the slave-owner in the Carolinas or Jamaica, for instance, was merely holding in a state of servitude a man who was an American or British subject, as the case might be, and of whom his government had, to a certain degree, the right to regulate the status. But the Ottoman slave-owner holds in bondage a foreigner violently kidnapped by pirates.

Now here is what I noticed in my journey in regard to negro slavery: When I left Dernah, there was in the offing a small vessel bound for Canea, the master of which was only waiting for my own departure to take a few negro slave girls on board and weigh anchor.

Less than a quarter of an hour after my rescue from the angry waves at Adalia, and even before I had changed my wet clothes, I was requested to take under my protection a runaway-negro slave and bring him to Malta with me.

On board the Ottoman steamer that conveyed me from Adalia to Beirut, I came across an officer of the Ottoman army, whose body-servant was a negro slave, bought, as the officer informed me, by him in this city of Tripoli, of Barbary.

The day before I left Alexandria, having ordered my janissary, L'Uneschi, to find for me one or two negro slave girls, he went out; and in less than an hour he came back with a slave-broker, who took me to a house where he was keeping two slaves, one twenty years old, and the other fourteen. The former could speak Arabic, but the latter understood no other language than one of the Soudan tongues. The prices asked were twenty napoleons for the older one, and fourteen for the younger. But, wishing to ascertain whether that article could be exported from Alexandria as easily as it is from Tripoli, I informed that man that I was on my way to Barbary, by way of Malta, and that I intended to leave on the next day by the English steamship Illyrian, of the Leyland line. Being a stranger, I did not want, I said, to have the annoyance of passing those slaves through the custom-house. "Very well," said the broker, "pay me a supplement of five napoleons for the older one and nine for the other, and I will deliver them on board. You will pay me when I have put all the papers of sale and others in your hands on board the steamer. It will cost me more to take the younger one through the custom-house, as she does not speak Arabic, and is too young to be passed for your servant's wife." Having all the information I desired, I went away, not wishing to invest my money in that article. * * * * * *

I have, &c.,

M. VIDAL.

TUNIS.

No. 35.

Mr. Heap to Mr. Hunter.

No. 188.] CONSULATE OF THE UNITED STATES,
Tunis, November 14, 1874. (Received December 10.)

SIR: I have the honor to inclose a notice on the "inland sea of North Africa," which has been so much discussed in France and elsewhere. When I wrote on this subject, in my dispatch No. 176,* dated June 2,

* See Foreign Relations for 1874, p. 53.

1874, I was impressed with the belief that the undertaking of opening a communication between the sea at Gabes, on the eastern coast of this regency and the Great Desert was quite practicable. Even M. Fuchs, whose recent report is adverse to it, was at that time quite convinced that there existed no great material obstacle to the introduction of the waters of the sea into the schotts, but when I saw him on his return from an exploration of this region last summer, his opinion was quite changed.

I have prepared two rough sketches or maps to accompany the report, which will, I hope, make it more intelligible.

I am, &c.,

G. H. HEAP.

[Inclosure in No. 188.]

THE INLAND SEA OF NORTH AFRICA.

Much has been recently said and written in regard to the re-opening of a canal which, it is supposed, once connected the waters of the Mediterranean with those of a large lake or sea in the interior of Africa, at a point on the coast of Gabes, in the southern part of the Regency of Tunis.

This interesting subject, as much from the novelty and boldness of the conception as the advantages that might accrue to commerce by the opening of so extensive and almost unknown a region to its influences, has been received with interest by scientific bodies in France and elsewhere. They have even indulged in speculations on the effect this large body of water might produce on the climate of Algeria and Tunis, Sardinia and Sicily. The most ancient traditions have been revived to give a foundation to the belief that there once existed in this region a sea that was navigable; and, starting from the hypothesis that Jason and his Argonauts actually entered and navigated it, everything has been brought to bear to prove that there was anciently a large body of water in the interior of the Great Desert, which communicated with and was fed by the waters of the Mediterranean, and that it is feasible, by an outlay of a few millions, to re-establish this communication, and thus open to commerce a region as extensive as that washed by some of our larger lakes.

On the other hand, the skeptical do not believe that such a sea ever existed, unless at some remote period of the earth's history, and that the physical obstacles that oppose its creation at the present time are, practically, too great to be overcome. The description of Herodotus of the voyage of Jason in search of the Golden Fleece, and the actual existence of half-submerged lands in the Great Desert, are the grounds for the belief that within historical times there existed in this part of Africa a considerable bodyof water, known to the ancients as the "Great Lake, or the Bay of Triton." In support of this theory, there actually does exist, in a line extending from a point near the Gulf of Gabes, on the east, to the seven degrees and thirty minutes of eastern longitude from London, a series of schotts and sebkhas, the westernmost of which has been ascertained by actual measurement to be below the level of the sea. *Schott*, in Arabic, signifies the "bottom of a lake left dry, or nearly so, by evaporation during summer," and *sebkha* "a saline marsh." The most western of these schotts is Mel Rir, which connects to the east with Schott Sellem; they are both in Algeria. Between Schott Sellem and the Gulf of Gabes is a series of schotts and sebkhas, the largest of which, El Gramis, El Rharsa, or El Faraoon, and El Fejej, or El Djerid, are in the Regency of Tunis. Schott El Fejej is the nearest to the Mediterranean, the distance being variously estimated at from thirteen to nineteen miles. Captain Pricot de Sainte Marie, attached to the staff of the French army in Algeria, was instructed in 1845 to take levels from the Schott El Fejej to Gabes, (the ancient Tacape,) on the Tunisian coast. His report is deposited in the archives of the ministry of war at Paris. In 1873, Captain Roudaire, also an officer of the staff, was directed to ascertain the altitude of the town of Biskra, in the province of Constantina, Algeria, which was approximately fixed at three hundred and eighty feet above the level of the sea.

Pursuing his topographical observations, Captain Roudaire calculated that the western part of Schott Mel Rir was 87 feet below the level of the sea, and as the depression went on increasing toward the east, he deduced from this circumstance that the level of Schott Sellem must be 132 feet. He is of opinion that this depression continues through all the schotts to the eastern extremity of Schott El Fejej, and as the latter, according to him, is only thirteen miles from the Gulf of Gabes, he thinks that it would

be easy, by removing the sand-banks and other deposits which have accumulated in the course of time, to reopen the ancient canal, through which, it is averred, the waters of the Mediterranean flowed into these depressions, and thus re-establish the inland sea mentioned by ancient geographers. Schott Mel Rir is about forty miles south of Biskra, in Algeria, and covers an area of one thousand three hundred and fifty square miles, and, according to the partial surveys of the schotts and surrounding country, the French officers compute that the inland sea would be about two hundred and twenty-five miles in length by about fifty in breadth, covering an area of about one thousand two hundred square miles. These are, in brief, the grounds upon which is based the belief that this inland sea existed in former ages, and that it could be re-established at a maximum expense of 20,000,000 francs.

A survey, however, was made in the summer of the present year by Mr. Fuchs, an eminent French professor of geology and mineralogy, who was charged by the Tunisian government to report on the mineral resources of the regency, and it goes to prove that the conformation of the country between Gabes and the Schott El Fejej presents physical obstacles of such a nature as to render it impossible that a communication could have ever existed between the Mediterranean and the schotts. Fuchs distinctly affirms in his report—

1. That the eastern extremity of the Schott El Fejej lies between two small ranges of mountains running from west-northwest to east-southeast, composed of sediments and deposits belonging to the Tertiary period, and that both ranges diminish in height as they approach the coast.

2. That these two ranges of mountains are united at their eastern end by a series of hills, which run parallel to the coast, and, consequently, between the sea and the Schott El Fejej.

3. That the highest of these hills or table-lands has an elevation of about 333 feet above the level of the sea, and that the minimum elevation is 165 feet, where they connect with the northern range of mountains.

4th. That this barrier is composed of alternate layers of ferruginous and quartzose sandstone superposed upon compact limestone, probably of the Eocene period.

5th. That the slope of these table-lands, as well as of the two ranges of mountains, is gradually and uniformly toward the sea. On the side of the Schott El Fejej it is more irregular and cut into terraces.

But the fact of the greatest importance to note is that the saline plain or sebka of El Fejej is, according to the barometrical observations of Professor Fuchs, probably 82 feet, and certainly not less than 66 feet above the level of the sea. It is crossed, moreover, by a narrow natural causeway (the road to Gafsa) at about 13 miles from its eastern extremity, and consequently, if there is a depression in this schott or sebka below the sea-level, it must be looked for at a considerable distance to the westward of this causeway. Mr. Fuchs comes to the conclusion that the formidable barrier which intervenes between the Gulf of Gabes and Schott El Fejej, as well as its geological structure, are convincing proofs that no connection could have existed within historical times between the Mediterranean and the desert at this point, an opinion which a more minute and accurate survey will probably prove to be the correct one.

Rennell, in his geographical system of Herodotus, cautiously states that if the lake or bay of Triton ever did exist, its communication with the sea could only have been by the valley or bed of the river Akarit, which, following Shaw, he conjectures to be the river Triton, it being the nearest point from the Gulf of Gabes to the Schott El Fejej, or Djerid. It is certain, however, that all the streams on this coast which take their rise in the mountains that inclose the Schott El Fejej, such as the Akarit, El Hammah, El Melah, and others, flow directly into the Mediterranean, and not into the schott, which they would do if the depression of the land were toward it.

Shaw, who visited these localities in the early part of the eighteenth century, and who describes them minutely, says, "Yet we shall be at a loss to account for the river Triton, which, according to Ptolemy and other ancient geographers, is made to pass through the lake (Schott Djerid) in its course to the sea. I have already described this river and observed that it hath no such situation, though from its falling into the sea at Gabes, the ancient Tacape, this, without doubt, must be the Triton of the ancients. Besides, the water, both of the river Triton and the brook El Hammah, is very sweet and wholesome; but that of this lake (and indeed of most others that I have tasted in Africa) hath a saltness not inferior to that of the sea, a circumstance which alone may be a sufficient proof that there could be no open communication at least between them."

This fact confirms Mr. Fuchs's statement to the effect that the elevation of the barrier renders any communication between the Mediterranean and the regions of the Sahara physically impossible. It has been already stated that the shortest distance from the sea to the eastern extremity of Schott El Fejej, is 13 miles, and that there is a similar distance from this end of the schott to the natural causeway which crosses it. In the supposition, therefore, that the sea-level is found at only 20 miles west of the causeway toward the Schotts Faraoon, Sellem, and Mel Rir, it will be necessary for the

canal to be at least 46 miles in length, instead of 11, as M. de Lesseps calculates, through a cutting at the lowest summit of the barrier of 165 feet, to which must be added the depth of the canal, at least 20 feet. It is calculated that the canal must have a breadth of 100 yards throughout its length, in order to admit a sufficient body of water to supply the loss by evaporation. It would be superfluous to dwell on the immense outlay it would entail to remove the enormous mass of rock, sand, and earth which forms the present barrier between the schotts and the Gulf of Gabes. It would probably exceed that incurred for the canal of Suez, with results utterly incommensurate with such an expense, and to this expenditure must be added the cost of the oases, date-plantations, and cultivated lands that would necessarily be submerged in the district of Neftaöna, in the Regency of Tunis, and the consequent destruction of the prosperity of the towns of Tozer, Nefta, &c.

It is impossible to say at what remote period of the earth's history the great desert of Sahara or any portion of the continent of Africa was covered by the sea, but it is evident, from the present conformation of the country between the Gulf of Gabes and the schotts or sebkhas, and the geological researches of Professor Fuchs, that if the Mediterranean ever communicated with the Sahara, it must have been in prehistoric times, since he traces the barrier which separates them to the Tertiary period. There is no question, however, as to the existence of sebkhas and saline deposits in the Regency of Tunis, as well as in Algeria and other parts of Africa, at different levels, and some undoubtedly beneath that of the sea. They receive water during the rainy seasons from the surrounding water-sheds, and lose it by evaporation during the intense heat of summer. It may be fairly deduced from this circumstance that the Sahara receives in like manner its water from the rivers that flow into it from the mountains of Aures or Djebel Khaddon, which, from their great height, are frequently capped with snow in winter, and may, in remote times, under different physical and atmospheric conditions, have supplied the Sahara with a sufficient body of water to turn it into a considerable lake. Its separation from the sea by the natural obstacles described above does not justify any other hypothesis.

At the time that Herodotus visited Libya, navigation was in its infancy, and it is scarcely presumable that two thousand four hundred years ago, there existed any geographical knowledge of this part of the world having a pretension to accuracy. It is not surprising, therefore, that he should have been led into error in describing places from hearsay and tradition, and not from personal observation.

We have, however, the description of the same localities, given at a much later date by Seylax, which, although incomplete and confused, affords explanations which tend to rectify in a measure the geographical errors committed by Herodotus in his narrative of the wanderings of the Argonauts in these almost unknown seas. He says: "The great bay of Triton is to be found inland; it shuts in the Lesser Syrtis, called Cercina, and the Lake of Triton with the Isle of Triton, as well as the mouth of the river of the same name. *The entrance to the lake is narrow; an island is visible at low tide, when vessels are often prevented from passing through it.*"

If we are to rely upon Herodotus, Seylax, and other ancient writers, as to the existence of a great lake or bay of Triton, we must look for it in other localities than the depressions of the Sahara and adjoining regions. It will be seen by the accompanying rough sketch or map that the Gulf of Gabes is shut in on the southeast by the island of Gerba, the ancient Brachion, and due north by the Kerkenah Islands, (Cercina.) The distance between these islands is forty miles, and the gulf is therefore completely open to the sea on the east. It must be borne in mind that the channel which separates the island of Gerba on the southeast from the main-land is very narrow and is fordable at low tide, but the native craft pass through it at high water in their voyages from the coast of Tripoli (Libya) to the Gulf of Gabes.

Between the island of Gerba and the continent is a body of water or lake, nearly circular, and about fifty miles in circumference. It is from one to eight fathoms in depth, with outlets to the sea on the northeast and northwest. In this lake there is a low island. The northwestern channel is somewhat masked by small islands and is deeper than the other. The navigators of antiquity, without charts or compass, rarely ventured out of sight of land. They steered along the coast in their small vessels, and it is more than probable that Jason in his course from east to west, closely following the coast of Libya, was driven by an easterly gale during high tide over the narrow entrance described by Seylax, into the lake or bay between the island of Gerba and the continent, from which he could find no outlet, owing to his ignorance of the existence of the northwestern channel, which, as already stated, is shut in from view by islands. He was prevented by the lowness of the water, after the storms had abated, from getting out through the channel by which he had entered the lake, and remained in his perilous position until extricated by a "Triton."

This interpretation of the ancient geographers appears the rational one, on two grounds: First, had the Argonauts reached the Syrtis Minor, they would not have been inclosed by sands, as it is open to the eastward for a space of forty miles; and second, they could not have been driven into any other inland lake or bay, since all

the streams on the coast, instead of running inland, take their rise in the hills and flow into the sea. Besides they are all unimportant brooks, and are nearly if not quite dry in summer.

The legend of the "Triton" is likewise susceptible of an explanation.

For upward of forty days in the early spring the tunny-fish, which frequently weigh upwards of four hundred pounds, pass along the coast of Africa in shoals of thousands. Their course is from west to east, and they hug the coast on their right, closely following the line of the shore. Coming to the northwestern entrance of the bay or lake of Gerba, they enter it, and, finding the northeastern channel too shallow to afford them a passage, they continue their course round the bay until they come again to the northwestern outlet, and issue from it, still keeping close to the shore of the island of Gerba, on their right, and continue their migration along the coast.

Jason, having entered by the northeast passage, found himself, as he imagined, in an inland sea from which there was no outlet, as the fall of the water prevented him from retracing his steps; but noticing large shoals of fish at a moderate depth—for the bay is nowhere over eight fathoms deep—he came to the conclusion that he would find an issue from the lake by following their course. In the wake of the tunny-fish are always to be seen numbers of porpoises—the dolphin of the ancients; and seeing that they all traveled in the same direction, the Argonauts could easily fancy that the protecting gods had sent these fish to lead them out of their difficulties. This explanation of Jason's adventure, whose simple incidents have been exaggerated into the marvelous by tradition, seems more rational than to believe that there existed in this part of Africa a large body of water connected with the Mediterranean by a navigable channel, when recent and accurate explorations show that this was impossible, as a formidable and practically insurmountable barrier has existed there from a period so remote that the voyage of Jason and his companions in search of the Golden Fleece, involved as it is in the mists of antiquity, is as of yesterday in comparison.

Accompanying this report are two sketches or rough maps, A, showing the area or extent of the projected inland sea, and B, the eastern extremity of Schott El Fejej or El Djerid and the country between it and the sea, where the canal would have to be cut; also, the island and lake of Gerba, anciently Brachion, the supposed scene of Jason's adventure.

TUNIS, *November* 14, 1874.

No. 36.

Mr. Heap to Mr. Hunter.

No. 192.] CONSULATE OF THE UNITED STATES,
Tunis, December 31, 1874. (Received February 3, 1875.)

SIR: Recent sensational dispatches in the German and French papers have caused anxiety in some quarters as to the status of this regency. They seemed so devoid of truth or probability that I did not deem it necessary to mention them to the Department, but they have been the occasion of an active correspondence between the English, French, and Italian governments and their agents here. These dispatches were to the effect that a secret convention had been signed between the Ottoman government and General Kéredine, the Bey's prime minister, by which the government of this country was to be vested in him and his descendants, with the title of Pasha, and that the Bey and his family and his late prime minister, the Kasnadar, were to be removed from the country and a sufficient provision made for their maintenance. When this report appeared in the Constitutional, the Duke Decazes sent a telegram to the Baron de Billing, the French chargé d' affaires here, asking him if he had any knowledge of this convention. Mr. de Billing intimated that there was an understanding of the nature stated in the papers between the Porte and General Kéredine, and that he had taken every precaution against a threatened insurrectionary movement on the part of the native population. This extraordinary reply naturally excited much surprise in Paris, and the Duke Decazes telegraphed to Mr.

de Billing that he could not conjecture the nature of his precautions, since he had not communicated on the subject with the foreign office, nor with the commander of the French fleet in the Mediterranean, nor the governor-general of Algeria to place troops on the frontiers. The dispatch closed by directing Mr. de Billing to leave at once for Paris, without waiting for the arrival of his successor, Mr. Roustan, late consul-general at Beirut. Mr. de Billing left accordingly on the 22d instant, and Mr. Roustan arrived on the 26th in a man-of-war from Algiers. It is supposed that this alarming report was concocted here by the enemies of General Kéredine, to prejudice the Bey against him and get the late minister restored to power. The latter has been in close confinement in his house since his removal from office, fourteen months ago. It is my belief that it has no foundation in truth.

As stated in a previous dispatch, (No. 176,*) an expedition sent to the south last summer to punish some insubordinate tribes on the borders of the desert was entirely successful, and, with the exception of the mountaineers on the borders of Algeria, near the coast, all the tribes of the regency have quietly returned to their allegiance. General Kéredine has quietly, though slowly, pursued a system of internal improvement which, if continued, will bring this country up from the wretched condition to which it had been reduced by the preceding administration. He has established schools in the interior, and a lyceum in the capital. The prison-system, which was horrible before, is now established on humanitarian principles which will compare favorably with the best in Europe. I have been asked by the minister to inspect the new prison here, and shall make a special report when I do so. A charter has been granted for a railroad to Begia and the lead-mines in that neighborhood, which will open to trade the richest agricultural region of North Africa.

Our own relations with this government continue on a very satisfactory footing, and my intercourse with the Bey and the members of his government is of the most friendly character.

I learn that the French government still cherishes the idea of creating an inland sea to the south of Algeria and this regency, and a large expedition, under competent officers, is about to commence a careful survey of the region it is proposed to submerge. The notes and maps I had the honor to transmit in my dispatch (No. 188†) of the 14th of November last give some idea of the nature of this work. There is no doubt that there is a considerable depression in the desert south of Biskra and the Aures range, but this depression will, probably, be found to decrease eastward toward the Mediterranean, and cease altogether at a considerable distance from the sea. An important objection to this work is the destruction and ruin it would bring upon all the towns and villages situated around the schotts and sebkhas. The only springs of potable water are found where the depression is greatest, and the population is grouped around them. There are some important towns—Nefta, Tozer, &c.—and numerous douars, or villages, which will be entirely submerged, should the waters of the Mediterranean be let in. The principal wealth of this region consists of dates and sheep; the former will be drowned and the pasturage for the latter will be destroyed. On the higher lands, to which the inhabitants will be driven, there are no springs or vegetation. This government is utterly opposed to the project on political grounds.

The weather has been unusually severe there this winter, and I am informed that the Aures Mountains to some distance down their south-

* See Foreign Relations for 1874, p. 53. † *Ante.*

ern slopes are covered with snow to the depth of several feet. A traveler who has recently arrived here from the region of the Sahara, south of these mountains, told me that he was detained eighteen days by the snow. This does not quite agree with the popular notion of the Great Desert.

I am, &c.,

G. H. HEAP.

No. 37.

Mr. Fish to Mr. Heap.

No. 99.] DEPARTMENT OF STATE,
Washington, March 12, 1875.

SIR: With reference to your dispatches Nos. 173 and 182, of the 14th of April and 21st of July last, respectively, in regard to the offer by the Bey of the consular residence occupied by you as a gift to the United States, an attested copy of an act of Congress, approved the 3d instant, authorizing the President to accept the gift, is herewith inclosed.*

You will notify the Tunisian minister for foreign affairs accordingly, and will see that, if that government should still be disposed to transfer to the United States its title to the property, this be done pursuant to the usual forms. When received, in accordance with a clause in the act of Congress referred to, the deed is to be forwarded to be lodged in this Department.

I am, &c.,

HAMILTON FISH.

No. 38.

Mr. Heap to Mr. Hunter.

No. 210.] CONSULATE OF THE UNITED STATES,
Tunis, June 14, 1875. (Received July 8.)

SIR: A scientific commission, in charge of the Marquis Antinoré, a distinguished African traveler, and Captain Baratieri, of the engineer corps of the Italian army, has been sent by the Royal Geographical Society of Italy to make a careful and thorough survey of the basin in the Great Desert south of the Aures range, and to examine the barrier which separates it from the sea at Gabes. Another party was sent some time since by the French government to make a similar survey south of Biskra, in the province of Algeria. It is now likely that this interesting question will soon be definitively solved. It is still thought, however, that the obstacles to the creation of an inland sea at this point are insuperable.

I am, &c.,

G. H. HEAP.

* See United States Statutes at Large, vol. 18, part iii, p. 513.

BELGIUM.

No. 39.

Mr. Jones to Mr. Fish.

No. 329.] LEGATION OF THE UNITED STATES,
Brussels, December 17, 1874. (Received January 4, 1875.)

SIR: The inclosed letter from the King to the minister of the interior, a translation of which I also inclose, is from the "Moniteur" of the 15th instant.

I have, &c.,

J. R. JONES.

[Inclosure in No. 329.—Translation.]

The King to the Minister of the Interior.

[From the Moniteur of December 15, 1874.]

MY DEAR MINISTER: Desiring to contribute as much as is in my power to intellectual works in Belgium, I have the intention to establish, during my reign, an annual prize of twenty-five thousand francs, destined to encourage intellectual researches.

The establishment of this prize, as I regard it, must possess a double character: in the first place, its object will be to stimulate intellectual labor in our own country; and secondly, it will attract the attention of foreign countries to the Belgian questions of interest, and associate Belgium with the progress that science, literature, and art are accomplishing in other countries.

Consequently, the prize which I now found will be awarded in the following manner:

During three consecutive years it will be given for the best work published in Belgium, by a Belgian, upon a subject which will be announced previously, and in such a manner that the competition will not take place until five years after the announcement of the subject.

The fourth year foreigners may compete, and the prize will be given for the best work published, either by a Belgian or foreigner, upon a subject pertaining to Belgian interests, which will also be announced beforehand. In this manner, every four years Belgium will derive benefit from the progress and intelligence of other countries. The fifth, sixth, and seventh years the competition will be again exclusively Belgian. The eighth year foreigners may again compete.

A jury of seven members will be appointed by the minister of the interior, in conjunction with me, to judge the works presented.

As the subject of the competition must be changed each year, the jury must likewise be modified yearly. The year when competition is open to foreigners, the jury will be composed of three Belgian members and four foreigners, of different nationalities. The president of the commission must be a Belgian. I flatter myself with the hope that in the countries friendly to us "savants" will be found, willing to accede to my request to form part of the Brussels jury.

Not wishing to postpone for five years the execution of my plans, I desire that the first award of the prize shall take place during the September *fêtes* of 1878. For the first four years the prize will be awarded: In 1878, (when the competition will be exclusively Belgian,) for the best work upon national history. In 1879, (Belgian competition,) for the best work upon architecture. In 1880, (Belgian competition,) for the best work upon "the development of the commercial relations of Belgium." In 1881, (competition for Belgians and foreigners,) for the best work upon "the means of ameliorating the ports established upon low and sandy coasts, like our own."

Next year the subject for competition in 1882 will be published, and so on, giving each year the subject for the fifth year after. I pray you, my dear minister, to take the necessary steps for the execution of the plan, whose details I have just traced, and to accept the expression of my affectionate sentiments.

LEOPOLD.

No. 40.

Mr. Fish to Mr. Delfosse.

DEPARTMENT OF STATE,
Washington, Novemter 9, 1874.

SIR: At the last session of the Congress of the United States a joint resolution was adopted, which was approved upon the 1st of June, providing for the termination of the treaty between the United States and His Majesty the King of the Belgians, concluded at Washington upon the 17th of July, 1858; a copy of which is herewith inclosed.

The minister of the United States at Brussels was thereupon instructed, pursuant to the terms of the resolution, and in accordance with the seventeenth article of the treaty, to communicate to the government of the Kingdom of Belgium a copy of said resolution, and a declaration of the intention of the United States to terminate the operation of the treaty at the expiration of twelve months from the date upon which the notice should be given.

The minister of the United States was at the same time instructed to assure the government of His Majesty that this action had been taken solely because it had become necessary to abrogate the 4th and 13th articles of the treaty, which, in their practical operation and under the "favored-nation clause" in other treaties, worked a discrimination against our own marine in favor of foreign vessels, and of the readiness of this Government to enter upon a new treaty, retaining all the other provisions and excluding these objectionable clauses.

The minister of the United States at Brussels has transmitted to this Department a copy of his note, dated July 1, 1874, addressed to Count d'Aspremont Lynden, minister of foreign affairs, inclosing a copy of the resolution above referred to, and giving the notice provided for by the 17th article of the treaty, and has informed the Department that upon the 1st day of July last the note in question was delivered to Count de Borchgrave, in the absence of the minister of foreign affairs. He has also informed the Department that at the same time he informed Count Borchgrave, in pursuance of the instructions to him, that the notice was given for the reasons above stated, and that he was authorized to sign a new treaty embracing the other articles, in case such course was agreeable to the government of Belgium.

The Department is also in possession of a copy of a note addressed by Count d'Aspremont Lynden to the minister of the United States, bearing date the 7th of July, in reply to the notification addressed to him acknowledging its receipt, and agreeing in fixing the date for the termination of the treaty as the 1st of July, 1875.

The minister of the United States not having personally seen the minister for foreign affairs at the time that he expressed the readiness of this Government to execute a new treaty embodying all the clauses of the present one except the 4th and 13th, and as it appears that no reply has been made to such expression, I take this occasion to assure you of the desire of this Government to cultivate and maintain in the future the same friendly relations that have hitherto marked the intercourse of the two governments, and also of the belief on the part of this Government that, with the exception of the two articles to which reference has been made, the treaty of 1858 has been found to be reciprocally beneficial to the two governments and to their commercial interests, and that the passage of the resolution and the notice which has been given by

the minister of the United States became necessary solely in order to abrogate the 4th and 13th articles of the treaty, as working a discrimination against the marine of the United States, and that this Government had no desire to change the other provisions of the treaty; and, should it comport with the views of the government of His Majesty the King of the Belgians to enter into a new treaty which shall exclude the two articles referred to and retain the others, such course will be eminently satisfactory to the Government of the United States.

I desire to further say that in such event, should the government of His Majesty so desire, the minister of the United States at Brussels will be authorized to execute such new treaty on the part of the Government of the United States, or that it would be entirely agreeable to the Government of the United States to enter upon the negotiation of such new treaty with the representative of His Majesty at Washington.

Accept, sir, &c.,

HAMILTON FISH.

BOLIVIA.

No. 41.

Mr. Reynolds to Mr. Fish.

No. 27.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, December 23, 1874. (Received Feb. 12, 1875.)

SIR: Without any previous notice whatever, this city was surprised by the firing of musketry and the yells of the soldiery stationed in the city, first at their barracks and afterward all through the city. The cry seemed to be "Vive Quevedo!" "Vive Quevedo!" It was soon known that "rank and file" of the second battalion had mutinied against their officers, and had proclaimed in favor of General Quevedo as President of the republic.

Within two hours the firing had ceased, and after a long bugle-call there was a large crowd of citizens in the Plaza, surrounding about 250 soldiers who had led the revolution. Mr. Yaac Famayo, a citizen of La Paz, mounted a box and made a speech about 10 minutes in length, congratulating the soldiers upon their glorious success; congratulating the people of Bolivia, and especially the citizens of La Paz, upon the accession of General Quevedo to the presidency, &c.

All that is known at this writing is that the soldiers have the city under control, and that the officers of the battalion are in arrest, while the revolutionists are quietly taking possession of the city government, and will soon announce new officers for the department of La Paz.

I have been confined in the legation-room for over two hours awaiting the cessation of musketry firing. As I write the firing has begun again in the lower part of the city. I have been out in the Plaza, and returned after a 40 minutes' survey of the "battle-field," yet found no killed or wounded. I learn, however, that two non-combatants, citizens, have been killed by stray shots while looking out of windows at the fighting, or rather the firing.

What the end will be no one at this writing can conjecture, but I will keep the Department well advised from day to day.

The advices from the government at Sucre are that the President and ministers are now *en route* to this city, and that there is no attempted revolution at Cochabamba, as at first reported.

General Quevedo lives at Cochabamba, and is one of the deputies to the national congress. His friends in this city have assured all persons friendly to the government that Quevedo would not for a moment think of making a revolution against President Frias.

Yours, &c.,

R. M. REYNOLDS.

No. 42.

Mr. Reynolds to Mr. Fish.

No. 28.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, December 24, 1874. (Received Feb. 12, 1875.)

SIR: Since my dispatch of yesterday, (No. 27,) I learn that the soldiery have been guilty of many excesses. The firing on yesterday had ceased at 1 o'clock p. m., and the casualties were not more than three or four in killed, and all from random firing. At 8 o'clock p. m. the firing commenced anew, and it was soon learned that two sections of the soldiery were firing at each other. Although all claimed to be in favor of General Quevedo, yet they, in their drunken condition, did not know what they were doing until two or three men were killed, and then they continued the fighting to avenge the loss of friends.

It is reported this morning that there are over twenty dead and about forty wounded.

The mail has just arrived from Cochabamba, and I am told by several persons that the advices are that there is no revolution in progress in that department; that Quevedo is there, but doing nothing whatever to forward a revolution. If these advices prove true, there must be a counter-revolution here, as the secretary of war and commander of the first battalion, General Daza, is reported in Cochabamba without any opposition whatever. He will doubtless march on this city with his forces in a few days, to re-establish the authority of the government. Several citizens complain this morning of having their houses plundered by the soldiers during the night, and much is dreaded in the near future unless the soldiers are restrained.

The name of General Gregorio Perez is given to-day as the "jefe superior de la fuenza," or commanding general.

No further official advices from the Bolivian government since my dispatch No. 25.

As I conclude this dispatch the firing has recommenced, and the citizens are running from the streets for shelter. The soldiers seem to be without leaders, and all business is suspended.

I am, &c.,

R. M. REYNOLDS.

No. 43.

Mr. Reynolds to Mr. Fish.

No. 30.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, December 31, 1874. (Received Feb. 12, 1875.)

SIR: I have the honor to report that this city has been in the hands of the soldiery since my last report, in dispatch No. 28, and many ex-

cesses have been committed. As many as fifteen houses have been sacked, and valuables and money taken to the amount of $75,000 during three nights. The number reported killed has increased to over sixty and the wounded to over one hundred.

There is a general feeling of uneasiness, amounting, in some cases, to consternation, among the citizens, and also among the foreigners resident here, and great uneasiness is felt by consuls-resident that their flags will not be respected by the present authorities.

A movement was inaugurated by consuls and foreigners resident to place themselves under the protection of the American flag, upon the plea that I was the only minister present, with the exception of the Peruvian minister. They alleged that they wished only the usual protection which the flag of the United States might afford them, as they all felt that the flag of my Government was the most honored and respected in Bolivia. I counseled against such application being made, preferring to divide responsibility rather than assume a protectorate without precedent and without authority, so far as I now am advised. I have given assurance to all that I would promptly furnish all the aid within my power to release them in case of restraint or violation of rights and privileges of consulates or of foreign citizens in La Paz.

I have several persons under the protection of the flag in the legation-rooms; none however who owe allegiance to the government of Bolivia.

As I write, I am informed that a dispatch has just arrived from Cochabamba that Quevedo has been killed. This I am inclined to the belief is false.

Any change now would be a relief to the intense feeling of suspense which hangs over all the city to-day. The city is in the hands of a mob, and no one can foretell the result, nor can any one know the true condition of South Bolivia. I am inclined to the opinion, however, that the government will be able to restore its authority here within a week or ten days. I am further inclined to the belief that all foreign flags will be respected, and that there will be no further plundering of private houses.

The report is current this p. m. that General Daza and the *personnel* of the government is at Oruro with a large force, and that they may be expected in this city by next Sunday, (January 3;) of this, however, I am not well assured.

The entire mail from Cochabamba, Oruro, and Sucre was taken to the palace building on yesterday by the present authorities, and up to the present writing no letters directed to private persons have been surrendered. It is alleged that the entire mail will be first inspected by the chief of the soldiery before any letter or dispatch will be delivered.

Respectfully, &c.,

R. M. REYNOLDS.

No. 44.

Mr. Reynolds to Mr. Fish.

No. 31.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, January 6, 1875. (Received February 17.)

SIR: The complexion of the attempted revolution has materially changed since my last dispatch of December 31, No. 30. General

Quentin Quevedo has eluded General Daza, and has arrived in this city, and is making preparation to resist the troops under command of General Daza. This was quite unexpected to all citizens here, and it is said quite unexpected to himself, as he barely escaped capture near the city of Cochabamba, and was not advised of the meeting of the second battalion and the attempted revolution here. He arrived in the city on Saturday, the 2d instant, and was received by about five hundred soldiers and as many citizens. This changes the state of affairs, and makes the restoration of the "Frias government" much more difficult.

The readiness and facility with which the "rank and file" of the army change front and absolve themselves from their oaths as soldiers in this country is a matter of profound astonishment to me, and hereafter I will not attempt to forecast what may transpire in the future of this republic.

The general feeling among the citizens and foreigners is much more hopeful than prior to his entrance, as they feel that in General Quevedo they have a man of culture, and one who will respect the usages and laws of nations, and will not proceed to those violent measures which were threatened a few days ago. The only attempted molestation of this legation transpired on the 31st ultimo, in an assault made by soldiers upon my messenger, attempting to forcibly take him from the house to enlist him as a soldier. They desisted, however, upon my interference; and upon my addressing a note to the general in command, protesting strongly against such treatment, fully advising him of the facts in the case, he immediately wrote a letter of apology, saying that he had no knowledge of the matter, and issued a stringent general order requiring all officers and soldiers to protect the flags of all foreign legations and consulates in the city. The order further required full immunity and privilege to all messengers, servants, and attachés of legations and consulates.

There is no further intelligence from President Frias, except that he is *en route* to this city, and that he has reached Oruro, where General Daza with the government troops are reported to have been two days ago.

As I close this dispatch, Dr. Casimiro Corral is entering the city whence he was expelled, as reported in my dispatch dated November 8, (No. 20.)

This complicates the situation still further, as Dr. Corral has the confidence of the natives, or "cholos," and the Indians in a large measure, and although he and General Quevedo heretofore have been bitter enemies, it is now thought that they will make common cause against the government of President Frias.

I send herewith the address of General Quevedo, also copy of Bulletin No. 3, issued on January 1st and 3d, for file in the Department.

I am, &c.,

R. M. REYNOLDS.

[Inclosure in No. 31.—Translation.]

General Quevedo to the people of La Paz.

CITIZENS OF LA PAZ: Full of effusion and gratification, I salute you. A child of duty and a servant or slave of the law, I have marched always in the path that she marks out till the moment in which treachery has been unchained against me. One man who hunted or sought my sacrifice as the price of national service, which was lent to restrain troops in insurrection, and liberated Cochabamba from the horrors of unre-

strained soldiery. My manifesto, which you will soon see, will discover to you the details of the events to which I refer.

Called by the army of the north, and believing that perhaps my presence might be able to avoid some hours of anguish to this noble city, I have not hesitated in coming and throwing myself in your arms and giving you the kiss of peace, and offering to you the securities (sureties) of my respect for the constitution of 1871, and the guarantees social from my love of order, and prosperity of the country from my most earnest desire for the national unity and Bolivian fraternity, making to disappear that sad excision which has divided the Bolivian people, carrying with it misfortune to the country.

From to-day, citizens of La Paz—from to-day these will have no other political banner than the beautiful tri-color; no other interests than national interests; nothing less than the common welfare, and the free and independent concurrence of all political parties for the guarantees of public affairs.

Sons of privileged Choqueyapa, receive my fraternal salutation, and my formal promise, which I give before God and the country, to respect and make practical the constitution of 1871, and to consecrate all my energies for the benefit of the Bolivian people, and more especially for this noble city, the cradle of American independence, and mother of the proto-martyrs of the sublime epopee of the last fifteen years.

That this may defend you from the heavens and make you worthy of a magnificent inheritance are the prayers of your friend,

QUENTIN QUEVEDO.

LA PAZ, *January* 3, 1875.

No. 45.

Mr. Reynolds to Mr. Fish.

No. 34.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, January 14, 1875. (Received Feb. 17.)

SIR: Nothing of special interest has transpired since my dispatch of the 6th instant (No. 30) in the matter of the attempted revolution in Bolivia, except that General Quentin Quevedo left this city on Sunday, the 10th instant, with about seven hundred and fifty troops, with the avowed purpose of meeting the government troops under the command of General Daza.

It is reported that a battle is expected to-day.

It is further reported that the President and his ministers are with General Daza and the army. The troops under General Q. Quevedo left the city after the "solemn mass" was attended in the open plaza, which was participated in by at least fifteen hundred persons.

A general feeling of relief is expressed in the fact that no battle is to be fought in the city, yet I fear this hope is not well founded, for should General Quevedo be defeated "in the Altos," he will, doubtless, fall back to make a last defense by barricading the city. The leaders of attempted revolution in Peru have just arrived in this city, (General Pierola,) having fled from Peru.

Yours, &c.,

R. M. REYNOLDS.

No. 46.

Mr. Reynolds to Mr. Fish.

No. 36.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, January 19, 1875. (Received March 11.)

SIR: It is with great pleasure that I have the honor to report the entire defeat of the revolutionists in battle, on the pampas, about twelve miles from this city.

The government troops are represented as behaving most admirably, and within thirty minutes the troops under command of General Quentin Quevedo were entirely routed and the remnant of his forces retreated, with their chief, to this city on yesterday evening.

During the night General Quevedo and Dr. Casimiro Corral left the city, with fifty or sixty mounted men, taking the road leading to Carapata and Puno. This morning the city is quiet, with no visible soldiery, and great preparation is being made for the triumphal entry of President Frias and the government troops, which causes general rejoicing among the people.

The revolutionists had no hold upon the public mind, nor did they inspire confidence, yet the ardent desire for place and the hope of success gathered to their standards many more people than I at first apprehended.

As I conclude this dispatch, President Frias, with his ministers, is entering the city at the head of the army, and he is receiving a grand ovation. The army makes a fine display, and the whole proceeding evinces the warmest enthusiasm of the people.

I shall present my credentials in person to the President as soon as the reception ceremonies are over, which will doubtless be within two days.

I congratulate myself that no harm has come to any one that asked asylum with this legation, and I am glad to assure you that the flag of the United States is one of the most respected in this republic.

I am, &c.,

R. M. REYNOLDS.

No. 47.

Mr. Reynolds to Mr. Fish.

No. 42.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, February 12, 1875. (Received March 27.)

SIR: Referring to my dispatch No. 31, dated January 6, 1875, in relation to the assault and arrest of my messenger and servant by the revolutionists, I have the honor to transmit full copy of all correspondence which was had, for the information and criticism of the Department.

The first is my dispatch to General Gonzala Lanza, who was reported to be in command of all the troops of the revolutionists.

The second is his reply and apology for the assault by the soldiers, to which is attached a translation of the same.

My servant was arrested the second time, but released upon personal application. He was then re-arrested and taken for a recruit to the palace. It was this which called out my dispatch to Dr. Casimiro Corral. This will be found somewhat caustic, yet I felt that my only course was to take a bold and open stand for the dignity of my Government and safety of the legation in the midst of the anarchy which existed in this city.

The reply of Dr. Casimiro Corral was returned the next day, while the release of my messenger was immediate.

I will thank the Department for approval or disapproval of my course in the premises, which will serve as a guide in the future. I did what I deemed best at the time, feeling that I could not aid *any one* if the

legation was invaded by unrestrained soldiery, which at one time seemed imminent. It will be seen that I carefully refrained to recognize them as properly in authority, yet I recognized the existing *fact* that they controlled the revolutionary elements which held the city for nearly one month.

Hoping that the Department will approve my action during the reign of mob-rule in La Paz,

I am, &c.,

R. M. REYNOLDS.

[Inclosure 1 in No. 42.]

Mr. Reynolds to General Lanza.

LEGATION OF THE UNITED STATES,
La Paz, Bolivia, December 31, 1874.

SIR: I am under the painful necessity of notifying you that a squad of soldiers in the uniform prescribed by Bolivia has invaded the house of this legation, and violently attacked and assaulted my messenger and servant within the last hour, and attempted to take him forcibly from the premises to enlist him as a soldier. This action toward this legation is entirely unexpected, and is of such outrageous character that I hereby protest against it as entirely unwarranted and without authority. It must have been done without your orders, and, doubtless, without your knowledge. I hereby advise you of the fact, and respectfully ask at your hands full information as to what orders (if any) have been issued in relation to the matter herein referred to, so that I may be informed as to the intention of the present authorities in respect to foreign nations as represented by their several legations and consulates in this city, and what measure of protection may be expected.

It is my earnest wish to do my whole duty as minister resident from the United States of America to the republic of Bolivia, acting at all times strictly within the well-defined limits of my authority, and I shall expect to receive that immunity from invasion and that full protection which is promptly granted by all civilized and enlightened nations.

I direct this to you as "General Gonzalo Lanza," not having been officially informed as to your present official title, and ask at your hands a prompt reply.

Awaiting your response, I am, sir, most respectfully, your obedient servant,

R. M. REYNOLDS,
United States Minister Resident.

To General GONZALO LANZA, *La Paz.*

[Inclosure 2 in No. 42.—Translation.]

General Lanza to Mr. Reynolds.

SUPERIOR MILITARY CHIEF OF THE NORTH,
Bolivia, La Paz, December 31, 1874.

SIR: I have been pained to learn by your dispatch of to-day that the ignorance of our soldiers made them go into your house with the purpose of taking your servants; and I feel it more deeply as the authorities have proclaimed principles and guarantees in accord with the cultivated mind of the illustrious General Quevedo, Provisional President of the republic. The constituted authorities have felt it their duty to respect most particularly the different flags that honor this town.

For the future I have dictated with this date the general order you will find inclosed.

I hope, sir, you will excuse a fault caused by the ignorance of our soldiers.

With such a plausible motive I offer you, sir, the considerations of my highest respect.

S. M. GONZALO LANZA.

To the MINISTER OF THE UNITED STATES.

[Inclosure in 2 in No. 42.—Translation.]

General Order.

GENERAL HEADQUARTERS, *La Paz, December* 31, 1874.

Only article: It is ordered, most especially to the chiefs and officers of the liberating army of the north, to respect the foreign flags, and to protect with the greatest consideration the houses of ministers and consuls, as well also their servants and attaché, resident in this capital. They will not be permitted to enter the lodgings of any of those named officials, under any pretext whatever; nor will they molest or take any of the dependents, domestics, or servants for enrollment in the service or army. As a warning to those who break or violate the present order, all such will be subject to be brought to justice and punished with the severest penalty of the law; besides, the government has recently proclaimed, through the illustrious General Quevedo, commander-in-chief of the army of the north, and also the departmental authorities, giving the most ample guarantees to the inhabitants of the city, which they will observe with peaceful conduct.

This will be published with the general orders of the day for the information of the army.

Colonel-in-chief, Garcia. Communicated, chief of the section, Gardanella, &c., &c.

This is a true copy of the original.

NAIL GARDANELLA,
Chief of Section.

[Inclosure 3 in No. 42.]

Mr. Reynolds to Dr. Corral.

LEGATION OF THE UNITED STATES,
La Paz, Bolivia, January 12, 1875.

Dr. CASIMIRO CORRAL, *La Paz:*

SIR: It becomes my painful duty to inform you that this legation has been invaded and wantonly insulted by the re-arrest of my messenger in violation of the laws of nations, in violation of general order dated December 31, 1874, to which my attention was called by General Lanza in a letter of the same date; and notwithstanding your assurances to the contrary, my messenger, Leandro Ordoñes, has this day been assaulted and forcibly taken to the palace building by persons claiming to be soldiers under your command, and all in the face of the fact that he has in his possession a certificate showing that he is in the employment of the legation, duly signed and under the seal of the United States.

I most solemnly protest against such unwarranted and outrageous treatment shown to this legation, and I ask and demand that the soldiers and officers engaged in the assault be punished under the severest penalties of the law; and I also demand that Leandro Ordoñes be at once released, so that he may return to duty.

I further respectfully ask that safe-conduct be guaranteed to all attachés and employés of this legation, by day or by night, in the discharge of duty, by those in authority in this city. If this cannot be done, I would ask that due notification be given to me as minister-resident from the United States, stating fully the reasons why this legation shall not receive that immunity from invasion and that protection which is promptly granted by all civilized and enlightened nations.

Awaiting your reply, I am, sir, most respectfully, your obedient servant,

R. M. REYNOLDS,
United States Minister-Resident to Bolivia.

[Inclosure 4 in No. 42.—Translation.]

Dr. Casimiro Corral to Mr. Reynolds.

LA PAZ, BOLIVIA, *January* 13, 1875.

Mr. R. M. REYNOLDS,
Minister of the United States in Bolivia:

I have had the honor to receive your esteemed dispatch dated yesterday, intended to complain of the unlawful conduct of the persons who are actively engaged in organizing the national guard and who had seized Leandro Ordoñes, a servant of that legation.

I had the honor to assure you upon a former occasion that your illustrious person should not suffer the least inconvenience on account of the exceptional situation in which the republic finds itself, and especially this department, the theater of war. The same servant, Ordoñes, was set at liberty immediately by my order, and knowing the chief of the column who had recruited him anew, I have been equally prompt in depriving him of his commission. He calls himself Leucias Larrea, and he has been replaced by Juan Feyda.

The repetition of this act would not have taken place if the servant Leandro Ordoñes had shown his warrant of security which I suggested to you to give him.

The knowledge that Mr. Reynolds had not been received or acknowledged as minister plenipotentiary by the government of Bolivia did not lessen the deferences shown to him. The manner of this answer has been inspired by motives of high regard for his person.

The import of the attached authorized order which I communicate to Mr. Reynolds will convince all of the deference shown to the diplomatic and consular corps by the revolution, assuring Mr. Reynolds that the immunities to his person, his suite, and domicile will be the same as if he had been recognized and received by the Bolivian government.

I avail myself of this opportunity to offer to Mr. Reynolds my most distinguished consideration, and subscribe myself his obedient servant,

CASIMIRO CORRAL.

No. 48.

Mr. Reynolds to Mr. Fish.

No. 45.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, February 19, 1875. (Received April 3.)

SIR: Referring to my dispatch in relation to the attempted revolution under the leadership of General Quevedo and C. Corral, (No. 42,) I failed to inform the Department of the fact that at the last hour, viz, the night of the 18th of January, Messrs. Quevedo and Corral addressed a note to me, authorizing me to mediate with the constitutional government of Bolivia, under President Thomas Frias, so as to stop the effusion of fraternal blood.

I transmit herewith a copy of the note signed by General Quevedo and Casimiro Corral, with translation of the same, and my note of reply. It will be noticed that while Dr. C. Corral in former correspondence could not recognize me as "minister-resident from the United States because I had not been publicly received," &c., yet in the note signed by both Corral and Quevedo they address me as "minister-resident," &c. Upon receiving my reply, they both fled the city without further note.

Asking for the approval of my action, I am, &c.,

R. M. REYNOLDS.

[Inclosure 1 in No. 45.—Translation.]

The directory of the revolution to Mr. Reynolds.

The directory of the revolution authorizes the honorable Mr. Robert M. Reynold, minister of the United States of North America, to make a compact or arrangement with the president, Mr. Frias, that may save the shedding of fraternal blood, with a view to the dignity of both, and this gives full power to him, so that he may interfere and make a pacific and honorable mediation; giving the said minister full power or right to say and be believed in the name of the undersigned.

QUENTIN QUEVEDO.
CASIMIRO CORRAL.

LA PAZ, *January* 18, 1875.

[Inclosure 2 in No. 45.]

Mr. Reynolds to the directory.

LEGATION OF THE UNITED STATES,
La Paz, Bolivia, January 18, 1875.

GENTLEMEN: I thank you most heartily for the confidence expressed in your memorandum just received, yet I feel that the responsibility you wish me to assume is more than I can do, without further expression of what you may desire.

In order to secure an arrangement by which further effusion of blood will be arrested, it may become absolutely necessary that a full and an unconditional surrender of all the troops under your command be tendered to the general in command of the government forces. This I cannot assume to offer without your authority and consent in writing.

You will please communicate with me at once and fully state your wishes in the premises, and make any proposition or propositions which you may desire to offer to the government of Bolivia.

Anything I may do must be done in an unofficial capacity, as I am not authorized by my Government to offer any mediation or intervention whatever; yet I shall promptly act as you request, if the proposition or propositions are such as shall *promise* to secure peace to the country and an honorable adjustment of the present unhappy conflict.

Assuring you that I shall rejoice if in any way I may be able to serve this republic, I am, sirs, most respectfully, your obedient servant,

R. M. REYNOLDS.

To Dr. CASIMIRO CORRAL,
General QUENTIN QUEVEDO.

No. 49.

Mr. Reynolds to Mr. Fish.

No. 46.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, February 20, 1875. (Received April 3.)

SIR: I have the honor to report that upon the 18th of January, and for many days thereafter, many persons, citizens of Bolivia, have asked the protection of this legation from interference by the government of this republic.

I gave all applicants the same response, viz: That for criminal offenses against the laws of the country, the American flag could afford no protection; and for offenses purely political, I felt assured the government and the administration of President Frias would not molest the parties implicated.

As many as thirty persons have applied for the protection of the flag of the United States, being connected with the attempted revolution in some way, prior to January 18, and it became a grave question for me to solve in the light of precedents in Bolivia. It has been common for the defeated party in any revolution to seek protection under foreign flags, and especially under the flag of this legation.

Well knowing the character of the late mutiny and attempted revolution, wherein many murders were committed in cold blood, and where many lost their lives by bullets shot through the windows of their houses, I felt that the only course which could meet the approval of my conscience and approbation of my Government was that of refusing protection or asylum to all chiefs of the revolution and chiefs of the mutiny in the quarters of the army.

I earnestly hope that my action will meet the entire approval of my Government.

Of those making application, but two have remained under the protection of this legation, each filing statements alleging that he was not engaged, directly or indirectly, with arms in the mutiny on the 23d, 24th,

25th, and 26th days of December, and stating further that he sought the protection of this flag, through apprehension of molestation through personal enemies filing false statements with the government. Their names are Adolpho Criales and J. D. Poso. Their application bears date February 4, and they have remained unmolested till the present time.

I send herewith a memorandum of a conversation had with the minister for foreign affairs last evening.

It will be seen from the memorandum of the interview that information had been filed with the government that Mr. J. D. Poso has been in conspiracy against the government while under the protection of the flag of this legation.

I called Mr. Poso to my rooms this morning, and upon notifying him of the charges made against him, he stoutly denied the allegations, as stated above, and assured me that in no case had he violated the privileges of the protection granted to him. In reply, I expressed myself satisfied with his denial, yet at the same time I assured him that under no circumstances could I permit an unfriendly or hostile act toward the constitutional government of Bolivia to be committed by any one under the protection of the flag.

While the honorable minister for foreign affairs has expressed entire satisfaction with my course, I am free to say that the case is one of embarrassment, and I respectfully ask for general or specific instructions in the premises, and will await the reply of the Department with much interest, in which I will find definite instructions covering like cases in the future.

I am, &c.,

R. M. REYNOLDS.

[Inclosure 1 in No. 46.]

MEMORANDUM.

Conference with the minister for foreign affairs, Dr. Don Mariano Baptista, February 19, 1875.

Being invited to repair to the palace to meet the President and minister for foreign affairs, the following conversation transpired:

BAPTISTA. The present illness of the President is my apology for requesting your presence in the palace; otherwise, we should have repaired to your legation-rooms. I hope you will appreciate the reason, and take no offense for invitation sent you.

REYNOLDS. Your action requires no apology whatever. I very much regret the illness of the President, and hope he may soon be released of his illness. I cheerfully place myself at your service.

BAPTISTA. The government of Bolivia has taken notice of the fact that certain parties have taken asylum in your legation, among whom are Mr. J. D. Poso, Mr. Adolphe Criales, and Mr. F. Soles. Is the information correct?

REYNOLDS. It is, so far as Mr. J. D. Poso and Adolphe Criales are concerned. These gentlemen made application in writing for the protection of the flag of the United States on the 4th day of February, alleging that they did so for precaution only as against false information which might be filed with the government of Bolivia, and further alleging that they were not participants in the revolution attempted on the 23d, 24th, 25th, and 26th December, 1874. I stated to these gentlemen, as I have said to all applicants for asylum, that if their offenses were purely political and not criminal, I felt safe in assuring them that the government of Bolivia would not molest them; but if their offense was criminal, and, as such, liable to punishment under the penal laws of the country, I could not assure them of protection and asylum under the flag of the United States. They have remained in the legation-rooms till the present under assurances that they were not guilty of any criminal offense.

BAPTISTA. The government makes no charges of crime against either of these gentlemen, yet the government wished the honorable North American minister to take notice of the fact that this same man, J. D. Poso, esq., at a former time took refuge under the flag of the United States during the time that Mr. Markbreit was American

minister, and, at the same time, was in conspiracy against the lawful government of Bolivia. The government would wish the honorable minister to further notice the fact that Mr. Poso is now attempting to do the same thing as formerly, viz, communicating with outside parties to the injury of the government, while under the protection of the flag of your legation.

REYNOLDS. The minister resident from the United States sincerely thanks the government of Bolivia, through her minister for foreign affairs, for the information communicated, and assures the government that the legation of the United States in Bolivia will not permit any unfriendly act toward the government to be committed by parties while under protection. Such acts as alleged against Mr. J. D. Poso are deemed unfriendly and unwarranted, and the minister resident will take pleasure in notifying him that he cannot use the legation-rooms as the base of intrigue or conspiracy against the constituted authorities of the government of Bolivia; and he further assures the minister that any further act of like character as alleged will be followed by a notification to Mr. Poso that no further protection would be granted to him.

BAPTISTA. This is completely and highly satisfactory to my government, and I wish to assure the honorable minister of the United States of the highest regards of the President and government of Bolivia, and he only regrets that there was any seeming necessity for calling the minister's attention to the case of Mr. Poso, which arose from information filed with this government.

NOTE.—With mutual good feeling warmly expressed the conference ended.

No. 50.

Mr. Reynolds to Mr. Fish.

No. 53.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, March 11, 1875. (Received April 15.)

SIR: I have the honor to report that the revolt and attempted revolution at Cochabamba is still in progress, and the city is barricaded and all business entirely suspended.

The government troops, under General Daza, are *en route* to that city, and it is believed that the end of that revolt is not far distant. The entire republic is reported tranquil except Cochabamba, yet I am not so hopeful as formerly that this tranquillity will continue. The uneasy population seem ready at any moment to rise against the government if there appears to be any hope of success.

I shall await instructions from the Department with much interest, more fully defining my duties during revolutionary times, as I am inclined to the belief that the normal condition of this country for some time to come will be intrigue and revolution.

The precedents, so far as this legation is concerned, seem to be that asylum has been freely offered and afforded to the unfortunate defeated parties in all attempted revolutions, and I will thank the Department for such general or specific instructions as will mark out more clearly the line of duty to be observed by the legation during the stormy days of revolt and attempted revolutions. I have reference to cases stated in my dispatch No. 46, February 20.

I am, &c., R. M. REYNOLDS.

No. 51.

Mr. Reynolds to Mr. Fish.

No. 56.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, March 20, 1875. (Received April 27.)

SIR: This will long remain a memorable day for La Paz as the scene of another attempt at revolution, or rather the destruction of property,

marking it as "one day of the commune." The rumors filling the air for more than one week prior found a fitting sequel to-day, when, at 11 o'clock, the cry ran through the streets, "Revolution!" "Revolution!" "Vive Quevedo!" "Vive Quevedo!"

It was soon known that the defeated and scattered forces from the battle of Chacoma on the 18th of January had rallied about 200 men, and, taking advantage of the absence of the army and President Frias, had plotted the taking of the palace and then pillaging this city.

The palace building was defended by thirty-seven young men of the city, belonging to what is known as "the national guard," while there were in the palace also some twelve or thirteen civilians without effective arms, among whom were the minister of justice and the minister for foreign affairs, who were at their desks dispatching business as usual. The attack was entirely unexpected at that hour, yet the volleys of musketry following the yells in the street admonished all that the struggle had begun.

Within thirty minutes the revolutionists found they had much mistaken the mettle of the citizen soldiery in the palace, and their dead lying in the plaza and on the corners of the square admonished them that their task was a bloody one, if not desperate.

I was situated so as to witness the whole combat, which lasted without cessation from 11 o'clock a. m. till 7½ o'clock p. m. No interval of over half a minute transpired, so steady was the musketry, with occasional firing of artillery.

The revolutionists being beaten back with loss at every attempt at assault on the palace building, they next attempted to fire the palace with balls of turpentine thrown on the roof, and at 3 o'clock p. m. they succeeded in igniting the wooden partitions of the roof in such a manner that the inmates could not extingnish it.

From that time the struggle was exciting indeed. The yells of the assaulting party, the steady fire of the guards, with the rapid burning of the palace, which was now covered with black smoke, with an occasional wild leap of the flames, made a scene not readily forgotten nor often witnessed.

As the fire advanced and consumed the roof the guard abandoned the upper floors and steadily fired from the lower stories, and when at last the rolling smoke and terrible heat compelled them to abandon the palace building, they boldly sallied out on the plaza in front of the palace with two pieces of artillery, and delivered a rapid fire upon their assailants. This was about 7 o'clock p. m., and it was fortunate indeed for them that success came at that moment, as they were reduced to 18 effective men. Col. Jaun Granier, with about 150 men, had made a forced march of eighteen miles from Viacha, starting at 3½ o'clock, with infantry, and arrived in the city about the same time that the guard were compelled to abandon the building, as before stated. It was clear moonlight, and a few volleys closed the battle for the day.

It is 8 o'clock, and all firing has ceased except an occasional volley tells that some prisoners just captured are "biting the dust of death."

The loss in the palace force is stated at 22 in killed and wounded, which is a very heavy percentage of loss. The loss on the part of the revolutionists is not known.

Later:

MARCH 21, 1875.

Great efforts have been made to save the lower portion of the palace building from complete destruction by fire, which has been burning all

night. It is stated that there are three and one half tons of powder in the basement, which cannot be taken out now, but it is thought that the fire is within control.

The casualties of yesterday are stated as follows: Government total loss 7 killed, and 24 wounded, of whom several will die. Revolutionists, 57 killed and many wounded, but the number not known, as they are concealed by their friends, fearing death if found.

You will pardon me for so long a dispatch, which you may well say is fitted for the Department of War rather than that of State, yet I deem this important, as marking a new era in the history of Bolivia. The republic seems to be entering upon a new era, the era of "the commune." Her idle and dissolute population now seem to be determined to provide for themselves by conflagration and plunder, with the cry "Down with the government!" "Down with all property-holders!" "We must live!"

I inclose two copies of "La Reforma," in which will be found a more full account of the battle of yesterday, and also an account of affairs in Cochabamba, in which city revolution is rampant, and where property is destroyed without measure or reason. Passages have been cut through, connecting all the houses on the plaza, while trains of magazines, filled with powder, close up all avenues of ingress into the city.

The inhabitants have been driven to the country, abandoning their homes to the mercy of the revolutionists, who control everything.

News has just arrived that the rebels in the Youngar district have been defeated with a loss of 38 killed; which is generally believed as true.

This legation has not been disturbed except in receiving three random shots; two shots from muskets through the windows and one shot through the flag flying from the flag-staff.

All is quiet to-day, yet this calm may but precede a more terrible and desolating storm, for the "end is not yet." The government troops with the President are now doubtless before Cochabamba. Of them we shall hear in a few days.

Yours, &c.,

R. M. REYNOLDS.

No. 52.

Mr. Reynolds to Mr. Fish.

No. 57.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, March 25, 1875. (Received April 27.)

SIR: Since my last dispatch nothing of special interest has transpired, except the review and summing up "of results and details of the struggle" on the 20th instant.

The official statement made yesterday in relation to casualties of battle is as follows: Government loss 10 killed and 40 wounded. This includes the loss of the rescuing force under the command of Col. John Granier. The rebel loss is stated at 130 killed and many wounded.

The government loss I am inclined to believe entirely correct, as the names of the killed and wounded are given in full. The rebel loss I think is overstated, unless very many have been killed since the 20th instant upon being captured.

The whole affair is tragic, and in some respects scarcely within the bounds of belief. Great indignation is expressed at the burning of the capital or palace building, and this feeling is intensified by the fact that there was sufficient powder in the basement to destroy the principal part of the city had it been ignited.

The news of the defeat of the revolutionists in Youngar is confirmed, and to-day all North Bolivia is reported tranquil, with the government in quiet possession.

No definite information from Cochabamba, except that the President with the army has reached the vicinity of that city. * * *

I am, &c.,

R. M. REYNOLDS.

No. 53.

Mr. Reynolds to Mr. Fish.

No. 58.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, March 28, 1875. (Received June 14.)

SIR: Referring to my dispatch No. 46, in the matter of Mr. Daniel Poso, I have the honor to transmit copy of official note to the honorable minister for foreign affairs, and copy of his reply, with translation.

It will be observed that the minister, in an interview with me, authorized me to assure Mr. Poso that the government would not molest him in any way whatever should he leave this legation to attend to his ordinary business in the city, yet within a few days thereafter his house was entered and searched, and, although the searching party did not make known the object of the entry into his house, some of the party demanded of the servants where Mr. Poso was.

Mr. Poso fully believed that his house was searched to find and arrest him, and, in order to ascertain the facts, I dispatched the note of inquiry to the honorable minister. I was glad indeed to receive the satisfactory reply of the minister in the spirit in which it was written, otherwise I should have been compelled to believe the government of Bolivia had acted treacherously with this legation.

Asking for the approval of my Government in the premises,

I am, &c.,

R. M. REYNOLDS.

[Inclosure 1 in No. 58.]

Mr. Reynolds to Dr. Baptista.

No. 7.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, March 10, 1875.

To the Honorable DR. DON M BAPTISTA,
The Minister of Foreign Affairs:

SIR: Referring to our last interview in the matter of Messrs. Daniel Poso, Criales, and Solis, I am glad to report to your excellency that upon informing Mr. Poso and Mr. Criales what you authorized me to say, viz: "That the government preferred no charge of a criminal character against them, and that they might proceed in any business they desired without molestation from the authorities in this city," they expressed great appreciation and thankfulness for your generous assurance given, and manifested a desire to return to their domiciles, yet Mr. D. Poso concluded to remain a few days more n the room of this legation.

They authorized me to thank you in their behalf for assurances you were kind enough to transmit to them through this legation. I am now informed that a few days after our interview referred to, when those assurances were given to me, a squad of soldiers, under charge of an officer of police, entered the house of Mr. Poso without showing any warrant of authority, and thoroughly searched all the rooms without even stating the object of their search, and left the house without making any arrest.

It is the belief of Mr. Poso, and also of his friends, that the search was made in order to find and take in charge his person. This I cannot believe, in view of the assurances made to me by your excellency, and I respectfully ask at your hands an explanation of the search made on the 3d instant in Mr. Poso's house, if compatible with the public interests of your government, so that I may be able to set at rest the groundless charge of an attempt to make an arrest of one whom the government, through your excellency, assured me would not be molested.

You are well aware that the cases of Messrs. Poso and Criales have been reported to my Government, as I stated to you, and, while awaiting reply from the State Department, it would cause much embarrassment if either of them should be arrested or in any way molested by the Bolivian government, and I would respectfully ask that due notice be given this legation before any proceeding is commenced against either of them.

Renewing my assurances of high consideration for your excellency, and again extending the cordial friendship manifested by my Government for the welfare of the constitutional government of the Republic of Bolivia.

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

R. M. REYNOLDS,
United States Minister-Resident to Bolivia.

(Inclosure 2 in No. 58.—Translation.)

Dr. Baptista to Mr. Reynolds.

LA PAZ, *March* 11, 1875.

SIR: I have the honor to respond to your dispatch of date on yesterday.

The classes of the mutinous [persons] of the month of December are fully described by legal tribunal in the "Rejemen Legal," No. 62, law page, and first column, they are registered.

Mr. Daniel Poso is not found embraced in any class of those enumerated, and he is safe against all proceedings or judgments which may emanate from his antecedents. Neither should he fear any interposition whatever on the part of the government authorities by reason of his present conduct, nor from henceforth, or in the future, should it be, as heretofore, free from revolutionary agency politically.

The employment of the police that searched the house of Mr. Poso had no other motive than to ascertain if, according to notice received by them, they could find hidden in said house a mutinous agent who was sent from Puno. The deputy of police did wrong in not stating to Mr. Poso the object of his mission, [search.]

This ministry has no official knowledge of what Mr. Adolfo Criales is charged, as embraced in any of those heads of recorded classifications; but the press of this city point him out as subject to liabilities of classes No. 1 and No. 3.

If the common courts of justice of the county proceed against him in consequence, the government will not intervene or interrupt the proceedings.

These explanations conclude or embrace those I have the honor to give to your excellency; and, in conclusion I repeat, with all consideration, your polite and constant servant,

MARIANO BAPTISTA.

To His Excellency the Honorable MINISTER-RESIDENT
from the United States of North America, present.

No. 54.

Mr. Reynolds to Mr. Fish.

No. 59.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, March 31, 1875. (Received June 14.)

SIR: I am glad indeed to report that the news of a complete victory over the revolutionists at Cochabamba has been received in this city,

and general rejoicing is heard in all quarters. The firing of cannon, the ringing of bells, with the vivas of the multitude, at 10 o'clock last night, announced the triumph of the government in Cochabamba.

To-day the city is decorated with bunting, and the "bando" is being published confirming the news received last night of the total defeat of the revolutionists.

The troops of the government were investing the city of Cochabamba, and had thrown up breastworks preparatory to making an assault upon the barricades of the revolutionists, when, on the morning of the 28th instant, at 3.30 o'clock, the revolutionists sallied from their defenses in order to surprise the government forces, but, unfortunately for them, the troops were prepared to receive their assaults, and in thirty minutes the rebels were defeated and put to flight. The government troops followed up their advantage, and at 4 o'clock a. m. they entered the city in triumph.

The reported loss of the government is 20 killed and as many wounded. The loss of the enemy not known. This will secure to the present administration quiet possession of the country for a few months at least.

I would respectfully suggest a letter of congratulation from the President or from the Department to His Excellency President Thomas Frias, as all resistance to the government has been successfully defeated.

I am, &c.,

R. M. REYNOLDS.

No. 55.

Mr. Reynolds to Mr. Fish.

No. 62.] LEGATION OF THE UNITED STATES,
La Paz, Bolivia, April 7, 1875. (Received May 13.)

SIR: Referring to my dispatches Nos. 58 and 59, in relation to the attempted revolution of the 20th ultimo, in La Paz, I have the honor to inform the Department that I have refused asylum in this legation to all persons engaged in the burning, of the palace building, as described in my dispatches referred to.* I was impelled to make this decision from the fact that, had they succeeded in their attempt to completely destroy the building by fire and set match to the magazine of powder, the United States would have had no legation-room in La Paz, if indeed any "minister-resident" living.

The further fact that the government of Bolivia could rightfully demand them as criminals, to be tried by the courts of the country for incendiarism and murder, was a serious obstacle to my receiving them in asylum.

Asking the approval of the Department for my official action in the premises,

I am, &c.,

R. M. REYNOLDS.

*See dispatches 56 and 57.

BRAZIL.

No. 56.

Mr. Partridge to Mr. Fish.

No. 196.] UNITED STATES LEGATION,
Petropolis, Rio de Janeiro, August 24, 1874. (Rec'd Sept. 21.)

SIR: * * * * * * *

The great measures, so long promised and so much needed, of reform in the electoral law, in the law of recruitment, and the proposition so urgent to secure the healthfulness of the capital by an adequate supply of water from the abundant and never-failing sources in the surrounding mountains, slumber on through wearisome and never-ending debates.

It is quite likely, indeed, from present appearances, that the chambers will not even settle the budget, but that in the last days of the session, which must close in September, they will suddenly pass a resolution authorizing expenditures as in former years.

We hear nothing further of difficulty with the Argentine Republic. The (now) Visconde de Araguiya (Mr. Magalhaens) has been relieved from duty there, (at Buenos Ayres,) and has been sent as envoy to the Pope, as it is supposed he may be able to calm the hostility of the Vatican, in consequence of the prosecution and imprisonment of the bishops here. There is still no representative here from Buenos Ayres, the consul-general still acting as chargé. A minister from Paraguay has been received, and very favorably, of course, since the government there is still sustained by the Brazilian garrison in Asuncion. The Princess Imperial was safely delivered on July 25th of a still-born daughter, and will come up to Petropolis next week to reside.

Rear-Admiral Le Roy has relieved Rear-Admiral Strong in command of this station, and the flag-ship Lancaster and the Monongahela are still in the harbor.

Mr. Shannon left on leave of absence for the United States, via Europe, on the 17th August.

I am, &c.,

JAMES R. PARTRIDGE.

No. 57.

Mr. Partridge to Mr. Fish.

No. 197.] LEGATION OF THE UNITED STATES,
Petropolis, Rio de Janeiro, August 24, 1874.
(Received September 21.)

SIR: On the 18th instant notification was given and published by the minister of foreign affairs, addressed to the minister of justice, that on the 20th of this month the consular conventions which had heretofore been in force (having been prolonged from year to year, by consent, since 1871) between Brazil and France, Switzerland, Italy, Spain, and

Portugal, in virtue of which the settlement of estates of subjects of those countries dying intestate here had been made by the consuls of those countries, respectively, had ceased to exist, and that in consequence all such rights as were thereby secured would hereafter be determined by the law of the 8th of November, 1851, (decree No. 855.)

Of this decree regulating the interference of consuls in such matters in cases where a reciprocity was granted in their respective countries to Brazilian consuls, I have already given account to the Department in my No. 97,* there stating also that as the matter now stands between the United States and Brazil, our consuls may still intervene, under the previous law of 1845, in the nomination of curators, &c., and to compel an account before the regular tribunals.

I am, &c.,

JAMES R. PARTRIDGE.

No. 58.

Mr. Partridge to Mr. Fish.

No. 208.] LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 24, 1874. (Received Nov. 21.)

SIR: The news from the river Plate of the civil war in the Argentine republic, now led by General Mitre, has been the chief matter of interest here lately, and since, the wordy debates and "*discursos*" of the chamber have ceased. Our information as to the progress of the revolution is unreliable and uncertain, notwithstanding our telegraph; and the news of one day is frequently contradicted on the next morning. But as commercial movements hence to Buenos Ayres are active, much interest is felt in the condition of things in a place where large Brazilian interests are concerned. It is impossible not to see also that Brazilians look upon the misfortune of their neighbors with complacency at least, and that it is regarded by very many even with satisfaction. "This is the people," they say to themselves, "which is continually threatening us with war and extermination, and an extinction of monarchy, and to drive us from our province of Matto Grosso, and to abolish our prestige in South America, and to extinguish us in Paraguay; and yet they cannot keep their own dwelling from being on fire!" Even those few Brazilians who look upon this calamity of the Argentines with neither complacency nor satisfaction, find great relief from whatever sorrow it may cause them in the reflection that their neighbors will now have enough fighting to do at home and with each other, and can afford to let Brazil alone, for a while at least.

From the provinces of the empire we have reports of continued quiet, except from Pará, where there has been some disorder in one district, and an outbreak with violence against foreigners, chiefly Portuguese, some of whom have been murdered. At last accounts, however, these disturbances had ceased, and quiet is again restored in the province of San-Pedro-do-Sul, where some religious fanatics, followers of one Maurer, a German colonist, had disturbed the public peace.

The Emperor has been visiting and opening some new lines of railway just extended to the neighboring provinces, has inaugurated the

* See Foreign Relations for 1874, p. 66.

new dock at the navy-yard here, and attended the dedication of some new edifices intended for public schools.

The general prosperity of the empire is uninterrupted, and the planters are still busy with the coffee-crop, which has been unusually abundant, as well as of very good quality. Indeed, it may safely be said that when in Brazil, as now, and even generally, there occurs nothing of interest that deserves to be reported, it is because the great mass of the people here take no interest in political occurrences; and since there is no question of succession or election to the throne, people find it more to their advantage to devote their attention to commercial and industrial enterprises. These are going on, and successfully, not so rapidly as in the United States, but the country is steadily and surely, although slowly, progressing.

I am, &c.,

JAMES R. PARTRIDGE.

No. 59.

Mr. Partridge to Mr. Fish.

No. 209.] UNITED STATES LEGATION,
Rio de Janeiro, November 12, 1874. (Received Dec. 24.)

SIR: The legislative chambers failed before their adjournment, (September 12,) to pass the appropriation bills (1875–'76) laid before them, so that an extra session will have to be called, probably in March, and previous to the regular session in May. In my No. 200 I mentioned and explained this neglect. The estimates were laid before the chambers at their meeting in May last, and have since been published in the treasury report, from which I have collated and here set down some facts of interest in relation to the financial condition of Brazil.

The annual receipts from all sources of revenue proper, (excluding loans, &c.,) into the Brazilian treasury have been steadily increasing, almost uninterruptedly, since 1852, and especially during the last eleven years, (since 1863,) with the single exception of 1873–'74.

From 51,480 contos* of reis, ($27,750,000, at 54 cents to 1$||$000,) in 1862–'63, these receipts have gone up to 115,495 contos in 1872–'73, ($62,333,333,) showing an increase at the end (and resulting from additional taxes, as well as increased basis) of that period of 113 per cent.—more than double.

The annual expenses have also increased, and even more regularly (very greatly, of course, during the Paraguayan war, 1866–'70) from 59,860 contos ($32,324,400) in 1862–'63, (showing a deficit in that year of more than 8,000 contos,) up to 169,536 contos ($91,500,000) in 1867, during that war, and to 126,240 contos ($68,169,000) in 1872–'73.

Comparing these annual receipts and expenditures during that series of years, there is shown a nearly constant annual deficit, or excess of expenditure, except during three years, 1852–'53, 1856–'57, 1871–'72. This deficit has varied from 1,000 contos ($545,000) in 1862, up to 93,000 contos ($50,000,000) in 1867–'68, in the midst of the war.

The whole amount of deficits during those twenty-two years (1851–1873) is 390,114 contos, ($250,000,000,) from which is to be deducted the amount of surplus during the three years named, 19,642 contos, ($10,000,000,) showing that in the course of twenty-two years the ex-

*The conto (or million of reis, Rs. 1:000$||$000) is, at par, worth $545.40 U. S.

penditures have exceeded the regular receipts by the sum of 370,472 contos, or over $200,000,000.

In this excess, of course, are included such expenses of the war* as were not met during its continuance from the increased receipts from additional imposts and new taxes. This large sum of deficits has been met, as they have occurred, by the issue of treasury-notes, payable after date, with interest, by the issue of additional paper money, (currency,) and from the proceeds of loans, from time to time.

The amount of the internal (domestic) funded debt, up to 31 March last, was 258,908 contos, ($156,000,000.) The foreign (sterling) debt, up to December 31, 1873, was £15,503,200 ⅔ sterling, ($73,500,000.) Both these debts have been (apparently) reduced from time to time to their present amount by the redemption of certain bonds (about £3,100,000 in amount since 1856,) ascertained by drawings by lot for that purpose. These funded debts still outstanding thus amount to about $229,500,000, and to this must be added the amount of treasury (promissory) notes on time given in acknowledgment of temporary loans, bearing interest (generally 6 per cent.,) and payable at four, six, eight, or twelve months from date. It is not easy to state the constantly varying amount of this item of indebtedness;† but it may be said that there are from eight to ten millions of dollars thus outstanding, so that the debt of the empire, on which interest is payable, may be set down at about $240,000,000. In addition to this interest-bearing debt, there is the unredeemed paper money, which, like our legal-tender notes, constitutes the legal currency of Brazil, and the amount of which in circulation is declared to be 149,578 contos of reis, ($80,750,000.) This sum adds another third to the interest-bearing debt, and sums up the whole debt of the empire to about $320,000,000 United States gold.

The interest on the funded debt, including a small annual redemption, requires 30,000 contos, ($16,000,000;) the other expenses of the treasury department (expense of collection and administration) being 13,122 contos, ($7,500,000;) of war, 15,374 contos; navy, 11,600 contos; foreign intercourse, 1,194 contos; justice, 5,733 contos; interior, 7,555 contos; agriculture, commerce, and public works, 17,696 contos; making the whole (estimated) yearly expenditure 102,634 contos, ($55,500,000.)

Thus the interest on the debt represents about 30 per cent. of the expenditures; the expense of collection about 13 per cent.; and the cost of the various departments of the government mark also, very nearly, their respective percentages of the whole outlay.

To meet this expenditure the receipts from all sources of revenue proper are estimated at 106,000 contos, so as to show an apparent or estimated, surplus for 1875–'76 of 4,000 contos, ($2,160,000,) derived under the following heads:

	Contos.
From duties on imports	59,960
From tax on clearances at custom-house	440
From duties on exports‡	19,425 5
From internal revenue, (stamp-taxes)	24,553 7
From contingencies and extraordinary	1,620 8
	106,000 0
	$57,240,000

* The cost to Brazil of the Paraguayan war was not less than $300,000,000.

† These notes are always paid at maturity and then replaced with additions by the issue of others.

‡ Export duty on coffee 9 per cent. *ad valorem;* on sugar and cotton, 7 per cent. (proposed reduction) additional (*to the province*) 4 per cent. *ad valorem*—in all 13 per cent. and 11 per cent.

It will be seen from this statement that from duties on imports, (including one-half the clearance tax,) more than $56\frac{6}{10}$ per cent. of the whole revenue is derived, and from duties on exports, (including the other half of the clearance tax,) $18\frac{1}{2}$ per cent., so that three-quarters of the whole revenue of Brazil is received through the customs, and but one-quarter from all other sources, including therein the enormous imposition or tax (6 per cent. of value transferred) on sales and transfer of landed property. This brings in 4,000 contos, and the stamp-tax about as much more. These facts and statistics, although there is shown a constant deficit (from underestimate of expenses,) to meet which there has been a constant recourse to loans, anticipations of revenue and an annual apprehension at least of a continuation and increase of such shifts,) have never disabled this government or embarrassed it to any extent; and it has never found any difficulty, of late years at least, in negotiating its foreign loans at 5 per cent., at or very near the par of issue, or in securing at 6 per cent. at home all the moneys required.

Notwithstanding this annual deficit, (not estimated but experienced) and which, to some economists at least, might cause a suspicion that there was serious default somewhere, either in extent of resources, or in foresight, or in administration, Brazilians daily quote their funds in London at 99, or at par, and their home debt (6 per cent.) at from 4 to 6 per cent. premium, in proof of their assertion that the financial condition of the empire is highly satisfactory. This will probably be admitted as long as they are punctual and constant, as hitherto, to all engagements.

It is possible, however, and now begins to seem even likely, that this facility of borrowing may possibly tempt them too far;* but for some time yet the stability of their government, and the regular though slow development of the country's resources, and the contrast in favor of Brazil compared with other South American countries, will secure her a credit and confidence perhaps beyond what could be strictly justified by the actual present resources and their management.

I am, &c.,

JAMES R. PARTRIDGE.

No. 60.

Mr. Partridge to Mr. Fish.

No. 210.] UNITED STATES LEGATION,
Rio de Janeiro, November 19, 1874. (Received Dec. 24.)

SIR: I have thought that some account of the revenue system of Brazil would be interesting to the Department, and now have the honor to submit, in relation thereto, the following statement, founded on the estimates and facts set forth in the report (*relatorio*) of the minister of finance for the present year, and compiled also from other reliable sources.

The annual revenue of the empire for 1872–'73 was the largest ever received—about fifty-eight and three-fourths millions of dollars, (108,831 contos,) and was derived from the following sources:

* A new loan of five million sterling is now about to be or has just been placed at 98 the rate of interest being 5 per cent.

	Contos.
From duties on imports	60,280
From duties on exports	19,320
From duties on maritime dispatch, (clearance fees)	570
From internal revenue	25,200
From contingent and extraordinary	3,751
	108,831

For the years 1873–'74 and 1874–'75, the estimate is made somewhat less—104,000 contos ($56,000,000)—on account of some expected diminution from the lowered tariff, (from imports,) and from the lessened price of coffee, cotton, and sugar, on which the "export duty" chiefly depends. The duties on imports are declared to be specific, by unit weight or measure, and leaving for *ad-valorem* imposition chiefly those cases where the invoice is thought to be undervalued, when the market value here is assumed as the basis, a proportionate sum added as penalty, and the duties are calculated on this increased basis. The tariff in force (since 1st July, 1874) also professes to give in a separate column what is supposed to be the rates *ad valorem*, to which the specific duty is equal; and these are stated to be 10, 20, and 30 per cent.

In fact, however, since the duties are chiefly stated on *weights* of the article, there are very many (such as cotton fabrics, woolen cloths and tissues, silks, &c.,) upon which the *result* of the duty by *weight*, as compared with value, gives an *ad valorem* rate of 50, 60, 70, and even 95 per cent. The whole amount of the custom-house valuation of imports into Brazil having been (1872–'73) about $82,000,000, and the revenue therefrom about $32,500,000, it would appear that, after making some deduction for free goods, the general or average rate of duty was over 40 per cent.

This average duty, however, does not represent any particular rate; and, as a climate of extreme temperatures, from 95° down to 20° or less, is not accurately described by stating the mean annual temperature of 57½°, so it would give a very inadequate idea of the system on which duties on imports are levied in Brazil to say that the average rate of duty was some 40 or 50 per cent. *ad valorem*. On some, as on wheat-flour, on which the duty is only fifty-one cents per barrel, it is as low as 8 per cent. *ad valorem;* while on certain woolen fabrics it is as much as sixty-eight cents per *pound*, which, in case of some articles, is equal to nearly 100 per cent. *ad valorem*. On the cheaper wines the duty is only seven cents per liter, while on kerosene, now an article of prime necessity, it is 17½ cents per gallon. In the former case equal to 30 per cent. on a luxury; in the latter equal to 100 per cent. on what is necessary to all.

It is not easy to discover on what *principle* such a tariff system is based. It is not on the principle of protection, for there are no manufactures in Brazil to be protected, although a duty of five cents per pound is imposed on American lard for the alleged reason that the import competes with the native product of Minas. The true reason, however, is that those who can get any other will never submit to the native article; and as such belong to the richer class, it is found more productive to exact five cents than it would be to take only four, three, or two. Yet the tariff system does not appear to be founded on the principle of securing the largest possible revenue, though that undoubtedly was the object in view; for very many articles, and of general use elsewhere, are so heavily taxed as to become unattainable except to the rich alone; and thus a large return from an increased consumption is as effectually prohibited as the trade in and market of such articles. Every foreigner residing here feels the effect of this in the doubled and

sometimes trebled cost of very many articles of prime necessity, and which, costing a shilling in England or a franc in France, are sold here for a milreis or more, being double and treble nearly, respectively.

The export tax (9 per cent. to the treasury and 4 per cent. to the province) of 13 per cent. *ad valorem*, and which yields nearly one-fifth of the whole revenue, is defended on two grounds: First, that inasmuch as there is no direct tax on or contribution by landed property, the only mode of reaching that is by taxing the produce as it leaves this province or the country; and second, without apparently heeding the contradiction involved, it is gravely asserted by the minister that this tax is paid wholly by the consumer. As in fact the planter is never called on for this tax, which is paid by the exporter on clearance at the custom-house, perhaps even a vast majority of the former never suspect that, but for its imposition, they would receive nearly two cents a pound more for their coffee. One result of thus taxing improved land and industry alone, and exempting the uncultivated and forest land, is that large proprietors are thus rewarded for withholding from cultivation and improvement and are aided in their refusal to divide their tracts into farms. These unimproved lands thus remain of no benefit to the revenue or to the nation, which, by this mistaken exemption, is deprived of the emigration it so much needs.

The internal revenue from all sources, for 1872–'73, was about $13,500,000 (25,210 contos,) and nearly as much during the following year. This sum is, however, not made up from revenue proper, for some 3,500,000 of it are the gross receipts (from traffic and passengers, &c.) on the Dom Pedro II Railway, belonging to and worked by the government, the expense of which (over 2,000,000) is estimated for and paid out among the government expenditures.

There are also included the receipts of the post-office, telegraphs, iron founderies, mint, and all public institutions, the expense of which is borne by the government, which receipts in all amount to about $5,000,000, so that the receipts from internal taxation amount to only about $8,500,000.

This amount is collected through taxation, and is derived from the following sources:

From house-tax (10 per cent. on-rent) in Federal district, in the city of Rio alone	$1,216,000
Ground-rents, leases of government lands, (water privileges of Rio,) and water-fronts on reclaimed land	19,000
Stamps; (on receipts, contracts, checks, &c., as with us)	2,000,000
Tax on salaries, (government employés,) no income tax	216,000
Tax on sales and transmission of landed property, 6 per cent. *ad valorem*	2,185,000
Licences for trades, professions, and all business throughout the empire	1,800,000
Lotteries, (20 per cent. on all receipts—15 per cent. on prizes, and 1 per cent. additional not included)	560,000
Tax on consumption (of Rio) cattle, brandy, &c	225,000
Tax on mineral sale of public lands	25,000
Water-tax in Rio (imperial government supplies)	55,000
Outstanding debts, dues from taxation outstanding	275,000
	8,576,000

To this sum (from internal revenue) must be added the amount received under the heads of contingencies and extraordinary, composed of fines, and penalties, $500,000; indemnities from river Plate republics, (chiefly in payment of debts due for moneys advanced during the Paraguayan war,) $250,000; and from sundry sources, $170,000; in all, $920,000.

There is also raised from the tax on slaves, and on the sale, gift, transmission, or inheritance of that species of property, (heavily taxed,) a

fund, which is kept apart,* and is destined to assist and ultimately to compensate the final abolition of slavery. This amounts to about $600,000 a year.

Of the receipts above named, from internal taxation, ($8,576,000,) a large portion ($2,500,000,) is derived from local taxation, (in the city and district of Rio alone,) and is spent in the improvement of the capital; so that only about six millions are derived from general taxation, and of this one-third ($2,000,000) comes from stamps; another third and more (or $2,185,000) from an enormous tax, six per cent. on the value, on the sale or transmission of landed property; and the remaining third merely from licenses, or the tax on professions, trades, business and industrial establishments.

From this, necessarily within these limits, general statement it will appear, I think, that the revenue system of this empire is first unequal in its operation and effect, pressing hard and unduly on its main source of reliance, agricultural labor. This is and must be the consequence of the heavy export-tax, added to the effect of the entire exemption of the large landed proprietors, whose uncultivated tracts yield nothing to the state. Next, the system does not tend to promote the industries on which it must rely, and their increase, from which additional revenues could be easier had. It encourages the withholding of lands from improvement—lands whose only value is the opportunity they afford to labor. And this effect is increased by the enormous tax imposed on the mutation and interchange of values, on the sale and transmission of landed property, which tax delays and renders difficult and costly, if it does not in many cases prevent, instead of fostering as much as possible, the sale of land and development of the country's resources. And, finally, the system is one in which the contributions levied, which ought to bear lightly on articles of prime necessity, heavily on luxuries, and equally on all contributors in proportion to their means, are so distributed as to have, in many respects, the opposite result, and yet leave many rightful sources of revenue quite untouched. Its supporters claim in its behalf that, if it is not the best that can be imagined for Brazil, it is the best system at present attainable and practicable; that no direct tax on the vast unimproved lands could be collected without disturbance, especially in the remoter districts, nor without greater dissatisfaction than results at present from any supposed inequality in its effects. And they add, that the new necessities of the country, and the development of its resources by the railways they are constructing, will, before long, require and make practicable improvements in this respect. As new regions are brought into activity, or are afforded the opportunity to become productive, they will have to bear a share of the burden and debt by which this benefit has been secured.

I am, &c., JAMES R. PARTRIDGE.

No. 61.

Mr. Partridge to Mr. Fish.

No. 211.] UNITED STATES LEGATION,
Rio de Janeiro, November 20, 1874. (Received Dec. 24.)

SIR: The conflict (*questião religiosa*) between the civil power and the ecclesiastical party has now come into a new phase.

*That is to say, the account is separate; the moneys being turned into the treasury, and supposed to be invested in the national debt, are not quite so distinct,

The bishops of Olinda and Pará are still undergoing their nominal imprisonment, yet, through their vicars-general, govern their dioceses, and exhort the faithful, politically as well as spiritually, by private letters, which are immediately published in the newspapers. The administration has allowed this to go on quietly, and has now addressed positive orders to the presidents of the provinces (Pará and Pernambuco) to require the vicars-general to recall or withdraw the episcopal interdicts (the issue of which caused the bishops' trials) against the fraternities which admitted to membership those belonging to the Masonic order. This withdrawal is to take place within eight days thereafter, under penalty of the said vicars-general being held (as the bishops were) to answer criminally for infraction of the law. The clergy of those two dioceses have met, and, after protesting in the regular ecclesiastical way, "against the audacious act of violence," they declare loudly and clearly (*alto bom som*) "that, notwithstanding this attack upon the independence and autonomy of the church," they will not stain their hands with apostacy by disrespecting the interdicts and orders of suspension canonically imposed &c. To this they add, that, in the instrument by which powers to govern *ad interim* were conferred by the imprisoned bishop or their vicars-general, there was an express reservation and public withholding of any power to suspend, relieve, recall, withdraw, or annul in any way those interdicts and suspensions, so that they could not if they would, after having first said that they would not if they could. The bishops, "foreseeing" (as they state) the violence which would be offered, had taken the precaution to name a long list of ecclesiastics who, each in his turn as named, on the violent ejection or removal by the civil power of the vicar-general, should succeed to this office; and, in fact, the list is long enough to give the ministry occupation for a long time in punishing the refusals in order, as the respective vicars succeed. But, from present appearances, the ministerial party are going on, and are determined to carry it through. It is to be hoped that their courage may not fail, neither by reason of the long list of those who are thus declared ready to become martyrs, nor by any political move of the ecclesiastical party.

This last now by its journals calls upon all true Brazilians, true sons of the Empire of the Southern Cross, to unite, and, by *political* organization, beat down the ministry of the 7th March, which is, by its violence and illegal measures, not only imprisoning bishops, but endeavoring to subvert the religion of the state, &c.

As the parties (ministerial and opposition) are very nearly balanced in the chamber of deputies, it is not at all impossible for the ecclesiastical party to exert some power there; and it might occur, even, that their aid to other interests in opposition should be able to defeat the ministry. But this last no doubt counts on the feeling which has lately manifested itself very unmistakably in opposition to ultramontane pretension and dictation. It will be interesting to note the results of all this, and to see whether Brazil is going still forward in these matters, or whether, just at this moment, the pendulum which regulates all progress must have another swing backward for the moment, only to come up higher on the other side at the next movement that is sure to follow.

I am, &c.,

JAMES R. PARTRIDGE.

No. 62.

Mr. Partridge to Mr. Fish.

No. 213.] UNITED STATES LEGATION,
Rio de Janeiro, November 23, 1874. (Received December 24.)

SIR: During the parliamentary recess hardly any political occurrence of note takes place, and the usual quiet has prevailed here since the departure of the last packet. Some of the ministers have taken advantage of this to enjoy excursions to the provinces. The minister of the interior has been passing some time in Pernambuco, and the minister of justice in San Paolo, where they have had receptions and dinners, made speeches in defense of their policy, and endeavored to gain supporters for the next session. I have reported in No. 211 the condition of the "ecclesiastical question," and we hear from Rome that the Pope is so dissatisfied with the hostility shown by Brazil to the just rights of the Church that he will maintain here only a chargé d'affaires in place of the late internuncio, now sent as nuncio to Lisbon, so that the mission of Mr. Magalhaens (Baron Araguaya) has not as yet been successful.

From the river Plata we get conflicting and contradictory accounts of the civil war there; and as yet no sign of its speedy termination. Nor is the government here any better informed than any one else.

The new loan of £5,000,000 to be issued by Brazil for the extension of the government railway system has not been announced as taken on the terms which were first published; but it is now thought that it will soon be consummated.

From the provinces we have favorable accounts of public order; but there is general complaint of the difficulties (financial) under which the agricultural interest labors, and this notwithstanding very remunerative prices—though lower than they have been—for the great staple articles of production. The minister of finance at the beginning of the last session proposed that the government should pay as a bonus to that interest some 2 per cent. interest on a limited amount, which the Bank of Brazil was invited to advance on approved mortgages of productive *fazendas*, (plantations,) with a long term for payment in annual installments. The rate to the bank was to be eight per cent., of which only 6 per cent. would thus fall on the agriculturist. The measure did not pass, however. A much shorter and more efficient way to assist that interest would be to relieve the products from at least a portion of the heavy export duty.

I am, &c.,

JAMES R. PARTRIDGE.

No. 63.

Mr. Partridge to Mr. Fish.

No. 218.] UNITED STATES LEGATION,
Rio de Janeiro, December 22, 1874. (Received Jan. 21, 1875.)

SIR: We learn by the telegraph that the President has proposed to Congress that, in view of the needs of the Treasury, the duty on coffee be re-imposed. Naturally very great interest is felt here in respect of such

duty; and frequent inquiries are made of me in regard to the probability of its re-establishment.

The minister of foreign affairs asked me in regard to it on the 14th, and then inquired what had been thought in Washington of the diminution, under the present Brazilian tariff, of the duties on some (he said all) articles imported from the United States. (See my No. 182.*)

I replied that those reductions upon two important articles (kerosene and lard) had not been at all in accordance with our just expectations; but that the Government at Washington supposed they were such as the demands of the Brazilian treasury permitted at present; and that if a duty were imposed now on coffee, it would not be in any way as a retaliatory proceeding against Brazil, but simply because an increased revenue was needed just now in the United States in consequence of the crisis of September, 1873, which had caused a diminution of receipts from other regular sources. And that nothing was more natural or to be more readily expected than that such new revenues should be sought from articles of universal use, and which had been perhaps unduly freed from all contribution. I have also just received a note from the Visconde Caravellas again asking that the reductions made by Brazil on our products be duly considered. As the large exporters here seem to think it likely that such duty will be imposed, they have within the last fortnight sent forward very unusual quantities, and in case no duty should be established shortly, it is very probable that there will be a heavy loss to them. While, if, in accordance with their fears at first, and with their hopes now, a duty should be imposed, and be operative at once, they look for large profits, to the extent of such duty, and the heavy supplies, until consumed, would of course delay receipts from any such duty. In view of these facts, I have thought it would be acceptable to the Department if I shortly restated the effects on prices here of the former impositions of duty on coffee in the United States, and referred to former dispatches in this connection. In these (noted below) it has been shown that the repeal of the duty on coffee in July, 1872, inured to the benefit of the Brazilian coffee-growers (and others) alone; and not at all to the advantage of consumers in the United States. When the news was known here of the abolition of the coffee duty in the United States, the price here went up immediately, and if I recollect, the price in the United States suffered no abatement. In the tables A and B appended to my No. 101 will be found a statement of the monthly average prices here (cost on board) of coffee during 1872, from which it will be seen that the price rose here in consequence of such repeal in the United States. It was supposed, and intended of course in the United States, that the consumers of coffee in the United States, and especially of Brazil coffee, chiefly the inhabitants of the Western States, would and should receive their coffee diminished in price by the amount of the duty withdrawn. The consequence of that repeal, however, was entirely different from that expectation.

In the same way, when the duty was first imposed, and afterward increased, during our civil war, the effect was felt here, even more in fact than in the United States.

The price here suddenly declined and heavily, and business was paralyzed, for it was feared that a diminished consumption abroad would allow supplies to accumulate here; and since the demand in the United States may be said to regulate prices of coffee in Brazil, (three-fifths of whose coffee goes to the United States,) it was thought there would be

* Report on Commercial Relations for 1874, p. 157.

a permanent depreciation here. The consumption, however, was not very much lessened comparatively in the United States, and was compensated by the great purchases for the use of the Army, and by the greater ability of large classes of consumers, in consequence of large gains during the war. The establishment of a duty on coffee, then, in the United States would seem (if a moderate duty) not greatly to lessen consumption, and the weight or effect of that duty is greatly lessened to consumers by the fact that it causes a great reduction in the price of the article in the ports of shipment. I think, therefore, that it may now be expected, in case Congress should think it necessary to establish a duty on coffee, that the greater part of the effect of such duty (if moderate) would be felt here, in the lowered cost; and that the rise in cost to the consumer in the United States would not be at all to the extent of such moderate duty. In support of this view may be mentioned the fact that Brazil levies an export duty on all exports of 13 per cent. *ad valorem*, of which 9 per cent. goes to the national and 4 per cent. to the provincial treasury. The minister of finance, Viscount do Rio Branco, maintains that this tax is in fact paid by the consumer in foreign countries, and that thus the Brazilian treasury levies a contribution on its consumption abroad. If Brazil, besides being the larger by far, prove also the only producer of coffee, and had a monopoly of supply, this might be true; but as long as coffee from other countries, already great and rapidly increasing producers, can be brought into competition with Brazilian coffee in foreign markets, it is evident that the price of Brazilian coffee depends upon the supply elsewhere, and that, consequently, the price obtained here by the grower is and must be less by the amount of such export duty than it would be if that did not exist. In fact were it not for the mode of payment (by the shipper on clearance) of such tax, the imposition is so heavy that it could not be maintained. Being thus indirect, it is not so much felt. I believe that the United States is the only country in which such articles of universal consumption as tea and coffee are now admitted free of duty. In all others those articles (though sugar is now free in England) are charged with duty, from a moderate one in England and in Germany and the north of Europe, where the consumption of better grades than Brazil is very large, to the very heavy (250 francs per 100 kilograms, or 220 pounds) duty in France, and where the duty is more than 100 per cent. *ad valorem*. It would seem that such articles of general use are the most proper to contribute to the general charge; and if a moderate duty—say of 2 or 2½ cents per pound—were imposed in the United States, the effect would be, first, not to lessen to any appreciable extent the consumption; while, secondly, the effect on price would be felt here more than in the United States. Such a duty (2½ cents) would, on an import of 295,000,000 of pounds, as in 1873–'74, yield a revenue of more than seven millions of dollars, without being sensibly felt by the consumer at home—the effect resulting chiefly in Brazil, whence comes 76 per cent. of our supply. In my previous dispatches 92, 101, 102, (as corrected in 102,) and 108,* I have given facts and statistics connected with this subject.

I am, &c.,

JAMES R. PARTRIDGE.

* See Foreign Relations for 1873. Part I.

No. 64.

Mr. Partridge to Mr. Fish.

No. 221.] UNITED STATES LEGATION,
Rio de Janeiro, January 19, 1875. (Received Feb. 25.)

SIR: Referring to my No. 218 (by the last packet) in relation to the probable effect here of the proposed re-establishment in the United States of the duty on coffee, I have the honor to transmit hereto annexed a translation of a note I received from the Viscount de Caravellas in relation thereto, in which he expresses the hope that the exemption of coffee from any duty will be maintained; and copy of my reply thereto, in which I have stated that in case Congress should deem proper to re-impose a duty on tea and coffee, it would be done because of the necessity of additional revenue, and not at all by way of retaliation on Brazil for not having abolished or sufficiently reduced her import-dues on articles of American production.

I am, &c.,

JAMES R. PARTRIDGE.

[Inclosure 1 in No. 221—Translation.]

Viscount de Caravellas to Mr. Partridge.

RIO DE JANEIRO, *December* 21, 1874.

To His Excellency JAMES R. PARTRIDGE, &c.:

The minister of finance has called my attention to the statement lately appearing in the papers, that the Government of the United States intended to re-establish the duty, and a heavier one, as it seems, than before, on coffee, from which it was taken off not long ago.

The conversations we have had on this important matter had left me with the conviction that you, entertaining liberal views, had expressed the wish that the productions of your own country should not be heavily charged here, as was natural, and would therefore (admit) recognize that the American Government should continue to Brazilian coffee the exemption it now enjoys from any duty.

There is no necessity, therefore, that I should enlarge upon the subject, and I am sure you will do all in your power to promote the commercial relations between the two countries.

I embrace with pleasure the opportunity to renew to you the assurances of the cordial esteem with which I remain your excellency's most obedient, humble servant,

VISCOUNT DE CARAVELLAS.

[Inclosure 2 in No. 221.]

Mr. Partridge to Viscount de Caravellas.

RIO DE JANEIRO, *December* 24, 1874.

To His Excellency the VISCOUNT DE CARAVELLAS:

In reply to your excellency's note of the 21st instant, in relation to the duty said to be proposed in the United States on coffee, I beg to say that I have yet received no information in regard thereto other than what has been sent by telegraph. It is not, therefore, possible for me to give you any reliable information. I may state, however, that in view of the diminished receipts into the Federal Treasury during the past year, in consequence of the financial crisis of September, 1873, I think it extremely probable that the President may have recommended to Congress the propriety of restoring a portion, at least, of the duty on tea and coffee; both of which have been entirely exempt since July, 1872.

Since additional revenue must be had, it would seem to be only just and proper that such articles of universal consumption should bear some portion of the general charge. In case such a duty should be imposed by the Congress, (which is, however, quite

uncertain,) it could not be regarded or be at all designed as in any way retaliatory, or as directed in any way against the productions of any country. It would be simply a measure of necessity, intended for a time, designed to be but temporary, and to be relieved as soon as the necessity should disappear.

I need not remind your excellency that the policy of the United States in respect to duties on foreign products has been, so far as Brazil is concerned, one of the greatest liberality. Before 1862, coffee was free of all duty; and in consequence of the necessities of our civil war, a moderate duty was first imposed, which, when increased, did not exceed 5 cents, or 95 reis, the pound. This was again reduced, at the first opportunity, to 3 cents a pound, and this last has been entirely abolished since 1st July, 1872. When it is remembered that in every other country—I believe without exception—coffee is charged with a duty varying from the very moderate one which existed in the United States, up to the very heavy rate now exacted in France, it will be seen that in the United States, even under the pressure of necessity, the tariff has been one of extreme liberality toward Brazil. Your excellency may be assured that such policy and desire continue in the United States, and that if a duty shall be imposed on coffee, it would be moderate, probably far below any rate elsewhere exacted, and would, from its necessity, be only temporary.

Your excellency rightly states the interest which both of us have felt and expressed in regard to the further development of the commercial relations between the two countries; I trust that the disposition shown in this respect, and the progress already secured under it by the imperial government, will continue, and lead to still further extension. This empire, under the present enlightened administration, has made great advances in this direction, and has been able to reduce many duties whch restrained commercial activity. The United States have pursued the same course, and they have not only reduced, but have actually abolished—prematurely, as it now seems—the duty on some articles, which, without being so much charged as to lessen consumption ought rightly to bear some portion of the general burden. Should it be found indispensable in the United States to restore the duty on some such articles, now unduly exempt, I am persuaded that the imperial government will see in this measure only a necessity imposed on the Government of the United States by circumstances fortuitous, temporary, and probably beyond its control. And as the duty on coffee, established at first under such pressure, was quickly reduced when the necessity lessened, and was wholly abolished when it was thought to have passed away, so it will be now, in all probability, a temporary measure of relief, to be withdrawn when no longer required. You will be able, I trust, by these considerations to convince his excellency the Viscount do Rio Branco that this measure, recommended, as it is said, by the President, will be, if adopted by the Congress, in the first place, a duty of moderate amount, probably much below that exacted in other countries; secondly, that, far from diminishing or being intended to diminish the consumption, it will have only the effect of giving a moderate but indispensable revenue; and lastly, that from both these results it cannot, to any appreciable extent, work injury to Brazilian interests, or tend to diminish the commercial activity between the two most important nations on this continent. I embrace the opportunity to renew the assurances of the esteem and consideration with which I remain,

Your excellency's obedient servant,

JAMES R. PARTRIDGE.

No. 65.

Mr. Partridge to Mr. Fish.

No. 225. | UNITED STATES LEGATION,
Rio de Janeiro, January 22, 1875. (Received February 25.)

SIR: I have the honor to present herewith some important facts and statistics, set forth in the annexed table, in relation to the export to and consumption in the United States of Brazilian coffee. I hope this may yet arrive in time to be useful possibly in the consideration of the proposed re-establishment of the duty on coffee, the propriety of which it will tend to show; for these figures present a remarkable fact, namely, that there was a larger consumption of Rio coffee in the United States while it was there subject to a duty (3 cents) than there has been since the duty was taken off. I do not mean, of course, to assert

from this that a duty (which is certainly an element in price) can make no difference in consumption; and that this last will in all cases be as great of an article when charged with a duty as when it is free. But consumption depends not only on cost of production, to which the duty is to be added; it depends still more on the general welfare at the place of consumption, which enables a larger use. And this table shows that in the years 1870–'71, when there existed general prosperity in the United States, there was a larger consumption of coffee, notwithstanding a duty on it then, (3 cents per pound,) than there was in the following years 1872–'73 and 1874, when coffee came in free.

The price of coffee in the United States went up in 1874 to 25 or 26 cents a pound, although then free. This was nearly double its price (13 or 14 cents in gold) in 1871, while there was a duty of 3 cents a pound. With a higher price, therefore, though without duty, there was a larger consumption in the United States than when the duty, still existed. It will also be seen from the table how the exportation here fell off during our civil war, and how it recovered and increased in 1870 and 1871, when there was great prosperity at home and a duty, to four times what it was in the black year of 1863. It also appears that it fell off somewhat in 1872 and 1873, and did not entirely recover in 1874, notwithstanding the abolition of the duty exacted up to July, 1872.

I submit that these facts and figures support the recommendation of the President—

1st. Because a needed revenue can best be raised on articles of general consumption, and especially on such as may have been prematurely or are still unduly exempted.

2d. Because consumption of coffee in the United States does not fall off because of a moderate duty thereon, unless in time of civil war or great distress, and then because of the distress, not because of the duty.

3d. Because the effect of a duty in the United States would be to lower the price in Brazil, (see my No. 218;) so that, with the addition to the lowered cost here of a duty in the United States, its price there would not be augmented nor its consumption diminished. There is another reason, not shown by this table, which I believe to be as true as any there, and it is this: Whether patriotic feeling can be included among the reasons for any rule of political economy or not, experience at home has shown that the American people will continue, in times of ordinary prosperity, to use those things to which they have been accustomed, including the general luxuries, after a moderate duty has been imposed, as well as before. Nor will the consideration that such duty has become necessary, whether for the purpose of maintaining the country or the public faith, diminish their use during ordinary prosperity to the extent of a single pound.

I am, &c.,

JAMES R. PARTRIDGE.

(Inclosure in No. 225.—Translation.)

EXPORTS OF COFFEE FROM RIO.

Exports, estimated in bags of 60 kilograms (132¼ pounds) each,* during the last twenty-seven years, from 1st of January to 31st of December, in each year, from 1851 to

* Until within a short time coffee was sold and the prices quoted by the arroba, (32 pounds,) and was exported in bags of 5 arrobas (160 pounds) each. It is now quoted at the price for 10 kilograms, (22 pounds,) and is exported in bags of 60 kilograms (132¼ pounds) each.

1874, both included; showing, also, the quantity exported to the United States and that sent to all other countries together: thus demonstrating the comparative importance to Brazil of the consumption in the United States and the consumption in all other countries; showing also a larger export from Rio to the United States, while the duty existed there, than since (July 1, 1872) it has been free.

Year.	To Europe.	To United States.	Total.	Year.	To Europe.	To United States.	Total.
1851	$1,277,278	$1,221,717	$2,498,995	1863*	$1,195,553	$456,706	$1,652,259
1852	1,152,931	1,180,908	2,333,839	1864*	1,140,540	671,389	1,811,929
1853	963,804	1,041,637	2,005,441	1865	2,333,504	863,960	3,197,464
1854	1,358,195	1,075,889	2,434,084	1866	1,339,892	1,028,743	2,368,635
1855	1,554,408	1,303,699	2,858,107	1867	1,754,374	1,501,606	3,255,980
1856	1,322,746	1,247,270	2,570,016	1868	1,368,800	1,404,129	2,772,929
1857	1,492,850	1,077,630	2,570,480	1869†	1,613,415	1,526,374	3,139,789
1858	853,709	1,377,050	2,230,759	1870†	1,024,473	1,680,269	2,704,742
1859	1,077,072	1,408,312	2,485,384	1871†	1,227,782	1,656,844	2,884,626
1860	1,416,845	1,408,312	2,825,157	1872‡	1,077,158	1,383,193	2,460,351
1861	1,626,241	907,293	2,533,534	1873§	1,007,909	1,425,800	2,433,709
1862	1,346,266	473,390	1,819,656	1874§	1,151,782	1,521,499	2,673,281

* 5 cents duty. † 3 cents duty. ‡ 1 per cent. free. § Free.

No. 66.

Mr. Partridge to Mr. Fish.

No. 226.] UNITED STATES LEGATION,
Rio de Janeiro, January 25, 1875. (Received Feb. 25.)

SIR: In the general condition of affairs here, or in political matters, there is hardly anything of importance to be reported. The disturbances in the northern provinces, if not entirely ended, no longer cause uneasiness, and must soon be quelled entirely. Some Italian priests and Jesuits, who were shown to have taken part in originating these movements, have been sent out of the country. The new loan, at 5 per cent., of £5,000,000 sterling, has been satisfactorily placed in London by the Rothschilds at 96½.

The relations with the River Plate republics are satisfactory; but the failure of the attempt by Mitre's friends in Buenos Ayres has been followed, at Montevideo, by a revolution, in which the garrison of the town overturned the supreme government, and installed another. Fortunately these movements, in those countries, are not so dreadful in their consequences as the name of revolution would seem to imply. Business may be interrupted for a day or two, or even longer; some damage, assassinations in the streets at night, and a good deal of alarm, but these violent and sudden changes not unfrequently occur without much noise or real danger, often without expense, and sometimes even without the knowledge of many. Revolutionary attempts have also been made formerly in Brazil, but for many years the empire has fortunately enjoyed domestic quiet. There have been local disturbances, and these only rarely. There has been no attempt to overturn the government. No one can fail to see how much of this is due to the personal influence and popularity of the Emperor. Some part of it also comes of the fact that the Portuguese are not as restless, nor as wanting in respect for the law and established authority as the Spanish race. They are more quiet, obedient, and willing to gain their livelihood by labor. In the interior provinces of Brazil, and where the public authority is without much armed support or display, there is very rarely disorder.

* * * * * * *

In short, the municipal guard of Rio is a serviceable and reliable body, which really preserves order, instead of provoking conflicts. This is the result of many years' schooling under permanent government, to which, apparently, the Argentines and the Montevideans have not yet attained, notwithstanding a larger and wealthier foreign influence in both places than in Rio, and a native society at least as well educated, and as interested in the preservation of order.

I am, &c.,

JAMES R. PARTRIDGE.

No. 67.

Mr. Partridge to Mr. Fish.

No. 229.] UNITED STATES LEGATION,
Rio de Janeiro, February 3, 1875. (Received March 23.)

SIR: The depression in commercial matters in Rio de Janeiro, during the year 1874, may be partly explained by the excessive importations during that year. According to the "Annual Retrospect for 1874," published by the *Jornal do Commercio*, it appears that the value of foreign imports into Rio de Janeiro alone was, during 1874, Rs. 88.697:385$312; during 1873, Rs. 75.650:238$531; showing excess in 1874 of Rs. 13.047:146$781, or about seven millions of dollars. So unusual an amount of imports did not find ready market, and remained in deposit, (bond,) thus locking up the capital invested, and tightening the money market. Money was dear, and the scarcity was sensibly felt. This was especially the case during the last months of 1874; and, notwithstanding the irredeemable paper-money—the only currency of Brazil—which is outstanding to a large amount, (nearly one hundred millions of dollars,) and which, not being exportable like gold or silver, must remain in the country and constantly seek employment. The want of currency experienced during those last months of 1874 was similar to that felt in the United States after September, 1873. The effect of this is declared to have been more prejudicial than anything known here since their disastrous year of 1864, when there was a general bankruptcy of the great houses, and the consequences of which had not disappeared when in 1865 began the enormous expenditures of the war with Paraguay. Part of this result is attributed to the fact that, in May and June last, the imperial treasury was greatly in want of funds; and paying readily 6 per cent. for loans, at short date, absorbed large amounts, which otherwise would have been available to commerce. Exchange on London (90 days' sight) reached the par of 27 pence sterling to the milreis, in consequence of the failure, at first, to place the new Brazilian loan there; and as soon as this failure was known, so that the expected fund there was not available for exchange, the rate was lowered, and the milreis became worth only 26 pence. To these circumstances must be added the fact, that other ports of the empire are rapidly becoming ports of import and supply to the interior, thus diminishing the monopoly formerly enjoyed by Rio. The various railways from those ports—Santos, (San Paolo,) Bahia, Pernambuco—and the increasing steam-navigation on the Amazon from Pará to the interior, give facilities to those ports, which now have direct and independent lines of steamers from England and Germany, and are thus enabled to import directly, and to distribute at lower freights to consumers in the interior.

Notwithstanding the injury to Rio, therefore, by this change in the channels of commerce, the prosperity of the empire has not been diminished from this cause; and the other ports, especially Santos, are largely increasing their trade and importations.

I am, &c.,

JAMES R. PARTRIDGE.

No. 68.

Mr. Partridge to Mr. Fish.

No. 234.] UNITED STATES LEGATION,
Rio de Janeiro, February 21, 1875. (Received March 23.)

SIR: It would appear from the accounts we have from Buenos Ayres that, as soon as the late revolution there was suppressed, that government has again turned its attention to the arming and fortifying of the island of Martin Garcia.

This fact causes uneasiness here; and, if this design is persisted in, it will certainly cause unfriendly feelings, and possibly hostility, on the part of Brazil.

In communications from this legation numbered 147 and 148,* this matter has already been explained to the Department; and the continuation of military works on, or occupation of that island by the Argentines can only mean that the party now in power there mean to provoke hostilities with this country.

* * * * * * *

I am, &c.,

JAMES R. PARTRIDGE.

No. 69.

Mr. Partridge to Mr. Fish.

No. 243.] UNITED STATES LEGATION,
Rio de Janeiro, March 23, 1875. (Received April 21.)

SIR: On the 16th March the extra session of the legislative assembly was opened by the Emperor with the usual speech from the throne, in which he declared that the motive of their being called together before the usual time was the necessity of passing the appropriation bills and of establishing the electoral reform.

Up to this time nothing has been done, notwithstanding this extreme urgency, and there is barely a quorum of members present in the city, for which number they have frequently to wait before opening the session; and, as it is often found when a vote is to be taken a number suddenly disappear, the vote has to be adjourned until next day.

It seems there is no mode of compelling the attendance of members, and the delays are so many, that the regular progress of every measure is exceedingly slow and wearisome, while any very important and vital measure, upon which very often discussion might be useful, is, upon occasions and an unusual attendance of the party in power, thrust through without alarming discoveries.

* See Foreign Relations for 1874, pages 73 and 75.

There are very many important matters claiming regulation or legislation, such as the export-duty rate, the assistance to the railways, and agricultural-advance banks; but nothing has been said on these matters.

I am, &c.,

JAMES R. PARTRIDGE.

[Inclosure in No. 243.—Translation.]

Speech of the Emperor at the opening of the legislative chambers March 16, 1875.

AUGUST AND MOST WORTHY REPRESENTATIVES: The urgency of the laws for appropriations and the electoral reform, which could not be passed at the last session, has compelled this extra session, which will again give proof of your solicitude for the country.

Public order was disturbed at some places in the interior of the four northern provinces. Gatherings of seditious persons, moved by religious fanaticism and prejudices against the new system of weights and measures, attacked some of the towns, destroying the public records and the new standards.

Happily this criminal attempt was promptly suppressed, the public authorities being assisted by the most prominent citizens in those places.

The health of the country has been better than during the preceding year.

Our foreign relations remain unchanged. The boundary-line between the empire and the republic of Paraguay has been finally marked, and postal conventions have been ratified with Germany, Italy, France, and Belgium.

August and Worthy Representatives: Always upheld by a complete trust in the protection of the Almighty, and with full confidence in your enlightened devotion, I look to the meeting of the general assembly for those measures which may insure the prosperity of our country.

The extraordinary session is opened.

DOM PEDRO II,
Constitutional Emperor, &c.

No. 70.

Mr. Partridge to Mr. Fish.

No. 244.] UNITED STATES LEGATION,
Rio de Janeiro, March 24, 1875. (Received April 21.)

SIR: The financial and political condition of the River Plate republics has not at all improved during the last month, and thus they are occupied there with their own condition, and cannot find time for the usual talk of attempted interference in and control of their affairs by Brazil.

Although there has been no political revolution in Paraguay, (the Brazilian garrison there still propping up the supreme government,) the country has suffered from the effects of the financial difficulties in Buenos Ayres; and the Paraguayans, if the Brazilian contingent had been withdrawn from Asuncion, would undoubtedly have had a political revolution also, following on Mitre's failure in the Argentine, and on Varela's success in the Uruguayan republic.

The appearance in this harbor of two new Argentine iron-clads, on their way out from England, has awakened curiosity here again as to what that republic can intend to do with such unnecessary implements.

During their late revolution there, a part of their fleet revolted and pronounced in favor of Mitre, and during the rest of their war the other vessel of their navy was employed in cruising after the revolted part.

From these facts, and the condition of their treasury and debt, one

may form a well-founded conjecture as to the real meaning of the menaces constantly made there, of war with Brazil.

Those menaces are used for electioneering purposes, and because it has been found a popular thing to threaten to put an end to alleged Brazilian influence in those countries. But when these promises or threats have aided in securing an election, the successful party probably well knows that in case of such war the consequence would be a victory for Brazil, and the blockade of their ports.

The result of that would be undoubtedly a revolution there, and the ejection from power of the party which had undertaken the war.

It seems to me, therefore, that although there may continue to be talk of war, yet the party in power in the Argentine Republic will be careful to avoid it.

Here in Brazil there is no desire for any war. The people have learned that a successful war must be a disaster financially for the empire.

I have, &c.,

JAMES R. PARTRIDGE.

No. 71.

No. 245.] *Mr. Partridge to Mr. Fish.*

UNITED STATES LEGATION,
Rio de Janeiro, April 13, 1875. (Received May 21.)

SIR: The minister of foreign affairs sent me a note verbal a few days ago to attend a conference at the ministerio on the 12th.

On going there yesterday I found that the chargés of England, France and Italy were also invited. The Visconde de Caravellas stated that the representatives of the United States, England, and France had been invited, as those powers had treaties with the Argentines (1853) for the free navigation of the affluents of the River La Plata; and that the representative of Italy had been invited because of the great number of Italians and extent of Italian interests in Buenos Ayres and in Montevideo; since the effect of the late measure of this last in monetizing their internal debt (paying it off in irredeemable paper) was also to be considered.

The Visconde de Caravellas then said that the continued work of arming and fortifying the island of Martin Garcia constituted an impediment to the free navigation of the river, and, in the opinion of this government, was a plain violation of their treaty with Brazil, as well as of the treaties with the United States, England, and France; and his object in asking this conference was to see if the representatives here of those powers could by any representations to their own governments, or to their colleagues in the River Plate, induce the Argentines to refrain from further violation by such fortifying, &c.

Some informal conversation ensued in which I contented myself with asking only a question or two, to ascertain what was the expectation or intention of this government; since I thought the best rule of conduct, at such conferences—when not armed with instructions—was to hear as much and to say as little as possible.

As no one appears willing to give any assurance that those governments would interfere in any way, the Visconde finally asked if those present were willing to make such representations to their governments and colleagues at the river as might induce the Argentines to refrain

from further armaments. I understood the others to say that they were willing, and I said that, while I would not undertake to invite or promise any action of the United States Government, or of my colleagues at the river, and could not pretend to instruct them in the matter, I had no objections to write, and would write, a private unofficial note to Mr. Osborn and to Mr. Caldwell, informing them of the conference, and what had been proposed. I therefore wrote such private note to each of them, telling them of this conference, and adding that, if each of them could, in accordance with their respective instructions and their own views of what was proper and useful, represent to those governments these views of Brazil in relation to those acts, (the arming of Martin Garcia and the monetization of the internal debt,) perhaps they might do a friendly service to those governments, and contribute to the maintenance of a friendlier feeling between these countries.

This whole matter is only a repetition of what was reported in No. 148,* (January 23, 1874,) in the annexes to which will be found the treaties, &c., relating to this matter. I bear in mind also the Department's No. 98, in reply thereto, and so continue to suppose that the arming of the island is of itself no infraction of the treaty. The wish of Brazil appears to be to persuade other governments to attempt to accomplish what no representations or arming of her own has been able to do, viz, to frighten the Argentines from this fortifying, which Brazil insists is a special violation of her treaty with the Argentine Republic, Art. XVIII. (See inclosure 4 in No. 148.)†

The new Argentine minister to Brazil (Dr. Tejedor) is expected to arrive here on the 19th or 20th of April, and I have no doubt there will be a very friendly settlement of all existing questions between these countries.

I am, &c.,

JAMES R. PARTRIDGE.

No. 72.

Mr. Partridge to Mr. Fish.

No. 246.] UNITED STATES LEGATION,
Rio de Janeiro, April 19, 1875. (Received May 21.)

SIR: The condition of the agricultural interest here is occupying much attention.

In the course of the debates in the chambers, it is declared that the cultivation of sugar will have to cease unless the heavy export duty can be largely reduced or entirely abolished. In the province of Bahia, this duty amounts to 15 per cent. ad valorem, (9 per cent. to the imperial and 6 per cent. to the provincial treasuries,) while on other articles, (Brazil-wood, 17 per cent.; India rubber, 22 per cent.,) this duty is still heavier.

In fact, this imposition is so onerous, that many sugar-planters in the northern provinces have given up the sugar cultivation, and many of them send their slaves to be sold in this and the neighboring province of St. Paul's to be engaged in coffee-planting, the higher price of which enables it to withstand the effect of the export duty.

This ministry has proposed to reduce the export duty from 9 to 7 per

* See Foreign Relations for 1874, page 75. † See Foreign Relations for 1874, page 77.

cent. on cotton, sugar, and hides, but this does not at all satisfy the cultivators, who cry aloud for a larger reduction.

The difficulty is to find other revenue to replace this to be lost by the reduction. They fear the effect of a proposal to tax land directly, yet this seems to be the great measure needed in Brazil. A direct tax on land would prevent the continued holding of immense tracts which are unproductive, yet capable of immense returns if thrown open to occupation, cultivation, and ownership. Proprietors would soon grow weary of paying taxes on large tracts, (many square leagues in extent,) and would be forced to sell or to lease those portions most available for production. As these same proprietors, however, are in fact the political power in the country, no ministry has yet found the courage required to propose this tax on land for the relief of industry and productive labor.

It is also proposed to establish, in the sugar-provinces, central sugar works and refineries, and to assure these by a government guarantee of 7 per cent. interest on the capital invested.

It is very likely that something like this will be done, for some measure of relief must be had.

I am, &c.,

JAMES R. PARTRIDGE.

No. 73.

Mr. Partridge to Mr. Fish.

No. 248.] UNITED STATES LEGATION,
Rio de Janeiro, April 23, 1875. (Received May 21.)

SIR: The progress of business in the legislative chambers has thus far been more satisfactory than usual, notwithstanding frequent failures to hold sessions for want of a quorum.

The budget has been presented. Receipts for 1875-'76 are put down at 106,000 contos—about $57,000,000—and the estimated expenditures are put down at 102,000 contos, showing an apparent surplus of 4,000 contos, or about $2,160,000.

It is to be suspected, however, from former experience, that the expenditures will, in fact, exceed the estimates; while it is to be feared from the stagnation of business and diminished import dues, as well as from the lessened product of the export duty (from the lower value of coffee and reduction on other exports) that the amount of receipts may not equal their expectations.

This deficit will have to be supplied, as heretofore, by treasury-notes, loans at six months, increase of the floating debt, to be met finally by the proceeds of a new funded loan.

The financial condition of Brazil is proclaimed to be eminently satisfactory by the ministerial journals, and they adduce in evidence the success of the late five per cent. loan (£5,000,000) placed at about 97.

But the condition of the agricultural interest and of commerce, and the high price of all commodities imported, by reason of the heavy duties, and the unsatisfactory situation of the joint-stock companies, railways, and industrial enterprises, all show the effect of a high tariff, (export as well as import,) irredeemable paper money, and a heavy national debt.

The country progresses, but so slowly that the development of its resources and creation of new wealth do not keep pace with the in-

creased outlays. It maintains a large naval force, a comparatively large army, and is burdened with heavy pension-lists, and the financial results of the war with Paraguay.

For this reason, more than any other, I think this empire earnestly desires peace, and dreads any complication of its foreign relations, particularly any embroilment in the river La Plata, which might force it to new expenditures, losses, and the depreciation caused by any war. Brazil is under heavy bonds to keep the peace.

I have, &c., JAMES R. PARTRIDGE.

No. 74.

Mr. Partridge to Mr. Fish.

No. 249.] UNITED STATES LEGATION,
Rio de Janeiro, April 24, 1875. (Received May 21.)

SIR: In the general condition of affairs here there is little change to note.

The ministry is hurrying business through the chambers so as to close this extra session before the time of the regular meeting in May.

Even the most rigorous opposition yields to this necessity, when, as it seems, the deputies are paid by the session, and so feel interested in concluding this one in time to prevent its being confounded into one with the regular meeting.

On the 24th of March orders were issued for the reduction of the Brazilian garrison at Asuncion, Paraguay, to one brigade, thus diminishing it by one-half, which is still believed to be sufficient to secure and maintain order there.

I have conversed with several persons (not Brazilians) from Asuncion, and who are not likely to view things there from the Brazilian side in politics. From the best information, I must think it a fortunate thing for Paraguay that the so-called Brazilian protectorate is maintained. If it were not so, there would have to be a protectorate of some kind, and it would be Argentine then. This is even less desirable than a Brazilian protectorate, for this last, while it undoubtedly protects the political party in power, which is favorable, or, at least, not hostile, to Brazil, has no hope of setting up a party for annexation. Language, manners, history, Spanish descent, all traditions in Paraguay, are against that. But it might be far easier, if an Argentine garrison occupied the town, and sustained the "supreme government," to make up and keep up an administration that might be in favor of joining the Argentine Confederation.

The best thing about this occupation is that just now it saves the Paraguayans from themselves, and that there, at this moment, as in some other communities, is really a great service to it. If there were no military occupation at all, there would be civil war, in all probability, even among that remnant which is left of Paraguayans. The Brazilian protectorate at least gives a breathing-time to that people almost annihilated by the scourge of civil and foreign war.

The yellow fever has not yet entirely disappeared from Rio, and business has not revived much, but the new coffee-crop is fair, and must soon, with large remnants of last year's product, create activity in commerce.

I have, &c.,

JAMES R. PARTRIDGE.

No. 75.

Mr. Partridge to Mr. Fish.

No. 251.] UNITED STATES LEGATION,
Rio de Janeiro, May 1, 1875. (Received June 11.)

SIR: The Argentine minister to Brazil, Dr. Carlos Tejedor, was received by the Emperor on the 24th April, and I had an interview with him on the 28th. He informed me that he had no reason whatever to doubt that all differences and difficulties between the two governments could be and would be easily arranged, and without any delay, since the condition, as well as the interests, of each required a speedy as well as an amicable settlement.

As he expects to leave here by the 1st of July, and probably to take the foreign department at Buenos Ayres, I think we may look for a settlement and a new treaty, which will be satisfactory for some years; at any rate until, possibly, a new election at Buenos Ayres may seem to require a revival of the talk about Brazilian dictation and interference in river Plate affairs.

I have, &c.,

JAMES R. PARTRIDGE.

No. 76.

Mr. Partridge to Mr. Fish.

No. 255.] UNITED STATES LEGATION,
Rio de Janeiro, May 22, 1875. (Received June 24.)

SIR: The negotiations here between this government and the Argentine minister are progressing even more satisfactorily and rapidly than had been hoped for.

According to accounts we get (confirmed by reports from Buenos Ayres) the following are among the conditions:

The Missiones, the island of Cerrito, and the Chaco, up to Pilcomayo, will be recognized as Argentine territory.

Between the Pilcomayo and the Rio Negro the ownership of the Chaco as between Argentines and Paraguay, will be decided by an arbitration.

The Brazilian occupation of Paraguay will cease and their forces be withdrawn.

The Argentines will also withdraw from Villa Occidental, opposite and above Asuncion.

The Argentine minister hopes to leave here during the first week in June.

I am, &c.,

JAMES R. PARTRIDGE.

No. 77.

Mr. Partridge to Mr. Fish.

No. 256.] UNITED STATES LEGATION,
Rio de Janeiro, May 22, 1875. (Received June 24.)

SIR: The financial crisis here for the last three months has culminated in the suspension of two banks, (Nacional, and Mauà & Co.,) and the threatened stoppage of others.

The clamor raised has induced the government to ask of the chambers

permission to issue $13,000,000 in interest-bearing notes of 100 milreis each, at four, eight, and twelve months, (at 5½ per cent.,) as a loan to the banks on deposit of national bonds. This will be allowed, and it is hoped will relieve the pressure.

This alleged scarcity of money is simply the result of wild speculations, and inflation of prices, stocks, &c., for the last three years, and of the large loans, by banks, on such shares, as security.

On some of these, then selling at 480 (now worth, say, 180,) 400 milreis per share were loaned, from deposits payable on demand. A run being made for repayment, these banks could not respond.

Besides this cause, new undertakings, railroads, &c., have put money into the pockets of the laboring class, which there retains it, having no confidence in the banks.

So that there is really a deficiency in the currency, but only to those who bought shares at high prices, and not any redundancy or excess of currency for the needs of the country.

The amount of paper money in circulation is about $98,250,000, of which about $81,000,000 is in government notes, (of 1 to 1,000 milreis,) and about $18,000,000 in notes of the Bank of Brazil, all irredeemable in fact.

As this money cannot be exported like gold and silver, it must remain and seek use and employment here; so that its bulk cannot be lessened, and it is now worth par, (27 pence to the milreis,) in gold.

It is hard to believe that a paper currency of nearly $99,000,000 is insufficient for the internal exchange of Brazil, but it is probable that with the inflated prices, caused by a former redundancy, that amount may have become insufficient, when, as now, it is not concentrated or available as bank deposits, but is held or hoarded by the people.

I have, &c.,

JAMES R. PARTRIDGE.

No. 78.

Mr. Partridge to Mr. Fish.

UNITED STATES LEGATION,

No. 257.] *Rio de Janeiro, May* 24, 1875. (Received June 24.)

SIR: By the report of the minister of finance, just submitted to the chambers, for this month, it appears that the foreign (sterling) debt of Brazil (including the late loan of £5,301,200) now amounts to £19,931,200, or, at 27*d.* exchange, Rs.177,162:222||, ($95,669,780.)

The interest on this debt, which is payable in London, is £1,410,233 sterling.

The *increase* of this debt *during the last year* amounts to about *twenty-five millions of dollars.* The domestic (or funded) debt amounts to Rs.487,577: (contos) 172||000, or $263,291,672, (United States gold,) and it includes the following items:

Interior funded inscribed debt	Rs.285,5922:00||
Old debt, previous to 1827	338:173||
Funds belonging to orphans, paid for safety into the treasury	13,533:751||
Loans due individuals	880:000||
Unclaimed inheritances and estates of absent decedents, (paid in, &c.)	2,398:513||
Public deposits, (in the treasury)	1,181:051||
Savings-banks, (deposits paid in treasury)	7,676:832||
Relief fund, (of employés)	545:966||
Different depositors	6,681:758||
Treasury notes, (on time)	19,243:600||
Paper money afloat	149,501:299||

The *increase* of this indebtedness, *during the past year*, has been 4,600 contos of reis, or about $2,478,000.

It will thus be seen that the whole increase of debt during the past year was about twenty-seven and a half millions of dollars.

There is a constant but small reduction of *certain items*, by the operation of certain sinking-funds; but, in order to make these reductions, there is a constant and increasing increase of the whole debt.

Part of this is due to the prolongation of the railway (Dom Pedro II) belonging to the government, and some part to the guarantees of interest to the bondholders, and stockholders of others.

But, after these allowances are made, it would appear that, each year, there is an increase of outstanding funded indebtedness, and, in fact, a yearly deficit in the current receipts to meet the current expenditures.

In the budget now proposed for 1876–'77, the *expenditures* are estimated at Rs.105,378:913||; and the estimated *receipts* are set down at Rs.106,000:000||, showing a *proposed* surplus (as always heretofore) of about 621 contos, or 335,000 dollars. Experience of former, and especially of late, years has shown that, instead of this proposed surplus, there is a realized deficiency, which has to be met by adding to the loans.

I have, &c.,

JAMES R. PARTRIDGE.

No. 79.

Mr. Partridge to Mr. Fish.

No. 258.] UNITED STATES LEGATION,
Rio de Janeiro, May 25, 1875. (Received June 24.)

SIR: Since the opening of the regular (and last) session of this legislature, on the 3d of May, their attention has been chiefly occupied with debate on the proposed measure of relief by issuing twelve and a half millions more paper money to be loaned on deposit of national bonds.

Of course the opposition think the only measure of relief is a change of ministry.

The negotiations here with the Argentine Republic have been satisfactorily concluded, and only await approval at Buenos Ayres.

The yellow fever has not yet left Rio, and the Lancaster frigate (sent home) and the flag-ship Brooklyn, as well as the Monongahela, have had some cases.

Mr. Purrington, appointed secretary of this legation, reached here on the 13th of May.

I have, &c.,

JAMES R. PARTRIDGE.

No. 80.

Mr. Partridge to Mr. Fish.

No. 258 *bis.*] UNITED STATES LEGATION IN BRAZIL,
Rio de Janeiro, June 10, 1875. (Received July 6.)

SIR: The Argentine envoy here, Dr. Tejedor, suddenly took his departure hence, by the royal mail-packet Neva, on the 2d instant, to the surprise of most persons, without having definitely agreed to and forwarded, as it now appears, any draught of treaty, and without having had any

audience of leave from the Emperor; and, in short, in so unceremonious and unusual a way as to have given rise to all sorts of rumors, at first, of negotiations broken off, complicated relations with the Argentines, &c.

For some days the cause of this proceeding was quite unknown; and in reply to my question at the foreign office on the 4th, the reply was, "We can only say that negotiations are still pending;" so that until to-day, it has not been possible to obtain any reliable intelligence in regard to the occasion of this sudden departure.

The very brusque, not to say impolite, mode of departure, may be accounted for by saying that the manners and address of Mr. Tejedor are such that it only much surprised those who do not know him.

But it is now asserted—and not denied, I believe—that the Argentine envoy was sent here, not so much to conclude a treaty with Brazil, if that could be rendered unnecessary by carrying out an arrangement between the Argentine Republic and Paraguay, which was begun at Asuncion between the President of Paraguay and the Argentine minister there, in the absence of the Brazilian representative, by which the Cerrito and the Villa Occidental, &c., were to be surrendered to the Argentines, and which arrangement was to be concluded between Mr. Tejedor and the Paraguayan minister here, Mr. Sosa, who was present at all the interviews between the minister of foreign affairs here and Mr. Tejedor, during their late negotiations. The consideration of this extraordinary arrangement is said to be the advance of a large sum of money by the Argentines to the government of Paraguay, which had been disappointed by the non-fulfillment of the similar promises alleged to have been made by Brazil to advance the same or a larger sum to Paraguay to enable this last to pay the interest on their last loan, and to aid that government also to "go on."

It seems that Brazil had promised this assistance, both in money and men, at the time of the Cotegipe treaties, (1872,) and had only fulfilled the latter part in maintaining a garrison at Asuncion. The money said to have been promised not being forthcoming, and not being likely (since the late banking disasters here, by which this government has lost large sums) to be paid just now, it is stated that the President of Paraguay became dissatisfied, and so proposed or made this arrangement with the Argentines.

If this shall prove to be true, and it seems, at present, that it is true, the Argentines will think that they have repaid with interest what they thought due to Brazil for her negotiation of separate treaties with Paraguay in 1871–'72, and of which they complained, at the time, as an infraction of the alliance against Paraguay.

The Argentines claim that as Brazil settled her question of boundary with Paraguay, at that time, by separate treaty and according to her own demands, and without the assistance, participation, or consent of her allies, the Argentines (and Uruguayans,) these last have now, also, by separate (and secret) treaty, without the consent, assistance, or participation of Brazil, arranged their question of boundary with Paraguay, and have gotten all they desired, which will, no doubt, be more acceptable if it can be acquired against the wishes of Brazil.

There is very good reason for believing all this to be true, and it explains the sudden departure of Dr. Tejedor, as well as the manner of it, for he would be highly pleased, it seems, if he could thus overreach Brazil in her own capital, and during negotiations with her for settling these very points, and also because he is said especially to resent the mode in which this government answered his note (when minister of foreign affairs in Buenos Ayres) in relation to the Cotegipe treaties.

Beyond the feeling naturally created here by this mode of procedure and behavior, I do not know that anything is really lost by Brazil if all this be true; and if Paraguay concede the island Villa Occidental, &c., to which she, in fact, had no rightful claim, the Argentines gain only a disputed territory, as Brazil did by her treaty of limits.

The ministry here have declined to make any statement in the chambers, and it is probable that their effort will now be to prevent the ratification, at Asuncion, of this arrangement between Tejedor and Sosa. As the Brazilian garrison is still there, perhaps this may yet be in their power.

In any event, I do not think it probable that any real difficulty can grow out of this matter, although of course the manner of this proceeding is not likely to promote cordial relations between the two governments. These will continue as heretofore; jealousy and ill-feeling will exist; but there is, I should think, less chance of war than before, simply because the ability to meet the expense of war is also less on both sides.

I am, &c.,

JAMES R. PARTRIDGE.

No. 81.

Mr. Partridge to Mr. Fish.

No. 274.] UNITED STATES LEGATION,
Rio de Janeiro, August 7, 1875. (Received Sept. 20.)

SIR: In my Nos. 218 and 225, I offered some facts and statistics in regard to the export hence to, and consumption in, the United States, of Brazilian coffee, and the effect here of demand and prices there, and especially in regard to what had been, and probably would again be, the effect on prices here of a duty thereon in the United States, in support of the recommendation then (December, 1874) made by the President, of its re-establishment.

Although Congress adjourned without imposing a duty on coffee, yet, as it appears not improbable that the necessity therefor still exists, perhaps some additional facts and statistics in relation thereto, based upon subsequent prices here, amount of export to the United States, prospect for the prices of crop just gathered, (up to 1st of July,) and which constitutes the supply up to 1st of July, 1876, may be acceptable to the Department.

I have, therefore, annexed hereto (1) a "comparative table of the clearances of coffee from the ports of Rio and Santos during the crop-years 1872–'75," issued by Messrs. J. M. Wright & Co., on the margin of which are some annotations respecting weights, &c., and further explanations.

From the figures there given, and from those of the Bureau of Statistics (United States) of imports and exports, it will appear that from 53 to 64 per centum of the whole Rio coffee-crop goes to the United States. This will serve to explain the fact that the price here depends upon the demand in the United States for Rio coffee. That coffee (the coffee from Santos is of a higher grade and price, better prepared, and goes chiefly to the north of Europe) is, generally, of a lower quality and price than that of other countries. Its peculiar taste, which is strong, and even rank, compared with that of Venezuelan, Costa Rican, and other origin, is due, in some measure, to its being gathered before it is strictly ripe, as well as to soil and less careful preparation. It is this peculiarity, however, which makes it acceptable to consumers in

the Western and Southwestern States; and it is there (for it is on this account not acceptable in Europe) that its chief market is found, especially for the lower grades. The highest grade of Rio coffee, (washed,) as well as that known as superior, or "first good," goes chiefly to Europe, and that, of those grades, sent to the United States is sold under a different name and for a higher price.

The great consumption of coffee in the United States, (greater per head than in any other country, except, possibly, Holland) and especially of Rio coffee, which constitutes from 72 to 77 *per centum* of the whole import into the United States, will also appear from those figures.

Also the further fact that in ordinary crop-years, when this is not "short," any apprehended falling off in consumption in the United States—whether from lessened prosperity there, or from any other cause, including the imposition of a duty—is followed here by an immediate lessened demand, and a correspondingly lowered price. This was shown especially at the time of the first imposition (1861) of duty, (3 cents,) and when it was afterward increased to 5 cents; at both times the price fell here almost to the extent of the duty. It might have been expected, then, that when the duty was first reduced again to 3 cents, and afterwards abolished, the price in the United States, to consumers there, would be lessened by the amount of the duty so abolished. This, however, was not the case; and in July, 1872, the taking off the duty inured to the benefit of Brazilian coffee-growers. These received even more for their crop, in consequence partly of the expected increase of consumption in the United States in consequence of the abolition of the duty, as well as from rumors of a short crop, and a speculative demand founded thereon. The price of coffee at that time went up in Rio; and while the Treasury of the United States gave up a revenue of some eight or nine millions of dollars on this one article alone, the consumer in the West had actually to pay a higher price after the abolition than during the continuance of the duty.

The consumption of coffee in the United States is steadily and almost regularly increasing, and does not appear to be at all affected by the recurrence of financial distress. Thus, in the twelve months preceding June 30, 1873, there were imported into the United States 293,000,000 pounds of coffee; and in the next ensuing twelve months, up to 30th June, 1874, including the nine months following the September (1873) "panic," there were imported over 295,000,000 pounds; showing an increase of over 2,000,000 pounds, notwithstanding the lessened commercial activity and prosperity of the country during that year. And the difference in the price paid therefor is still more striking. During the year first named, (up to June 30, 1873,) the declared (custom-house) value of the (293,000,000 pounds of) coffee then imported, was $44,000,000; while during the following year, (including the effects of the panic,) the 295,000,000 pounds of coffee was valued at $55,0000!* Thus during a year of distress the people of the United States consumed 2,000,000 pounds of coffee *more*, and paid therefor a sum *greater by* $11,000,000 (25 per cent. more) than they had done during the year preceding, which is, now at least, thought to have been a time of inflation and wild speculation. During that year (1873–'74) the shipments from Brazil to the United States were only about 188,000,000 pounds, (against 215,000,000 in 1872–'73; 236,500,000 in 1874–'75,) and making only about 64 per cent. of that whole import, instead of the usual proportion of from 70 to 77

* This statement is from the monthly report of the chief of the Bureau of Statistics, (Treasury Department,) for June, 1874, and for the twelve months preceding included therein

per cent. This falling-off, however, in coffee from Brazil during that year (while the whole import from other countries was much greater) was due to the fact of the very high price of coffee in Rio in that year for shipment to Europe, where prices had much risen in consequence of short crops in those countries (Ceylon, Java, &c.,) from which supplies for Europe came.

Experience here shows that whenever, in Rio, the price of coffee goes above 16 or 18 cents (U. S.) gold, so that to the consumer in the United States Rio coffee cannot be retailed for less than 23 or 25 cents the pound, other coffee than Rio, of a better quality, and, then, of no higher price, is used instead by a large class of consumers, while by the still larger class a compound bearing the name of Rio, or, in some cases, more aptly called "French," (since none grows there,) takes its place. This preparation can, of course, be sold at a much lower price than that at which even the lowest grade of Rio coffee could then be imported.

The crop now (since July 1) gathered and coming to market is acknowledged to be a short one. It is variously estimated at from one-half to two-thirds the usual crop, which is about 200,000 tons; probably it is not less than 130,000; and there still remain at least 55,000 tons of the preceding crop, detained by bad roads last year or withheld in the interior. Thus it will not, probably, be far wrong to say that from July 1, 1875, to July 1, 1876, there will be, or can be, brought to market 185,000 tons of Brazil coffee. This is a great falling off from last year, when (up to July 1, 1875) 233,000 tons were exported; but it is a larger amount than was exported during 1873–'74, when only 156,738 tons were sent abroad. The price of Brazil coffee, therefore, supposing there is no short crop in other countries, will probably be lower than in 1873–'74, nor can it be expected to be higher than at present, since prices have now reached the point at which consumption falls off and imitations begin in the United States.

I do not know if it be still the intention of the President or of the honorable Secretary of the Treasury again to recommend the re-establishment of the duty on coffee; but if it be, I respectfully submit the foregoing facts and figures in support of such recommendation, and in proof—

First, that by reason of the United States being the chief for all grades, and almost the exclusive consumer of the lower grades of Brazil coffee, the price of this last, in Rio, depends on the demand in the United States alone.

Secondly, the effect of any duty on coffee in the United States is not to lessen consumption there, and is felt in the price here, and not in the cost to the consumer in the United States; and that, therefore,

Thirdly, the effect of such duty now would be to give a large sum ($10,000,000, at 3 cents per pound) to the Treasury, without any burden or increase of price to the consumer at home.

I believe that the United States is the only country (unless Holland be excepted) which admits coffee and tea free of duty. I have appended a table, (2,) showing the duty on coffee in various countries (14) named, stating this from the heavy imposition (about 14 cents per pound) in France to the moderate tax (1⅛ cents) in Belgium. It will be seen that the medium rate would be over 3 cents per pound. A duty of 3 cents per pound on coffee, and a (corresponding) duty of 15 cents per pound on tea, in the United States, would give a revenue of twenty millions of dollars, without any burden to the consumer; and would, probably, be more cheerfully paid than any other by those who use those articles.

I have, &c.,

JAMES A. PARTRIDGE.

[Inclosure 1 in No. 274.]

A comparative table of the clearances of coffee from the ports of Rio de Janeiro and Santos during the crop-years of 1874–'75, 1873–'74, *and* 1872–'73.

The crop-year begins with July in each year, at which time the coffee gathered after June 24, generally begins to come to market. The clearances from Rio de Janeiro and Santos, for the twelve months then next succeeding, would not, of course, correspond exactly in quantities with the quantities received in the United States between those same dates, since coffee arriving in the United States July 1, and afterward had cleared at Rio de Janeiro about May 15, the voyage averaging 45 days.

RIO DE JANEIRO.

Months.	United States, (excluding California.)			Europe.			Elsewhere.		
	1874–'75.	1873–'74.	1872–'73.	1874–'75.	1873–'74.	1872–'73.	1874–'75.	1873–'74.	1872–'73.
	Bags of 60 *kilos.*	*Bags of* 5 *arrobas.*	*Bags of* 5 *arrobas.*	*Bags of* 60 *kilos.*	*Bags of* 5 *arrobas.*	*Bags of* 5 *arrobas.*	*Bags of* 60 *kilos.*	*Bags of* 5 *arrobas.*	*Bags of* 5 *arrobas.*
July	72, 329	106, 913	102, 760	55, 877	39, 765	42, 081	4, 325	1, 321	3, 035
August	140, 548	119, 436	108, 711	61, 394	34, 118	134, 036	15, 425	4, 698	11, 329
September	188, 047	129, 163	120, 739	106, 921	40, 823	90, 451	5, 131	370	8, 103
October	166, 106	*44, 081	136, 208	177, 899	10, 626	113, 232	15, 312	982	3, 892
November	149, 297	113, 385	158, 797	131, 996	57, 680	94, 268	3, 145	6, 808	7, 388
December	222, 329	99, 367	124, 395	110, 469	47, 991	62, 992	9, 271	7, 343	4, 333
January	188, 596	90, 611	102, 736	79, 217	70, 222	85, 048	7, 790	1, 999	4, 512
February	87, 786	98, 977	91, 761	77, 523	68, 819	48, 867	6, 221	3, 774	1, 796
March	158, 272	67, 251	85, 082	96, 056	87, 404	86, 555	9, 024	6, 272	8, 237
April	110, 464	97, 149	99, 082	130, 759	37, 977	75, 016	6, 479	6, 533	858
May	95, 741	40, 231	55, 661	126, 255	18, 687	128, 341	9, 190	7, 058	6, 982
June	204, 074	72, 352	94, 166	98, 651	36, 786	103, 924	4, 542	11, 012	1, 303
Total	1, 783, 589	1, 078, 916	1, 280, 098	1, 253, 017	550, 898	1, 064, 811	95, 855	58, 170	61, 768
Or tons	105, 434	77, 065	91, 436	74, 070	39, 350	76, 058	5, 666	4, 155	4, 412

* The small shipment from Rio de Janeiro to United States in October, 1873, was in consequence of apprehension here (Rio de Janeiro) that the September panic (September, 1873) in the United States would lessen consumption, and sales be at a loss. These passed, and note the increase in November; the shipments were less in the following months (until January, 1874) because of the high prices in Rio de Janeiro, demand for Europe, and heavy shipments there. The price in Rio was very high in December, 1873, January and February, 1874—higher than known before—and there was a sudden fall in prices in Europe and the United States in March, and many houses suffered heavy losses. To all this succeeded the financial difficulties in Rio de Janeiro in May, 1875.

The clearances from Rio de Janeiro were divided as follows:

	Crop-year, 1874–'75.	Crop-year, 1873–'74.	Crop-year, 1872–'73.
UNITED STATES.	*New bags of 60 kilos, 132 lbs.*	*Old bags of 5 arrobas, 160 lbs.*	*Bags of 5 arrobas, 160 lbs.*
New York	688, 926	414, 465	339, 915
Baltimore	423, 023	245, 913	324, 752
Boston	10, 000	15, 275	.....
Hampton Roads, (for orders)	305, 174	214, 652	239, 545
Sandy Hook, (for orders)	.....	3, 726	17, 440
Philadelphia and Delaware Breakwater, (for orders)	.....	3, 000	3, 000
Charleston	9, 248	8, 882	8, 701
Richmond	11, 400	.....	.....
Savannah	19, 425	14, 218	13, 611
Mobile	49, 450	31, 103	64, 666
New Orleans	202, 354	103, 503	147, 063
Galveston	37, 081	20, 615	40, 192
St. Thomas, (for orders)	27, 508	3, 564	21, 213
San Francisco, Cal	396	.....	.....
Total bags	1, 783, 985	1, 078, 916	1, 280, 098
Or, in pounds	226, 128, 254	172, 626, 560	204, 815, 680
EUROPE.			
Channel, (for orders)	143, 826	90, 786	204, 240
Havre	186, 076	65, 066	85, 026
Antwerp	45, 719	21, 887	53, 004
North of Europe and Baltic	245, 949	87, 781	200, 142
Liverpool, London, and Southampton	221, 303	59, 593	113, 792
Bordeaux	77, 870	19, 314	53, 704
Lisbon, (for orders)	100, 710	100, 920	140, 483
Portugal	4, 360	3, 884	1, 811
Mediterranean	227, 204	101, 667	212, 609
Total to Europe	1, 253, 017	550, 898	1, 064, 811
ELSEWHERE.			
Cape of Good Hope and Port Elizabeth	65, 096	29, 075	37, 192
River Plate and West Coast	30, 759	29, 095	24, 576
Total	95, 855	58, 170	61, 768
Total clearances from Rio de Janeiro to all countries	3,132,857 new bags. (or 185,193 tons.)	1,687.984 old bags, (or 120,570 tons.)	2,406,677 old bags, (or 171,905 tons.)
Of which whole exports—			
There went to the United States	100, 950 tons, (or 54.3 per cent.)	77,065 tons, (or 63.9 per cent.)	91,435 tons, (or 53.19 per cent.)
To other countries	.....	43,505 tons	.....

NOTE.—Very high prices in Rio de Janeiro during the latter part of 1873 for coffee for Europe. Sudden fall in January and February, 1874.

SANTOS.

Months.	United States.			Europe.		
	1874–'75.	1873–'74.	1872–'73.	1874–'75.	1873–'74.	1872–'73.
	Bags of 60 kilos.	*Bags of 5 arrobas.*	*Bags of 5 arrobas.*	*Bags of 60 kilos.*	*Bags of 5 arrobas.*	*Bags of 5 arrobas.*
July	9, 660	4, 572	14, 218	80, 876	13, 844	8, 579
August	12, 715	17, 421	.....	37, 497	15, 525	2, 726
September	.....	6, 627	4, 951	22, 093	11, 352	8, 617
October	11, 530	5, 048	9, 332	52, 703	6, 733	26, 194
November	.....	10, 765	4, 000	36, 396	32, 348	8, 590
December	12, 169	6, 165	2, 268	51, 015	39, 637	34, 729
January	4, 000	22, 701*	9, 009	100, 283	75, 528	29, 005
February	4, 016	.....	.....	39, 156	23. 595	51, 613
March	2, 900	7, 125	4, 600	62, 045	27, 566	60, 612
April	4, 000	6, 789	2, 722	124, 828	53, 562	40, 394
May	.....	10, 859	3, 865	66, 021	30, 797	65, 567
June	18, 579	.....	9, 333	56, 954	77, 787	28, 614
Total	79, 569	98, 072	64, 298	729, 867	408, 274	365, 240
Or tons	4, 703	7, 005	4, 593	43, 145	29, 163	26, 089

* During January, 1874, the price of coffee in the United States was higher than has been known for a long time; and this notwithstanding the September previous (1873) panic. Note the large exportation from Santos to United States (larger than before or since) in the month of January, 1874, in consequence and in hope of securing the very high price then in New York. It fell suddenly in February and March.

The clearances from Santos were divided as follows:

	Crop-year 1874–'75.	Crop-year 1873–'74.	Crop-year 1872–'73.
UNITED SATES.			
	Bags of 60 kilos.	*Bags of 5 arrobas.*	*Bags of 5 arrobas.*
New York	34, 485	25, 891	21, 810
Baltimore	14, 616		
Boston		5, 645	
Hampton Roads, (for orders)	30, 468	26, 728	42, 488
Saint Thomas, (for orders)		39, 808	
Total	79, 569	98, 072	64, 298
EUROPE.			
Channel	263, 856	122, 926	123, 087
Liverpool	4, 866	7, 364	18, 260
London	40, 941	598	3, 414
Hamburg and Bremen	205, 437	166, 421	128, 526
Antwerp	41, 278	30, 011	17, 735
Havre	98, 163	47, 187	38, 116
Bordeaux			2, 469
Lisbon, (for orders)	46, 098	33, 454	13, 200
Portugal	2, 164		
Mediterranean	27, 064	313	21, 433
Total	729, 867	408, 274	365, 240
Total clearances from Santos to all countries	809, 436 (or 47, 848 tons,)	506, 346 (or 36, 168 tons.)	429, 538 (or 30, 681 tons.)
Of which—			
To the United States	4, 700 tons.	7, 005 tons.	4, 593 tons.
To other countries	43, 108 tons.	29, 163 tons.	26, 088 tons.
Or to United States about	8 per cent.	19 per cent.	15 per cent.

N. B.—This table does not comprehend coffee exported coastwise to ports in the empire. During the crop-year just ended the coastwise shipments of coffee from Santos amounted to 16,800 bags of 60 kilos., or 993 tons.

NOTE.—The steady increase of the crop and shipments from Santos, (in the province of Saint Paul's.) This is a better cleaned, whiter, and higher-priced coffee than that of Rio. It is sold frequently in the United States as Java or La Guayra. It goes chiefly to the north of Europe.

Totals Brazil coffee to all countries.

	Crop-year 1874–'75.	Crop-year 1873–'74.	Crop-year 1872–'73.
	Tons.	*Tons.*	*Tons.*
From Rio	185, 193	120, 570	171, 905
From Santos	47, 848	36, 168	30, 681
Total	233, 041	156, 738	202, 586

The bottom figures show the whole (export) coffee-crop of Brazil for the years named.

Totals Brazil coffee to the United States.

	1874–'75.	1873–'74.	1872–'73.
	Pounds.	*Pounds.*	*Pounds.*
From Rio	226, 128, 254	172, 626, 560	204, 815, 680
From Santos	10, 542, 752	15, 691, 520	10, 286, 680
Total	236, 671, 006	188, 318, 080	215, 102, 360

The falling off of shipments of Brazil coffee to the United States during 1873–'74. (the year of the panic, September, 1873,) was not due to any lessened consumption in the United States, but to very high prices in Rio for Rio coffee, under an unexpected demand from Europe to supply what was short in crop from other countries.

According to the returns of the United States custom-houses for 1873–'74 there were imported into the United States from all countries,

From July 1, 1872, to 1873	293, 281, 256 pounds of coffee;
From July 1, 1873, to 1874	295, 271, 697 pounds of coffee;
Showing an increase during the year of panic of	1, 990, 441 pounds, or nearly 2,000 000 pounds.
The value of the former was	$44, 106, 604
The value of 1873–'74 was	55, 040, 965
	10, 834, 361

Or nearly $11,000,000 more paid in the United States for coffee during that year than during the year previous.

NOTE.—Of the whole import into the United States (of coffee) Brazil furnishes, generally, from 70 to 77 per cent.

Thus of the whole imports into the United States in 1872–'73	293, 281, 256 pounds,
Brazil sent 73 per cent., or	215, 102, 360 pounds.
Of the whole import in 1873–'74, (year of high prices)	295, 271, 697 pounds,
Brazil sent only 64 per cent., or	188, 318, 080 pounds.

In previous years, 1870–'71, 1871–'72, of the whole import of coffee into the United States Brazil has furnished as high as 76 and 77 per cent. This percentage falls off, as in 1873–'74, whenever the price of coffee in Rio, as in that year, goes above 16 or 17 cents. Whenever Rio coffee costs the consumer in the United States over 20 cents a pound, other coffees costing no more, or but little more, and of higher quality, take its place.

JOSEPH M. WRIGHT & CO.

[Inclosure 2 in No. 274.]

Table showing the customs-duty on coffee in the countries named.

Countries.	Rate.		Equal in U. S. currency to—
			Per pound.
1. Great Britain	14 shillings per cwt., (112 pounds)		$0 03.04
2. France	150 francs per 100 kilograms	Kilogram = 2,206 pounds	14.29
3. Russia	1 rouble 50 kopecs per pood, (40 lbs)	Rouble = 75 cents	2.80
4. Germany, (empire)	5 thaler 25 groschen per centner, (101)	Thaler = 74 cents	4¼
5. Austria-Hungary	8 florins per centner	Florin = 48 cents	3.84
6. Italy	52.5 centimes per kilogram	100 centimes = 95 cents	4.75
7. Sweden	10 ore per pound		2½
8. Norway	5 B. per pound		4⅓
9. Belgium	13.20 francs per kilogram		1.15
10. Portugal	100 reis per kilogram		4.92
11. Denmark	12 skillings per kilogram		3.05
12. Holland	Free		Free.
13. Chili	$1.15 per arroba of 25 pounds		4.33
14. Argentine Republic	25 per cent. valuation fixed of $10		2½

No. 82.

Mr. Partridge to Mr. Fish.

No. 277.] UNITED STATES LEGATION,
Rio de Janeiro, August 20, 1875. (Received Sept. 20.)

SIR: A law has been published here, passed on the 4th August, providing for the punishment in Brazil (and by the penalties of Brazilian law) of foreigners for certain acts by them committed in foreign countries, (beyond the jurisdiction of Brazil,) when such acts are against the welfare of the empire, *i. e.*, to the damage of Brazilian subjects.

Such punishment is to be inflicted when the foreigner who has committed such acts shall come into Brazil, either of his own accord, or shall have been surrendered on demand. In the former case, (of voluntary coming,) he shall either be punished here or shall be surrendered, if demanded by the country in which the act was committed, (this, of course, on the supposition that it is an offense there,) or he may be expelled from the Brazilian territory.

I annex hereto a copy of the law, (taken from the Diario Official,) and a translation of the same.

It will be seen by the 5th, in connection with the 8th article, (and the 2d also,) that if any act done by a foreigner in a foreign country, (who may never have been in Brazil,) shall, in the opinion of either the Brazilian government or of any Brazilian subject, be of damage to the nation or to that individual subject, (if forgery, perjury, or swindling,) such foreigner, coming afterward into Brazil, may there be punished, although in his own country, and where committed or done, the act may be perfectly innocent, or, at any rate, not cognizable as a misdemeanor or crime.

The words of the 8th article exempt from prosecution or judgment here any individual who, in any foreign country, may have been acquitted of, or punished or pardoned for, the same act (crime.) And the article further declares that any (criminal) proceedings against any one (for an act committed in a foreign country) shall cease as soon as it shall appear that the act and a punishment therefor is provided, "according to the most favorable law," whether of Brazil or of the foreign country in which such act is declared worthy of any punishment.

The ambiguity of meaning here is in the original; and the words used probably are intended to mean that if the (offense) act attempted to be punished here shall be cognizable and punishable by the laws of the country where committed, and either a prosecution, acquittal, conviction and punishment, or a pardon therefore, shall have ensued in such country, then the proceeding here shall be precluded, or cease, though the law be less stringent—"more favorable"—there.

But it is evident that the very possible and probable case of an act done by a foreigner in a foreign country, which is no offense there, and where, therefore, neither prosecution nor pardon would ensue, but which might be thought to be (here) an offense against Brazil, or to the damage of a Brazilian subject, that such a case is not exempted from prosecution or civil suit here; and that, therefore, an American who, in the United States, may have done an act, neither a misdemeanor nor a crime there, which yet might here be considered an attempt against the sovereignty of Brazil, or by any Brazilian be considered a cause of damage to him, that such an American coming here afterward, or passing through Brazil, might here be apprehended and tried and punished, with the penalties affixed by Brazilian law to an act harmless where done outside of Brazilian jurisdiction, and by a person not then nor before nor since subject to Brazilian law.

When I noticed the publication of this law, I called the atention of some of my colleagues thereto; and they agreed with what I have here stated. At the foreign office (on the 14th August) I mentioned the matter to Baron de Cabo Frio, the director-general, (first under-secretary,) in the absence of the minister.

* * * * * * *

It may be unnecessary to provide for contingencies which are not likely to arise, but under this law the case I have mentioned can occur; and if such a case does arise, this government must either fail to execute its own law, or meet with strong opposition from other governments against whose citizen such provisions should be attempted to be enforced for acts done beyond its jurisdiction.

I have, &c.,

JAMES R. PARTRIDGE.

[Inclosure in No. 277.—Translation.]

[From the Diario Official, August 8, 1875.]

We, Don Pedro Segundo, &c., make known that the legislative assembly has passed, and we have sanctioned, the following law:

ARTICLE 1. Those Brazilians may be prosecuted, even while absent from the country, and shall be sentenced when they shall return, having come back either of their own accord or having been given up by extradition, being therefor demanded, who shall have committed in any foreign country any of the offenses provided against in the criminal code, *i. e.*:

1. Against the independence, unity, or dignity of the nation. (Arts. 68 to 78.)
2. Against the constitution of the empire and form of government. (85 and 86.)
3. Against the chief of the government. (Arts. 87 and 89.)
4. False coining and forgery of certificates of the public debt, or of the notes of banks authorized by law.

ARTICLE 2. The dispositions of the preceding article shall also be carried out when applicable in (relation to) the cases of those foreigners who shall commit, outside the limits of the empire, any one of the aforesaid offenses, whenever they shall come into the empire of their own accord or shall be brought hither on extradition, being therefor demanded.

ARTICLE 3. Shall also be proceeded against and sentenced (*julgados*) whenever they shall come into the empire, those Brazilians who shall, in any foreign country, commit against (*i. e.*, to the damage of) Brazilians or foreigners, the offenses of forgery, perjury, or swindling, (*estellionato*,) or any other unbailable offense; provided, however, that a complaint or denouncement thereof shall previously have been made, according to the laws of the empire.

ARTICLE 4. In the foregoing cases above mentioned the penalties to be applied shall be those of Brazilian criminal law.

ARTICLE 5. Any foreigner who shall, in any foreign country, commit against* Brazilians any of the offenses set forth in article 3, and shall thereafter come into the empire, shall either be given up† on extradition, having been first demanded, or shall be expelled from the Brazilian territory, or shall be punished according to Brazilian law. For this last purpose, however, it is necessary that there shall have been a complaint or accusation, (*denuncia*,) and that the laws of the country to which the person charged (*delinquente*) belongs shall establish a punishment in like cases for foreigners.

ARTICLE 6. The government is empowered to establish, by the mode of procedure (*regalamento*) which it shall ordain for this law, the competency of the tribunal‡ and the form of proceeding for offenses committed in foreign countries; and it is further empowered to provide, in cases of reciprocity by other governments, for—

1. The obtaining of the act of description§ or proofs existing in foreign countries, and of the mode in which these acts would (there, *i. e.*, in that country) be available in proof and judgment.
2. For the execution here of civil judgments abroad, (of foreign tribunals.)
3. The judgment of offenses committed on board of Brazilian vessels on the high seas, or in the waters and within the territories of those foreign nations who admit this right (*direito*) or law.‖
4. The judgment of offenses committed on board of foreign vessels against persons not belonging to the ship's crew, or even against those who do so belong, in case the act be an infraction of the police laws of the port, or of (Brazilian) waters belonging to the country, (territories,) either after requisition (on the country to which such party may have fled) or in virtue of an understanding (*accordo*) with the nation to which such foreigner may belong.

ARTICLE 7. The provisions of this law shall not prevent the prosecution of any civil action which may be brought for damages, resulting from any act committed in a foreign country by any person, Brazilian or foreigner, resident in the empire.

ARTICLE 8. Not only shall no penalty be imposed, but there shall not be any prosecution nor judgment in pursuance of this (act) law against any person who shall have been acquitted in any foreign country, or shall have been punished or pardoned for the offense for which prosecution is sought here. And any proceeding under it, although already begun, shall cease as soon as it shall appear that the offense complained of or the penalty therefor is provided for, and according as the law shall be most favor-

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* *I. e.*, The damage of.
† *I. e.*, To the foreign country where offenses were committed.
‡ *I. e.*, Indicate what court.
§ *I. e.*, Proces verbal of the fact done.
‖ *I. e.*, Admiralty.

able,* either in Brazil or by the law of the country in which committed and where the offense can be punished.

ARTICLE 9. All provisions in contravention hereto repealed, &c.

Wherefore, we command and ordain, &c., &c., &c.

No. 83.

Mr. Partridge to Mr. Fish.

No. 278.] UNITED STATES LEGATION,
Rio de Janeiro, August 21, 1875. (Received Sept. 20.)

SIR: I have the honor to acknowledge the receipt of your dispatches numbered 154 (with inclosure—copy of a letter from Navy Department) and 155.

In obedience to the instruction in the former, I have written to the Baron de Cotegipe a communication expressing the sense entertained by the Government at Washington of the friendly service rendered to the United States frigate Lancaster by the Baron de Ivanheima and by the surgeon of the Brazilian navy, Doctor Ferreira de Rocha, returning the thanks of the Government therefor, and asking that those thanks may also be tendered to the Baron Ivanheima and Surgeon de Rocha.

A copy of that communication is hereto annexed.

I have, &c.,

JAMES R. PARTRIDGE.

I had previously and verbally returned thanks to the Viscount de Caravellas, the minister of foreign affairs at the time, in May last.

[Inclosure in No. 278.]

Mr. Partridge to Baron de Cotegipe.

LEGATION OF THE UNITED STATES,
Petropolis, August 22, 1875.

To His Excellency the BARON de COTEGIPE, &c.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to inform his excellency the Baron de Cotegipe, minister and secretary of state for foreign affairs, that he has received instructions from Washington to make known to the imperial government the high sense entertained by the Government at Washington of the friendly act and important service rendered by the Baron Ivanheima, chief of division in the Imperial navy, and commanding the Brazilian squadron at Bahia, in May last, in offering to the United States frigate Lancaster, Captain F. A. Roe, then suffering from the loss of her medical officers, the services of one of the surgeons of his own fleet; as well as by the said surgeon, Doctor E. Alves Ferreira da Rocha, who volunteered to go on board the Lancaster and there perform the duties of surgeon, accompanying the said frigate to the United States.

The Navy Department of the United States, upon these facts becoming known to it, desired the honorable Secretary of State (for foreign affairs) to express through the proper channel that Department's sense of the courteous and friendly act of the Baron Ivanheima, and the self-sacrificing and courageous act of Doctor Alves Ferreira da Rocha; and the undersigned has been instructed to convey to the imperial government the thanks of the Government at Washington; and to request, also, that the

I. e., The law most favorable (whether to criminal or punishment does not appear,) but supposed to mean that if the act attempted to be punished here shall be cognizable and punishable by the laws of the country where committed, and a prosecution, acquittal, punishment, or pardon shall there have ensued, then the prosecution here shall fail.

thanks of the United States Government be tendered to the Baron Ivanheima and Doctor Ferreira da Rocha therefor.

It affords the undersigned great pleasure to fulfill these orders, and to tender the thanks of his Government therefor, to the imperial government, as well as to the officers above named of the imperial navy; and in so doing he also expresses to his excellency the Baron de Cotegipe the assurance of his complete esteem and consideration.

JAMES R. PARTRIDGE.

CENTRAL AMERICAN STATES.

No. 84.

Mr. Fish to Mr. Williamson.

No. 108.] DEPARTMENT OF STATE,
Washington, August 24, 1874.

SIR: Your dispatch No. 149, of the 7th of May last, has been received. It asks for further instructions in regard to the breaking into the consulate at Omoa, and insult to the flag of the United States in July, 1873, by a military force in the service of Honduras.

In your No. 107* of the 19th of February last you represented that you had expressed to the Honduras government an opinion that this Government might be satisfied with an apology for the acts of the mil itary commander of Honduras, adverted to, in addition to a salute of twenty guns to the consular flag when it was again raised at Omoa, and a decree forever prohibiting that officer from again holding a military or civil office of profit, trust, or honor under that government.

The receipt of this dispatch was acknowledged by the Department's instruction of the 9th of April last, in which you were informed that the satisfaction which you said would be expected, would be sufficient, if honestly and fully rendered. You will demand that accordingly, but need not insist on any pecuniary amends, the material damage to the consulate having, as you say, been inconsiderable.

I am, &c.,

HAMILTON FISH.

No 85.

Mr. Williamson to Mr. Fish.

No. 221.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, August 26, 1874. (Received October 6.)

SIR: As the amount of correspondence of a country is an element of calculation in forming an opinion of its progress in civilization, I have the honor to send you herewith a comparative tabulated statement, published on the 21st of this month by the post-office department of Guatemala.

It is said to be the first public paper of the kind ever published in Central America. I shall take the liberty of suggesting to the postmaster-general, whom I know quite well, and who is one of the most

* See Foreign Relations for 1874, page 142.

progressive men I have met with in Central America, that it would be well to show, in his next statement, the amount of domestic and foreign correspondence separately, and also to make separate columns by countries for foreign correspondence.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure in No. 221.]

Comparative statement of the correspondence coming in and going out, by the general administration of mails of Guatemala, for the years 1870, 1871, 1872, *and* 1873.

Years.	Received.		Sent.		Total.		Receipts.	Disbursements.
	Letters.	Printed matter.	Letters.	Printed matter.	Letters.	Printed matter.		
1870	41, 208	11, 961	38, 745	10, 220	79, 953	22, 136	$14, 268 40	$13, 677 56
1871	39, 300	13, 318	33, 838	12, 603	73, 138	25, 912	15, 783 00	14, 926 40
1872	51, 298	19, 625	47, 051	24, 283	98, 349	43, 908	22, 173 50	21, 723 34
1873	59, 280	20, 863	54, 236	21, 184	113, 516	42, 047	21, 232 78	21, 144 70

General administration of the mails.
GUATEMALA, *August* 21, 1874.

R. TOLEDO.

No. 86.

Mr. Williamson to Mr. Fish.

No. 230.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, September 7, 1874. (Received October 13.)

SIR: I have the honor to inform you that I took the liberty to accept the invitation of the British chargé d'affaires to be present at the firing of the salute to the British flag at San José de Guatemala, in accordance with the terms of settlement of the Magee question.

As the officials here are very sensitive, I took the precaution to ascertain from the minister of foreign affairs and prime minister whether my presence on the occasion would be altogether agreeable to the government of Guatemala. They assured me they would be pleased at my being present.

The salute was fired in the most formal manner, in the presence of the commanding general of the forces of Guatemala, General Solaris, and his staff, the British rear-admiral, Cochrane, and the officers of the part of his squadron, four ships, at San José, the British chargé d'affaires, and other distinguished persons, and myself.

There were also present, under arms, about 200 troops of Guatemala, and a like number of marines and sailors from the British ships.

By the invitation of Admiral Cochrane, I had the honor of enjoying his hospitality on board of his flag-ship, the Repulse, while I was at the port.

At the official dinner given by the admiral on the Repulse, after the salute was fired, "The President of the United States" was one of the regular toasts, to which I responded.

So the Magee affair has finally terminated. Guatemala has apolo-

gized. She has gone through the form of trial and punishment of the criminals, Gonzalez and Bulnes; she has paid the $50,000 indemnity, and fired the salute to the British flag at the place the outrage occurred.

I have, &c.,

GEO. WILLIAMSON.

No. 87.

Mr. Williamson to Mr. Fish.

No. 231.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, September 7, 1874. (Received October 13.)

SIR: I have the honor to report that, on the night of Wednesday the 3d instant, at 15 minutes past 9 o'clock, a severe shock of an earthquake was felt in this city and in many parts of Guatemala. No damage was done here, but quite a number of lives have been lost and a considerable amount of property destroyed in the following-named cities and towns: Antigua, Duenas, Patcicia, Isapa, Olotenango, Chimaltenango, and Santa Cruz Valaina. Other towns are reported to have been damaged, and some of the above named are said to have been entirely destroyed.

The government officials report the loss of about two hundred lives.

The destruction of life was occasioned by the falling of timbers, the rolling of rocks from the sides of mountains, and by drowning in streams which suddenly changed their channels.

None of our countrymen, in fact no foreigners, have been sufferers by the calamity.

The foreign residents here have subscribed and paid $3,000, to be distributed among the unfortunate people who have been the victims of this fearful visitation.

It is alleged a new volcano burst out from a mountain about thirty leagues from this city on the night of the earthquake. This needs confirmation.

I have, &c.,

GEO. WILLIAMSON.

No. 88.

Mr. Williamson to Mr. Fish.

No. 232. UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, September 8, 1874. (Received October 13.)

SIR: I have the honor to inform you that an unofficial letter has been received in this city from the minister of foreign affairs of Nicaragua, in which he states that a British subject from Jamaica is attempting to create a revolution in the Mosquito territory of Nicaragua, with a view of separating it from that state. He expresses the belief, or rather the suspicion, that the British government is giving countenance to the scheme.

My information comes from * * *, who says he has seen the letter.

The British chargé d'affaires, as I understand him, denies all knowledge of such a movement, and emphatically declares his government has no sympathy with any scheme that has in view the dismemberment of Nicaragua.

He has told me, however, that he has been recently instructed to make a vigorous prosecution of the claims of British subjects against Nicaragua.

* * * * * * *

I have, &c.,

GEO. WILLIAMSON.

No. 89.

Mr. Williamson to Mr. Fish.

No. 233.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, September 9, 1874. (Received October 13.)

SIR: I have the honor to report that the presidential election which is to take place in Honduras in November next, is beginning to excite attention. The candidates are the present provisional incumbent, Ponciano Leiva, Manual Colindres, and Ramon Midence.

The election is to be held under the constitution of 1865, which, as reported in my No. 161,* was adopted by the Congress of Honduras as the organic law of that state.

Of President Leiva I have so often written that it appears unnecessary to say more of his political status than that he appears not to be a partisan, but a moderate man of intelligent and liberal views.

Colindres is called a reactionist now. He is the person who was proclaimed President of Honduras in August, 1873, at the island of Utilla, by the military party under the charge of Don Henry Palacios.

He was a warm friend of ex-President Medina, whom, from my information, I would be disposed to call one of the firmest liberals in Central America. He is at present a high official in the administration of President Leiva.

Ramon Midence is called a liberal. He is, so far as I can learn, without political antecedents of note.

Leiva appears to be the favorite of the people of Honduras, both on account of his personal popularity and his political professions. He may be defeated by the division of the vote with Colindres—I think not.

The influence of Guatemala will be covertly, and perhaps openly, thrown against Leiva particularly, and in favor of Midence, the so-styled liberal.

On the other hand, it is believed in well-informed circles, Leiva will have the cordial and public support of the government of Salvador.

This election derives additional importance from the fact that it may present the occasion for an open rupture between the governments of Guatemala and Salvador.

As I stated in my No. 174, there is no doubt, in my mind, the chiefs of the two governments are not in harmony, although publicly they profess to be so.

I have, &c.,

GEO. WILLIAMSON.

* See Foreign Relations for 1874, page 167.

No. 90.

Mr. Williamson to Mr. Fish.

No. 240.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, September 16, 1874. (Received October 13.)

SIR: I have the honor to report that the celebration in this city yesterday of the fifty-third anniversary of the independence of Guatemala from Spain was on a grand scale.

The day purports to be in Central America the great national feast of liberty, as the 4th of July really is in our country.

The declaration of independence was read, and a speech delivered in the national palace to the members of the government and municipality and of the diplomatic and consular corps present. The masses of the people on the outside could not hear anything, nor did any one seem to act as if they ought to hear or had any right to hear.

The bells of the numerous churches were pealed in a lively way early in the morning, at noon, and at 6 o'clock p. m. Salvos of artillery were fired from the castle that commands the city and from the battery of field artillery stationed in the plaza.

There was a creditable pyrotechnic show at night in the main plaza in front of the palace.

The President did not make his appearance at any time during the day. He was present to witness the fireworks.

The whole celebration seemed to me to be given by the government officials, and the people appeared to take no more interest in it than they would in bull-fights or other customary entertainments. There did not appear to be the smallest exhibition of popular enthusiasm. The people acted as spectators who had been permitted to witness the celebration.

In seems unaccountable to an American, who is a stranger in Central America, that republicanism has made so little progress in Guatemala that the fifty-third anniversary of its independence should find it governed by a military chief, a native of the country, who has thought his people so unfit for self-government that the "republic" has no constitution and the people no representative assembly. Yet there has been progress. Intelligence is more generally diffused; people are slowly learning republican habits and adopting republican ideas; a monarchical hierarchy that fostered superstitions, that only allowed education in a certain direction, and which "gathered gear" unto itself "by every wile," has been dethroned; agriculture now has the aid of the numerous laborers who were employed in the erection of large edifices for monks and nuns and religious exercises; foreigners are allowed to come into and to trade with the country; other languages besides Spanish are not only permitted to be taught, but their acquisition is encouraged; and Spain is not now, as before 1821, the only market from which Guatemala imports her goods, or to which she is compelled to export her produce.

It is to be hoped, before the hundredth anniversary of the independence of Guatemala is celebrated, that many other beneficial changes will have occurred. Not the least among the most desirable of them is that her chief executive officer shall be elected by a popular vote, and that he will have the benefit of a constitution and representative assembly to relieve him in some measure from the fearful responsibility of acting solely upon his own will, or according to his individual judgment, in the administration of the affairs of his country.

I have, &c.,

GEO. WILLIAMSON.

No. 91.

Mr. Williamson to Mr. Fish.

No. 244.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, September 23, 1874. (Received Nov. 4.)

SIR: I have the honor to inclose you the fiber taken from a plant of Guatemala called "Escobilla," which, in my judgment, is a species of jute, and which may become a very valuable agricultural product in our country.

It grows here with astonishing rapidity at any elevation, but acquires its best development at altitudes varying between 1,000 and 3,000 feet above the sea-level. It is not cultivated by the inhabitants, but the bark is used for strings, and a decoction of the leaves is used for washing ulcers. The plant grows so luxuriantly, that it is regarded as one of the worst enemies of a coffee-plantation. It will bear cutting to the ground four times a year in this climate, at any elevation between 1,000 and 3,000 feet.

On comparison with ramie, its fiber is found to be not quite so fine as the fiber of that plant, but, if put through the same bleaching process, I have but little doubt it would have nearly, if not quite, the same brilliancy, and would be suitable for many purposes of manufacture.

According to the imperfect tests I have been able to apply, it seems to be less brittle than the ramie fiber.

Believing this plant may become very valuable to our agricultural and manufacturing interests, and is quite as capable as either Asiatic ramie or jute of becoming acclimated and profitably produced in the alluvial lands of the Gulf States, and particularly of Florida and Southern Louisiana, I am trying to procure a quantity of the seed to send you for the Department of Agriculture.

The plant grows from the seed, but in this climate, when well rooted, it may be cut repeatedly for several years without apparent diminution of power of reproduction. It grows in straight stems, without branches, except near the top, where short-leaf branches put out, and attains a height of about 6 feet, under favorable conditions, without cultivation.

I learn from foreigners who have observed it for years that no animals feed upon the plant.

I do not believe it belongs to the nettle family, as the ramie, *Urtica utilis* or *tenacissima*, is alleged to do, but rather is a species of the *Corchorus capsularis*, or jute, of the *Hibiscus-Malvacea* family of plants. Being but an indifferent botanist, I hazard this opinion with diffidence.

To whatever order of filamentous plants it may belong, I have no doubt its fiber can be separated from the woody stalk by the same machine which has lately been invented in Louisiana for the purpose of making that separation in ramie and jute.

If you think it worth while to incur the cost of attempting to send on to the Bureau of Agriculture a few of the plants, I shall be pleased to undertake the task under instructions.

Please do me the favor to send me the Annual Report of the Bureau of Agriculture for 1872, and also of 1873, as soon as published.

I have, &c.,

GEO. WILLIAMSON.

No. 92.

Mr. Williamson to Mr. Fish.

No. 245.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, September 25, 1874. (Received Nov. 4.)

SIR: I have the honor to report the Central American states continue to be undisturbed by wars or rumors of wars, although, according to long-established usage in these unhappy countries, "the politicians" are availing themselves of the approaching elections in Nicaragua and Honduras to intermeddle, with the view of getting their "friends" into office.

In my opinion, at present, Don Pedro Chamorro will be elected President of Nicaragua in October, and Don Ponciano Leiva, the present provisional incumbent, will be elected President of Honduras in November.

Ex-President Arias, of Honduras, is here, and seems to be the guest of Don Marco A. Soto, minister of foreign affairs, a young Honduranian.

He is reported to be plotting to induce the ruler of Guatemala to declare an armed intervention in the election in Honduras, with the view of defeating Leiva, and having Don Midence, a so called liberal, installed in his stead.

The decided position of the government of Salvador, in favor of Leiva, might present an occasion for serious disturbance were the President of Guatemala to assume such an attitude.

I think it likely now that both elections may pass off without a revolution in either state, or creating a war between others.

The President of Costa Rica, Guardia, after having decreed general amnesty, has retired to his hacienda in Guanacasta, quite remote from the capital. He seems to think all attempts to overthrow his government are at an end, an opinion in which he appears justified by the fact that all have heretofore been unsuccessful.

I have, &c.,

GEO. WILLIAMSON.

No. 93.

Mr. Williamson to Mr. Fish.

No. 255.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, October 5, 1874. (Received Nov. 17.)

SIR: I have the honor to report that the prime minister, Mr. Samayoa, some time ago requested me to open a correspondence with our minister at the city of Mexico, in regard to the amicable and speedy settlement of the question of boundary between Mexico and Guatemala. Since that time a minister has been dispatched from Guatemala to Mexico, and since his arrival there I observe one of the Mexican papers, in discussing the question of boundary between the two countries, not only justifies the conduct of Santa Anna in taking possession of Soconusco, many years ago, but claims that all the department of Peten also rightfully belongs to Mexico.

If it be true, as stated in the newspapers, that the Mexican government proposes to make a sale of some of its northern provinces to our Government, may it not be possible that it will seek to allay the irrita-

tion of national pride by claiming, and perhaps making, acquisitions in this quarter?

Peten, although a very large department in area, has a small population, and is only valuable for its vast forests of precious woods.

Its natural outlet to the commerce of the world is through the Usamacinta River, which flows for some distance through the Mexican department of Tabasco, and empties itself by various mouths into the Bay of Campeachy.

I have, &c.,

GEO. WILLIAMSON.

No. 94.

Mr. Williamson to Mr. Fish.

No. 256.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, October 6, 1874. (Received Nov. 17.)

SIR: I have the honor to report that the government of Guatemala has recently made a contract for the construction of a railroad from San José, the chief port, to this capital.

The contract was made with a Mr. W. F. Kelly, an Englishman, who has traveled much in Spanish-American countries, and who is reported to be the "bosom friend" of the prime minister, Mr. Samayoa. The official station of Mr. Samayoa, as minister of public improvement, placed him in the embarrassing position of finding it within the line of his duty to report on the merits of Mr. Kelly's proposal, and to sign the contract on the part of the government.

Not long after the contract was made, Mr. Kelly left for Europe, and it is reported to me, on the best authority, that he bore the commission of minister plenipotentiary to the Sublime Porte from Guatemala.

Mr. Kelly is not reputed to be either a capitalist or a financier of ability. His countrymen here speak of him in a way not usually calculated to inspire confidence.

The road is to be built, according to the customary usage, from the proceeds of the sale of bonds. The entire cost is reported by the prime minister to be $2,559,000. He estimates that it will be possible to sell Guatemalan bonds bearing 7 per cent. interest for 70 cents on the dollar net. His published statements put down the increase of the public debt, by the completion of this enterprise, at $3,436,371. He places the total annual net earnings of the road at $329,350. Like all such schemes, the paper calculations made public look fair.

The physical obstacles for nearly half of the distance, that is, to Esquintla, are mainly those which are incidental to a tropical climate in the "tierra caliente." On that part of the line there are no engineering difficulties. The ascent from the port to Esquintla, a distance of about thirty miles, is only 1,145 feet, and is so gradual that an ordinary traveler would not observe it. There are no large streams or swamps to cross, and no deep cuts or heavy embankments to be made.

The cost of that part of the road, according to the contract, will be $30,000 per mile. The cost of the other section, from Esquintla to Palin, sixteen miles, is estimated to be $49,750 per mile; and for the remaining section of twenty-two miles from Palin to this city, it is estimated to cost $36,500 per mile. On the two last-named sections the

best engineering skill will be required. The difference of the altitudes of Palin and Esquintla, fifteen miles apart by the proposed railroad line, is 2,545 feet, according to a recent barometrical measurement. The difference of altitude between Palin and the city of Guatemala is about 1,500 feet.

I cannot persuade myself to believe the bonds can be placed upon the market at the figure named by Mr. Samayoa. Even if they were successfully negotiated at that figure, (70 cents on the dollar,) the experience of Honduras and Costa Rica points in a direction that scarcely warrants the belief that all of the money will be applied to the construction of the road. But if the bonds were negotiated on the favorable terms expected, and if the entire proceeds were honestly and judiciously applied to the fulfillment of the contract, in my opinion it would fall short of completing and equipping the road by a very large sum.

The road has my best wishes for its completion. I believe it would benefit our commerce by the more rapid development of this country.

I have, &c.,

GEO. WILLIAMSON.

No. 95.

Mr. Williamson to Mr. Fish.

No. 257.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, October 7, 1874. (Received Nov. 17.)

SIR: I have the honor to state that there are a number of mounds near this city of unusually large size, which have never been carefully explored, so far as I can learn. There are probably one hundred and fifty of them. They run across the wide plain in which Guatemala is located from the base of the mountains on the east to the base of those on the west. They are not in right lines, but are at irregular intervals apart, and the general direction is east and west. They extend over a distance of ten or twelve miles.

I have seen many of the mounds in our country, and these mentioned have the same general appearance, but I think are larger.

They appear to be of the same kind of earth that surrounds their bases. Two attempts at exploration have been made, one by Carrera, many years ago, and one within the last year or so under the direction of the British minister, Mr. Edwin Corbett. A gentleman who was present at the time Carrera's exploration was completed, says that many articles of stone and earthenware were taken out of the mound. Unfortunately he cannot tell me, nor can I find out, what has become of any of these curiosities.

The exploration made under the direction of the British minister appears, from the statement of his secretary, to have been incomplete. That gentleman says a few human bones were found, and near them some earthenware-vessels, which were sent to England.

I have seen two vessels in the museum of the "Sociedad Economica," of this city, which are said to have been taken out of one of the mounds referred to, and are reputed to be a part of those obtained by Carrera. Both are of common, but hardly burnt, earthenware, made apparently of a reddish clay. One is in the shape of a quart-measure, without handle or ornament of any kind. The other is a pitcher of rather

curious form, of small size, and apparently of the same material as the first mentioned.

As I cannot learn from any book at my command, or from any of the scientific men here, whether any of these mounds have ever been carefully explored, I make the above report to you, with the suggestion that, if the Smithsonian Institution wishes to have one or more of them explored, I shall be pleased to undertake to superintend the work with your approbation, and also to see the judicious disbursement of any remittance made for the purpose.

From the best estimate I can have made, I do not believe it will cost exceeding fifty dollars to have any one mound thoroughly explored.

The freight on any articles found and forwarded to the Institute would depend upon the quantity, weight, and packing. It could not be much.

While on this subject, I beg leave also to say that there are in this city many ancient manuscripts in Spanish which have never been translated into English, and some of them never into any other language. These manuscripts might prove of great value in the study of the ethnology of America.

Most of these manuscripts are in the hands of Mr. Juan Gavarrete, who is reputed to be an excellent antiquarian. I will mention one: The History of the Origin of the Indians of the Province of Guatemala, translated from the Quiche to Spanish, for the convenience of the clergy, 1557, by Fray Ximenes. This should not be confounded with Ximenes' other two works, which are published, and with his general history of Guatemala, which has been translated into French. I will mention another of interest. It is the "Popol Vuh," or "Sacred Book of the Quiche Indians," the original manuscripts of which, I am informed, have never been fully translated into any language. I have before me now what purports to be a complete translation into French by the Abbé Brasseur de Bourbourg, which is contained in his valuable work published in London in 1861.

It is said to be incomplete, but this could only be verified by comparison. Mr. Francis Gavarrete, the brother of the owner of the manuscripts, and a good scholar, has agreed with me to make any translations of these ancient manuscripts from Spanish into English at the rate of twenty-five cents for each page of such paper as I am now writing on, or he will copy the manuscripts at the rate of 12½ cents for each page. His brother, the antiquarian, will allow me to select any I wish translated.

I mention this also with the view of stating that, if the Smithsonian Institution wishes copies or translations made of the above, or any other manuscripts here, it will afford me pleasure to superintend the work.

It seems to me probable that explorations of some of the mounds referred to in the first part of this dispatch, and the translation into English of judiciously selected manuscripts, might throw light upon the ethnological researches of the Institute.

Although I am by no means an ethnologist or scientific man, and perhaps am not sufficiently informed to materially assist in the prosecution of studies of that kind, yet I feel a lively interest in the subject, and will take pleasure in doing what I can to assist others in the collection of data. It is this spirit which I present as an apology for troubling you with this dispatch.

I have, &c.,

GEO. WILLIAMSON.

No. 96.

Mr. Williamson to Mr. Fish.

No. 258.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, October 10, 1874. (Received Nov. 17.

SIR: Inclosed herewith I have the honor to hand you an extract from the official paper of the government of Guatemala, purporting to give a correct statement of the number of public schools for males and females, and the amount of monthly government contribution to each, together with a translation of the same.

If this statement is correct, it is a favorable indication that the government is in earnest in its professed determination to afford the people opportunities of education independent of the priesthood.

It is not so stated in the table, but from good authority I learn that none of the teachers in the public schools are priests. The education is entirely secular, except, perhaps, in some localities where the religious feeling is so strong as yet that some concession is made to it by a sort of primary instruction in the catechism.

I have observed the public schools of this city with interest, and have attended an examination at the largest. The instruction appeared to be quite systematic and thorough; in geography particularly. I was much pleased to notice that at the public school a geographical knowledge of this hemisphere seemed to be preferred, while at a large private school under religious denomination I had occasion to observe at an examination that the students were well advanced in the geography of Europe, but seemed to have little acquaintance with that of their own country, or of the United States, or, in fact, of any part of the western hemisphere. Possibly the preference exhibited represents in some measure the difference between what are here called liberal and reactionary ideas. I beg leave to remark that the schools are about as thoroughly mixed as to the different races that attend them as they could possibly be. The different shades of color present quite a contrast.

Most of the pupils are young, not exceeding twelve or thirteen years of age. This, as well as their dress, indicates they are from the poorer classes. There are very few Indians among them; nearly all are mixed.

The great want in the public schools is competent teachers, and this is to be supplied by the establishment of a normal school, as the government of Salvador has quite recently done. An agent, Mr. Lainfiesta, several weeks ago was dispatched to the United States for the purpose, among other duties, of procuring teachers for the normal school. The minister of foreign affairs told me a day or so ago that Mr. Lainfiesta had already engaged two or three in New York.

I took pleasure in supplying Mr. Lainfiesta with letters, as I was naturally anxious that our countrymen and countrywomen should be selected to organize and conduct the school, which, if successful, is to furnish the future teachers of Guatemala, and perhaps of other parts of Central America.

I have, &c.,

GEO. WILLIAMSON

[Inclosure in No. 258.—Translation.]

Extract from official paper of Guatemala concerning the public schools.

Departments.	No. of schools for males.	No. of male scholars.	No. of schools for females.	No. of female scholars.	Monthly appropriation.
Guatemala	31	2,640	27	1,300	$1,170
Amatitlan	14	754	8	432	100
Escuintla	15	577	9	500	100
Sacatepequez	17	845	15	645	225
Chimaltenango	16	761	13	482	73
Sololá	22	453	6	150	225
Quiche	10	206	4	72	50
Totonicapan	10	558	5	225	175
Quezaltenango	23	825	8	184	665
San Marcos	22	852	19	487	130
Snehitepequez	21	682	21	478	12
Huehuetenango	15	492	13	346	50
Vera Paz	23	989	6	191	230
Santa Rosa	13	527	5	112	301
Jutiapa	53	1,505	3	79	100
Jalapa	6	212	1	234	50
Zacapa	19	584	3	144	205
Chiquimula	26	674	16	215	446
Izabal	2	80	1	36	20
Total	358	14,216	183	6,312	4,327

NOTE. The data of the department of Peten we have not been able to obtain.

No. 97.

Mr. Williamson to Mr. Fish.

No. 261.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, October 13, 1874. (Received Nov. 17.)

SIR: Referring to my No. 242,* dated September 19, 1874, and to your instruction No. 108,* dated August 24, 1874, both on the subject of the satisfaction demanded from the government of Honduras in February last, as reported in my No. 107†, for the outrage upon our consulate at Omoa in July, 1873, I have the honor to state:

My No. 242 was written and dispatched several weeks in advance of the receipt of your instruction No. 108. Since the receipt of that instruction I have hesitated whether to renew the demand for satisfaction, or await your answer to my said No. 242. It seems to me, after having carefully considered the instruction, that you intended me to renew the demand reported in my No. 107, of the 19th of February, written from Comayagua.

I now have the honor to inclose you a copy of my note of the 10th instant, addressed to the minister of foreign affairs of Honduras, in which his attention is called to our previous correspondence on the subject of the outrage, and satisfaction demanded. The note also contains a renewal of the demand previously made.

Although I hope to receive a satisfactory and prompt reply, I cannot but apprehend continued procrastination.

I have, &c.,

GEO. WILLIAMSON.

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* *Ante.*

† See Foreign Relations for 1874, p. 142.

[Inclosure in No. 261.]

Mr. Williamson to Mr. Zuniga.

UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, October 10, 1874.

SIR: I have the honor to call your attention to our correspondence on the subject of the outrage upon the consulate of the United States at Omoa, in July of 1873, by the troops of Honduras under the command of General Straeber, and to say, up to this time, nothing further has been received from your government on the subject.

Your attention is called to the date of the correspondence as a justification for the expression of the belief that the government of Honduras has had ample time to make the investigations which it proposed to make into the occurrences attending the outrage, and to be prepared either to render the satisfaction demanded or to show that it was based upon errors of fact.

Your excellency's government has been so much occupied in the patriotic work of re-organization that this matter has not been pressed upon you from this legation.

So much time has elapsed without any communication from the government of Honduras upon this subject, that it is deemed advisable to renew the demand, with the expression of the cordial hope your excellency's government will feel able to render to my Government promptly and fully the satisfaction to which it is entitled, the nature of which was intimated in my conversation with His Excellency President Leiva on the occasion of my having the honor of being presented to him officially in Comayagua, on the 19th of February last.

Renewing to your excellency the assurance of my distinguished consideration, I have the honor to be, &c., &c.,

GEO. WILLIAMSON.

His Excellency Señor Licenciado DON ADOLFO ZUNIGA,
Minister of Foreign Affairs of Honduras, Comayagua.

No. 98.

Mr. Williamson to Mr. Fish.

No. 267.] UNITED STATES LEGATION IN CENTRAL AMERICA,
San Juan del Sur, Nicaragua, November 3, 1874.
(Received November 24.)

SIR: I have the honor to report that another attempt has been made to overthrow the government of President Guardia, of Costa Rica.

Rumors of the attempt were current on the coast as I came down. It being also rumored the government of Nicaragua had sent troops, through this place, to aid the revolutionists, it seemed to me advisable to land here instead of at Corinto.

It appears, on the night of the 19th of October, a body of thirteen men, composed of Nicaraguans and Costa Ricans, attacked the barracks in Liberia in the department of Guanacaste, which is claimed by Costa Rica, and drove out the soldiers without the loss of a man on either side.

On the same night a body of twenty-two, said to be almost entirely Costa Ricans, lately returned from exile under the decree of general amnesty heretofore reported to you, attacked the barracks at Punta Arenas and captured it, after a sharp little engagement, in which two were killed and ten or twelve wounded. The last-named party, I am told, was under the command of Don Joaquin Fernandez, whom I have heretofore mentioned. My information is that the barracks at Huedia, San José, and Cartago were to have been attacked on the same night, but that for some reason, not yet known, no attack was made. The parties that captured the barracks at Liberia and Punta Arenas immediately took possession of those towns, without any further resistance, and proceeded to organize forces. At Liberia, I am informed,

about two hundred men were organized and armed. At Punta Arenas, I learn, a force of between eighty and one hundred men was raised. These organizations were so quickly made that it may be fair to suppose the men were volunteers, and, perhaps, secret confederates of the revolutionists. However this might have been, it seems to be a fact that the successful parties, in less than twenty-four hours after their successes, heard of the failure of their confederates in the interior, and, at the same time, that President Guardia, at the head of a force of about three hundred men, was making forced marches upon Liberia, while one of his fiercest generals was leading a similar force rapidly in the direction of Punta Arenas. This news of the failure of their friends, and the vigorous action of the government, is said to have so disheartened the victorious parties of revolutionists, that they disbanded and escaped from Costa Rica as best they could, bringing with them their wounded. The leader of the attacking party at Liberia (a Mr. Ubina) is reputed to have made no effort to escape, and grave suspicions of his fidelity are freely expressed.

The rumor that the government of Nicaragua had sent troops to aid the revolutionists proves to be wholly untrue. The governor of this department says some troops were sent to the frontier from this place several days after the revolutionists had taken to flight, because President Guardia had pressed his pursuit into this state. He says the troops have been withdrawn.

It seems proper to mentin in connection with this subject, that the Pacific mail steamer, the Mohongo, is said to have taken on board at Punta Arenas all the fugitive revolutionists at that place. If this be so, doubtless President Guardia will attempt to make it a ground of serious complaint against that company. Heretofore President Guardia has limited his punishment upon revolutionists to banishment. Quite recently he published a decree of general amnesty. It would be difficult to form an opinion of what will be the probable course hereafter of one so peculiarly organized and educated as President Guardia. My opinion is that he is likely to go to extremes in the punishments that may be inflicted.

I have, &c.,

GEO. WILLIAMSON.

No. 99.

Mr. Williamson to Mr. Fish.

No. 269.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Managua, Nicaragua, Nov. 12, 1874. (Rec'd Dec. 31.)

SIR: I have the honor to inform you that in a conversation with President Quadra yesterday, he told me quite fully about the disturbance on the Mosquito coast, of which I gave you a brief account in a previous dispatch from Guatemala, the number and date of which cannot now be given, on account of absence from the office of the legation.

The President says a young colored man, the grandson of the last so-called "King of the Mosquitos," came to Bluefields several weeks ago, accompanied by four British subjects from Jamaica, and one American colored man, who claims to be a citizen of the United States. They were received with some enthusiasm by a few persons who seemed to be advised of their coming. A banquet was given, and he soon declared

himself the legitimate "King of the Mosquitos." His cabinet, the President says, is composed of the four British subjects and one American citizen above referred to—all colored men. He proceeded to exercise his authority by having two persons hung, who were accused of committing murder in a riot that occurred probably about the date of his banquet. He also expelled from the Mosquito coast two persons who were engaged there in some kind of enterprise, under a privilege granted by the government of Nicaragua, and threatened them with death if they returned.

The President did not know whether "the King" brought arms with him, but stated it was supposed so, as he claimed to have an army, and declared he would resist any attempt of Nicaragua to exercise authority over his dominions.

He is said to use the old flag of the Mosquitos and the British flag. His pretensions are based upon the allegation that he is not bound in any way whatever by the treaty of Managua of 1859, between Great Britain and Nicaragua. He moreover alleges that Nicaragua has not fulfilled upon her part the stipulations of said treaty.

I did not understand the President to say in terms that he believed "the King" to be under the protection of the British government. The intimation was thrown out by both the President and minister of foreign affairs that they apprehended that government was advised of their movements. At all events, the government of Nicaragua has taken no steps, that I can learn of, either to capture the young adventurer and his aiders and abettors, or to expel him from the country. It is waiting for further intelligence, the President says. By the next mail from this place I will write to Mr. Frew, commercial agent at San Juan del Norte, to give me a full report of the whole affair. It may be much more important than the government of Nicaragua seems to think it at present.

I have, &c.,

GEO. WILLIAMSON.

No. 100.

Mr. Williamson to Mr. Fish.

No. 275.] UNITED STATES LEGATION IN CENTRAL AMERICA,
San Salvador, December 3, 1874. (Rec'd Jan. 13, 1875.)

SIR: I have the honor to report that there seems to be no doubt now that President Leiva has been elected constitutional President of Honduras by a large majority. My information, from reliable sources, is that the election was unattended by those restraints put upon voters sometimes in Central America when the chief of the state or his friend is a candidate for the presidency. I understand, and am prepared to believe, from my knowledge of President Leiva's character, that the election was a fair one in all respects, and that his elevation to the constitutional presidency of Honduras is the result of a well-deserved popularity.

He and President Gonzalez, of this State, seem to appreciate and practice republican principles in a manner worthy of imitation by many of the rulers of the so-called Spanish republics of this hemisphere.

I have, &c.,

GEO. WILLIAMSON.

No. 101.

Mr. Williamson to Mr. Fish.

No. 278.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, December 20, 1874. (Rec'd Jan. 26, 1875.)

SIR: I have the honor to inclose you Spanish and translated copies of a note received to-day from Mr. A. Zuniga, minister of foreign affairs of Honduras, dated November 24, 1874, in reply to my note to him dated the 10th of October, 1874, a copy of which accompanied my dispatch to you of the 13th of October, 1874, No. 261,* all relative to the demand for satisfaction for the outrage upon the United States consulate at Omoa, in July, 1873.

Although the note of the minister is not satisfactory either in language or tone, and although he seems to intend to convey the impression that there was a satisfaction demanded and agreed upon, and that it was limited to a salute to "the American flag," a reasonable degree of confidence is felt that when I see President Leiva he will comply with the terms which were intimated to him might be satisfactory to my government, as reported to you in my No. 107,† of date February 19, 1874.

I beg, however, to state that this moderate degree of assurance is rather based upon the fact that by that time he will probably have been inaugurated constitutional President of Honduras than upon an opinion he has become exempt from the characteristics of Central American officials, referred to in my No. 242.*

I have been so unwell since my return from the late visits to Nicaragua and Salvador that I do not now expect to be able to leave for Honduras before about the 1st of February.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure in No. 278.—Translation.]

Mr. Zuniga to Mr. Williamson.

OFFICE OF MINISTER OF FOREIGN AFFAIRS, HONDURAS,
Comayagua, November 24, 1874.

SIR: I have had the honor to receive the attentive dispatch of your excellency, dated the 10th of last October, in which, referring to the correspondence exchanged between your excellency and this department concerning the outrage inflicted upon the American consulate in Omoa, your excellency insists upon demanding a speedy and full satisfaction.

From the inquiries ordered to be made in Omoa itself, and followed up by the judges of the first instance, civil and military, the outrage done to the American consulate does not appear entirely proved; but the government has the full belief that the American consulate, the same as almost all the mercantile houses of the natives and foreigners, had to suffer from the forces of General Straeber. On said consideration, the government of Honduras is disposed to give the satisfaction demanded and agreed upon in conversation with your excellency, minister of the United States, to salute the American flag.

The undersigned hopes that your excellency will be pleased to instruct to that effect the American consul in Omoa, it being due on the part of the government of Honduras to give itself, at a suitable time, the corresponding orders to the chief commandant of that port.

I improve this occasion to offer myself your excellency's very attentive and obedient servant,

ADOLFO ZUNIGA.

To His Excellency Hon. GEORGE WILLIAMSON,
Minister-Resident of the United States.

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* *Ante.* †See Foreign Relations for 1874, page 142.

No. 102.

Mr. Williamson to Mr. Fish.

No. 289.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, January 6, 1875. (Received February 12.)

SIR: I have the honor to inclose you a translated copy of the proclamation issued by the "Mosquito King" in September last. Dr. C. H. Berendt has put this legation under obligations by furnishing the Spanish copy from which the translated one is made.

This document, so far as I can learn, has never been published or circulated in Nicaragua outside of the limits of the Mosquito reserve. The memorandum at the foot indicates it was published in Jamaica on the 10th of December, 1874.

I regret this legation has not yet received a report on this subject from Mr. Freer, the commercial agent in San Juan del Norte. My information, therefore, is almost as incomplete as that contained in my No. 269, dated Managua, November 12, 1874.

I learn from a source that ought to be reliable that the government of Nicaragua proposes to tender to the "Mosquito King" the sum of money due him under the treaty of 1860. Such a proceeding would seem to be unwise if not positively silly.

* * * * * * *

Under the treaty of Managua of 1860, large grants of land made to British subjects by the government of Mosquitia were confirmed to them. I have noticed in the British newspapers these landholders in the Mosquitia have become quite active within the last year. It is probable they believe as long as their lands lie in Nicaragua they are valueless, and therefore desire a British protectorate re-established.

* * * * * * *

As I requested Mr. Freer in a note from Managua, dated the 12th of November last, to give me a full report upon this subject, and if possible to answer certain questions proposed, I hope to be able soon to give you fuller information.

I have, &c., GEO. WILLIAMSON.

[Inclosure in No. 289.—Translation.]

PROCLAMATION OF THE MOSQUITO KING.

Crescit sub pondere virtus.

Official Notice.

OFFICE OF COUNCIL OF STATE,
Bluefields, Mosquito, September, 1874.

His Majesty the King having deigned to address the council of chief leaders and representatives of Mosquitia in the following manner, the same is ordered to be published for the information of all.

(Signed.) (Signature illegible.)
Secretary of the Government.

To the chiefs, leaders, and representatives of Mosquitia assembled in council:

HONORABLE GENTLEMEN: I cannot express the satisfaction I feel at being once more among my beloved subjects. It is more than two years since I separated myself from you to go to Jamaica, and now, by the special mercy of the All-Powerful, I am able to assemble you here.

On looking at my surrounding, I feel deeply the absence of many old and faithful members of our council. When I mention the name of Henry Patterson, our former vice-president, who has been so recently and suddenly removed by death, I do not find words with which to express my own obligations, and the half of what the country owes to him. What better tribute can we pay to his memory than to elect to succeed him one whom he loved? When I think also of the honorable services of John Fox,

Admiral Smart, James Norwich, and Daniel Iscany, and others, I ask, who are to be raised up to occupy their places? and I feel that our most urgent interests consist in seeing that our beloved Mosquitia may not fail in having as good and as trustworthy chiefs.

And, honorable gentlemen, while I feel deeply the loss of these men, shall I not also express how much we owe to those who still remain at their posts as officials, and who have sustained the government during my absence? Many names I could mention, but those of Cuthbert, Landberg, and Hooker deserve special mention.

I ought not to forget here the fulfillment of my pledges to my beloved people who have contributed to my education, and to those gentlemen of Jamaica who have directed it. If I could have gone earlier and for a longer period, I believe without vanity, that, with the blessing of God, I would have been eminently fitted for the position I am called to occupy. The Revs. D. J. East and J. T. Roberts have omitted nothing in guiding me, and to advance the interests of Mosquitia, and through their influence I have enjoyed and had agreeable interviews with the governors and officials of Jamaica. So I trust Mosquitia has gained many influential and firm friends. I desire that our past and present circumstances and necessities be published to the world, since I have been surprised at the false appreciation and the want of information about Mosquitia that exist even in Jamaica, and for this I count on your assistance.

When we remember how necessary is the blessing of that One by whom rule the kings and princes who govern with justice, how can we, honorable gentlemen, express the obligations, personal and national, that we owe to the Mission of Brothers, moved by their continued interest, and to its ministers and chiefs who have been sent among us?

Let us assist, then, the mission with its chapels and schools, and let us consider how to increase them, because I am convinced that the religious education of our people is indispensable.

With reference to our present position as a semi-sovereignty, exercising a *de-facto* government, by means of a King and a council of Mosquitia, which constitute our supreme powers, and to the treaty made by Her Majesty the Queen of Great Britain, which defines our place among nations, I am grateful that the government during my absence has corresponded to these objects.

However, it is already time that everything of our past and present relations should be clearly enunciated.

I will have much pleasure in making known to you the measures taken to obtain this result. For these matters we no longer count on the services of the late consul and vice-consul of England in Greytown, but I am sure we gain more by other means. However, it is most urgent that a British consul should be immediately named for Greytown or Bluefields.

Returning to the affairs of the interior, my residence in Jamaica and the knowledge that I acquired of their institutions, tariff, and people have made me see all that we need, and I am certain that the best means to establish and execute the laws, to educate and protect the people, as well as to inaugurate and control an honest commerce to increase our revenues, require a prompt attention.

Honorable gentlemen, on commencing my active duties as hereditary King and President-elect of Mosquitia, permit me to assure you that without your advice and consent I can do nothing. Under the protection of the All-Powerful, I desire to be the protector and maintainer of all classes of my subjects, and to sustain their independence and integrity. I desire to see Mosquitia respected by other states and known among nations. Mosquitia has a history we do not need to hide. Under our present circumstances let us take for our device, "*Crescit sub pondere virtus*," and our future as a people will be prosperous.

Honorable gentlemen, proceed in the business of the council. The estimates for the year will be submitted to your consideration, and I will cease to weary your attention

God save the King.

Printed in Kingston, Jamaica, by Duncan McDougall & Co., 130 Harbor street.

This is a true translation from the English in which is written the address of His Majesty the King of the Indian Mosquitia.

SAN JUAN DEL NORTE, *December* 10, 1874.

No. 103.

Mr. Williamson to Mr. Fish.

No. 291.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, January 9, 1875. (Received Feb. 12.)

SIR: I have the honor to inclose you a letter from Consul Duke addressed to me, also copy of his letter addressed to the captain of the

Arizona, printed copy of the *protesta* of Mrs. Peña, and translation of the same, and copy of my letter in reply to Mr. Duke.

The man Peña is an unhappy wretch, who, having been arrested in Costa Rica by the minions of Guardia, either by compulsion or voluntarily, for a bribe of four hundred dollars, confessed that he had been hired by President Gonzales, of Salvador, and by Don Joaquin Fernandez to assassinate Guardia. As soon as the confession was made, Guardia had his likeness taken, and the printed or written confession pasted on the back. He then sent the man Peña, under charge of two officers, by the steamer Mohongo to La Libertad, in Salvador. As soon as he was on shore at La Libertad, and assured of his personal safety, he declared the previous confession was extorted from him under threats of death and a promise of a reward of four hundred dollars by Guardia. He was then, it is said, turned over to the courts of Salvador to be dealt with accordingly.

The protest and rumor say the courts had ordered him to be returned to Costa Rica under the charge of the same officers that brought him. It is presumed, if this was intended, the protest and Mr. Duke's action may have prevented its execution.

The affair has created, I learn, great bitterness of feeling on the part of Gonzales toward Guardia, and numerous rumors of war are afloat.

I do not apprehend any danger of war at present.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 291.]

Mr. Duke to Mr. Williamson.

CONSULATE OF THE UNITED STATES AT SAN SALVADOR,
December 31, 1875.

SIR: This consulate, on the eve of the 29th instant, filed a protest from Mrs. Julia Martinez, (as printed, copy inclosed,) complaining of an outrage having been committed by Captain Douglass on an American steamship, the Mohongo, he having brought her son, Lieut. Col. J. Ma. Peña, as a prisoner (conveying at the same time, as his guard for safe-keeping on board, two Costa Rican officers) from the port of Punta Arenas, Costa Rica. She also, at the same time, protests against her son's being sent back to Punta Arenas in an American vessel, she having been informed that the court of Salvador pretends returning him as a prisoner under the same guard that brought him (here) to La Libertad on the 22d instant, and asking me to instruct the captain of the steamer Arizona, now expected at the port of La Libertad, on its trip to Panama, that once on board of said steamer to allow him to disembark at any neutral port that he may think proper; and judging that the petition is well founded in said protest, to the effect I sent a dispatch to the captain of the American steamship Arizona, informing him that should Lieut. Col. J. Ma. Peña be sent on board, that once there to consider him as on American soil, and at liberty to disembark wherever he pleases. I have inclosed you a copy of my dispatch sent to the captain of the Arizona.

By all that has been told me by passengers by the same steamer that landed at La Libertad and arrived here, they say that it was publicly talked of on board when they left Punta Arenas that the person of J. M. Peña was being carried to La Libertad as a prisoner, and that at every port after they left Punta Arenas, which they stopped at, he (Peña) was locked up in one of the state-rooms as a prisoner by the two officers sent by the government of Costa Rica, and permitted by Captain Douglass and officers of the Mohongo. It appears that they allowed their vessel to serve as a prison for the government of Costa Rica.

I have informed the Department at Washington of what I have done, and hope it will approve, as well as yourself, of the steps I have taken, so that a similar outrage is not committed or allowed by this consulate as by that of Costa Rica.

I am, sir, your obedient servant,

J. MAURICE DUKE,
United States Consul.

Hon. GEORGE WILLIAMSON,
American Minister to Central America, Guatemala.

[Inclosure 2 in No. 291.]

Mr. Duke to the captain of the Arizona.

CONSULATE OF THE UNITED STATES AT SAN SALVADOR,
December 30, 1875.

SIR: This consulate having been informed, by a protest filed in it yesterday, that the court of Salvador contemplates returning to Punta Arenas, Costa Rica, on board the steamer Arizona, that you command, as a prisoner, Lieut. Col. José Maria Peña, an outrage having already been perpetrated by the captain of the American steamer Mohongo, his having brought him from Punta Arenas as a prisoner, having been escorted to insure his safe delivery from the last-named port to La Libertad by two Costa Rican officers, and my not wishing a similar repetition to occur, should the said J. Ma. Peña, as a prisoner, be sent on board your vessel, you will consider him, once under the American flag, to be on American soil, and free to disembark where he pleases. It is not to be imagined that a vessel carrying the American flag can serve either the government of Costa Rica or Salvador as a prison for their citizens, even if there should exist a treaty of extradition between Costa Rica and Salvador, of which, however, there is none.

In due course I will inform the American minister at Guatemala, as also the Department of State at Washington.

I am, sir, your obedient servant,

J. MAURICE DUKE,
United States Consul.

[Inclosure 3 in No. 291.—Translation.]

Protest of Mrs. Peña.

For the information of the people of Salvador, and of the rest of Central America, is printed the following document, that has merited from the honorable consul of North America a decisive action worthy of his respectable character and that of the first republic of the continent. Honor to probity; applause to the protectors of right!

Mr. Consul of the United States, I, Julia Martinez de Peña, native of the Republic of Salvador, widow, and citizen of Cojutepeque, respectfully come before you to make the following protest: The supreme power of Costa Rica has just sent to this country, in the character of prisoner, on board the steamer Mohongo, my legitimate son, Lieut. Col. José Maria Peña, who has come guarded by two Costa Rican officials, who are now in the port of La Libertad.

The reason assigned for this proceeding, as unusual as disgraceful, appears to be a declaration made known by my above-mentioned son in the republic where he was made prisoner, in virtue of which he appears as confessing himself guilty of the black crime of an attempt at assassination against the person of General Thomas Guardia, President of a people where violence, tyranny, and immorality are now found established in the government.

It is also said that, according to this strange declaration, the Lieut. Col. Peña appears as the accuser of the supreme chief of his country, Marshal Santiago Gonzalez, accusing him of complicity in the unholy attempt of which I am going to speak with all the bitterness and indignation of a mother who sees the being whom she nourished in her bosom a victim of fear and infamous fraud, the sad consequences of which I will not dwell upon under the weight of my grief.

Permit me, Mr. Consul, to say here, in reference to the principal object of this writing, that I protest with all my power against this iniquitous scheme on the part of the government of Costa Rica to cover with odium the government of Salvador, destroying at the same time the honor and lawful expectations of the son that I conceived, in the present case as innocent as unfortunate.

It is sufficient, Mr. Consul, to consider in the light of public opinion the confession to which I refer, to see in it the fruits of a state of madness, or rather of a horrible imprisonment, in which the expectation of torture or of death is capable of tearing from the man the confession that may be desired, although it should be his own infamy, although it should be an eternal disgrace to him who in an unhallowed hour has had the sad necessity of uttering a falsehood, yielding to human weakness, tortured by the ministers of evil, who make torture an element of government.

The history of the world is full of similar iniquities, in which brute force is used by man to proclaim his own degradation, and the slander that tyrants need to cowardly work out evil from their timid adversaries. The immoral government of Costa Rica

has had the sad satisfaction of doing this, as is proved by the explanations he has spontaneously given since he finds himself free from the control of the authors of his present misfortune.

Having seen thus the act in question, I do not understand, Mr. Consul, how the captain of the steamer Mohongo, Mr. Douglass, has been able to cover with the flag of the stars of liberty a victim of tyranny, trampling under foot international law and natural rights, inviolable in every territory where they have not been transgressed. And as the ships of the American Union are, and ought to be, considered as an integral part of the territory of that great nation, it can be well protested against the blamable condescension of the captain of the Mohongo, who has acted the part of jailer to my son, and I protest solemnly, with all the energy which wounded feelings and rights give, reserving to myself the right to reclaim at a proper time reparation for the injuries and damages that such unauthorized conduct may bring upon Lieut. Col. José Maria Peña, the object of the very strange proceedings that I have just mentioned, and which right and morals reprove and condemn.

But it is also the case, Mr. Consul, that, in the councils of the Salvadoran chancery, it is believed convenient, and by all means necessary, to return my son to the country whence he was brought to this in such a predicament; and I entertain the sad conviction that if such a thing happens he will be sacrificed by those who have wished to make him an instrument of their perverse designs.

If such a misfortune should be realized, it will be only with the co-operation of some of the North American captains and ships that touch in the ports of Central America, and in so deplorable an event the blood of my son, the blood of this Salvadoran, who suffers without just cause the penalties and insults that the satanic machinations, foreign to his heart and to the loyal government of Salvador, wish to inflict upon him—this blood, I say, will not fall without rising to Heaven, calling for reparation from the magnanimous people of North America, whom you, Mr. Consul, so worthily represent in this land, thirsting for justice and liberty.

If such a misfortune should happen, there will not be wanting voices bold and generous that may say to the world, "The flag of the nation that in each one of its stars symbolizes a star of justice and liberty; the flag of a nation that has hallowed the rights of man, elevating itself by this to higher altitude in the scale of humanity, has served in one portion of the American continent, in the bosom of democracy, to cover an injustice, a cruelty, an abominable crime."

With such information, and not finding here the diplomatic minister of the United States, I address myself to you formally, begging that you will be pleased to notify the captain of the steamer that is to bear my son from the shores of his country to other foreign ones, that in the very moment he may be placed upon board he ought to be considered as in full and perfect liberty, and with the undeniable right of landing in any neutral port it may suit him. If it is not so, I protest immediately, as the gravity of the case demands; and so I also protest against the conduct of the captain of the steamer Mohongo again and again, making the North American Union responsible before God, before civilized men, and before all humanity for the sacrifice or the afflictions that my son, Lieut. Col. José Maria Peña, may suffer, and for the injuries and misfortunes that will weigh upon his harassed family, depending now upon the equity with which the agents of a great people may act.

JULIA MARIA DE PEÑA.

SAN SALVADOR, *December* 29, 1874.

[Inclosure 5 in No. 291.]

Mr. Williamson to Mr. Duke.

UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, January 8, 1875.

SIR: Your dispatch dated the 31st ultimo, containing a printed copy of what is called the "protesta" of Mrs. Julia Martinez de Peña, and also a manuscript copy of your letter to the captain of the Arizona, has been received.

I am of the opinion that it is highly discreditable for an American vessel to be used as a temporary prison or conveyance for the transportation of prisoners from one country to another, unless the prisoner conveyed is being lawfully returned under extradition treaties from the country in which he has sought refuge to that in which he committed the crime of which he has been, in due form of law, accused.

The man who is called in the protest Lieutenant-Colonel Peña is shown by the statements in that document to be so infamous that he is entitled to no sympathy, but yet his infamy does not alter the principle or its application.

You will allow me to say, in all kindness, that in my judgment it would have been better for you to have stated to Mrs. Peña that there is no provision of law authorizing

the protests of foreigners in such cases to be received and filed in an American consulate, and that an American consul has no authority to order or instruct American captains or ship-owners, but can only advise and request, except as prescribed by law.

Your well-known intimacy with President Gonzalez lessens the apprehension that your action in receiving and filing such a paper as the "protesta," and giving such instructions as you did to the captain of the Arizona, may be highly unacceptable, if not offensive, to the government of Salvador.

All the papers, together with a copy of this letter, will be forwarded to the Secretary of State.

I am, sir, your obedient servant,

GEO. WILLIAMSON.

J. MAURICE DUKE, Esq.,
United States Consul at San Salvador.

No. 104.

Mr. Williamson to Mr. Fish.

No. 299.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, January 23, 1875. (Received March 11.)

SIR: I have the honor to inform you that the government of Guatemala to-day published a decree, No. 130, upon the subject of primary public instruction, which is quite interesting.

The decree is very long and minute in its details, and, therefore, I only furnish a synopsis.

It makes primary education between the ages of six and fourteen compulsory as to both sexes, and allows but three excuses, which are as follows:

1st. That the government is convinced the children who do not attend the public schools are being properly instructed at home by a teacher, or in some private school.

2d. In cases of physical or moral inabilities.

3d. In case the children have not proper clothing and the parents or guardians are not able to supply them.

The last-named excuse is ordered by the law to be immediately removed by the municipal authorities as soon as it is known.

Primary education is made gratuitous. The government assumes all the expense of education, including salaries of teachers, school-furniture, books, maps, &c.

The whole administration of the educational fund, and the execution of the law, is charged upon a commission called "General Direction of Public Instruction," with numerous subordinate commissions in the different departments and towns. The whole is under the control of the minister of public instruction, who is a young man of less than thirty, with but a small experience in schools, and whose life has been passed in Central America.

The law contains many arbitrary provisions. They are so numerous that even in this country, where laws are usually made and executed by the simple mandate of the President, the minister who presented the law accompanied it with a report in which he points out the necessities that unhappily compel the government to the adoption of such measures.

It is to be hoped the system may be successfully carried out. There will be many and apparently insurmountable difficulties to overcome. Chief among them appears the lack of competent teachers. This deficiency the normal school, proposed to be established, may in time supply.

The present attempt at organizing a public-school system, is, in my

judgment, one of the most laudable acts of the present government, for which it should be entitled to credit, whether there be success or failure.

My opinion is that there are too many obstacles to be overcome for the plan to be successful, and that the government is undertaking a grave experiment which is likely to create great dissatisfaction and may result in revolution. But having driven out most of the priests and nuns, who were heretofore the instructors of the people, it seemed necessary the government should try to supply their place. It proposes to make the attempt in a very bold if not somewhat reckless way.

I have, &c.,

GEO. WILLIAMSON.

No. 105.

Mr. Williamson to Mr. Fish.

No. 303.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, February 2, 1875. (Received March 11.)

SIR: I have the honor to inclose you correspondence with the minister of foreign affairs of Nicaragua, on the subject of the pretensions of the "Mosquito King," together with copies of the originals and translations of all the documents he sent me therewith, except the proclamation of the said "so-called king," which was sent with my No. 289,* dated January 6, 1875.

Your attention is especially called to the following words in the note of the minister, at the close of the last paragraph, to wit: "And it would wish to know on what assistance it could be able to count, on the part of the United States, in bringing to a conclusion its measures."

I hope my reply to this vague language of apparent curiosity is sufficiently general, and may prove acceptable to you.

I take occasion to say that I have frequently observed a disposition upon the part of the diplomats of this quarter to emphasize their construction of the Clayton and Bulwer treaty, either against the United States or Great Britain, as they may think danger or menace of danger is threatening from one or the other of those powers. It may be I do not fully understand the scope and true intent of that treaty, or may be mistaken in supposing whatever good can result from it has been fully accomplished; but I do not think I am mistaken in saying it is construed throughout Central America as being far more valuable to these countries than to either of the high contracting powers.

In fact many expressions here might lead one to suppose it was made for the special benefit of the Central American states.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 303.—Translation.]

Mr. Rivas to Mr. Williamson.

OFFICE OF MINISTER OF FOREIGN AFFAIRS,
Managua, January 5, 1875.

SIR: I have received instructions to give information to your excellency of the address that the so-called king of the Mosquitia tribe directed to the council and people on the act of taking possession of the government in September, 1874.

*Ante.

From trustworthy information it is known that H. B. M.'s frigate, named the Eclipse, Capt. T. E. Erskine, provided, in a Nicaraguan island, (Corn Island,) a meeting of the so-called king and his court, and it is whispered that the object of that frigate is to protect the Moscos in their pretension of declaring annulled the convention of Managua relative to Mosquitia, on the pretext that they do not have to adhere to said convention. Opposed to this pretext we have the execution of the pact, in virtue of which San Juan del Norte and all the coast, with the exception of the "Reserve," returned to Nicaragua, and the fact of the Indians having received two annual payments of the stipulated subvention.

My government has given instructions to the governor intendente of San Juan del Norte for the arrangement and payment of the residue of said subvention, in order to remove all pretexts to the Indians of failure of fulfillment on the part of Nicaragua.

It undoubtedly appears that British subjects have suggested to the Indians subversive ideas, and of a tendency to induce them to erect themselves into an independent nation, and it is an undeniable fact that although England has separated herself from the Mosquitia protectorate by the convention of Managua, the British influence has been maintained in that region by means of English subjects. My government believes that it is already time to be adopted on the part of Nicaragua efficacious measures to make respected the sovereignty of the republic, and it would wish to know on what assistance it could be able to count, on the part of the United States, in bringing to a conclusion its measures.

Will your excellency be pleased to transmit me your ideas upon this affair, and to accept the respectful consideration with which I subscribe myself,

Your excellency's attentive servant,

A. H. RIVAS.

P. S.—I inclose to your excellency a copy of the measures dictated by this government in consequence of the conduct observed by the chiefs of Mosquitia.

Hon. GEO. WILLIAMSON,
Minister of the United States in Central America.

[Inclosure 1 in 1 in No. 303.—Translation.]

Instructions of Barberena to the governor of San Juan del Norte.

MANAGUA, *January* 5, 1875.

SEÑOR GOVERNOR-INTENDENTE OF SAN JUAN DEL NORTE:

With your esteemed favor of the 15th of December last the undersigned received the copy that you were pleased to inclose of an address that in September last the chief of the Mosquitia tribe of Bluefields addressed to the inhabitants of the district of the reserve, making known to them his intentions and purposes in reference to the government and administration of said district, which territory he considers independent of the Republic of Nicaragua, of which it is without doubt an integral part; and assuming the character of a sovereign of a nation that never has existed, nor exists at this time, with which pretext it is proposed to place it in relations with the other nations of the world.

The document alluded to the undersigned brought to the knowledge of his excellency the President, who, impressed by these designs, has taken care to answer that the government cannot see with indifference the aspirations that are contained in it, and the manifest designs of the said chief, or, perhaps, of the persons who, for particular designs or interests, try that means to disregard the sovereignty of the republic, and to separate that part of its territory that, by legitimate and incontrovertible title, belongs to it.

You know that by the convention of Managua of the 28th of January, 1860, celebrated between the government of Her Britannic Majesty and that of Nicaragua, it was expressly stipulated that the district of the Mosquitia Reserve returned to the control of Nicaragua, to which sovereignty it belonged, and is recognized as an integral part of the territory of the republic. It was also stipulated that the British protectorate which in fact was exercised in that territory should cease three months after the exchange of the ratification of the said convention; and, finally, it was stipulated that the Mosquitia Indians of the reserve should govern themselves according to their own customs and the regulations that should be from time to time adopted by them, they not being incompatible with the sovereign rights of Nicaragua.

So it is that the reserve is not any other thing than a district of the republic; it forms an integral part of her territory; her sovereignty is recognized and ought to be exercised in it; and the authorities that there pretend to any importance do not have, nor can assume, any other character than a purely local one, and the usages and regulations they emit can only be added to their municipal code. Therefore the preten-

sions of the chief of the tribe to entitle himself king, and under this idea to place himself in relations with the nations of the world, to maintain an organized council of chiefs and representatives of Mosquitia, and for other purposes, by the title, are absurd pretensions, destitute of foundation, and that the government of Nicaragua ought not in any manner to consent to nor tolerate it.

It is to be presumed that all of these acts are done without the knowledge of Her Britannic Majesty's government, and that some persons, through motives of speculation, may be the instigators of such proceedings, since it is not to be supposed that a government so illustrious as that of the English nation, and so jealous of its dignity, would wish to contravene stipulations so explicit as those in which is constituted the ratification of the convention above mentioned.

However much it is sought, there will not be found any plausible reason that can justify the pretensions of the chief of the reserve, since, if there should wish to be alleged a failure in the payment of the subvention stipulated in the convention referred to, this would not be a motive to authorize such a procedure; nor has the government of Nicaragua refused to pay, being, as it always has been, disposed to complete it as soon as there is an authorized person to whom it can intrust the sum agreed upon.

Leaving these considerations, the undersigned has received an order from his excellency the President to say to you that you immediately address a communication to the chief of the reserve, making known that the district, in which he pretends his importance, belongs to Nicaragua; that it is an integral part of her territory, and subject of its own accord to her sovereignty; that, in his capacity of chief, he is only a local authority, without other attributes than those of governing the inhabitants of the district in that concerning its municipal code in conformity with established customs and regulations emitted, without wounding in any manner the sovereign rights of Nicaragua; and that the government will never consent that the said chief may take any measure nor execute any act opposed to the sovereignty of this nation; and that in a contrary case it will see itself in the necessity of taking that attitude that it may deem best, and of dictating all the measures the circumstances may demand.

This communication you will try to prepare in terms circumspect and moderate, avoiding recriminations and fault-finding, which, instead of being useful, may be prejudicial, and taking care, above all things, to make the said chief understand the good disposition of this government in respect to those inhabitants whom it considers as members of the Nicaraguan family; and you will address it clearly, carefully, and suitably for the carrying out of its purpose.

In the same communication, or in another separate one, you will make known to the said chief that the government is disposed to pay the annual residue of the subvention, and that, for this purpose, he can come to that port or name a commission to represent him in arranging the terms of the payment; and if he refuses this, then you, in the name of the government, will direct to him a formal protest, exempting Nicaragua from any responsibility whatever that by this incident he should wish to exact.

As, according to what has already been said, it is to be presumed that the proceedings of the chief of the reserve may be unknown to the British government, it is advised to you that you place them in the knowledge of the English consular agent who resides in that city, making apparent the want of authority and illegality of that conduct.

Of the result of all, you will in due time give an account to the minister.

In such terms I confirm to you your official duty, signing myself of the señor governor-intendent, with marks of appreciation and esteem, the attentive servant.

A true copy. Managua, January 6, 1875. BARBERENA.

BARBERENA.

[Inclosure 2 in 1 in No. 303.—Translation.]

DECREE OF THE GOVERNMENT OF NICARAGUA.

THE GOVERNMENT.

Inasmuch as the district of the Mosquitia Reserve, as an integral part of the territory of the republic and subject to her sovereignty, needs the inspection and immediate supervision of the executive; as this inspection is made so much the more necessary since, according to positive information, the chief of the Mosquitia Indians of the said reserve is inclined to assume a character that does not correspond to, nor is permitted by, the laws; since, for the same reason, it is the duty of the government to take measures of avoiding that in said district abuses should be committed that would redound to the injury of the sovereignty of the nation, and considering that one of these measures is to extend to the said district the jurisdiction of the governor-intendent of San Juan del Norte in the use of its powers, decrees:

1st. The governor-intendent of San Juan del Norte, in addition to the powers that by the laws belong to him in the district of his command, will exercise jurisdiction in that of the Mosquitia Reserve, in all that is not opposed to the usuages and customs of the inhabitants of said reserve, and the regulations that may have been adopted not being incompatible with the sovereign rights of Nicaragua.

2d. In consequence, the governor-intendent will watch that in the district of the reserve the sovereignty of Nicaragua may be respected, and that those authorities, in the exercise of their functions, may be solely limited to a purely municipal rule, which is the only one that is permitted by the convention of the 28th of January, 1860.

3d. The governor-intendent will likewise take care that in the local administration of said district no foreign authority shall intermeddle, and that the regulations that are issued shall not oppose in any manner the sovereign rights of the nation.

4th. The governor-intendent will himself also take care that in the said district the consuls of foreign nations that come to establish themselves in it shall obtain their *exequaturs* from the government of the republic, without which requisite they shall not be able to perform duties.

5th. The present decree is additional to the regulations of the port of San Juan del Norte of the 20th of February, 1861.

Let it be communicated.

Managua, January 6, 1875.

QUADRA.

BARBERENA, *The Minister of the Government.*

A true copy.

Managua, January 6, 1875.

BARBERENA.

[Inclosure 2 in No. 303.]

Mr. Williamson to Mr. Rivas.

UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, February 2, 1875.

SIR: I have the pleasure of acknowledging the receipt of your note of the 5th of January, together with its interesting accompaniments, all of which will be communicated to my Government by the first mail.

It is hoped the steps your excellency's government has taken to suppress what seems to be an incipient defiance of its authority in Mosquitia may result satisfactorily.

The traditional policy of the United States warrants the assurance that my Government cannot look with favor upon any attempt to dismember the integrity of the territory of Nicaragua, whether such attempt be made by citizens of a European state, using as their cloak the pretensions of a so-called "king," and professing to act upon their individual responsibility, or with the open assistance of their governments.

As soon as the instructions from the Secretary of State are received, I shall have the pleasure of again communicating with your excellency upon this subject.

I have the honor to renew to your excellency the assurance of my distinguished consideration, and remain

Your obedient servant,

GEO. WILLIAMSON.

P. S.—Since writing the foregoing note, I beg to inform your excellency that it has been my good fortune to have had a conversation on the subject with the British minister resident here, and he assures me he has no knowledge of the pretensions of the "Mosquitia king."

Your obedient servant,

GEO. WILLIAMSON.

His Excellency Señor Licenciado Don A. H. RIVAS,
Minister of Foreign Affairs, Nicaragua.

No. 106.

Mr. Williamson to Mr. Fish.

No. 304.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, February 3, 1875. (Received March 11.)

SIR: I have the honor to transmit to you herewith copies of correspondence and translation with the minister of foreign affairs of Nica-

ragua in regard to the recent correspondence between his government and that of Costa Rica, growing out of the acts reported to you in my No. 267,* dated from San Juan del Sur, November 3, 1874.

The correspondence between the ministers is not considered of sufficient importance to send. The substance of it is as follows: The minister of Nicaragua, in very bold and almost dictatorial terms, demands reclamation and apology for the invasion of the territory of Nicaragua in October last by troops of Costa Rica, and for the capture of some prisoners, and for the shooting of two unarmed Nicaraguans. The Costa Rican minister, without admitting the facts, says the territory spoken of is neutral ground, denies the responsibility of his government, and deals in many recriminations with a bitterness of style that evinces a readiness for a rupture.

The Nicaraguan minister, in reply, reiterates his reclamations in milder terms, is apologetic in the tenor of his dispatch, and proposes to leave the question of the disputed boundary to a mixed commission. Here the correspondence seems to have closed for the present.

I do not believe there is any serious danger of a war resulting from this disagreement, nor do I think it will lead to any other result, except that Costa Rica may hereafter claim that her boundary-line has been extended by her exercising acts of sovereignty over the disputed territory.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 304.—Translation.]

Mr. Rivas to Mr. Williamson.

OFFICE OF MINISTER OF FOREIGN AFFAIRS,
Managua, January 8, 1875.

SIR: For your information, I do myself the honor to inclose to your excellency two printed copies of the correspondence had with the Costa Rican cabinet in reference to the acts done in Nicaraguan territory by the forces of that republic.

My government is pleased to believe that your excellency will appreciate in their true worth the motives that have guided it in bringing forward its reclamation for acts that it has believed to be offensive to the sovereign dignity of the nation, as well as to the fraternal sentiments that should animate the republic of Costa Rica, and to its sincere desire of putting an end to the annoying and prejudicial questions that separate it with this government.

In the hope that your excellency will co-operate for the consummation of this end that is interesting to the peace of Central America, I have the honor of offering to your excellency the distinguished consideration with which I subscribe myself,

Your excellency's attentive servant,

A. H. RIVAS.

Hon. GEO. WILLIAMSON,
Minister of the United States in Central America.

[Inclosure 2 in No. 304.]

Mr. Williamson to Mr. Rivas.

UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, February 2, 1875.

SIR: I have the pleasure of acknowledging the receipt by the last mail of your esteemed note of the 8th of January, together with two copies of the late correspondence between your government and that of Costa Rica, in relation to "the acts executed upon the territory of Nicaragua by the forces of Costa Rica," in October last.

* *Ante.*

Your excellency has been pleased to say in your note referred to, that you hope "will" co-operate for the consummation of that end that is interesting to the peace of Central America.

Faithful to the good-will which the people of the United States have always shown to their neighbors in Central America, I venture to say my Government will doubtless be pleased to do whatever may be properly done to secure the establishment of a permanent peace among the states of Central America.

I may expect special instructions to promote that desirable end, if it be possible to do so with a just maintenance of the national policy to adhere strictly to our time-honored principle of avoiding all interference in the affairs of other states.

Your excellency does but simple justice to this legation, in supposing that a just appreciation exists of the fraternal sentiments that should animate the republic of Costa Rica, and of the sincere desire of your government to put an end "to the annoying and prejudicial questions that hold it aloof from Nicaragua." The efforts of the legation to preserve peaceful relations between the states, and especially to remove all causes of difference between Costa Rica and Nicaragua growing out of the boundary question, are well known to your excellency's government.

Renewing the assurance of my high consideration, I have the honor to be your excellency's obedient servant,

GEO. WILLIAMSON.

His Excellency Señor Licenciado Don A. H. RIVAS,
Minister of Foreign Affairs, Nicaragua.

No. 107.

Mr. Williamson to Mr. Fish.

No. 306.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, February 4, 1875. (Received March 11.)

SIR: I have the honor of handing you herewith copies and translation of letter from minister of foreign affairs of Nicaragua, announcing the result of the late presidential election in that country and inviting me to be present at the inauguration; also, a copy and translation of the decree accompanying his letter, and my reply.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 306.—Translation.]

Mr. Rivas to Mr. Williamson.

OFFICE OF MINISTER OF FOREIGN AFFAIRS,
Managua, January 20, 1875.

SIR: I have the honor of inclosing to your excellency a certified copy of the declaration of Congress of the election of the future President of the republic.

The honorable precedents of Mr. Chamorro, and his known principles in favor of the progress of his country and of the respect due to other nations, guarantee that, during his term of office, will be maintained and developed the good relations that happily exist between this republic and the nation so honorably represented by your excellency. So it is that I am gratified in thinking that that declaration of the national vote will be received with pleasure by your excellency.

The 1st of March next, at one o'clock, will take place the solemn act of the inauguration of the new President, and it is pleasant to me to make known to your excellency that the entire country and its government will feel honored if that solemnity can be attended by your excellency.

I take this opportunity to renew to your excellency the assurance of my profound respect and of my distinguished consideration.

A. H. RIVAS.

Hon. GEO. WILLIAMSON,
Minister Resident of the United States in Central America.

[Inclosure 1 in No. 306.—Translation.]

DECREE OF THE PRESIDENT OF NICARAGUA.

The President of the Republic of Nicaragua to its inhabitants:

Know that the sovereign Congress has declared the following:

The Congress of the Republic of Nicaragua declares—

Article 1st. The citizen, Mr. Pedro Joaquin Chamorro, is popularly and constitutionally elected President of the republic by the free and spontaneous vote of the Nicaraguans for the term that commences the 1st of March of the present year.

To the executive power.

Given in the hall of the sessions of Congress, Managua, January 19, 1875.

JOSÉ ARQUELLO ARCE, *Pte.*
PEDRO CHAMORRO, *D. S.*
FRANCISCO DEL CASTILLO, *D. S.*

Therefore let it be executed.
Managua, January 19, 1875.

VICENTE QUADRA.
FRANCISCO BARBERENA,
Minister of the government.

RIVAS.

[Inclosure 2 in No. 306.]

Mr. Williamson to Señor Rivas.

UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, February 2, 1875.

SIR: Your esteemed note of the 20th of January, containing a copy of the decree of your excellency's government announcing, as the result of the presidential election in October last, that the distinguished citizen, Señor Don Pedro Joaquin Chamorro, had been duly elected President of Nicaragua for the term beginning the 1st of March next, was received by the last mail.

The polite invitation to be present at the inauguration of the President-elect would be accepted with unfeigned satisfaction if it were not necessary for me to visit the capital of Honduras on important official business at this time. If it be possible to be present at the inauguration, I shall be gratified. Whether present or absent, I beg leave to tender my congratulations upon the occasion, and to express the hope that the administration of the President-elect may be highly advantageous to Nicaragua, and contribute to enroll his name among her greatest benefactors and truest patriotic statesmen.

The occasion is also taken to beg of you to present to President Quadra my sincere congratulations on the success of his administration, and my thanks for the uniform friendliness he has been pleased to exhibit toward me as the representative of my country. He has my best hopes for his happiness and welfare.

Renewing to your excellency the assurance of my high consideration, I have the honor to be your obedient servant,

GEO. WILLIAMSON.

His Excellency Señor Licenciado Don A. H. RIVAS,
Minister of Foreign Affairs, Nicaragua.

No. 108.

Mr. Williamson to Mr. Fish.

No. 315.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, February 16, 1875. (Received March 11.)

SIR: I have the honor to send you herewith a copy of an interesting dispatch from Mr. Romeo H. Freer, commercial agent at San Juan del Norte.

It is mainly corroborative of information and suggestions heretofore

made, in my dispatches Nos. 269* and 289,* referring to the same subject; but in the marked passages on pages 5 and 6 you will find more explicit statements than I have been able to make.

It seems probable that the captain of the British man-of-war and the vice-consul at Greytown were acting with the knowledge, if not under the instructious, of their government.

The British minister here assures me he has no knowledge of anything that has been done in relation to the Mosquito question, as reported by Mr. Freer, and I believe he has no instructions on the subject.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure in No. 315.]

Mr. Freer to Mr. Williamson.

UNITED STATES CONSULATE AT SAN JUAN DEL NORTE, NICARAGUA,
December 11, 1874.

SIR: By the mail of to-day I had the honor of receiving your dispatch of November 12th, dated at Managua, and also, from the minister of foreign affairs, Mr. Battle's commission and exequatur.

In reply to your inquiries about the "person who calls himself the King of Mosquito," I have the honor to make the following reply, at the same time referring you to my dispatch of November 20th, which I trust has reached you before this.

As suggested in my last dispatch, above referred to, I have visited Bluefields, and, after an absence of two weeks, find myself much improved in health. A very cordial welcome was extended by the citizens of the place on my arrival there, including a salute, a public dinner, and an address of welcome. All this was against my wishes, but could not be avoided without giving offense.

To the address, which contained many useless and bold declarations regarding Mosquito and the desires of the people to see our flag waving over all Central America, I replied in general terms, saying, in substance, that I presumed their cordial reception was in honor of a nation that loves peace and liberty, and that earnestly desires the prosperity and happiness of all people, more than of myself, its humble representative, and assured them that only for the purpose of benefiting commerce had Mr. Battle been named as our representative there.

Much satisfaction was expressed at Mr. Battle's appointment, and I found him to be an intelligent gentleman, who will, no doubt, make a careful and efficient officer.

The chief I did not see, he having left for a place some twenty miles above, the night previous to my arrival. It was well understood that his confidential adviser induced him to do this to avoid meeting me, and his action was strongly condemned by the magistrate in charge of the government during his absence.

After my arrival, and without my knowledge, these gentlemen sent him a letter, urging him to return and see me as a mere act of courtesy on his part, and also to be prepared to meet the English man-of-war daily expected. To this request he replied very insolently, as they thought, but as I cared nothing about the matter took no pains to learn his exact words.

During my stay in Bluefields I secured the confidence and friendship of the people, and became acquainted with the condition of affairs in the Mosquito government.

The chief is not a badly-disposed youth, and I apprehend would conduct affairs far better than those who are advising him. His confidential adviser, attorney-general, &c., is one Cuthbert, a Jamaica negro, and a subject of *Great Britain*, as *in fact are all the principal* officers of his government. This Cuthbert is a cunning, unscrupulous fellow, with far more assurance than ability, and has acquired complete control over the chief's actions. In my judgment it is clear that it is the influence and acts of the English subjects connected with the chief's government, and many others, claiming like protection, stimulated I fear by the passive support of the authorities of Jamaica, that have produced the present state of affairs. These people, under Cuthbert's leadership and advice, have decided in their extraordinary wisdom that the treaty of Managua of January 28, 1860, is of no more force or validity, because Nicaragua has faile d to pay the balance of the indemnity. I mistrust that this view of the matter was suggested to them in Jamaica, as it was well understood that an English man-of-war would soon follow their (the chief and party) arrival in Mosquito.

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* *Ante.*

The acting British consul here has been, until the arrival of the sloop-of-war Eclipse on the 29th November, wholly ignored, the Mosquito government corresponding directly with the admiral at Jamaica, and in their correspondence the necessity of a war-vessel was urged for the following reasons, in substance: First, that Mr. Paten, late British vice-consul here, who fell into the bayou back of the town and was drowned, while in a fit of intoxication, was murdered by some of the Nicaraguan citizens of the place. Second, that the rights of British subjects were in danger. Third, that Nicaragua contemplated asserting complete authority over the reservation, regardless of the stipulations of the third article of the treaty; and fourth, that the balance of the indemnity would not be paid without a demand from Great Britain.

In reply to these requests the sloop-of-war Eclipse, Capt. John E. Erskine, commanding, was dispatched from Jamaica, arriving here on the 29th November, and after a short stay proceeded to Bluefields, with the acting consul on board. Not finding the chief there, she sailed for Corn Island, leaving instructions for him to follow her there. This he did, accompanied by Cuthbert and Vice-President (?) Patterson. The consul informs me that a careful and thorough investigation was made into all the complaints and grievances submitted by them, and that Captain Erskine will make a full report upon his return to Jamaica. While I could not learn the exact character of the report, yet, from what I have ascertained from the consul, I feel assured it will be of such a nature as to insure a formal demand for immediate payment of the indemnity.

The Eclipse left here on the 8th instant for Jamaica, via San Andrews. It seems a little strange that she visited Corn Island, and will call at the island of San Andrews. The visit to the first was entirely unnecessary, and to the second unusual.

The Indians appear to be well satisfied at present with the chief, though they evidently do not entertain the confidence and faith in him that they reposed in the former king. He pays but little attention to the business of the government, the most of his time being occupied in horse-racing, shooting, and like sports. I inclose herewith a copy of the proclamation * issued by him on his return from Jamaica in September last. It is an extraordinary document, or rather an absurd one, but indicates pretty clearly the feeling of the British subjects residing in Mosquito, and also of the Bluefield creoles. It was evidently inspired in Jamaica. The original is a formidable-looking paper, being 8 feet in length by 2 in breadth, printed in capitals.

The United States steamer Kansas will arrive here during the coming week, touching on her way to Key West from Aspinwall.

Political affairs in Nicaragua remain as when you were in the republic. A meeting of the merchants of this place called to consider the propriety of loaning money to the San Juanillo Canal Junta, unanimously decided not to do so. It is feared by them that the success of the project, or rather the commencement of such a work, will cause an increase of duties, and the money raised sent to the interior and expended as has been done for so many years past.

I again assure you of my regret at not seeing you while in Nicaragua. If possible I will meet you in Granada in March, and secure you quick transit to San Juan. Please excuse the length and haste of this dispatch.

I am, sir, your obedient servant,

ROMEO H. FREER.

Hon. GEO. WILLIAMSON,
United States Minister at Guatemala, Central America.

No. 109.

Mr. Williamson to Mr. Fish.

No. 322.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Comayagua, Honduras, March 23, 1875. (Received April 27.)

SIR: I have the honor to hand you herewith an English and Spanish copy of the protocol signed by the minister of foreign affairs of Honduras and myself yesterday, in regard to the settlement of the question of the outrage upon our consulate at Omoa, in July, 1873; two notes and translations addressed to me by the minister, a copy and translation of the decree accompanying one of the notes, and a copy of my reply of this date.

I beg to call your attention especially to my reply, as it contains, in

* See inclosure in Mr. Williamson's No. 289, *ante*.

as diplomatic language as I was able to employ, my views upon the presentation of the constitutional and legal argument of the minister.

The government of Honduras professed to be anxious to comply with the demand as originally presented, and, as I understood, agreed on in February, 1874, and, I believe, if it had dared to do so, would have pledged itself to begin proceedings against the officer in command at Omoa at the time of the outrage. The real difficulty, in my judgment, was not on account of constitutional or legal restrictions; for Central American history testifies that they are not usually regarded when the executive has the power and will to override them. It was substantially based on the following facts:

* * * * * * *

3d. Fear of the party of Arias, of which Straeber (the offending official) was the military chief, and of which he is now one of the most active and unscrupulous members.

My reasons for not pressing that part of the demand at this time, but, as you will see by Article V of the protocol, leaving it for you to decide whether it should be pressed hereafter, were mainly as follows:

1st. Because in such a country as this, where there is no sound public opinion, and no punishment of crime, it would have probably elevated the fellow who was to be degraded.

* * * * * * *

When the demand was first made in February, 1874, General Straeber, as he is called, was so infamous that I had reason to believe a compliance with the demand would have been hailed with apparent satisfaction, even by his own party. Now there is a great change, and I think such an occasion would be eagerly seized upon to make Straeber a hero, and to overthrow the present government of Leiva. I beg leave also to remark that I am informed, both by President Leiva and Minister Zuniga, as well as others, that Straeber neither is now, nor has he ever been, a general of Honduras. They say he was appointed to that rank by Provisional President Arias, but has never been confirmed by the Congress. I am also told he is a German by birth, and was an apothecary's shop-boy until he undertook to play the rôle of a military chieftain. From all I can learn, he may be justly classed among those mischievous adventurers who find this country a fitting field for the exercise of their little talents and the display of their vicious pretensions.

The salute was fired in the Plaza of Comayagua, on the morning of the 22d instant, in accordance with the terms of the protocol, in the presence of the troops, the minister of foreign affairs and of war, myself, and spectators. I insisted upon the minister proposing to fire the salute in the plaza of the capital, among other reasons, because it would give the greatest publicity. Such an event is said never to have occurred before in the history of Honduras.

One incident in connection with the firing of the salute and the arrangement of the flag I beg leave to mention. At the request of the President the flag of Honduras was dragged up after the American flag. I consented to what I considered this self-imposed degradation of their flag upon the conditions that the American flag was to be first hoisted and saluted before the flag of Honduras was unfurled, and that the flag of Honduras should be hauled down and the American flag alone left flying at the conclusion of the salute. This was done in accordance with the conditions, and I took occasion to say publicly that my Government was in no way responsible for such extraordinary treatment of the flag of Honduras. What was meant by the President's request and submission to such conditions I am wholly unable to comprehend. Im-

mediately after the salute was fired I called upon the President and exchanged congratulations with him. He and his minister accompanied me to my rooms and staid an hour or so with me.

I trust the protocol may receive your approbation, and also that our Government may come to the conclusion that it can, with honor, allow the whole question to be considered as definitively settled. This country is in such an unhappy state that it is helpless, and (I fear) on the eve of anarchy. The government cannot obtain sufficient funds to pay its soldiers and employés. It cannot enforce authority. Peculations of public moneys at the ports of entry are openly admitted and permitted, because the President says he cannot put in better men.

There is no agriculture, no mining industry, no source of present wealth, and such complete disorganization of society that even a revolution might be a beneficial change. Honduras is surely in a pitiable plight.

In regard to the decree of amnesty, a copy of which is herewith sent, I beg leave to say that, while it is questionable whether it is applicable to the case of Straeber, it is certainly an evidence that the present government of Honduras has acted with that kind of faith which has so long been considered an element of Central American diplomacy. No mention of its existence was made until after the protocol had been signed; and, I have good reason to believe, it was passed after the receipt by the President and by Mr. Zuniga of my personal notes to them of January, in which I told them of my intended visit to Comayagua in February, and recalled to their minds the terms agreed upon in February, 1874.

Hoping my whole course in this matter may meet your approval, I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 322.]

Protocol of an interview between his excellency Adolfo Zuniga, minister of foreign affairs of Honduras, representing his government, and his excellency George Williamson, minister resident of the United States of America to the states of Central America, representing his Government, in relation to the settlement of the question that has arisen between said governments on account of the outrage perpetrated upon the consulate of the United States at Omoa on or about the 9th day of July, A. D. 1873, *(eighteen hundred and seventy-three,) by the troops or people of Omoa.*

I. His excellency Mr. Williamson stated that, under instructions from his Government, he renewed the demand for satisfaction for the outrage upon the consulate of the United States at Omoa, on or about the 9th day of July, 1873, and hoped, from what was said in his conversation with the President and the minister of foreign affairs yesterday, that a satisfactory solution might be reached, honorable to both his Government and that of Honduras.

II. The minister of the United States stated the demand for satisfaction was as follows:

1st. That a letter of ample apology should be written to him, representing his Government, by the government of Honduras.

2d. That a salute of twenty-one guns should be fired to the American flag, at a time and place to be designated.

III. That the officer in command of Omoa and the fortress and troops of Honduras at that place at the time the said outrage was committed, should be dismissed from his rank, and by law be forever prohibited from holding any office of honor, trust, or profit, civil or military, under the government of Honduras. The minister of the United States also stated, if constitutional or legal obstacles existed that might prevent or hinder a compliance with the third article of the demand for satisfaction, that they would be considered.

His excellency Mr Zuniga, minister of foreign affairs, replied:

I. That on the 19th of February, 1874, the government of Honduras answered the claim of his excellency Mr. Williamson, United States minister, signifying that the

Honduras government deplored this disagreeable incident, offering to send to Omoa and to get the necessary information to verify the acts which gave cause to the claim; and that in case it was found true, the Honduras government would feel pleasure in doing justice to the Government of the United States, as established by the laws of nations. To that effect a double information was taken by the civil and military judges of first instance at Omoa. Although from these informations it does not appear especially proven the entire act or outrage offered to the American consulate, which had to suffer from the forces stationed at Omoa, together with all the commercial houses, native and foreign, at that place, still the government has the moral conviction of the reality of the outrage, and for this reason the secretary of foreign affairs, in a dispatch of the 24th of November, in reply to the second claim of his excellency Mr. Williamson, United States minister, dated the 10th of October, stated that the government of Honduras was disposed to give the satisfaction demanded, and by word agreed in a conversation which took place in this capital with the President of the republic, his excellency Mr. Williamson, and the cabinet ministers; that is to say, salute the American flag.

II. That, in reference to the letter of satisfaction to be addressed to the minister of the United States, the Honduras government has already expressed on distinct occasions the entire disapprobation and the profound sorrow for the conduct observed by the expeditionary forces at Omoa. That in the dispatches of the 24th November and 19th February, 1874, it has been so explained to his excellency Mr. Williamson, United States minister, but there is no difficulty in addressing another dispatch to the minister of the United States, repeating that the government of Honduras deplores and condemns the outrage committed on the American consulate at Omoa.

III. That regarding the destitution of employment and military rank of the officer who commanded the forces of Honduras at Omoa, and to his inability to hold any office of honor, of confidence, or of profit under the government of Honduras, the government meets with constitutional inconveniences to accede to this part of the demand of the United States minister. The destitution or the privation of an occupation or title, whether civil or military, and the inability, temporal or absolute, to hold an appointment of honor, lucrative or of confidence, is a penalty that can only be imposed by the tribunals by law established, giving cause, and in virtue of a sentence pronounced. That these summarily-expressed reasons will be explained *in extenso* to the United States minister in the dispatch which has been alluded to.

IV. That the government of Honduras, in satisfaction to the Government of the United States for the outrage committed on the American consul at Omoa, will order a salute to be given to the flag of the United States in this capital, at 8 o'clock on the morning of the 23d instant, expressing the hope that the Government of the United States will find itself satisfied, and so conclude and terminate this disagreeable incident.

V. The minister of the United States, after some discussion of the constitution and laws of Honduras, referred to by the minister of foreign affairs, stated that, on behalf of his Government, he was willing to accept the letter of apology and the salute to the flag of the United States, proposed to be made by the minister of Honduras, on Tuesday, the 23d instant, at 8 o'clock, in the plaza of the capital, Comayagua, in presence of the undersigned: and also the letter, expressing in details the constitutional and legal reasons why the third demand, relating particularly to the punishment of the officer in command at Omoa at the time the outrage was committed; with the understanding that, if said letter of explanation is satisfactory to the Government of the United States, that part of the demand will be considered as not having been made; and with the further understanding that, if the said letter of explanation is not satisfactory to the Government of the United States, then the government of Honduras pledges itself to exercise all of its influence and authority to have said part of said demand for satisfaction complied with as fully as possible, or to give such other satisfaction as the Government of the United States may, according to the laws of nations, demand, in lieu of the said punishment of the said officer who was in command at Omoa at the time of the outrage.

VI. His excellency Señor Zuniga, minister of foreign affairs of Honduras, replied: That he accepts the foregoing proposal of his excellency Mr. Williamson, minister of the United States, renewing his hope that the Government of the United States will feel satisfied, and so remains, concluded and terminated, this disagreeable incident.

In testimony whereof the said minister, George Williamson, minister resident of the United States, and Minister Adolfo Zuniga, minister of foreign affairs of Honduras, have on this day signed this protocol, in duplicate, and alternated, in the city of Comayagua, Honduras, on this the twenty-second day of March, in the year of our Lord one thousand eight hundred and seventy-five, and have attached thereto the seals of their respective offices.

[SEAL.] GEO. WILLIAMSON,
Minister of the United States to the Central American States.

[SEAL.] ADOLFO ZUNIGA,
Minister of Foreign Affairs of Honduras.

[Inclosure 2 in No. 322.—Translation.]

Mr. Zuniga to Mr. Williamson

COMAYAGUA, *March* 22, 1875.

SIR: The undersigned, secretary of state and minister of foreign affairs of the government of Honduras, has the honor to direct himself, in compliance with what was considered and agreed upon in the protocol signed this day, to his excellency Mr. George Williamson, minister resident of the United States, reiterating to him that the government of Honduras deplores and condemns the outrage committed on the American consulate at Omoa on or about the 9th day of July, 1873, by troops of Honduras stationed at Omoa, or by people of Omoa.

The undersigned allows himself to repeat to the minister of the United States that the overthrow of the government presided over by Señor Arias, and under whose orders General Straeber acted, is the best satisfaction that the government and people of Honduras can give to the Government of the United States.

The undersigned embraces the hope and has the profound conviction that the Government of the United States will feel itself satisfied from the deferential proofs of justice which the government of Honduras has given on this disagreeable incident for which it has so much felt.

Repeating to his excellency Señor Williamson, minister of the United States, the high considerations of esteem with which I subscribe myself as his most attentive and obedient servant,

ADOLFO ZUNIGA.

To His Excellency Mr. GEORGE WILLIAMSON,
Minister Resident of the United States in Central America.

[Inclosure 3 in No. 322.—Translation.]

Mr. Zuniga to Mr. Williamson.

COMAYAGUA, *March* 22, 1875.

SIR: The undersigned, secretary of state and minister of foreign affairs, complying with what was said and agreed upon in the protocol, signed this day with his excellency Mr. George Williamson, minister resident of the United States, pauses to explain *in extenso* the constitutional reasons why the government of Honduras cannot comply with the demand of the minister of the United States, in that part which is in relation to the dismissal of the chief or officer who commanded the troops of Honduras when the outrage on the American consulate took place, and for the inability of said chief or officer to obtain offices of honor, trust, or profit, under the government of the republic.

The depriving of a title, or degrading from any office, civil or military, according to the laws of Honduras, is, on the universal principles of legislation, a penalty that discredits or renders infamous a man who falls under its stigma. By the 92d article of the constitution of Honduras only the tribunals established previously by law can judge and take cognizance of civil and criminal cases of the people of Honduras; and by the 97th article of the same constitution, the laws, orders, providences, *condemnatory without trial* are unjust, oppressive, and null. Consequently, the degrading of the chief or officer who commanded the forces of Honduras at Omoa can only be pronounced by the tribunals that have been by law established, after previous audience of the said officer, the slowness and formality of a trial, and sentence to take effect, intervening.

So far as regards the inability to obtain employment of honor, of trust, or of profit in the republic, it is also another penalty that the executive power cannot impose, as it is out of the border of its attributes and belongs solely to the competence of the judiciary power.

By the 101st article of our constitution every citizen can be admitted to all public offices, civil, political, and military, without difference, according to their talents and virtues; and according to the 15th and 16th articles of the same constitution, the right of citizenship is lost or suspended, among others of less signification, for sentence pronounced, for a crime meriting a penalty more than correctional, tried criminally and condemned to prison. The chief or officer who commanded the troops of Honduras at Omoa is not suspended from his rights of citizenship, in conformity with the constitutional prescriptions that I have pointed out. But even if he were suspended from his rights of citizenship, there would always be the necessity for a sentence executed (*executoriada*) to disable him temporarily or absolutely to obtain office of honor, of trust, and of profit.

This country having been devoured by anarchy and civil war, especially during the last three years, the national Congress, by decree of the 9th of February of this year, which I inclose in this dispatch, concedes to the ex-governors of Honduras and their agents a full and unconditional amnesty, and absolute oblivion of all acts of a political or official character, for which they became culpable, as well as the towns which have remained in open and latent rebellion against the past governments.

Peace, Mr. Minister, is the first and most urgent necessity to this small and worn-out republic, and peace cannot be obtained unless the past is forgotten and we prepare ourselves, from recent and painful experience, to work out a better future.

Such a policy, Mr. Minister, of oblivion, of tolerance and amalgamation, has been found to operate well during the past year, and the government of Honduras promises itself to obtain a long breath of peace for this people exhausted by fatigue, but in whom the fire of passion can be again excited at any moment, and renew our misfortunes unless moderation and prudence preside over the councils of government.

With these considerations the undersigned believes that the Government of the United States, so desirous for the peace and progress of the American republics of Spanish origin, will feel satisfied with the clear and frank explanations above stated in relation to the constitutional difficulty which the government of Honduras meets in non-fulfillment or compliance with the demand of the minister of the United States in regard to the degradation and removal of the chief or officer who commanded the forces of Honduras at Omoa. The undersigned further believes that the Government of the United States would not exact in any case, and much less from this small nation, that yesterday commenced consolidating its institutions, anything repugnant or in collision with the fundamental laws which it has given.

The undersigned again and lastly expresses to the minister of the United States his conviction and his hope that the Government of the United States, in view of what that of Honduras has done, and the impossibility of doing more toward the vindication or satisfaction of the Government of the United States for the outrage committed on the American consulate at Omoa, will consider itself completely satisfied, so giving another proof that it knows how to contain itself within the limits of justice, notwithstanding the greatness of its power, in its bearing and relations with weak nations.

I reiterate to his excellency, Mr. Williamson, minister of the United States, the assurance of the distinguished consideration and high appreciation with which I subscribe myself,

His most obedient servant,

ADOLFO ZUNIGA.

His Excellency Mr. GEORGE WILLIAMSON,
Minister Resident of the United States in Central America.

[Inclosure in 3 in No. 322.—Translation.]

DECREE NO. 25.

The President of the Republic of Honduras ta its inhabitants:

Know that the sovereign Congress has decreed the following:

The constitutional Congress of the republic—

Considering that the republic finds itself in the enjoyment of the most perfect peace, and the government in possession of all the necessary means to preserve that inestimable good; considering that it is a high duty of Congress to select the means by which to give final security, strengthening the peace and harmonious order of things, in all the constituent elements of society;

Considering that national and civil wars, administrative errors, have thrown upon the ex-governors of Honduras, and some towns, grave charges, and on this account have arisen cruel social hatreds and an odious spirit of reciprocal criminations for all those who have figured in the political scene; considering that in consequence, and coming from such opposite elements, have been produced the unjust quarrels that have reduced the republic; the prolonging this order of things, festering party spirit, and throwing itself into fratricidal contentions, the land (*patria*) cannot take the repose that it so much requires for its sons to be united and to follow in the roads of progress;

Considering that in such a melancholy expectation in which the public (*pueblo*) of Honduras is the victim, it is necessary to recur to the highest feelings of patriotism, to cut at the root the revolutionary ferment, give to oblivion past acts, although touching the public conduct of the different ex-governors that have succeeded to power, and in whom perhaps there was not wanting good intention, but the opportunity of acting well with a triumphal exit:

In presence of these considerations that represent the general feeling of the country, and making use of the noble prerogative, conceded by the section 18th, 24th article of the constitution, proclaims unanimously the following decree:

ARTICLE 1. Conceding a general, full, and unconditional amnesty, and absolute forgetfulness of all the acts, crimes, political and official faults, that have been committed within the territory of the republic, by any town, the governments and agents, in any time, up to the publication of this law.

In consequence, all criminal proceedings that are commenced or are in court, *instancia*, relative to acts, crimes, or faults embraced in this amnesty, will be stopped, excepting fiscal responsibility of all that have administered public funds, who ought to give an account as by law established.

ART. 2. All that are absent from the republic, for the enunciated causes, are in full liberty to return to their homes when they please, without the necessity of passport.

ART. 3. All those who are comprehended in this pardon (*gracia*) purposing to disturb constitutional order, lose it by the same act.

ART. 4. It remains null and void (*derogado*) in all its parts, The decree of 28th April, 1875, emitted by the national convention.

Given in the hall of sessions of the national Congress in Comayagua the 9th of February, 1875.

JOSÉ MARIA ZELAYA, *D. P.*
CARLOS MADRID, *D. T.*
MANUEL SAMERO, *D. P. T.*

To the supreme executive power.

Let it therefore be executed.
Comayagua, February 9, 1875.

PONCIANO LEIVA.
ADOLFO ZUNIGA,
Minister of Government and Justice.

[Inclosure 4 in No. 322.]

Mr. Williamson to Mr. Zuniga.

LEGATION OF THE UNITED STATES IN CENTRAL AMERICA,
Comayagua, Honduras, March 23, 1875.

SIR: I have the pleasure of acknowledging the receipt of the two notes of your excellency dated yesterday, the 22d instant, relating to the settlement of the question which unhappily arose between the United States and Honduras, because of the outrage committed upon the United States consulate at Omoa on or about the 9th of July, A. D. 1873.

Your excellency states both of the notes have been addressed to me in accordance with the terms of the protocol signed by us on the 22d instant. One of them is an apology, and the other purports to explain *in extenso*, the constitutional and legal obstacles that have prevented your excellency's government from acceding to the third article of the demand for satisfaction for the outrage above referred to. The latter is accompanied by a copy of a decree of general amnesty passed by the Congress of Honduras at its session of 1875.

Copies of the notes and decree, together with the protocol, will be forwarded to my Government by the first mail.

Before replying further to your excellency's notes, I take occasion to reiterate to you in this formal manner my confident belief the protocol will be approved.

Your excellency will be pleased to understand and rest assured that the Government of the United States has no disposition to interfere in the domestic affairs of Honduras, and to dictate whether any of her citizens shall be punished without legal trial for an insult to the flag of the United States and a flagrant violation of the treaty between the United States and Honduras. Yet it may learn with regret that any constitutional or legal difficulties exist which may prevent your excellency's government from taking steps to insure itself against the recurrence of such an outrage, and its consequences, should the same official ever again unhappily command the forces of Honduras.

Your excellency is also assured that my Government, desirous of maintaining the peaceful relations which have always happily subsisted between the United States and Honduras, will gravely weigh the constitutional and legal difficulties your excellency has presented, and, it is hoped, may reach the conclusion that its honor has been fully vindicated. The Government of the United States, being a government of law, in which the safety of the state and the liberty of the citizen are considered in danger if arbitrary and unconstitutional acts are permitted, cannot be presumed to have asked the government of a sister republic to set at defiance its own constitution and laws; but may have justly expected your excellency's government to have initiated the necessary judicial proceedings to satisfy its legitimate demand.

It is not permitted me to omit the observation that my Government is not to be considered in the light of a prosecutor of the person who happened to be in command at the time the outrage was committed. He is, perhaps, unknown in the United States, except as the person whose name was rendered conspicuous by the outrage upon the consulate at Omoa in July, 1873, and other notorious events of that period. It might have been supposed that the government of Honduras would, of its motion, prosecute to the full extent of the law an official who had done so much to imperil the peaceful relations of the country he professed to serve, and to discredit at home and abroad the uniform he wore.

In view of such possible considerations, it may be a matter of surprise to my Government to learn the fact (for the first time communicated in your excellency's note of yesterday) that this official has been embraced in the bill of amnesty passed by the Congress while the demand for satisfaction was still pending.

I beg leave to express my just appreciation of the difficulties with which your excellency's government has found itself surrounded, and also to add the expression of the hope that this question has been settled definitively upon terms equally satisfactory to the United States and Honduras.

Renewing to your excellency the assurance of my high consideration, I have the honor to subscribe myself, your excellency's obedient servant,

GEO. WILLIAMSON.

His Excellency Señor Licenciado Don A. ZUNIGA,
Minister of Foreign Affairs of Honduras.

No. 110.

Mr. Williamson to Mr. Fish.

No. 335.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, April 19, 1875. (Received May 27.)

SIR: I have the honor to inform you that, on Saturday, the 17th instant, Don Juan José Garza was publicly received by the government of Guatemala as envoy extraordinary and minister plenipotentiary from the government of Mexico.

The reception was attended with special marks of honor, and the addresses were almost too cordial. The diplomatic body was invited by the government to be present. All accepted the invitation and witnessed the reception.

The special mission of the Mexican minister is generally believed and reported to be for the purpose of effecting an amicable settlement of the long-pending question of disputed boundary between Mexico and Guatemala. I take the occasion to send you a translation of a statement made up by the Guatemalan minister in Mexico to the 25th August last, purporting to show the state of the negotiations up to that period, which I hope may prove interesting.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure in No. 335.—Translation.]

LEGATION OF GUATEMALA.

STATEMENT MADE BY THE GUATEMALAN MINISTER IN MEXICO.

Historical relation of the state in which are found the affairs pending between Guatemala and Mexico, sent by the undersigned, envoy extraordinary and minister plenipotentiary of that republic to the minister of foreign affairs of the same.

After having made a careful examination of the documents that are in the archives of the legation in my charge, I comply with the duty of informing you of the course these negotiations have taken between Guatemala and Mexico since the year 1825, in which

they were initiated, until the date in which Señor Garcia Grenados closed the performance of his duties as chargé d'affaires of that republic in this capital.

I. Law 6, article 15, book 2, of the Statutes of the Indies, that establishes the boundaries between Guatemala and Mexico, mentions expressly the provinces of Chiapas and Soconusco as dependencies of captain-generalcy of the kingdom. Consequently this division, obligatory equally upon Guatemaltecos and Mexicans, constitutes the public right of both people on pronouncing their independence, as Don Juan J. de Aycinena, while minister of foreign affairs at Guatemala, has accurately observed in a dispatch to the government of Mexico, dated September 12, 1842.

The province of Chiapas, united to the Mexican Empire under the conditions of the agreement of a convention that in an evil hour was also proclaimed in Guatemala, ought to remain comprehended in the decree that in 1823 the government of the republic issued, declaring its absolute independence of Mexico, and the liberty of establishing itself as it deemed best. But the province of Chiapas, on the fall of the empire, organized a governing council with a provisional character, to govern itself by itself, and to act concerning its own affairs. There is no doubt that the intention of that State was to again form a part of the provinces of Central America to which it had belonged, but General Vicente Filisola intimated to the said council its dissolution in the name of the government of Mexico. The council dissolved, strongly protesting against that act of force, and the best proof that can be given of the desires that were animating this province to separate itself from Mexican territory is in the re-appearance of that provisional authority communicated to the government of Guatemala in an act of the 2d November, 1823.

By a decree of the 26th of May, and of the 20th of August, 1824, the Mexican Congress recognized the independence of Chiapas and of Guatemala; a recognition that was unnecessary, as the empire had disappeared.

The governing council of Chiapas, functioned as independent of Guatemala and Mexico, the government of this last republic arranged the sending of a commission to that province to witness the proclamation that ought to be carried out by one of the two countries, and invited the government of Guatemala that she should do as much on her part. Guatemala refused, not wishing to place in doubt for a moment her rights concerning said party, and in consequence the Mexican commission, absolute master of the field, intrigued in favor of the interests of its government, and settled the question to its will, using the appearance of an army on the frontier of that unfortunate province. So it was that Chiapas came to form a part of the United States of Mexico. What was the liberty and spontaneity of that proclamation of annexation the act of annexation of Chiapas of 1825 shows clearly; that declares it to be the sole work of four denaturalized sons of the country; that protests strongly against this, and orders it to be communicated to the government of Guatemala, that it may make the affair its own, and circulate it to the nations of the globe, appealing finally to the justice of God and of man.

II. The Mexican Congress, by a decree of the 17th of June, 1823, left the provinces of Guatemala at liberty to continue or not forming a part of the Mexican nation. While these events were transpiring in Chiapas, of which mention has been made in a former paragraph, the party of Soconusco were declaring solemnly their wish of continuing to form a part of the United Provinces of Central America. This re-incorporation of that people with Guatemala was accepted by the Constituent Assembly in a decree of August 18, 1824. However, the government of Mexico, upon the ground that Soconusco, as a part of the district of Chiapas, ought to follow the lot of all, believes itself still to have claims upon that district. Even admitting this principle, and, what is more, the legitimacy of the mentioned proclamation of Chiapas, Soconusco could never consider herself included in it, since its declaration of belonging anew to the Central American Republic was anterior to the forced incorporation of Chiapas with the Mexican territory.

When General Anaya, in command of the Mexican forces, was threatening Soconusco in 1825, the government of Guatemala, after asking that the march of the invading troops be suspended, proposed to leave to the decision of the American congress which was to meet in Panama this and the question relative to the province of Chiapas, since that congress was instituted to act as judge, arbiter, and conciliator in the disputes and differences of all the Spanish-American States.

The minister resident of Guatemala in this capital, not being able to obtain the acceptance by the government of Mexico of so reasonable a proposition, demanded the recognition of the neutrality of Soconusco until a treaty could be arranged between the two countries. This means being adopted to stop for the time all dispute between Guatemala and Mexico, orders were given to withdraw their respective forces, and to leave Soconusco governed by her own authorities.

So this province remained until the year 1842, when, in violation of that neutrality that had been agreed upon, and trampling under foot the principles of international right, it was ordered to be occupied by a military force by the government of Mexico, directed by Don Antonio Lopez de Santa Aña.

A ridiculous decree subscribed by the President of the United States of Mexico, of

the 11th of September of said year, declared that "the district of Soconusco remained unchangeably united to the department of Chiapas, and, therefore, to the Mexican nation."

On the 17th of November, the government of Guatemala protested in a most energetic manner against that scandalous act against the national sovereignty.

III. After the exchange of these notes, in 1825, between Don Juan de Dios Mayorga, minister plenipotentiary of the United Provinces of Central America, and Don Lucas Alaman, secretary of foreign affairs of the Republic of Mexico, in which the neutrality of Soconusco remained established, nothing further was again treated of between these governments until 1832, when Mexico sent to Guatemala Don Manuel Diez de Bonilla for the purpose of celebrating with that nation treaties of friendship, commerce, extradition, and boundaries. Dr. Don Pedro Molina was then minister of foreign affairs in Guatemala, who, in a conference held with the Mexican plenipotentiary the 14th of April of said year, proposed that all questions between both countries should be decided by the arbitration of a friendly nation. The good intention of the Guatemalan cabinet to arrive at a convenient arrangement with the Mexican Republic could not be more plainly shown; but that proposition was rejected, without any reasonable ground having been alleged in support of such conduct.

However, the bases of a treaty of commerce were discussed, but the negotiation remained paralyzed on account of what has been before mentioned.

IV. Don Juan A. Pareda having been appointed minister plenipotentiary from Mexico at Guatemala in 1854, and Don Francisco Pavon having the portfolio of foreign affairs in that republic, held several conferences relative to the question of boundaries. Perhaps these are the most important documents of this long and difficult negotiation.

It appears, from the protocol in which the said conferences are expressed, that the government of Guatemala, always animated by the best sentiments in favor of a definite arrangement with the United States of Mexico, carried its condescension to the extreme of recognizing the incorporation of Chiapas and Soconusco with the Mexican territory without demanding for this any indemnity, and only with the condition that Mexico, on her part, should recognize the debt that those provinces had with the ancient kingdom of Guatemala.

Señor Pareda having refused this recognition, the negotiations remained suspended. Then occurred the death of Señor Pavon, and Don Luis Batres became his successor in the office of foreign affairs. The conferences were renewed the 3d of July, 1855, but Mexico insisting on the refusal of the payment of the debt of Chiapas, they were definitely closed, without any result, the 20th of August of the same year.

V. On account of a question of Mexican emigrants of the district of Soconusco, there was again raised in 1857 the question relative to the possession of that territory on the part of the government of Mexico. From the dispatches interchanged between Don Felipe N. de Barrio, minister plenipotentiary of Guatemala, and Don Sebastian Lerdo de Tejada, secretary of foreign affairs of the United States of Mexico, it is known that Guatemala re-issued her formal protest against the occupation of Soconusco, reserving her rights to bring them forward at a suitable time. It appears also from the correspondence carried on between Senor Barrios and the minister of foreign affairs of Guatemala that the hostile and unbecoming conduct of Señor Pareda, the Mexican minister in the capital of that republic, made difficult, if not impossible, any convention between these two countries.

VI. After 1857 nothing was done on the part of Guatemala relative to the question of boundaries until 1870, when the government of that republic, fearful of succumbing to the weight of public opinion pronounced in favor of an expedition of liberators organized on the frontiers by Gen. Garcia Grenados and Barrios. Use was made of the minister resident of the United States at Guatemala to address the Mexican government, offering to end that question in a friendly manner, or to leave it to an arbitration, if she, on her part, would drive out the liberators from that part of Central America. The triumph of the liberal cause put an end to the preliminaries of this negotiation, initiated by Don Pedro Aycinena.

VII. The statistics made out by the departmental treasury of Chiapas, in 1854, to serve as a basis in the arrangement of the debt which was treated of in the conferences that have been spoken of in paragraph IV, show the following results:

For property taken by way of royal loans, and for revenues from 1809 to 1821, and their respective interests, $84,899.34; for resources of religious communities and of the Indians, by virtue of royal orders from 28th November, 1804, and royal warrants from 26th December of the same year, and their revenues from 1822 to 1853, $484,157.32; total, $569,056.66.

On this basis of arrangement, presented by Don Manuel F. Pavon, Guatemala, on her part, offered to make a reduction of 20 or 25 per cent.

VIII. On the 16th of February, 1872, the government of Guatemala appointed Don Manuel Garcia Grenados her chargé d'affaires in the republic of Mexico. Nothing appears in the archives of this legation that would show that Señor Garcia Grenados occupied himself with the pending question of boundaries.

In reference to a postal convention he presented a project to the minister of foreign affairs that has not yet been made an international convention. Also documents are found that prove that a project for the extradition of criminals was discussed and approved by the government of Guatemala, and that work now is in the hands of Señor Lafragua.

IX. On the 2d of July, 1873, the government of Mexico reiterated the order, formerly given, to occupy Bejucal territory, situated in the frontiers of Soconusco. Therefore, the government of Guatemala addressed, the 30th of August, the same year, a solemn protest against said occupation, reserving, moreover, her rights to Chiapas and Soconusco.

X. In the memorial, in which the minister of foreign affairs of the past year has given an account of the union, are found the following notices relative to Guatemala:

It is said, first, that Mexico recognizes Bejucal as part of her territory, and, therefore, has sent to occupy it. That the cutting of timber by a Mexican on the banks of the river Ocotzinyo was ordered to be suspended by Guatemalan authorities. A formal reclamation has therefore been addressed to Guatemala.

In continuance, it is said in the above-mentioned document that the government of Mexico does not admit any discussion upon Chiapas and Soconusco belonging to the republic, and that as negotiation relative to boundaries has been entered into in Guatemala several times, without any result, the President believes the question ought to be negotiated in Mexico.

Such are the results that the documents relative to the question of boundary between Guatemala and Mexico disclose. As is seen, Guatemala has always been animated by the best spirit for the celebration of all kinds of treaties with the Mexican Republic, which has never wished to accept the arbitration of a friendly nation, fearful of losing the territory she illegally holds. Even more, in the negotiation concerning boundaries she has refused the recognition of the debt of Chiapas when Guatemala demanded nothing more than that to renounce all her claims to said provinces.

RAMON URIARTE.

MEXICO, *August* 25, 1874.

No. 111.

Mr. Williamson to Mr. Fish.

No. 346.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, April 28, 1875. (Received June 14.)

SIR: I have the honor to inclose you a copy and translation of an editorial, clipped from the Nacional, the official organ of the government of Honduras, and edited by Mr. Zuniga, minister of foreign affairs, in the issue of the 10th of April, 1875.

The editorial relates to the late protocol, sent with my No. 322,* and, I am disposed to think, gives substantially the real reason why Straeber and his accomplices were not punished by the government for their shameful conduct at Omoa in July, 1873; that is, the government was too weak to bring them to trial and punishment.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 346.—Translation.]

El Nacional on the protocol.

Honduras has seen herself obliged to give satisfaction to the Government of the United States, and the people of Honduras have the right to know for what this satisfaction has been given, and the more as the publication of said documents may wound the susceptibilities of individuals and of a party.

The government intrusts, without any commentary, to the examination and consideration of the people, its conduct in this deplorable affair, in the certainty that the people and the honest and impartial men will duly appreciate the events and will know how to adjudge and to give to each one what is his due.

The acts consummated in Omoa during the months of war in 1873 are well known

**Ante.*

n all Central America. The interested versions of the men who figured as actors in those deplorable scenes are not to cloud the light of truth, which, illuminating, discloses the prophetic and gloomy picture.

A government that has inscribed on its banner the word "honesty" could not uphold acts that have merited universal reprobation, and have brought upon Honduras an immense responsibility. That would have been as childish as foolish to aggravate the odium and shame of the country.

The government, cognizant of the excesses committed in Omoa against natives and foreigners by the forces of the republic, or by occasion of the same forces, sent to take a twofold information, with the twofold purpose of placing in its true light the reality of these acts and to punish severely the authors. Such was the first idea and the first resolution of the government on the occurrences at Omoa; but, unfortunately, party spirit, which perverts everything, rendered difficult or impossible the exercise of justice upon the men who scandalized Central America and dishonored Honduras by a conduct that has no example nor precedent in the history of our great misfortunes.

The government, if it had continued in its first plan of bringing to justice all of the culpable, would certainly have labored under difficulties of the gravest character. Impartiality, the eternal characteristic of justice, could not have existed during the preponderance of one party over the other, and the heat of passion that at times inflames all. Justice would not have been justice; it would have taken the ignoble appearance of revenge; and the government would have destroyed with its own hands and its own influence its programme of conciliation, of tolerance, of oblivion, and of amalgamation. So it is that only an amnesty so ample, so unconditional as that issued by the Congress of 1875, could be the heroic remedy for the evils that carry us so far and in which we all more or less have a part.

To conclude, and as it will be seen by the simple reader of the protocol signed and notes exchanged with the minister of the United States, the government has proceeded with the strictest impartiality, rendering homage to justice and principles, without respect to persons, and working, as it is accustomed, entirely above party feeling, which lessens and dishonors us.

The government has looked at the events and has forgotten the men.

Noble Hondurans! Men of the green sash and of the red sash! Here is the work of your hands, the misfortune, the misery, and the dishonor of your country.

No. 112.

Mr. Fish to Mr. Williamson.

No. 166.] DEPARTMENT OF STATE,
Washington, April 30, 1875.

SIR: Your dispatch, No. 322, of the 23d ultimo has been received. It relates to the attack on the United States consulate at Omoa in July, 1873. You transmit a protocol for the adjustment with the government of Honduras of the questions arising from that proceeding, and also other papers upon the subject. These have all been carefully considered, and the result is an impression that the settlement is as good as the circumstances would allow, especially when the lapse of time since the attack, is taken into account. Your course is accordingly approved, and is deemed creditable to your firmness and sagacity and to the sense of justice of that government.

I am, &c.,

HAMILTON FISH.

No. 113.

Mr. Williamson to Mr. Fish.

No. 356.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, May 7, 1875. (Received June 14.)

SIR: I have the honor to inclose you a translation of the latest published correspondence between the governments of Nicaragua and Costa

Rica, with reference to the question of boundary pending between the two states named. The translation is made from the publication in the Gaceta Oficial of Costa Rica dated April 5, 1875, and numbered 13.

Your attention is called to the marked part of the translation, in which the government of Costa Rica proposes the government of Chili as the arbiter.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 35C—Translation.]

Mr. Rivas to Mr. Jimenez.

OFFICE OF FOREIGN AFFAIRS, NICARAGUA,
Managua, February 20, 1875.

SIR: I have had the honor to receive the esteemed dispatch of your excellency of the 27th of January last, replying to mine of the 2d of the same month, in which I repeat the reclamation stated in a dispatch of the 12th of November last, in reference to the violation of territory and sovereign rights of Nicaragua done by the forces of that republic.

In that dispatch your excellency styles the acts inaccurate, and the estimates erroneous and even offensive; which my government repels with all the energy that a consciousness of its honor gives it. But that I may abstain from refuting this point by point, as such a discussion is entirely foreign to the object my government has in view—which is to try to bring to a good termination the differences aroused between our respective countries, and this would not produce any other result than to aggravate the questions by a sharp and interminable correspondence—I will confine myself, then, to the two essential points that your excellency indicates as a means of arriving at a solution that is desired, and in which the two governments seem to coincide in the general principle. I refer to the idea of submitting to an arbitration the question of the validity or instability of the treaty of boundaries, and to forming a mixed commission to decide upon certain points of the matter pertaining to the last events.

My government, which, since the 6th of August, 1872, proposed to that cabinet that it should submit the principal question to the arbitration of a nation friendly to both countries, as the means established by the treaty in force and approved by civilization and the true interests of the two people, now gladly accepts what your excellency's government proposes, but accepts it without the limitation that that government has believed it ought to place in respect to its competency, and with the condition that that arbitration may take cognizance of all the questions that have originated from the uncertainty of our boundaries, and all the complaints and grievances that our respective governments may have the one with the other.

My government expects to have the satisfaction of being able to prove before the arbitration that, in respect to the question of boundaries, its principal object has been to assure to Nicaragua her essential rights, avoiding the possibility of impeding the development of her commerce and industry, and in no manner depriving Costa Rica of any of those advantages that can contribute to her progress without injury to Nicaragua, since my government believes that the prosperity and aggrandizement of her neighbors is the prosperity and aggrandizement of herself; and as to the other questions, she has no other object than to sustain the rights and dignity of the republic, and to provide for the security, the peace, and well-being of the inhabitants.

In respect to the mixed commission, my government does not admit the extension that that of your excellency wishes to give to the powers that may be conferred upon it.

For this it has reasons that refer to the material of the commission, and to the objects that ought to be intrusted to it. Besides the establishing of the boundaries, although it should be done provisionally, would give for a result a source of new complications in the troublesome question pending; the delays that the choice of a suitable commissioner and the clearing up of this complicated affair would produce would postpone the object of my government, which is to terminate quickly the arrangement of the last unfortunate incident occurring in respect to the deplorable affairs of Punta Arenas and Liberia.

For the rest, as it is necessary to proceed as soon as possible, in fulfillment of an international duty, to the arbitration proposed and accepted by both parties, and that arbitration having to understand in all things the reclamations of my government, from the acts that gave rise to the treaty of alliance with the Republics of Guatemala and Salvador until those that caused the last reclamation in reference to the recent

revolutionary movements in that republic, my government believes that the idea of that commission, that proposes to arrange one of these questions, is no longer of any use.

My government, in insisting that all the questions of every character be submitted to the arbitration established by the existing treaty, is animated by a desire to put an end at once and forever to the causes of difference that have arisen and can arise in the future relations of two people, destined to advance united and to strive for the highest degree of prosperity, and which questions have served to delay their mutual development. If, as your excellency declares, your government is animated by these sentiments, we can congratulate ourselves that these fatal discords, which have been so unfavorable to the well-being of both republics, will be soon terminated.

May your excellency be pleased to bring this to the notice of your government, and accept the distinguished consideration with which I subscribe myself, your attentive servant,

A. H. RIVAS.

To the MINISTER OF FOREIGN AFFAIRS *of Costa Rica.*

[Inclosure 2 in No. 356.—Translation.]

Mr. Jimenez to Mr. Rivas.

OFFICE OF MINISTER OF FOREIGN AFFAIRS,
San José, March 20, 1875.

SIR: I have had the honor of receiving the dispatch of your excellency dated February 20, in reply to mine of the 27th of January last.

Your excellency abstains from entering anew into the merit of the question, believing it already useless in the situation in which it is found, but affirms in doing so that a use of incorrect expressions has been made in said dispatch offensive to the dignity of Nicaragua. With the energy that I am capable of, I ought to refute and do refute such affirmation. My government, to elucidate the questions that are stirred up, does not need to pretend nor even suppose any act a recourse incompatible with the just motives that have served it from the beginning, and with its dignity and good name.

But, apart from that, it cannot but be regarded with the highest satisfaction that, on the part of the cabinet of Nicaragua, there has been accepted the arbitration proposed for the resolution of the principal questions relative to the validity or inutility of the treaty of boundaries of 1858, since in this manner the dissensions between the two people approach a definite termination by a means, civilized and pacific, that reason recommends and practice teaches.

It is true your excellency extends full power to the arbitration over all questions pending between the two countries that from that point, as a beginning, have arisen or originated, and although they are not specified, my government does not object to admitting the extension of the powers, and even believes it necessary not to leave any even the least motive of dispute.

It is understood, therefore, that, without prejudice to the *statu quo*, all questions between the two republics since the said treaty are matters for arbitration, allowing either of them to propose those that in its judgment ought to be decided; also, leaving to the arbitration, as cannot be avoided, the entire liberty of throwing out all those it may deem unsuitable or unimportant.

I believe with your excellency that, the two governments agreeing on an arbitration, there is no longer any occasion for a provisional establishment of boundaries by a mixed commission to decide upon the reclamations of Nicaragua for the acts recurring in respect to the revolutionary attempts at Punta Arenas and Liberia, in October of last year, although I do not see that that would be impracticable or lead to fresh complications; the two governments proceeding in good faith, as is to be expected. This question, therefore, will be a subject of arbitration, and its resolution a necessary consequence of what is established in reference to the principal object.

It only remains for us then, at present, to determine the arbiter. Your excellency, relying on the treaty of boundaries, is constrained to suggest that it ought to be a friendly government. I am pleased to see that for this purpose the efficacy of the treaty is recognized, and I take this opportunity to assure you, that if the same suggestion has not been made on the part of my government it has only been out of respect and consideration for Nicaragua, which has contended against its absolute validity.

This being granted, and in fulfillment of what has been accorded by his excellency the President, I ought to propose now for an arbiter the government of Chili, a friend of both countries, and in a position in every respect admissible. Without some especial and ostensible motive, it would not be really very convenient to the interests of the two States to seek an arbiter outside of America. The government of Chili has constantly given satisfactory proofs of integrity and good judgment in all of its administrative acts, and at the same time

has worked out the enviable prosperity of the country, and has gained for it the very elevated and worthy reputation which it enjoys among all the governments of America and Europe. This has caused that already, at other times, it has been appointed arbiter upon questions identical with ours that have arisen between Spanish-American Republics, and its decisions have been regarded and acknowledged with the highest respect and consideration, from the stamp of justice and impartiality that characterized them.

The identity of origin, customs, institutions, and language of the people of the government of Chili with those of our own are bonds of sympathy and common interest that assure the prompt dispatch and best results in deciding the questions that may be submitted to it.

The motives given have influenced my government to propose that of Chili as arbiter, not doubting that it will consent with pleasure to afford to the two republics a service of such vital interest, provided there may not be any especial reason on the part of the government of your excellency to reject it, if it is as well disposed as my government to hear any just observation that may be made upon the subject.

Meanwhile I am pleased to renew to your excellency the consideration of the very high appreciation with which I subscribe myself.

Your very attentive servant,

S. JIMENEZ.

His Excellency MINISTER OF FOREIGN AFFAIRS *of Nicaragua.*

No. 114.

Mr. Williamson to Mr. Fish.

No. 359.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, May 13, 1875. (Received June 14.)

SIR: I have the honor to inclose you a printed copy and translation of the message of President Guardia, of Costa Rica, delivered to the congress on the 1st of May.

The document does not appear to contain anything of special significance, but your attention is called to its pacific tone. I beg leave to invite your attention to the marked passages of the translation and of the original. I believe it is true, as therein stated, that no event has occurred of sufficient importance to disturb the friendly relations existing between Costa Rica, Salvador, Honduras, and Guatemala since the proposed meeting of the five presidents.

The threat of rupture between Costa Rica and Nicaragua, occasioned by the events of last October, reported by me in my No. 267,* from San Juan del Sur, led to much correspondence, and may be productive of good, if all the disturbing questions are submitted to arbitration, as would seem to be probable from the papers sent you with my No. 356.

Notwithstanding the professedly hopeful tone of the message with reference to the railroad, I still entertain the opinion that it will not be finished during President Guardia's administration.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure in No. 359.—Translation.]

Message of President Guardia.

Honorable representatives of the people:

If the opening of your ordinary sessions has always been very pleasing to me, to-day I greet it with more enthusiasm than ever, because it affords me the opportunity of

**Ante.*

depositing in the august bosom of the national representation a faithful account of the principal events that have taken place since your adjournment, a succinct report of the most important affairs of the administration, and, although a rough drawing, a picture of the actual situation of the republic.

Your reunion, honorable representatives, takes place in the midst of tranquillity and peace. Let us appreciate that immense blessing, to the obtainance of which I have directed all of my resources, because peace is the greatest of all good; the first necessity of these countries for the development of their great resources; and, as for myself, peace is one of the promises contained in the programme that I formed when I was called to direct the destinies of the country.

On the altars of peace everything ought to be sacrificed, except independence and the dignity and honor of the republic; and an equal obligation rests upon me to labor for the preservation of internal order, because the consequences of anarchy and civil war are immense and disastrous.

During the years that I have passed in the high position that I still occupy the world has been able to contemplate Costa Rica, free from those revolts that are agitating many countries of this continent, victims of grave disturbances, of which the result is uncertain in reference to obtaining a positive advancement, but the bitter fruits are soon certain, showing themselves in the bloodshed, the tears poured out, the reign of distrust, and consequently in the loss of the social well-being, the paralyzation of the progressive movement of the public wealth.

I do not consider myself as deserving any glory for having maintained interior order; attribute it principally to the morality, to the pacific and generous character of the Costa Rican people, on good terms with the present situation, that allows the freedman and laborer to use profitably their productive forces, under the protection of a system that has placed them in the most favorable situation.

If I have any merit for preserving this inappreciable good, it is only in fulfilling a strict duty imposed upon the executive power by the constitution.

When on the 1st of May, 1872, I addressed the national representation, I could not but declare to you that formerly the political situation was distressing, from the revolutionary tendencies that were almost openly manifested, by the facility with which changes could be brought about, resulting from weakened institutions, with a contempt for law, for the progress and prestige that ought to surround authority.

It is exactly one year since I had the pain of making known to you that for the first time I was under the necessity of informing you of different attempts undertaken to subvert public order; I could have repressed them with a strong hand, because the proceedings of those who were trying by every means to change the political situation were not hidden from me.

As I have already said, I firmly believe that the first care of the executive ought to be the preservation of order; but in the presence of a revolution in embryo, it seemed best to me to continue yielding respect to personal guaranties, entertaining on the other hand a full confidence and an entire faith in the resources that nature has placed in my hands, that I could be able to fulfill my high duties.

So it was that awaiting the development of the seditious plans, fully resolved to act as circumstances demanded, I accepted the invitation that was given me to be present at a feast that is celebrated every year at Desemparado, a village in which was to take place on that occasion a vile attempt against my person. I went alone, and did not permit that there should be given the guards asked for by the Jefé Politico of that district, who could see at the last hour the infamous plan of the revolutionists. The people having been made acquainted with what was passing, those vicious plans were wrecked before the general indignation; and then I enjoyed the satisfaction with which a great number of unarmed citizens encompassed me, responding nobly to the confidence of the threatened governor.

You remember that the above was transpiring, honorable representatives, before you closed your last sessions. The intrigues of the conspirators continued germinating, and the revolution broke out at last in Punta Arenas and Liberia; by accidental circumstances they obtained possession of the "cuartels" of that port and of that province.

I flew to quiet the disorder, moving only a small column of the army; the turbulent persons took to flight, only affording an opportunity of showing, in the affair, the resources of defense on which legitimate authority may depend, and the good feeling and enthusiasm of a people who knew how to gather around them only those who, delegated by the government, bear the majestic flag of their country.

Notwithstanding such events, such proofs, it is satisfactory to observe that respect for the head of authority, formerly so relaxed, has taken deep root, and that a government that has for a base the clear approval of the majority, preserves an existence before which the impotent and dark machinations, and the seditious cries uttered by those who are striving for power, pass away—a foolish enterprise that has been condemned by a national plebiscitum.

I ought not to conceal that I received spontaneous and popular ovations on returning

from Punta Arenas and Liberia, having re-established in a very few days the lawful authorities, and without staining with blood the road that I passed. The councils of war fulfilled their duty in decreeing for the chief criminals capital punishment, but I have commuted it. You know, honorable representatives, that during my administration no gallows has been erected, nor a drop of blood spilled on the scaffold, and that I profess the principle that human life is inviolable. I wish, to the last, to sustain the innermost conviction of my heart.

The result of the revolution that broke out in Punta Arenas and Liberia is not the first example of that kind that the history of Costa Rica presents. Men of glorious antecedents, not only in this republic but in all Central America, because they struggled manfully and acquired reputation in the only war truly national, also with foreign assistance in 1860, in the same places in which, a few months since, those tried to raise their standard, who, without any merit, and committing a great crime, came to disturb the repose and peace; both suffered a reproof that cannot be fruitless.

The lamentable attempt at invasion that, in that epoch, now somewhat distant, rained blood on the shores at Punta Arenas, destroying two men surrounded by immense popularity, as the only good, produced an example for the future, and a reign of peace during nine years; the attempt that was essayed some months since, without anything to justify it, disclosing the weakness of the revolutionists, and the want of popularity they have in the country, it is natural that it will assure peace for a long time—a prophecy that can be based on acquired experience and on the logical order that events follow.

Costa Rica is not only at peace, but it is carefully cultivating the relations of friendship that bind it with the principal nations of Europe and America.

In reference to the republics, that during long ages, in union with this, formed a dependency of the crown of Spain and a united nation in the first years of its independent political existence, *I ought to inform you that since the treaty of triple alliance that the governments of Nicaragua, Salvador, and Guatemala celebrated, of which you had opportune information, and since the friendly interposition of the representatives of Great Britain and of the United States; using the authorization of the aforementioned governments of those sister countries, no new event has come to disturb the good relations that we preserve with Salvador, Honduras, and Guatemala.*

The old question of boundaries with Nicaragua has produced a kind of stringency in the relations of the governments of the two republics; at present the situation is aggravated, from having placed a force on the frontier to cut off the retreat of those who invaded Guanacaste. However, the last communications exchanged between the two cabinets seem inspired by a conciliatory spirit, and open a way to obtain a peaceful solution of the pending difficulties.

The proper office will inform you of what concerns the foreign relations; the other secretaries of the state will do the same in their respective branches.

The republic continues advancing in the path of progress which it commenced since the work of the railroad was initiated. You are aware that since last year the government had to take in its charge this colossal work; not only has it attended to the preservation and improvement of the part already constructed, but it has increased the number of miles in use in the section which comes from the port of Limon toward the interior.

The forty-eight miles that the locomotives pass over daily are in such a fine condition that during three years we have not had to lament a single one of those unfortunate accidents that are accustomed to happen in other countries. The transit of passengers has increased so much that during the first quarter of this year 43,255 persons have traveled on the trains. These figures go to prove, again, how defective is the census taken in 1864, which gives to the capitals of the four provinces, including two divisions of Cartago, a population as low as 19,939 inhabitants.

The difficulties that arose with the banking-houses have prevented the completion of the railroad. The government, in the beginning of the work, had to expend in its preservation, repairing, developing, and relieving the debts of the same enterprise the enormous sum of more than one million and a half dollars. The reclamations in Europe are prosecuted with the energy the national interests demand. In the midst of obstacles, inseparable to so grand an enterprise, it is consoling to consider that, with these same difficulties, nations more rich and powerful have had to struggle and succeed in overcoming them by perseverance and abnegation. One of these countries has been the republic of Chili, which spent eleven years in the construction of its first railroad, situated in a stretch of country shorter and of more favorable geological conditions than that between this capital and Port Limon.

But the railroad of Costa Rica will be a fact. The government has received propositions that afford the means of converting it into an inter-oceanic road. It has abstained from accepting any of these, because it is trying the offer of others still more advantageous.

You know how the revenues have been almost tripled during the period of my administration, since in the last fiscal year they have increased to $2,812,584. In the

same time in 1870, they scarcely amounted to $1,078,123. As a great decline in duties was expected, on account of failure of importations, caused by the large quantity of merchandise on hand, therefore, as is natural, a diminution in the receipts of the custom-house is perceived that no other branch of the revenues has suffered.

Public instruction, a fruitful source of grandeur and happiness for the future, has been attended to in a munificent manner. In accordance with the ideas that have directed my administration, and in the midst of difficulties that have surrounded it, it established recently the basis of a national institute that will soon be opened, with the co-operation of European professors whom the government has brought for that purpose, and who are already in this capital.

The republic progresses, and advances toward its glorious destinies.

God has blessed those fields moistened with the sweat of laboring Costa Ricans. The crop of coffee, as has been announced, has been abundant. There have been exported some 300,000 quintals that sold in Europe at good prices, that are sustained, in connection with various other articles of exportation, which, although of less importance, make a result of more than $6,000,000.

The maintenance of peace, the preservation of interior order, the certain completion of the railroad, and the development that has been seen for five years in this section in the branches that form the public wealth, I do not doubt, will raise Costa Rica to the high grade of prosperity to which it is called. To the attainment of this desire of all good citizens you will know how to contribute efficaciously, fulfilling with entire freedom the noble mission the people have conferred upon you; so provide for the good of the country and make good your well-known patriotism.

Permit me, before concluding, again to salute you, and to congratulate myself on your constitutional reunion.

Honorable representatives:

T. GUARDIA.

NATIONAL PALACE,
San José, May 1, 1875.

No. 115.

Mr. Williamson to Mr. Fish.

No. 403.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, July 30, 1875. (Received August 27.)

SIR: At this time, when the attention of almost the whole civilized world is attracted to the efforts of the papacy and papal clergy to maintain their power, and, as some say, to regain the scepter of political dominion which they wielded before the Reformation, it does not seem inappropriate to report to you a late act of the government of Costa Rica in the expulsion of three Jesuits from that country.

Some weeks ago it was generally asserted, in parts of Central America, that President Guardia had invited the Jesuits to return to Costa Rica. Whether this was true or not, it seems three of them did go to the interior of that country and establish themselves. They are said, with what truth I do not pretend to affirm, to have exerted enough influence to cause the resignation or expulsion, from his seat as a professor in the University of San José of Costa Rica, of Dr. Lorenzo Montufar, who is rather distinguished in this section for some able papers against the papacy, and the Jesuits particularly. Dr. Montufar is now rector of the University of Guatemala.

It seems the three Jesuits remained in Costa Rica without disturbance until the 5th day of July. Then the acting President, Lisano, in the absence of Guardia, called upon the congress then in session to declare whether the Jesuits should be allowed to remain. In his communication to the congress, and their reply to him, it is frankly admitted the constitution gives them the right to remain, but, quoting the convenient maxim, "*Salus populi, suprema lex est*," their expulsion was de-

cided upon. Fifteen hundred dollars were appropriated to defray their passage to any point they might choose to go to, and the authorities were charged to treat them with the greatest consideration, as you will observe by reference to the accompanying translation of the copy of the final letter sent them.

It is not unlikely the events at San Miguel, on the 20th and 21st of June, were the cause of the expulsion of these Jesuits.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure in No. 403.—Translation.]

The Secretary of State to the Jesuits.

NATIONAL PALACE,
San José, Costa Rica, July 5, 1875.

Right Reverend Fathers LUIS ESPAÑA, NICOLAS CÁCERES, FRANCISCO PAÑEDA:

RIGHT REVEREND FATHERS AND SIRS: I fulfill a painful duty in communicating to you, by means of the governor of that province, the resolution passed by the constitutional congress yesterday.

For some cause, in that high body the opinion prevails that the residence in the country of the right reverend fathers of the Society of Jesus is not convenient to the republic of Costa Rica, from its peculiar circumstances. But I can assure you that the congress, in dictating that decree, had not in view your personal qualities; so far from that, it is painful that the public interest obliges it to cause you to depart.

The government, far from having any animosity toward you personally, desires and has recommended to the governor of that province, and also to the governor of the district of Punta Arenas, to attend to you and see that nothing is wanting until you embark on the steamer that you yourselves may select either for Panama or the States of Central America, paying your passage to the port you designate.

In making known to you the foregoing information complying with the instructions of his excellency, the First Designado, it is pleasing to me to assure you of the considerations of high appreciation with which I subscribe myself,

Your attentive servant,

VICENTE HERRERA.

No. 116.

Mr. Williamson to Mr. Fish.

No. 417.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, August 25, 1875. (Received Sept. 18.)

SIR: I have the honor to hand you herewith a printed copy and translation of a report of the minister of public instruction of Guatemala, respecting the re-organization of the university in this city. It is dated the 1st of July, but was only published, together with the decree therein recommended, in the official paper of the 20th instant.

The decree changes entirely the organization of the university as recommended by the minister, and prescribes such courses of study as are usual now in the best institutions of learning. It does not appear of sufficient importance to send to you. The organization is said to be modeled upon the French plan.

* * * * * * *

I have, &c.,

GEO. WILLIAMSON.

[Inclosure in No. 417.—Translation.]

REPORT UPON A LAW OF HIGHER INSTRUCTION.

GENERAL PRESIDENT: The laws organizing the public instruction of the primary and secondary order have been issued, and to fulfill the charge that you have been pleased to give me, relative to closing the work of organizing the department of instruction, I have formed the plan of a decree which I have now the honor to submit to your distinguished consideration.

The instruction in the professions, in a great measure, and secondary instruction entirely, have been intrusted to the royal and pontifical university of San Carlos Borromeo, directed by a constitution given in 1686 by King Charles II, the enchanted. Such statutes as represent ideas, necessities, and aspirations diametrically opposed to those of our time, are those that, until within a short time, were regulating the secondary instruction, and even now are determining the character and conditions of the professional instruction. It is indeed true that Dr. Galvez, the chief of the state, in the year 1832, gave some bases of instruction, differing from those fixed by the constitution of Charles II, and created the academy of sciences; but, on the 22d of September, 1855, was published a decree called "Reforms of the Statutes of the University," issued by President Carrera, signed by Mr. Echeverria, minister of public instruction, in the first article of which is established, "that the constitution of the royal and pontifical university of San Carlos, approved by King Charles II, the 20th of February, 1686, will be regarded as the fundamental statutes of this establishment, and it will be observed in the future, as it was in 1821, the differing laws and provisions that have been given in this matter being in consequence annulled."

Owing to the law mentioned, secondary and professional instruction returned to the old system, that is now scarcely recognized, and that system is revived that opposes in an almost fatal manner the improvement of any of the institutions, and especially of those pertaining to teaching. The practice corresponded in a faithful manner to the purposes of the legislator; so it is that secondary instruction centralized in the pontifical university had been reduced before the law of the 28th of January, just passed, to affording some imperfect knowledge of Latin, of philosophy by Fathers Balmes and Arboli, and of the elementary theories of physics, and of mathematics. With this system of secondary teaching so rickety, and in a great measure absurd, the professional instruction based upon it could not avoid having the same serious inconveniences; it has been incomplete, theoretical, and in some branches absurd.

The law of the 28th of January that you were pleased to issue has removed the difficulties pertaining to secondary instruction, substituting for a programme useless and unproductive, a plan of studies in which the instruction is untrammeled and is furnished in a manner ample and efficacious, and as our peculiar circumstances demand, such as the precepts of science recommend, approved by the observation and practice of countries skilled in the matter of public instruction.

But the necessity of giving a new and suitable organization to the higher instruction is still to be satisfied. The plan that I present to you, although deficient in many respects, correcting it as experience and the lapse of time may suggest, will perhaps contribute to improve the professional course.

In the plan the university of Guatemala is created with a double character, that of a scientific and literary body, and that of an establishment charged with affording a higher course of instruction.

A corporation that may give an impulse to science and letters is wanting in the republic. There is no reason for not possessing an institute so commendable. But as, with our few elements, it cannot be established at present in an independent manner, it is fit and advantageous to elevate the character of the university, giving to it the character and attributes pertaining to a body intrusted with the promotion of the enlightenment of the country, and the encouragement of the cultivation of science and letters.

The second character of the university is that in which it has the charge of giving instruction in professional courses.

For these purposes it is divided into faculties, which at the same time that they enjoy the privileges of being untrammeled in arranging the system of studies that are respectively under their charge, depend upon a higher council that is responsible for the general unity of the system and that takes care that the faculties fulfill the purposes of their institution.

The matter to be taught is practical and full. This last might lead one to suppose that we were intending to render difficult the higher studies. But it is not so. What we purpose to do is, that those persons who obtain a title, may not obtain it for an empty display, it being on the other hand, from its worthlessness, useless to themselves, to the family, and to society. We are trying to raise from its low position the professional course in order that it may come to mean, for those who have passed through it, an instruction practical and extensive, that may afford them at any time and in any country the means of living honorably and independently,

In reference to the professorships, at first sight it seems as if it would be more just and liberal to provide for them by competition among those persons who desire to perform the duties. However, observation does away with the apparent importance of this plan. The system of competition, besides the injustice that is liable to be done, drives off professors of great merit and known reputation, who do not wish to expose themselves to a doubtful result. Besides, the result of an examination does not always prove the superiority of him who obtains the professorship, it being necessary to seek not only a professor who possesses the knowledge, but one who, at the same time, knows how to impart it. To this is added that the result of competitive examinations among us would be almost always adverse to the purposes that teaching sustained by the state ought to have in view. A sworn examiner, at the most, might judge of the professional knowledge, but not of the character of the ideas of the professors, nor of the influence that these will exercise in a social, political, or philosophical point of view. The antecedents of Guatemala and its present circumstances suggest powerful reasons for rejecting the system of selecting professors by competition.

Thanks to this system, persons would be charged with the instruction who, educated in the sad times of absolutism, and under the inspiration of ideas the most obscure and of a retrograding tendency, would bring to the professorships a constant diffusion of instruction opposed to the principles of reform and progress that your government is endeavoring to sustain at all hazards. Such a result is as inadmissible as sad. It would vitiate the minds of the youth—that is the future of the country—filling them with detestable prejudices, and so would render impossible forever the attainment of the greatest and most useful object of education—which is, to implant in the youth the ideas that directly tend to the enlightenment of the republic. For all of these reasons, it is established in the plan that the appointment of the professors belongs to the government, with a regard to the statements that the faculty of the university, who are called to judge of the scientific competency of the professors, ought to present for that purpose.

The corporation of the university being divided into faculties, in charge of the teaching, it is natural to suppress the college of lawyers and physicians, establishments that in practice have scarcely answered the purposes of their institution, and whose duties and attributes can be attended to by the faculties of jurisprudence and medicine with great advantage. Therefore the plan provides for the suppression of the institutes mentioned.

I have given you, Mr. President, the observations that have appeared to me to be suitable concerning some of the principal points of the plan of higher instruction, and in closing I ought to make known to you the conviction that strengthens me in the difficulties that are to be presented in putting into operation a new system in the professional studies, arising principally from the want of *personnel* in sufficient numbers who unite to realize the purpose of the government. But I believe also with the greatest sincerity that your constancy and persevering patriotism promoting public instruction will cause the gradual disappearance of the obstacles that oppose the founding of a new system of primary and secondary as well as of professional instruction.

MARCO A. SOTO.

GUATEMALA, *July* 1, 1875.

CHILI.

No. 117.

Mr. Logan to Mr. Fish.

No. 111.] LEGATION OF THE UNITED STATES,
Santiago de Chile, October 8, 1874. (Received Nov. 17.)

SIR: My dispatch No. 106 leaves the Chilian cabinet in consultation upon the most proper and expedient answer to the demand of the English government for satisfaction in the *Tacna* affair. Two or three decisions were arrived at, which were afterward rescinded upon mature reflection. The position was one of great perplexity for the Chilian government, growing out of the statement of facts related in my dispatch herein referred to; and in the extremity of doubt and embarrass

ment as to the best course to be pursued, it was finally resolved to refer the case to the supreme court for its opinion, there being no legal authority analogous to that of attorney-general connected with the Chilian governmental organization. This body took the matter under advisement, and has now rendered an opinion upon which the answer to Lord Derby's note will be based.

The court holds that Chili's action in the matter was right and proper, and that there is no justice in the demand of England; that Captain Hyde had committed an act for which he was clearly responsible under the Chilian law; that the only question in the case was as to the *technicality* of jurisdiction—the vessel being at the time she was lost eight miles from the Chilian coast; that Captain Hyde was about leaving the country, and that he was arrested for the purpose of deciding the technical question of jurisdiction; that the lower court claimed jurisdiction, which claim was reversed by the supreme court, upon appeal, whereupon Captain Hyde was at once released.

The reply to Lord Derby's note incloses a copy of this opinion of the supreme court, and argues the whole question at considerable length—claiming that in arresting and detaining Captain Hyde until his amenability to Chilian law could be decided, Chili was only pursuing that course which the safety of all nations imperatively require, and which by the common consent of all civilized governments is accorded to the weakest.

This is the essential point of the reply, though the details are elaborated *in extenso*, and the *argumentum ad hominem* is somewhat skillfully resorted to.

In addition to this, however, a point is made upon the general principle involved, and the claim maintained that a coasting trade is an internal traffic, subject to the internal regulation and control of the nation upon whose coast it is prosecuted; and the ground set forth in my dispatch No. 106 is gone over. This latter, however, is the opinion of the Chilian cabinet, as expressed through the minister of foreign relations, and not of the supreme court, which, of course, is concluded by its first decision. The reply is courteous throughout, and concludes by asking a reconsideration of the demands of the English government, as not being founded on international right and justice.

It is hoped that the English government will concur in the views expressed by Chili, but it is feared it will not; in which latter case Chili will request that the case be submitted to an arbitrator, by whose decision she will faithfully and cheerfully abide.

It is further feared, however, that England will act at once upon the reply by concentrating her whole Pacific fleet in Valparaiso Bay. This step would be disastrous to the interests of both nations, causing money losses to the Chilians by the falling of securities, and inflicting irreparable damage to the English trade on the Pacific coast; as Chili would at once withdraw subsidies to the English steamship line, and discriminate to the greatest possible extent by legislation and otherwise against English commerce.

I think the Chilian Executive has recovered from his fear, expressed in my former dispatch, that England would seize, in reprisal, the ironclads building for Chili in English waters, as being an act which would deter other nations from patronizing English ship-builders to any great extent in the future.

As for the South American complications, they, too, seem to have withdrawn themselves for the present, and it is more for this reason, perhaps, than any other that Chili has been emboldened to refuse the

demands of the English government. As stated to you in my dispatch 102, Peru is most imminently threatened with revolution, and requires the constant vigilance of her authorities to repress it; while within a few days actual revolution has been inaugurated in the Argentine Republic, as you will be advised from other sources, though to what extent it may go cannot now be determined. Bolivia alone is a cipher, besides having symptoms of the same disease afflicting her, now really upon one, and threatening the other of her friends. Hence, Chili feels respited from the dangers she most seriously feared, and finds herself face to face with her English adversary.

As before stated, England may do one of three things upon the reception of the Chilian reply: First, she may concur with the views of Chili and withdraw her demand; second, she may reply in a temperate manner, insisting upon her demand, in which event Chili will ask for the reference of the case to arbitration; and, third, she may act with precipitancy in the case, and order her Pacific fleet to Valparaiso. Chili fears the latter, having in view the recent Guatemala case; in the event of which it is my own judgment Chili will then comply with the English demand upon the ground of compulsion, but not from any sense or acknowledgment of international error.

Thus stands the case at present, and the reply to Lord Derby's note, herein stated, will be handed to the English minister in Santiago to-morrow, to be forwarded to his government.

In an interview held to-day with the minister of foreign relations upon other matters, he solicited me, upon the part of his government, to invite your personal mediation, so far as consistent with your position, in behalf of Chili, stating that Mr. Seward, through our representative at St. James, was enabled to prevent serious difficulty between England and Brazil; and that Mr. Fish had most opportunely rendered a like important service to Brazil and the Argentine Republic. It was his belief that through our minister to England you might advise and procure a calmness of procedure which would result in an amicable settlement of the question, and a saving of the interests and honor of both parties. His language was warm and complimentary to both our government and yourself. Believing, as I do, that Chili has not been wholly in error in this transaction, and knowing that she is willing to settle it upon an fair and honorable basis, I would respectfully indorse the request of the minister of foreign relations, warmly recommending such friendly action in the premises as you might be able to take compatible with your own views and the general nature of the case.

As this dispatch will probably reach you some days before the English government can receive information from its minister, there will be time for communication with England before a decision is reached, should it appear proper to you to take any steps in the matter.

I have, &c.,

C. A. LOGAN.

No. 118.

Mr. Logan to Mr. Fish.

No. 117.] LEGATION OF THE UNITED STATES,

Santiago de Chile, November 2, 1874. (Received Dec. 16.)

SIR: My dispatch No. 87 informs you of the passage of an amendment to the penal-code bill by the Chilian senate virtually nullifying

those provisions of the bill most obnoxious to the church party. In due course of procedure the bill with the amendment came up in the house a short time since for action. According to the rules, a two-third majority was required to disagree with the senate amendment. The church party were in a state of the wildest excitement, fearing the requisite majority would be obtained. Every means of persuasion and intimidation were resorted to by the clericals to bend the radical majority in the house to their own purposes; and, as a weapon of irresistible power, the Archbishop of Santiago, in connection with the bishops of Concepcion and Serena, issued a pastoral a few days in advance of the expected vote, forbidding the clergy to extend the rites of the church to any person who, by his voice or vote, should do any act which might contribute to the injury of the holy church. This decree of excommunication applied itself at once to the President and his cabinet who proposed the bill, and was intended to operate in the future against such members of Congress as might vote for it.

The measure produced the most intense fear and anxiety among the wives, daughters, and female relatives of the excommunicated and those who were in danger of incurring it, and accordingly this element of strength was added to the efforts of the clergy in defeating the bill. The excommunicated, however, only laughed at the matter, and did not appear affected by it.

After protracted discussion a vote was reached, and 59 out of 88 members, exactly two-thirds, voted against the senate amendment. Upon the announcement of the result to the crowd surrounding the building, an excited demonstration took place; loud cheers for the liberals and groans in derision of the church party filling the air. Some personal conflicts also ensued, though none of a general nature. The yelling crowd in their excitement threw some stones at the *Independiente* (the church paper) in the neighborhood, and in the open plaza two copies of the pastoral of excommunication were burned, amid shouts of derision.

This action of the house threw the bill back to the senate for a two-third vote in order to sustain the amendment. The day arrived for the vote and a large crowd gathered about the building, awaiting the result with the most breathless anxiety; among these was the Archbishop himself, clad in full clerical robes. Much to the chagrin of the liberals, a two-third vote was gained by the church party, under the spur and lash of the clericals, and, as it is freely asserted, by the liberal use of money. The senate is composed of only twenty members, which is not a large body to handle if they take kindly to handling.

The bill has thus passed with the senate amendment to Art. 118; and though the liberals have not gained all they hoped for, yet a long step seems taken toward the final separation of church and state. The President and his cabinet are now openly in favor of the church reform, and popular meetings are being held all over the country indorsing the action of the President and the liberal members of Congress. So pronounced are these indorsements that it is certain the new Congress whose members are to be elected next year will have a large majority of liberals in each House, and the defeat of the church party assured in consequence.

An important result of the recent contest has been to show the liberals that they are in a large majority in the republic, and hence their future action will be open and undisguised.

I have, &c.,

C. A. LOGAN.

No. 119.

Mr. Logan to Mr. Fish.

No. 133.] LEGATION OF THE UNITED STATES,
Santiago de Chile, February 12, 1875. (Received March 11.)

SIR: Referring to the reception of the President's message, I have the pleasure to inform you that it gives universal satisfaction among the American residents of Chili, so far as I have been enabled to learn their sentiments.

The financial policy therein recommended, which in my own judgment is the only correct one, is particularly commended.

In a long conversation upon the subject with the minister of foreign relations, during which I explained such matters in connection with the message as were not clear to him, he expressed himself in terms of warm admiration, and dwelt upon the breadth of view displayed in all its parts.

The determination to meet the Government obligations in good faith and the recommendations in reference to a speedy return to a specie basis met his special indorsement, as also the remarks relative to the Cuban question, in which the South American republics evince particular interest; and the recommendation looking to the establishment of an American line of mail-steamers upon the southwest coast. The latter measure, if carried out, will meet a hearty support from the governments of the coast, some, if not all, of which would be willing to subsidize the company. My dispatch No. 68 makes a fuller reference to the same subject. I have transmitted the copy of the message sent for the use of the Chilian government.

I have, &c.,

C. A. LOGAN.

No. 120.

Mr. Logan to Mr. Fish.

No. 135.] LEGATION OF THE UNITED STATES,
Santiago de Chile, February 27, 1875. (Received April 2.)

SIR: Under cover of this dispatch, I have the honor to inclose a printed copy in Spanish of the postal treaty recently celebrated between Chili and Germany, and also a translated copy of the same.

In former dispatches I have had the honor to call the attention of the Department to the propriety of concluding a postal treaty between the United States and Chili, stating at some length the evils of the Chili postal system, of which the American residents of the country so constantly complain. A full description of the postal arrangements of Chili, with their extortions and double charges, is to be found in my dispatch No. 50, under date of March 15, 1874.

In my dispatch No. 70, I stated that Chili had subsidized a national line of steamers between Panama and Valparaiso, and suggested the convenience which a Chilian line of steamers would render in the consummation of a direct postal treaty.

The postal evils and complaints referred to in the above-named dispatches still continue; and I am constantly beset with inquiries as to why some effort is not made to correct them.

Hence, if it be deemed inexpedient, for reasons not known to the American residents of Chili, to enter into a postal convention between the two countries, I should be glad to be so informed by the Department, that I may communicate the fact to them.

I have, &c.,

C. A. LOGAN.

[Inclosure in No. 135.—Translation.]

POSTAL CONVENTION BETWEEN CHILI AND THE GERMAN EMPIRE.

DEPARTMENT OF FOREIGN RELATIONS.

Frederick Errazuriz, President of the republic of Chili.

Whereas between the republic of Chili and the empire of Germany was negotiated, concluded, and signed, in this capital, on the 22d of March of the present year, through the medium of plenipotentiaries competently empowered to the effect, a postal convention, the tenor of which is literally as follows:

The President of the Republic on the one part, and His Majesty the Emperor of Germany on the other part, animated by the desire to regulate the postal relations between Chili and Germany by establishing a direct postal communication between the two countries, with a view to its actual necessity, have resolved to arrange a convention to this effect, and have named their empowered representatives thus:

The President of the Republic of Chili, the Señor Ibañez, minister of foreign relations in said republic, and His Majesty the Emperor of Germany, the Señor Carl Ferdinand Levenhagen, the minister resident of the empire in Chili, who, after having mutually exhibited their ample credentials, and found them in due form, have agreed on the following bases:

ARTICLE 1. That there shall be between the administrations of postal affairs of Chili and of Germany a periodical and regular interchange of—

Ordinary letters;
Postal cards;
Certified letters, and all kinds of certified correspondence;
Periodicals, books, and other printed matter;
Samples;
Business and commercial papers and manuscripts.

This interchange must be made in mails forwarded as follows:

A. By German, Belgian, or French steamers by way of Colon and Panama, or by way of the Straits of Magellan, and respectively from Panama by French or English steamers.

B. By English steamers by way of Southampton, Colon, and Panama, or by way of Liverpool and the Straits of Magellan.

The two administrations shall agree in designating the steamers and the lines of steamers which shall be most suitable for the transmission of the mails between Chili and Germany.

The mails shall for the present be sent as follows:

1. By way of Hamburg, by German steamers to Colon, and from Panama by English or French steamers.
2. By way of Bremen by German steamers to Colon, and from Panama by English or French steamers.
3. By German steamers direct by way of the Straits of Magellan.
4. By way of Saint Nazaire, Colon, and Panama, by French steamers.
5. By way of Bordeaux and Straits of Magellan, by French steamers.
6. By way of Antwerp and Straits of Magellan, by Belgian steamers.
7. By way of Southampton, Colon, and Panama, by English steamers.
8. By way of Liverpool and Straits of Magellan, by English steamers.

The sender of a letter will have the option of choosing between the various lines by designating by which it is to be forwarded.

The administrations of postal affairs of the two countries will agree upon the offices through the medium they shall reciprocally transmit the correspondence.

ART. 2. The administration in Germany will defray the expense of transmission by sea of the mails sent from Germany to Chili, and *vice versa*.

In the same way and in both cases the administration of Germany will defray the postage by land of the mails sent by steamers whose voyages may not extend to German or Chilian ports.

ART. 3. Ordinary letters, certified letters, and all kinds of correspondence, as also postal cards, commercial and business papers, samples, periodicals, books, and all printed matter, must be prepaid to their destination.

Notwithstanding, however, if at some future time, should any other foreign country agree upon an interchange of correspondence with Chili not prepaid, then Germany will accept the same arrangement, in which case the two postal administrations will agree upon the conditions requisite.

ART. 4. The postage on single letters interchanged between Chili on the one part and Germany on the other part is fixed at the following rate:

I. When sent by the routes mentioned in Art. 1, under Nos. 1, 2, 3, 4, 5, and 6, at twenty-five cents for letters posted in Chili, and at eight groschen for letters posted in Germany.

II. When sent by the routes mentioned in Art. 1, under Nos. 7 and 8, at twenty-five cents for letters posted in Chili, and at ten groschen for letters posted in Germany.

A letter is considered single the weight of which does not exceed fifteen grams. Letters which exceed this will be charged single postage for every extra fifteen grams or fraction of fifteen grams.

Postal cards will be invariably considered the same as ordinary letters.

ART. 5. The postage on periodicals, periodical works, unbound and bound books, music paper, catalogues, prospectuses, notices of all kinds, printed, engraved, lithographed, or copied by hand, as also engravings, lithographs, and photographs, that are sent either to or from Germany or Chili, without distinction of the way of transmission, is fixed at the rate, for every fifty grams or fraction of fifty grams, of four cents in Chili, and one and a half groschen in Germany.

In order to reap the benefit of the reduced postage conceded by the present article, the above-mentioned objects should be qualified for transmission, in conformity with the current laws or current regulations of the country from which they proceed.

No parcel of periodicals or other printed matter must exceed the weight of one kilogram.

It is understood that the dispositions contained in the present article do not limit the right of the respective governments not to carry out in the territory of either country the transmission and distribution of objects designated in the same, in respect to which the laws, orders, or decrees which indicate the conditions of the publication and circulation, either in Germany or Chili, shall not have been complied with.

ART. 6. The postage on samples sent from one of the two countries to the other, without distinction of route, shall be, for every fifteen grams or fraction of fifteen grams, four cents in Chili and one and a half groschen in Germany.

In order to avail of the rate of postage conceded by the present article, samples should be sent wrapped in such a manner that they may be easily known.

No manuscript should have any intrinsic value, nor should contain any sign or cipher, more than the direction, the signature of the sender, a trade or commercial mark, numbers in order, and prices.

No package of samples should exceed in weight two hundred and fifty grams.

ART. 7. The postage on business papers or printed proofs, with corrections written, and the original manuscripts sent from one of the countries to the other, without distinction of routes, shall be, for every fifty grams or fraction of fifty grams, four cents in Chili and one and a half groschen in Germany.

In order to enjoy this reduced rate which the present article concedes, the objects designated must be sent in wrappers, and must not contain letter or note of any kind that partakes of the character of correspondence.

No parcel of business papers, printed proofs, with corrections written, or manuscript must exceed the weight of one kilogram.

ART. 8. The correspondence of all kinds sent from one of the countries to the other must be prepaid by means of the stamps in use in the country from which they proceed; the stamps of other countries are not valid.

ART. 9. Correspondence of all kinds that is reciprocally transmitted between the inhabitants of Chili on the one part, and the inhabitants of Germany on the other part, can be sent under a certified guarantee.

Certified correspondence will pay independently of the postage established by the preceding Articles 4, 5, 6, and 7, the duty for certifying existing in the country.

The sender of the certified object can claim the advice of its arrival at its destination signed by the person to whom it is addressed, but must pay for this notice on delivery—

In Chili five cents.

In Germany two groschen.

ART. 10. In case of the certified object being lost, the postal administration in the territory where the loss is made shall pay to the sender, or, as the case may be, to the person to whom it was addressed, in six months from the date of the claim being made, an indemnity of ten dollars if proceeding from Chili, or fourteen thalers if proceeding from Germany.

The indemnity mentioned shall be paid equally between the postal administrations of Chili and Germany if the loss occurs in the territory of an intermediate country.

All claims for indemnity for loss must be made, under penalty of forfeiting the right to same, within one year from the date of posting the object.

The transmission by sea is not guaranteed.

ART. 11 The product of postages received shall be divided in the following manner:

The postal administration of Germany will pay to that of Chili without distinction as to whether the mails are sent by steamers mentioned in Art. 1, under Nos. 1, 2, 3, 4, 5, and 6, or Nos. 7 and 8, as follows:

I. For letters going from Germany to Chili, one groschen for every single postage.

II. For printed matter, business documents, printed proofs, and manuscripts going from Germany to Chili, one-third of a groschen for every single postage.

The postal administration of Chili will pay to that of Germany:

1. For letters sent from Chili to Germany:

a. When sent by the routes indicated in Art. 1, under Nos. 1, 2, 3, 4, 5, and 6—

Seven groschen for every single postage.

b. When sent by routes indicated in Art. 1, under Nos. 7 and 8—

Nine groschen for every single postage.

2. For printed matter, samples, business papers, printed proofs, and manuscripts going from Chili to Germany, without distinction of route, one and one-sixth groschen for every single postage.

With these receipts the postal administration of Germany will provide for the expenses of transportation by sea and land.

The fixed duty for certifying and the incidental one for advice of reception belong exclusively to the country where they are accomplished.

It is formally agreed between both contracting parties that the correspondence designated in the preceding articles 4, 5, 6, 7, and 9, cannot be subjected under any pretext whatever in the country of its destination to duty or charge of any kind at the expense of the persons to whom it is addressed.

ART. 12. The interchange of correspondence between Chili, on the one part, and the Austro-Hungarian monarchy and the Grand Duchy of Luxemburg on the other, if made through the medium of Germany, will be subject to the conditions established by the preceding articles of the postal service between Chili and Germany.

The postal administration of Germany will undertake the postages necessary in the territories of the Austro-Hungarian monarchy and Duchy of Luxemburg.

ART. 13. The postal administration of Chili and Germany can reciprocally deliver correspondence of all kinds that may be found as coming from or going to some country of which the one or the other may be intermediate.

As regards the payment for the transportation in distant foreign countries, the same will be re-imbursed to the postal administration of the intermediate countries in conformity with the accustomed arrangement between the said administration and other countries.

ART. 14. Only correspondence relating to the postal service will be exempt from postage.

ART. 15. The accounts for the transmission of the correspondence formed every three months by the postal administration of Germany, shall be sent to that of Chili for examination. The balance of these three-monthly accounts shall be stated in the money of the country to which it corresponds. The amounts taken in money from the owing office shall be reduced, when the case needs it, upon the basis of one thaler or three reichsmark for seventy-five cents.

The balance shall be paid, if in favor of Chili, in drafts upon Santiago, and if in favor of Germany, in drafts upon Hamburg.

ART. 16. The postal administrations of Chili and Germany will agree upon the form of the accounts mentioned in article 15, and will adopt all measures of order and detail necessary to secure the execution of the present agreement.

ART. 17. It is also agreed that the postage fixed for the various correspondence can be reduced by agreement between the two postal administrations, in case that the prices for transmission by sea or land shall be reduced.

ART. 18. As soon as the administration in Chili may be able to transmit mails by sea and in transit through intermediate countries under conditions equal to or more favorable than those conceded to the administration in Germany, each administration will pay the cost of sea and land transit for the mails they forward. Such a case occurring the two administrations should come to an understanding about the measures necessary to adopt in respect to this, and particularly as to the division of the product of postages, proceeding upon the principle that each administration should from that time retain all the postages received in his territory for the international correspondence between Chili and Germany.

ART. 19. The present convention will be put in execution with all possible dispatch, and will be obligatory until one of the contracting parties announces to the other, with one year's notice, the intention to withdraw from it.

During this last year the convention will have full and complete execution without any obstacle in the way as to the settlement of accounts between the two countries after the expiration of the mentioned period.

ART. 20. The present convention will be ratified and the ratifications will be exchanged in Santiago as soon as possible.

In agreement whereof both plenipotentiaries have signed in duplicate and have affixed their respective seals.

Concluded in Santiago on the 22d of March, in the year of our Lord 1874.

ADOLFO IBAÑEZ.
CARL FERDINAND LEVENHAGEN.

And whereas the foregoing convention has been ratified by me with the approval of the National Congress, and the respective ratifications exchanged this day in this city of Santiago, between the Señors Adolfo Ibañez and Carlos Fernando Levenhagen, plenipotentiaries named to this effect by the governments of Chili and the Empire of Germany:

Whereas, in virtue of the power conferred upon me by article 82, part 19 of the constitution, I dispose and command that this convention in all its bearings shall be complied with, and carried into effect from the first day of January, 1875, by all the authorities and citizens of the republic, for whose information it is published in the official paper.

Given in the office of my department the thirty-first day of December, 1874.

FREDERICO ERRAZURIZ.

ADOLFO IBANEZ.

No. 121.

Mr. Logan to Mr. Fish.

No. 143.] LEGATION OF THE UNITED STATES,
Santiago de Chile, April 12, 1875. (Received May 27.)

SIR: My dispatch No. 112, under date of October 9, 1874, informed you that I had commenced the labors of arbiter upon the question involved in the Chili-Peru alliance of 1865. I have now to inform you that I have completed the duties connected with the trust, and have formally rendered my sentence. The parties in interest have resolved to print the whole sentence as delivered, and I shall probably have the opportunity to present you a copy when the printing is completed.

There was a number of very nice points connected with the controversy, but the chief labor arose from having to consult piles of documents, vouchers, and accounts with no regularity, and all in the Spanish language. The award, $1,130,000, was made in favor of Chili.

I anticipated that both parties would be greatly dissatisfied with the award, but, greatly to my surprise and gratification, both are highly pleased, and have made official acknowledgments of the fact. Inclosed I send you an English translation of the proceedings which took place upon the delivery of the sentence, and without impropriety, perhaps, may make mention of the fact that the Chilian newspapers have united in the publication of articles of the most complimentary character, some of which I shall be pleased to transmit to you, when I shall have leisure to translate them.

The present effect has been to induce upon the part of Chili and of Peru, so far as heard from, the most cordial feeling of esteem and good will toward our Government, and this circumstance alone more than repays me for the arduous labor and anxiety I have gone through in fulfillment of the trust.

I have, &c.,

C. A. LOGAN.

[Inclosure in No. 143.—Translation.]

SETTLEMENT OF THE CHILENO-PERUVIAN QUESTION.

AWARD OF THE ARBITRATOR.

Translation from the Ferro-Carril of April 8, 1875, for the Valparaiso and West Coast Mail, April 10, 1875.

We informed our readers some months ago that the Peruvian and Chilian governments had mutually agreed to submit the questions arising out of the liquidation of the accounts of the allied squadron, during the war with Spain, to arbitration, and that the choice of the representatives of both nations had fallen upon the honorable Cornelius A. Logan, envoy extraordinary and minister plenipotentiary of the United States to this country, as arbitrator upon the points at issue. We took advantage of the opportunity then presented to us to congratulate both countries on the selection they had made of arbitrator, and to express our belief that in the hands of such an able and judicious referee as the honorable Cornelius A. Logan, the question at issue between the two republics would be promptly and satisfactorily solved. The result has proved the correctness of our opinions. The labors of the honorable arbitrator have been of no light nature, for he has had to sift the truth out of an entangled mass of documents that had set at defiance all previous attempts at a settlement, and this very onerous duty has been performed in such a manner as to give unmixed satisfaction to everybody concerned in the matter. The arbitrator's award, which is a masterly document, was delivered in duplicate on the 7th instant, in the ministry for foreign affairs, in the presence of Señor Enrique Cood, minister for foreign affairs; Señor Adolfo Ibañez, ex-minister for foreign affairs; Señor Blest Gana, representative of Chili, and Señor Zegarra, representative of Peru.

After presenting his award, the honorable C. A. Logan spoke as follows:

HONORABLE SIRS: Having concluded my task as arbitrator in the question that has been pending between your respective governments, it is now my duty to communicate to you my decision.

With this view I at first thought it would be best to read to you the sentence *in extenso;* but, on second consideration, I have resolved, with your permission, to simply place a copy of the sentence in the hands of each of your representatives. This procedure appears to be the most proper one in view of the sentence, which requires, in order that it may be clearly understood in all its parts, to be carefully considered, giving to it all that attention which it would be impossible to do if it were simply read by a third party.

I have prepared, therefore, two copies of the sentence, one for each of the parties to the case, and in placing them in your hands, it will not be out of place to say a few words respecting the contents of these documents.

I have found the task confided to me much more laborious and complicated than I had imagined when I accepted your mark of confidence. This has arisen in part from the very irregular nature of the questions pending between the allies, if I may be allowed so to speak, and in part from the fact that the arbitrator has been under the necessity of giving a different interpretation to the treaty and to the manner of carrying out the liquidation to that adopted by the honorable parties to the alliance. Hence arises the necessity for making almost an entirely new liquidation.

One of the difficulties has been that neither of the parties appears to have known how much money had been expended by the other on account of the alliance. In the liquidation Calvo-Reyes one ally was credited with a disbursement much smaller than it really made, while scarcely anything was conceded to the other.

The alteration made by the arbitrator in the date of the commencement of the alliance; the different view he takes with regard to the time in which each allied vessel became chargeable to both parties, and with respect to expenditure that did not properly belong to the joint account, gives to the balance a very different result to that of the original liquidation.

If the arbitrator has incurred any errors, they are errors of judgment, and by no means intentional; nor could they arise from want of assiduity, for he has labored with activity and zeal to find the true solution of the difficult questions involved in the matter.

In fulfillment of the desires of the honorable representatives, the arbitrator has named the total sum of the net balance; and, as is expressed in the same document, from this sum there must be deducted the exact amount paid in money on account.

In conclusion, I desire to give my sincere thanks to Señor Adolfo Ibañez, ex-minister for foreign affairs of Chili, for his kind attentions during the course of this work, and to the honorable representatives of Peru and Chili for the kindness and patience with which they have assisted me.

Such as it is, I deposit this work in your hands, as the judgment and sentence given in conformity with the protocol appointing me arbitrator; and I trust that the care-

ful revision and study of the opinions on which the decision is founded will convince both parties of its justice.

The minister for foreign affairs replied as follows:

HONORABLE SIR: It is pleasing to me on this occasion to be able to fulfill a duty, not only of courtesy, but of justice.

In making known to you the acknowledgments of my government for the important service you have rendered to two nations, I do nothing more than offer a just tribute to your zeal and untiring assiduity.

When the two republics confided to your care the grave matter that you have just decided, they were both convinced that they would find in Mr. Logan a mutual friend, whose upright judgment, guided by the strictest impartiality, would soon bring it to a termination.

I can assure you that my government will know how to appreciate properly the new title that you have added to the many you already possess to the sincere esteem which I feel it to be an honor to offer to you.

Together with the satisfaction of having faithfully fulfilled a highly delicate mission, you can also rest assured that you have contributed in an efficacious manner to remove a motive of discord between two countries and two goverments that are desirous of maintaining the most cordial relations.

Señor Zegarra, the representative of Peru, expressed himself as follows:

The government of Peru will shortly receive the grateful news that the questions arising out of the accounts of the alliance have been settled by the award of the honorable arbitrator.

I believe that I faithfully interpret its feelings when I assure you that on its part it is animated by the same sentiments as those expressed by his excellency the minister for foreign affairs, and that it will learn with pleasure that there has disappeared a controversy that had been already prolonged much more than was compatible with the fraternal relations of Peru and Chili.

The award of the honorable arbitrator, whatsoever may be its details, will be a just and equitable settlement of all the complicated and difficult questions that we have been discussing during some months past; and, on the other hand, it will confirm the high opinion my government has ever had, and which it has always been proud to express, of the vast attainments, strict impartiality, and unsullied honor of his excellency the honorable C. A. Logan, to whom it is to me a pleasing and an honorable duty to offer to-day, in the name of the government of Peru, its most cordial acknowledgments for his untiring efforts to bring to a happy conclusion the delicate questions submitted to his decision.

Señor Blest Gana, the representative of Chili, expressed himself as follows:

SIR: I am as yet unacquainted with the terms of your award. Nevertheless I do not hesitate to affirm that they will be the genuine expression of justice.

As the representative of the republic in this complicated business, and having been associated with you in your labors, I have had the opportunity of comprehending the elevated spirit and impartial opinion by which you have ever been guided in our difficult investigations.

Thanks to the clearness of your observations, it has been possible for us to arrive at the happy end of a journey whose obstacles have not been less than its duration. The better part of it belongs, sir, to you; and, as a witness of it, I fulfill the obligation of declaring to you that, together with the gratitude of two republics, you have gained a well-earned guerdon for your indefatigable constancy.

It must be as satisfactory to you, sir, as it is to us to know that the sentence given in this entangled controversy, far from weakening the intimate relations of Chili and Peru, will, on the contrary, be a new bond, that will strengthen them.

The desire of both governments has been to arrive at the truth by means of an amicable discussion. Whatsoever that may be which, in your opinion, represents the rights of each one of the contending parties, they cannot forget that, having existed during many years as brothers, it is their duty to continue to strengthen their uninterrupted fraternity.

The ex-minister for foreign affairs, Señor Ibañez, thanked Mr. Logan for the kind expression he had used toward him, and said that it afforded him great pleasure to be able to add his testimony with respect to the assiduity with which the arbitrator had fulfilled his task, and added that the government had found in Señor Blest Gana a representative whose labors corresponded in every respect to the importance and complicated nature of the matter.

The protocol signed by the arbitrator and contracting parties is as follows:

SANTIAGO DE CHILE, *April* 7, 1875.

In the ministry for foreign affairs there assembled to-day at noon the following persons:

The honorable arbitrator, C. A. Logan; the honorable minister for foreign affairs of

Chili, Enrique Cood; the honorable secretary of the Peruvian legation, representing the government of Peru, F. C. C. Zegarra; the honorable ex-minister for foreign affairs of Chili, Adolfo Ibañez; the honorable representative of Chili, Joaquin Blest Gana; the secretary of the arbitrator, Lionel Carden; and the secretary in behalf of Chili, Juan B. Lopez.

The honorable arbitrator, after making a few preliminary observations respecting the award, proceeded to deliver to each one of the high contracting parties a copy of the award and sentence in the question of the accounts of the allied republics of Chili and Peru, in conformity with the treaty of 1865.

Wherefore the said contracting parties acknowledge having received the decision and sentence of the arbitrator in the final fulfillment of the obligations imposed upon him by the protocol, and in witness thereof they have signed this memorandum in duplicate, on the day and year above written.

C. A. LOGAN.
ENRIQUE COOD.
F. C. C. ZEGARRA.
ADOLFO IBAÑEZ.
J. BLEST GANA.
JUAN E. LOPEZ.
LIONEL CARDEN.

The Hon. C. A. Logan, minister of the United States, delivered sentence on Wednesday, in his capacity of arbitrator, in the question between this country and Peru arising out of the liquidation of the accounts of the allied fleets during the war with, Spain. The sentence has not yet been published, but it is known that it awards to Chili the sum of $1,130,000, from which there has to be deducted the sum of $654,000 paid by Peru at different times, leaving a balance of $476,000 in favor of Chili.

No. 122.

Mr. Logan to Mr. Fish.

No. 153.] LEGATION OF THE UNITED STATES,
Santiago de Chile, May 24, 1875, (Received June 25.)

SIR: Under cover of this dispatch, I inclose the full text in printed form of the sentence and award of the arbitrator in the matter of the Chili-Peru alliance of 1865.

I have, &c.,

C. A. LOGAN.

[Inclosure in No. 153.]

Sentence and award of the arbitrator in the matter of the Chili-Peru alliance.

From the West Coast Mail, May 22, 1875.

TREATY OF ALLIANCE, OFFENSIVE AND DEFENSIVE, BETWEEN CHILI AND PERU.

Whereas the respective plenipotentiaries have stipulated at this capital, on the fifth day of December, one thousand eight hundred and sixty-five, between the republics of Chili and Peru, the following treaty of alliance, offensive and defensive, viz:

In the name of Almighty God, the republics of Chili and Peru, in presence of the danger by which America is menaced and of the violent aggression and unjust pretensions with which the Spanish government has begun to attack the dignity and sovereignty of both, have agreed to enter into a treaty of alliance, offensive and defensive; for which purpose they have nominated plenipotentiaries, *ad hoc*: thus, on the part of Chili, Señor Domingo Santa Maria; and on the part of Peru, the secretary for foreign affairs, Señor Toribio Pacheco; who, having deemed their respective powers sufficient, proceeded to frame the present preliminary treaty.

ART. I. The republics of Chili and Peru stipulate between themselves the most intimate alliance, offensive and defensive, in order to repel the present aggression of the

Spanish government, as well as any other from the same government that may be directed against the independence, the sovereignty, or the democratic institutions of both republics, or of any other of the South American continent; or that may have originated in unjust claims deemed such by both nations, and which may not be advanced according to the principles of international law, or which may be disposed of in a way contrary to said law.

ART. II. For the present and by the present treaty, the republics of Chili and Peru oblige themselves to unite such naval forces as they have or may in future have disposable, in order to oppose with them such Spanish maritime forces as are to be or may be found on the waters of the Pacific, whether blockading the ports of one of said republics, as now happens, or of both, as it may happen, or in any other way committing hostilities against Chili or Peru.

ART. III. The naval forces of both republics, whether they operate together or separately, shall obey, while the present war provoked by the Spanish government lasts, the government of that republic on whose waters said naval forces be stationed.

The officer of highest rank, and in case of there being many of the same rank, the senior among them, who may be commanding any of the combined squadrons, will assume command of them, provided such squadrons operate together.

Nevertheless, the governments of both republics may confer command of the squadrons when they operate together, to the native or foreign officer they may think most skillful.

ART. IV. Each one of the contracting republics on whose waters the combined naval forces may happen to be, on account of the present war against the Spanish government shall defray all kinds of expenses necessary for the maintenance of the squadron or of one or more of its ships; but at the termination of the war, both republics shall nominate two commissioners, one on each side, who shall make the definite liquidation of the expenses incurred and duly vouched, and shall charge to each of the republics half of the total amount of said expenses. In the liquidation, such partial expenses are to be comprised for payment, as may have been made by both republics in the maintenance of the squadron or one or more of its ships.

ART. V. Both contracting parties pledge themselves to invite the other American nations to adhere to the present treaty.

ART. VI. The present treaty shall be ratified by the governments of both republics, and the ratifications shall be exchanged at Lima within forty days, or sooner if possible.

In faith whereof the plenipotentiaries of both republics sign and seal the present treaty.

Done at Lima on the fifth day of December, one thousand eight hundred and sixty-five.

DOMINGO SANTA MARIA.
TORIBIO PACHECO.

Therefore the present treaty having been approved by decree of this date, I have ratified it, holding it as a national law, and pledging for its observance the national honor.

In faith whereof I sign the present ratification, sealed with the seal of the republic and countersigned by the secretary of state for foreign affairs, at Lima, on the twelfth day of January, in the year of our Lord one thousand eight hundred and sixty-six.

MARIANO IGNACIO PRADO.
TORIBIO PACHECO.

ACT OF EXCHANGE OF RATIFICATIONS.

The undersigned, Domingo Santa Maria, envoy extraordinary and minister plenipotentiary of the republic of Chili, and Toribio Pacheco, secretary for foreign affairs for the republic of Peru, having met in the office of the bureau of foreign relations at Lima, for the purpose of exchanging the ratifications of the treaty of alliance, offensive and defensive, done at Lima on the fifth of December, one thousand eight hundred and sixty-five, and after exhibiting their respective full powers, which were found to be in good and due form, they carefully compared the two texts of said treaty, and finding them exact and agreeing between themselves and with the original, they effected said exchange.

In faith whereof, the undersigned sign the present act of exchange, and seal it with their seals, at Lima, on the fourteenth of January, one thousand eight hundred and sixty-six.

DOMINGO SANTA MARIA.
TORIBIO PACHECO.

BASES OF THE LIQUIDATION OF THE ALLIED ACCOUNTS.

Upon a careful consideration of the terms of the treaty of alliance, offensive and defensive, between Peru and Chili, hereto prefixed, the arbiter is of the opinion that the liquidation of the accounts of the allies must be made upon the following bases:

First. To consider the treaty of alliance as operative from the 5th of December, 1865, and the vessels then and thereafter placed at the disposal of the allied governments, as being under the common expense from that date, to the cessation of their service.

Second. To place only such vessels upon the common expense as formed the allied fleet proper, viz: the Amazonas, Apurimac, Union, América, Huáscar, Independencia, Esmeralda, Maipú, Covadonga, Abtao, Valdivia, Arauco, and Ñuble.

Third. To regard a vessel as being upon the common expense as soon as she was fitted to serve the cause, and was entered so to serve it, upon the prescribed field of operations, viz, the waters of the Pacific, bordering the coasts of Peru and Chili.

Fourth. To regard all kinds of expenses (apart from those of original equipment) necessary for the maintenance of the allied vessels in a condition of effective service as belonging to the common expense, including therein the sums paid for proper transport-service.

Fifth. To regard as valid the Calvo-Reyes liquidation of September 15, 1870, in so far as it rests upon the bases herein set forth.

Sixth. To regard the 31st of October, 1867, as terminating the common expense for such vessels as remained in service up to that period; and the date when a vessel was withdrawn, by capture or entire disability for further service, as the date when the common expense shall cease as to the said vessel.

Seventh. To regard nothing as being due from one party to the other, upon account of prize-captures made by either, except in the case of the Thalaba.

Eighth. To regard nothing as being due from one party to the other upon account of interest, until a balance of indebtedness is determined and default of payment occurs.

Ninth. To regard the decision of minor incidental questions as resting upon the general principles of law and equity, these being fully treated of in another portion of this judgment.

In accordance with the foregoing bases the allied service must be computed as follows:

Peruvian vessels.

Frigate Amazonas, from December 5, 1865, to January 16, 1866.
Frigate Apurimac, from December 5, 1865, to October 31, 1867.
Corvette Union, from December 5, 1865, to October 31, 1867.
Corvette América, from December 5, 1865, to October 31, 1867.
Monitor Huáscar, from the 6th of June, 1866, (the time of reaching Chiloé,) to October 31, 1867.
Frigate Independencia, from the 6th of June, 1866, to October 31, 1867.

Chilian vessels.

Corvette Esmeralda, from December 5, 1865, to October 31, 1867.
Steamer Maipú, from December 5, 1865, to October 31, 1867.
Schooner Covadonga, from December 5, 1865, to October 31, 1867.
Steamer Abtao, from November 20, 1866.
Steamer Valdivia, from April 5, 1867, to October 31, 1867.
Steamer Arauco, from April 5, 1867, to October 31, 1867.
Steamer Ñuble, from June 1, 1867, to October 31, 1867.

In conformity with the preceding bases of liquidation, it has been found that the government of Peru is indebted to the government of Chili, upon account of the expense of the allied fleet, in the sum of one million one hundred and thirty thousand dollars.

The arbiter, not having been furnished with an exact statement of the amount of money paid by the Peruvian government to the government of Chili, in abatement of its indebtedness, it must be understood that the foregoing statement of indebtedness is to be reduced to the extent of the payments upon account made by the government of Peru to the government of Chili.

It would have been more in accordance with the desires of the arbiter, if the allies had been able to agree, in a formal manner, upon a few briefly-stated interrogatories, which should embrace the questions at issue between them, and have required his simple opinion thereon.

From the singularly intricate nature of the case, however, with its very numerous ramifications, this was found to be impossible; and in the protocol agreeing to the reference to arbitration, the arbiter was invested with the additional faculties of a judge, and requested to give his opinions in the formal manner of a legal sentence.

This he has endeavored to do, as briefly as possible, consistently with a fair expression of the reasons which have moved him to the formation of his opinions, and with the expressed desire of the parties; together with an act of simple justice to himself, which is, that in the discharge of duties so extensive, so responsible, and so very delicate in character, he sufficiently acquit himself of any possible imputation of being dogmatic, arbitrary, or careless, in the making of his sentence.

With these remarks the following observations are submitted as the bases upon which the arbiter's conclusions have been reached:

OBSERVATIONS.

The treaty of alliance, offensive and defensive, between Chili and Peru as against Spain, was signed on the 5th day of December, 1865, and was ratified, according to the requirements of the instrument, on the 14th of January, 1866.

In reference to the alliance, it is to be observed, that it was equal; and to the treaty, that, embarking the allies in a common cause, and requiring them to act with all their actual strength, however unequal their real strength, it was also equal. (Vattel, 6th Am., 198.)

Considering the treaty in reference to its validity, it is to be remarked, that it has all the elements, and is accompanied with all the requisite formalities, of a valid international contract, no allegation to the contrary being made by either party,

Considered in reference to its construction, it may be said to be indefinite, and in one sense incomplete, and, therefore, somewhat ambiguous. It is indefinite or incomplete for several reasons; the principal of which are, that no specific mention is made as to how many vessels and how many men each ally shall furnish; when they shall be furnished; what class of expenses shall be considered as common to the allies, and what as special; when these common expenses shall begin to accrue, &c.; and it is both incomplete and ambiguous in Art. IV, providing for the ultimate settlement of the accounts between the allies.

As to the principal points of difference growing out of the differences of construction of the treaty, it appears to the arbiter they may be comprised under the following heads:

First, as to the full scope and precise date of becoming operative, of the treaty ratified January 14th, 1866, as bearing upon the question, *when* the expense attached to each vessel began to accrue as common expense; as well as the number of vessels embraced in the alliance.

Second, as to the particular class of expenses which should be borne by the parties in their separate and in their allied capacity.

Third, as to the exact character and full powers of the commissioners appointed by the allies, under the provisions of Art. IV.

Fourth, as to the validity of the agreements made April 8th and 12th, 1869, by the commissioners Calvo and Reyes, fixing the bases of liquidation, together with the partial adjustment of September 15th, 1870.

Fifth, as to when the period of common expense, pertaining to the individual vessels of the alliance, terminated.

Sixth, as to the division of the prize-spoils.

FIRST.

As to the full scope and precise date of becoming operative of the treaty ratified January 14, 1866, as bearing upon the question when the expense attached to each vessel began to accrue as common expense, as well as the number of vessels embraced in the alliance.

A. *At what precise date did the treaty become operative?*

It was signed by the plenipotentiaries December the 5th, 1865, and the ratifications were formally exchanged January 14, 1866.

It therefore became operative from the former date. ("The exchange of ratifications has a retroactive effect, confirming the treaty from its date." Lawrence's Wheaton, page 326.)

B. *What was the scope of the treaty in relation to embracing acts of the plenipotentiaries antecedent to its actual date?*

This question, raised by one of the parties with the view of computing the common expense from a much earlier date than the formation of the treaty, viz, the 17th of October, 1865, would become of importance under a certain state of facts. On the 16th of October, 1865, Señor Don Domingo Santa Maria, as confidential agent of Chili in Peru with full powers, addressed a note to the minister of foreign relations of Peru, Señor Don Juan Manuel La Puente, stating his desire to procure the assistance of the naval and land forces of Peru against Spain, which latter had already declared hostilities against Chili, by blockading its ports; and soliciting a personal audience, to lay the matter of his mission before him.

It appears by the record that this interview took place on October 17; that, as a result of the interview, the Peruvian government, through its minister, issued orders that four of its vessels should *at once* proceed to Chilian waters, under order of that government, to assist in repelling the Spanish attack; that the Peruvian minister addressed Señor Santa Maria with an official note, dated October 17, 1865, advising him of the fact, and inviting the latter, if he desired to frame any treaty with Peru, to state it, and concluded by remarking that "this note, together with the documents referred to," (meaning the order placing the vessels named at the disposition of the Chilian government with the decree of war against Spain,) "being the preliminary of the intimate alliance, defensive and offensive, which is established henceforth between both nations."

On October 18, 1865, Señor Santa Maria addressed an official note to the Peruvian minister, acknowledging the patriotism of Peru; accepting the order and the assistance, and concluding as follows: "The undersigned perfectly understands that the first foundation of the treaty of alliance, offensive and defensive, for opposing Spain which ought to exist between Peru and Chili is already stipulated; but, nevertheless, he thinks it would be convenient to frame some other stipulations to render the proceedings of both governments during the war they are engaged in, more expeditious."

On the 5th of December, 1865, Señor Santa Maria upon the part of Chili, and Señor Toribio Pacheco upon the part of Perú, formally framed and signed the treaty of that date.

The conclusion from this statement of facts is clear; the official preliminaries recited are to be considered as part of the treaty, and, under it, the vessels *Amazonas*, *Apurimac*, *América*, and *Union* would be considered upon the common expense from October 17, 1865. ("All mere verbal communications"—and, by unavoidable corollary, written communications—"preceding the final signature of a written convention, are considered as merged in the instrument itself." Lawrence's Wheaton, Am. page 318.)

("All communications, written or verbal, between the parties to a treaty, preceding its signatures, and relating to the subject thereof, are merged in the treaty." Field, Outlines of an International Code.)

But the record shows that however good the intention in the matter of dispatching the vessels named may have been, that it was not done by reason of internal difficulties connected with a change of government by that republic; that the said vessels did not become "disposable" for the purposes of the treaty until a much later date. There having been no actual compliance with the spirit or letter of the treaty until the date of its signature, the latter must be considered as the true starting-point of the alliance.

C. *What were the vessels embraced in the alliance?*

It is unfortunate for both governments that the treaty did not specify, in an exact manner, the number of vessels which were to be considered as constituting the alliance at its formation, together with provisions as to the means of entry of new vessels, as from time to time they became available. The omission to do so proper a thing can only be explained by considering the great and alarming danger the allies were threatened with in the presence of so large and powerful a fleet as Spain then had upon their coasts.

In the face of such an opponent all considerations of mere money were sunk by the allies before the inexorable necessity of pressing every available means into service to avert the common danger.

The question raised in this connection is one of the two so widely separating the allies, and upon its decision rests the issue of a very large sum of money. It is proper, therefore, to consider it with the utmost care and under all of the lights possible to be thrown upon it. An attentive reading of the treaty will justify the following analysis:

Article 1 stipulates an alliance for a certain purpose, viz, "In order to repel the present aggression," &c.

Article 2 prescribes the means for the effective carrying out of the purposes of the alliance. It is agreed that both republics shall unite such "naval forces" as at the time, (*i. e.*, the date of the treaty) they had "disposable," (*disponibles*,) or might in future (*i. e.*, during the life of the treaty) have "disposable," for a definite purpose—*i. e.*, "to oppose with them such Spanish maritime forces," &c.

The simple language of the text of the two articles would seem to settle the whole question. The allies were threatened with the devastation of their sea-ports by a powerful Spanish fleet as a measure "of aggression of the Spanish government." In the inability of either republic to cope alone with so powerful a foe, it was agreed to make common cause against the maritime forces of Spain upon the waters of the Pacific, and unite certain "naval forces," which are exactly defined by the treaty, (all those which were *disposable*,) for the purpose of opposing with them these "maritime forces," &c. In this the maxim of strength in union was intended to be illustrated and its benefits achieved.

The idea involved comprehends two points: First, to unite the *disposable* vessels of the republics; and second, with such *disposable* vessels so united, to "oppose the Span-

ish maritime forces, whether blockading their ports, or in any other way committing hostilities against them." The logical conclusion is that the allies contemplated the formation of a *fleet*, which might successfully cope with the Spanish fleet and thwart its designs. This interpretation gives a force to the alliance which, by creating a substantial entity, makes the article operate to a greater extent than the mere resolution to *unite their efforts* by contributing all their forces as the incidents of the war might successfully call them into action. This general idea of contributing an effective fleet seems plainly indicated by the treaty in its parts and in its entirety. If, however, there might be a reasonable doubt from the text as to whether it was contemplated forming a fleet to act in concert against the Spanish forces, or whether it purposed to unite *all* of the vessels of each country and place them upon the common expense during the war, it must be dispelled by one word in the article—the word *disposable*, (*disponibles.*)

This word is restrictive in its signification. No other "naval forces" than those which are *disposable* are to be united by the allies. Two distinct classes of naval forces are recognized—those disposable and those not disposable. The disposable are to be united under the treaty for a certain purpose; while the undisposable are reserved for another purpose. What can that purpose be? Is it not manifestly for the individual protection of each country? What other consideration could render them undisposable for the purposes of the alliance? Why unite only the *disposable* "naval forces," if it were intended to embrace all of the naval forces of both countries and place them upon the common expense?

If the reference to the disposable "naval forces" thus united be followed through the treaty, it appears to confirm the above construction in a conclusive manner.

Article 3 prescribes that the naval forces referred to in article second shall obey that government upon whose waters they be stationed, and this whether they operate together or separately; thus providing for the contingency of the fleet, before combined, being required to separate by the exigencies of the war, and act upon different waters. This article also provides for the assumption of the supreme command of the united squadron or naval forces of both republics by the officer of highest rank, in case they operate together; but reserves the right to confer command upon any officer the governments may think most skillful when they act in combination; thus preserving the idea of a single body directed by a single officer, except in the event of their not operating together.

Again, article fourth prescribes that "each government upon whose waters the *combined* naval force may happen to be shall defray all kinds of expenses," &c. The adjective *combined* has here a specific meaning, relating to the act of aggregation, and consistently preserves the idea of the treaty.

It cannot signify an *ideal* union, while physical distinctness exists. A material thing is treated of, the maintenance of "the combined naval forces." It were superfluous to say that a government would naturally pay the expenses of its own ships on its own waters; and the provision must be intended to meet the case of the ships of one of the republics on the waters of the other; and this consideration, coupled with the obvious import of the word *combined*, carries the whole question with it and calls into existence a substantial and material fleet of war-vessels, which in their operations may find themselves upon the waters of one or the other of the republics whose government is to provide for their maintenance.

To gather the fragments of the different articles and put them in a sentence so they shall tell their own story, it may be said that the *disposable* naval forces of both republics shall be united for the purpose of opposing the maritime forces of Spain on the waters of the Pacific; their command shall be intrusted to a certain officer when they act in combination; and, by inference, to the person naturally commanding them when they do not; and the cost of maintaining these combined naval forces shall be borne by that government upon whose waters they happen to be. No warrant is to be found in the treaty for the division of expenses upon any other basis than this.

The disposable and combined naval forces of both Republics shall be maintained by that government upon whose waters they happen to be, and the division of expenses is to be made at the termination of the war. No other expense is common.

Though possessing only a corroboratory value, but tending to show the intention of the parties to the treaty, it may be said, in general terms, that every document of the government officials of the time, presented to the arbiter, bears out the construction of a single combined fleet, created by the allies, for the purpose of opposing the Spanish fleet.

Señor Pacheco, one of the makers of the treaty, writes a note to the minister of Peru in Chili, under date of November 2, 1867, in which the character of the *Callao*, as an allied vessel, is denied; and the allied squadron, which, it is stated, was stationed at *Chiloé*, in May, 1866, is designated by the specific mention of the vessels at that time composing it; thus plainly giving the allied squadron a "local habitation and a name." And in this connection, another fact may be referred to. The *Callao* and *Sachaca* were, by decree of the Peruvian government, transferred to a private company, on the 31st

of December, 1866, for the purpose of "facilitating the coasting-trade" of one of the allies. Had these vessels constituted a part of the allied fleet, whose expenses were to be borne in common by the allies, the act of withdrawing them by one ally without the consent of the other could hardly be considered proper. The treaty of alliance was a pact between two powers, whereby, for certain mutual interests at stake, it was stipulated that the parties should unite their disposable naval forces for their common defense. Each relied upon the assistance and good faith of the other, and neither party could violate his agreements without annulling the contract. An alliance constituted upon the right to withdraw one or more of the contributed elements whenever the interests or caprice of either party might dictate, would have no strength, moral or physical. It is not probable that either of the enlightened nations, parties to the contract, would place itself and its fortunes at the hazard of such a chance. Quite as specific as the note of Señor Pacheco before referred to, is the expression contained in an agreement between the minister of foreign relations of Chili and the envoy extraordinary of Peru, under date of April 17, 1866, by which a distinguished vice-admiral is intrusted with the "command in chief of the naval forces which the governments of Chili and Peru now control, or may be able to dispose of, during the actual war."

Again, a prize-convention was held by the representatives of the two republics, on the 26th of December, 1866, by which certain rules for the distribution of prizes were agreed upon, the following words forming part of article fourth: "Provided, the capturing vessel makes a part of the allied squadron; but if the capturing vessel do not belong to the allied squadron, but have remained detached to the private service of one of the contracting parties," &c.; thus, at once, preserving the distinct entity of the allied squadron, and the retention of certain vessels for the private service of either party under the head of *undisposable*. This convention was not ratified through non-necessity, but has an importance as showing understanding and intention at the time.

Further, in the protocol signed by the minister of foreign relations of Chili, and the envoy extraordinary of Peru in Chili, under direction of their respective governments, dated October 5, 1867, it was plainly agreed to dissolve the allied squadron by placing the Peruvian division forming part of it under command of its own government.

Of this protocol four leading points are to be observed:

1. That the alliance itself should remain intact.

2. That placing the Peruvian division under orders of its own government should operate to dissolve the common expense.

3. That, should the enemy again call the allies into action, the mutual-expense arrangement for the naval divisions of Peru and Chili under consideration should form the subject of a new agreement.

4. That profound silence is maintained as to the common expense ceasing in regard to vessels not under the orders of Chili; and hence, if *all* the naval vessels of one of the allies had been under the common expense, as claimed, they would still remain so, no modification of the treaty in regard to them having ever been made.

This agreement between Señores Pardo and Fontecilla, whereby the common expense was considered terminated, has an important significance, as showing the interpretation given to the treaty in this respect by those gentlemen. This interpretation is only individual opinion, to be sure, and therefore is in no sense conclusive; but nevertheless it has corroborative value, as showing the understanding of the makers of the treaty by those who were co-actors in the events of the time.

The sole object of the agreement, it is admitted, was to terminate the common expense account of the allies; and it will be observed that this was done, not by a direct agreement to terminate said common account, but by the stipulation that, as it was unnecessary for "the Peruvian naval division incorporated into the allied squadron to continue longer under orders of the Chilian government," the said division should, from the date of the agreement, be considered as under orders of the Peruvian government; but, for reasons which do not appear, it was further stipulated that, notwithstanding the said division was placed under orders of its own government, its expenses should be common until the first day of November following.

There can be no mistake as to the understanding of the makers of the agreement in regard to the constitution of an allied squadron proper, whose expenses only were to be common. The placing of the "Peruvian naval division incorporated in the allied squadron," under orders of its own government, terminated the common expense at a certain date.

No other common expense is provided for; the designation of those vessels whose expense had been common is specific, viz: "The Peruvian naval division incorporated into the allied squadron, under orders of the Chilian government." This construction *must* be accepted; there is but one alternative—that of considering the common expense account as *existing to this day*. The latter proposition, as involving a conceded absurdity, leaves only the former for adoption.

Further, the documents are copious, proving that the Commissioners, Calvo and

Reyes, acted constantly under instructions from their governments, in the liquidation made by them; while their work shows conclusively that they entertained no idea of creating a community of expense in regard to any other vessels than those specifically defined in their joint liquidation.

Finally, no claim to the contrary by either party anywhere appears, until the supreme decree of the government of Peru, June 3, 1869.

These considerations convey to the mind of the arbiter the unavoidable conviction that the treaty of alliance substantially established only two things: First, that the two republics entered into a league to defend themselves, and back each other to the extent of their ability, against Spain; and second, that as the contest was expected to be of a naval character, and neither of the allies possessed a fleet large enough, or strong enough, to cope with the Spanish fleet, they stipulated to put such vessels together as they could dispose of compatibly with their individual interests and safety, to oppose the Spanish fleet; and that the expense account of the vessels composing the allied fleet should be borne by the allies in common.

D. *At what time did the common expense begin to cover vessels which entered the alliance subsequently to the date of the treaty?*

In the absence of specific mention upon this important point recourse must be had to the general structure and spirit of the treaty. In the solution of the question two points must be kept prominently in view: First, the vessels which were to be embraced in the alliance; and second, the field of operations prescribed by the treaty.

As regards the first, it appears that such naval forces as the republics then had, or might in the future have at their disposal, were to be embraced in the alliance; and accordingly vessels were added to the combined forces by both parties, as from time to time they became available.

As regards the second point, it must be carefully observed that those naval forces were to be united for a particular purpose, about which there can be no doubt whatever—this purpose being "in order to oppose with them such Spanish maritime forces as are to be or may be found on the waters of the Pacific, whether blockading," &c. Here the field of hostile operations is limited to *the waters of the Pacific*, and, by fair and logical induction, from the concluding sentences of the article to those portions of the Pacific, bordering the coast of the allies. Therefore, except through the most extensive interpretation, it would not be within the terms of the treaty to transfer the allied fleet to the coast of Spain or the waters of the Atlantic; nor could any vessel properly belong to the alliance until she was not alone ready for service, but ready for service upon the field of action, so plainly prescribed by the treaty. Whenever, therefore, a vessel belonging to either of the allies was ready for service upon such parts of the waters of the Pacific as rendered her of substantial aid to the common cause, and brought her under the direction of the naval chief of the allied fleet, she became an allied vessel under the stipulations of the treaty.

SECOND.

As to the particular class of expenses which should be borne by the parties in their separate and in their allied capacity.

The language of article fourth of the treaty seems plainly enough to interpret the meaning of its makers. The particular government upon whose waters the naval forces united or combined in a mutual cause, under article second, may happen to be, shall defray *all kind of expenses necessary for the maintenance* of the squadron or one or more of its ships. The word maintenance has no technical signification in this relationship, meaning simply the upholding, supporting, and keeping up of each particular vessel, that it might sustain its attitude of belligerency. Hence, its provisions, the pay of its men, its fuel, its ammunition, the repairs necessary to maintain it in its belligerent capacity, &c., are legitimate items belonging to the common expense. It must be remarked, however, that while the warrant is sufficiently extensive to cover every item necessary to the accomplishment of the purpose named, there appears no authority for levying expense upon the common treasury, which did not go to the maintenance above spoken of. Neither would it be proper to compute the expenses of original equipment, outfitting, &c., of such vessel as common expense, these being considered the contribution of each nation to the common cause, and in furtherance of the common safety, under the treaty, which regarded the strength of both republics as being equal, though in fact it may not have been so. As no sharp line of division can be drawn as to the class of expenses which, while necessary under the head of maintenance, at the same time added a permanent value to a particular vessel, the determination as to such cases must fall within the domain of equity.

Nor can it be inferred from the treaty that the loss of the exclusive property of one or the other, in conflicts with the enemy, was to be reimbursed by the allies. The alliance was considered equal in that no mention was made of the respective vessels each was to furnish, the forces being considered equal for the purposes of the alliance, as

before remarked. The vessels of each, such as they were, and however acquired, were embarked in the common cause; and the danger to each republic being equal, as repeatedly stated in the papers accompanying the formation of the treaty, and by the treaty itself, each nation assumed the risks and casualties of the war from necessity, the only expenses which were considered as common between them being those connected with the maintenance of the squadron, or one or more of its ships.

THIRD.

As to the exact character and full powers of the commissioners, appointed by the allies, under the provisions of Article IV.

The difference between the allies upon this point seems radical and irreconcilable; but, it would appear from a careful consideration of the language of Article fourth, taken in its usual and accepted sense, together with established usage pertaining to such agents, that there should be no difficulty in arriving at the true solution of the question.

The word commissioner (Latin, *committere*, to intrust to) is usually applied to an agent, who has a commission or warrant to perform some special business, or particular branch of duty. When employed by one government, in the transaction of business with another, it usually falls within this definition; and in such cases, the warrant or power of the officer should exactly express the nature and extent of his commission. (Les commissaires, envoyés a l'etranger, ont dans cette qualité, aucude des prerogatives des ministres publics, mais le titre de ministre leur peut être conferé ainsi, que cela la pratique quelque fois pour des comissaires ayant mission de regler de delimitations de frontiers ou de proceder a des liquidations. C'est donc á leur constituant a préciser le caractere official dont il entend les revêtir." Martens' Guide Diplomatic, page 62.) Vattel contends, that an agent sent with credentials on public business, becomes a public minister, his title, whether it be deputy, commissioner, or other, making no difference in the case. The real question between the allies, however, is not as to the precise diplomatic character of the commissioners, provided for in Article fourth, but the exact power conferred upon them by that article. It is a fair construction of the article, that having ascertained the amount of expense incurred, they were to make report to the two republics, for approval or ratification; or did the article invest them with authority to make a final settlement between the parties?

There can be no question that it was the intention of the allies to bear each an equal portion of the expense of the allied fleet, and the appointment of the commissioners was a simple provision for arriving at the total amount of the legitimate expense, that each of the republics might pay the one-half. Their whole duty was to make the definite liquidation of the expenses incurred and duly vouched, and charge to each republic half of the total amount of said expenses. ("Los cuales practicarán la liquidacion definitiva de los gastos hechos y debidamente justificados y cargarán a cada una de ellas la mitad del valor total a que estos gastos asciendan.")

The commissioners were authorized by the article to do two things, and only two things: first, to make the definite liquidation of the expenses incurred and duly vouched; and second, to charge each of the republics one-half of the total amount of said expenses.

As regards the first duty, there can be no double interpretation. Bouvier in his Law Dictionary defines liquidation as "a fixed and determinate valuation of things, which before were uncertain." They were, then, to ascertain the expenses incurred, according to the proper vouchers. After having done this, as the second branch of their duties, they were to *charge* one-half of the amount of the expenses so ascertained to each republic. The verb *to charge* has here no technical meaning in the absence of other stipulations, and must be taken in its usual sense. According to Webster, it signifies "to place to the account of, as a debt; to make responsible for."

The commissioners, then, were expressly authorized by the treaty to ascertain the whole expense, and to put one-half the total to the account of each republic, as a debt. These were their specific duties as commissioners, and the absence of any other conditions in the treaty shows that their acts were to be considered final. If the words "shall charge" have not this meaning, they have none; and having none, there can be no resulting effect. Hence, according to a recognized rule of interpretation, that signification should be adopted which will permit the provision to operate.

Indeed, it does not appear that any contrary understanding was entertained by either party, until the protocol of the conference between the Chilian chargé, Señor Godoi, and the Peruvian minister of foreign relations and of finance, was signed on November 6, 1869, when Señor Angulo made the statement, apparently acquiesced in by Señor Godoi, that the liquidation of the commissioners required the final approbation of both governments. This, however, was some seven months after the commis-

sioners Calvo and Reyes had signed the agreements fixing the bases for the regulation and liquidation of the accounts; in the second of these agreements, dated April 13, 1869, it appears that Señor Calvo had been under instructions from his government as to what items should be allowed; while subsequent papers show that both commissioners in their settlement referred continually to their respective governments.

In the interpretation of this portion of the treaty, usage, as to the officials denominated commissioners, may, also, have a corroborative bearing. ("A clear usage is the best of all interpreters between nations." Phillimore, vol. 2, p. 72.) Without going further than the example of the United States, in its relations with other powers, it may be said that the resort to commissioners has been a frequent method of settling differences as to boundaries, the determination of amounts of money to be paid, &c., as—(see the treaty with Great Britain of October 28, 1795, providing for the appointment of three sets of commissioners, whose awards, on the different subjects submitted to them, were to be final; the treaty of Ghent, February 17, 1815, appointing commissioners to decide boundary-lines, whose award was to be final; with Great Britain, January 10, 1823, to ascertain amount of indemnity to be paid for loss of slaves, under the decision of the Emperor of the Russias, the award of the commissioners to be final; the claims convention with Denmark, June 5, 1830, the treaty not specifying that the award should be final, but being so regarded; the claims convention with Mexico, April 7, 1840; the claims convention with Mexico, February 1, 1869; the boundary convention with Mexico, May 30, 1848; the award of the commissioners in all being final; the claims convention with Great Britain, July 26, 1853; with New Granada, November 5, 1860; with Costa Rica, November 9, 1861; with Ecuador, July 27, 1864; with Venezuela, April 17, 1867; and the celebrated treaty of Washington, June 17, 1871; all of these providing for the appointment of commissioners whose award was to be considered final.)

Reference may also be made to a claims convention between the United States and Peru, April 18, 1863; and one July 4, 1869; both providing for the appointment of commissioners whose award was to be considered final.

These examples, certainly, go far toward establishing a clear usage of submitting questions of difference to the decision of commissioners, whose decisions have always been accepted as final. In all the instances, save one, by a special article, however, which does not appear in the treaty of alliance of December 5, 1865. In the face of such precedent, and in consideration of the simple duties of the allied commissioners, as mere *auditing* officers, the omission cannot be material. ("The rule, that the influence and authority of *usage* in the interpretation of private covenants is such that customary clauses, though not expressed, are held to be contained therein, is, in its spirit, applicable to international covenants." Phillmore, vol. 2, p. 77.)

The expression that the duties of the allied commissioners were expected to be simply those of an auditory and arithmetical character is legitimately inferable from the spirit of the treaty as a whole, and the failure to make any provision for the appointment of an umpire to decide cases of disagreement, while the omission to insert a reservation that their acts should be subject to the approval of both governments, shows that they were invested with full and final power to audit the indebtedness and specify the balance of money due from one to the other of the allies.

FOURTH.

As to the validity of the agreements made April 8th and 12th, 1869, by the commissioners, Calvo and Reyes, fixing the basis of liquidation; together with the partial adjustment, September 15, 1870.

From the foregoing consideration it must be clear that these acts of the commissioners must be considered valid, but with a most important reservation. It is a well-established principle of international law that after a treaty, possessing all of the elements of validity, has been formally executed, it can only be altered or amended before its proper expiration by the same authority, and under the same formality of procedure, as the original; and especially is it not permissible for either party to interpret its provisions according to his own fancy. In the discharge of their duties under Article fourth, the commissioners must, of necessity, keep themselves strictly within the scope of the treaty, in doing which their acts must be held binding on the allies; but in departing from which their acts are null to the precise extent of the departure. In the difficulties of settlement which presented themselves the commissioners, in a spirit of mutual concession, highly creditable to their desire for amity and fair dealing, saw fit to make certain arbitrary arrangements, as, for instance, that a certain class of expenses of particular vessels should begin at a certain time, and certain others at a certain other time; all of which, as being outside of the proper construction of the treaty, could only be made valid by a submission to and ratification by the principals. Hence, the partial liquidation by the commissioners of the date September 15, 1870, can only be held good so far as it conforms itself to what is believed to be the true interpretation here laid down.

FIFTH.

As to when the period of common expenses pertaining to the individual vessels of the alliance terminated.

The withdrawal of the Spanish forces from the contest without the execution of a formal treaty of peace, led the allies to the conclusion of a convention, fixing the 31st day of October, 1867, as a date whereupon the common expense account should cease. Hence, those vessels serving the allied cause continuously up to that date are to be considered upon the common expense, until it was reached; while those serving only a portion of the time could be so reckoned only to the cessation of their service.

SIXTH.

As to the division of the prize spoils.

Under this construction of the treaty, the allies derived no common benefit from the captures in the Atlantic by the iron-clads *Huáscar* and *Independencia*, because these vessels had not yet reached the Pacific, and hence could not belong to the allied fleet.

Neither did the Callao belong to the allied fleet when she captured the *Guiding Star*, and therefore the actual captors were alone entitled to the prize.

As regards the *Thalaba*, captured by the *Covadonga*, the capture must be considered joint. The allied fleet was at anchor in the bay of Valparaiso, and the *Covadonga* was dispatched by the commander to make the capture, which, although it did not occur within actual sight of the rest of the fleet, yet clearly falls within the general laws of prize entitling the whole squadron to joint participation, when a capture is made by one or more of its vessels, not upon a separate and datached service, and close enough to the squadron to be considered as but one of the outstretched arms of the latter. (Phillimore, 3d, 498.)

THE DECISION OF MINOR INCIDENTAL QUESTIONS.

The *Paquette del Maule*.—This vessel was a transport, and though chartered by one of the allies prior to December 5, 1865, the date of the treaty, she passed into service as a transport to the allied fleet, as near as can now be determined, about December 30, 1865. No evidence, at least, has been presented to the arbiter that she served the common cause prior to that date. As a transport to the combined fleet, the division of her expenses is legitimate, the transport service being absolutely necessary under the head of maintenance, as defined in the treaty. The documentary evidences are sufficiently copious to show that, when captured, she was on a service directly beneficial to one of the allies, with the full knowledge and, at least, tacit consent of its representative. No objection was made by him at the proper time, either to the terms or service of the vessel, and the right of objection is, therefore, lost. The expenses of the vessel, as well as her loss, are divisible by the allies from December 30, 1865.

Enlistments.—These cannot be considered divisible under the head of maintenance. The spirit of the treaty contemplates a contribution, by each nation, of certain efficient warlike elements. Ships unmanned cannot be so considered; and recruiting at the common expense was not provided for by the treaty. This item is thrown out of the liquidation, and each ally charged with his own expenses in this direction, so far as it has been possible to ascertain them.

Expense of repairing at Chiloé.—The note of Senor Galvez, dated December 4, 1865, promising to repay, immediately, the expense of repairing the four vessels sent to Chiloé, must be considered part of the treaty, by a rule before stated. Hence, the ally owning the ships must bear that expense exclusively. Had the account been presented, and default of payment occurred, interest could have been claimed upon the amount. Under the circumstances, it cannot be allowed.

Surplus supplies.—If a surplus of supplies was drawn by one of the allies, it was by the knowledge and act of the other, who, failing to object or protest at the proper time, has lost the remedy.

Wages of court-martialed officers.—When these left the service of the principal, (the allied fleet,) by their own act, they had no claim to recompense for services unrendered. The local law of one of the allies, allowing half-pay to court-martialed officers, cannot bind the other in the absence of a mutual agreement.

Difference of coin.—If one of the allies paid the salaries of the men of the other in a coin twenty-five per cent. more valuable than the home coin of the latter, it does not appear that the latter had any agency or direction in it; and, as being the act of the former, he cannot take advantage of his own wrong. The difference has not been allowed.

Voyage of a minister from one country to the other.—This had no connection contemplated by the treaty with "the maintenance of the allied squadron, or one or more of its ships," and has not been allowed.

The Apurimac, after leaving the allied fleet.—This vessel was sent to Peru for repairs, which could not be made in Chili, with the knowledge and consent of both parties. Under the plain provisions of the treaty a vessel was not compelled to be bodily present with the allied fleet in order to constitute a part of it, the contingency of separation being expressly provided for; nor can any claim against her seaworthiness lie at this late day. She was accepted as an allied vessel by both parties, sent to Peru for repairs, and the objection now urged should have been made at the time. The failure to do this places the objectors in the position of taking an advantage after the fact. Her expense is computed as common to October 31, 1867.

The coal account.—The expenses of maintenance in the way of fuel is common. No human intelligence could have foreseen the exact amount of fuel to be required during an undetermined period and by an unknown number of consumers. The provision must be large enough to cover the contingency. As both parties incurred a joint expense in the amount purchased, both should share the profits of the residue. It is therefore so computed in this liquidation, the result being arrived at as accurately as circumstances have permitted. Coal consumed in the private use of one of the parties has been put to his exclusive account.

The matter of cannons received by one ally from the other.—This question, carrying with it a large claim, has received the serious attention of the arbiter, and, from a most careful perusal of the document from which he derives his powers, he can arrive at no other conclusion than that it is not within his faculties to decide the question. His whole authority is "to adjust the pending questions on which the Peruvian and Chilian commissioners are not agreed in the arrangement and liquidation of the accounts of the allied squadron, referred to by the pact of alliance of the 5th of December, 1865;" and further, "to decide all the rest which may exist, or which, in the course of judgment, may arise from the same accounts," (*i. e.*, the accounts of the allied squadron.) The transactions referred to had no connection with the allied squadron or its accounts, which were to be borne in common; but seem to the arbiter to involve a question of international ethics, easily arranged, with which, under his present authority, he cannot intervene nor pronounce a binding judgment, should he do so.

The General Lerzundi.—So far as this vessel is connected with the transaction of the cannon between the allies, the arbiter, as before stated, can give no valid judgment; but as it plainly appears that she "was afterward sunk at the mouth of the Huito Channel by the common agreement of a council of war, composed of Chilian and Peruvian officers, in order to save the life of the squadron," she certainly falls within the scrutiny of the arbiter, and strict equity would demand that her loss be imputed to the common account, which is accordingly done in this liquidation.

The Callao as a transport.—Though this vessel did not belong to the allied fleet, yet it has been conclusively shown that she performed important transport service to the fleet, and compensation as such, while actually engaged in the service, has been allowed in this liquidation.

C. A. LOGAN.

No. 123.

Mr. Logan to Mr. Fish.

No. 155.] LEGATION OF THE UNITED STATES,
Santiago de Chile, June 4, 1875. (Received July 12.)

SIR: In further relation to the dispute of the "Tacna," between England and Chili, fully treated of in previous dispatches from this legation, I have to inform you that a telegraphic dispatch, in cipher, has just been received by the Chilian executive from the Chilian minister in England, announcing that the proposition of the Chilian government to submit the whole question to arbitration has been accepted by the government of Great Britain, and the Emperor of Germany agreed upon as the person to whom such submission shall be made. This result is looked upon by the Chilians as a substantial victory in their favor.

Having previously had the opportunity to privately peruse the dispatch of Lord Derby to the English minister in Chili upon the subject, in which it is announced that the offer of arbitration had been made by

the representatives in England both of Germany and the United States, I have no doubt this result has been contributed to by the joint efforts of both governments. At all events, the result is received here with the greatest satisfaction, as affording an opportunity to the Chilian government for ample vindication if in the right, and an honorable retreat if in the wrong.

I have, &c.,

C. A. LOGAN.

CHINA.

No. 124.

Mr. Williams to Mr. Fish.

No. 60.] LEGATION OF THE UNITED STATES,
Peking, September 17, 1874. (Received November 16.)

SIR: The inclosed translations relate to one of the most unpromising events which has happened at this court since foreigners have resided in its capital, and its import for the future cannot yet be fully understood. About twenty months have now passed since the Emperor took charge of the government, during which period the affairs of state have gone on as usual under the guidance of Prince Kung and other high officers, retained in their former posts. Last year the proposition was made to rebuild two of the palaces at Yuen-ming-yuen, for the accommodation of the two empress dowagers, and the works were commenced. During the winter and spring enormous peculations were discovered in the disbursements and contracts for timber, involving many high functionaries, and compelling the suspension of some parts of the projected restorations. Latterly, the outlays to prepare for resisting the Japanese have been so great as to compel the government to stop all the repairs and dismiss the workmen. This has excited the dissatisfaction of the two eminent ladies of the palace; and it was surmised that their disappointment would show itself.

Whether the issue of the decree of the 10th instant was caused by their influence in the palace councils cannot be decided; but this capital was stirred to an unusual degree on the next morning by learning that Prince Kung had been degraded for his rude speeches, when everybody knew that the real reason was his refusal to permit further expenditure at the summer palace. His son, Tsai-Ching, is about a year older than the Emperor, whose school-fellow he has been, and their close relationship has made the two youths very intimate. There are two grades of prince, called tsin-wang and kuin-wang, which may be distinguished as prince imperial and prince royal, the first being the highest title in the empire. A beili prince royal is peculiarly a manchu dignity.

For these two high personages, uncle and cousin to His Majesty, to be thus summarily degraded and shamed in the face of the empire, amazed and alarmed everybody not aware of the circumstances. However, the slight was amended as soon as possible. It is said that the Emperor wrote the edict himself, without submitting it for revision; and the next day he announced that he had received a decree from the empress dowagers.

By the plea of filial obedience to their behests, which he could not disregard, he extricated himself from the awkward dilemma into which he had rushed, and the whole affair will therefore be reported throughout the provinces at once, and the prince's restoration be known simultaneously with his degradation, so that no interval of suspense as to what the latter may portend will be felt.

One of the members of the foreign office said it was a matter of little importance, and described the occurrence as a gust of wind, which stirred up a little dust and soon passed away. At present it is regarded as having no very serious bearings. Some official changes are reported in consequence, and a feeling of uncertainty is left which will require time to remove. The consequences of training a youth in privacy, and habituated to receiving implicit obedience from those around him, and then at once introducing him to the control of affairs in a government of whose *personnel* he has very limited knowledge, whose provinces he has never visited, and whose relations at home and abroad he cannot yet understand, are, I fear, likely to be more serious. * * *

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1 in No. 60.—Translation.]

PRINCE KUNG DEGRADED.

7TH MOON, 30TH DAY, (*September* 10, 1874.)

A decree by the vermilion pencil, to be made known to all the princes and high ministers at court. Since we personally took charge of the government, on the 26th of February last year, on every occasion when we have summoned Prince Kung to our presence, his words and remarks have almost always been disrespectful and rude. As a mark of favor to what he deserves, let him now be degraded from his rank of hereditary prince imperial to be a prince royal, but still to retain his position in the great council. His son, Tsai-Ching, is to be degraded from his rank of a beili prince royal This is done as a caution and warning to them.

Respect this.

[Inclosure 2 in No. 60.—Translation.]

PRINCE KUNG RESTORED TO HIS FORMER RANK.

8TH MOON, 1ST DAY. (*September* 11, 1874.)

Imperial decree.

We have received the following gracious behest from their Imperial Majesties, the Empress Dowager Tsz'an and the Empress Dowager Tsz'hi: "His Majesty having yesterday sent orders that Prince Kung be degraded from his rank of hereditary prince imperial to be a prince royal, and his son, Tsai-Ching, be degraded from his rank of beili prince royal, owing to the former having, when summoned into the presence, failed in proper respect in his words and remarks; (we admit) that there has been a degree of error in this which has merited rebuke. But we now recall to mind, since the said prince imperial took part in the affairs of the government, how untiring and diligent he has always been, as the records amply show. Let additional favor therefore be shown by restoring him to his rank of hereditary prince imperial, and his son to his rank of beili prince royal, thus at once marking favor to both of them.

"The said prince imperial will not fail to understand and profit by the admonition embodied in this act of His Majesty, and will, in future, increase his zeal and sincerity in attending to all duties confided to him, and assisting government through its difficulties.

"Respect this."

Same date as the above notice, Prince Kung returns thanks for the favor shown in retaining him in the great council.

In the Gazette of the next day (September 12) is: Prince Kung returns thanks for the mark of favor in restoring him to his dignity of hereditary prince imperial. Tsai-Ching returns thanks for the mark of favor in restoring his rank of beili prince royal

No. 125.

Mr. Williams to Mr. Fish.

No. 62.] LEGATION OF THE UNITED STATES,
Peking, October 2, 1874. (Received December 8.)

SIR: I have the honor to send you the translation of a dispatch from Prince Kung (inclosure 1) and a copy of my reply (Inclosure 2) in relation to an application for the surrender of a criminal, a point upon which I think there has not previously been any correspondence with this government.

I am not fully aware of all the particulars of the enterprise in which this man, Wang-Yen-ping, was engaged in the spring of last year, but he narrowly escaped arrest and summary execution for being implicated in a wild and lawless scheme of resisting the lawful authorities near Chin-kiang, by going over to Japan. Three or four foreign sailors were taken up and handed over to their consuls, and some proof was elicited during their examination that certain persons in the plot did design to raise rebellion, but the whole affair was almost ridiculous in its inception and management. It early attracted the attention of the rulers, who are always alert to stop anything that has the appearance of sedition, and several arrests were made, and I believe a few unhappy natives, found with arms, were executed. There was no overt act of sedition, nor was anybody injured, captured, or robbed by these would-be revolutionists. This man, Wang-Yen-ping, who has, it appears, now turned from the attempt to upset his national government, to act the part of an imperial envoy to foreign countries, has probably attracted the notice of some of the Chinese teachers or students, now in New England, through whom his gasconade has been made known to their friends and superiors in this country. The reference to a Hartford newspaper is the principal reason for making this suggestion. Wang, himself, has received a good English education; but, so far as I know anything of him, he is simply an enthusiastic, excitable man, ready to engage in any enterprise which promises reward or notoriety, and this assumption on his part of the dignity of envoy is probably a piece of bravado which has been greatly exaggerated by the newspaper writers.

I inquired of the members of the foreign office as to their sources of information, but they had nothing besides the report quoted in the dispatch. I explained to them, more fully than could be done by writing, the usages of western nations respecting the extradition of criminals, and the modes of procedure followed in obtaining their arrest and surrender. It would be unwise, however, to allow this government those rights of extradition until its jurisprudence has been remodeled on a better basis than it is at present, while its application for the surrender of notorious criminals might be entertained, each case on its own merits, so as to show to the Chinese rulers that our Government is disposed to act fairly.

The twenty-first article of the British treaty provides for the rendition of Chinese criminals fleeing to Hong-kong, and I understand that the practical working of this clause has not, on the whole, been bad, though it has entailed a good deal of trouble. One result has been that notorious criminals are afraid to stay there long, and do not deem themselves safe until they can get away to sea.

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1 in No. 62.—Translation.]

Prince Kung to Mr. Williams.

TUNGCHI, 13*th year*, 8*th moon*, 18*th day*, (September 28, 1874.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

I received, on the 14th instant, from the southern superintendent of trade, a dispatch inclosing two reports from the intendents at Chin-kiang and Shanghai to the following effect:

"There was a linguist named Wang-Yen-ping, who some time since got up an illegal combination at Shanghai with some vagabonds, and without any certificate for what he was doing, took a lot of arms up to Chin-kiang, no doubt with the design of plunder and brigandage. Hearing that search was making for him, he managed to flee the country.

"Yesterday, on looking over the translations made by the taotai of Shanghai, from a newspaper dated the 10th of August, there occurred the following paragraph: 'A copy of a Hartford paper has been received, in which it is said that a Chinese from Shantung, named Wang-Tsang-fuh alias Wang-Yen-ping, was there, going about among the hotels and boarding-houses and talking in a wild manner. We have heard that he intends going from Canada to England, and wherever he goes he gives out that he has been sent as a special commissioner by the Chinese government.'

"From what is said of his age and appearance, his former history, and the manner of his escape from this country, there can be no doubt of the identity of this man with Wang-Yen-ping. He can both talk and read the English language, and if he has the hardihood to go abroad and everywhere talk in this wild way, he ought to be closely pursued and arrested, or it is greatly to be feared that he will cause difficulty of the most serious kind.

"I have, therefore, to request that you will inform the American minister at Peking of this, that he may write to his Government and have the man Wang-Yen-ping arrested wherever he may be and sent back to China, so that he may be severely punished."

I, the prince, have learned, in relation to this man Wang-Yen-ping, that he was once engaged in secretly carrying a lot of arms to aid in a scheme of brigandage, and has now gone abroad with a false story that he is a government envoy. This is all contrary to law, and it is very important that he be arrested and punished, lest serious trouble arise; and I now make known these facts to your excellency, and desire that you will make them known to your Government. It is of the greatest importance that Wang-Yen-ping be at once taken up and sent back to China for trial, so that he can no longer roam over other lands and create disturbance; and I certainly hope that it will be done as now requested.

[Inclosure 2 in No 62.]

Mr. Williams to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, September 30, 1874.

To His Imperial Highness Prince Kung, &c.:

SIR: I have the honor to acknowledge the receipt of your highness's dispatch stating that a certain Wang-Yen-ping, who had formerly combined with some vagabonds in Shanghai to convey arms from thence to Chin-kiang, and had escaped arrest by flight to other countries, had there falsely asserted that he was an envoy of the Chinese government, and you accordingly request me to write to my Government and have the man arrested and sent back to China for punishment, lest he cause further trouble, &c.

In regard to this man, who fled abroad to escape arrest, and has there given out that he is an envoy from the Chinese government, I may first state, in reply, that I have never heard anything of the particulars mentioned by the taotai as seen in the newspaper.

But in relation to the request made in this dispatch for his arrest, I beg to state that it is a general rule among western nations that when a subject of one country, who is charged with such an offense, flees to another, he is not liable to arrest and examination there, unless he has broken the laws of that country. In this instance Wang-Yen-ping has fled to the United States, and there has falsely given out that he is an envoy of the Chinese government, but the officers there will soon learn that, as he bears no letters with him from his own government, he is only palming himself off as such.

It is quite out of the question for such a hare-brained, half-crazy man as this to make

any trouble there, and it is needless for me to make known this application to have him arrested with a view of punishment. Your highness will, therefore, I hope, be relieved of all apprehension and solicitude on this head.

I have the honor to be your imperial highness's obedient servant,

S. WELLS WILLIAMS.

No. 126.

Mr. Williams to Mr. Fish.

No. 65.] LEGATION OF THE UNITED STATES,
Peking, October 10, 1874. (Received December 8.)

SIR: Referring to my dispatch No. 62, of the 2d instant, in relation to the request of Prince Kung for the arrest in the United States of Wang-Yen-ping, and his surrender to Chinese jurisdiction, I have now the honor to inclose the translation of a rejoinder I have since received to my reply to the prince.

In this letter he quotes a clause of the eighteenth article of the American treaty, stipulating for the surrender of Chinese criminals who may take refuge in the ships or houses of Americans, as if, in his view, it was of the same force within the territory of the United States as of China.

This opinion, though quite unfounded, probably seemed to him to be a legitimate inference when taken in connection with what is said in Wheaton's International Law upon the extradition of criminals among the nations of the west, and the express stipulation of the British treaty in reference to criminals fleeing to the colony of Hong-Kong. Article XII of the treaty between Japan and China provides for the mutual surrender of criminals fleeing from justice, but does not state what crimes are amenable to this provision. Article XXI of the unratified treaty of 1862, between Portugal and China, also stipulated for the surrender of Chinese criminals fleeing to Macao, and required the proof of their guilt to be presented to the colonial authorities. In view of the great emigration of Chinese to the United States, this subject presents features of much interest.

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1 in No. 65.—Translation.]

Prince Kung to Mr. Williams.

TUNGCHI, 13*th year*, 8*th moon*, 25*th day*, (October 5, 1874.)

Prince Kung, chief secretary of state for foreign affairs, herewith sends a reply.

I have had the honor to receive your excellency's dispatch of the 30th ultimo, in which you state as follows:

(Here Mr. Williams's dispatch is quoted in full.)

In reference to this case, I may quote the 18th article of the American treaty, in which it is provided, "if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered up to justice on due requisition by the Chinese local officers addressed to those of the United States."

The criminal, Wang-Yen-ping, who was reported by the southern superintendent of trade as having been implicated with some vagabonds at Shanghai in secretly carrying arms, and afterward fleeing the country to avoid arrest, had designed a scheme of brigandage in so doing. It is really to be feared that he will delude some people by now giving out that he is an envoy of the Chinese government, and thereby cause

trouble; and it was this apprehension which led me to address your excellency and request that you would communicate the facts to your government to the end that this criminal might be arrested and sent back to China to be tried and punished.

In your reply now received, you state that as Wang-Yen-ping has no letters of credence from his own government, it will be known that he is an imposter, and quite impossible for such a hare-brained, half-crazy man to make any trouble. I shall put this reply carefully on file for future reference, and now send this acknowledgment.

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires.

No. 127.

Mr. Williams to Mr. Fish.

No. 39.] LEGATION OF THE UNITED STATES,
Peking, October 28, 1874. (Received December 26.)

SIR: The series of letters (Nos. 1 to 17) now forwarded with this dispatch relates to a controversy which has arisen at New-chwang respecting the control over an American, engaged by the Chinese licensed-pilot service, who had been punished by the consul for an assault on a Chinese woman, and in consequence of this conduct had been suspended by the harbor-master.

The correspondence furnishes all the facts and arguments, so that I need only recapitulate the principal points, and indicate that on which the conflict has arisen, and the way it has been adjusted.

The pilot, D. J. Haliday, a naturalized American, on his liberation from jail, applied for his license, (inclosure 2,) which the harbor-master declined to return, giving his reason for so doing through the manager of the pilot company, (inclosures 3, 4.) Haliday hereupon appealed against this refusal to the United States consul, (inclosure 5,) who immediately applied to the harbor-master for the charges brought against his employé. Some further correspondence ensued between them respecting the grounds for his authority for this suspension, which the consul thought trenched on his own appellate jurisdiction. (Inclosures 6, 7, 8, 9.) The other contented himself by quoting the clause of the regulation under which he acted.

In his last reply, (No. 10,) Mr. Knight carefully reviews the whole case, and bases his objection to the man's suspension on the ground that he had done nothing wrong in his capacity of pilot, urging his sacrifices to make the woman comfortable as an extenuation of his delinquencies, and a reason why he should not be further punished by the loss of his situation.

In another dispatch of the next week (inclosure 12) the consul sends me the harbor-master's acknowledgment of his decision, viz: That Haliday's license shall be returned to him for the rest of this season, and its restoration next spring to depend on the approval of the United States minister. This temporary adjustment of the matter he agreed to, (inclosures 13, 14, 15,) and thus the pilot company in the port is maintained at its full efficiency.

In addition to the consular dispatches, I inclose a summary (inclosure 16) of a report from Mr. Man, the commissioner of customs, reviewing Mr. Knight's argument, and detailing facts about Haliday's conduct while in the pilot service; he also criticises Mr. Richards's affidavit, (inclosure 11,) and furnishes these statements to prove that Captain Rennell has neither acted hastily nor unreasonably.

In my reply (inclosure 17) I have endeavored to show that the section in question gives the harbor-master certain powers over the men under him; and that these powers are complementary to those granted him to constitute a pilot service and engage men in it. I tried to show that it is unreasonable to give him powers to engage a man and not allow him the right to dismiss or suspend him. In the present case, I think it has been justly exercised by Captain Rennell, as Haliday's conduct has been such as to render him a reproach to the company of which he is a member.

Section 2 of regulation 7, whose intent is the subject of this discussion, reads as follows:

"If guilty of any misconduct for which consular punishment has been inflicted, or if proved to have committed any offense against the revenue laws, the individual concerned may be suspended or dismissed by the harbor-master, subject to an appeal to his consul. If a foreigner, the appeal to be lodged within three days." (See J. Ross Browne's dispatch, No. 8, December, 1868.)

Mr. Hart, the inspector-general of customs, has talked with me on the bearing of this stipulation, and also favored me with the perusal of a reply to Mr. Man, in which, after going over the bearings and difficulties of this case, he concludes with stating this alternative:

"My own views are opposed to the regulation which limits the number of pilots. I think that the working of the natural laws of demand and supply might fairly be trusted to; and I would limit customs action to seeing that licenses are issued only to duly-qualified men, or retained only by the continuously efficient, thus leaving it to consuls to deal with unlicensed piloting and misconduct of any kind on the part of their nationals. But with the limitation-of-numbers rule in existence, those other parts of the general regulations, which empower the board to refuse admittance to men who cannot produce certificates of character, and the harbor-master to suspend or dismiss a licensed pilot guilty of misconduct for which consular punishment is inflicted, are obviously necessary and complementary. In this case, the harbor-master would do well to dismiss Haliday; and if this action is upheld by the authorities concerned, well and good; if not, we must take steps to rescind the limitation-of-numbers rule."

It does not, however, seem to be necessary to alter the present regulations as they stand; for, during the six years they have been in operation, very few difficulties have arisen, and the pilot-service is conducted along the coast with efficiency and general satisfaction. Where, as in this case, a companionship of authority necessarily exists, it is not strange that the two powers sometimes come into conflict, but with a disposition to arrange each case as it comes up, the pilot-service has received no hinderance. Disagreements arise more frequently in the smaller ports than in the larger ones, and a good deal depends on the personal character and tact of the harbor-master; and it is an evidence of their general fitness for their duties that so few cases of appeal like the present have come up. A harbor-master is restrained by this right of appeal and its consequent scrutiny into his conduct; and consuls seldom go counter to his action and try to force him to retain an unworthy man. I see many more reasons for retaining than altering the present rules; and I trust you will approve the decision given in this case at New-chwang.

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1 in No. 69.]

Mr. Knight to Mr. Williams.

No. 274.] UNITED STATES CONSULATE,
New-chwang, 6th October, 1874.

SIR A perusal of the inclosed copies of letters, which I have the honor to hand you, will explain a difference of opinion which I have arrived at with the harbor-master of this port, in reference to the meaning of clause 2 of regulation 7 of the pilotage regulations.

The question is one of great importance as regards the jurisdiction of this consulate, and others as well; and, should you approve the stand I have taken, I shall feel obliged if the harbor authorities of the port are so instructed.

My dispatch to the harbor-master contains all I have to say on the subject while the reading of the clause remains the same.

I have, &c.,

FRANCIS P. KNIGHT.

S. WILLIAMS, Esq., LL. D., *&c.*

[[Inclosure 2 in No. 69.]

Mr. Haliday to Mr. Rennell.

PORT OF NEW-CHWANG,
September 28, 1874.

SIR: Captain Lowell, of the American schooner Almatia, has applied for me to pilot his ship to sea this afternoon, and I now beg of you to hand in my license to pilot said ship to sea.

As you had the authority to demand my license, doubtless you are possessed of the authority to hand me the same, or a definite answer whether I am a suspended pilot or no.

I am, sir, yours, respectfully,

D. J. HALIDAY.

T. B. RENNELL, *Harbor-Master.*

[Inclosure 3 in No. 69.]

Mr. Rennell to Mr. Haliday.

HARBOR-MASTER'S OFFICE,
New-chwang, September 29, 1874.

SIR: I have to acknowledge the receipt of your letter dated September, 1874.

The manager of the pilot company has already been informed officially by me that, pending the settlement of a point bearing upon your case of suspension, (through imprisonment by the consul of the United States,) I cannot give him the authority to enable you to resume the exercise of your functions as a licensed pilot at this port.

I am, sir, your obedient servant,

T. B. RENNELL, *Harbor-Master.*

MR D. J. HALIDAY.

[Inclosure 4 in No. 69.]

Mr. Rennell to Mr. Richards.

HARBOR-MASTER'S OFFICE,
New-chwang, September 30, 1874.

SIR: I have very carefully considered the case of Pilot Haliday, lately guilty of misconduct, for which consular punishment has been inflicted.

Under all the circumstances, I do not believe that the ends for which I have been invested with power in such matters would be obtained did I fail to exercise them as

against an individual acting in a manner which must tend to discredit a body of public servants in whom, as being placed under my orders, I am officially interested.

I, therefore, by virtue of my authority as harbor-master, suspend Mr. Haliday from his office as pilot; and, pending a reference which I shall make to another quarter, retain his license in my possession.

I am, &c.,

T. B. RENNELL, *Harbor-Master.*

Mr. G. C. RICHARDS,
Manager Pilot Company.

[Inclosure 5 in No. 69.]

Mr. Haliday to Mr. Knight.

NEW-CHWANG, *October* 1, 1874.

SIR: I beg to inclose a copy of a letter from T. B. Rennell, harbor-master at this port, addressed to the manager of the pilot company, in which he states that, by virtue of his authority as harbor-master, he suspends me from the office of a pilot, pending a reference that he will make to another quarter, and retains my license in his possession.

Although his letter is not altogether plain as to his reasons for such summary action in my case, I can only presume that his authority is based on paragraph 2 of regulation VII of the pilotage regulations for this port. Under such supposition, and not being aware of a single charge ever being laid against me as a pilot since 22d September, 1864, when I first received a certificate, I now beg to make the appeal before you, as expressly permitted in the regulation above referred to, against the harbor-master's decision.

I am, sir, yours obediently,

D. J. HALIDAY.

F. P. KNIGHT, Esq., *&c.*

[Inclosure 6 in No. 69.]

Mr. Knight to Mr. Rennell.

UNITED STATES CONSULATE,
New-chwang, October 1, 1874.

SIR: Mr. Pilot Haliday, an American citizen, has produced me a certified copy of your dispatch of the 30th ultimo, addressed to G. C. Richards, manager of the pilot company, and I now beg to inform you that by virtue of his right, as given in General Regulation VII of the pilotage regulations for this port, Haliday has this day made formal appeal to me, his consul, against your decision as given therein.

To enable me to give a decision in this appellate case, will you be good enough to furnish me with your charges against the appellant, and your reasons for (withholding his license) suspending him from his office of pilot.

I am, sir, your obedient servant,

FRANCIS P. KNIGHT,
U. S. Consul.

T. B. RENNELL, Esq., *Harbor-Master.*

[Inclosure 7 in No. 69.]

Mr. Rennell to Mr. Knight.

HARBOR-MASTER'S OFFICE,
New-chwang, October 2, 1874.

SIR: I have the honor to acknowledge the receipt of your dispatch of 1st instant, regarding Mr. D. J. Haliday, a citizen of the United States, suspended by me from his position as a licensed pilot at this port.

My action as above is taken under clause 2 of Regulation VII of the Chinese pilotage laws, and is in consequence of a verdict of guilty pronounced and a subsequent punishment of imprisonment inflicted by yourself. Members of a privileged and pro-

tected body should, I opine, be above such reproach as must now, for more than one offense and its consequences, be against the appellant. I will therefore ask you, in the interest of discipline and efficiency, to aid the stand I have taken in face of proceedings calculated to discredit the Chinese pilotage service in general and the local branch coming under my immediate control.

I propose referring the case, (as was done in a similar instance some years since,) through the commissioner of customs, to Peking. Whether my view that the license should be withdrawn is finally sustained or otherwise, I yet trust that your co-operation and support will meantime be accorded.

I am, &c.,

T. B. RENNELL,
Harbor-Master.

FRANCIS P. KNIGHT, Esq., *&c.*

[Inclosure 8 in No. 69.]

Mr. Knight to Mr. Rennell.

UNITED STATES CONSULATE,
New-chwang, October 3, 1874.

SIR: I beg to acknowledge the receipt of your dispatch No. 18, of the 2d instant, having reference, in reply to my letter No. 271, to your suspension of Pilot Haliday.

I make due note that your action is taken under clause 2 of General Regulation 7 of the pilot regulations, and I have under consideration your intelligent views generally as given.

Before proceeding further, however, in the case of Haliday's appeal against your decision, I will ask you to be so good as to explain to me, as unqualifiedly as possible, the meaning of the last sentence of your letter under reply, which, I take it, implies disrespect of the final and instant appellate jurisdiction in the case of this consulate.

I am, sir, your obedient servant,

FRANCIS P. KNIGHT,
U. S. Consul.

T. B RENNELL, Esq., *Harbor-Master, New-chwang.*

[Inclosure 9 in No. 69.]

Mr. Rennell to Mr. Knight.

HARBOR-MASTER'S OFFICE,
New-chwang, October 4, 1874.

SIR: In answer to the concluding paragraph of your dispatch No. 272, of the 3d instant, I need hardly assure you that no want of courtesy or due regard to your appellate jurisdiction was intended or implied in my previous communication, (No. 18.) My meaning is, I think, sufficiently obvious. I am in duty bound to act in the manner set forth, *i. e.*, to refer my action, through the medium of my superior officer, to the inspector-general of customs.

In the present case I proceed on the presumption that you will not do otherwise than uphold me in the exercise of the discretionary power I possess. I have, of course, no desire to leave my own clear path to trench on the ex-territorial rights of foreign officials, and I certainly cannot give an opinion as to how far those rights extend.

I am, sir, your obedient servant,

T. B. RENNELL,
Harbor-Master.

F. P. KNIGHT, Esq., *Consul for the United States.*

[Inclosure 10 in No. 69.]

Mr. Knight to Mr. Rennell.

No. 275.] UNITED STATES CONSULATE,
New-chwang, October 6, 1874.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 19, of the 4th instant, (Sunday.)

In general reply now to your dispatches Nos. 18, 19, it is with regret, all things con-

sidered, that I am forced to write you that, in the case of D. J. Haliday, an American citizen and a licensed pilot, on appeal, before me, his consul, against your decision canceling his license, as given in your letter No. 17, of the 30th ultimo, addressed to the manager of the pilot company at this port, I not only cannot, in the light of justice, agree with your views as to the necessity of withdrawing the appellant's license, but that I take exceptions to your unprecedentedly mischievous interpretation of your duty and rights (unmistakably implied in your communications Nos. 17, 18, 19) in the case, which are so plainly and unqualifiedly set forth in clauses 1 and 2 of General Regulations VII of pilotage regulations, approved, with the inspector-general of customs, by the United States minister on the 3d of March, 1869, and forwarded hither for your guidance and my own as well.

The case of the appellant stands at this consulate, the place only, I hold, where his moral character is to be correctly measured, thus: The appellant has held a license as a pilot since the 22d of September, 1864, during which long interval, be it noted, not one single complaint of any kind has, to my knowledge, ever been laid against him *as a pilot*. He is popular with shipmasters of all nations; he is skillful *as a pilot*, and has been exceedingly fortunate with shipping.

Against this good professional character it may be said that he is a man who, judging by past experience, at intervals may be influenced by drink, and may commit some act of violence. During the ten years that the appellant has resided at this port, I have had three charges of assault against him. Others of the pilot-body have been no less fortunate.

The appellant's first trouble commenced nine years ago. Then again in 1870 he was brought up for some squabble. Finally, after a long interval of unexceptional good conduct, on the 16th ultimo, I regret to say, Haliday appeared in the court of this consulate to answer a charge of assault with violence on a native woman with whom he lived. Jealousy and excitement from drink was the plea, but it being proved that he had beaten the woman, I adjudged that he should be sent to jail for a fortnight and pay heavy costs of court.

All this is very much against the appellant, as a man; but I consider it much in his favor that, during his imprisonment, he showed great signs of sorrow and shame, and was most anxious to make any and all amends to the woman that I might dictate. The end was, that he parted from the woman, paid her $1,000 in money, and her passage to her home; which are acts of reparation only years of good conduct and thrift enabled him to perform. Thus, for this intemperate violence then, the appellant has suffered a loss, in all, of about $1,300 and a fortnight's imprisonment.

There are grades of crimes and grades of punishment for them.

Haliday is a good pilot, but on three occasions during ten years he has been drunk and violent; otherwise he is, beyond question, one of the most orderly and respectable of the pilot company.

All the circumstances considered, I say the appellant has suffered enough, and that to wish to cancel his license, cause him a further pecuniary loss of nearly $800 to $1,000 by a forced sale of his pilot property, take away an annual means of living, (for although Haliday is interested in a shop, he is no shop-keeper and intends selling out his interest,) is simply an error of judgment on your part, and if carried out would be an act of persecution, which, after considerable thought, I decline to be a party to.

But there are other considerations in this case which weigh with me.

Knowing, as I do, that the commissioner directs your acts and dictates your letters in this matter, I note the fact that your letters Nos. 16, 17, 18, and 19 were witten at his instance, with the knowledge of my views, as given herein, expressed to him at great length and with earnest consideration during two personal interviews, one before the trial of Haliday, and on another occasion the day before his release. The interview referred to before the trial was of my seeking, in consequence of some information subsequently given in an affidavit before me, copy of which affidavit, as it concerns yourself, I inclose herewith. I then reasoned at length with the commissioner that you had obviously at the outset been guilty in this case of a singular excess of authority.

The commissioner told me that you denied some portions of the affidavit statement, and as a point of veracity is not for a moment to be thought of with your worthy self, there is a mistake of memory somewhere, for Richards is not an unreliable man. However, I then said that, with your experience, you did very wrong to meddle with Haliday's movements previous to his trial when he was in charge of this consular court—even to control his license. At the second personal interview, when the commissioner was good enough to come to my house, we discussed the 2d clause, regulation 7, particularly, and I was firm then of the opinion that if the clause in question was somewhat ambiguous, it was my view that you were called to act under it only when the acts of pilots affected them *as pilots*. This is my opinion to-day.

For I am not aware that either yourself or the commissioner of customs possesses majesterial powers in any way, (although I may be wrong;) and by any other view

than mine, I do not think the right of appeal would have been provided, probably by the inspector-general of customs at Peking.

Members of a privileged and protected body, (as you call them, although it sounds odd to me,) to some extent, I admit pilots are, but they are necessary to and closely connected with commerce; they have vested rights in their business, and I contend that those rights of property cannot be dissolved by a stroke of the pen—excepting when they fail grossly *as pilots*—as is sought to be done in your rather summary letters.

Were a pilot convicted of manslaughter, theft, or fraud, or any serious charge in any way connected with shipping or pilotage matters, I should not, I think, interfere in his behalf as against your ruling.

But your letters Nos. 18, 19 I must regard as unfortunate, for I respectfully submit that they do imply an attempt to question the appellate jurisdiction of the consul in the case, which causes me quite as much surprise as did the French minister's letter, (*ré pilots*,) when shown to the commissioner.

From all the above you will gather—

1. That I cannot approve of withdrawing and canceling the appellant's license. I would return it to him with a caution (if necessary) indorsed thereon.

2. That I think, in a case where a pilot's license is to be really canceled, some regular form of procedure should take place at your office, and if your opinion is not unshaken, your decision should be given in writing, and the delinquent fairly informed of his right of appeal, under certain regulations.

3. That I am firmly convinced as to the intention of the framers of clauses 1 and 2 of regulation 7 of the pilotage regulations as to the right of this consulate that the appellate jurisdiction of the consul, under the clause in question, is as absolute as any of his lawful judgments.

And I think it is a wise provision; for you will be so good as to pardon my adding that, in the judgments of both yourself and the commissioner as well, I think you are inclined to be a little severe.

In the above opinions I feel sustained by my reading of several authorities on the laws of pilots, also by some valuable notes collected by Sir Wm. Mitchell. Pilot boards are not (as a rule) concerned with civil offenses.

I am fully alive to your official position with the pilots, of the interest you take in the pilotage service, and I am not forgetful of my duty to sustain you in every way, when called upon, in my power.

From sentiments of respect to you, sir, I have made this reply as full as possible, that you may see that I (partially) overrule your judgment not without consideration.

It having been represented to me, and being within my own knowledge and experience, that at the close of the season twelve pilots are actually necessary for the benefit and safety of the shipping, I decide that Licensed-pilot D. J. Haliday shall receive back his license from your office, to hold the same provisionally until the end of the season; its renewal in March next to rest on the decision of the United States minister at Peking, who doubtless will confer with the inspector-general of customs.

This action on my part will, it is my hope, meet with the approbation of our respective chiefs.

I will ask you to be so good as to make known my decision (as with respect I shall send him to you) to Pilot Haliday, the appellant.

And I remain, sir, your obedient servant,

FRANCIS P. KNIGHT,
United States Consul.

P. S.—I inclose press-copies of all the documents connected with this correspondence, thinking they may be of service.

F. P. K.

T. B. RENNELL, Esq.,
Harbor-Master.

[Inclosure 11 in No. 69.]

AFFIDAVIT OF G. C. RICHARDS.

Affidavit.

UNITED STATES CONSULATE, NEW-CHWANG, *to wit:*

George C. Richards, United States constable, and manager of the Newchwang Pilot Company, being duly sworn, says:

About 4 o'clock yesterday the harbor-master sent me a note, requesting me to call and

see him. When I reached his office he informed me that what he was about to say was official. He then said, I suppose you are aware of Mr. Haliday's case. I told him yes. He then said that I was not to appoint Haliday to any ship, or allow him to go on board of any of the company's boats, because, after he was tried by his consul, he, Haliday, had to be tried here by the customs authorities.

I asked him the reason for this, saying that Haliday had given bail before his consul, and I had supposed he had a right to go where he liked. The harbor-master said that it did not matter; that it was purely a Chinese affair throughout; that it was a Chinese subject that Haliday had abused, and Haliday was licensed by the Chinese government.

Having given the United States consul the above information, with the desire only to learn what steps I should take as United States constable other than to prevent Haliday's piloting, to prevent Haliday from going on board of the pilot-boats or elsewhere, I make this deposition at his, the consul's, request.

G. C. RICHARDS.

Sworn this 14th day of September, 1874, before me,

F. P. KNIGHT,
United States Consul.

[Inclosure 12 in No. 69.]

Mr. Knight to Mr. Williams.

No. 276.] UNITED STATES CONSULATE,
New-chwang, October 13, 1874.

SIR: Having reference to my dispatch No. 274, of the 6th instant, I have the honor herewith to hand you three (3) inclosures further on the subject.

I shall now feel very obliged for your instructions regarding my action in the matter wherein the harbor authorities either have or have not tried to exercise an excess of authority to the prejudice of the pilotage regulations.

Not to override the harbor-master or the commissioner altogether, I have referred a point to Peking which I hold this consulate is competent to settle. The harbor-master's letter No. 21 does not please me.

But feeling, as I must, under obligations to the customs for kindly-lent interpreter-aid for years, I should be glad if my action was approved by the inspector-general, Mr. Hart.

I am, sir, your obedient servant,

FRANCIS P. KNIGHT.

S. WELLS WILLIAMS, Esq., LL.D.,
United States Chargé d'Affaires, Peking.

[Inclosure 13 in No. 69.]

Mr. Rennell to Mr. Knight.

HARBOR-MASTER'S OFFICE,
New-chwang, October 8, 1874.

SIR: Your dispatch of the 6th instant reached my hands last evening, and I have to thank you for the general tenor of the same, while taking exception to certain points wherein, with all respect, I must consider you have fallen into error.

For instance, you are good enough to suppose throughout that my intention (or rather I should say my wish) has been to at once cancel Haliday's license. A reference to my previous letters will, I think, convince you that I have put forward no such views.

Knowing that the man would, in the exercise of his most undoubted right, appeal against my suspension of his functions as pilot, I purposely so worded my notice to the manager of the pilot company as to leave the present settlement of his case a question to be decided upon after consultation with yourself.

I am entirely satisfied with the result now arrived at; it covers completely the point I have alone in the interest of the pilotage service desired to obtain.

I shall return Haliday's license, with an indorsement thereupon to the following effect:

"The bearer of this Chinese government license, (No. 8,) David J. Haliday, having been found guilty in the local court of the United States of America of assault upon a

native woman, was suspended by me under clause 2 of the 7th general regulation of the Chinese pilot service. On appeal to his consul it now has been decided that this license, hereby returned to the said D. J. Haliday, is to be considered as held by him provisionally only, and until the end of this season of 1874; its renewal, previous to the opening of the port in 1875, to rest on the decision of the high authorities at Pekin."

I am, sir, your obedient servant,

T. B. RENNELL,
Harbor-Master.

F. P. KNIGHT, Esq.,
Consul for the United States.

[Inclosure 14 in No. 69.]

Mr. Knight to Mr. Rennell.

No. 274.] UNITED STATES CONSULATE,
New-chwang, October 8, 1874.

SIR: Having reference to my letter No. 273, of the 6th instant, I have the honor to hand you, herewith inclosed, my decision as against your ruling in the appeal before me of D. J. Haliday, licensed pilot.

Although I have not been able to agree with your action in the case of Haliday, yet, with the wish only to lend support to your office, I hand the decision to you, with the request that you will make known its contents to the appellant, and be good enough on your part to conform thereto.

As your dispatch No. 21 has this moment reached me, and its contents connect with this communication, I will ask you to permit me to reply at once thereto, that I scarcely think I have fallen into error with regard to the intentional wording of your several letters as far as this consulate's appellate jurisdiction is concerned.

With regard to the indorsement you purpose writing on Haliday's license, I must confess that I highly disapprove of a proceeding having no possible necessity or requirement in the future.

I am, sir, your obedient servant,

FRANCIS P. KNIGHT,
Consul.

P. S.—Before having an opportunity of sending the present letter, my intention as to which was notified to you in my letter No. 273, Haliday has informed me of his receipt of his license with the disapproved indorsement thereon.

F. P. K.

T. B. RENNELL, Esq.,
Harbor-Master.

[Inclosure 15 in No. 69.]

Mr. Rennell to Mr. Knight.

HARBOR-MASTER'S OFFICE,
New-chwang, October 8, 1874.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 274, inclosing your decision in the appellant case of D. J. Haliday, and informing me that you disapprove of the indorsement placed by me upon the license of said pilot.

I am, sir, your obedient servant,

T. B. RENNELL,
Harbor-Master.

F. P. KNIGHT, Esq.,
Consul for the United States.

[Inclosure 16 in No. 69.]

Summary of dispatch of J. A. Man to R. Hart respecting the case of D. J. Haliday.

New-chwang, October 12, 1874.

SIR: * * * It will be necessary for me to pick up the connecting narrative from the point where Mr. Knight intimated to me that he would "take time to

consider" my suggestion that the man should be allowed to resign, to briefly review the letter written by the same gentleman on the 6th instant, and to disprove on behalf of my subordinate certain allegations imported, somewhat irrelevantly, I think, into the controversy.

Hearing that Haliday was to be released from prison in the afternoon of the 29th of September, I wrote privately to Mr. Knight to the effect that I did not wish to advise any steps being taken until I had heard from him with reference to our previous conversation. He did not reply until after the man had been liberated, and in that reply he completely ignored the subject of our conversation, and the understanding with which we had parted. He simply declined to "sanction further punishment." I at once answered, regretting his decision, and advising him that I felt compelled to let the matter take its official course.

* * * * * * *

On the same day I directed Captain Rennell to act as I considered had become his duty under Regulation VII, § 2, of the pilotage laws; and at my order he addressed a dispatch to the manager of the pilot company, which forms the first of the series.

The United States consul lays down, in his letter of October 6, the view he held to me in conversation, that the harbor-master can only act when the crime of the individual affects him *as a pilot*. This is opposed to the ruling more than once recorded by yourself. In the case of Evans, a British subject, you remarked, "At a port where the number of pilots has a fixed limit—that limitation being in their own interests, and to enable them to make a comfortable livelihood—it is the more incumbent on each individual to conduct himself properly; and it is the more the duty of those to whom he is subordinate to see that he does so conduct himself, and that he is, at all times, ready as a public servant to enter upon the work for which he may be detailed."

Mr. Knight says, "There are grades of crime, and grades of punishment for them;" and he proceeds to argue in favor of the appellant. Agreeing with him in this dictum, I may be permitted to cull from the record of this pilot's proceedings, since he has been in the exercise of his calling at Newchwang, the following facts:

1. Nearly nine years ago, he was convicted of a most cowardly and brutal assault upon an old man who had offended him by certain published strictures on his conduct as a pilot.

2. The "squabble" (as Mr. Knight terms it) in 1870 was another, and almost equally cowardly attack again upon a person less than half his size. For this he suffered seven days' confinement; and I am told that it originated in a dispute with a ship-master on a question of pilotage.

3. In November, 1872, an incident occurred not mentioned by Mr. Knight. While piloting the bark Baltic, she collided with a junk, and on the skipper coming on board the bark, Haliday interfered, assaulted the man, and drove him out of the ship. The German captain reported the case to the harbor-master, and lodged a complaint at his vice-consulate. Haliday was brought up and condemned to pay the junkman $50. Mr. Knight inflicted the sentence, and called in the harbor-master to assist in the investigation.

4. The last assault for which Haliday has been punished was upon his native mistress, a few weeks after her confinement, and while she was still weak and suffering. It was in cold blood and intentional, and preceded by a row in the saloon of which he is part owner.

5. In disturbances arising in the above-named establishment Haliday has at least on one occasion been concerned; but as I have no official knowledge, I only note the fact as bearing upon his character as given by Mr. Knight.

6. At his trial the other day his consul, before passing sentence, read him a long and severe lecture, in which he animadverted, with just severity, upon his previous convictions, and laid stress upon the many admonitions he had received. "Have I not myself warned you fifty times?" said Mr. Knight. In the face of these words, it is strange to now find him describing the man as "beyond question one of the most orderly and respectable of the pilot company."

I now turn to Mr. Knight's charge against the harbor-master, of "singular excess of authority;" and to the affidavit on which he founds the charge. To the statement of Richards, (who is a pilot and a salaried officer in the United States consulate, too,) Captain Rennell requests me to give a most emphatic and complete contradiction. From first to last, the sworn words recorded in that document are declared to be false in spirit and in letter. * * *

To enable you to form your own conclusion as to the character of the deponent, I send you a letter he addressed to the harbor-master, in answer to an order to move a German bark out of a dangerous position in which she had been improperly moored. I may add that this is the same Richards whose savage beating of one McCutcheon, because he had complained of a former assault, was the immediate cause of the late Mr. Meadows' report to her Majesty's minister in regard to a series of outrages in 1868.

Mr. Knight, in his letter, records the opinion that the judgment of the harbor-master

and commissioner is a little severe. In relation to Captain Rennell I do know, however, that the one point upon which I have occasionally differed from him has been in his leniency toward members of the pilot body when guilty of shortcomings. I have, however, latterly come around to his views, formed, as those views were, after considerable experience, from a conviction of the impossibility of obtaining adequate support in cases where American or Scandinavian pilots were interested, and the consequent manifest injustice thereby entailed upon men of other nationalities.

I trust that I have now placed the matter before you circumstantially and clearly. I regret troubling you at this time, but I feel that Mr. Knight's action *vs.* the harbor-master's covers a question of jurisdiction in matters of discipline which has long required settlement at Newchwang, and which, if longer delayed, will only render still harder the task of keeping within bounds the few black sheep still left as a legacy from by-gone days. I have the satisfaction of knowing that the course I have advised, and the stand I have taken, are both approved by the representatives of the other treaty powers, by Lloyd's agent, and I believe by nearly every respectable resident of this place.

I have so done with the object of upholding a principle while ridding the locality of a bully and the pilot-service of a disgrace.

I have, &c.,

J. ALEX. MAN,
Commissioner of Customs.

R. HART, Esq.,
&c., &c., &c.

[Inclosure 17 in No. 69.]

Mr. Williams to Mr. Knight.

LEGATION OF THE UNITED STATES,
Peking, October 24, 1874.

SIR: I have received your dispatches of the 6th and 13th instant, with their inclosures of the correspondence relating to the suspension of D. J. Haliday by the harbor-master; and the reasons of your refusal, on the appeal of the former against this suspension, to agree thereto. The action of the harbor-master is based on the fact that Haliday had been sentenced in your consular court to a fortnight's imprisonment for an assault and battery, and not for incompetence or wrong-doing as a pilot; and his authority for so doing is derived from Regulation VII of the pilot-service, under which rules the man agreed to serve as a pilot. The second paragraph of this regulation permits the harbor-master to suspend or dismiss a pilot for two causes, but this power is restrained by the right of the latter to appeal to his consul. This right necessarily involves the power of approval or reversal by the consul of the action of the harbor-master; and its repetition in the previous paragraph indicates the importance attached to it. The object in allowing an appeal was probably to protect the pilot from the capricious conduct of an irresponsible superior, and also to preserve the complete judicial control of the consul over his countrymen in regard to punishment of any kind. I do not regard, however, the suspension or dismissal of a pilot, under the circumstances stated, as of the nature of a judicial punishment; it is more like the dismissal or fining of a clerk in a counting-house because of his bad conduct.

In the present case, the man having appealed to you against the suspension of his license as a pilot, you have an undoubted right to reverse or approve the action of his superior; and I uphold your action as being within the letter and spirit of the regulation. Here the matter ends, so far as the regulation goes, for no appeal is provided from the consul's decision. The harbor-master's action is nullified in the premises, so far as I can see, and he can only report the case to his superiors.

But, with commendable regard for the benefit and safety of the shipping of the port, while deciding that Haliday shall receive back his license to act for the rest of the season, you appeal this decision yourself to this legation, and make the man's resumption of his work next spring conditional on the decision of the United States minister. To this the harbor-master assents as an equitable solution of the difficulty, and the pilot-service receives no detriment.

I look upon this appeal, however, in the light of a reference, or as an arbitration, made to reach a decision where a conflict of authority had arisen otherwise hard to reconcile, and not an appeal like those provided for in the act of Congress, from which it is totally different. The Chinese authorities might, however, appeal against your decision overruling their harbor-master, on the ground that it neutralized the efficiency of the pilot-service by compelling him to retain a man in whom he had no confidence, one who had disgraced himself and the body he belonged to by criminal con-

duct, for which he had received merited punishment from you. The wording of your decision has obviated that alternative.

I may remark that the efficiency, character, and standing of the whole body of pilots in the port are worth more than that of any one of its members; and to maintain those qualities the harbor-master is the best judge, and to him has been intrusted their control. His primitive action is confined to suspension or dismissal, but not to go into effect until a pilot under him has been tried and punished by his national authorities. He himself does not sit in judgment on the man's conduct, but accepts the judgment already given in a consular court as conclusive of his moral character. The whole scope and spirit of this regulation is to enable the harbor-master to maintain the efficiency, character, and standing of the body of men he employs, and says not a word as to the skill or experience they possess as pilots. Regulation IV deals with their fitness as pilots, and Regulation VII with their moral character.

You bring forward the punishment inflicted on Haliday as a reason why he should not suffer more by being suspended, and argue that Captain Rennell has only to do with his conduct as a pilot. You state how much he had already suffered, and how much more he had done to atone for his wrong-doing, and regard the suspension of his license as if it were an additional punishment. I look upon it as a consequence of what he had done and suffered, a just warning for his cruelty and passion toward a defenseless woman. It is not his first nor his second offense either, nor the first time he has been punished in your court; and while you say that you would not interfere in behalf of a pilot convicted of theft, fraud, or manslaughter, or any serious charge connected with shipping or pilotage matters, as against Captain Rennell's ruling, you are unwilling to let him decide in a case of assault. But I think you can properly allow him the scope of action allowed him in the seventh regulation, which includes all offenses for which punishment has been inflicted. Haliday himself puts forward this plea in his letter to you of the 1st instant, but I regard it as quite untenable.

While, therefore, I regard your reversal of the harbor-master's action in suspending the pilot Haliday as coming within your consular powers, I cannot agree with you in the reasons brought forward in the letters now before me for this refusal. On a careful review of the facts herein stated, I decide that the harbor-master had sufficient grounds for suspending Haliday's license, and may, if he pleases, refuse to return it to him in the coming spring.

I shall communicate a copy of this dispatch to the inspector-general.

I am, sir, respectfully, your obedient servant,

S. WELLS WILLIAMS.

FRANCIS P. KNIGHT, Esq.,
United States Consul, New-chwang.

[Inclosure 18 in No. 69.]

GENERAL REGULATIONS.

GENERAL REGULATION 5.

Pilot's license; by whom to be issued.

1. Pilots' licenses shall be issued by the commissioner of customs in the name and on behalf of the Chinese government. Licenses issued to pilots not being natives of China shall subsequently be vised and registered at the consulate concerned.

2. On the first of July each year every pilot shall pay the sum of ten haikwan taels for the renewal of his license.* *

* **By-law.*—At the port of New-chwang, every pilot shall pay a fee of ten haikwan taels on receipt of his license, and of five haikwan taels for each renewal of the same.

3. Every licensed pilot shall be given a printed copy of the general regulations and local rules, and shall produce the same, as well as his license, when required.

GENERAL REGULATION 6.

Apprentice pilots; how to be taken.

1. It shall be allowable for each licensed pilot to take an apprentice, for whom he shall be responsible. On the application of pilots the harbor-master will supply apprentices with special certificates.

2. When the circumstances of the port appear to demand it, the harbor-master may authorize apprentices to act temporarily and within certain limits as pilots, provided they have received certificates of competency from the board of appointment.

GENERAL REGULATION 7.

Licensed pilots; to whom subordinated; unlicensed piloting, &c.

1. Licensed pilots may carry on their business singly or in companies. They must pay due respect to the wishes and instructions of the harbor-master under whose orders and control they are placed, and who is invested with power to suspend or dismiss, subject to an appeal to the consul concerned. When the pilot is a foreigner, the appeal to be lodged within three days.

2. If guilty of any misconduct for which consular punishment has been inflicted, or if proved to have committed any offense against revenue laws, the individual concerned may be suspended or dismissed by the harbor-master, subject to an appeal to his consul. If a foreigner, the appeal to be lodged within three days.

3. Any one piloting without a license, or making use of another's license, shall be subject to prosecution, before his own authorities, who will deal with the offender in accordance with the laws of his country. Any pilot lending his license to another will be proceeded against and dealt with in the same way, in addition to forfeiting his license.

4. Any commanding officer employing an unlicensed person to pilot his vessel will be liable to be fined in the sum of one hundred taels by the authorities to whose jurisdiction he is amenable.

Local Rule 1.—Pilots shall not quit the port for purposes other than the performance of pilotage duties without the written sanction of the harbor-master.

The harbor-master shall have authority to provide for the presence of a sufficient number of pilots on the cruising-ground.

Local Rule 2.—Pilots desirous of leaving the port of Newchwang during the winter shall, when applying for the necessary permission, state the name of the vessel they purpose taking passage in, to what port they are bound, and the name of the individual left in charge of their interests in pilotage matters.

Local Rule 3.—In the case of pilots belonging to a company, no member of the same may, while under suspension, receive any share of or any benefit from the earnings of that company, under penalty of forfeiture of his license.

Local Rule 4.—The master of every vessel carrying off a pilot on or after the 10th of November, owing to the severity of the weather, shall pay to the pilot for the expense of return the following rates:

From Tower Hill, or any point north of it	taels	10
From Chefoo	do	75
From Shanghai	do	100

A guarantee to this effect shall be given to the consul of the master of the vessel previous to clearance. Pilots not returning immediately to this port, but wintering in the south, are not entitled to this compensation.

Local Rule 5.—Pilots shall not demand more or accept less money for piloting vessels than the amount authorized by the tariff.

Local Rule 6.—Pilots noticing changes in shoals or channels, or alterations of any kind in the river; or accidents to vessels, light-ship beacons, marks, or buoys; or any other occurrence concerning the harbor-master's department, shall report the same, in writing, as soon as possible, to the harbor-master's office.

Local Rule 7.—No pilot shall leave a vessel he has brought into port until she is moored with 30 fathoms of chain on each anchor.

Local Rule 8.—A pilot may not refuse to take charge of a vessel when once appointed to the same; and the manager or agent of a pilot company is bound to appoint a pilot to a vessel on application being made by the master.

A vessel making the customary signal for a pilot must be boarded and piloted, whether she be, at the time of making such signals, within the river or outside the bar.

GENERAL REGULATION 8.

Pilot-boats; regulations to be observed.

1. Pilot-boats shall be registered with their crews at the harbor-master's office, where each boat will be given a certificate and number.

The words "Licensed pilot-boat" shall, with the number, be legibly painted at the stern and on the head of the mainsail; and a flag, of which upper horizontal half shall be yellow and the lower green, shall be flown. Such registered pilot-boats shall deposit their national papers with their consul or the customs; they shall be at liberty to move freely within the limits of the port and pilotage ground, and shall be exempt from tonnage dues. On the requisition of the harbor-master or his deputies, it will be obligatory on registered pilot-boats to convey, from place to place within the limits,

employés belonging to either customs or harbor-master's department, with such stores as may be wanted for either light-house or light-ship.

2. Every licensed pilot-boat shall pay a fee of twenty taels for renewal of license on the first of July each year.***

****By-laws.*—At the port of New-chwang every pilot-boat shall pay a fee of twenty haikwan taels for original license, and of ten haikwan taels for each annual renewal of the same.

3. In case of a pilot going off in an unregistered boat he will be authorized to carry the pilot-boat flag during the time he is on board; but no pilot is authorized to cruise in an unregistered boat without special permission from the harbor-master.

4. The owner or hirer of an unregistered boat, making use of a pilot-flag, and not having a licensed pilot on board, shall be prosecuted before the authorities to whom he is amenable, or whose flag or national ensign he has the right to use.

5. A registered pilot-boat is not permitted to fly the pilot-flag save when there is a licensed pilot or certificated apprentice on board.

Local Rule 9.—A pilot-boat proceeding temporarily to another port must be reported as about to leave the station; and on her return the fact is to be notified to the harbor-master, in writing, within 24 hours.

Local Rule 10.—A log shall be kept on board each pilot-boat when on the cruising-ground, according to a form furnished by the harbor-master, to whom the same shall be exhibited when called for.

GENERAL REGULATION 9.

Flags to be exhibited on arrival.

When nearing the anchorage the pilot shall cause to be exhibited ***—

A red and white flag, (No. 3,) if the vessel is from Hong-Kong, Japan, or any Chinese port.

A blue and white flag, (No. 2,) if from any foreign port.

A yellow and blue, (No. 10,) if the vessel is in ballast.

A red swallow-tail, (No. 5,) if the vessel has gunpowder or other combustibles on board.

*** *By-law.*—At the port of New-chwang pilots shall, when nearing the anchorage, cause to be exhibited at the fore-royal masthead—

If returning to port, No. 1 of Marryatt's code.
If from Tien-tsin, No. 2 of Marryatt's code.
If from Che-foo, No. 3 of Marryatt's code.
If from Shanghai, No. 4 of Marryatt's code.
If from Ning-po, No. 5 of Marryatt's code.
If from Foo-chow, No. 6 of Marryatt's code.
If from Amoy, No. 7 of Marryatt's code.
If from Swatow, No. 8 of Marryatt's code.
If from Canton, No. 9 of Marryatt's code.
If from Formosa, No. 10 of Marryatt's code.
If from Hong-kong, telegraph flag of Marryatt's code.
If from Nagasaki, 1st distinguishing pendant of Marryatt's code.
If from Hiogo or Kobe, 2d distinguishing pendant of Marryatt's code.
If from Yokohama, 3d distinguishing pendant of Marryatt's code.

GENERAL REGULATION 10.

Harbor-pilots; vessels in harbor: berthing, &c.

*** No system for harbor-pilots exists at present at New-chwang.

1. The duties of the harbor-pilots, where such exist, *** will be to take charge of vessels at the outer limit of the anchorage, berth them in accordance with the orders received from the harbor-master's department, take charge of vessels shifting berths, going in or out of dock, or to and from a wharf, or out of the anchorage; and to assist in and report to the harbor-master's office all matters concerning the shipping in port, and the conservancy of river or harbor.

2. In berthing vessels, the harbor-master will, as far as possible, meet the wishes of commanding officers and consignees; and the entrance, working, or clearance of vessels; taking berths not assigned to them shall be stopped by the customs until the harbor-master's orders are complied with.

3. Vessels are to moor in accordance with orders received from the harbor-master, and are not to remove from the anchorage without his permission.

4. The harbor-pilotage fees, payable to the harbor-master,*** are as follows:

	Taels.
For berthing a vessel or taking her out of port	
For docking, undocking, mooring, &c	
For shifting a vessel's berth	10
For taking a vessel to or from a wharf	

*** *By-law.*—Although the above charge is made payable by the general regulation to the harbor-master, it is to be paid, when incurred at the port of New-chwang, to the pilots themselves.

The above rules and regulations are provisional, and may be amended or added to according to circumstances.

T. B. RENNELL,
Harbor-Master.
FRANCIS P. KNIGHT,
U. S. Consul, Vice-Consul of Germany, Sweden and Norway, The Netherlands.
THOMAS ADKINS,
Her Britannic Majesty's Consul, Acting Consul of Denmark, Austro-Hungary, France.

PILOTAGE.

GENERAL REGULATIONS, LOCAL RULES, AND BY-LAWS FOR NEW-CHWANG.

Notification No. 7.

The inspector-general of customs hereby notifies, for the information and guidance of all whom it may concern, the following amended regulations for the pilotage service in China.

By order inspector-general of customs.

AUG. WIETERS,
Acting Chief Secretary.

PEKING, *October* 30, 1868.

CUSTOM-HOUSE, *Newchwang, September*, 1874.

The local rules and by-laws, which are inserted under the general regulations, have been drawn up at this port by the harbor-master in consultation with the treaty-power consuls.

All local rules and by-laws issued previous to this date are hereby canceled.

J. ALEX. MAN,
Commissioner of Customs.

CHINESE PILOTAGE SERVICE.—GENERAL REGULATIONS.

GENERAL REGULATION 1.

By-laws and local rules.

1. By-laws and rules necessary for the better ordering of pilotage matters at the ports are to be drawn up by the harbor-masters, in consultation with the consuls and chambers of commerce, with whom also it rests, in the same way to fix the number of pilots and tariff of charges, and define the limits of the pilotage ground.

2. The number of pilots for the port of New-chwang shall be limited to twelve.

3. The pilotage ground for the port of New-chwang shall be defined as follows, viz: A radius of five miles from the light-ship when in position at the station-moorings, reckoning from the west bank of the river-entrance by the west to the southeast bank of the same outside the bar.

4. The pilotage charges shall be as follows, viz:

	Steamers or sailing-vessels in tow, per foot.	Sailing-vessels, per foot.
	Taels.	*Taels.*
Inward, from south of outer buoy	3.00	4.00
Inward, from inside of outer buoy	2.50	3.00
Outward, from inside of outer buoy	3.00	4.00

By-law.—Inward pilotage fees are payable within twenty-four hours of the vessel's entering at the custom-house, but masters may refuse to pay the said fees until such time as they are assured by the harbor-master or his deputy that the vessel is properly berthed.

Outward pilotage fees are payable before the vessel leaves the anchorage.

GENERAL REGULATION 2.

Pilots—Individuals eligible.

The subjects, citizens, or *protégés* of treaty-powers shall, equally with natives of China, and without distinction of nationality, be eligible for appointment when vacancies occur by the board of appointment, subject to the general regulations now issued and the by-laws to be under them enforced at the several ports respectively.

By-law.—No person shall be accepted as a candidate for a pilot's license who cannot produce a proper certificate of service as master or mate.

GENERAL REGULATION 3.

Board of appointment; how to be constructed.

The board of appointment shall consist of the harbor-master, as president, the (or a) senior pilot, and two persons whose names shall be drawn by lot by the harbor-master, from a list prepared and published by the harbor-master in consultation with the consuls and chamber of commerce.

GENERAL REGULATION 4.

Vacancies; how to be filled up.

1. Whenever there may be a vacancy among the pilots, it shall be duly notified in the local prints; and eight days afterward the board of appointment shall proceed to fill it up by a competitive examination.
2. The board may refuse to admit to the examination any one who, having once been a licensed pilot, has had his license withdrawn, and also any candidate who is unable to produce consular certificates as to character, &c.
3. The examination shall be public and gratuitous, and the vacancies shall be given to the most competent among the candidates, without distinction of nationality; provided, always, the competency of the first on the list be not relative, but absolute.
4. The consul concerned may, in person or by deputy, be present and take part in the examination of candidates.
5. The majority of the votes of the members of the board shall decide the admission of candidates for pilot-licenses, each member having one vote in the ballot; but in the absence of the consul concerned the harbor-master shall have a casting vote.

No. 128.

Mr. Fish to Mr. Williams.

No. 196.] DEPARTMENT OF STATE,
Washington, November 9, 1874.

SIR: Your dispatch No. 57,* referring to the case of General Le Gendre, and inclosing a copy of the protest of Go Sheki, acting Japanese consul at Amoy, and Mr. Henderson's reply, has been received.

This protest states that General Le Gendre was the commissioner in China of his Imperial Japanese Majesty, and immunity from trial and punishment, according to the treaty provisions, is claimed for him on that ground.

You discuss this question and the questions which arise from the

* See Foreign Relations for 1874, page 304.

position taken by General Le Gendre in his own protest, filed in the consular court.

The discharge of General Le Gendre, and the dispatch of the Department No. 194, inclosing a copy of a dispatch addressed to Mr. Seward, covering the general questions arising from his arrest and discharge, make further reference to the case unnecessary.

In reference to the protest of the Japanese consul, and the immunity claimed for him by that official and by General Le Gendre, the question, in the absence of any further action by the Japanese authorities, becomes an abstract one, and may need no further discussion.

But as it has been intimated that some further action may be expected, the Department will await the necessity of considering it, not being at present precisely advised as to the details concerning the employment of General Le Gendre with the Japanese. If you have any trustworthy information on this point, you will be pleased to communicate it.

The public prints of to-day state, on the faith of a telegram from Shanghai, that the Formosa difficulty has finally been adjusted, and it is sincerely hoped that such may be the case.

I am, &c.,

HAMILTON FISH.

No. 129.

Mr. Avery to Mr. Fish.

No. 6.] LEGATION OF THE UNITED STATES,
Peking, November 12, 1874. (Received January 28, 1875.)

SIR: I have the honor to inclose herewith (inclosure 1) a translation of a communication from Prince Kung, under date of November 6, giving the terms of the agreement lately effected between China and Japan, which is referred to in my No. 3 and Mr. Williams's No. 70, both sent by this mail, together with a copy of my reply to Prince Kung, (inclosure 2.) There is a feeling of relief here that all danger of hostilities growing out of the Formosa trouble is now happily ended. I trust that the course of this legation in contributing to this result will meet your approval.

I have, &c., BENJ. P. AVERY.

[Inclosure 1 in No. 6.—Translation.]

Prince Kung to Mr. Avery.

TUNGCHI, 13*th year*, 9*th moon*, 28*th day*, (November 6, 1874.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

It being well known that the Japanese government had taken a military force to that part of Formosa occupied by the aborigines, and as the first article of the American treaty of 1857 contains a stipulation "that, if another nation should act unjustly or oppressively, the United States, on being informed of the case, will exert their good offices to bring about an amicable arrangement of the question, thus showing their friendly feelings," it was in accordance with its spirit that the foreign office last August transmitted to Mr. Williams a copy of the correspondence which had then passed between this government and the Japanese ministers. An arrangement having now been effected with the Japanese, involving the withdrawal of their troops and settlement of the affair, it has been decided to regard all the documents which have passed

between us in relation to this affair as *non avenu*, recalling and canceling them all, so that hereafter they may not be quoted as valid or as a precedent.

Seeing that the territory occupied by the aborigines in Formosa, the subdued as well as the savage, all equally forms part of His Majesty's dominions, it is, of course, incumbent on this government to take measures to restrain those people, and prevent them from ever again injuring or killing mariners who may be cast among them. By this means friendly relations will be confirmed between us.

I have now the honor to inclose a copy of the articles of agreement and the stipulations about the payments, for your excellency's information, and shall be gratified to receive your early reply.

To His Excellency BENJAMIN P. AVERY,
United States Minister.

[Inclosure in 1 in No. 6.—Translation.]

The following preamble and articles of agreement having been carefully discussed and assented to, copies of them have been exchanged as evidence [of the terms of settlement.]

As the people of every country are bound to protect others within its borders, and see that they suffer no injury, it is consequently obligatory on each country to take such measures as will secure this protection; and if wrongs have been suffered, the country which has the grievance should look to the other for redress. Now, therefore, seeing that the aborigines of Formosa had destroyed and barbarously injured certain people under the protection of Japan, it was the purpose of that government to call them to account for these acts, and to this end they dispatched troops to that region to punish them and bring them to order. The whole matter having now been fully discussed with the Chinese government, the three following stipulations, relating to the withdrawal of the troops and the manner of preventing like outrages in future, have been agreed upon by the two parties.

I. As Japan had in view the protection of her subjects in all that she has now done, [in Formosa,] China does not regard those acts as wrong.

II. China binds herself to pay an indemnity to the families of the sufferers; and, as she desires to retain the improvements made there in opening roads, erecting houses, and in other things done there, she hereby agrees beforehand that she will pay a sum to recoup this outlay, the amount to be hereafter determined upon.

III. All the documents which have passed between the two parties in relation to this affair are hereby recalled and canceled, so that they may not hereafter be quoted as precedent. China will take every proper measure to restrain the aborigines of that region, so that hereafter no injuiries shall be suffered by unhappy mariners who may be cast ashore among them.

Terms in relation to indemnity for the Formosan outrages.

His excellency T. F. Wade, her Britannic Majesty's minister, having now clearly stated all the points at issue between our two countries, the following stipulations for the payments have been signed and copies exchanged this day:

China will first pay 100,000 taels to Japan, as indemnity to the families of the men who were killed in Formosa. She will further pay 400,000 taels to Japan when the troops now in Formosa have been withdrawn, and take possession of the roads opened, houses erected, and other things done there. The money for the last will be all paid on the 20th of December next, on which day the troops will all leave, each party fulfilling his own part without fail. If Japan does not withdraw all her troops on that day, the money will not all be paid up. A copy of this agreement has been signed by each party, in testimony of its adoption.

[Inclosure 2 in No. 6.]

Mr. Avery to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, November 10, 1874.

SIR: I have the honor to acknowledge your communication of the 6th instant, informing me that in August last you had forwarded to Mr. Williams a copy of the correspondence which had then passed between the imperial government and the Japanese

relative to the Formosan affair, trusting to the good offices of the United States for help in the matter, in accordance with the friendly assurance in the American treaty of 1858; and also informing me that an amicable arrangement has now been made with Japan whereby that nation formally recognizes the sovereignty of China over the whole of Formosa and agrees to withdraw her troops therefrom, China admitting on her part that Japan was justified in seeking to punish the savages, and agreeing to make compensation for the wrongs inflicted by the latter, and for the roads, buildings, and other works made by Japan on the island. You had a right to expect the friendly offices of the United States, and it gives me pleasure to state that they have been exerted, both here and in Japan, by the representatives of my Government, in the way of preventing our citizens from engaging in warlike operations against a nation with which we are at peace; in advising against any invasion of the sovereignty of China; and in lending support to proposals for a peaceful settlement on a basis alike honorable and just.

It is with sincere satisfaction that I have read the terms of settlement with Japan, which are inclosed in your highness's communication, and which prove the readiness of the imperial government to concede all that was just when assured that the territorial rights of China would be respected. The admission made in the preamble that "it is incumbent on this government to take measures to restrain the Formosan savages and prevent them from ever again killing or injuring mariners cast among them," is only a righteous recognition of the duties of sovereignty and humanity, and is no more than China can honorably admit or than other great nations admit and practice. It is a natural sequence of this that a country suffering wrongs from any failure on the part of another to restrain its savage subjects "should look to the other for redress." China affords this redress in the case of Japan by allowing a money compensation. The whole settlement, therefore, comports with the obligations and dignity of the imperial government. Doubtless, the efforts that will hereafter be made to subdue the Formosan savages will lead to such a development of the resources of the island and such an increase of commerce as will redound largely to the profit of the Chinese people and government.

In conclusion, allow me to congratulate your highness that the danger of war on this subject has been so happily averted, and that the imperial government is free to study how it may advance the peaceful progress of China.

I have the honor to be, sir, your imperial highness's obedient servant,

BENJ. P. AVERY.

His Imperial Highness Prince KUNG, *&c.*, *&c.*, *&c.*

No. 130.

Mr. Avery to Mr. Fish.

No. 7.] LEGATION OF THE UNITED STATES,

Peking, November 12, 1874. (Received January 28, 1875.)

SIR: You are well aware with what persistency this legation, as well as other legations, has labored to impress the Chinese authorities with the advantages of railroad and telegraph enterprises as means of developing the resources of the empire, swelling its gains through an extended commerce, and giving the government more power and facility in asserting its authority and enforcing order in districts remote from its secluded capital. You are aware, also, that the Chinese authorities have met all arguments on this subject by assertions of the dangers to be feared from the introduction of novelties, loss to the people from throwing them out of employment, &c. Undiscouraged by repeated failures, the advocates of progress have continued their efforts to move the Chinese mind and to arouse this old empire from its inertia.

Latterly it would seem that the Chinese are beginning to learn and to yield a little under the pressure so long applied. They contemplate apparently without alarm, certainly without comment or protest, the work now under way for the construction of an experimental railroad at Shanghai. This road, only twelve or fourteen miles long, is to connect that important city with the Woosung bar, in the river-entrance to the harbor, which at low tide so often delays vessels inward-bound. It is

purely a private enterprise, promoted by foreign mercantile interests, which bought the land over which the track will pass and are doing the work without any concession from the Chinese authorities, although the Tautai knows very well what is going on. The projectors of this short railway trust that its operation will do more to enlighten the natives as to the value of railroads generally, and to convince them that no mischief can result therefrom, than any amount of argument.

The subject of telegraphs has received attention in a more decided way. Mr. Williams, in his No. 51, under date of August 3, 1874, advised the Department that the Formosa trouble had made the Chinese officials at Peking realize the inconvenience of their isolated position and convinced them of the need of more rapid communication. The governor-general at Foo-chow had already allowed the "Great Northern Telegraph Company" of Denmark to erect a line from that city to the Pagoda anchorage, a distance of about twelve miles only, and had contracted for a cable thence to Formosa. The Foo-chow experiment was operated so satisfactorily that a proposition from the same company, to erect a line overland between Foo-chow and Amoy, both in the province of Fuhkien, a distance of about one hundred and eighty-seven miles, was agreed to by the foreign-trade committee, on behalf of the Chinese provincial authorities, with the Great Northern Telegraph Company, who were to have an exclusive franchise for thirty years. By the terms of this agreement two Chinese officials were to accompany the engineer of the company in locating the line, which it was understood should not pass through the large cities along the route; nor should the poles be put up in the public roads so as to obstruct travel, nor in the people's fields without their consent; neither should any graves or tombs be interfered with. The Chinese authorities were to give official protection to the line during and after its construction, and allow the leasing of ground and erection of watch-houses at intervals of ten miles, said houses to be in the care of Chinese employés. The company were to be permitted to obtain ground and erect stations at or near the two prefectual cities of Hing Hwa and Chin Chen, where European operators might reside. The Chinese reserved the right to buy the line at any time after its completion, at actual cost, with interest at a rate to be mutually agreed upon; in the event of such purchase the company to be debarred from erecting a competing line. The company were to put up two wires, one to be worked by the company in its own interest for commercial purposes, the other solely in the interest of the Chinese authorities and for government purposes only, the latter wire to be worked by the company for the government until its own appointees are able to perform the work, the company meanwhile supplying the government with office-room and instruments at Foo-chow, Amoy, and intermediate stations, free of charge, and agreeing to instruct Chinese lads appointed by the authorities in the art of telegraphy, also free of charge. Other provisions of the agreement relate to securing secrecy and dispatch for government messages, and to such subsequent modifications as may be mutually agreed upon, the Chinese authorities finally agreeing to do all things convenient and reasonable to facilitate the early completion of the line.

The foregoing agreement was effected in good part through the aid of Mr. M. M. De Lano, United States consul at Foo-chow, who had previously obtained permission for the erection of the telegraph from Foo-chow to the Pagoda anchorage. The subsequent history of the matter, up to October 7, 1874, may be best given in Mr. De Lano's own words as they occur in a letter to Mr. Williams under the above date:

Before I had time to get the document completed, the Chinese sent their own deputies, or Wai Tuans, over to join the company's engineers and start away on the survey. Just at this time the officials reported to me that they had received a communication from Shên Pao Chen, imperial commissioner to Formosa, to say that all land-lines of telegraph in China should be owned by the Chinese and built by Chinese capital, and they feared this would interfere with the project of creating the Amoy line on the basis of the terms agreed upon. From that moment I saw, on the part of some of the officials, a disposition to recede from the concession which had been given and to treat the matter with indifference, in fact to manufacture obstacles to render the scheme impracticable. At the request of the company's agents I sought and obtained an interview with the Tartar general, governor-general, and the Foutai, with whom I discussed the matter freely, and at length obtaining from them a ready admission that the project had their assent, and a final suggestion that, as Shên Pao Chen had written them as above stated, the company should name the price at which they, the Chinese, could take it over when completed, in case they should find it expedient to buy it. Soon after this interview the Taotai, (president of the trade-committee,) who had been most active in the company's behalf, was superseded by a man who readily arrayed himself against the scheme, in obedience, it is said, to the Tartar general, who is also found now to be opposed to the project. The late Tautai Luh, whose card I inclose, is now on his way to Peking. Before leaving here he called upon me, and assured me that the viceroy, the Foutai and himself were in favor of the line being constructed, but that the Tartar general and present Taotai were opposing it. He promised that on his arrival in Peking he would explain to the Yamen how the concession was made by the high provincial officers, and that if he could bring any influence to bear at the capital in favor of the project. * * He has been and is decidedly on the side of progress, and to the extent of his ability has aided in the advancement of schemes for the advancement of foreign interests and for the progress of the Chinese. * * I have just now been informed by the agents of the Great Northern Telegraph Company that an envoy has just been appointed by the Danish government to proceed to China. * * * * * I am informed that the officials here have been advised by the Yamen to purchase the Foo-chow and Pagoda anchorage line. The company declined to sell it, fearing it would be allowed to fall into disuse. Its construction has demonstrated that land-wires can be easily erected in China, and that the authorities can easily protect them, if they choose to do so.

Under date of October 17, Mr. De Lano informed Consul-General Seward, as I learn through a copy of his letter just furnished me by Mr. Seward, that about eight miles of the Foo-chow and Amoy line had then been completed, land purchased for a station, and a station-house erected, which was occupied by one of the company's employés; all this without one word of opposition from the people along the line. Yet it was known to the company that the officials did not wish the work to go on. At first they simply said the company must wait. Then they addressed an official dispatch to Mr. De Lano, requesting him to order the work stopped, saying that, if the people tear down and destroy the line, the authorities will not be responsible, nor will they undertake to give protection to the company's employés in case they should be attacked by the people. This change on the part of the authorities is thought to have been caused by an intimation from the government at Peking that the action of the provincial authorities in granting a foreign concession, or what is claimed to be such, is not approved. If the statement made to Mr. De Lano, that the imperial government wishes to construct telegraph-lines itself, be not a mere pretext to prevent their construction altogether, there is ground for the belief that China may be contemplating a most important step in advance on her own account. Should the choice arise between no telegraphs at all or telegraphs under Chinese ownership and control, everybody who desires the advancement of the Chinese more than some selfish advantage must prefer the latter alternative. Foreigners would, in any event, have the profits of construction and of management until such time, far in the future, as Chinese may have learned to do the work efficiently by themselves. Foreigners would also derive the advantage

to their commercial, financial, and political interests which rapid communication, even in Chinese hands, would insure.

How far the concession to the Danish company may go toward constituting a claim which the expected Danish envoy would be justified in urging upon the imperial government, I do not know; but if, as I presume is the case, the provincial authorities acted on their own responsibility entirely, under the impulse of the Formosa difficulty, the Peking government may disavow their proceedings and nullify the contract. If it can be shown that they are in any manner bound to respect it, they may conclude to purchase rights which they cannot simply ignore. Much will have been gained, in any event, by bringing the subject of telegraph-building directly before the central authorities, since they will be compelled to discuss it as never before, and may be led to a decision favorable to progress.

One embarrassment may arise from recognizing the Foo-chow and Amoy concession which may influence the decision of the Peking authorities, and that is the danger of rival applications for similar favors from many different nationalities. So long as the Danish company, representing a modest and unaggressive nation, possessed only the lines of shore-cables, no rivalry was excited; but now, that they seem to have obtained the privilege of erecting land-lines, others will apply for concessions. Already it is reported that Russia, which has long desired to connect its Siberian line with Peking, has renewed its request for permission to do so, reminding the authorities here that on a former occasion they promised, if any telegraphic concessions were granted, Russia should have the preference. Russia may now support the demand for the carrying-out in good faith of the provincial concession to the Danish company. In the face of so much importunity the Chinese may decide to undertake telegraph enterprises on their own account.

Still another effort has been made in behalf of the Great Northern Telegraph Company, which was aided by Consul-General Seward, Mr. E. C. Lord, United States consul at Ning-po, and Mr. C. A. Alabaster, Her British Majesty's consul at the same place. It being understood that the provincial authorities had expressed themselves not unfavorable to a line of telegraph between Ning-po and the provincial capital, Hang-chow, Mr. Seward advised Mr. Lord that he could with propriety, if he felt so disposed, exert his influence to procure a concession for this purpose, it being a matter which concerns all foreigners, and which may be the means of aiding in the general introduction of the telegraph in China. During August and September last, as I learn from correspondence forwarded to this legation by Mr. Seward, Messrs. Lord and Alabaster co-operated with Mr. Dreyer, of the Great Northern Telegraph Company, in an effort to obtain the desired concession. For a time there was reason to hope they would succeed, but in October the high officials, to whom the matter had been referred, gave a decision adverse to the project. Nevertheless, as Mr. Lord says in his final letter to Mr. Seward, under date of October 17, "it is well that the matter has been brought so prominently before the authorities. It will have an influence for good. Some sudden pressure may come upon them to change their policy. In this case the way is open for them to act. Besides, the matter has come before them in such a form that they must think about it; and thinking about it may lead them to the conclusion that telegraphs, after all, though foreign, may be useful to the Chinese."

In conclusion of this narrative, I have only to say that, in view of the general interest taken in any signs of progress in China, and consider-

ing that a diplomatic question may arise from the complications detailed, I have thought it my duty to lay all the facts on this subject before the State Department, with intention of following them up with whatever may be developed hereafter.

I have, &c.,

BENJ. P. AVERY.

No. 131.

Mr. Avery to Mr. Fish.

No. 8.] LEGATION OF THE UNITED STATES,
Peking, November 23, 1874. (Received January 28, 1875.)

SIR: On the occasion of my interviews with the viceroy, or governor-general, of this province, Li Hung Chang, at Tien-tsin, which were reported to you in my No. 3, under date of November 5, that functionary made one inquiry which I promised to lay before the State Department. He wished to know if Chinese could be admitted to the Military Academy at West Point, and remarked that his government would consider such admission a great favor and mark of friendship. In this connection he referred to article 7 of the treaty supplementary to that of 1858, wherein it is declared that "citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the government of China, and, reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States which are enjoyed in the respective countries by the citizens or subjects of the most favored nations." As a matter of fact, no citizen of the United States has claimed entrance to either of the two "public educational institutions under the control of the government of China," which would doubtless be accessible if the privilege were desired; but that fact would hardly be construed to warrant a denial of educational privileges which might be asked by the Chinese in America. The only question, as I explained to Li Hung Chang, is whether there is authority in our laws for the admission of foreigners to the Military Academy, or whether special legislation to that end would be required on the part of Congress in behalf of the Chinese. After a careful examination of the statutes of the United States, I am unable to find any requirement that cadets in the Military Academy shall be native or naturalized Americans, or the sons of such; and an inspection of the Academy-lists for a number of years shows that the appointments of cadets born abroad, and presumably of parents not citizens, have been numerous. The act approved April 29, 1812, (see Statutes at Large, vol. 2, p. 720,) prescribes as the conditions of admission:

"That the candidates for cadets be not under the age of fourteen, nor above the age of twenty-one years; that each cadet, previously to his appointment by the President of the United States, shall be well versed in reading, writing, and arithmetic, and that he shall sign articles, with the consent of his parent or guardian, by which he shall engage to serve five years unless sooner discharged."

By joint resolution passed June 16, 1866, (see Statutes at Large, vol. 14, p. 359,) Congress fixed the age for admission at between seventeen and twenty-two years, and further required candidates "to have a knowledge of the elements of English grammar, of descriptive geography, (partic-

ularly of our own country,) and of the history of the United States." The same act requires that cadets nominated from a congressional district or Territory "shall be actual residents" of the same. The act of August 3, 1861, "for the better organization of the military establishment," (Statutes at Large, vol. 12, p. 288, sec. 8,) requires from each cadet an oath of allegiance to the Constitution and Government of the United States. This requirement, which would seem to have been dictated by the sad examples of bad faith afforded by the rebellion, is, so far as I can ascertain, the only bar to the admission to the Military Academy, in the discretion of the President, by appointment at large, of any Chinese having the prescribed age and literary qualifications; and this, if I am right, and have not overlooked some essential act, would be no bar in the case of a Chinese applicant qualified as above and willing to take the prescribed oath. As it is probable, however, that no Chinese would care to denationalize himself, and as the very object in view would be to fit himself for usefulness to his native country, the only practical question remaining is this: Would the State Department or the War Department, or both, be willing to recommend, and would Congress be willing to authorize, as a matter of good-will to China, and as a means of helping this empire to a just appreciation of western science, the appointment by the President of a limited number of properly-qualified Chinese into the Military Academy, without requiring of them the oath of allegiance to the United States?

If authority to this end were granted, one, two, or three experimental appointments might be made by selections from the ranks of those Chinese students in American schools who have latterly been sent over by the Chinese government under the charge of a special commissioner, Yung Wing, who is himself a graduate of one of our colleges. The special friendliness and confidence felt toward the United States by China are evinced by her preference of our country to any other for the education of a portion of her people in our language, learning, and arts. I am sure that the admission of a few Chinese, out of the 60,000 living in our country, to the Military Academy, would enhance the good-will enjoyed by us, would contribute to the enlightenment and advancement of this people, and would ultimately redound to our material advancement. I beg leave respectfully to ask if the State Department will procure for me from the War Department such information or opinion as it may be disposed to furnish relative to the foregoing matter, and will make such suggestion in the premises as may seem proper, advising me of the same, that I may return it to Li Hung Chang, or communicate to the Tsung li Yamen the reply demanded by courtesy.

I have, &c.,

B. P. AVERY.

No. 132.

Mr. Avery to Mr. Fish.

No. 11.] LEGATION OF THE UNITED STATES,
Peking, December 4, 1874. (Received February 8, 1875.)

SIR: I have the honor to inform you that on the 29th ultimo, one month from the date of my arrival in Peking, I had audience with the Emperor and duly presented the letter of the President. As this is the

first occasion on which a minister from the United States has had audience alone, the former presentation of Mr. Low being at the collective audience in 1873, a full statement of the circumstances preceding and attending the event will not be out of place in the record of our diplomatic intercourse with China.

On the 11th of November, after the Tsung li Yamen had been some days notified of my arrival and taking charge of this legation, and after I had made the usual formal calls on Prince Kung and his associates, I addressed a note to the latter, (inclosure 1,) asking that his highness would, on my behalf, request His Imperial Majesty to name a day when it would be convenient to have me deliver the President's letter of credence, a copy of which had already been left at the foreign office. As the court was just then occupied with the elaborate ceremonies attending the Empress mother's birthday, a reply was not immediately received; but, on the 21st of November, Prince Kung wrote me (inclosure 2) that he had presented a memorial to the Emperor on that day, and had received already this answer: "Wait for a decree stating the details." Three days later—that is, on the 24th of November—Prince Kung addressed me again, (inclosure 3,) giving in the text of his communication a copy of the imperial decree fixing Sunday, the 29th of November, at the Tsj-kwang-Koh, or Pavilion of Purple Brightness, as the time and place for the audience of both myself and the Japanese minister, Yanigiwara.

The decree stated that the audience had been by both of us "humbly requested." This phrase, of course, is only a survival of the old spirit of arrogance, which had formerly denied audience to foreigners unless on conditions so humiliating that they could not be complied with. But it may pass for a mere figure of oriental speech, and there was such singular courtesy shown in fixing an early day for my reception that practically there was no cause to complain.

Remembering with what reluctance, and after how many years of urging and declining, the imperial government had consented to receive foreign ministers at all in the honorable way in which alone they would be received at court, and remembering also that Mr. de Butzow, the Russian minister, who arrived here after the collective audience, had waited two months for his presentment, the prompt attention to my request and the early day at which it was realized must be regarded as a decided advance toward western usages.

On the 24th of November I received another communication from the Yamen (inclosure 5) requesting me to call at the foreign office at a specified time, to "rehearse the ceremony" (of presentation to the emperor.)

As the phrase quoted seemed to imply going through an undignified mimicry, I thought proper to decline, putting my refusal (inclosure 6) on the ground that every detail of the ceremony had been settled and was known to me already. I stated, however, that I would send the secretary of legation, Mr. Williams, to learn the hour appointed, which had not yet been named, and to speak of such things as might be necessary to decide in carrying out the arrangements. On the 26th of November the Yamen collectively replied (inclosure 7) that in every previous instance of an audience a day was appointed beforehand to "rehearse the ceremony;" that such rehearsal was necessary to the perfecting of orderly arrangements; and that they still desired I would come. Not wishing to provoke a tedious and unprofitable controversy, I replied on the same day (inclosed 8) that, while I thought unnecessary importance

was attached to the matter I would meet them in the afternoon, "to consult together upon such points as may be requisite," intending still to decline any literal "rehearsal."

Accordingly, at 2 o'clock p. m. of the 26th, accompanied by Mr. Williams, I called at the foreign office, and was received very pleasantly by six of the ministers, Prince Kung alone, of those I had before exchanged calls with, being absent. While partaking of the usual refreshments we looked over a written order of ceremony, copied after the agreement for the collective audience, with only the necessary modifications, and examined the same colored plan or diagram of the grounds and buildings chosen for the reception which was used in 1873. Mr. Williams had with him and presented a Chinese version of the remarks I had prepared to address to the Emperor. We were about to retire, when Yanigiwara, the Japanese envoy, accompanied by his secretary and Chinese interpreter, arrived, evidently on the same errand as myself. Being urged, I delayed going for some time longer, while the same explanations were gone over with my colleagues. Finally we all rose to leave. Entering the court-yard for that purpose, the members of the Yamen conducted Yanigiwara through a side porch into a small room fitted up in rude imitation of the imperial audience-chamber, and there had him go through the forthcoming ceremony in dumb show.

Waiting outside to pay my parting respects, I witnessed this little episode involuntarily. When it was over, some of the Yamen motioned for me to go and do likewise, but I politely declined, rather to their surprise, notwithstanding all that had passed between us; and they, seeing me firm, gave up the point, and accompanied me to the gateway to see me off in their usual courteous manner, after promising to inform me by messenger of the hour for audience.

If these details seem wearisome, my excuse is that only by repeating them can the peculiarities of this people and the tenacity with which they cling to unessential forms, and seek still to make foreign powers appear inferior through their representatives, be clearly illustrated. It is only little by little, on such occasions as I have described, that the Chinese can be taught to adapt their modes of international intercourse to a standard of full equality and dignified simplicity.

On the evening of November 28 I was notified by an imperial messenger to leave the legation for audience at 7½ o'clock next morning. As the Emperor's audiences with his own people are commonly held between 5 and 8 a. m., and as on the occasion of the collective audience, last year, the ministers were required to be at the site of the ceremonial building by 6 o'clock, the later hour fixed for my departure, as for that of Yanigiwara, is to be taken as another slight concession to foreign ideas. The Japanese envoy arrived at the west gate of the imperial city at the same time as myself, and our joint retinues of chair-carriers and outriders, numbering about fifty, passed through the streets together, making a *cortège* which attracted numerous spectators.

At the Fua Hua, or western gate, which is about three miles from our legation, as at several turning-points and arches on the route, were standing a number of civil and military officials, clad in distinctive garbs, and some bearing swords.

Leaving our retinue, except interpreters, behind, we were received by several ministers of the Tsung li Yamen, and conducted to an inner court adjoining certain temples, and near the park and lake surrounding the Tsj-kwang-Koh, or Pavilion of Purple Brightness, where we entered a small waiting-room and partook of refreshments, such as tea and

sweetmeats. Here we were detained for an hour or more, awaiting the arrival of the Emperor. The members of the Yamen were exceedingly good natured and talkative. Finally we were escorted to a large tent of blue cotton, pitched within a few rods of the pavilion. Here we uncloaked, and learned that the Emperor had arrived on horseback, and was waiting to receive us. The Japanese envoy, attended by Mr. Tei, his interpreter, first went to audience, as was his right, he being my senior. Five minutes later I followed, meeting him on his return. The grounds between the tent and the marble terrace, or plinth, on which the pavilion stands, and the terrace itself, with the broad steps leading to its top, were occupied by many officials, civil and military, ranged in the most orderly manner and preserving a decorous silence. The pavilion is a large and showy gallery, or kiosk, entirely open to the south, and is said to be the building appropriated to feasting the Mongol princes and Corean ambassadors at the new year.

The throne was on a raised platform or dais, in the center at back, also facing the south, enabling the good influence which is supposed to radiate from the Emperor to issue forth over his whole people. That it might not be obstructed, I was conducted, with Mr. Williams as interpreter, by a side way into the pavilion, advancing thence to the front, and then, turning, approaching with three bows the long, low, yellow table facing the throne. The emperor sat *à la turque*. At his left stood Prince Kung, and on his right and left other princes of the blood and high officials, stretching in circular lines down to the floor. The spectacle was not without considerable state and imposing effect. I addressed to the Emperor the remarks given in inclosure 9, which were next rendered in Chinese by Mr. Williams, and then deposited the President's letter of credence on the table before me. The Emperor slightly inclined his head in acknowledgment, when Prince Kung, kneeling, received his verbal command to say that he acknowledged the receipt of the President's letter and wished me good health. Prince Kung descended from the dais, advanced to where I stood, repeated this laconic message, which Mr. Williams interpreted, returned, and kneeled again to the Emperor, and resumed his former position.

Bowing twice as I retired, *à reculons*, the ceremony ended, and I was escorted by the same members of the Yamen to the original waiting-room, where I soon took my leave of the ministers, with thanks for their courtesy and expressions of satisfaction at the decorous nature of the proceedings. The Japanese envoy and his interpreter remained to partake of a banquet furnished from the imperial table, in which I had previously declined to join, it being considered an act of condescension in His Majesty to accord this entertainment.

You will perceive that the ceremony conformed, in most particulars, to that prescribed for the collective audience in 1873, and which was fully described by my predecessor. But it occurred to me that an independent account of the first separate audience to which an American representative has been admitted, with its circumstances of greater courtesy, would be desirable. I ought to add that the event was duly noted in the Official Gazette before and after its occurrence, but in a brief and formal manner.

The custom of receiving foreign envoys by the Emperor is now well established, and marks an era of decided advancement in diplomatic relations with this court.

The day following the foregoing ceremony, the Japanese envoy left Peking, *en route* for his own country, for the purpose of giving an account of his mission to the Mikado, intending to return next spring,

and leaving here as chargé d'affaires *ad interim* Tei Nagayasa, who has heretofore acted as secretary and interpreter.

I have, &c.,

BENJ. P. AVERY.

[Inclosure 1 in No. 11.]

Mr. Avery to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, November 11, 1874.

SIR: I herewith beg to inform your highness that, when I was honored by the President with the appointment to represent the United States near this court, he confided to my care a letter for His Imperial Majesty, which I was to request the opportunity to deliver in person on my arrival.

I, therefore, now have the honor to request that your highness will, on my behalf, ask His Imperial Majesty to appoint a day when it will be convenient to have me deliver the President's letter in person, and favor me with a reply.

I avail myself of this occasion to renew the assurance of my respect, and am your highness's obedient servant,

BENJ. P. AVERY.

His Imperial Highness Prince KUNG, *&c., &c., &c.*

[Inclosure 2 in No. 11.]

Prince Kung to Mr. Avery.

TUNGCHI, 13*th year*, 10*th moon*, 13*th day*, (*November* 21, 1874.)

Prince Kung, chief secretary of state for foreign affairs, herewith sends a communication.

On receiving your excellency's dispatch, informing me that you had been intrusted with a letter which you wished to deliver in person, and requesting me to ask, on your behalf, that a day might be fixed for that purpose, I have the honor to reply that the foreign office presented a memorial to-day upon this matter, and have now received the following rescript in the vermilion pencil:

"Wait for a decree stating the details. Respect this."

As is proper, I have had the above copied out carefully, and now send it for your excellency's information.

His Excellency BENJAMIN P. AVERY,
United States Minister to China.

[Inclosure 3 in No. 11.]

Prince Kung to Mr. Avery.

TUNGCHI, 13*th year*, 10*th moon*, 16*th day*, (*November* 24, 1874.)

Prince Kung, &c., &c., herewith makes a communication.

I have already had the honor to inform your excellency that a memorial had been handed up respecting the presentation in person of the President's letter, and sending a copy of the imperial rescript about it.

I have to-day been honored by the receipt of the following decree:

"The foreign office has memorialized us that the Japanese and American envoys had both humbly requested an audience, for the purpose of presenting their letters of credence. Let an audience be granted to both of them. Respect this."

A further decree was also received, directing that the audience be given on the 29th of this month, in the Tsj-kwang-Koh.

As is proper, I have had the above carefully copied, and now have the honor to communicate them for your guidance.

His Excellency BENJAMIN P. AVERY,
United States Minister to China.

[Inclosure 4 in No. 11.]

Mr. Avery to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, November 27, 1874.

SIR: I have the honor to acknowledge your highness's dispatch of the 24th instant, in relation to the day appointed for an audience, and furnishing me with a copy of the decree issued respecting it.

I have made myself fully acquainted with its purport, and now beg to return your highness this reply.

I avail myself of this reply to renew the assurance of my respect, and that I am your highness's obedient servant,

BENJ. P. AVERY.

His Imperial Highness Prince KUNG, *&c., &c.*

[Inclosure 5 in No. 11.]

Letter from the Yamen to Mr. Avery.

TUNGCHI, 13*th year*, 10*th moon*, 16*th day*, (*November* 24, 1874.)

We beg to present our compliments.

In an official dispatch, which has already been sent to your excellency, in relation to the audience, it was stated that we have to-day been honored with a decree appointing it for the 21st day of this moon, (November 29,) and that it would be given in the Tsj-kwang-Koh. We have now further to request you to come to the foreign office on the 26th instant, at 2 o'clock p. m., to rehearse the ceremony, and we shall be there in waiting to receive you.

We also further request that you will send us a note beforehand containing a copy of the address you propose to make on the occasion, and to excuse the trouble now given you.

Cards of

PAO-YUN,
MAO-CHANG-HI,
And others.

His Excellency BENJ. P. AVERY, *&c., &c.*

[Inclosure 6 in No. 11.]

Mr. Avery to the ministers of the foreign office.

LEGATION OF THE UNITED STATES,
Peking, November 25, 1874.

GENTLEMEN: I have the honor to acknowledge the receipt of your note of yesterday in relation to the designation of the 29th instant as the day for the audience in the Tsj-kwang-Koh, (or pavilion of purple brightness,) and adding the request that I would visit you at the foreign office to-morrow to rehearse the ceremony, &c.

In respect to the ceremonies to be observed by a foreign minister when he has an audience for the purpose of presenting his letter of credence, I may observe, in reply, that they have all been agreed upon, and every detail has been settled, so that it appears to me to be quite unnecessary to go to the foreign office, as you propose, for the purpose of again practicing them. I have, however, directed Mr. Williams, the secretary of legation, to visit you at 2 o'clock to-morrow afternoon, in order to learn the hour appointed, and speak of such things as may be necessary to agree upon in carrying out the arrangements.

I beg, in sending this reply, to wish you every happiness.

BENJ. P. AVERY.

The MINISTERS OF THE FOREIGN OFFICE.

[Inclosure 7 in No. 11.]

Ministers of the foreign office to Mr. Avery.

TUNGCHI, 13*th year*, 10*th moon*, 18*th day*, (*November* 26, 1874.)

We beg to present our compliments.

We, the high ministers, have had the honor to receive your note of yesterday, in which you state that, as the ceremonies to be observed at the audience have all been agreed upon, it is unnecessary for them to be again rehearsed, but that you will send Mr. Williams to-day up to the foreign office to ascertain the hour, and speak of the points necessary to be arranged, &c.

In reply to the above, we may observe that the performance of the ceremonies appointed for an audience should be so conducted as to promote the good understanding between the two countries and well exhibit the great respect due to the letter to be presented from one to the other. For these reasons we have endeavored, since we last year humbly requested that the first act of this kind might be done by the various ministers, to carry out every point in due order; and to this end have in every instance appointed for each of them a day beforehand to come to the foreign office and rehearse the ceremony.

Your excellency has only just now arrived in China, and although you are no doubt well skilled, and have practiced forms of etiquette, we hope that you will examine with us the former details, and come to the foreign office to rehearse the ceremony, and thus show the care which should be taken in it.

At the same time we can consult upon the hour for the audience and upon other matters.

We particularly desire that you will do this, and also that your excellency will bring the text of the address which you intend to make, as it is very important in arranging every particular that we should have it.

As we return this reply, we beg to add the expression of our best wishes.

Cards of

PAO-YUN,
MAO-CHANG-HI,
And six other ministers.

[Inclosure 8 in No. 11.]

Mr. Avery to the Ministers of the Foreign Office.

LEGATION OF THE UNITED STATES,
Peking, *November* 26, 1874.

GENTLEMEN: I have this moment had the honor to receive your note in respect to the audience, in which you strongly request me to meet you at the foreign office to rehearse the ceremony then to be observed.

It seems to me that more importance, by far, is given to this point than is necessary, but as your note now at hand requests a meeting at 2 o'clock this afternoon, I will see you at that hour to consult together upon such points as may be requisite.

In sending this reply, I beg to assure you of my best wishes.

BENJ. P. AVERY.

To the MINISTERS OF THE FOREIGN OFFICE.

[Inclosure 9 in No. 11.]

Address read at the audience.

SIRE: I was charged by the President, on receiving his appointment to reside near you as minister for the United States, to present to your Imperial Majesty his salutations, and to express his renewed assurance of the friendship entertained for China. He hopes that your reign may be happy and long continued, and marked by constant advancement and prosperity in everything that will benefit this land and people.

He is pleased to know that more than sixty thousand of your Imperial Majesty's subjects, who are now in the United States, are actively engaged in every industrial pursuit and science; and this fact gives my country a closer interest in this than any other can feel, and still more strengthens the bonds which have always existed to bring our two nations into amicable relations.

I have now the honor, sire, to lay before you the letter which accredits me as envoy extraordinary and minister plenipotentiary at the court of your Imperial Majesty.

No. 133.

Mr. Fish to Mr. Williams.

No. 203.] DEPARTMENT OF STATE,
Washington, December 10, 1874.

SIR: Your dispatches Nos. 62 and 65 have been received, the inclosures of which contain copies of your correspondence with Prince Kung in reference to a request for the delivery of a Chinese criminal named Wang-Yen-Ping, who had been charged with revolt and opposition to the authorities in China, and was reported to have fled to this country, and to have asserted that he was an envoy of the imperial government.

According to settled usage and practice in the United States, no extradition can be granted in the absence of treaty-provisions for that purpose, and then only for such crimes as may be specifically named therein.

Political offenses are universally excluded from the list of these offenses.

Should it in your judgment be worth while, you may assure Prince Kung that the pretensions of this refugee to be an envoy from China have not come to the notice of this Government, and that it is not likely that the acts complained of can produce any evil to the imperial government of China.

I am, &c.,

HAMILTON FISH.

No. 134.

Mr. Avery to Mr. Fish.

No. 2.] LEGATION OF THE UNITED STATES,
Peking, December 10, 1874. (Received February 24, 1875.)

SIR: As another slight evidence of the disposition of the Chinese to adopt tentatively such foreign improvements as they are led to believe may be advantageous to themselves, I inclose a copy of a letter to Mr. Williams from Mr. James Henderson, a British subject lately resident at Tien-tsin, who has been employed by Li-Hung-Chang, the viceroy or governor-general of this province, to purchase in England the machinery and appliances necessary for the scientific working of coal and iron mines at Pung Chung, in the province of Chili.

I am not disposed to exaggerate the importance of this new enterprise, and am aware that, like many other promising things in China, it is liable to be interrupted and abandoned through some contingency or freak that elsewhere would have no weight. Yet it is really a hopeful sign when one Chinese official of the rank and influence of Li-Hung-Chang is willing to brave the prejudices and superstitions that heretofore opposed the working of mines by foreign methods; and if this experiment succeeds, it can hardly fail to be followed by others, leading to the partial development, at least, of the great mineral resources of this empire.

The economical working of coal and iron deposits must ultimately be followed by the construction of railroads, to bring the product to the open ports, where it would meet a large foreign demand. One step of progress will follow another, and thus it becomes interesting to watch the least that may be taken.

I have, &c.,

BENJ. P. AVERY.

[Inclosure in No. 12.]

Mr. Henderson to Mr. Williams.

TIEN-TSIN, *September* 26, 1874.

DEAR MR. WILLIAMS: I have now the pleasure of informing you that His Excellency Li-Hung-Chang has decided, through the directors of the Shanghai and Tientsin arsenals, to work the coal and iron at Pung Chung, and that I have been appointed to purchase the plant for this work, which will comprise coal and iron mining, blast-furnaces, puddling-furnaces, forge and rolling mills all complete, for the manufacture of iron. I am also authorized to select competent workmen to superintend the different branches of the work. I believe these works will be carried on, as they will be begun, entirely on the responsibility of the viceroy. The funds for the work will, I believe, be found by the directors of the two arsenals. I intend leaving Tien-tsin for England, via America, on the 7th October, and hope to be back at Tien-tsin in about eight months from that time. The plant I expect will be here in about two months after my arrival here.

Yours, very truly,

JAMES HENDERSON.

S. WELLS WILLIAMS, &c., &c., &c.

No. 135.

Mr. Avery to Mr. Fish.

No. 13.] LEGATION OF THE UNITED STATES,
Peking, December 17, 1874. (Received February 24, 1875.)

SIR: As illustrating the happy effects of a judicious but firm insistance upon strict compliance with treaty obligations on the part of local Chinese officials, I have the honor to inclose copy of a letter from our consul at Tien-tsin, covering a voluntary testimonial from the Rev. John MacIntyre, a British missionary, as to the good results of the settlement of the Chimi affair by Mr. Sheppard. Your approval of the latter's course has already been signified to him.

I have, &c.,

BENJ. P. AVERY.

[Inclosure in No. 13.]

Mr. Sheppard to Mr. Avery.

UNITED STATES CONSULATE,
Tien-tsin, December 14, 1874.

SIR: I have the honor to transmit herewith copy of a letter from the Rev. John MacIntyre, testifying to the good effects produced upon the Chinese by reason of the official action which was taken at Che-foo last summer, and resulted in the trial and punishment of the ringleaders of the riotous attack upon an American missionary at Chimi.

I should not feel warranted in troubling you with this letter, but for the fact that it comes gratuitously from an intelligent, disinterested witness, and represents fairly what I believe to be the result of the joint trial of the Chimi rioters by the Taotai and myself at Che-foo, and of the proclamation which was issued and made public respecting the same.

I am, sir, your obedient servant,

ELI T. SHEPPARD, *Consul.*

Hon. BENJ. P. AVERY,
United States Minister.

[Subinclosure in No. 13.]

Mr. MacIntyre to Mr. Cornabé.

CHE-FOO, *October* 15, 1874.

W. A CORNABÉ, Esq.:

MY DEAR SIR: I shall take it kind if you will express my thanks in the proper quarter, where it is due, for the protection and immunity from insult, which, as a British subject, I have this summer enjoyed, through the successful management of the Chimi affair. One has to go but a short way into the interior to find even district magistrates affecting ignorance of most important provisions of the treaty; and under such circumstances it is but natural that the common people should look upon the foreigner as an unauthorized intruder, and refuse to exercise toward us that courtesy which so eminently characterizes the Chinese nation. I have been long convinced that only one step remained to be taken to put all classes upon their good behavior, and that is, an official notification by every prefect and district magistrate such as that so happily issued at Che-foo last July.

The Chinese are a people willing to be governed, and, with good governors, few nations would even now surpass them in order and behavior. Let the Chinese authorities, therefore, but declare the provisions of the treaty, giving the people honestly to understand that they themselves shall see the same enforced, and there will be an end to this shuffling policy on the part of individual magistrates, and to the uncertainty on the part of the people. As to the status of the foreigner, it has hitherto been too often impossible for a district magistrate to act fairly towards him, lest it should prejudice him with his superiors, and present him in an unpatriotic aspect to the common people. For the same reason influential civilians must either forego intercourse with educated foreigners or enjoy it under circumstances which counterbalance its advantages. I have repeatedly heard such sentiments from the Chinese themselves since the Taotai's proclamation was issued. The proclamation has been well received over the entire district, and more than one influential person has declared that we ought from the first to have been furnished with such a document, or before ever we came into the interior. I think it due to say that the Chinese authorities have acted most honorably in the matter. Not only has the proclamation received every publicity, but the people clearly understand that it must be respected.

I need not say how much this has contributed to my personal comfort, sojourning, as I do, many days' journey from the seaport. But I rejoice now in the higher consideration that the Chinese authorities have taken such a worthy step in the direction of good government.

I am yours, very sincerely,

JOHN MACINTYRE,
Mission of United Presbyterian Church, Scotland.

No 136.

Mr. Avery to Mr. Fish.

No. 15.] LEGATION OF THE UNITED STATES,
Peking, December 20, 1874. (Received February 24, 1875.)

SIR: About two weeks ago General de Raasloff, His Danish Majesty's envoy extraordinary and minister plenipotentiary, who must be known to you as former Danish minister to the United States, arrived at Peking, *via* Shanghai, direct from Europe, by the French line of steamers, accompanied by a secretary and interpreter, and is now stopping at the Russian legation. He has been received by the foreign office, and has applied for an audience with the Emperor, in order to present his credentials in person; but his reception at court will probably be delayed indefinitely by the Emperor's illness. His cards announce, and he frankly declares, that he is charged with a mission extraordinary. This mission, doubtless, is to endeavor to secure from the Chinese government protection for the lines of Danish telegraph now in operation in this empire, and perhaps to validate what has been done toward

the construction of the land line between Amoy and Foo-chow, the work on which is still peacefully under way. At present he proposes no more than that his colleagues shall join him in a collective note to the Tsung li Yamen, representing the great importance to foreign and Chinese interests of the lines of shore-cable extending from Vladivostock, in Siberia, to the British possessions of Hong-kong, and connecting with British and Russian telegraphs at either extremity, and midway with a Danish cable to Japan; setting forth that these lines are subject to interruptions caused by ignorance, carelessness, or thievery, and asking that the government, by proclamation or otherwise, notify local officials and warn the people that these lines must not be molested.

As the shore-cables were laid without distinct concessions or explicit permission from the government, the effect of such a proclamation would be, virtually, to legalize their existence and put them under the shelter of native and consular authority. Another effect would be to impress the popular mind with the idea that the central government does not regard telegraphs with apprehension or hostility. By fair implication, the protection accorded to the cables might ultimately be construed as extending to the connecting land-lines already in operation from Woosung to Shanghai, and from Foo-chow to the Pagoda anchorage, if not to the long line now being erected between Foo-chow and Amoy. I have no doubt that all this enters into the purpose of General Raasloff, in asking the diplomatic body to jointly request protection for the cables. In other words, he seeks to accomplish indirectly, through the help of his colleagues, what would probably be denied him if sought directly by himself alone. So long as the Foo-chow land-line is quietly advancing toward completion without the formal sanction of the central authorities, it is evidently wise to ask nothing in reference to it that would compel these authorities to take cognizance of it before it is a *fait accompli*, and perhaps alarm them into such an expression of disapproval as would check whatever tendency some of the local officials have to encourage such works in their respective provinces.

I am inclined to think that it will be politic to co-operate with the Danish minister to the cautious extent of his request. While it would be improper and unwise to advocate private schemes of telegraph or railroad enterprise as such—for such schemes would not come singly, and would embarrass and annoy the imperial authorities so much that they would be confirmed in their hostility to such innovations—it seems a duty to encourage in any rightful and prudent way projects of improvement of a general character. The shore-cables are cosmopolitan. They are used by all nations, including the Chinese; and even the imperial government received through them, during the pendency of the Formosa dispute, dispatches of political importance. It is indispensable to the commerce of the world that these lines be protected. In fact the telegraph has become as essential to commerce as the ships that carry goods or the postal system that conveys letters. It is part of one great whole. As the foreign communities at the treaty ports in China grow in numbers and enlarge their trade, it becomes more and more necessary to them that they should possess the same facilities for quick communication as are enjoyed by mercantile communities elsewhere with which they have business relations. Japan having adopted a telegraph system, merchants there will ultimately gain the advantage of those in China, unless the latter can have the same facilities undisturbed. A first step to obtaining these was taken when the shore-cables were laid, in a most cautious and secretive way, the land-connections being made at one point under cover of darkness. The safety of

these cables is too vital to be left to chance. It seems a simple and right thing for foreign representatives to ask that it shall be authoritatively secured. The imperial authorities can hardly refuse a united request to this end. If they grant it, the next step—the construction and protection of land-lines already begun without open hostility or disturbance—will be much easier.

In view of the importance to American commerce in Asia of an extension of telegraphic facilities, in view also of the value of such extension to the business of the prospective cable across the Pacific which our government authorizes and encourages, it seems to me to be right to do whatever can be done without leading to needless complications or departing from the just policy heretofore observed in our relations with China, to help promote and protect the enterprise of the only telegraph-builders who have secured a foothold in this vast empire. Every representative of the United States to this court has urged the necessity to the peaceful advancement of China, and to the extension of foreign trade, of the introduction of railway and telegraph lines. The interest in these means of progress is world-wide, and appeals to the humanitarian as well as to the political economist. While the United States justly disclaims any right or purpose to dictate to China how or by what steps she shall advance, that disclaimer surely was not meant to estop us from advising or asking that forward steps be taken when practicable and when demanded by the common welfare. If we rest on the assertion that China will be left to advance in her own time and way, and fail to indicate when a good time and way are presented, we are simply allies of the native apathy and inertia which oppose progress now as they have opposed it heretofore.

There can be no question that, had the importance to commerce of telegraphy been realized when the first treaties were made, whereby ports were open to foreign residence and trade and missionary labor, the privilege of constructing cables and land-lines, and their subsequent protection, would have been claimed quite as firmly as the privileges actually secured, and to the continued profitable enjoyment of which telegraphs are becoming more and more indispensable. If, incidentally and constructively only, we have deemed it right to ask that commerce with the port of Shanghai shall be facilitated by dredging the Woosung bar, with how much more reason can we urge the broader benefit to commerce of permitting the peaceful erection and maintenance of telegraphic lines. This new adjunct of commerce has caused in Europe and America a re-adjustment of the laws of trade and finance, and unless the mercantile communities which have pioneered the way to a better civilization in China can accommodate their business fully to this re-adjustment by full enjoyment of the same advantage, they must lose ground; and what they lose will react injuriously upon China.

These considerations, which might be amplified and illustrated, incline me to act with the other representatives of the treaty-powers, should they conclude to address the Tsung li Yamen in favor of according a *quasi* legal status to what has been already accomplished in the way of telegraph-building. I am informed that the British, Russian, German, and French ministers have received special instructions to support General Raasloff in his mission. In the absence of any instructions for my own guidance, and there being no time to await them before deciding on my course, I have deemed it right to assure the Danish minister of my cooperation, subject to the future approval of the Department. There was no alternative, except the loss to our country of its proper share of influ-

ence in what may prove to be the initiative of a very important progressive movement.

Accordingly, I agreed to meet my colleagues of Great Britain, Russia, France, Germany, and Denmark, at a conference appointed by Mr. Wade as *doyen* of the diplomatic body. This conference was held to-day, and after a prolonged discussion, which turned entirely upon the manner of addressing the Tsung li Yamen, an agreement was reached, the details of which are given in the inclosures sent with this.

* * * * * *. * *

For further particulars I respectfully refer your attention to inclosure marked "protocol," which gives the reasons impelling to common action and the mode of procedure agreed upon. You will observe that my colleagues append their signatures as under special instructions. In attaching my own, I made the reservation on this point which was needed to conform to the truth. The next step in this business will be the preparation of the preliminary notes and their mutual examination and comparison at a meeting fixed for the 23d instant, in order to be sure that they shall agree in substance. Then the notes, or Chinese translations of them, will be handed in to the Yamen at the same time.

I shall be glad to learn the views of the Department on the general subject opened up in this dispatch; and, for antecedent facts bearing upon it, beg leave respectfully to refer you to my No. 7 and No. 10.

I have, &c.,

BENJ. P. AVERY.

[Inclosure in No. 15.]

Protocol.

The undersigned, ministers from England, Russia, the United States, and Denmark, and chargés d'affaires from Germany and France, whose attention has been repeatedly drawn to the but too frequent interruptions to which the telegraphic communications between China and the rest of the world have been subject ever since they were established, have believed it to be their duty, in consideration of the great importance of those communications for the interests confided to them, on the proposition of their colleague from Denmark, and in conformity with instructions which they have received from their respective governments, to meet for the purpose of considering the dangers to which those communications are exposed, and the measures which appear commendable for the purpose of preventing such interruptions, or of, at least, rendering them as rare as possible; and we find—

That China depends for her telegraphic communications with the rest of the world entirely and exclusively upon the condition of the cables which have been laid between Hong-kong and Vladivostock, and which touch the land at Amoy and at Shanghai in China, and at Nagasaki in Japan;

That in most cases the interruptions of those important communications are owing to—

Either the crews of merchant or fishing vessels, who, when their anchors catch the cable, disengage the anchor by cutting the cable;

Or, to thieves, who drag for the cable, and, when they have caught hold of it, cut more or less considerable pieces out of it, which they then sell for the material.

But we are at the same time assured that the population have nowhere shown any hostility toward telegraphic enterprises; and that some diminution of the injuries to which the cables have been subject near the coasts of China has ever been observable in certain localities where the local Chinese authorities have exhibited some zeal for their protection.

These facts give us good reason for hoping that interruptions of the above-mentioned telegraphic communications may hereafter become as rare as they are in our seas and on the coasts of our respective countries, if the Chinese government will, in common accord with the foreign authorities, be willing to give efficient protection to the above-mentioned cables by adopting to that end measures similar to those which have given such good results in other countries.

In consideration of the above facts and appreciations, the undersigned have agreed—

I. To approach the Chinese government for the purpose of obtaining from that government efficient measures for the protection of the submarine cables by means of which the ports of Shanghai and Amoy are enabled to maintain telegraphic communication with the rest of the world, and to express the hope that that government will be pleased, to the end alluded to, by the adoption of such measures, and to the extent which may to them appear proper and useful, to make known to its subjects the very great importance of the telegraphic lines above mentioned, and the special respect which is due to submarine cables, wherever they may be met with, either near the coast or in the open sea.

II. Themselves to adopt proper measures for the purpose of bringing to the knowledge of their countrymen in China the very great interest which their respective governments take in the preservation and effective protection of the telegraphic communication between China and the rest of the world; and to recommend to their authorities (consular, naval, &c.) to adopt such measures as may seem to them proper, useful, and applying within the limits of their competency, for the purpose of rendering the protection to which telegraphic lines are entitled everywhere, as efficient as possible.

For the purpose of laying down accurately what the undersigned have agreed upon, the following resolutions have been adopted:

Be it resolved: 1. That the diplomatic representatives here assembled unite in a common action for the purpose of giving protection to the telegraphic cables by means of which China communicates with the rest of the world.

2. That that common action shall consist in—

a. A note, identical in substance, but not in language, to be followed, if necessary, by an identical or collective note to the Chinese government, requesting that government to adopt measures for the protection of the cables above mentioned.

b. The adoption by the representatives, themselves, of proper measures for the same purpose.

3. That the diplomatic representatives who are not present at this meeting be invited to join in the common action above mentioned.

WADE.
BÜTZOW.
AVERY,

(Without special instructions.)

RAASLOFF.
ROCHECHOUART.
HOLLEBEN.

Done at Peking, at Her Britannic Majesty's legation, December 20, 1874.

No. 137.

Mr. Avery to Mr. Fish.

No. 16.] LEGATION OF THE UNITED STATES,
Peking, December 21, 1874. (Received February 24, 1875.)

SIR: Referring to your instruction of the 22d of April last, in relation to procuring from the Chinese authorities permission for the occupancy of a station, in or near Peking, by the commission on the transit of Venus, I have the honor to inform you of the following facts:

It was not necessary to obtain formal permission from the authorities here for the purpose indicated; and, as there are no public grounds available, all that could be done was to procure the privilege of occupying some private grounds suitable for the purpose. Rightly thinking that the astronomical party would prefer to make its own selection, Mr. Williams, then acting chargé d'affaires, awaited its arrival. He was not notified when this might be expected, until the party had actually reached Tien-tsin. Prof. J. C. Watson, his wife, and professional associates and assistants, making seven persons in all, reached Peking September 16. They were lodged and entertained by Mr. Williams in his own house, until, with his aid, they had procured other quarters, in the vicinity of the lot selected for the site of observations, about two

miles from the legation, on the west side of the Tartar city. Through the kindness of Rev. W. H. Collins, a missionary of the English Church, they obtained the free use of the required space for their instruments in his garden, taking up their residence on the premises of the Rev. Mr. Schereschewsky, an American missionary in the same vicinity. Mr. Williams assisted them in finding and fitting up these quarters, and did all in his power to promote their convenience and forward their object.

When I reached Peking, Professor Watson had, after much arduous labor in fixing his instruments, astronomical and photographic, been engaged for several weeks in the observations preliminary to the transit, and in those daily tests and experiments which were necessary to insure accuracy and certainty at the critical time. It is simply due to both Professors Watson and Young to say that the devotion, industry, and ability with which they applied themselves to their trust during the three months of their stay in Peking could not be exceeded. The usually clear atmosphere of this locality permitted stellar and lunar observations of great interest, and an important incident of these was the discovery by Professor Watson of a new asteroid, which he designated by the name, furnished him by Prince Kung, *Jui-Hwa*, signifying "good luck to China," the prince thinking the discovery of a star early in the young Emperor's reign, and at Peking, a peculiarly happy omen. During a period of moonlight nights, when observations could not be made, Professors Watson and Young gratified the little foreign community of Peking by the delivery of one lecture each on the problems dependent for solution on the observation of the transit, and the application of spectroscopy to the same. On invitation from the legation, these lectures, delivered in an American missionary chapel, were attended by various members of the diplomatic body, and by a number of Chinese students from the Tung-Wen College, accompanied by its president, our countryman, Dr. Martin.

The morning of the transit, the 9th of December, was ominously cloudy, but the clouds fortunately broke enough at the right hours to permit successful observation of the inner and outer contacts, and the taking of one hundred photographs, exhibiting the planet in these and other positions on the sun's disc. The spectroscope, however, could not be used, much to Professor Young's disappointment. Otherwise the observation was fairly successful, and the data procured will be of great value, either separately or when collated with those obtained at other stations. They agree very well with those obtained here by the French and Russians. As the day was persistently cloudy at Tientsin and Shanghai, it is fortunate neither of those places was chosen by Professor Watson's party instead of Peking, as was at one time proposed. At Chefoo, however, a port midway between those named, the German observers are said to have had a clear day.

The French observers in Peking secured upward of seventy *daguerreotypes* of the phenomenon, and had two members of the Tsungli Yamen as interested but somewhat anxious visitors. These officials are reported as having pronouced the transit a calamitous sign, and as expressing themselves glad when it was at an end. On invitation from me, with the consent of Professor Watson, several of the fereign ministers resident here, and members of their suites, visited the American station, and evinced a lively interest in the observations, calling upon me afterward to offer their congratulations. Dr. Dugeen, acting physician at the British legation, volunteered his services as an assistant in the photographic department, and they were availed of with much benefit.

Professor Watson's party left here on the 19th inst. for Tien-tsin, where they will take Russell & Co.'s steamer Chile for Shanghai, resting at the latter place to make up a report to the Navy Department. Admiral Pennock having declined, for reasons given, to send a vessel to meet them, Professor Watson, in anticipation of the river-approach to the capital freezing up, and of the Shanghai merchant-steamer service being suspended, had made arrangements to go overland to Chin-kiang, on the Yangtze River. Owing to the winter being unusually mild, Russell & Co. sent up steamers later than was expected, so that the tedious cart-journey of eighteen days, with its personal hardships and great danger to the instruments and precious photographic negatives, was averted at the last moment. On my application to the Tsungli Yamen, through Mr. Williams, they had kindly offered to send an official escort with Professor Watson on his way overland to Chin-kiang; and Mr. Wade, the British minister, had offered to send a student-interpreter. Fortunately the necessity for availing of these courtesies was removed, but they were none the less appreciated.

On the whole, the expedition to Peking, which has been conducted with eminent ability, has achieved a degree of success amply compensating the Government for its outlay and the members of the expedition for their zealous and wearisome labor.

I have, &c.,

BENJ. P. AVERY.

No. 138.

Mr. Avery to Mr. Fish.

No. 17.] LEGATION OF THE UNITED STATES,
Peking, December 22, 1874. (Received February 24, 1875.)

SIR: It is satisfactory to be able to report to you the general quietness and freedom from vexatious complications of affairs in China, at least so far as the leading treaty powers are concerned. Two or three instances of assault upon missionaries at Hoo-chow, Soo-chow, and near Kiu-kiang, have been reported in the Shanghai newspapers; but they were not marked by great violence, and, except the Kiu-kiang affair, of which no reliable information has reached me, appear to have been promptly and satisfactorily settled by the voluntary action of the local authorities, who in many cases begin to show more respect for the rights of foreigners under the treaties, and a juster sense of their own duties.

The only matter of special interest at Peking, of which you are not fully advised in other despatches by this mail, is the sickness of the Emperor and the provisional delegation of his functions to a regency. On or about the 9th inst., coincident with the ominous transit of Venus across the sun's disc, His Imperial Majesty—who is at no time robustly vigorous, being small of stature and delicate-looking—was taken ill with the small-pox, which is generally very prevalent in Peking. This fact did not transpire until the publication in the Gazette of an edict deputing to certain high officials the religious rites usually observed by the Emperor himself at the season of the winter solstice. This act has been followed by a decree, dated the 18th inst., copy of which is inclosed, stating that the Emperor has concluded to relieve himself for a while of

the cares of state, and has delegated to the empress dowagers the temporary direction of affairs.

This decree has been thought to indicate the serious illness of the Emperor, and to foreshadow a change in the government; but, so far as I can learn, his illness is not serious or threatening, and he is simply taking a prudent precaution. Should he recover soon, however, it is quite probable that he will not resume his functions before the opening of spring.

Prince Kung, who is generally regarded as most likely to succeed him, in the event of his death, although there is no certainty on this point, has been invisible at the foreign office since the sickness of his imperial nephew. There are various rumors and speculations on this head, but they do not contain enough of the element of truth to be worth repeating.

The decree inclosed will doubtless strike you as an interesting illustration of the peculiarities of Chinese expression and of Chinese veneration for maternity.

I have, &c.,

BENJ. P. AVERY.

[Inclosure in No. 17.]

An imperial decree.

[From the Peking Gazette of December 18, 1874.—Translation.]

During the present month We having been attacked by the small-pox, (*lit.* experienced the felicity of the heavenly flowers,) the Prince Imperial Tun and others came to Us with an earnest and united request that, in order to compose our mind, We should awhile throw off the cares of state. Reflecting upon the many weighty responsibilities dovolving upon Us, we have deemed it to be hardly possible to give way in the least degree to indolent leisure, but We are still too weak to undergo much fatigue and anxiety, and, therefore, it is only proper to give ear to this request.

However, fearing lest, amid the vast variety of affairs which would come up for decision, there would be room for much error and remissness, We have Ourselves repeatedly solicited both their Imperial Majesties the Empress Dowagers to take into consideration the necessity of now attending to our health, and requested that they will condescend to look over all the reports and memorials which may come up from any officers in the capital and provinces, and decide or revise them as they deem best.

I reverently receive this proof of their kind regard in doing what involves much trouble, and now consenting to take upon themselves the cares of power and the direction of affairs. Our whole soul is deeply grateful at this fortunate arrangement.

Let this edict be everywhere made known in the empire. Respect this.

No. 139.

Mr. Avery to Mr. Fish.

No. 21.] LEGATION OF THE UNITED STATES,
Peking, January 6, 1875. (Received February 27.)

SIR: Referring to my No. 17 of date December 22, 1874, in which the Emperor's illness and the delegation of his functions to a temporary regency were noted, I have now the honor to give you the following additional information. As before stated, the Emperor was taken with the first symptoms of small-pox on December 9, and by one of those curious coincidences which the Chinese are always looking for, and to

which they attach so much significance, the attack was thought to be connected with or referable to the transit of Venus on that day. The Emperor being a descendant of the Sun, nothing could occur to dim the purity of that orb which would not be portentous to its earthly representative. Then the planet as it crossed the sun's disc was likened in size to a pea, which in Chinese is called *tau*, and the pustules of small-pox are likewise called *tau*, the characters which stand for the two words also resembling each other. Hence to the Chinese mind a clear connection between the transit and the imperial sickness.

On the twelfth day of the attack, regarded as the turning-point of the disease, a great religious ceremony was performed, partly as a propitiation to the Goddess of Small-Pox, partly as a thank-offering to her for the favorable symptoms then apparent. It should be observed that while this fell goddess is greatly dreaded and hated, it is the practice of the Chinese to affect a peculiar regard for her, and to avoid the use of any expressions which might possibly provoke her anger. Thus, when anybody is taken with the disease she personifies, friends do not condole with the patient, which might provoke a fatal result, but congratulate him. This superstition, which has its parallels in the beliefs of more polished nations, and is common to a certain stage in the cult of every people, accounts for the expression used with reference to the Emperor's sickness, that he had "experienced the *felicity* of the heavenly flowers." When it became apparent that the felicity was not to have an infelicitous termination, the imperial astrologers and physicians having been consulted, a great outlay was made for services at the temples and within the palace. The most notable of these services was performed publicly outside of the imperial city, within the enciente of the front gate, where there is a government temple to the Goddess of Mercy, and in the presence, it is said, of forty or fifty thousand natives, including an unusual turn-out of women, who were dressed in gayest attire. The affair consisted of the burning of a great number of effigies of various kinds in honor of the goddess, who had graciously prospered the remedies used. There were nine effigies of divinities, representing not only the Goddess of Small-Pox, but those of nursing, parturition, descendants, measles, sore-eyes, &c. These figures, with others representing servants, &c., placed in twenty-seven sedan-chairs, and accompanied by effigies of horses, attendants, food, on tables, &c., were borne in great state to the place named and burned with much ceremony. The effigies were all made of sorghum stalks, covered with silk and paper of various colors, exhibiting much ingenuity and having a very showy appearance. Besides the goddesses and their attendants, in chairs, there were the mounted attendants, a dozen pairs of banners and state parasols, thirteen pavilions, with food and fruit, eighty-four tables, bearing clothing, nine large boats, (for ferriage over the Chinese Styx perhaps,) and three hundred trays of various articles useful to complete an outfit in the next world. These numerous simulacra, costing, it is said, several hundred thousand taels, were all consigned to the flames, translated, like Elijah, in a chariot of fire to the region of spirits.

There seems to be no doubt that this expensive offering was efficacious, for the Emperor is reported to be convalescent. He has, however, taken a hundred days' respite from the cares of state, lasting from December 9 to March 18. The edict naming the Empress-Mothers as regents has been already forwarded. As soon as the disease appeared, the government made preparations for putting the throne in commission. On the 22d of December the edict referred to was followed by one giving the various orders necessary to carry out details, chiefly cere-

monial, which are confided to the princes, (inclosure 1.) There are four princes imperial, all of them brothers of the late Emperor Hienfung, and having, of course, great influence in affairs of state. Their names are Tun, Kung, Ch'un, and Fau, all of them under forty-five years of age. In addition to this edict, the Peking Gazette, of December 24, contained four others in relation to similar matters, three of which, by a state figment, are issued by the Emperor at the order of the Empress Dowagers, and are supposed to give their commands. The first of the four is from the Emperor, and states that, on the outbreak of his disease, he was reverently obliged for the protecting care of their majesties for his person, in the least particular of which care they did not fail, even when it involved on their part sympathy and personal exertion of the highest degree, and a personal oversight and decision on all the various reports and memorials sent in from the provinces and boards. For all this extraordinary care His Majesty directs the board of rites to examine the statutes and select an appropriate title for each of them. This will indicate his sense of the great affection and care in the trying circumstances. The names and honorary titles of the empresses are: Her Imperial Majesty the Empress-Dowager Tsz-ngan, upright in liberality and excellent in congratulation; Her Imperial Majesty the Empress Dowager Tsz-hi, upright in protection and excellent in nominating. The first of these ladies was the chief and only empress wife of Hienfung; the second is the present Emperor's own mother.

The second edict, of which a translation is inclosed, (No. 2,) orders a humane mitigation of criminal penalties, which may or may not be carried into effect, as a token of reverential gratitude on the part of the Emperor. The noble declaration that "it is the first duty of a humane government to pity the multitude of prisoners," is probably "more honored in the breach than the observance."

The third edict, of which a *precis* is given, (inclosure 3,) grants increased pay to the Emperor's uncles, the princes before named, and various honors and largesses to others. The fourth edict elevates five of the imperial concubines to higher rank and pay in the Emperor's harem. Altogether, the various edicts referred to afford a curious glimpse of the inner life of the Chinese imperial court, and show how much more solicitude is bestowed upon personal and ceremonial matters than upon the graver responsibilities of power.

I have, &c.,

BENJ. P. AVERY.

[Inclosure 1 in No. 21.—Translation.]

Regulations for carrying on the ritual.

From Peking Gazette of December 22, 1874.

Your majesty's minister, Prince Tun, and others, kneel and beg to state that they have carried out the orders received, and now report upon them.

On the 11th instant Prince Kung and others memorialized the throne to the effect that as your majesty had an attack of the small-pox, it was incumbent that complete rest and quiet should be had by withdrawal from cares; and to attain this end the request was made that as to all religious worship and sacrifices at the state temples and altars, audiences to officers introduced by various yamun, and other functions of a ceremonial character which the regulations require, Princes Tun and Fau and the high ministers of the presence be ordered, in conjunction with Prince Kung, to draw up the necessary regulations to carry this into effect.

The imperial rescript was received: "Let it be done as requested."

These princes and ministers thereupon jointly consulted upon the matter, and care-

fully following the prescribed order for carrying out such things, drew up the following rules, which they reverently submitted to the imperial inspection and humbly awaited their approval. An imperial rescript was received in due course: "Let it be done as requested."

1. The great sacrifices observed at the state altars and temples commencing the 9th of December, until the 18th of March next, shall be reverently performed by princes specially deputed for this purpose.

2. When His Majesty goes to make the New Year's visit at the Empress-Dowagers' palace, it is requested that he will himself perform the customary ceremonies.

3. Officers whom the rules require to be presented at court are to be received at the hall of the inner council by princes or high ministers specially designated for this duty, and such persons are not to wear their peacock plumes until after the 18th of March. Officers who come to the capital from the provinces are to be received and examined by princes or high ministers, and on the next day the general council will send up a report for directions as to their appointments or removals. Officers stationed at the capitol asking for an audience are to be informed that it is for the time deferred until public notice be given that audiences are granted, when their official cards will again be handed up.

4. On the 8th inst. Prince Kung and others personally received His Majesty's orders that Li-Hung-tsao should receive the replies to memorials daily presented, and reverently inscribe the same upon all memorials. It being now highly important that the sacred person should be relieved from all care, for the sake of quiet, it is requested that the same mode still be observed with respect to the daily documents, and that Li-Hung-tsao be directed reverently to inscribe the replies upon them, while Prince Kung do the same upon those written in Manchu. The proper rescripts will then be applied for and issued in due course.

5. Until the 18th of March next, on the occurrence of days of mourning, [for imperial ancestors,] when it will be incumbent for the princes and high ministers to be called into the presence, and also to pass in through the *Kien-tsing* door, let all those upon whom this duty in any way falls, wear their ordinary court-dress and beads.

6. Acts of ceremony and ritual of every kind which occur during the twelfth moon of this year and the first moon of next year, ought to be pretermitted, and we now request that all which can may be so done; but whenever it is necessary to appoint a substitute to reverently perform such as must be done, at the proper time we will accordingly report upon it, and an officer can be deputed. As to arrangements within the palace and making out lists, we will consult upon the proper names to be inserted which shall be submitted for His Majesty's decision.

7. It being customary at New Year's time to bestow honorary autograph tablets containing the character for happiness or longevity, His Majesty will appoint Hanlin scholars of the south library reverently and carefully to write them.

8. The Mongolian princes and beys who come annually in their turn to Peking, each having their appropriate duties and requirements, are to be received, and their wants attended to, according to the statutes and usages, for which His Majesty's orders will be requested at the proper time.

9. It is proper to request that the state banquets which are usually conferred shall be for the time omitted; but the donatives and largesses which are always granted to the tribes beyond the frontiers and to envoys coming from Corea and other countries, shall be distributed as usual according to the statutes.

[Inclosure 2 in No. 21.—Translation.]

An imperial edict.

From Peking Gazette of December 24, 1874.

We have received the following gracious commands from their majesties the Empress Dowagers Tsz-ngan and Tsz-hi:

His Imperial Majesty having had the fortune of an attack of the small-pox this month, we have looked upward, trusting in the unseen protection of the Empyrean that all would be entirely prosperous and lucky, and, therefore, Our reverential gratitude for the results is very deep. Reflecting in consequence that the first duty of a humane government is to pity the multitude of prisoners, it is but right that on this occasion a special exhibition of favor be shown and extraordinary grace be manifested.

Let, therefore, the board of punishments and the provincial tribunals take all those cases already examined, where the criminals are still detained in prison, (not including heinous, unpardonable crimes, and those usually set down as beyond revision,) and consult upon them, in conjunction with the ministers of the general council and of the board of punishments, considering carefully their various degrees of guilt, and after-

ward presenting the list to His Majesty's inspection, with a view to their melioration and discharge.

Prisoners who have been sentenced to various degrees of exile and banishment, and to bambooing, or other lesser punishments, should also all be alike mitigated, or their cases ended at once, in order that the dew of this special grace may soon reach them, and they be able to enter at once upon a new course of life.

By this means Our tender care for the myriads of our people will be manifested, and our earnest desire that kindness may be shown them beyond what the law allows. Respect this

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[Inclosure 6 in No. 21—Translation.]

An imperial edict.

Precis of a third decree of the same date

We have been honored by the following gracious edict from their Imperial Majesties the Empress Dowagers:

His Majesty having been, by the unseen protection of the Empyrean, happily brought through an attack of the small-pox, for which the whole empire is rejoiced, it is meet that unusual grace be shown and largesses be granted to many persons.

Let Prince Tun and Prince Chun both receive double the stipend allotted to a prince imperial, and Prince Kung three times the stipend, he having now twice the legal allowance; let the two princes royal, Fau and Hwui, receive the stipend of princes imperial; let the two beili princes, Tsai-ching and Tsai-chi, have their stipends increased to equal that of a prince royal; that of three other ministers of the presence increased to that of a beili's, with additions to the stipends of two Mongolian princes.

Let the four members of the general council (Wàn-siang, Pao-yun, Shun Kwéi-Fàn, and Li Hung-tsao) all receive double-eyed peacock feathers, as well as Ying-kwéi and Chunglun of the imperial clan office, and Kwēi-ling of the cĕnsorate. Let the vice-president, Yung-luh, be made junior guardian of the heir apparent, and Ming-shen be advanced to be senior guardian; both of them, with Kwéi-pao and Wan-tsz, to wear double-eyed peacock feathers, as also may the acting president, Kwang-shau, the vice-president, Sü Tung, and the brevet minister, Yung Tung-yuh.

Besides the above-mentioned, and other heads of various boards who are promoted, and three who are promised advancement on the first vacancy, the decree closes with: "Let all princes and dukes and officials at the capital, of every grade, have two steps conferred on them in the roll of merit, and all the soldiers in the eight banners and infantry receive half a month's pay. In this way Our earnest desire to exhibit the kind and gracious feelings of this occasion will be shown. Respect this."

No. 140.

Mr. Fish to Mr. Avery.

No. 7.] DEPARTMENT OF STATE,
Washington, January 15, 1875.

SIR: The Department has received Mr. Williams's No. 69, forwarding the correspondence and facts in reference to the suspension of D. J. Haliday, one of the licensed pilots at New-chwang, by the harbor-master; the reversal of the decision by Mr. Knight, the consul of the United States; and the reference of the questions involved to Mr. Williams, and his action thereon.

It appears from the general regulations and rules governing pilotage in the port of New-chwang that pilots are appointed after a competitive examination by a board, upon appointment by which licenses are issued by the commissioners of customs, which may be renewed on the payment of a fee.

It is provided by regulation 7, section 2, that "if guilty of any misconduct for which consular punishment has been inflicted, or if proved to have committed any offense against revenue laws, the individual

concerned may be suspended or dismissed by the harbor-master, subject to an appeal to his consul. If a foreigner, the appeal to be lodged within three days."

And by regulation 4, section 2, it is provided that the board may refuse to admit to examination any one whose license has been withdrawn.

Upon the 16th of September Haliday was sentenced to be imprisoned for a fortnight by the consul, and to pay a heavy fine, for an assault on a native woman. Having served this sentence, and being discharged, he applied for his license, in the possession of the harbor-master, who thereupon suspended him. On an appeal to the consul the suspension was reversed, the consul deciding that, while this sentence, together with other offenses, were much to his discredit as a man, it was the duty of the harbor-master to act only when the pilot had been guilty, as a pilot, of some breach of duty, and that the sentence in this case was no ground for suspension. The consul further decided that the pilot's license should be held by him provisionally until the end of the season, its renewal to depend on the decision of the United States minister, in which the harbor-master assented, and the matter was transmitted to Mr. Williams for decision. Mr. Williams thereupon, in disposing of the question, states that no appeal is provided for to the minister by the pilot-regulations, but proceeds, nevertheless, to review the case, (as he states, as a referee or arbitrator;) and, while fully admitting that the action of the consul was final, decides, nevertheless, that the reversal of the harbor-master's suspension of the pilot was erroneous, and while permitting the pilot to act temporarily, further decides that he was properly suspended by the harbor-master, who may refuse to renew his license in the spring.

It would therefore appear that the chargé d'affaires of the United States has assumed jurisdiction of the case, and virtually reversed the decision of the consul, and has further proceeded to pass upon the propriety of a renewal of the license in the coming spring, which under the pilot-regulations is confided to another body.

It is the opinion of the Department that if Mr. Williams had no other authority to dispose of the case than the reference to him by Mr. Knight, acquiesced in by the harbor-master, he was not authorized to entertain the matter, particularly as the consent of the pilot, the interested party, was in no way requested.

It would therefore seem, so far as the Department is advised, that the reversal of the decision of the harbor-master of itself restored the pilot, and that a renewal of his license in the spring was a matter to be passed on in the usual manner, when he should make his application by the commissioner of customs or the board of commissioners.

Upon the merits of the case, so disposed of, it was enough perhaps to say that if Mr. Knight, in laying down his rule that the misconduct of a pilot, to entitle him to be suspended or removed, must affect him as a pilot, as distinguished from a member of the community, went so far as to say that a pilot could not be removed under the regulation for some heinous crime, commtited while off duty, and in no way connected with his profession, the Department does not agree with such construction. Burglary, murder, and other heinous crime, no matter where or how committed, if punishment had been inflicted therefor by the consul, would seem to give to the harbor-master the right to pass on the question of a suspension or removal, and it would further seem from the reading of the regulation, and from the facts as now presented, that the infliction of consular punishment gave the harbor-master the right to entertain

the question of a dismissal, subject to an appeal to the consul in case the pilot desired it. The question of the proper exercise of this discretion was to be reviewed by the consul.

The Department does not propose to further review the decision of the consul. In its opinion Haliday should be remitted to the usual source in his application for a license at the expiration of the present one.

I am, &c.,

HAMILTON FISH.

No. 141.

Mr. Avery to Mr. Fish.

No. 23.] LEGATION OF THE UNITED STATES,
Peking, January 27, 1875. (Received April 2.)

SIR: In my No. 21, of the 6th instant, I informed you of the convalescence of the Emperor from an attack of small-pox, and of the remarkable ceremonies and edicts in connection therewith. At that date, and for some days afterward, there was no good reason to doubt that His Majesty was on the road to recovery, though represented as being very weak. Prince Kung, his uncle, who had before excused himself for not accompanying other members of the Yamen in their usual round of New Year calls upon the legations, was able to leave the palace and pay his calls on the 11th instant, when he reported the Emperor as improving, and seemed himself to be in unusually good spirits. Accordingly, it was a surprise to hear on the morning of the 13th that the Emperor was dead. The rumors to this effect were confirmed during the day by an official notification from Prince Kung, (inclosure 1,) stating that His Majesty died (literally "took the long journey on the dragon-chariot and became a guest on high") the day before. It is understood that he deceased at about 6 o'clock in the evening. I replied to the prince as soon as possible, expressing regret and sympathy. (Inclosure 2.) The Emperor's death was doubtless due to extreme debility supervening upon the abatement of his disease in the absence of proper tonic treatment at the hands of the court physicians. Of a delicate frame and constitution, he had not vitality enough to rally without the aid which scientific medication and a nourishing diet alone could render him. His doctors, who had previously been awarded increased honor and emolument, were promptly stripped of these by a punitive decree. The news of the imperial demise spread rapidly through the city, but caused no outward excitement. Beyond the displacing of the red hangings of shop-doors and signs with blue, or the donning of white garments, in token of mourning, there were no unusual demonstrations to be observed in passing through the streets. The foreign legations, by common consent, testified their sense of the sad event by lowering their respective flags to half-mast, and keeping them so for ten days.

The late Emperor was born April 27, 1856, and, dying on the 12th of January, 1875, had not completed his nineteenth year. His personal name was Tsai-Shun, and the style of his reign was Tung Chi, (united rule,) referring to the circumstances under which his accession was secured through the concurrent action of the Empress-Dowagers and the imperial princes, his uncles. He was the only son of the Emperor Hienfung, who died in August, 1861, aged only 31 years, his heir being

then but 5 years old. A certain ambitious prince, named I. Tsin-wang, conspired to set aside the natural guardians of the boy, if not to usurp the throne, but his plot was discovered and thwarted by Prince Kung and the Empress-Dowagers, who formed a regency for the purposes of government during the imperial minority, which terminated at the beginning of 1873. The marriage of His Majesty about this time; his reception of the foreign ministers some months later, after a prolonged and tedious discussion, thus abandoning the traditional claim of superiority for the Chinese ruler which had been so obstinately and arrogantly maintained; the peaceful settlement of the dispute with Japan about Formosa, in 1874, are the chief events that have occurred since the late Emperor's personal accession. But his reign as a whole, although it leaves still so much to desire, is remarkable for the establishment of wider and better relations with foreigners; for the more liberal interpretation and stricter enforcement of treaties; for the quelling of the formidable Taiping rebellion; for improvements in the customs service, including the carrying out of a fine light-house system; for a vigorous attempt to suppress the cruel coolie traffic; for the encouragement of scientific learning, through the Tung Wan College, at Peking, under the presidency of our countryman, Dr. W. A. P. Martin, and through the provision for sending to the United States, for education, thirty students a year for five years; for the establishment of a Chinese line of steamships in home waters; for the permission and protection of telegraph-cables along the coast, leading to initial land-lines; for the establishment of arsenals and navy-yards, and the arming and drilling of troops on foreign methods, together with the adoption of steam in the naval service. All these things, and some others of a kindred nature that might be enumerated, while the credit for them, in hardly any case, cannot be ascribed to intelligent initiative action at Peking, are still a part of the history of the late reign, and could not have been at least without its tacit permission. What it did not order it tolerated The more satisfactory and agreeable diplomatic relations existing are, of course, due to a better understanding by the foreign office here of international law and comity as slowly acquired through intercourse and discussion with foreign representatives; and to this cause, in turn, is owing that lessened disposition to oppose wholesome innovations, which, in the absence of any decided disposition to encourage them, is a welcome aid to progress in an empire presenting such an inert mass to the assaults of modern ideas. The late Emperor, however had little if any influence in practical affairs, nor did his brief period of nominal authority give promise of the ultimate development of qualities befitting a ruler of China at this epoch, when the elements of decadence and dissolution can be neutralized only by the infusion of a fresh and vigorous motive into the central government, under the prudent leadership of an original mind. His only independent and characteristic acts were exhibitions of temper against Prince Kung, whom, on childish pretexts, he degraded in rank, only to restore him within a day or two, at the command of the Empress-Mothers. He had established no claim to the affection of his subjects, and the traditional veneration due to his position is apparently too weak to inspire more than ceremonious grief anywhere. The main pillar of his reign throughout was undoubtedly Prince Kung.

The late Emperor was the eighth in regular hereditary succession of the Manchu, styled the Tsing, or pure dynasty, which came into power in 1644. He was the only Emperor of the line who died without a son to succeed him, and failed to name his successor. It is remarkable, and

peculiar to China, that the rule of only eight Emperors of this dynasty, passing so regularly from father to son, should have stretched over 235 years, making an average of 29⅜ years to each sovereign. This fact is quite consistent with the ancient stability and orderly instinct of the Chinese. Dr. Williams, in his *Middle Kingdom*, (vol. 2, page 229,) states that the whole number of sovereigns in the twenty-six dynasties from Fuhhi, in B. C. 2852, to Tankwang, in A. D. 1847, a period of 4,699 years, is 243, which gives 180 years to each dynasty, and an average of 19⅓ years to each reign. There is no comparison to this showing in the annals of any other old people. The Egyptian dynasties, during a period of 2,384 years, from B. C. 2715 to B. C. 331, were thirty-one in number, counting 378 kings, who reigned on an average 77 years to each family, and only 6½ years to each monarch.

In almost any other Oriental country, under the same circumstances as those attending the death of the late Chinese Emperor, without leaving a lineal heir, the nearest of kin being four uncles, and no code fixing the succession, scenes of intrigue and violence might be certainly expected; but here, such is the force of tradition and custom, and such the regard for order growing out of a peculiar system of education, nothing of the kind has occurred. It should be added that if any of the princes cherished a secret ambition for the throne, none of them has a following or party on which he could rely for support in a bold attempt to seize it.

All speculations as to the succession, some of which pointed to Prince Kung as the coming man, were speedily put at rest by an official decree in the name of the Empress-Mothers (inclosure 3) who had been constituted a provisional regency during the first days of the Emperor's illness, proclaiming the posthumous adoption of Tsai-tien (son of Yihhwan, or Prince Chun, brother of Prince Kung, and commonly known as the seventh prince) as the son of Heinfung, the boy's uncle, and father of the late Emperor, who was the boy's cousin. By this fiction, which is not a new thing in Chinese ideas and customs, Tsai-tien, an infant of scarcely four years, born ten years after the death of his father, by adoption, becomes the nominal ruler of about four hundred millions of people, more than one-third of the human race as usually computed; and so far the decree is calmly received and obeyed. The selection of Tsai-tien, rather than the son of an elder prince, is said to be due to the influence of the late Emperor's mother, whose sister is the wife of the seventh prince and mother of Tsai-tien. A story is current that during the family deliberations at the palace as to the succession, this lady, who is credited with much force of character, suddenly appeared with her little nephew, exclaiming authoritatively: "This is your Emperor!" The story is at least dramatic, and illustrates the reputation for decision and energy which the Empress-Mother has among the people. Her ascendency in the government may appear anomalous to those who have read of the generally inferior position of woman in China, but it is strictly consistent with the ideas of the Chinese who venerate maternity, widowhood, and age, and who therefore accord a position and influence to the widow of one Emperor and the mother of another which are withheld from the hapless wife of the deceased Emperor, who had borne him no son, and who is now so distracted with grief that she is said to have attempted her own life with poison.

The decree of adoption provides that when a son shall have been born to Tsai-tien, he, in turn, shall be "adopted as the inheritor of His Majesty now departed;" that is, of the Emperor just dead. This provision not only fixes the future succession in this branch of the family,

should Tsai-tien retain the throne and leave a son, but it also supplies a descendant, in default of natural male issue, to worship the manes of the late Emperor in accordance with the demands of the national religion. On the same date with this decree from the Empress-Dowagers, January 14, another was issued, (inclosure 4,) ostensibly from the new boy Emperor himself, accepting the trust, apotheosizing his predecessor, whose spirit he hopes to console by a gentle and good rule, ordering the due performance of acts of sacrifice and worship, and directing the usual rites of mourning throughout the empire. Still another decree of the same date, (inclosure 5,) which is referred to in the order of its reception, purports to be "a mandate from the late Emperor," expressing his gratitude to the Empress-Dowagers for their care during his minority, and subsequently ascribing to the "counsels of maternal love" the success of his reign, lamenting the calamities of war, flood, and drought which have afflicted his people, pathetically announcing the approach of his death, declaring, agreeably to the will of the Empress-Dowagers, that Tsai-tien shall be his heir, and limiting the mourning to twenty-seven days. It is altogether probable that this testamentary decree is only fictitiously attributed to the late Emperor, and that the succession was independently determined on in family council, as were the steps taken later to put the new reign in commission. Inclosure 6, ostensibly an edict from the new Emperor, announces the continuance of the regency of the Empress-Mothers during his minority, in conformity to a memorial from the princes and nobles, the inner council, with the presidents of the six boards and the nine superior metropolitan boards, who are directed to consult and decide upon the arrangements necessary to carry on the regency.

The edict of the Empress Dowagers as to the adoption of the Tsai-tien is given in inclosure 7. Another mandate from them (inclosure 8) delegates the charge of the imperial obsequies to certain princes and ministers. The order of the obsequies has not yet been announced, but proclamation has been made of public mourning for the usual period of one hundred days. During this time no red is to be worn. Officials are to wear white robes on duty, and are to eschew plumes, buttons, and fringes. They are to appoint a day of wailing as soon as the news of death reaches them. A blue cloth is to be suspended from all shops, and blue papers must take the place of the red sentences on door-posts. No flags are to be suspended. Theaters must be shut, and all feasts foregone. The common people are not to marry during the hundred days of mourning. They are not to shave their heads, fire crackers, ring bells, beat drums, nor have music of any kind. All cards, dispatches, and reports are to be stamped with blue ink. The women are not to wear hair-pins of yellow, (the imperial color) neither pearls nor jade ear-rings.

These details, conforming to old customs, are summarized from a mandate which appears in the Peking *Gazette*, (official.) Practically, the period of mourning prescribed will not be so long as stated, since it presumably dates from the day of the Emperor's death, and announcement is made that the installation of the new Emperor will occur on the 22d of February. The prohibition of the New-Year festivities, which would occur in that month, will be a great deprivation to the people, and a loss to the shop-keepers.

Meanwhile, the remains of the late Emperor lie in state at the palace, within the forbidden city, and are reverently sacrificed to, after the immemorial custom of Chinese ancestral worship, which is the one universal religion of this people, underlying all other forms of faith or wor-

ship, and having the strongest influence on their domestic life and civil polity. Indeed, the succession to the throne just arranged was partly decided by the rigid rules of ancestral worship. The four imperial princes, brothers of Hienfung and uncles of the late Emperor, were all prevented from succeeding by being of a higher generation, and so disabled from according him ancestral worship. Prince Chün, the father of Tsai-tien, is said to chafe under a sense of his relative inferiority to his own son, and because he cannot make the kotow, or three kneelings and nine knockings, to him, as his servant, has asked to be relieved of the duties conferred upon him. His request has been complied with only so far as to retire him from the more active of these duties. Of all the surviving brothers of Heinfung, Prince Kung alone possesses marked character and talent for affairs. His highness retains his place as president of the general council, the leading executive body, consisting of two Manchus and two Chinese. He also remains at the head of the Tsungli Yamen, as chief secretary of state for foreign affairs. All the councils and boards remain unchanged, and as the former regency of the Empress Dowagers is restored, with no difference but in their enlarged experience, the government relapses to just what it was during the minority of the late Emperor. The style of the new reign, as announced by the *Gazette*, is Kwang-Sü, translated "glorious succession;" and the Chinese years, during Tsai-tien's rule, will be named accordingly. An imperial decree (inclosure 9) prescribes the mode of writing the Emperor's name, changing so that the second word shall not be a sacred character.

Other decrees (inclosures 10 and 11) degrade the unlucky court physicians, and rescind largesses and honors conferred on various persons when the Emperor was supposed to be convalescent. The several decrees referred to in this narative, if read in connection with it, will happily illustrate the peculiarities of a government which depends so much upon form and prescription, and veils its real working machinery behind rhetorical fictions, though these may be taken as the monuments or survivals of a once vital system. While a sacred and patriarchal character is attributed to the monarch, he is seen to be little more than a state figment, the real functions of power being lodged in the princes and ministers, who rule in the name of the Empress Dowagers, as they, in turn, are said to give ear to the affairs of government behind a curtain. We have really here an example of government by a whole family. There have been many rumors of dissatisfaction with the new settlement of succession, both in and out of the palace; but it seems to have been arranged by the common consent of the princes and Empress Mothers, and to be everywhere received with comparative indifference. There is probably more or less regret among thoughtful natives at the prospect of another long minority reign under a plural regency, so soon following that which closed with the late Emperor's assumption of personal authority in 1873; but this feeling is not shown in a way to attract attention. * * * * *

I have, &c.,

BENJ. P. AVERY.

[Inclosure 1 in No. 23.—Translation.]

Prince Kung to Mr. Avery.

TUNGCHI, 13*th year*, 12*th moon*, 6*th day*. (January 13, 1865.)

[Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

I have reverently to inform you that yesterday His Majesty took the long journey on the dragon-chariot, to become a guest on high. I and all the imperial kindred are on this account filled with a grief and anguish too great for expression; and, moreover, we are at this moment wholly taken up with the reverent preparation of the rites connected with his obsequies; things of the greatest importance, and very perplexing.

Whatever matters may now be under discussion with your excellency, or may come up in the ordinary course of affairs, unless they are of imperative necessity, must be for a while deferred, until we can resume their discussion and settlement.

I have therefore at this time only to inform your excellency; which, indeed, is the object of this communication.

To His Excellency BENJAMIN P. AVERY,
United States Minister to China.

[Inclosure 2 in No. 23.]

Mr. Avery to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, January 15, 1875.

His Imperial Highness PRINCE KUNG, *&c., &c.:*

SIR: I have the honor to acknowledge the receipt of your highness's dispatch, informing me that His Imperial Majesty departed this life on the 12th of this month, and that as your sorrow at this event is so overwhelming, and you are obliged incessantly to attend to the duties connected with the mourning for him, you have concluded that it will be expedient for a brief period to defer the management of public business, &c., &c.

My surprise at receiving this startling intelligence is not easy to express. It is not yet two months since I had the honor of an audience with His Majesty, and at that time he appeared to be in good health, and his youth gave promise of a long reign; and now to learn that he has "become a guest on high" fills me with the deepest sorrow and regret.

I shall immediately inform the President of this event, and both he and the American people will be all filled with sincere regret on hearing of it. The friendly relations which have existed between our two countries for so many years make this occurrence fitted to draw out their sympathies, and increase the mutual interest which now binds them to this nation.

With respect to the intimation given in your highness's dispatch, I accept the proposed arrangement to defer for a time the discussion of public business, unless it be a matter of the most pressing necessity.

I avail myself of this occasion to renew to your highness the assurance of my high regard.

BENJ. P. AVERY.

[Inclosure 3 in No. 3.—Translation]

Prince Kung to Mr. Avery.

TUNGCHI, 13*th year*, 12*th moon*, 7*th day*. (January 14, 1875.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

I was yesterday honored by the reception of a benign mandate from their Majesties, the Empress Dowagers, as follows:

Whereas His Majesty the Emperor has taken the dragon-ride, to become a guest on high, without leaving an heir, there is no course left open but to cause Tsai-tien, the son of Prince Chun, (Yih-hwan,) to be adopted as the son of our literary ancestor, the Emperor Hien, or illustrious, and have him enter upon the succession of the great dynastic line as Emperor by adoption.* When a son shall have been born to him let this son be adopted as the inheritor of His Majesty now departed.

A special decree. Respect this.

As is proper, I now send the above for your excellency's information.

To His Excellency BENJ. P. AVERY,
United States Minister to China.

* This monarch died in 1861, and his reign was styled Hienfung. His personal name, Yih-chu, is too sacred to be used by the common people. After his death he was canonized in the ancestral hall as Wan tsung Hien Hwangti, or our literary ancestor the Emperor Hien, (intelligent or illustrious.)

[Inclosure 4 in No. 23. Translation.]

Prince Kung to Mr. Avery.

TUNGCHI, 13*th year*, 12*th moon*, 7*th day*. (January 14, 1875.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

I was yesterday honored by the reception of the following imperial decree:

Whereas on the 12th of this month, about 6 o'clock p. m., His Majesty the Emperor took the dragon-ride, and became a guest on high, the benign mandate of the Empress Dowagers, Tsz-an and Tsz-hi, has been reverently received by Us, requiring Us to enter upon the succession of our great dynastic line. Prostrate upon the earth We bewail our grief to Heaven in lamentations without ceasing.

We humbly reflect that His late Majesty reigned thirteen years under the canopy of heaven. In reverent observance of the ancestral rules, he made the counsels prompted by maternal love his guide, applying himself with trembling zeal to the toilsome performance of his duty. For not a single day, showing his reverence for Heaven and obedience to the ancestral pattern therein, did he cease his devotion to the duties of government and love to his people. He gave official duties to the attached and the wise. He vanquished and pacified the great revolt. The welfare of the people and the polity of the state were ever entwined in his inmost thoughts. All who have the breath of life must now grieve and lament in the sincerest manner they are capable of.

Can any words give vent to the sadness which rends our hearts and shows itself in tears of blood?

While we reflect upon the heavy trust bequeathed to Us, the responsibilities of which are charged upon our unworthy person, we yet know that We can depend throughout the empire upon our ministers and servants of every rank, in both the civil and military services, who will strive in true loyalty to maintain, on our behalf, an ever-improving rule. Let the authorities in all the provinces be most careful to bear a gentle sway over the people committed to our charge, and this will console the soul in heaven of His Majesty now departed. Fervent is Our hope that this may be.

In regard to observing the rites of mourning, We have reverently received His late Majesty's testament, charging Us, in accordance with former usage, to lay aside the mourning garb in twenty-seven days; but, in very truth, our feelings will not consent to this. We shall adhere strictly to the rule of ancient times, and reverently observe three years of mourning, that thus expression may partially, at least, be given to the grief that fills our mind.

As regards all acts of sacrifice and worship prescribed by canon law for the temples of the state, it is fitting that nought be diminished in the allotted ceremonial on account of the present mourning. Let the proper boards which are concerned assemble their officers, therefore, to decide what steps are to be taken, as former precedents direct, for the appointment of officials reverently to discharge the duty on our behalf, or for our personal performance of the ceremony, and make a report thereon. Let also the rites of mourning to be observed by officials and people throughout the empire be conducted in conformity with the established rule.

Let these commands be promulgated in the capital and everywhere for the information of all. Respect this.

As is proper, I now send the above for your excellency's information.

To His Excellency BENJ. P. AVERY,
United States Minister to China.

[Inclosure 5 in No. 23.—Translated.]

Prince Kung to Mr. Avery.

TUNGCHI, 13*th year*, 12*th moon*, 7*th day*. (January 14, 1875.)

Prince Kung, chief secretary for foreign affairs, herewith makes a communication.

A mandate from the [late] Emperor was yesterday reverently received, saying:

It was owing to the exalted love of our imperial literary ancestor, the Emperor *Hien*, (or intelligent,) our canopy and support, that the "divine utensil" (the throne) was bestowed upon our keeping. Having set forth in our childhood upon the throne, we reverently succeeded to our great heritage, and from the day of our accession, we had gazing upward to thank their two Majesties the Empresses, for that, in ordering as regents the affairs of the government, they devoted night and day to their laborious task.

When, in obedience to their benign commands, We subsequently personally assumed the supreme power, it was in reliance on the guidance of the ancestral precepts of the

sacred ones before us, that we made the fear of Heaven, the example of our forefathers, devotion to the government and love toward our people, the main-spring of every act. Couscious of our own deficiencies, we did not dare to do aught but labor late and early, with anxious application, each day showing this single purpose.

For more than ten years past, blessed with the counsels of maternal love, we have strived to reach the highest path. Happily it has been so, that wherever the armies of the state came, the [Taiping] rebels of Yueh (Kwangtung and Kwangsi) and the [Nien i] banditti were vanquished and subdued before them, and the insurgents among the Miaotse and the Mohammedans in Yunnan, Kweichau, and Shensi have all been conquered and brought into submission. Tranquillity has been everywhere restored; but though the miseries of war have ceased, the injuries and wounds of our people are not yet healed, and whenever we think of them it drives away all sleep and repose.

Whenever, too, in times of visitation by flood or drought in the provinces, their governors have prayed us to remit taxation or bestow relief, the instant outpouring of Our bounty has in no case been withheld. The anxious care which has filled our breast, even in the seclusion of the palace, must have been witnessed by our ministers and people throughout the whole land. Our bodily health has usually been strong, and, when attacked last month by the small-pox, the utmost care was taken in its treatment; but for some days past strength has so far gone that all hope of recovery has passed away. Is not this the will of Heaven?

Deeply mindful of the grave interests of the dynasty, it behooves Us to transmit the charge to worthy hands; and now we have received the following benign mandate from their Majesties the Empress Dowagers.

"Let Tsai-tien, the son of Prince Chun, be adopted as the heir of Our literary ancestor, the Emperor Hien, and enter upon the inheritance of the great dynastic line, as Emperor by succession. A special edict."

Our imperial successor is unselfishly filial and very intelligent, and will undoubtedly know how to accept with reverence the trust now committed to him. Heaven, which gives the people birth, appoints a ruler for them, and makes him their governor and shepherd; but he must continually exert himself with anxious zeal and watchful diligence By a wise choice of servants, he will give the people ease, and thereby assure our great inheritance for ever. Let him, moreover, cherish with filial care their Majesties the two Empresses, and devoutly console their loving hearts.

It is equally our hope that all Our ministers and servants, both civil and military, in all parts of the land, will unite in public-spirited and loyal efforts for the common good, each zealously discharging his allotted duty, that thus they may uphold for our adopted successor a more and more glorious rule. If this be done, the cravings of our breast will be assuaged.

In accordance with former usage, let the robes of mourning be laid aside at the end of twenty-seven days. Be this proclaimed throughout the whole empire, so that all may hear and know it. Respect this.

As behooveth me, I have now the honor to make the above known to your excellency

To His Excellency BENJAMIN P. AVERY,
United States Minister to China.

[Inclosure 6 in No. 23.—Translation.]

Prince Kung to Mr. Avery.

TUNGCHI, *13th year, 12th moon, 8th day.* (January 15, 1875.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

I was yesterday honored by receiving the following imperial edict:

A memorial has this day been received from the princes and nobles the inner council, with the presidents of the six boards and the nine superior metropolitan courts, humbly beseeching their Majesties the Empresses to take upon themselves the functions of the regency. I [the Emperor] having respectfully presented this for their perusal, have now reverently received the benign mandate of Her Majesty the Empress Tsz'-an Twan-yu Kang-king, and Her Majesty the Empress Tsz'-hi Twan-yiu-Kang i, in these words:

The perusal of the memorial which the princes and ministers have now presented, has made us feel with added poignancy the sorrow we are unable to dispel. The institution of a regency from behind the curtain* is essentially a temporary expedient

*This is the literal rendering of the original expression, *shui lien ting chang*, and is descriptive of the regency of an Empress, who, with a curtain dropped before her, gives ear to the affairs of government.

In consideration of the fact that His Majesty, who has succeeded to the throne, is still of very tender age, and moreover, that in times so filled with trouble, the princes and ministers cannot be left without a source to look to for authority, we have no choice left but to yield consent to their joint entreaty until His Adopted Majesty shall have completed the proper period of his education. When that day arrives we will forthwith return the government into his hands. Respect this.

In reverently receiving the above We have cause indeed to feel devoutly thankful for such a benign command. Though quite unworthy and insignificant in mind and body, we have been honored by their Majesties the Empresses, with their benign mandate to enter upon the succession of the great dynastic line, and be exalted by receiving the glorious commission. "Looking up we now take the burden of the great trust committed to our keeping by His Majesty now departed." "Great is the bequest and difficult the task!*"

Yet, happily for me, the protective care of their two Majesties is my support, until We can take into our hands the supreme power.

It behooves you, O princes, nobles, and ministers, with the officers and servants of every grade throughout the land, to put forth your strenuous efforts, each one exerting himself with public spirit and loyalty, to accord your joint support to an ever-improving rule. In this way you will comfort the soul in heaven above of His Majesty now departed, and at the same time fully gratify the expectations of our subjects of all ranks within the limits of the seas. Then great will be the happiness and prosperity vouchsafed to Us!

Let the princes, nobles, and ministers, as aforesaid, now carefully consult and decide upon the arrangements which is proper should be made in reference to the regency, and present them in a carefully prepared memorial. Let this decree be promulgated throughout the empire for the information of all. Respect this.

As behooveth me, I have now the honor to communicate the above for your excellency's information.

To His Excellency BENJ. P. AVERY,
United States Minister to China.

[Inclosure 7 in No. 23.—Translation.]

EDICT FROM THE EMPRESS-DOWAGERS ORDERING THE SUCCESSION.

JANUARY 13.

Prince Tun, Prince Kung, Prince Ch'un, Prince Fu, and Prince Hwei, the Beili princes Tsai-chi and Tsai-ching, Duke Yih-mu, the three ministers of the presence and the three cabinet ministers, with the seven ministers controllers of the household, the three ministers of the imperial study, and the five of the imperial library, have jointly been honored by the following benign mandate from their Majesties Tsz'-an Twan-yu Kang-king, (the Empress-Dowager,) and Tsz'-hi Twan-yiu Kang-i, (the Empress-Mother:)

Let Tsai-tien, son of Prince Ch'un, (Yih-hwan,) be adopted as the son of our literary ancestor, the Emperor Hien, (illustrious,) and enter upon the succession of the great dynastic line as Emperor by adoption. A special edict.

NOTE.—The first four princes in the above are half-brothers of each other and the Emperor Hienfung; the fifth is a cousin, and the two Beili or princes palatinate are more remote cousins of the same generation as the recently-deceased Emperor. Some of these above named are also ministers of the presence as well as the three specifically mentioned. The three ministers of the study and the five of the library are all literary placemen and academicians, and possess no official power.

This edict was issued simultaneously with that of inclosure 3.

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*These two expressions are taken from the Book of Records and Book of Odes. The first is the remark of Ching Wang, (B. C. 1115,) in his reply to the princes, complaining of their want of sympathy with him where he ascribes the bequest to Heaven. The second is a line in an ode, where the same monarch, Ching, declares his feelings in the temple of his father, and bemoans his being left solitary and unsupported in his high position.

[Inclosure 8 in No. 23.—Translation.]

ORDER RESPECTING THE MOURNING.

JANUARY 13, 1875.

A benign mandate from their Majesties, Tsz'-an and Tsz'-hi, the Empress Dowagers: Let Prince Tun, Prince Kung, and Prince Ch'un; Pa-yen-na-mo-hu, a prince of the Potolktai tribe of the Khorchin Mongols; the Beili Yih-kwang; Kingshu, consort of the imperial princess; Paoyun, a cabinet minister; Ying-kwei, president of the board of civil office; Sing kwei, president of the board of rites, and Li Hung-tsao, president of the board of works, together reverently arrange the obsequies, and perform their duty with the solemnity that is fitting. A special edict.

[Inclosure 9 in No. 23.—Translation.]

IMPERIAL DECREE.

JANUARY 13, 1875.

In the month of April, 1846, our munificent ancestor, the Emperor Ching [Perfect] issued his edict respecting the undesirableness of regarding both characters [in an Emperor's personal name] as sacred, as follows:

"Hereafter, let whoever succeeds in person in our dynastic line, not require that the first word in his name be either proscribed or altered from its old form; but when the occasion comes, then let the mode in which the second word is to be altered for common use be considered and fixed. This is henceforth to be a settled canon. Respect this."

Respectfully obeying His Majesty's order, it is now directed that the first word *Tsai* in the imperial name be neither altered nor proscribed in books or in writing; but in writing the second *tien* let the last stroke in the character be omitted, as in order to show that it is now altered from a sacred character. Whatever books or documents have been printed previous to this date, need not be regarded as coming under this rule. Respect this.

[Inclosure 10 in No. 23.—Translation.]

MANDATE FROM THEIR MAJESTIES TSZ'-AN AND TSZ'-HI, THE EMPRESS-DOWAGERS.

JANUARY 13.

Let the brevets of rank as expectant officials in one of the six subordinate boards called King Tang, or metropolitan courts, conferred upon Li Teh-li and Chwang Shau-ho,* be withdrawn and canceled, and their official buttons and peacocks' feathers be taken from them. Respect this.

[Inclosure 11 in No. 23.—Translation.]

MANDATE ISSUED BY THEIR MAJESTIES THE EMPRESS-DOWAGERS.

From the Peking Gazette, January 14th.

Prince Tun and others have memorialized, requesting that the largesses and honors recently conferred (when the Emperor was convalescing) may be rescinded. Their request is founded in the truest propriety.

Let, therefore, the rewards, favors, and promotions granted by the decree of December 23 to the princes and high ministers be now all withdrawn, as is requested in this memorial. Let all those officers of every grade who were advanced two steps in the roll of merit, at the capital or elsewhere, be now at once reduced.

The proper boards will take cognizance of these orders. Respect this.

*These are two court physicians, who were promoted on His late Majesty's apparent convalescence. On the 15th the censor Yu Shang-hwa reported against them for incompetency and malpractice, stating that Li Teh-li was utterly helpless to devise means to protect His late Majesty from the small-pox, and his crimes are weighty. It is ordered, in consequence, that both these court-physicians be degraded from all their posts and held to answer for their misdemeanors.

No. 142.

Mr. Avery to Mr. Fish.

No. 25.] LEGATION OF THE UNITED STATES,
Peking, January 27, 1875. (Received April 2.)

SIR: Referring to my No. 15, of December 14, in which I informed the Department of the common action resolved upon by the ministers of Great Britain, Russia, the United States, and Denmark, and the chargés d'affaires of Germany and France, to secure protection for the Danish cables on this coast, I have now the honor to inform you of the results so far.

First allow me to express my gratification at the receipt of instructions (No 193, of October 31, 1874) to lend the Danish minister here my good offices. All the legations joined in this affair are now equally under instructions.

At a meeting held on the 23d of December, pursuant to agreement, copies of the protocol, inclosed in my No. 15, were signed and exchanged, and the notes to be handed in to the Tsungli Yamen, identical in substance but not in language, were read, compared, and found to be in complete harmony. All concurred in representing the importance to Chinese, as well as foreign interests, of maintaining the cables intact, and in requesting the Yamen to order measures for their protection. It was agreed to ask simply for protection, and nothing more, leaving recognition to be inferred thereafter. The notes, or translations thereof, were sent into the Yamen on the 28th of December. A copy of my own is sent herewith, and represents the spirit of the whole. On the 12th of January, Prince Kung returned an identical reply, a translation of which is also given herewith. He relates at some length the history of previous appeals to the Yamen in behalf of telegraph enterprise in China, laying particular stress upon the difficulty of preventing injury to such works, and stating that, with reference to the cables, the imperial government had explicitly declared beforehand that it would not become responsible for any damage which might be done to it. The prince adds that the injuries now said by the ministers to threaten the cables were just what he had predicted, and he repeats the difficulty of preventing them. Nevertheless, he has caused copies of the correspondence on the subject to be sent to the governors-general and high ministers of the maritime provinces, "that they may take into consideration what measures for protecting the cable can be devised, and give orders to the local authorities under them to constantly give it such an oversight as is in their judgment possible."

The conclusion of the prince's letter is more satisfactory than the preamble, though the real value of the apparent concession will depend upon the practical measures taken by the officers of the seaboard provinces. Not to have received the old reply, "It is impossible," or "We do not see how this thing can be done," and there an end, is encouraging. The letter of the prince impliedly recognizes the cable as a thing to be protected, and has no word of objection to telegraphs *per se.* Evidently his main anxiety is to avoid responsibility for any damage that may occur. If telegraphs can be erected and maintained without troubling the Yamen, he is no longer inclined to say they shall not be permitted; but he wants it understood he is not responsible should they be injured.

This position is some advance on the old attitude of obstinate resistance. It makes a little progress possible under the prudent enterprise

of individuals, and prepares the way for more liberal concessions hereafter.

Owing to the death of the Emperor, which has caused some delay in business, no response has been yet made to Prince Kung.

* * * * * * *

Meanwhile there is a probability of telegraph discussion on another point. After encouraging the erection of a land-line from Foo-chow to Amoy, and posting proclamations for its protection, the Chinese officials at Foo-chow threaten to tear down the wires and poles, unless the Danish company stop the work. As thirty-five miles of wire were stretched at last accounts, and the people had shown no fear and no hostility, there is no excuse for this change of attitude on the part of the officials, especially as it is known the Peking authorities have left them quite free to encourage the enterprise as they began. General Raasloff has already addressed the Yamen on the subject, hinting that they would be held responsible for damages should violence be committed. They expressed surprise at what was said to be going on; had not one word of objection to the telegraph; promised to write to Foo-chow in the matter, and altogether seemed to be quite friendly.

Unless the Foo-chow officials shall have proceeded to extremities before they hear from Peking, it is not unlikely the work will yet be allowed to go smoothly on to completion. All the proceedings are watched with keen interest by foreigners in China, as well as by such of the natives as are friendly, in however secret and timid a way, to foreign improvements.

The character of telegraphs as essential adjuncts of commerce is more and more apparent, and the policy of insisting upon official permission for their safe enjoyment is sure to be strongly urged. Should the Foo-chow line be torn down or stopped in its progress, the event would create much feeling, and probably lead to a joint protest on the part of the diplomatic body.

I have, &c.,

BENJ. P. AVERY.

[Inclosure 1 in No. 25.]

Mr. Avery to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, December 26, 1871.

SIR: You are aware of the arrival here of General de Raasloff, His Danish Majesty's minister to the court of China. I am informed that General Raasloff is instructed to procure protection for the telegraph-cables laid along the coast of China by the Great Northern Telegraph Company of Denmark, and that he will address your highness on this subject at an early day. As this is a matter in which my country, as well as all others with which China has treaty relations, is also much interested, I beg leave now to express the hope, which I am certain is shared by my Government, that the request of the Danish minister may be favorably received, and that such measures may be taken in accordance therewith, as may seem to His Imperial Majesty's government best calculated to effect the end in view.

These cables are used by people of all nations, including the Chinese, and are very important to the commerce of the empire, as your highness must know. They cannot be broken or interfered with by ignorant or malicious persons without great loss, not alone to the company owning them, but to people engaged in trade, and to the imperial customs department, which derives from that trade a large revenue. These cables also connect China with telegraphs reaching to all parts of the world, and any accident or mischief to them would prevent the speedy communication of intelligence, which is very necessary in these times to successful commerce.

I feel certain that your imperial highness is well informed of these facts already, and I only refer to them because they furnish the reasons that induce me to hope that

you will give the Danish minister's request your favorable attention. The cables are not offensive to the people; they are in nobody's way, and interfere with nobody's rights; but without some action on the part of the imperial government for their protection, in conjunction, if you please, with the foreign representatives, they are constantly liable to such injury as I am informed has frequently happened.

Hoping to receive an early and favorable reply, I avail myself of this occasion to renew the assurance of my respect, and am

Your highness's obedient servant,

BENJ. P. AVERY.

To His Imperial Highness Prince KUNG, &c., &c.

[Inclosure 2 in No. 25—Translation.]

Prince Kung to Mr. Avery.

TUNGCHI, 13*th year*, 12*th moon*, 4*th day*. (January 12, 1875.)

Prince Kung, chief secretary of state for foreign affairs, herewith sends a reply in relation to the telegraph-cable, a thing which is not clearly mentioned in the treaties.

In the year 1861 the Russian minister, Colonel Balluzech, in a personal interview at the Yamen, first brought up the proposition to put up a telegraph-wire between Peking and Tientsin. He was informed at the time that this government could not insure its remaining untouched, and that it would be constantly liable to injuries; for which reasons and chances of failure the matter was accordingly dropped.

In 1862 the British minister, Sir Frederick Bruce, returned to the subject in a dispatch, stating that he had heard that the Russian minister wished to have an air-line put up, and desired to know whether the Chinese government was willing. If they could see their way to erect an air-line which would connect all the ports along the seaboard on the east and south, he was sure that they would derive great advantage therefrom. The foreign office replied to his note that there were so many difficulties in the way of allowing the erection of a telegraph that His Majesty's government could not see their way clear to grant it.

In 1865 the Russian minister, General Vlangaly, wrote a note, accompanied by a paper showing the principal parts of a telegraph-instrument, and stating that if China would set up a telegraph on this plan she could manage it herself. The foreign office replied to the general that whatever advantages might accrue from its establishment, China had no wish to monopolize them; but that if anybody, no matter of what country, would show how it could be put up so that there would be no risk from injury or damage, she would very gladly accede to the proposal.

The truth is, in reference to setting up the telegraph, that, from the first, I (the Prince) have been particularly anxious in respect to the difficulty of preserving it from injury, and am still unable to see how it can be prevented.

In 1870 the British minister, Mr. Wade, represented the desirableness of laying a submarine cable. In his note he stated that during all the discussions in the previous years a land-line had alone been spoken off; but that in the plan he advocated the end of the cable alone would need to be brought ashore and worked in the foreign hongs or a room in them. The foreign office replied, that the dacoits and pirates along the coasts were so fugitive in their movements, that it was quite out of the question to devise means to effectually protect the cable; should any damage be done to it, therefore, by malicious fellows, it would involve its owners in great losses, for which the local authorities certainly could not be held responsible; and, in short, herein consisted the great difficulty of carrying out the enterprise.

Mr. Wade answered that he had carefully considered this point, and no difficulty need arise from it; for if China did not wish to permit the end of the cable to be brought ashore, it could easily be disposed of and worked where the land and water bordered on each other; and he would instruct the telegraph company so to manage it. A reply was made to this that after it went into operation His Majesty's government would have still much difficulty in overseeing it for them; but it must be understood that no Chinese local official would be held responsible for any damage done to the cable.

This danger of constant injury to it, and the difficulty of preventing it, were the points which caused me extreme anxiety; but as Mr. Wade only proposed to lay the line along the coast, I could not omit to clearly state beforehand that in no case would His Majesty's government become responsible for any injury which might be done to it.

Your excellency's dispatch, now before me, and those from the other ministers, all speak of the frequent injuries and cutting done to the cable, which is just what the dispatches from the foreign office long ago indicated. These various dispatches now received refer mainly to two kinds of injuries to which the cable is exposed, viz, one

from accidental damages done by native vessels, the other from the thefts of designing rascals.

As the cable lies at the bottom of the sea, and cannot be seen, it is plainly impossible to forbid vessels going where they list, and anchoring where they please; injuries to it, suffered by casting anchor or putting down a pole, must be looked upon as wholly unintentional and cannot be punished as crimes. Yet they are just as difficult to be guarded against, and so are the thefts committed by piratical boats which skulk along the coasts, and dodge in and out of the inlets, so that it is well-nigh impossible to seize the fellows who steal the cable and bring them to justice.

Taking into consideration, however, the statements given in the various dispatches now received in relation to this thing, and in view of the friendly relations subsisting between all the parties, I have ordered copies of them to be sent to the governors-general and high ministers of the maritime provinces, that they may take into consideration what measures for protecting the cable can be devised, and give orders to the local authorities under them to constantly give it such an oversight as is, in their judgment, possible.

To His Excellency BENJAMIN P. AVERY,
United States Minister.

No. 143.

Mr. Avery to Mr. Fish.

No. 27.] LEGATION OF THE UNITED STATES,
Peking, February 7, 1875. (Received April 6.)

SIR: In continuation of my No. 25, referring to the joint action had here in behalf of telegraph enterprise, I have now the honor to give you the following additional facts.

On the 27th of January the signatories of the protocol of December 20 met, to consider how they should treat the reply of Prince Kung to their request for protection to the cables.

* * * * * * *

As the reply of Prince Kung to our several notes was identical to all, it was resolved to make our response also identical. The form adopted is included in the protocol, of which I send a translation.

To insure uniformity in the Chinese text, the translation for all was made by one hand. This document was sent in to the Yamen within two or three days, and since then the consular dispatches have been forwarded as agreed. On my part, I sent copies of the form given in inclosure 3 to Consul-General Seward, at Shanghai; to Jos. J. Henderson, at Amoy; Edward C. Lord, at Ning-po; Robert M. Tindall, at Canton; M. M. De Lano, at Foo-chow; and James C. A. Wingate, at Swatow. I have also requested Mr. Sheppard, our consul at Tien-tsin, to communicate with Li Hung-Chang for me—inform him of the proceedings here, and suggest the issuance of a proclamation by him. His friendly action would have a great influence in other provinces.

Nothing remains now but to await the effect of the Yamen's communication to the seaboard officials; and there is nothing to add to this dispatch which is not contained in the inclosures.

I have, &c.,

BENJ. P. AVERY.

[Inclosure 1 in No. 27.—Translation.]

Protocol.

The undersigned, signatories of the protocol of the 20th of December last, have met again to take into consideration the note (identical) of January 11, which the Tsungli

Yamen has delivered to them, in reply to their notes dated, respectively, the 24th, the 26th, and the 28th of December, relative to the protection of the telegraphic cables in the waters of China.

The undersigned freely admit that in taking the measures demanded by them, the Yamen has given proof of good-will; but they do not admit the justice of the general remarks which they find in the first part of the reply, and with which the Yamen has thought proper to precede its decision. They regard as entirely inadmissible the assertions and insinuations of the Yamen, relative to the pretended very great difficulties in the way of efficacious protection of lines of telegraph, whether submarine or aerial. These assertions contradict the experience already had, and are inconsistent with what we know as to the authority of the Chinese government. But if, on the one hand, the undersigned do not admit the justice of the remarks alluded to, they do not, on the other hand, deem it to be timely or necessary to open a discussion upon these points; and they think it is enough for the present to make a simple reservation relative to the same in the response which they contemplate making to the Tsungli Yamen.

In view of these considerations, the undersigned agree—

1. That each of them shall address, in reply to the Tsungli Yamen's identical note of the 11th instant, an answer in these words:

"The undersigned has had the honor to receive the note of January 11, which the Tsungli Yamen [or Your Imperial Highness] was good enough to address to him in response to his note of , relative to the protection of the telegraphic cables in the waters of China. The Tsungli Yamen [or Your Imperial Highness] announces in the last part of this note that in consideration of the request of the undersigned and his colleagues, it [he] has decided to give the necessary orders, so that the authorities in the maritime provinces may take efficacious measures for the protection of the cables.

"In consideration of this decision, and appreciating as he does the friendly disposition it evinces, the undersigned thinks that he may, for the present, abstain from discussing the observations which he finds in the first part of the note, and with which the Tsungli Yamen thought proper to precede its decision; and he will not fail to give, conformably to the promise conveyed by him in his note, the necessary orders to the consular officers of his nation, so that they may co-operate with the Chinese authorities for the efficacious protection of the cables mentioned.

"The undersigned avails himself," &c., &c.

2. That, conformably to the promise made to the Tsungli Yamen, each of the signatories will—

(*a*) Bring to the knowledge of the consuls of his nation, in the way that seems best to him, the contents of the correspondence above mentioned between him and the Tsungli Yamen; and—

(*b*) Give to those officers instructions to put themselves in communication with the Chinese authorities in order to inform themselves of the measure which may be adopted by the latter, and, in case of need, aid them with advice; to inform their legation of what the Chinese authorities have done; and to indicate the measures which may, in their opinion, be useful and convenient for adoption to the end in view by the consular authorities and other foreigners.

Done at Peking, (at the legation of Her Britannic Majesty,) the 27th of January, 1875.

(Signed) WADE.
BÜTZOW.
AVERY.
RAASLOFF.
HOLLEBEN.
ROCHECHOUART.

[Inclosure 2 in No. 27.]

Mr. Avery to Mr. Seward.

LEGATION OF THE UNITED STATES,
Peking, February 3, 1875.

SIR: It is well known to you that the Great Northern Telegraph Company of Denmark has for some years maintained a cable along the coast of China. Its continued maintenance intact having become of vital importance to the foreign nationalities here, whose business it facilitates, and to whom, through its Russian, English, and Japanese connections, it affords a means of speedy communication with the rest of the world, the representatives of the leading treaty-powers at this court lately resolved upon a joint request to the Tsungli Yamen for official measures of protection. Uniting with Gen. de Raasloff, His Danish Majesty's minister, the ministers of England, Russia,

and the United States, and the chargés d'affaires of France and Germany, addressed notes to Prince Kung, asking that such measures might be taken for the protection of the cables as seemed most proper to the imperial government. These notes were transmitted to the foreign office on the 28th of December, and on the 12th of January the representatives named received a reply, in which Prince Kung, after reciting previous efforts to obtain telegraph concessions, and the difficulties in the way of affording such enterprises protection, concludes as follows:

"Taking into consideration, however, the statements given in the various dispatches now received in relation to this thing, and in view of the friendly relations existing between all the parties, I have directed that copies of them be sent to the governors-general and high officers of the maritime provinces, that they may take into consideration what measures for protecting the cable can be devised, and give orders to the local authorities under them to constantly give it such oversight as is, in their judgment, possible."

The Chinese text of the foregoing is given below. The passage is considered as conveying a favorable answer to our request. It is certainly an advance upon anything the yamen have heretofore said on the subject of telegraphs, for they offer nothing in hostility or by way of objection, but announce that they have given orders, in the usual way, to the local officials to see that the cables are protected. Of course the full value of Prince Kung's communication to the officers of the maritime provinces will depend upon the efficiency of the practical measures taken by them in consequence. In order to be advised of these at as early a day as possible, and to follow up their own influences in the matter, the representatives before named have agreed to address their respective consuls on the subject, instructing them to learn and report what may be done in accordance with Prince Kung's letter.

I have, therefore, to request that you will advise me of whatever comes to your knowledge, and, further, that you will, if circumstances seem to make it proper and useful, assist the governors-general and high officers of your province by counsel and suggestion. If the governors-general of the seaboard provinces could be induced to issue a proclamation, saying, in effect, that they have been directed by the central government to see that the cable is protected, and notifying the people, and especially boatmen and sailors, that it cannot be molested with impunity, such a measure would be very useful in giving the widest notoriety and as a precedent for the future. It will be well, also, to show to the officials the Chinese text of Prince Kung's reply, as given in this dispatch.

By recent dispatches from the Department of State, I am instructed to aid the Danish minister in the object of his special mission here; but apart from this fact, the matter is one that vitally concerns all foreign interests in China, is one of the means of bettering the empire, and, therefore, commends itself to American sympathy and care. I am well aware of your intelligent concern and effort in behalf of telegraph enterprise already, which have my hearty appreciation; and I rely, therefore, with the more confidence, upon your co-operation with the efforts of the legation.

I am your obedient servant,

BENJ. P. AVERY.

GEO. F. SEWARD, Esq.,
United States Consul-General, Shanghai.

No. 144.

Mr. Avery to Mr Fish.

No. 30.] LEGATION OF THE UNITED STATES,
Peking, February 19, 1875. (Received May 1.)

SIR: In my No. 12, of December 10, attention was called to the fact that Li Hung Chang, governor-general of the province of Chihli, had sent abroad an agent to procure the machinery for working coal-mines. It is now in my power to give more detailed information on the subject. Regret is sometimes expressed that the Chinese authorities are much more inclined to expend money on the warlike inventions of foreigners than on the arts and appliances of peace, which tend to build up instead of destroying; and it is doubtless true that an equal readiness to introduce our improved machinery in their manufactures, mining, and

transportation would be more beneficial to the people and the government. But it is worth observing that such experience of the value of foreign arts and appliances as they gain in establishing arsenals, powder-works, and founderies, and in adopting our war-steamers, cannon, and small-arms, is also teaching them the superiority of the same arts and appliances in the ordinary industry and traffic of the empire. Thus Li Hung Chang was doubtless led by his arsenal-works to appreciate the necessity of obtaining large supplies of coal by more economical methods than manual labor and mule or camel transportation. Indeed, as early as 1868, Tsang-kwoh-fan, who was at that time the highest in rank of the provincial governors-general, had nearly induced the central government to allow him to make the experiment of working the coal-mines near Nanking, or Chin-kiang, with foreign machinery. Dr. Williams wrote of this to the Department, saying:

> If once this experiment is tried, I think its success in developing a vast industry will prove a strong inducement to try other mines, as, for instance, those near Peking and north of Canton, and this source of wealth being once opened prosperously, a rail or tram road, to carry the coal to the boats or a market, would follow under more promising inducements than can now be expected. It is worth mentioning in this connection that the great stimulus to Stephenson in opening his railroad was to get coal to market.

These remarks have a special relevancy to the experiment now actually undertaken by Li Hung Chang, concerning which Mr. E. T. Sheppard, our consul at Tien-tsin, has procured for me the following facts, given in nearly his own language. The coal-fields at Tzir Chow, which Li Hung Chang proposes to operate with foreign machinery, are situated in the eastern slope of the range of hills which runs northeast and southwest, along and across the western border of this province, (Chili,) at a point near its southwestern extremity, and near the border of Shantung and Honan. They may be marked on the map as lying in latitude 36° 15′ north, and longitude 114° 45′ east. These mines are very rich in coal of a soft bituminous variety, though anthracite is also present, and have been worked since and during the Ming dynasty with greater or less success. Iron-ore and limestone exist in great abundance in the adjacent hills. The distance from Tien-tsin, by ordinary course of travel, is about 250 miles, and from Peking a little farther. These mines were selected for working by Li Hung Chang, as he says, according to Mr. Sheppard, because of their *remoteness* from Peking, which place now gets its coal-supplies from mines only two days' journey distant by camel or mule. The governor-general observes that, should he attempt to put foreign machinery in the mines at Men-ton-kow or Chien Tang, he would be met by serious opposition from the capital. Remote from Peking, he is nearly independent.

In October last, Li Hung Chang engaged Mr. James Henderson, of Tien-tsin, to go to Great Britain and secure experts and machinery for opening the mines selected, a steam-engine being included in the order. Mr. Henderson left Tien-tsin for England about the 10th of October, and expects to return by July next. For the purpose of conveying the coal rapidly and cheaply from Tzii Chow to Tien-tsin, the governor-general proposes to construct a tram-way, either for horse or steam power, from Tzii Chow to the nearest accessible point of connection with the river Chang Ho, which flows into the Grand Canal, and which passes Tzii Chow about thirty miles to the eastward, thus making a continuous line of communication between the mines and Tien-tsin, at which latter place, or near it, are the Chinese arsenal and steamships, to say nothing of numerous foreign steamers. Mr. Sheppard thinks this mode of transportation, although a great improvement on the present, will prove

inadequate, and that, to insure economical and profitable working, Li Hung Chang will find himself obliged to make his tram-road a railroad, and extend it to Tien-tsin. He gives me the following facts in illustration of this idea:

Coal at the mines named can now be bought in any reasonable quantity at 90 cents to $1.25 per ton. So great is the cost of transportation, and so limited are the means, that the coal doubles for each ten miles it is carried, so that by the time it reaches Tien-tsin it cannot be sold for less than about $14 per ton. Indeed, it is found that Australian and Cardiff coals, notwithstanding the great cost of shipping them hither, compete favorably with the native coal, which is found in such great abundance in this province. With railroad communication between here and the mines, native coal would be laid down in such quantities, and at such a low figure, as to drive all foreign coals at once and forever from the market. This fact will soon suggest itself to the Chinese, for it is capable of mathematical demonstration. I have said that the viceroy (governor-general) is mistaken in supposing that he can transport coal from the mines to Tien-tsin with a tram-way and in boats via the Grand Canal in paying quantities. My reason for thinking so is this: The Chang Ho, which connects with the Grand Canal, is a shallow stream at best, and on an average, I am informed, it is not navigable, even for small passenger-boats, more than about six months of each year. During that time, therefore, no coal can be transported. The result will be just what is true at present, viz, that coal will be abundant and dirt-cheap at the mines, but the facilities for carrying it to market will be so inadequate as to render the working of the mines a practical failure. The viceroy will, however, get just taste enough of the mineral wealth to make him greedy for more. He will see the rich treasures of coal and iron here in his own province, and he has sagacity enough to see also how those treasures can be made available. Railroads are the logic of the whole business.

Whatever may be the issue of the mining experiment, Li Hung Chang is not a man likely to abandon it, and as he gains rather than loses influence with the central government, he may rely with the more confidence on being left free to carry out his project by whatever means may be necessary to insure its success. He has lately been advanced to the head position in the grand secretariat, which is a special mark of imperial favor, there being only four members of this body, and the usage being for the Manchus and Chinese composing it to alternate in a way that gave the former precedence.

I have, &c.,

BENJ. P. AVERY.

No. 145.

Mr. Avery to Mr. Fish.

No. 33.] LEGATION OF THE UNITED STATES,
Peking, February 28, 1875. (Received May 1.)

SIR: I have the honor to inform you of the latest phase of the telegraph question.

First, as to the common action to secure protection for the cables. Prince Kung thought it necessary to reply to our identical note of February 1, and to reiterate his previous disclaimer of responsibility. His letter is a characteristic specimen of Chinese casuistry. It is evidently dictated by a fear that we understood him to promise more on behalf of the central government than he intended, and by anxiety to shield the government from any demand for damages growing out of injuries to the cable. Certainly we asked no more than an exertion of good-will to be shown by such directions to the provincial authorities as the Prince repeats have been issued, *i. e.*, that they devise measures for protecting

the cable. To deny the practicability of protection is to take issue with well-known facts. The cable has been frequently protected by the action of the local officials on application to them by consuls, particularly those of the United States. Nothing more has ever been required, or is likely to be, than that persons willfully injuring the cable shall be apprehended and punished. The Danish minister, on behalf of his nationals, who own the line, and his colleagues who have been acting with him at Peking, desired to insure regularity and certainty in protective measures by enlisting the good-will of the central government, so that the matter would not be left to the caprice of local officials. It is true that, incidentally, they desired a *quasi* recognition of the right of the cable to be, and trusted such recognition would have a favorable bearing on the construction of land-lines; but this was an *arrière pensé*, and was never put forward or hinted in any protocol, note, or dispatch, except confidentially to governments at home.

It is unprofitable, however, to enter into an argument with Prince Kung as to his meaning or ours, at least until we shall have learned what the officials of the maritime provinces propose doing under the instructions or directions they have received. With this view no response has been made to the Prince's last note. Meanwhile, the necessity for protective intervention on the part of the central government has been strikingly shown at Foo-chow, where the pagoda anchorage line was cut on the 16th of January, and about 1,500 feet of wire stolen. This line was built, as I have already informed the Department, with the permission of the local officials, and under their promise of protection; yet nothing was done toward keeping this promise until the foreign consuls took up the case. Mr. Sinclair, the British consul, through whom the concession was obtained, refused to lead in the necessary application to the Chinese officials, as the representative and senior of the consular body, though repeatedly asked to do so by the telegraph company. What action has since been had I have yet to learn.

With reference to the land-line between Foo-chow and Amoy, of which about 35 miles had been quietly erected when the Foo-chow officials said it must go no farther, I learn from Consul De Lano that on the 24th of January their threats to stop it were carried into effect. The workmen at the end of the line were attacked by a mob, some of them hurt, a number of poles torn down, and a quantity of poles and wire carried off. Captain Hoskiar, of the telegraph company, learned enough from the people to satisfy him that the mob was acting under instructions from the Foo-chow officials, conveyed to them through the mandarins of the village. Work on the line had been voluntarily suspended by the company before the attack, but was resumed on orders from Copenhagen, as Mr. De Lano learns, when the assault occurred. Mr. De Lano writes, further, that he learns instructions had been received from the Tsungli Yamen by the governor-general of Fuhkien province to buy the Amoy line. This is not unlikely, in view of subsequent occurrences at Peking, which will be given farther on in this dispatch; indeed, there is reason to believe the Tsungli Yamen has known from the beginning what was going on at Foo-chow, and has had a definite policy, mauger repeated professions of ignorance and irresponsibility. In the first place, as I am well convinced, Shun, the director-in-chief of the arsenal at Foo-chow, who was last year charged with the defense of Formosa against the Japanese, was authorized from Peking to erect three telegraph-lines, which he deemed necessary for rapid military communication, namely, a cable between Foo-chow and Formosa, a land-line along the coast of that island, and a land-line between Foo-chow and Amoy. Under the orders of Shun, a formal contract was made by Mr. Giquel (a French-

man of ability and influence in the employ of the Chinese at the arsenal) with the Danish telegraph company, for the two lines first named. The contract was not ratified in Denmark on the ground of insufficiency of compensation; Mr. Dreyer, the agent of the company in Shanghai, having, by an oversight in his estimates, calculated only the cost of the material in Denmark.

The project, therefore, unfortunately, was dropped, except so far as the Foo-chow and Amoy line, which the company desired to build on its own account. Foo-chow is the center of the tea industry, and the company has a cable-office at Amoy, so that a land line between the two cities would give connection with London through its northern line. Mr. De Lano aided them in securing permission for a survey of the route. The company's engineer was accompanied by a member of the Chinese board of trade, which has cognizance of foreign affairs, who satisfied himself and reported to the board that the people along the route had shown no hostility, and that none need be expected. Mr. De Lano then succeeded in effecting a verbal agreement for a contract, which was finally drawn up in the terms set forth in my No. 7, one of the clauses giving the government the right to buy the line whenever it wished. This contract, as I have already informed the Department, was never signed, the officials opposing objections, insisting upon changes, and finally refusing to sign altogether. This was in October last, when the Formosa difficulty was on the eve of settlement. In view of a probably peaceful solution of that trouble, the ardor of the authorities for telegraphs suddenly cooled. Meanwhile, however, the Danish company, relying upon the good faith of the officials, and believing the conclusion of the contract was only a matter of form, had begun work on the line, and the subprefect of Foo-chow, acting under orders of the higher authorities, as he stated himself, issued a proclamation declaring that the line was being erected with the sanction of the board of trade, which had ordered him to see that it was protected; wherefore, he warned the people, on peril of punishment, not to molest it. I have seen a translation of this proclamation, copies of the Chineses text of which were affixed to the telegraph-poles, and the fact of such a document having been issued must have been known to the Tsungli Yamen, who were in correspondence with the Fuhkien officials on the subject of the line, by their own admission to the Russian minister, as early as October last. It is certainly an encouraging and significant fact that thirty-five miles of wire were stretched through a populous country without the least sign of hostility from the people, until the Foo-chow officials, as Mr. De Lano believes, gave instructions to stop the work by violence.

One cannot help suspecting that this measure of intimidation was resorted to in order to make the company willing to sell out cheaply. Whatever the motive, however, I am of opinion that they would have kept their original agreement, and permitted the completion of the line, had the foreign influences at Foo-chow and Peking been united in its favor, as, considering the common welfare, they should have been.

* * * * * * *

On learning that violence had been committed upon the workmen and property of the Danish company, General Raasloff, the Danish minister, represented the facts to the Tsungli Yamen, and hinted that unless the work was permitted to go on he would have a claim for indemnity to urge upon them. After much beating about the bush they admitted, I think somewhat to his surprise, that he would have a right to indemnity; but as to the resumption of the work, one of the ministers observed that it was for China herself to determine if she would have telegraphs. General Raasloff frankly admitted this, and dis-

claimed any intention to dictate or to ask more than might be conceded through good-will, or could be claimed by virtue of an agreement. The Yamen finally said they would both indemnify the Danish company and buy the Foo-chow-Amoy line, and General Raasloff at once took them up. At the request of the Yamen he submitted in writing a statement of facts and an offer to negotiate for a sale, and the Yamen responded. Through the courtesy of the Danish minister I am able to forward copies of both communications, from which it appears that the Yamen have already directed the provincial authorities of Fuhkien at Foo-chow to arrange for the carrying out of the sale. There seems to be no doubt of the perfect good faith of the Peking government in this transaction, and I presume a settlement on the basis of sale and transfer is only a matter of detail and time.

The readiness with which the members of the Tsungli Yamen consented to such a settlement confirms my belief that they have been constantly informed of what was done at Foo-chow, and have had for some time a definite policy looking to the adoption of telegraphs under government control. If their determination to buy the Foo-chow-Amoy line means that they will complete and maintain it, as the initial line of a system of government telegraphs, that will be, as I said in my first dispatch on this subject, a happy conclusion, avoiding the embarrassment of foreign rivalry, which has already entered into the Foo-chow project, and starting China sooner on the road of substantial progress. If, however, they purchase the Foo-chow line, including, probably, that to the Pagoda anchorage, only to get rid of it and prevent any further enterprise in the same direction, the result would be disheartening. I think, however, there is reason to believe, as hinted in earlier dispatches, that the Yamen actually contemplate setting up government lines, possibly under the general superintendence or direction of the inspector-general of customs, Mr. Hart, who is known to favor the erection of telegraph-lines by the government. In this connection I have only to repeat what was said in my number 7:

"Should the choice arise between no telegraphs at all or telegraphs under Chinese ownership and control, everybody who desires the advancement of the Chinese more than some selfish advantage must prefer the latter alternative. Foreigners would in any event have the profits of construction and of management until such time, far in the future, as the Chinese may have learned to do the work efficiently by themselves. Foreigners would also derive the advantage to their commercial, financial, and political interests which rapid communication even in Chinese hands would insure."

I ought to add that it seemed proper to me to express to the Tsungli Yamen, verbally, the interest our country has in the efforts making to introduce land-lines in China, and my hope that the Foo-chow line would be allowed to go on to completion. I learn that the Yamen were approached in similar terms by the legations of Great Britain, France, and Germany, if not of Russia. In each case they uttered no objection to telegraphs *per se*, intimated that they did not know what had occurred lately at the end of the Foo-chow line, and said they would "inquire into it." There can be no question that the support given the Danish minister in his request for protection to the cable, and the common representations made in reference to the land-line, have much impressed the Yamen, and hastened their apparent conclusion that they can no longer ignore or prevent telegraph enterprise.

The important bearing of the subject on our relations with China, as well as upon her own future, will, I trust, excuse the frequency and the length of my allusions to it.

I have, &c.,

BENJ. P. AVERY.

Postscript.

MARCH 5, 1875.

A delay in the transmission of the foregoing dispatch enables me to complete the statement of facts it contains by inclosing, first, a later note from the Tsungli Yamen, informing the Danish minister that the projected purchase of the Foo-chow-Amoy telegraph had received imperial sanction, and, second, the reply of General Raasloff. The action of the Chinese government in this matter is highly novel and important, implying such an admission of responsibility in provincial affairs as it never made before, and being its first direct and open approval and adoption of a leading foreign improvement. The Danish minister has just left for Shanghai to confer with the telegraph company on the terms of sale and indemnity. He will insist that no speculative demands be made, and that negotiations be conducted in a fair and moderate spirit. If his advice is followed I anticipate the best results for the future.

B. P. A.

[Inclosure 1 in No. 33.—Translation.]

Prince Kung to Mr. Avery.

KWANGSU, 1*st year*, 1*st moon*, 10*th day*, (February 15, 1875.)

Prince Kung, chief secretary of state for foreign affairs, herewith replies:

I have had the honor to receive your excellency's dispatch of the 1st instant, in which you refer to the matter of the submarine cable along the coast, acknowledging my previous communication and its implied approval of the enterprise, adding that you do not think it worth while to discuss the remarks made in the first part of that note in relation to former deliberations, but informing me that you will give the necessary orders to your consular officers to co-operate with the Chinese authorities for the efficient protection of the cables mentioned.

In reply to this I may remark that my explanations as to the extent to which the foreign office had given its sanction to a submarine coast-line cable reached only to an expression of good-will toward it, and by no means to a promise to protect it, or take the responsibility of it. As to requiring the local authorities in those provinces to take measures to prevent injuries being done to the cable, the foreign office expressly adduced the facts stated in the first half of my previous dispatch, not that you might discuss them, but to show conclusively what had been done in this matter during past years, and the circumstances which still obstructed the whole enterprise.

In my former dispatch I mentioned, speaking of the injuries to which the cable is exposed, either by native boats accidentally fouling and breaking it, or thieves purposely stealing it, that no prohibitions or orders would effectually stop the first, and that however much the officials might wish to seize the thieves, it was nearly impossible to do so. These attendant difficulties all presented themselves to us from the first; and were the chief causes why we were loath to assume any responsibility for the cable.

When we first discussed the proposal of a submarine cable with Mr. Wade, the British minister, we plainly stated in the reply to him that the end of the line could not be allowed to be brought ashore, and it must not be connected with any of the open ports by being worked on land. This was in order to clearly define the limit of its action. After it was laid along the coast the government would then have trouble enough in giving such protection as could be extended to it, but whatever injuries it might suffer, the local authorities were not to be held responsible, and no reclamations were to be made to restore or repair it.

Though this government has now sent its directions to the authorities in the maritime provinces, it still declines all responsibility for the safety of the line; and sees no reason for further discussing the points spoken of in the first part of my last dispatch. When replies to the orders already sent to the various officers on this subject have been received I will again address your excellency, and now content myself with this preliminary reply.

To His Excellency BENJ. P. AVERY,
United States Minister to China.

[Inclosure 2 in No. 33.—Translation.]

General Raasloff to Prince Kung and the ministers of the Yamen.

LEGATION OF DENMARK, PEKING, *February* 20, 1875.

SIRS: The undersigned has the honor, agreeably to what passed between us at the interview on the 17th instant, to confirm by this dispatch that according to the report he has received from Mr. Dreyer, the general agent of the Great Northern (Danish) Telegraph Company, which has been for some time engaged in putting up a telegraphic line between Foo-chow and Amoy, the company's workmen have been, without any provocation on their part, attacked in many places, either by armed men or regular soldiers, the people in their employ maltreated, some of them rather severely wounded, their tools carried off, some watch-houses of the company torn down, and a considerable amount of material, consisting of several hundred posts, telegraph-wire, &c., taken up or stolen.

Since the date of this report, a length of line about a hundred *li* or more still remains, and the cable which has been laid to join the island of Amoy with the main-land was still untouched; but the undersigned, who will be obliged to claim an indemnity for the losses now sustained by the company, urgently requests that your imperial highness and the ministers will have the goodness, above all, to take efficient measures to repress these acts of violence, and to stop the destruction and robbery of the material, as it is of considerable value.

The undersigned will, on his part, obtain from the general agent of the company an account of the losses it has sustained by the violence now inflicted on it; and he will, at the same time, recommend him to ask of the chief director of the company at Copenhagen an authorization to sell to the Chinese government for whatever he can get, as it may seem to be good to him, the part of the line which is or may be still extant, the cable above mentioned, the boats, posts, &c.; in short, all the material which the company has accumulated or ordered for constructing this telegraphic line between Foo-chow and Amoy.

The undersigned requests your imperial highness and ministers to let him know what public officer will be authorized to acquire this material, and to have the goodness to instruct him to acquaint the general agent when he will be ready to enter into negotiation about the matter.

The undersigned seizes this occasion to renew to your imperial highness, and their excellencies the ministers, the assurance of his high and respectful consideration.

W. RAASLOFF,
Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Denmark.

To his Imperial Highness Prince KUNG and the ministers of the Yamen.

[Inclosure 3 in No. 33.—Translation.]

Prince Kung and the ministers of the Yamen to General Raasloff.

KWANGSU, 1*st year*, 1*st moon*, 20*th day*, (February 25, 1875.)

Prince Kung and the ministers of the foreign office herewith send a reply:

We had the honor on the 15th instant to receive your excellency's dispatch, in which you state that you had just received the following report from the agent of the Great Northern Telegraph Company:

"The company's workmen, between Amoy and Foo-chow, have been attacked in several places by soldiers and the people, all armed with weapons, many of our employés badly wounded; some of the watch-houses and huts demolished; several hundred of our posts carried off, with an unknown quantity of wire, and a great number of tools taken away. About a hundred *li* or more of the land-line going from Foo-chow is still left, and the cable connecting Kulangsu with the main-land has not been harmed."

You therefore request that orders may be immediately sent down there to take measures to put a stop to these proceedings, so that no further losses and injuries may be suffered, and you propose that the hundred *li*, or more, of the telegraphic line now set up between Foo-chow and Amoy, with the cable connecting Kulangsu and the main-land, and all the materials collected between these two cities to construct the telegraphic line, shall all be sold to this government, so that hereafter China can herself manage and take care of it.

Orders have in consequence been already sent from this office to Fuhkien, directed to the governor-general, governor, and manchu-general, requiring them to inquire into the facts immediately, and ascertain what arrangement can be made. When their reply has been received we will again address your excellency, but content ourselves at this time with the present communication.

To His Excellency W. RAASLOFF,
Minister of Denmark to China.

[Inclosure 4 in No. 33.—Translation.]

Same to same.

KWANGSU, *1st year, 1st moon, 24th day,* (March 1, 1875.)

Prince Kung and the ministers of the Tsung li Yamen herewith make a communication:

In the matter of a telegraphic line proposed to be put up between Foo-chow and Amoy, in Fuhkien, which has already been fully discussed at the various interviews held with your excellency and your interpreter [Mr. Schultz] at the foreign office, and set forth in your dispatch of the 20th instant, which has been received, we have already sent copies of the correspondence to the high provincial authorities at Foo-chow, instructing them at the same time to examine into the matter with a view to settling it.

The Yamen has now embodied all the circumstances connected with this enterprise of erecting a telegraphic line in Fuhkien in a prepared memorial, which has reverently been handed up to the throne, and accompanied by a request that instructions may be sent down directing the High-Commissioner Shâu to act in conjunction with the governor-general and other high officials in Fuhkien, and together carefully consult upon this matter and settle it.

On the 28th instant the imperial rescript was received, as follows: "Let it be managed as requested. Respect this." We have had, as is proper, this copy made out reverently, and now communicate it for your excellency's information, and have at the same time sent the same to the high officers in Fuhkien for their obedience.

To His Excellency W. RAASLOFF.

[Inclosure 5 in No. 33.—Translation.]

General Raasloff to Prince Kung and the ministers of the Yamen.

LEGATION OF DENMARK,
Peking, March 3, 1875.

SIRS: The undersigned has had the honor to receive the notes of the 25th of February and the 1st instant, which your highness and the ministers have been so good as to address to him in reply to his note of the 20th ultimo.

In these notes your imperial highness informs the undersigned that, in consequence of his note above mentioned, and of the different interviews had with him or his interpreter, in relation to the telegraphic line between Foo-Chow and Amoy, you have memorialized the throne upon the proposition to charge Shân [the commissioner to Formosa] with the arrangement of this affair jointly with the Manchu commandant, the governor-general and governor of Fuhkien, which proposition has been sanctioned by the Emperor, and been followed up by sending the proper orders to those authorities, instructing them to carefully examine into this matter and ascertain how it can best be arranged.

In consequence of this communication the undersigned has informed the director-general of the Great Northern Telegraph Company that the ministers of the Tsung li Yamen have expressed, in an interview held on the 17th ultimo, their intention to indemnify the company for the losses which it had suffered by the violent attacks made, and to buy out that part of the line which still remains, as well as the cable laid between Amoy and the main-land, to be used as shall seem proper to them; and that the above-mentioned officials having received the necessary instructions to enter on the negotiation with the director-general, the undersigned recommends him to arrange the matter with them.

The understanding which was reached at the interview on the 17th ultimo, having in this manner been put in the way of execution by both sides and in good faith, the undersigned hopes that the affair will soon be arranged without disturbing our amicable relations; but, while awaiting this result, he is bound to inform your highness and the ministers that the reports more recently at hand mention that the local authorities continue to harshly treat the agents of the company, and appeal to the orders of the Tsung li Yamen, while it is evident that this conduct is far from being approved here, and is certainly not to be justified by any necessity. They have lately prohibited the company from landing their posts, and have even gone so far as to prevent the sale of food to their work-people. In consequence of these harsh acts, new losses have been inflicted on the company, which has also further suffered in consequence of not being able to resume its operations after the violent attacks brought to your notice in my note of the 20th ultimo, and is forced, too, to keep in pay a considerable *personnel* whom it cannot usefully employ.

The undersigned hopes that your highness and the ministers will promptly put a stop to this state of things, and render account to the company for the losses and incon-

veniences it has suffered, which have been, or yet may be, done by the local officials without the least necessity.

The undersigned has now the honor to inform your highness and the ministers of his intention to leave Peking to-morrow for Shanghai, with the intention of returning in a few weeks; and he seizes this occasion to renew the assurance of his high consideration.

W. RAASLOFF,
Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Denmark.

To His Imperial Highness Prince KUNG and the MINISTERS OF THE YAMEN.

No. 146.

Mr. Fish to Mr. Avery.

No. 18.] DEPARTMENT OF STATE,
Washington, March 4, 1875.

SIR: Your No. 15, dated December 20th ultimo, in reference to the question of protecting telegraph-cables upon the Chinese coast, has been received. You state that General de Raasloff, lately sent by the Danish government to obtain protection for the lines of Danish telegraph now in operation in the Chinese empire, and to assist in reference to Danish telegraph enterprises, had arrived at Peking, and that at his request the representatives of the treaty-powers had agreed to address the authorities in support of General Raasloff's mission, and that you had joined therein.

The particular purpose of General Raasloff's mission appears to be to protect and obtain advantage for certain specified lines and for Danish interests; and upon an examination of the protocol, or note, annexed to your dispatch, and which it was proposed to address to the Chinese authorities, it appears to ask for efficient protection for particular cables therein referred to.

I am fully impressed with the advantages which must attend the grant of support and protection by Chinese authorities to enterprises in connection with land or ocean telegraphs, and I am of opinion that the subject may properly be brought to the attention of the Chinese authorities by the foreign representatives at Peking.

I am of opinion, however, that the aid and assistance to be furnished to this end by a joint note of the foreign representatives should not be limited to a demand for the protection of any particular lines, or for advantages to be extended to any one corporation.

If, in addition to this effort for exceptional advantages to enterprises in which Denmark has a particular interest, the government of China should be asked to grant any exclusive privilege, or a monopoly, either to the Great Northern or any other company, I am of opinion that such a scheme should not only not be favored, but should be disapproved by the foreign representatives.

In this view, on examination of the protocol, or note, annexed to your dispatch, and which it was proposed to address to the Chinese government, it appears that the request to be preferred asked for efficient protection for the particular cables enumerated, rather than the adoption of any general measures for the protection of all similar enterprises.

It may be that, these being the only existing cables, it was deemed sufficient to ask protection for them at this time, without the intention to secure for them any invidious protection; or it may be that it was thought inexpedient to do more at present than was done, fearing that a demand for any general action on the part of the Chinese government

would be unsuccessful. Your action in lending your assistance is approved, but I call your attention to this point should the question again arise.

Mr. Seward, consul-general at Shanghai, with his No. 862, of the 8th of January, inclosed, in confidence, a copy of a form of collective declaration intended to be addressed by the foreign representatives to the Chinese government, which had been sent to him by General Raasloff for his examination, a copy of which is also inclosed, and which has already doubtless come to your knowledge.

The request for protection in this note is also a request that these particular telegraphs referred to in your dispatch should be taken "under the special protection" of the Chinese government.

The question of affording general protection to all ocean-cables is familiar to this Government, and has already been formally presented to the foreign powers by the United States.

In the month of November, 1869, a circular was issued suggesting some measures to obtain protection for all cable-lines, as well as to encourage the future construction of new ones, and the draught of the convention embodying these points, and of the circular, were forwarded to various of the foreign governments. A copy of these papers is herewith inclosed. Various foreign governments, among them Belgium, Denmark, The Netherlands, Russia, France, and Great Britain, replied to the invitation and circular with more or less alacrity, generally approving the theory of the proposition, but nothing definite was accomplished.

You will perceive that the proposition made was for the general protection and encouragement of all cables. There was no desire on the part of this Government to obtain any exceptional advantages for any country or scheme, and it is believed that a perseverance in this view will finally develop the most substantial results.

The government of Denmark, on the receipt of the circular, referred the subject to the minister of finance in the early part of the year 1870, but no further action was taken thereon until the month of June, 1874, when the chargé d'affaires of Denmark at Washington notified the Department that his government was prepared to negotiate a convention and accept the draught prepared, with certain modifications. This action may have been induced by the same reasons which have led to this mission of General Raasloff. Nothing further has, however, been accomplished.

While concurring, therefore, in the desire to afford assistance toward the protection and encouragement of telegraphic enterprises in China, I am of opinion that general advantages and general protection should be kept in view, and that a monopoly or exclusive grant is not to be desired.

I am, &c.,

HAMILTON FISH.

No. 147.

Mr. Avery to Mr. Fish.

No. 39.] LEGATION OF THE UNITED STATES,
Peking, March 18, 1875. (Received May 7.)

SIR: Two cases of recent occurrence illustrate so well the peculiar difficulties attending the introduction of foreign improvements in China,

as well as the nature of the proceedings for their protection, that I think it right to send a statement of the facts.

The first case occurred at Ningpo, and had reference to the telegraph-cable. Some months ago this cable was cut, and a piece of it stolen, in the neighborhood of Gutzlaff. Mr. E. C. Lord, our consul at that port, writes me that the agent of the company at Shanghai was able to find the stolen portion, and by this means to discover the thief, who proved to be a fisherman residing not far from Ningpo. The company's agent, through the advice and introduction of Consul-General Seward, called on Mr. Lord and requested his help in bringing the matter before the local authorities, with the view of getting the guilty person arrested and punished. Mr. Lord entered heartily into the matter, and under date of February 18 informed me of his success in obtaining redress. The case was brought before the authorities, the thief was convicted and punished, and a proclamation has been posted by the magistrate of the district in which the culprit resided, warning others not to molest the cable. Subsequently a proclamation from the Taotai was issued and more widely circulated. This incident, together with others of a like character, in which our consuls have secured redress for depredations on the Danish cable at various points, proves that when the will is not lacking, the way to protect telegraphs is not difficult to find. I have written to Mr. Seward and Mr. Lord, congratulating them upon the success of their efforts in behalf of so important a work.

The second case referred to occurred at Shanghai, where, on the 3d of February, Mr. Charles E. Hill, an American citizen in charge of the grading for the railway between Shanghai and Woosung, was assailed by a mob of several hundred Chinese, and escaped with his life only by a remarkable display of courage and coolness. The railway alluded to, some twelve miles long, is being built on land bought by the projectors, and is intended, not alone to connect the city with the outer anchorage, where ships are often detained with cargoes, but to acquaint the Chinese with the nature and value of this mode of transportation, and dispose them to permit its extension. The purchases of land having been made satisfactorily, and every means used to win the favor of people along the route, no hostility was anticipated, and the work of grading did in fact proceed quietly until the assault upon Mr. Hill. This assault does not, however, seem to have been prompted by popular dislike of the improvement, but by the bad temper and extortionate disposition of an old native woman, a large land-owner along the route, who instigated her tenants to the attack, which she led in person. Consul-General Seward writes me:

> She had given a great deal of trouble when efforts were made two years ago to secure a satisfactory line for the road across her land, and had succeeded in so diverting the line that when the engineer of the railroad came to lay it out, lately, the ground actually purchased, skirting her own, was found unsuitable. As a consequence, another line of road was purchased, avoiding her property except at a point where a settlement had been made with her. Her efforts to effect a "squeeze," (an extortion,) if this was her object, was in this way frustrated. However, adjoining her land is a narrow swale or ditch, a few rods long and 10 or 12 feet wide. It has no tidal or drainage connection. Across this ditch Mr. Hill was grading up for the road. The old woman insisted that a culvert should be put into the ditch, under the grading. This was refused as being entirely useless, and thereupon she called her people together and made the assault.

Mr. Hill retired, fighting, for two and a half miles, using a cane and such weapons as he wrested from the foremost of the mob, and having the rare discretion not to draw the pistols which he carried on his person. Although he knocked down a considerable number of the Chinese, fortunately none were killed, and his own wounds were not serious.

Two of his Chinese employés, who tried to help him, were maltreated and carried off to a neighboring town.

Mr. Seward rode down the road immediately afterward, and found the squad of men at work at different places, as if nothing had happened, so it was evident that the assault was not the result of hostility to the railway. Mr. Seward, on hearing the news, at once telegraphed to the various police-stations in the foreign settlement for all the available men to be sent forward, and, accompanied by his interpreter, deputy, and several other gentlemen, rode in the direction of Paoshan, a district-city eight miles distant, whither Mr. Hill's captured men had been taken and the old woman had followed. The magistrate was appealed to, Hill's men were released, and the old woman, with three of her people, arrested and conveyed to Shanghai.

Mr. Seward wisely abstained from an extended trial of the offenders, for the reason that it would call undue attention to the railway-works, and perhaps lead to some misapprehension of the difficulties attending such works. The officials having made no opposition, it was desirable not to excite the animosity of the people. Hence, when the parties arrested were brought into a court consisting of the Paoshan magistrate and the magistrate of the mixed court, at Shanghai, and examined in presence of Mr. Seward, the latter contented himself, on their conviction of a malicious assault, with exacting from the old woman the sum of thirty-nine dollars, lost by one of Hill's men in the affray, and having her bound over to keep the peace henceforth. The Paoshan magistrate also posted a proclamation along the line of the road, in which he distinctly asserts the right of foreigners to build a road over the land they have bought, and warns the natives that they will be severely punished if they attempt further disturbance.

On the 15th of last month, after these proceedings were over, Mr. Hill reported from Woosung that he had not been molested, and the work was going on quietly. He met the old woman, who "intimated that the business had been expensive for her, and that she would not prosecute it further."

Mr. Seward's prompt and discreet action in the affair has doubtless had an excellent effect. He thinks that when the workmen begin to lay the ties and iron the officials will write some letters of objection. It is proposed in such case, he says, to answer simply that the land upon which the works are being constructed is foreign-owned, and that the necessity of interference is not seen. Beyond that, the authorities will be informed that rules for the management of the road, when it is ready for operation, will be made in consultation with them, in order to insure the safety of person and property, and all measures will be taken with a view to the avoidance of trouble and a proper recognition of Chinese sovereignty.

It was Mr. Seward's opinion, however, that "the body of ministers at Peking ought, in advance, to hold language regarding the project of a sort calculated to keep matters in their present satisfactory condition." In reply I have written to him as follows:

As the assault does not seem to have been provoked by hostility to the railroad, but was instigated solely by personal malice, and directed against an individual rather than against the enterprise, and as the continued prosecution of the work meets with no opposition, but is put under official protection by native proclamation, it strikes me that the most prudent course is not to call the attention of the Yamen to it in any way, lest they may be led to convey the very hint for its obstruction which you apprehend. Personally, I am prepared to defend the right of the projectors to build such a road over their own land, should it be seriously disputed; but am quite certain my colleagues would not agree to say aught in its behalf in advance of such an exigency.

Perhaps I should apologize for writing at such length on this matter. It seems to me that the Department will be interested to know all the steps attending the first experiment at railroad-building in China, as well as those which I have heretofore detailed concerning land-lines of telegraph; and as the clerical force at my disposal is not sufficient to enable me to make copies of all the correspondence on the matter, I have now summarized the essential facts.

I have, &c.,

BENJ. P. AVERY.

No. 148.

Mr. Avery to Mr. Fish.

No. 40.] LEGATION OF THE UNITED STATES,
Peking, March 19, 1875. (Received May 7.)

SIR: I have the honor to send herewith copies of dispatches and inclosures sent to this legation by M. M. De Lano, esq., our consul at Foo-chow, giving a complete history, with documentary evidence, of the Foo-chow-Amoy telegraph project. His first dispatch, No. 42, with eight inclosures, bearing date January 25, 1875, is a curious exhibition of duplicity and tergiversation on the part of the local officials. In spite of all their double-dealing and bad faith, however, one gratifying fact is evident: they really want the telegraph, but not in foreign hands. Probably the line would have been allowed to go on to completion by the Danish company, but for a letter from the Tsung li Yamen, (marked H in the inclosure,) directing the provincial authorities to buy it for the government. This letter was sent to Foo-chow late last fall, and the local officials have ever since been playing a game of obstruction, instead of at once making a frank tender of purchase; possibly with a view to getting a cheaper bargain.

The Yamen would seem to have been prompted to effect a purchase of the line by a desire to evade the fulfillment of an old promise to the Russian minister, that when China permitted another country to put up a telegraph she would also allow Russia to do so. Hearing of the Foo-chow-Amoy project, and believing a perfect concession had been obtained for it, which was not the fact, Mr. de Bützow, the present Russian minister, reminded the Yamen of their promise, and hence, doubtless, the sudden withdrawal of favor from the Danish line. Owing to the peculiar territorial relations of the two countries, China regards with apprehension any attempt on the part of Russia to facilitate communication along her borders, and the Yamen has doubtless been encouraged by certain foreign interests here to frown upon the Russian project for a telegraph from Peking to Kiachta as something dangerous.

However this may be, the Foo-chow-Amoy line is to be bought for the government. Since the decision to this effect was formally communicated to the Danish minister, who has now gone to Shanghai to arrange for the sale, Mr. De Lano writes me of another attack upon the line, by the local officials, who caused twenty miles of it to be destroyed. This rash proceeding will have no other effect than to increase the indemnity to be paid the Danish company, and necessitate an extra outlay for the completion of the line should the government desire to maintain and use it, as supposed. In reference to this subject, I wrote to Mr. De Lano, under date of March 6, as follows:

"It is evident that continued unity of action in favor of foreign telegraph enterprise cannot be expected from the diplomatic and consular bodies, and, lacking that, the Peking government will do nothing to promote such enterprise on a large scale. Rid of foreign rivalries and importunities, however, and managing telegraphs for itself, this government may sooner learn their value and extend their use. To such a result, if it comes about, I think we may justly claim that American influence has largely contributed by the disinterested support it has given to initial telegraph effort, no matter by what nationality made, in the interest, solely, of commerce, civilization, and progress. I congratulate you that your own name will be honorably connected with so good a cause."

I have, &c.,

BENJ. P. AVERY.

[Inclosure 1 in No. 40]

Mr. De Lano to Mr. Avery.

No. 42.] UNITED STATES CONSULATE,
Foo-chow, January 25, 1875.

SIR: I have the honor to acknowledge the receipt of your dispatch of December 30 in which you ask me, in case it is consistent with my inclinations and with my other duties, to take temporary charge of the Danish vice-consulate at this port.

I have to say, in reply, that it does not seem to be consistent for me to do so, and for the following reasons: First, Mr. Young, when he left here, left the consulate in charge of Mr. Harton, one of his employés, who would not of course give over the charge, except on the order of Mr. Young or of the Danish legation at Peking. Second, I could not, consistently with my position, accept the post of 'acting vice-consul.' If the Danish government have a consulate here, the incumbent should be either consul or acting consul, and I would be willing, in case I was named with the knowledge and assent of Mr. Young, to accept charge as acting consul, at the request of the Danish minister and with your consent, pending the approval of the State Department, in which case the Tsung li Yamen would have to notify the provincial authorities here of my appointment.

There is no doubt that Danish interests are suffering greatly through their having no consul here, and I know by actual experience that the position at this moment would be an onerous one, for I have conducted most of the correspondence with the authorities for the incumbent since early in September, because Mr. Young, as a merchant, has not had the facilities for doing it. You will understand very readily that when the officials refuse to enter into official correspondence with a merchant-consul, he can have but little influence for the good of the nationals for whom he affects to act. I have done all I could do in the interest of the Danes, and shall continue to do so, though I am forced to use great care lest I damage my influence with the authorities for the good of my own countrymen. My action in connection with the telegraph projects has, as you will understand, been in the general interest of commerce, civilization, and progress; and, having first brought the subject conspicuously to the notice of the Chinese officials, and induced them to take the initiative in the matter, it has seemed to me to be proper that I should continue my efforts in furtherance of the project. This has involved me in controversies with the officials which have not always been pleasant, though in the main I have preserved friendly relations with all those who have behaved honorably in the matter.

You ask me to keep you advised as to the exact status of telegraphic affairs here, which I shall be glad to do. I have hitherto written freely to Mr. Seward on the subject, giving him particulars as to my action and the general tendency of things as far as time and opportunity have permitted; and Mr. Seward has, I presume, communicated all important points to you.

I shall try now to give you a *résumé* of what has been done here, and in as concise a manner as possible. I may premise by saying that since I arrived first in Foochow I have embraced every favorable opportunity to impress upon the officials with whom I have been brought in contact the importance of the telegraph, and often discussed with them the feasibility of erecting a line between the foreign settlement in the city and Pagoda anchorage. A means of quick communication between the two points has been often a matter of great moment to foreign interests, and the Chinese them-

selves not unfrequently feel the need of it. Being on the most friendly terms with the late chief of the Chinese committee of foreign trade, the Taotai Luh, and finding him favorably disposed toward the introduction of western sciences and improvements, I brought this subject of a telegraph to the anchorage conspicuously to his notice in March last. He received it with favor, but said, "While I am personally in favor of your project, I am only one man. I fear that my co-officials will not favor it; and, further, that the people will not allow the poles to be erected on their lands."

Soon after this the Great Northern Telegraph Company, through their agent, Mr. Henningsen, applied to me to procure for them official sanction to the construction of this same line. Thinking it to be important to the success of the scheme that there should be co-operation on the part of the consuls, I requested the British consul, as the senior consul at the port, to move in the matter, and he accordingly united with the French consul and myself in a joint dispatch to the trade committee, basing our request, however, upon a memorial addressed to us by the Foo-chow Chamber of Commerce.

Much to our surprise, the permission was readily given; the line soon became an established fact; and I do not know that the right of the local officials to give this permission has even been questioned.

The Chinese officers often avail themselves of the privilege of using the line at pleasure, and readily admit its great utility.

I now come to the projected Foo-chow-Amoy line. On the 25th of July I addressed a letter to Luh, embracing propositions of the Great Northern Company to erect it, (inclosure 1.)

On the 28th July I received his reply, (inclosure 2.) On the 1st of August I received a second communication, (inclosure 3,) in which permission to erect the line was understood to be given, and, although it does not appear as clearly as could be desired the subsequent acts and admissions of the Chinese officials in connection with the matter clearly prove that they were at the moment acting in good faith, and desired to have the scheme consummated. As proof of this, I inclose copy of instructions (in Chinese) issued by the trade committee to the Taotai at Amoy, (inclosure 4.) Similar instructions, issued to the Min district magistrate, and his proclamation issued in obedience to said instructions, (inclosure 5.) I may add, that I am in possession of the copies of similar instructions and proclamations published by nearly all the district magistrates between Foo-chow and Amoy. A further proof of their earnestness in the matter is found in their promptness in appointing deputies to proceed with the company's engineer to Amoy to locate the line, and in the fact they immediately sent several young men (Chinese) to the offices of the company in Foo-chow and at the anchorage to be instructed in the art of telegraphy.

On the 12th of August, I introduced the company's engineer and the Foochow agent to the trade committee, and we, together, settled all the details of the scheme, as fully set forth in a draught of an agreement drawn up by myself, which document is, I believe, now in the hands of General Raasloff, and may be seen by you. It was agreed that this document should be put in proper form, and be signed at convenience, but as the details were fully understood by both parties, the work of survey should be commenced at once, and the company should take all the steps necessary to insure the early construction of the line, such as ordering the material, &c.

It was my purpose to have the agreement signed simultaneously with the movement of the surveying party, and to that end I put it in form as quickly as possible, sent it to the Chinese for signature August 15, when, much to my surprise, they began to raise objections to it, which immediately gave rise to suspicions in my mind that a spirit of opposition to the project was cropping up in some quarter unknown to me. Certain amendments to the agreement were proposed, which, as they did not change the tenor of the terms agreed upon, were accepted by the company, and the document rewritten.

About this time the surveying party started for Amoy, and I was also informed verbally, by a member of the trade committee, that instructions had been received from the imperial commissioner, Shān, then in Formosa, that telegraph-lines in China were to be built and owned by the Chinese; but the impression was distinctly conveyed to me that the governor-general did not concede to Shān the right to interfere in matters pertaining to the province (Fuhkien) on the main-land, and that the scheme under notice should be carried out. Nevertheless, the signing of the agreement was delayed, and I soon learned the cause, by being put in possession, through an underground channel, of certain instructions issued by the governor-general to the committee. (Inclosure 6.)

Matters remained *in statu quo* for a time, and finding that the committee would not be moved to sign the agreement, and hearing rumors of a division of sentiment amongst the Chinese officials, which might, perhaps, defeat the project, I wrote a letter to the governor-general, August 29, in which I made an earnest appeal to him to allow no obstacles to intervene to prevent the consummation. (Inclosure 7.) This letter was answered indirectly by the committee, and I was informed by Luh that the opposing

power behind the scenes was the Tartar general. I thereupon solicited an interview with him and his two colleagues, the governor-general and governor, which was accorded to me early in September. At this interview the whole matter was discussed, and it was agreed that if the company would fix an approximate price at which they would convey the line to the provincial government when completed, the agreement should be signed, and the work might proceed.

This the company did, and the work was immediately commenced with the knowledge and assent of the trade committee. Soon after, about the middle of September, orders came from the Tsung li Yamen to the officials here to purchase the Foo-chow-Pagoda line. (Inclosure 8.) Suddenly, Luh, the Taotai, was superseded by the present incumbent, Pan, a man notoriously anti-foreign, and opposed to all foreign innovations; and soon afterward the governor-general was called to Amoy. Then commenced a settled policy of resistance to all the demands of the company, made through the Danish vice-consul and myself upon the officials, to afford protection and carry out the terms of the concession as agreed upon.

The company went steadily on with the work of construction until about thirty miles of the line were completed, when, in obedience to positive orders from the authorities, they suspended operations, hoping thereby to come to some understanding with them by which protection might be secured. After a delay of three weeks, at great expense to the company, they found that no terms could be made; they therefore resumed work day before yesterday, but were attacked by a mob of about fifty men from a village near by, and driven from their ground.

Captain Haskin, being near the spot, went yesterday morning and had a consultation with the people of the village, who frankly told him that they had no objection to the telegraph being built, but had received orders from the mandarins at Foo-chow not so allow it to be done.

This brings me up to the present moment. The company's agents believe that if the authorities would withdraw their opposition and say "Let the line be completed," the work would proceed without any opposition which could not easily be overcome by them as they moved forward. I do not hope for any change for the better, unless the Tsung li Yamen can be induced to issue positive instructions to the Tartar general here to withdraw his opposition and give the project his moral and active support. You are perhaps advised as to whether such a step is likely to be taken by the Yamun.

I shall wait with deep anxiety for your reply to this, in which I beg you will tell me what may be hoped for from the Peking government.

I have the honor to be, your obedient servant,

M. M. DE LANO,
United States Consul.

Hon. BENJ. P. AVERY,
United States Minister, Peking.

[Inclosure 1 in 1 in No. 40.]

Mr. De Lano to Luh Taotai.

UNITED STATES CONSULATE,
Foo-chow, July 25, 1874.

To LUH TAOTAI,
President of the Committee of Foreign Trade:

SIR: The Great Northern Telegraph Company of Denmark, having completed a contract with the imperial commissioner Shĕn, for the construction of an electric telegraph line—overland and submarine—from Foo-chow to Tai-wan-foo, via Tamsui, it is now thought that the high provincial authorities at this port will look with favor upon a proposition to erect a line overland between this and Amoy; and in order that the subject may be placed squarely and plainly before the governor-general for his consideration, I have been requested by the agent of the company to submit to you three separate propositions for the construction of such a line.

The company will be glad to undertake the construction of a telegraph-line between Foo-chow and Amoy on terms named in either of the propositions clearly set forth below:

First proposition.—If the provincial authorities will give the company permission to erect poles along the government road, or by the most feasible route, and will take the necessary steps to secure their protection, the company will transmit all official dispatches from the Foo-chow authorities to the authorities at Amoy, Shanghai, and Hongkong over the line to Amoy, when the line is erected, free of charge.

Second proposition.—The company will undertake to erect the line (poles) under government protection as above stated, and will place upon the poles two wires, one of which shall be entirely under the control of the Chinese authorities, to be worked by their own operators and in their sole interest, while the other wire shall belong to the

company and shall be protected by the Chinese government authorities. In this case the company would even work the government line free of charge until some of your own people were sufficiently instructed in the art of telegraphy to manage it.

Third proposition.—The company will undertake to erect the line for the provincial government, entirely at government expense, following the directions of the authorities, under a contract to be concluded with them, supplying them with engineers and operators to work it when completed, the Chinese paying their salaries. In this case the company would furnish them with an office at Amoy free of charge, and in any case the company would undertake to teach Chinese the art of telegraphy and of telegraph engineering, provided the authorities would supply for the purpose men of intelligence and education who could read and write the English and French languages. This they would do free of charge.

The proposed line between Foo-chow and Formosa will only place Foo-chow in communication with Formosa, whereas a line between Foo-chow and Amoy would, when the Formosa line has been finished, place both Foo-chow and Formosa in direct communication with the coast cities of China, with Europe, America, and nearly all parts of the world.

An opportunity is offered in the second proposition of the company for the provincial authorities to become the owners of a land-wire from Foo-chow to Amoy without any outlay of money, merely by giving the company permission to erect it, and by making the necessary arrangements with the country people along the route for its construction and protection.

I beg you will lay the matter before his excellency the viceroy, together with the three propositions herein submitted, at your earliest convenience, and that you will advise me at the earliest possible moment what action, if any, the provincial government will take in the matter.

Be pleased to accept the assurances of my high regards, and believe me,

Yours, respectfully,

M. M. DE LANO,
United States Consul.

Tungchi, 13th year, 6th moon, 12th day.

[Inclosure 2 in 1 in No. 40.—Free translation.]

The trade committee to United States consul.

A DIRECT REPLY.

SIXTH MOON, 15th day.

We have received and read your letter embodying the request of the Great Northern Telegraph Company, which has deliberated and settled on three propositions or proposed conditions for building a telegraph-line from Foo-chow to Amoy. Your honor the consul regards the second of these as very proper (or trustworthy) and you request us to lay the subject before the viceroy for his consideration, and return answer.

It appears that you, on a former occasion, applied to us for permission to construct a line of telegraph from the city and from Nantai to the Pagoda anchorage, and that that matter has already been initiated and settled.

Also, we have received the consent of the imperial commissioner, Shĕn, to establish a line between Tai-wan-foo and Foo-chow. Now primarily, (of itself considered,) the erection of a line between Foo-chow and Amoy can be effected, but the distance is great, and it is feared it will be difficult to afford full protection, in accordance with the circumstances, (in accordance with your request,) we have petitioned the viceroy, the provincial governor, and the Tartar general to investigate the matter.

On receiving their instructions we will at once inform you. This is our special reply; please examine it.

We add our respectful salutations.

[Inclosure 3 in 1 in No. 40.—Free translation.]

Foreign trade committee to United States consul.

A DIRECT LETTER TO INFORM.

SIXTH MOON, 18th day.

We received your former letter touching request of the Great Northern Telegraph Company for permission to construct a land-line between Foo-chow and Amoy, and requesting us to communicate the same to the governor-general for his consideration. To that letter we have already replied, and you have doubtless received and examined (the reply).

Yesterday Prefect Chew brought word that he had a personal interview with you, at which the advantages which would accrue to China were fully discussed, and that you charged him to report to me, the Taotai, that you advised that permission should be given to construct the Amoy line, and that the work should be commenced forthwith. From this your friendly and benignant intentions are very manifest. I feel much pleased, and must, as in duty bound, report to the high officials your excellent intentions to aid to consummate this good matter.

But a business of such magnitude takes time; hence, in its inception we must not weary of the minutia, (or the preliminaries;) the distance between Amoy and Foo-chow is considerable, and unless safe plans are at first adopted, it may well be apprehended that full protection cannot be given.

The rôle, then, is first to send our deputies to your office to consult with the officers of the company as to rules. I, on the one hand, will depute trusty officers to travel with them over the route and examine it. Besides, I send you this special communication, trusting that you will give your attention to the matter, and name a day when the deputies may call to hold a personal consultation. You on the other hand should direct the company's officers to go with the deputies over the route from Foo-chow to Amoy to examine carefully and locate the line, and care must be taken not to injure (impede, hinder, obstruct) the people's fields, houses, and graves. Maps should be drawn to accompany the reports (of survey) so the business may be easily (readily) managed.

We add our respectful salutations.

[Inclosure 4 in 1 in No. 40.]

Résumé of orders sent to the intendant of the circuit of Hing-hwa, Tsuenchau, and Yungchun prefectures by the trade committee at Foo-chow.

Mr. De Lano, the United States consul, has, on behalf of the Great Northern Tele graph Company, applied for leave to put up a line between Amoy and Foo-chow, for the accommodation of officials and merchants. As the British and French consuls previously united with him in asking for liberty to erect one from the city overland to Pagoda anchorage, which is now in operation, and a submarine line is to be laid on as far as Formosa, it is also decided by the provincial authorities to allow this.

In order to carry out this project, a deputy named Yu Tsi-tsing is to accompany a man from the company to examine the route, and see that it does not interfere with the fields, houses, or graves of the people in erecting the posts and stretching the wire.

However, as the matter is of much importance, and lest the ignorant villagers may break the line in their willfulness, you are required to intimate distinctly to the local authorities the need of issuing public notifications upon the matter, so that they may understand it, and the line may not be injured.

This is the particular object of this communication, to which please give attention.

August 7, 1873.

I have received the following directions from the governor-general, in response to the report sent him about the request made by Consul De Lano that a telegraph-line be put up between Amoy and Foo-chow: "The erection of a line between these two cities will be very advantageous in military operations, and should therefore be permitted. Let an officer be soon ordered to go over the whole line and see that the telegraph nowhere interferes with the fields, gardens, houses, or graves of the people. Let rules be drawn up with the company's agent, and orders be sent also to the local officers to give attention to the protection of the wire, so that it may last long. All these things must be carefully arranged, and afterward made known to the various officers interested." I have also received a reply from the governor agreeing in substance.

From the above, it is plain that in carrying out such an enterprise every care must be taken to have the line run clear of peoples' fields and houses, and the posts set so as not to interfere with things; and this was provided for by appointing you as a special agent to see to it. The preceding responses having been received, it will also be best for the end in view to send another official, of a higher rank, with you and the company's agents to go along the whole route and confer with the local authorities, explaining everything, drawing plans of the course the line goes, and having a general oversight throughout. It is supposed that Pan Wan-fung, an officer of the internal revenue in Kan-Kiang, will be a suitable person to appoint for this mission.

I shall report all these things to the high provincial authorities, and have now also the honor to make known to you the steps which have been taken, so that you may act upon them.

August 15, 1874.

To the INTENDANT *of Hinghwa, Tsüenchau, and Yungchun circuit, at Amoy.*

[Inclosure 5 in 1 in No. 40.—Translation.]

Proclamation of Ching, of the district of Min.

Ching, acting magistrate of the district of Min, in Foo-chow prefecture, hereby issues a plain proclamation for general observance.

On the 9th of August, 1874, I was honored by the following orders through the committee of trade:

We have received a communication from Mr. De Lano, United States consul, in relation to the request from the Great Northern Telegraph Company to erect a line from Amoy to Foo-chow, in order to facilitate the operations of government and trade. As the British, French, and American consuls have already asked for permission to erect a line from the city to the anchorage, which has been begun; and a continuation thence of a submarine cable over to Formosa has been decided upon by the high provincial officers, this request of a line to Amoy has been agreed to. A deputy, Yu Tsi-tsing, has been associated with the telegraph company's agent to go over the whole road, in order to see where the line can best go without interfering with the grounds, houses, or graves of the people, placing the posts and arranging everything in mutual accord. But as this matter is very important in its connection with the military operations of the government, and there is fear lest the people, in their ignorance, may wantonly break or injure the line, it is proper that special cautions be given to the local authorities respecting its careful protection. You will therefore instruct the deputy set apart for this duty, and immediately take measures to issue public notice in your jurisdiction to this end, ordering the people to be careful and not wantonly hurt the line, which is of the highest importance. You will also confer with Yu as to his survey of the road and the disposal of policemen for carrying out the orders. When all has been arranged, you will make a detailed report of what has been settled upon.

In compliance with the above orders, I hereby make known, in this proclamation, to all soldiers and people, these things for their information and obedience. Whenever the agents of the foreign company come to a place with Yu, for the purpose of erecting posts and running the wire, it is of the highest importance that they be protected; let no one, on any pretense, injure or molest them, lest he subject himself to examination. An important special notification.

AUGUST, 1874.

[Inclosure 6 in 1 in No. 40.—Translation.]

The high commissioner Shan writes:

The telegraph-line erected between Amoy and Foo-chow is put up chiefly for the use it will be in carrying on military operations; but I wish you would think over this idea of mine. Everything in this world which is of great use carries within itself some feature or some result which is very disadvantageous. In any proposal coming from foreigners, it is very important that the advantages and profit be not left in their hands; we must not yield the management (of this) to others. In order to secure this, we must defray its cost. If a line be allowed to be erected, the merchants will wish to send messages over it, and the outlay can be recouped by the charges on them.

The foreign employés on the line can be taken at a salary; they then would have no ground for complaints, and all after-trouble would be avoided.

[Inclosure 7 in 1 in No. 40.—Translation.]

Mr. De Lano to Governor Li.

UNITED STATES CONSULATE,
Foo-chow, August 29, 1874.

SIR: The undersigned, consul for the United States, residing at Foo-chow, has the honor to submit to your excellency the following representation:

On the 25th of July last he presented to the foreign trade committee, for transmission to the high provincial officials, a communication in which he strongly recommended the construction of a telegraph-line from Foo-chow overland to the city of Amoy. He may here state that he had three separate reasons for recommending the construction of the telegraph, as above stated.

First. He believed that in view of the unsettled state of affairs between China and

Japan, the line would be of incalculable benefit to the provincial government by affording it facilities for quick communication with Formosa and all the Chinese coast ports, as well as with foreign countries. Second. It would be of great advantage to foreign commercial interests at the ports. And third, the Great Northern Telegraph Company desired to construct the line as a feeder to their submarine cable, which is now landed at Hong-kong, Amoy, Shanghai, Nagasaki, and Vladivostock, in Russia.

In this first communication to the committee, the undersigned submitted, for the consideration of the Chinese authorities, three separate propositions of the Great Northern Telegraph Company to erect this telegraph-line. One of them was to erect it on the company's account, and give the Chinese government a separate wire, to be used by them for government purposes only, they agreeing to give the necessary protection to the line during its construction and after its completion, but reserving the right to purchase it at any time at its actual cost, adding such a rate of interest from the date of completion to that of sale as they and the company could agree upon.

The undersigned was advised, on the 28th of July, by the Taotai, that his communication, containing the proposals of the telegraph company, had been submitted to his superiors for their consideration; and again on the 1st August he received another letter, informing him that the provincial authorities had accepted the company's proposal to erect the line, on the terms above stated, and that a deputy would be immediately appointed to confer with their agents, and make the necessary arrangements for a preliminary survey of the route to Amoy. The telegraph company, believing it to be important to the Chinese government that the line should be erected and put in operation at the earliest possible moment, immediately telegraphed to the directors in Denmark to ship the wire and other material needed for the line without delay, and send a corps of engineers and operators to construct and work it. Consequently, on the 15th instant, the wire and other material and a staff of engineers and operators started from London, in the steamer Hong-kong.

Six days after the undersigned had received the Taotai's letter, acquainting him that permission had been given by your excellency to the company to erect the line. Mr. Hoffmeyer, their chief engineer in China, arrived here from Shanghai, prepared to commence the survey. On the 12th instant, the undersigned called with him and Mr. Henningsen, the Foo-chow agent, on the trade committee. At this interview all the stipulations to be observed by the company, as well as by the Chinese authorities, in regard to the construction and management of the line, were distinctly and separately stated and agreed upon, after which it was agreed that all the stipulations as orally stated should be clearly written down in the form of an agreement, and should be signed by the company's agent (Mr. Henningsen) on its behalf, and by the trade committee on behalf of the provincial government.

Immediately after this visit to the committee the company's agent entered into contracts for the telegraph-poles, to be delivered along the line, for laborers to dig the holes, carry the poles, and erect them, thereby involving an outlay of $30,000. He also arranged for the purchase of ground in Nantai for a telegraph-station and erection of buildings on it at a cost of about $12,000 more, while Mr. Hoffmeyer prepared for the journey to Amoy.

In the mean time the undersigned drew up the written agreement (as stated) in Chinese and English, which was signed by the company's agent on the 15th of August, and the same day handed in for the seal of the trade-committee. The latter declined to stamp the document, and suggested alterations which were written down. It was then rewritten and embodied all the alterations which had been suggested by the committee agreeably to your excellency's instructions.

On the 17th instant, the written agreement, as amended, was again submitted to the committee for approval, which again declined to sign it. The next day, Chu, the subdirector of the trade-committee, called at the consulate to introduce another deputy named Pan, who had also been appointed to superintend the first survey of the route to Amoy, and while he was there, Chu said that your excellency had received a letter from Shan-Pao-Chan, the imperial commissioner to Formosa, stating that this telegraph-line to Amoy should be erected by the Chinese government, and advised that the survey should be delayed. Nevertheless, the surveying party was permitted to leave for Amoy on the following day to make the survey.

Inasmuch as the trade-committee still declines to sign the agreement so that all the terms shall be a matter of record, and now desires that the company's agent shall first name a price at which the Chinese may buy the line when it is completed, the undersigned has been requested to write this letter to your excellency, stating all these particulars. He, at the same time, assures your excellency that this last request of the committee is unreasonable, for, never having erected a land-line in China, excepting the two short ones between Nantai and Mamoi, and between Shanghai and Woosung, it is impossible for the company to state how much the Foochow and Amoy line will cost.

The company, by their agent, Mr. Henningsen, assures the undersigned, and he is willing to make this promise a clause in the agreement, that they will, both in their own interest and that of the Chinese government, construct the line as cheaply as a

good and serviceable line can possibly be constructed, and in case the latter wishes to purchase it the company will produce a correct statement, showing the exact cost of its construction, and will then hand it over to them accordingly, as is clearly stated in the article of the agreement. The company assert, and the undersigned believes them, that they can erect the line cheaper than any other company or person can possibly erect it, while, too, they will put up none but a substantial and first-class line, using only the best material.

In view, therefore, of the foregoing facts, and of the further fact, too, that the company are now ready to commence the construction of the line on the terms verbally agreed upon, and have already incurred heavy expenses in making the survey and the purchase of the materials, &c., the undersigned begs that your excellency will order the written agreement to be signed by the committee, so that the company can at once begin the work of erecting the line, and he ventures to remind your excellency that inasmuch as the agreement was verbally concluded previous to your excellency's receipt of the letter from Commissioner Shan, the provincial officials ought, in good faith, to carry out their said agreement with the company.

The undersigned also assures your excellency that the Great Northern Telegraph Company is composed of high-minded and honorable men, who will in all things deal honorably and justly with your excellency in this matter. He, therefore, begs that your excellency will fairly consider it, and favor him with an early reply. The undersigned avails himself of this occasion to renew his respects.

M. M. DE LANO,
United States Consul.

His Excellency LI,
Governor-General of Fokhien and Chekiang.

[Inclosure 8 in 1 in No. 40.—Translation.]

Letter from the Tsung li Yamen about the purchase of the line to the Pagoda anchorage.

We have recently seen in the newspapers this notice: "A telegraph line has been erected overland from Foo-chow more than 20 *li* long; it is entirely under the direction of the Great Northern Telegraph Company, and the Chinese authorities have nothing to do with it."

We have no certain knowledge of the truth of this statement; but if it be so, and the facts are rightly stated, then let the local officers be directed to buy in the line and manage it themselves. It is probable that the Yamen will have more definite and reliable information. We have already fully discussed this matter of telegraph-lines with the foreign ministers, and our permission only extended to laying a submarine line. We have recently memorialized that the Danes be permitted to lay a line, in order to expedite intercourse; but it is important that we ourselves put up both the land and sea lines. Formerly the Russian minister, Meu-ting Kashgar, erected a line in Peking, and the Yamen then replied that when China permitted another country to put up a telegraph, she would first allow the Russians to do so.* The Russians have now written to us, claiming the permission, but as we cannot say expressly in respect to this Foo-chow line, and the correctness of the newspaper report, we write to inquire about it. It is of the very highest urgency that this line should be bought in, so that we can have somewhat to go upon as proof in making them a reply.

[Inclosure 2 in No. 40.]

Mr. De Lano to Mr. Avery.

UNITED STATES CONSULATE,
Foo-chow, February 19, 1875.

SIR: I regret to inform you that the opposition of the Tartar general to the Foo-chow-Amoy telegraph scheme has culminated in an order being issued by the viceroy—under pressure, no doubt—to certain of his subordinates, who, at the time the permission to erect the line was first given, were members of the foreign trade committee, "to proceed to the spot and tear down the poles," and that the order has been so far executed that all of the second and third sections, each ten miles of the line, have been destroyed. The first section of ten miles still stands intact.

*This and the last sentence are both obscure. General Vlangali had a wire stretched across his legation, to show Prince Kung and others its operation, in 1866.

The officers who have so far executed these orders are a man named Chew-Seng-e, lately subdirector of the trade committee, and a military mandarin stationed inland. The information which I gather from Chinese sources, believed to be reliable, is to the effect that the first attack made on the company's workmen, January 23d, was by a squad of soldiers in disguise. Subsequently the greatest liberty seems to have been given the people in respect of plundering the company's property, and that of their employés, but they have carefully avoided offering personal violence to the European staff who have steadily retreated toward the settlements as the work of destruction and plunder has progressed. The authorities here have been advised from day to day by the acting Danish consul of what was going on, and demands made upon them for protection to life and property, but they have persisteutly declined to move in the matter, declaring that the whole opposition came from the people, who, they say, they have not the power to control, while the people have frankly stated that they were proceeding under official direction; that they did not wish to harm any one, but that being *allowed* to take the company's property, the opportunity could not be lost. In one instance about 150 telegraph-poles, which were lying at one of the company's stations, were taken possession of by the villagers, who said to the superintendent of construction, "If you settle this affair and the Foo-chow mandarins allow you to build the line, we will return the poles, otherwise we will use them to build a joss-house with." The two officials alluded to above have kept in the backgreund, not having at any time been seen by the company's men.

The Europeans (Danes) have been most prudent and forbearing, having almost entirely avoided altercations with the people, the result being that the peasantry are still without objections to the line being constructed through their country. It is nevertheless impossible to calculate upon the extent of opposition which might be met with from the local officials, and the literati further inland, were the line hereafter to be built.

I am still of the opinion that the Tartar general is the opposing power, and that neither the viceroy or Taotai are inimical to the telegraph. It is a singular fact, that the officials have not based their opposition to the scheme upon the want of imperial sanction, but solely upon the alleged opposition of the country people.

The Foo-chow-Pagoda line has been repeatedly interrupted of late, it is believed by thieves, who have cut the wire and carried off sections of it, doubtless for gain, but the officials decline to order their arrest, notwithstanding they have promised in an official dispatch to use all means in their power to give that line full and complete protection.

In short, I may say that the officials have acted, and are now acting, in very bad faith towards the company, and without being able, I think, to justify their conduct, while the representatives of the company have pursued a wise and most commendable policy, thereby avoiding the serious difficulties which would have resulted from a collision with the country people. They will try by all honorable means to maintain the Pagoda line and the section of the Amoy line which have been left standing.

I am sending you by this opportunity a Foo-chow newspaper which contains two or three articles on the subject under notice.

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

M. M. DE LANO.
United States Consul.

Hon. BENJ. P. AVERY,
United States Minister, Peking.

No. 149.

Mr. Avery to Mr. Fish.

No. 43.] LEGATION OF THE UNITED STATES,
Peking, March 29, 1875. (Received May 25.)

SIR: Since the death of the late Emperor there has been no occurrence to justify the many rumors of discontent with the succession. The government has been administered as before, without the least sign of disturbance or disaffection. If there are jealousies in the palace, (and if the imperial princes chafe under the alleged domineering temper of the Empress-Dowager,) the general public know little, if anything, about it. On the 25th of February, the young Emperor was quietly

enthroned. The event was not officially notified to the legations, their only knowledge of it being derived from the Gazette. The ceremonies were altogether within the "Forbidden City," and consisted of the Emperor offering homage before the remains of his late Majesty, at 4.15 a. m., ascending the throne at 6.15 a. m., and afterward receiving homage and congratulations from the ministers and others. The consort of the late Emperor died on the 26th instant. There was a report that she attempted suicide immediately after his late Majesty's demise, and it is now said she had been ill ever since with grief and disappointment. According to Chinese usage, her childless widowhood involved loss of position and influence, and it is conceivable that she may have preferred death, even if she did not seek it by her own act. The Empress-Dowager, the more influential of the two regents, is also very sick. Her death would probably make another crisis in the government, but the princes and ministers are not likely to be less able to meet it than they were to arrange the new succession. Within the past month a grand council, convoked by Prince Kung and his associates of the Tsung-li Yamen, and consisting of eight other princes, sundry nobles, and mandarins, has been in session, deliberating on affairs of the empire. All efforts to ascertain positively the objects of this unusual convocation and the subjects discussed have been fruitless. It is hardly more than matter of rumor that it has considered, among other things, the policy to be pursued for checking the growing and pernicious habit of opium-smoking, which is gradually sapping the vitality of the nation. On no better authority, I learn that a memorial from Li-Hung-Chang has been considered, asking (1) for the construction of railroad and telegraph lines from Taku, at the mouth of the Peiho, to Peking; (2) for the opening of coal-mines by foreign machinery; (3) for the abandonment of proscriptive hostilities to the Mohammedans. If it is true that such measures have been entertained, even if not approved, by a grand council of China, the fact is full of significance and encouragement. As a rule, I prefer not to write on subjects on which my information is doubtful; but so much importance attaches to the foregoing reports, which are generally believed to be substantially true, that it seemed to me to be a duty to notify them to the Department.

I have, &c.,

BENJ. P. AVERY.

No. 150.

Mr. Avery to Mr. Fish.

No. 44.] LEGATION OF THE UNITED STATES,
Peking, March 30, 1875. (Received May 25.)

SIR: On the 3d instant the customs taotai of Tientsin issued a proclamation, requiring all consignees of native goods by foreign vessels to report the same for payment of local taxes, or *likin*, immediately after their discharge from the foreign customs.

As the previous rule was to collect the *likin* only after the clearance of the goods from the native hongs, or shops, for the interior, the effect of the new order would be to shift the impost from second to first hands. This fact alone would have excited much protest, and reacted upon the commerce of the port; the proclamation, which was addressed to "*Al*

merchants and shop-keepers concerned with entering imports at the customs," was believed to apply to foreign goods consigned to native merchants, in which case its effect would have been, virtually, a large increase of customs-duty in violation of treaty. Native consignees at once declined to take delivery of their goods, and foreign merchants appealed to their respective consuls. As the river had just opened, after three months' ice-blockade, and a considerable fleet of goods had arrived, the great accumulation of goods lay idle, the commerce of the place was arrested, and there was ample ground for remonstrance and explanation. Mr. Eli T. Sheppard, United States consul, acting in concert with his colleagues, therefore waited on the customs taotai, when that officer indignantly denied that his proclamation was meant to apply to foreign goods, and agreed to issue another proclamation, which duly appeared, setting forth explicitly that the new rule applied only to "Native merchants, or importers of native cargo, and has no bearing on foreign goods."

Mr. Sheppard's dispatch to me, of which copy is inclosed, gives all particulars of the trouble up to this point.

The second proclamation relieved the apprehensions of the foreign merchants, and as there seemed no reason to question the right of the Chinese authorities to levy or collect native taxes as they saw fit, nothing more was asked.

But the native merchants combined to resist the new rule. They held a meeting, and resolved to close their shops, and petition the higher authorities; which they immediately did. The sudden stoppage of trade threw large numbers of the common people out of employment, and they evinced their anger in a manner that threatened the peace of the city.

Foreign trade of course was equally suspended, and in view of this fact, and of the danger to be apprehended from popular tumults, I suggested to Mr. Sheppard the propriety of inviting the consular body to join in friendly representations to the high officials on the subject. The prompt action of the governor-general on the application of the territorial taotai fortunately rendered foreign intervention unnecessary. The obnoxious rule was set aside, and *likin* payments ordered to be made as before; whereupon the native merchants took delivery of their goods, which had accumulated in great quantities on the bund, and commerce resumed its usual course.

During the excitement it was freely charged that the customs taotai, who was about to be removed, was actuated by a desire to enrich himself by a parting extortion at a time when the re-opening of navigation promised a rich harvest.

Be this as it may, the prompt overruling of his obnoxious requirement undoubtedly prevented serious trouble.

I have, &c., &c.,

BENJ. P. AVERY.

[Inclosure in No. 44.]

Mr. Sheppard to Mr. Avery.

UNITED STATES CONSULATE,
Tien-tsin, March 15, 1875.

SIR: About ten days ago my attention was called to a proclamation which had just been issued by the customs taotai of this place, notifying a change in the heretofore-existing regulations in regard to the collection of native taxes upon goods imported at

Tientsin on foreign vessels; and on the 9th instant I received a letter from the local agent of Messrs. Russell & Co., at this port, complaining that the sudden change in the mode of collecting native revenue had created such alarm among native consignees that they had refused to take delivery of their cargoes; and also representing that a continuance of the then existing state of affairs would lead to a commercial panic, and great consequent loss to their company. Simultaneously with this, I was unofficially informed that serious apprehensions were entertained by all the foreign merchants residing here that the new regulations established by the taotai, requiring the payment of local taxes immediately after their discharge from the foreign customs, was intended to apply to and be enforced against foreign goods equally as with native imports; indeed, several of the foreign merchants of other nationalities had made formal complaint to their consuls that the taotai's deputies had already waited upon them, and notified them to report their own consignments of foreign goods to the native revenue-office for taxation.

All the Chinese importers of foreign goods were unanimous in saying that they had been given to understand that it was the purpose of the taotai to compel the immediate payment of the local tax, without reference to whether the goods were intended for inland transit or local consumption, and for this reason they all alike declined to take delivery of their consignments until the matter was definitely settled. As is usual at the opening of navigation each year, large consignments of foreign goods were arriving daily from Shanghai, fulfilling the accumulated orders of the past winter.

The taotai's proclamation appeared simultaneously with the arrival of the first steamer. The result in the immediate vicinity of the shipping was magical. In three days the entire cargoes of eleven steamers were piled upon the bund, extending and blocking the way along the whole length of the British concession.

The serious consequences likely to result from such a state of things can be better imagined than described. A sudden fall of snow or rain would occasion great loss and endless litigation. This, however, is nothing compared with the serious detriment to the trade of the port, which is always likely to follow such a sudden shock. It had become apparent that some action on my part and that of my colleagues was demanded in the interest of foreign trade, aside from any individual interest. For the purpose of obtaining the most reliable information respecting the proposed new regulations, and in order to place myself in a position to take suitable action in case it should seem advisable, I asked and obtained an immediate interview with the taotai at his yamen.

He evidently anticipated the purpose of my visit, and seemed to be greatly concerned. He introduced the subject at once, by declaring that he had no intention whatever of interfering with foreign trade in the least, and adding that his action had been willfully misrepresented by the native merchants. He assured me that the new regulation which he had just promulgated was an old rule, in existence since 1860, and which had simply fallen into disuse by the lapse of time.

For your better understanding of the whole question, I beg to hand you herewith (inclosure No. 1) a memorandum of what passed between the taotai and myself upon the subject.

Having thus received the solemn and repeated assurance of the taotai that his action was in no way intended to burden or fetter foreign trade, and that no unusual or wrongful restraint was thereby directly imposed upon it, I did not feel justified in taking any measures beyond suggesting to him in a friendly way that it would have saved great inconvenience and some loss if he had prepared the way for the change by a timely notice of his intention beforehand.

It seems to me that, so long as the status of foreign trade is not directly affected thereby, that it is beyond the power of a consul to interfere with matters which pertain exclusively to the collection of the native revenue. I, however, took especial pains to point out to the taotai the possible danger to which foreign interests are exposed, and the consequent evils which might result to the foreign trade of the port by hasty or violent changes in the method of administering the local revenues.

In order to prevent any further misunderstanding, the taotai on the same day issued a second proclamation, distinctly disavowing any intention whatever of imposing any new or additional taxes upon foreign goods; a copy of which (No. 2) I beg to inclose herewith.

I am glad to inform you that after the issue of the last-named document the native consignees came forward promptly and began taking delivery of their consignments, and, so far as I am advised, business is resuming its wonted activity.

I hope that my action meets your approval.

I am, sir, your obedient servant,

ELI T. SHEPPARD.

Hon. B. P. AVERY,
United States Minister, Peking.

[Subinclosure 1 in No. 44.]

Memorandum of an interview between E. T. Sheppard, United States consul, and H. E. Sun, customs taotai at Tien-tsin.

TIEN-TSIN, *March* 9, 1875. (3 o'clock p. m.)

On sitting down with the taotai in his yamen, the taotai at once anticipated the object of Mr. Sheppard's call by saying that there had been willful misrepresentations made as to the new regulation for the collection of revenue-taxes, but that he was taking measures to have it rightly understood.

Mr. Sheppard inquired if foreign goods were included within the new rule.

Taotai. "Most decidedly not. It was distinctly stated in the proclamation that native goods only were meant."

Consul. "Chinese merchants have refused to take delivery of their foreign goods brought here by the steamers. In consequence, many hundred bales of such goods are now lying on the bund exposed to the weather. Can you explain this action of the merchants?"

Taotai. "Those men are chiefly shipping-agents and brokers, and they have combined to defy the law if they can. It is they who have caused loss to the revenue by evading the regulations and by smuggling. They distinctly understand that only *native* goods are referred to. I notified them all a week ago that this rule was to be enforced; that they had been evading the taxes, were liable to punishment, and must make good the duties they have withheld. This they have refused to do, and are liable to punishment therefor. The revenue cannot be collected fairly under the present system; there is a large yearly deficit, and this is caused by smuggling and many ways of fraud. I simply intend to enforce a regulation made by H. E. Chung-How years ago. Under that regulation the Chinese merchants see that they will have to pay their duties fairly, and those who object to this are now trying to get foreigners to interfere in their behalf. They falsely tell foreigners that foreign goods are included as well. But this is not so, as my proclamation will show."

Consul. "I hear that Messrs. Cordes & Co. were notified to the contrary by some of your subordinates."

Taotai. "That was a mistake, and it happened in this way: I sent written notices to all the merchants some days ago, and among these notices was one my messenger thought was for a Chinese connected with Cordes & Co., and therefore he went to that person. When I heard of this, I recalled the messenger and reprimanded him for his fault."

Consul. "I was also told by one of the gentlemen in foreign customs that foreign goods were included."

Taotai. "They were greatly mistaken, as my proclamation will show. Mr. Twinenr has been here to-day, and will tell you differently."

Consul. "I will explain that it is not my purpose or my duty to interfere in matters which wholly pertain to the Chinese. Chinese officials must, of course, regulate native trade in their own way, and adopt what rules they think best to protect their own revenue. So long as the status of foreign trade is not affected by such changes, I can have nothing to object. But I submit, as a friendly suggestion, that it might have saved inconvenience and prepared the way for this change, if timely notice had been given beforehand. The trade in native goods, at this port, is now very large, and forms the bulk of the freight carried by all steamers coming here. If this trade is suddenly checked by anything done here, great losses will result to both foreigners and Chinese."

Taotai. "This is no new regulation, but rather the enforcement of an old one which has been systematically evaded. It was made by H. E. Chung-How, years ago, and was in force during his time. Triplicate certificates were then given at the foreign customs for all native goods, and these certificates were used in paying the revenue-taxes just in the way I intend to have them paid in future. During my predecessor's term of office, his deputies and underlings managing the revenue business gradually and secretly introduced a system of compounding with the merchants for their taxes, receiving bribes and winking at frauds. All this time triplicate certificates were issued as usual, but were suppressed by the deputies. I have since obtained possession of a complete file.

"This will show that the regulation has always been nominally in force, but practically evaded. The merchants have known this, but have found it more profitable to sustain the corrupt system. On taking charge of this office I soon discovered the fraud, and made a clean sweep of the participators in it. I found a large yearly deficit in the revenue, and saw that there was no way to protect the revenue save by enforcing the regulation wisely made years ago. On deciding to do this I notified the merchants of my purpose, and warned those who had withheld duties to come forward and pay up, when the punishment they had incurred would be remitted. This *invitation* was unheeded, and accordingly I issued my proclamation.

"I have drawn up another proclamation, to be issued at once. In it I state dis-

tinctly that native goods only are referred to, not foreign goods; that certain mischief-makers have been busily circulating false ideas, and that I will be after such people, and make them repent their folly. I will state too that the merchants must take delivery of their goods, or I will oblige them to do so." (The taotai was under the impression that Chinese merchants had been to complain to Mr. Sheppard.)

Consul. "I would recommend you not to mention that. I should think it better to let them choose for themselves about taking delivery, and not coerce them on that point. I must tell you that no Chinese have come to me to complain. Had they done so, I could not have acted for them in this matter. Complaint was made to me by American merchants, and it is for them that I speak."

Taotai. "Well, then, that point need not be referred to in the proclamation."

Consul. "I will consult with my colleagues on my return. I do not know whether their views differ from my own, but, if it should appear necessary, I will write you on the subject. I hope to receive a copy of your new proclamation."

Taotai. "I will send you a copy without fail."

Interview closed at 4 o'clock.

[Subinclosure 2 in No. 44.—Translation.]

Proclamation of the Taotai.

TIEN-TSIN, *March* 9, 1875.

Sun, customs taotai, &c., &c., makes the following proclamation:

Chinese merchants who receive consignments of native imports have of late been disregarding the regulation established by H. E. Chung-How, ex-superintendent of trade, which requires that after duty has been paid at the foreign custom-house, the triplicate certificates there given shall be taken to the revenue office, for the payment of the revenue-taxes; and the result of this has been that smuggling has been carried on at pleasure. For this reason the existing regulation was promulgated in a special proclamation, wherein it was distinctly stated that *native* goods belonging to *Chinese* merchants, and not *foreign goods*, were referred to.

It has come to my knowledge that unprincipled native merchants have been circulating canards to the effect that all foreign goods, whether intended for local consumption or transit to the interior, after paying duty at the foreign custom-house, must be reported at the local revenue-office and pay the duties there. These people presume to take it upon themselves to leave all their foreign goods on the bund, and refuse to take delivery; and they designedly instigate foreign merchants to take action, hoping in this way to resist payment of taxes on native goods. Such malignity is utterly detestable.

I have sent police to vigorously but secretly track out and arrest such offenders, and have also communicated with foreign consuls on the subject.

This proclamation is now issued for the information of all merchants concerned. Hereafter, when native goods imported by foreign steamers or sailing-vessels have paid duty, and been cleared at the foreign custom-house, they must, according to the regulation for triplicate certificates, be reported the same day at the head revenue office for payment of revenue-taxes.

Should any one presume to secretly engage in smuggling, he will, on detection, be unrelentingly punished according to law.

Obey with trembling!

&c. &c. &c.

No. 151.

Mr. Avery to Mr. Fish.

No. 45.] LEGATION OF THE UNITED STATES,
Peking, March 31, 1875. (Received June 9.)

SIR: During the year 1872, the Chinese government, moved by various representations of the maltreatment of its people in Cuba, stopped the further emigration of Chinese to that island, whereupon Señor Otin, the Spanish chargé d'affaires, complained of a violation of Article X of the Spanish treaty concluded in 1864, which provides for emigration.

On the advice of Mr. Williams, then the acting chargé d'affaires for the United States, and of Mr. Wade, the English minister, and with the consent of Mr. Otin, the Chinese government agreed to send a commission to Cuba to inquire into the condition of the Chinese now there, both parties agreeing that the report of the commission should be submitted to the representatives of Great Britain, Russia, the United States, France, and Germany, who were to decide as arbitrators on the evidence presented, whether China was justified in suspending emigration; and if not, whether she was liable for indemnity therefor.

In November, 1873, the Tsung li Yamen appointed, as chief commissioner to proceed to Cuba as above, a native of rank named Chin Lan Pin, two European officers in the customs service, and Mr. A. Macpherson and Mr. A. Huber, being associated with him, together with several Chinese clerks and attendants. This commission reached Cuba in March, 1874, and returned to Peking in January, 1875.

On the 5th of February last, the Tsung-li Yamen sent in to all the foreign legations here a lengthy communication, detailing the evidence on which the stoppage of emigration to Cuba was based, summarizing the testimony of the commissioners, and submitting their report, which briefly recounted their proceedings and conclusions. (Inclosures 1 and 2.)

Some days afterward, the Tsung li Yamen gave to the legations copies in Chinese of the voluminous mass of testimony collected in Cuba, arranged under 51 headings, and giving the depositions of near 1,200 coolies, added to which are 1,665 separate names, appended to 85 petitions. Subsequently, on being informed of the impracticability of translating this mass of matter, single copies of the English and French texts, prepared by Messrs. Macpherson and Huber, were furnished.

On the 1st of March, Prince Kung addressed me a communication expressing his thanks, and those of the minister of the Tsung li Yamen, for the friendly aid extended to the commission by the several consuls of the United States in Cuba, and asking me to inform you of the same, on behalf of the Yamen. (Inclosure 3.)

Remembering that I was expected to act as one of the arbitrators in the issue between China and Spain, I simply acknowledged receipt of the various communications and documents received, expressing no opinion thereon; and the same course was pursued by my colleagues of Great Britain, Russia, France and Germany. It will not be improper here, however, to briefly state the case of China as it is presented by the papers from the Yamen and the commissioners.

The treaty of 1864 provides for free emigration only, and the complete protection of the emigrant, with leave to return to China at the expiration of his service. In violation of this treaty, Chinese have been kidnaped by force or inveigled by falsehood. They have been confined and treated like prisoners in the barracoons at Macao, denied access to friends, intimidated or deceived into signing unjust contracts, shipped like slaves, and cruelly treated on the voyage. Eight or nine out of every ten have been conveyed to Cuba against their will. Among the kidnaped were some persons of literary and official rank, who are now held to unwilling labor. Many jumped overboard on the voyage, wild at the fraud practiced upon them, or crazed with the suffering they endured from over crowding, filth, and insufficient food. From the same causes many died in the ship's hold, and were thrown overboard. Altogether, it is stated that one in ten died on the passage. Arrived in Cuba, their services were sold at a great profit on the cost of transportation. Witnesses state that "each Chinese decoyed or kidnaped was

disposed of for a sum varying from $400 to $1,000." The rate of wages at which they are contracted is, relatively to the higher prices of everything in Cuba, less than they would receive in China, and insufficient for their wants, leaving them little or nothing at the end of a term of labor. Then they are kept at work much beyond the ten hours daily provided in the regulations, are denied holidays, are beaten, and mutilated, and insufficiently fed, and from these causes die in large numbers. When their contracts expire, instead of being allowed their freedom, if they refuse to recontract themselves they are treated as vagrants and put upon the public works like convicts, until they re-engage themselves, or are sold into service. At the end of their second contract they are again subjected to the same mistreatment. Murders and suicide, sickness and death follow, such a wretched existence in many cases; and out of more than 140,000 who have gone to Cuba since 1847, when the traffic began, only 60,000 remain alive. Thirty thousand have died since the treaty was made in 1864. Of the 142,422 Chinese in all who have gone to Cuba, 99,149 went from Macao alone, and 35,694 of this number, after the date of the convention by which Macao was excluded from the localities at which the engaging of coolies was permitted, only 1,200 laborers was shipped from Chinese ports subsequent to the treaty made with Spain; for at those ports the imperial customs authorities and foreign consuls were an effective check on the trade of crimps and kidnapers. The commissioners say that nearly all the coolies they met in Cuba bore evidence of ill-treatment and had tales of suffering to tell. They would gladly return home, but the withholding of certificates of completion at the end of terms of labor, the detention in depots, the forced re-engagement for long terms, the treatment of them when disengaged as vagabonds, the extortions practiced upon them, the high rates at which passports are charged, make escape from the island extremely difficult.

Altogether, the evidence goes to show a system of fraud, perfidy, and cruelty unsurpassed in the annals of negro slavery. It is quite likely that some of the depositions may be dishonest or exaggerated; that the very worst features of the coolie traffic are put most prominent, and that some things charged as wrongs may be justified or satisfactorily explained; but, after making these charitable allowances, there is a large residuum of simple truth, going to show such injustice and inhumanity as makes one shudder.

When the representatives of the five powers came to study the case as presented in the documents submitted to them, and reflected how closely the Spanish chargé was likely to contest every point in the indictment against the colonists, it was evident that arbitration would be long and laborious. At a preliminary conference, it was determined to await a formal request from both parties to proceed with the case, to demand copies of all correspondence between them, and to exact from the Tsung li Yamen, who seemed to have very one-sided notions of arbitration, a distinct promise to abide by the decision which might be reached. Mr. Otin protested against the distribution to other legations than those concerned in the arbitration of the commission-reports, holding that they were privileged papers, intended only for the use of the arbitrators. His protest, which was made before the testimony had been copied and circulated, the yamen disregarded; whereupon Mr. Otin renewed it to the five representatives in the terms of his communication inclosed, which the five representatives sent in to the yamen with their indorsements. (Inclosure 4.) The yamen thereupon agreed to make no further distribution of documents outside of the council of arbitration.

Before this promise had been made, Mr. Otin, vexed at what he considered a breach of fairness, had resolved to suspend relations with the yamen, but was dissuaded from such a step by his colleagues.

Meanwhile, the propriety of finding a shorter and easier mode of settlement of the difficulty between China and Spain was taken into consideration. Such a settlement was desirable for the sake of stopping as soon as possible the abuses complained of in Cuba, and because arbitration, while it would involve protracted labor, might not have as decisive and satisfactory a conclusion. Moreover, there were likely to be changes in the *personnel* of the arbitrators. The German chargé, Barron Holleben, was about to be transferred to Japan, and Mr. Wade, the English minister, was on the eve of making a visit to Europe. Mr. Otin, on his part, was expecting the arrival of a newly-appointed minister, Mr. Farraldo, from Spain, and was naturally anxious to have the credit of settling a long-standing trouble secured to himself before his departure. As dean of the diplomatic body, Mr. Wade had sounded the yamen on a proposal to refer the question to the head of some foreign government; but this they declined to do. Finally, it was proposed that the five representatives should act simply as mediators, and with this purpose they procured from Mr. Otin a project for a convention, looking to redress and reform on the subject of emigration. This project, though far from meeting the views of the five representatives, they concluded to submit to the Tsung li Yamen as a basis of negotiation.

At a joint conference of the ministers of the yamen, the representatives of Great Britain, Russia, the United States, France, and Germany, and the Spanish chargé d'affaires, held on the 2d of March, Mr. Mayers, of the British legation, acting as interpreter, the Tsung li Yamen consented to accept our mediation, but insisted, as a preliminary condition, upon the return to China, at the cost of the Spanish government, of the Chinese of literary and official rank, twelve or more in number, alleged to have been kidnaped to Cuba. To this demand Mr. Otin finally assented, only stipulating for an investigation by the Chinese authorities into the facts of each case on the arrival of the men in the empire. His project was then given to the ministers of the yamen, who promised their answer at a conference appointed for the 4th of March.

The project provided for the appointment of a Chinese consul-general at Havana; for free emigration only from all Chinese ports open to foreign trade; for the making of labor-contracts only on arrival at Havana, and then before the Chinese consul; for a deposit of homeward passage-money with the consul; for shorter terms of service at higher wages; for residence of Chinese on the island after their term of labor without re-engagement, upon the guarantee of some respondent; for efficacious measures of protection by the Spanish government; for the preparation of new regulations, to be approved in Peking.

This project had, doubtless, a good intention and some good features, but was vague in most that related to the protection of the Chinese. At the conference held on the 4th of March the Tsung li Yamen expressed their sense of this defect, and submitted a brief paper, (inclosure 5,) in which they asked, "What action is to be taken with regard to those who have been ill-treated and have died, and those who have been ill-treated and whose contracts have expired, as, also, those whose contracts have not expired?"

Being pressed for a definite statement of what they wanted, and asked whether they clearly understood that instant settlement by mediation, and not a tardy one by arbitration was intended, they finally, after much

repetition and circumlocution, asked for an answer to the question, "If China was exculpated, by the evidence, from a wrong to Spain by stopping emigration, "stating that they understood and accepted the offer of mediation, but thought that they were entitled to an answer on that point from the five representatives. As the question put was the very issue to be decided by the ministers judicially, should mediation fail, and their functions as arbitrators be resumed, it was obvious a direct answer could not be given without such a prejudgment of the case as would make arbitration by the same parties impossible. We responded to that effect, but stated that we were prepared to admit the existence of certain abuses which it was desirable to rectify, and that, in our judgment, Mr. Otin's project, though imperfect in its present shape, could be made to furnish the needed remedy, particularly by the appointment of a consul. They said they were ready and determined to appoint a consul, but could not see how that met the wrongs already endured. They wanted redress for the past. It was explained to them that a consul would hear all complaints of past and present ill-usage. If any Chinese were unlawfully held to labor, or unjustly treated, they could appeal to him, and on his application the Spanish tribunals would be bound under the new convention to afford redress.

At last, on strong representations being made to them of the cruelty of delay, and on being told that a mere opinion from the five representatives afforded no remedy, and that after some months of arbitration a convention would still have to be agreed upon between the principals, they expressed their wish for the five representatives to consult with Mr. Otin as to how the coolies now in Cuba could have their wrongs redressed. It was decided that the mediators should take away both papers, draw up a protocol themselves, and if it met Mr. Otin's approval, submit it to the Yamen at another interview. We thought it necessary to inform Mr. Otin that the new mode of settlement, if successful, precluded and set aside, in our opinion, any demand for indemnity on the part of Spain. He was instructed to insist upon indemnity, but his authority to close up the whole matter seeming to be quite full, and the early re-opening of emigration being the grand object on the part of the colonists, he finally agreed to abandon the claim for indemnity and advise his government itself to pay to the planters whatever actual losses they had sustained.

On the 5th of March the five representatives met by themselves to consider Mr. Otin's project as recast and enlarged by Mr. Wade, according to mutual suggestions. With some further modifications it was approved. On being presented to Mr. Otin, he declined positively to accept a clause providing for the return to China by the Spanish government of all Chinese whose terms of labor have expired. This clause was modified to provide only for the repatriation of those incapacitated from labor, in addition to the people of rank heretofore mentioned. As to others, they were to be permitted to re-engage themselves under the new rules for a length of time only sufficient to earn their passage-money, and were then to be given passports.

On the 8th of March the protocol for a convention was sent to the Tsung-li-Yamen, as it reads in the inclosure, (inclosure 6,) with a request that they would appoint a conference for discussion and explanation. On the 11th of March the last conference with them was held. We then expressed our conviction that, while the convention did not concede all that was desired, it nevertheless offered great advantages to China, and ought to be accepted. It put an end to a long-standing quarrel which, left open, might yet have serious consequences. It abandoned

all claim to indemnity. It abandoned the Spanish treaty-right to make labor-contracts in China, leaving the laborer free to engage himself before his consul at Havana, and for a limited period. It closed the barracoons and put an end to kidnaping. It afforded full protection for the future. It opened the Spanish tribunals to the complaints of the coolies in the presence of their consuls. It enabled the Chinese government to dictate the regulation of details as to terms of service, rate of wages, and repatriation. It returned a considerable number directly, at the expense of the Spanish government, and opened a way for the return of all others. Besides all this, Mr. Otin engaged to move his government to direct its attention to the laws affecting the treatment of coolies, and the five representatives promised to invoke the good offices of their respective governments in the same direction.

The ministers of the Yamen admitted that the convention contained some good features, and thanked the mediators for their exertions and good will; but they could not be brought to accept it. They demanded first of all, as a proof of the good faith of Spain, the repatriation of all the thousands who have served out one contract; and as for the future, they alleged the sufficiency of the regulations of 1866. These regulations were made in a convention with France and England, which those countries never ratified, and which, therefore, has no treaty validity, although the regulations were voluntarily adopted and ostensibly acted on by Spain. The Yamen also submitted lengthy memoranda (inclosure 7) on Mr. Otin's convention. They insisted that Chinese whose contracts, whether for five years' service, or less, have expired, shall be given certificates of complete service, funds for return, and permits for departure. They demanded the repatriation of all Chinese who were under age when they were deported, and of all aged persons—say above fifty or sixty—whether their contracts have expired or not. They proposed, besides, many things in detail of an impracticable character, or which should be matters of regulation after the negotiation of a convention. Moreover, they seemed to hold the mediators responsible for the procurement from Spain of all they demanded. In their memoranda they assumed that we had admitted the truth of all that is set forth in the report of the Cuban commission, which assumption we were obliged to deny emphatically, repeating what we really had admitted, that there are some abuses which it is desirable to redress.

The conference broke up without any result, except a determination on the part of the mediators to address to the Yamen a final note, stating what we thought to be practicable in their demand, recommending them to accept the convention, and declining further efforts at mediation unless they should do so.

With the most earnest disposition to achieve a settlement that shall provide for humane treatment of the poor coolies, prevent any but voluntary emigration on fair terms in the future, and do justice to China without offending the *amour propre* of Spain, the five representatives have found their task so far very trying and difficult. The Chinese feel so strong in their case that they evidently expect arbitration would result in a verdict more satisfactory to their pride than a friendly settlement on a basis of mutual concession. It is useless to reason with them further. They are far more likely to come to terms if we present to them squarely the alternative of indefinite prolongation of a quarrel already of three years' standing, which may possibly be made more unpleasant for them by the course that the new Spanish minister may pursue.

The form of a note to them in accordance with the views above set

forth was drawn up and presented to his colleagues by Mr. Wade on the 23d instant. But at the same time he announced his withdrawal from mediation, pending the non-settlement of a grave issue with the Yamen on his own account, arising from the perfidious attack on an English exploring party in Yunnan and the murder of one of its leaders under circumstances of great barbarity, which will be detailed in another dispatch. Considering Mr. Wade's relations to the diplomatic body as its *doyen*, and wishing to support him in his demand for satisfactory reparation as a matter of humanity and common interest, it was decided by his four associates in the cooly business, including the newly-arrived German minister, Mr. Von Brandt, that they would also decline to proceed for the present. Their note to this effect is sent herewith, (inclosure 8.)

At a personal interview, held with the Yamen on the 24th instant, they referred to our note, and hoped our good offices were not to be quite withheld. Expressing their inability to understand why a difference with Mr. Wade should prevent the remaining four ministers from proceeding with the cooly affair, I told them that the sooner they could settle with Mr. Wade the sooner we might hope to reach a happy conclusion of our mediation, assuring them of the common disposition to make it a just one. As they seemed to desire it, I explained familiarly the good features of the convention, and expressed my conviction that it was hopeless to expect the concession of wholesale repatriation, declaring at the same time that I would not counsel the acceptance of the convention if I did not think it promised as large a measure of redress, protection, and prevention as could be obtained.

I am afraid there is more of pride than humanity in their present attitude, but am still not without hope that they may ultimately listen to reason, and do what they can, if they cannot do what they would. Mr. Otin has probably conceded all that he feels any confidence his government will be willing to ratify. He has certainly conceded much more than will be satisfactory to the Cuban planters and the emigration-agents who have heretofore profited by injustice and cruelty.

Under his convention emigration would indeed be free. As Macao is closed to the cooly traffic, Chinese laborers could be procured only from Chinese ports, where, as I have said, the imperial customs-officers and foreign consuls—certainly those of the United States—would be alert to prevent an illicit traffic.

I have, &c.,

BENJ. P. AVERY.

[Inclosure 1 in No. 45.—Translation.]

Note from the Tsung li Yamen, submitting report of commission to Cuba.

TUNGCHI, 13*th year*, 12*th moon*, 29*th day*, (February 5, 1875.)

A special note.

In the year 1865 a treaty was negotiated between China and Spain, one of whose articles reads as follows: "The imperial authorities will permit those China subjects, who may desire to go abroad as laborers in Spanish possessions, to enter into contracts with Spanish subjects, and to embark alone or with their families at the open ports of China; the local authorities, acting with the representative of Her Catholic Majesty, in each port, shall make the necessary rules for the protection of the said laborers. It is forbidden to take deserters and persons who have been taken against their will." By this article it will be seen that this emigration was permitted, if the laborers should be willing to go; their complete protection was guaranteed, and all kidnaping was strictly forbidden.

Since the ratification of this treaty a report has been received from Suilin, the governor-general at Canton, written in 1871, stating that Mr. Villaneuva, the Spanish consul, had requested, on behalf of a merchant named José Tuton, to open an office at Canton to engage laborers; 510 coolies were obtained, after which he asked that it might be closed. This was the only instance at that city of opening an office, but in the year 1869 Mr. Faraldo, the Spanish consul-general at Amoy, made application on behalf of the merchant Priego * to open an emigration-office to engage laborers to go to Cuba. A correspondence ensued between him and the local authorities at Fuhchau for their approval. The number engaged there was 690, making in all, in these two instances, 1,200 laborers taken away. Besides this last agency some non-treaty powers obtained coolies for the Spaniards, but the only *bona-fide* emigration agency opened was that at Canton, when 510 men were engaged.

This case of Mr. Priego has been reported in full by Ting Kiver, the governor-general at Fuhchau. Some of the laborers engaged by this agent jumped overboard on the passage. Mr. Pedder, the British consul at Amoy, learning that the Spanish, Portuguese, and other nations, under the pretense of hiring workmen at Macao, had been kidnaping and carrying off Chinese beyond sea to sell them for slaves, but that this business, having recently been stopped at that settlement, he had heard that certain people intended to come to Amoy and make application to revive it, therefore informed the intendant at that port, that he might know what was going on and provide against it. Mr. Jones, the commissioner of customs, finding that the contracts drawn up for the coolies differed widely from the twenty-two articles in the emigration-regulations in force, requested that the ship's papers should not be issued until a most careful examination had been made, and the United States consul-general, Le Gendre, stopped them entirely from going.

The foreign office, fearing that wrongs and irregularities might exist, directed the inspector-general of customs to send to Fuhkien province to ascertain the facts, and, in due course, copies of all the papers were received. The commissioner of customs, Mr. Jones, said that the contracts had omitted altogether the most important parts of the twenty-two articles in the emigration-regulations. It appeared, too, from his account, that a relative of one of the coolies, a man from Tungau district, went to the emigration-office at Amoy to make some inquiries of him, but was unable to get a sight of him or talk with him; he could only see people behind the iron bars of the windows, and learn from those who knew the circumstances that his friend had been kidnaped or inveigled away to be sold. The captain of an American man-of-war had reported, too, that on the 8th of April, 1869, a number of men, he knew not how many, had been seen leaping into the sea from a Macao trading-vessel, and he requested that in consequence of this all the coolies might be brought on shore, to investigate the facts. The master of this vessel, however, obstinately persisted in refusing the tide-waiters any opportunity to search it; and hence the inference is plain that the coolies had been deceived and were not willing to go abroad. General Le Gendre then assured him (the commissioner of customs) that as this vessel belonged to a non-treaty power, he would advise that she be detained, and the matter attended to immediately, which would prevent her captain treating Chinese like beasts of burden.

Again, a widow woman from near Changchau city, named Chin-ho, had testified that her only son, Chin Kilin, whose life was bound up in her own, was beguiled by a man, named Hi Shing, to go to Amoy; on reaching the place he was surreptitiously sold to a Spaniard, and put into the barracoon.

Another woman, from Tungau district, named Shao Chin, had further reported that her father's kindred had become so poor and scattered, that of four generations there only remained her own brother, Chin-Ching. A Spanish agent came to Amoy to hire laborers, and her brother was inveigled away by his companions and sold as a cooly, his name being changed to Hu-fuh.

An old man, named Chin Chi, stated that he was seventy years old, and his only son, Chin Chin, was all that remained of three generations; he had been kidnaped by crimps, and sold to the emigration-depot under the name of Sin Fuh, but managed afterward to get free from it. He informed some one that there were over two hundred men in the same ship, and they were all locked down below as soon as it came night.

From many articles which have appeared in the newspapers it is evident that the coolies who go to Cuba are regarded as slaves or cattle; and the cases of horrible cruelties which they suffer have been so numerous that they cannot be fully described. They, however, all tally exactly with the evidence already adduced of their bad treatment.

A letter was received in May, 1872, from the governor-general, Wanyuh, at Foo-chow, and in it was the following: "A Spanish merchant, named Abella, has requested permission to open an emigration-office at Amoy. The acting taotai there, named Pau, tells me that he has made some inquiries of returned coolies about these emigration-houses,

* This man was a Peruvian.

and they all describe them as like so many prisons, in which everybody is indiscriminately huddled very close together, and no one is allowed to see his relatives or associates. After they have started on the voyage they are fastened below deck in the most crowded manner; the filth and stench are dreadful, and not the least care or relief is granted to them; numbers of them die from hunger and thirst, whose bodies are thrown overboard without ceremony. When they reach the end of their voyage they are compelled to work from morning till night without any cessation; their food is very poor, and they are constantly whipped and beaten. When their contract-time has expired they are forcibly sold again, at a price varying from four to five hundred dollars. If they refuse to stay under these terms, they are chained and made to work in the hardest misery; and really, their sufferings follow them continually till death comes to release them from all. By this means the coolies never can fulfill their contract-time, and not one in a hundred ever lives to return home. Every article of their agreements is thus made void, and it is impossible fully to describe their miseries.

"The American consul at Amoy, Le Gendre, has told me [the taotai] in one of his dispatches that the climate of South America is very deleterious, especially in the islands that soldiers and others who go there are allowed, in order to avoid being infected with the malaria, to be changed every ten days; for, if not, they are struck and die. Foreigners dislike going to those regions to work as laborers. Therefore some unprincipled villains, greedy for gain, have bought foreign ships and have engaged Chinese crimps to go about and coax ignorant natives to go on board of them, when they are carried myriads of *li* across the seas to dig guano. They are put at every kind of work which slaves do, and are used for all kinds of labor, just like cattle. It is quite impossible fully to describe the sufferings and miseries which they undergo. If steps are not taken to prevent the beginnings and continuance of such evils, ere long they will so increase that all classes of natives will be outraged by their wrongs, which cannot be redressed. Even now the case is very lamentable, and excites everybody's indignation; and I hope that steps will be taken to put a stop to such atrocities, if only from reasons of common humanity."

The consuls for Germany, Denmark, France, Holland, Great Britain, and Sweden, all united at this time with the American consul in this joint dispatch to Pau, the intendant at Amoy, setting forth that the evils which grew out of this traffic in men were every year intensified and increased till they had become unbearable. The Spanish consul, Don Juan Oliz, at Amoy, says, moreover, that he cannot control or restrain the treatment of the coolies after they reach Havana. The consul soon after made a request that further contracts for laborers might be suspended.

The foreign office has a dispatch from the American minister, (Mr. Low,) June 14, 1872, in relation to contracts for laborers to go abroad, in which he says:

"The largest part of these coolies have formerly gone from Macao by ships to Cuba and other islands under Spanish rule, and also to Peru. Full details of their sufferings have already been made known in reports written by themselves, and I have recently heard that the condition of those in Cuba is even much worse.* There are no well-established regulations, which can be enforced, to prevent them being carried away from Macao to foreign lands. In former years the slave-trade was carried on from Africa under circumstances of great cruelty, and the United States have exerted themselves to the utmost to put a complete stop to it in every form."

Since Mr. Otin, the Spanish chargé d'affaires, came to Peking in 1872, many communications upon this subject of emigration have passed between him and the foreign office, and the result of the discussion was to refer certain points to the joint arbitration of all the foreign representatives in Peking. In June, 1873, Mr. Otin wrote as follows: †"Spain has the right to engage laborers to go abroad to her possessions, but

In consequence of this, the foreign office then wrote to each of the foreign ministers in relation to the emigration to Spanish colonies, stating that although it was no doubt contained in the treaty, it clearly stipulated too that the laborers should be protected; if they were cruelly treated, then this provision was violated.

The present intention of the foreign office to prohibit emigration to places notorious

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*Mr. Low's dispatch reads for this sentence:

"Most of these emigrants shipped from Macao are brought here by their own countrymen by means of false promises or by force; and yet I am unable to learn that any honest or effective steps have been taken by the native officials in the vicinity to check or prevent such operations."

†The original was:

"Spain is of opinion that she has the right to engage laborers to go abroad to her possessions; and China thinks she has the right to put a stop to her doing so, because they are badly treated; who is right is a question to be decided after full discussion." whether China has a right to put a stop to her doing so because the laborers suffer injuries after their engagement, is a question which can only be decided after full discussion."

for the cruelties inflicted on the coolies, was not to be taken to mean that emigration was forbidden to countries where the Chinese coolies are not thus cruelly used; and it simply wished to ask whether, supposing it to be true that Chinese laborers in Cuba were cruelly used, as reported, the Chinese government ought quietly to submit to further emigration to that country?

Mr. Fergusvan, the Netherlands minister, replied: "Every country has the right to see that its subjects who emigrate to other lands are well treated there; and if China has undoubted proof that the laborers who have gone abroad have been cruelly treated, no matter in what country, she has the right to inform the high officials of that country that Chinese coolies can no longer be allowed to go there."

Mr. Williams, chargé d'affaires of the United States, replied: "With regard to the bad treatment of the Chinese laborers now in Cuba, it is necessary for a man to be on the spot, and personally learn for himself the truth by seeing and hearing what is done. I am myself able to say that, since the year 1849, when the business of contracting for coolies to go from Canton to Cuba began, up to the present day, I have constantly heard of the cruel usage they have there received, and that very few of those who had worked out their term of service ever returned home. If the Chinese government now desires to learn their real condition, the best way will be to send a special commission there to carefully inquire and personally ascertain the facts, which will probably not be hard to do. As to the question whether, if the coolies are cruelly treated in Cuba, the Chinese government will be justified in forbidding further emigration there under contracts, I consider that it can do so, and has a right to forbid it."

Mr. Wade, the British minister, replied, in substance, that if British merchants engaged laborers according to the regulations formerly agreed upon, and if China heard afterward that the men were cruelly treated, she could forbid any more coolies to be hired by them. He said, too, that if she still suspected that they were harshly used, the British minister would urge the Chinese government to send a special commission to carefully inquire into the facts on the spot, in order to determine the course of action to be taken.

At the conference held with all the foreign ministers, after full consultation, it was agreed that the proper course to take was to send a special commissioner to learn the facts in Cuba itself. Accordingly, on the 21st of September, 1873, the Yamen received orders, in answer to their memorial, to appoint a commission to go to the ports and towns in Cuba, and carefully inquire into the facts of the matter, and report. It consisted of Chin-Lan-pin, an officer of the fourth rank, and brevet secretary of the board of punishments, a titular prefect, with A. Macpherson and A. Huber, commissioners of customs, as his associates. This action was communicated to all the foreign representatives. The inspector-general, Mr. Hart, was also directed to give his attention to the matter, and drew up a series of inquiries proper to be made, under fifty-one heads, to which the commissioners were required to return the appropriate replies. From time to time Chin has sent the results of his inquiries, and informed the government of his progress. On the 6th of January a joint report was received from the three members of the commission, in which they remark: (See the inclosure for this quotation.)

The Yamen has the translation of a statement made by a Spanish gentleman at Havana, relating to the coolies, in which he says, "When the Chinese first came to Cuba, the time mentioned in their contracts was eight years; when that period had expired they were regarded in the same light as foreigners from other countries. They were at the end, also, permitted to bind themselves for four years' further service, and to swear obedience to the laws of Spain; and it was expressly agreed that at the expiration of the four years a naturalization-paper should be given them, showing that they were Spanish subjects, and allowing them to trade as they liked, just like other foreigners. This mode of dealing with them on the expiring of the last contract time was perfectly legal and fair, but at present, for some reason which I do not understand, everything has been changed, and every privilege formerly granted the coolies has been withdrawn. They are regarded as slaves, and the laws issued respecting their times and manner of work have been made still more onerous. Whenever a cooly now reaches Cuba, he is required to work out the eight years mentioned in the contract, which he brought with him, without a single holiday allowed him. His work is more severe, his wages are far less at present; and if he thinks that when his time is up he will be permitted, as before, to leave his employer and work for himself where he likes, he is now compelled to make a new contract. If he refuses straightway to sign his new contract, he is immediately sent to the public depot at Havana, to work for the government; he is treated just like a criminal, put in the stocks and made to suffer everything. Other classes of working-people in Cuba are treated according to law, and can employ their time as they choose; but the Chinese alone are regarded as slaves, and like slaves are sent to the Trocha,* or military trench, where their situation is so very hazardous that the man's life is put in imminent danger."

* The Trocha is a military trench or road which crosses Cuba in its eastern department; it is guarded by military posts, and the insurgents are, if possible, not allowed ross it.

A translation of a letter from the German consul at Havana, which he wrote for a paper in Berlin, has been furnished the Yamen, in which he says, "The commission sent by the Chinese government to inquire into the condition of their countrymen in Cuba and Peru has come, and the German government has directed its consuls at every place to assist it as far as possible. The British and Russian governments have, also, instructed their consuls in the same sense. It is to be hoped that the chief evils connected with the emigration of Chinese laborers abroad, such as their confinement in the prisons in Peru and Cuba, and the unjust and cruel treatment they receive, just as if they were slaves, may now all be removed. The testimony and depositions, oral and written, which the commission has collected, will form the best evidence of the facts; and when it is all printed, mankind will fully know the truth, and that the coolies should by right be their own masters. No crime is alleged against them except that they are Chinese. The sufferings they are subjected to in every place violates every law of humanity; and even the laws of Cuba declare that they are entirely diffeeent from the black slaves. I know very well that the people of Cuba, educated and uneducated, are alike sorry to see how these coolies are treated. It is only the few hundreds of sugar-planters and members of the police and patrol who wish to have them treated like slaves. These overseers only desire to get just as much work out of their coolies during the eight years as possible; when that time is over, their bodies are mostly destroyed or debilitated, their eye-sight is gone, they spit blood, and their legs are weakened. The overseers themselves do not comprehend that if they would only pay the coolies a fair and full wage for their work, they would willingly do more for the money, and then they, themselves, would be profited, for, in fact, if no Chinese laborers are to be had, the sugar-plantations will all go to ruin. As soon as the way in which the coolies are treated here is generally known in other lands, so unscrupulous and unjust in every way, some means will surely be devised to stop the emigration."

Another extract has been translated from the statement furnished to the commission by the Portuguese consul at Havana, in which he gives the numbers of coolies, and some names of those who had been taken away from their country by violence; their testimony is given in full in the report of the commission. Among these were three graduates of the rank of *suitsai*, or bachelors, from Kwangtung, named Chin Shao-yen, Sien Tso-pang, and Si Shao-chun; a man named Chang Lwan, from the same province, who had been acting captain in the garrison at Tingchou, in Fuhkien, and had obtained a feather; another from Kiangsu province, named Ching Tung-ling, who had filled the office of a subordinate justice in a district in Kwangsi; a fourth from Kwangtung, Moh Tung-hien, who was on the list for the first vacant captaincy, and another, an ensign, named Chin Hioh-Chau, with one more, Yeh Shing-tsu, an own nephew of Yeh Yen-lau, now a secretary in the board of revenue and general council at Peking. These persons are all scholars, and holding official rank; they belong to respectable families, and could have no possible reason for going over the seas to get their living as day-laborers. They were all kidnaped and forcibly carried abroad to work as coolies; and if these men have suffered injustice and cruelty, it can fairly be inferred that others are also badly treated. One may well ask, where was the willingness on their part stipulated in the treaty, and the protection which is therein promised? The number of laborers engaged, as reported by the Spanish and Chinese authorities, in Fuhkien and Kwangtung provinces, include only about 1,200 names; but the total number who have arrived in Cuba is 140,000, of whom now 60,000 are still alive, and more than 30,000 have gone since the treaty with Spain was made. The places they came from, and what means were employed to engage them, can all be easily understood by everybody without further description.

We have had the depositions and statements and the replies to the fifty-one queries all printed for convenience of examination, and now send you a copy of each of them, together with a copy of the joint report of the three members of the commission, to which we invite your excellency's attention. When the various depositions of the coolies have been printed, which is now rapidly going on, a copy will also be sent for your examination.

We avail ourselves of this opportunity to wish you daily happiness.

Cards of

PRINCE KUNG,
PAO YUN,
SHAN KWEI FĀN,
MAO CHANG-HI,
TUNG SIUN,
And others.

[Inclosure 2 in No. 45.]

Joint report of the Commissioners Chan Lan-pin, A. Macpherson, and A. Huber, addressed to the foreign office, sent with the preceding.

On the 18th of November, 1873, we received the following order: "It having been

decided to make careful inquiry into the condition of the Chinese laborers now in Cuba, with a view to some action in reference to them, the foreign office has appointed Chan Lan-pin, a titular prefect, now in charge of the pupils sent abroad for education, to be the commission for this inquiry, and have selected A. Macpherson, customs commission at Han-kow, with A. Huber, holding the same post at Tien-tsin, to join him, as soon as is convenient, and together proceed to Havana." The above was reported to the throne on the 21st of September, and the rescript was received: "Let it be as decided. From the Emperor." "The chief commissioner will await the arrival of his colleagues in the United States, and they will then all proceed to the Spanish possessions, there to carefully inquire into the condition [of the coolies]. After this has been done, they will make a report upon the subject, and furnish all the evidence obtained, in order that the government may decide what course then to adopt."

This order was acknowledged on the 20th of November, with the details and directions to be followed, as is already on record.

Mr. Huber reached the United States on the 12th of February, 1874, and on the 19th of that month he started for Cuba with the commissioner Chan, arriving at Havana on the 17th of March, where they met Mr. Macpherson. On the 19th they paid a visit to the governor-general of Cuba and the prefect and municipality of Havana; and after that, successively called on the consuls of Great Britain, France, Russia, United States, Germany, Sweden, Denmark, Holland, Austria, Italy, and Belgium. On the next day we examined the slave-mart of Ibañez & Co., and on the 21st we visited the cooly-depots belonging to the city; and, afterward, between the 22d and 28th days of March, revisited them all.

On the 30th and two following days we examined the city prisons; and the sugar-plantations of Las Cañas on the 3d and 4th of April. On the 8th of April we went to Matanzas, successively visiting the prisons and cooly-depots in the town, together with the plantations of San Cazetano, Concepcion, and Armonia, and their cooly-houses.

On the 14th we went to Cardenas and examined its prisons and cooly-depots; and on the following days visited the sugar-plantations of Cesperanza, Recreo, and San Antonio. From thence, on the 16th, we proceeded to Cimmarones, a town on the seaside, and on the Colon, looking into their prisons and cooly-depots, and visiting the sugar-plantations of Espāna and Flor de Cuba, and their cooly-houses.

On the 21st, on going to the town of Sagua, we saw the prison and depots, and then went to the plantations of Santa Anna, Santa Isabella, and Capitolio, looking through each of them. Three days after, we reached Cienfuegos, looked over its prison and depot, and went through the sugar-plantations of Juanita and Candelaria.

On the 28th we came to the town of Guanazas, examined its prison and depot, and two days after returned to Havana, through the seaside town of San Antonio. On the 2d of May we went over to Guana Bacao to examine the sugar-plantations of Santa Catalina and Reglas.

At all the towns here mentioned, except at the inns and along the roads, when we met any Chinese whom we could ask, we were obliged to make arrangements with the local magistrates as to the time for visiting the depots and prisons; and they also always stated the hour beforehand when we could go through a sugar-plantation to make inquiries. As to the coolies whom we, the three commissioners, personally examined, their testimony was that fully eight of every ten were taken away from China by force or fraud. They estimated that out of every ten coolies who went aboard ships, one, at the least, died by cruel beatings or committed suicide; when the coolies reach Havana they are sold as slaves, in a few cases to live in families or shops, and there fare badly enough; but by far the greatest number are sold to work on the sugar-plantations, where their treatment is cruel beyond endurance. In those plantations the work is excessive, the food is very insufficient, the hours of labor are far too many, and the punishments inflicted, and the harsh usage the coolies there receive, beating and whipping them, locking them up or fastening them in stocks, altogether make their lives miserable.

Every year numbers of them are beaten or wounded so that they die; others hang themselves or cut their throats, drown themselves, take poison, or jump into the sugar-boilers. The evidences of the bad treatment they have received are still to be seen in the cases of maimed and lamed persons, or those whose eyes are out, teeth gone, or ears cut off, and others whose heads are broken, skin torn or flesh cut, and the number of these persons is not small, as everybody can see for themselves.

Still again, when the term of contract has expired, the employers will not give the coolies their papers showing that they have fulfilled it, but compel them to enter into a new contract, perhaps for eight, perhaps for a period of ten, years or more. If they do so, then their sufferings and ill-usage go on as before; but if they refuse they are immediately sent to the government depot and made to work on the roads without any pay, being treated in all respects like condemned criminals. This is all done that they may be obliged to enter into a new contract with their employers before they leave the depot. When this contract time is up they are again sent to the depot, and

it may be after that a third time; so that not only has the cooly no prospect of ever returning home, but more than this, he can never seek work for himself.

Those who have arrived since April, 1861, have none of them had passports or papers given to them showing that they had fulfilled their contracts, and such persons can be arrested by anybody; but even those whose contracts have expired, and who have papers, are always liable to be stopped by the police, in the houses or by the way, and examined, their papers forcibly taken away and destroyed, and they sent to the depot, there to enter upon another course of ill-usage, without hope of its ending.

It is our opinion that, from the 17th of March to the 8th of May, while we were in Cuba, most of the coolies whom we saw had been badly treated, and those we asked about had usually their tale of sorrow to relate. The number whom we, the members of the commission, saw and heard, and whose depositions we took down, is altogether 1,176; added to which there are 1,055 separate names appended to eighty-five petitions. These have all been translated into Chinese and English, and arranged for reference; they are now all handed up for the examination [of the foreign office]. Besides these documents, we have arranged the answers to the series of fifty-one inquiries given to us as a guide in 1873, giving the evidence obtained under each head as the response to it. A report from the British consul-general, and one from the Cuban cooly-office, containing the number of laborers arriving each year, are attached, together with the rules of the cooly-office, the directions given to masters of vessels by Cuban merchants, eight different forms of contracts, old and new, and the record given us of persons passing through this office. Each paper has been translated, and is appended to this report, which is now presented in its complete form.

The result of the inquiries made by the commission as to the carrying away of Chinese laborers by force to the island of Cuba, and the circumstances under which they are there most cruelly treated as slaves, are now all fully given in this report, of which we humbly request that a careful examination be given.

[Inclosure 3 in No. 45.—Translation.]

Prince Kung to Mr. Avery.

KWANGSU, 1*st year*, 1*st moon*, 24*th day*, (March 1, 1875.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication:

When the foreign office appointed Chan Lanpin, with Messrs. Macpherson and Huber, as a joint commission to go to Cuba to examine into the condition of the Chinese laborers there, a dispatch was addressed to your excellency's legation on the 28th of November, 1873, requesting that notice of the commission might be sent to the Secretary of State, at Washington, for the purpose of having the United States consul-general at Havana informed of this action, and instructed to lend its members, on their arrival, such aid as was in his power.

When the commission returned to Peking, last January, and gave in its report, the members reported that in their various inquiries into the condition of the Chinese coolies now in Cuba, the several consuls of the United States in the island rendered them great assistance in many ways.

For this friendly aid the prince and high ministers of the Yamen are exceedingly thankful, and now take this opportunity to make known their obligations; and further beg the favor that your excellency will inform the Secretary of State, on their behalf, of this communication.

To His Excellency BENJAMIN P. AVERY,
United States Minister to China.

[Inclosure 4 in No. 45.—Translation.]

Mr. Otin to Mr. Wade.

PEKING, *February* 22, 1875.

M. LE MINISTRE:

I wish to place before the council of arbitration my formal protest against the action which the Tsung li Yamen has deemed it proper to observe on the two following points:

1st. At *noon*, on the 5th of this month, a communication was sent from this legation

to the foreign office, reminding the Chinese ministers of the propriety of limiting the distribution of copies of the report to the five representatives and to the Spanish chargé d'affaires. The same day, between the hours of 5 *and* 7 *p. m.*, several chiefs of legations established at Peking, not included in the stipulated number of arbitrators, received printed copies of the report. On my just remonstrance against this, the Tsungli Yamen replied, on the 13th instant, (since which date I have heard nothing in relation to it,) that after having infringed the second article of the protocol of November 23, 1873, by giving copies of the report to certain officials who had no right to interfere directly in the affair, they proposed still further to infringe it by sending other copies to those foreign representatives who did not reside in Peking.

When you, sir, proposed, at the conference of mediation held in August, 1873, that a commission of inquiry should be sent to Cuba, I accepted your suggestion in full faith, believing that the only object of this mission was to ascertain and furnish the council of arbitration materials for the final and definite solution of the affair; but I would never have given my consent to it had I supposed that the report of the inquiry would be diverted from its true destination. What right has the Tsungli Yamen to make public a document whose accuracy has not yet been assured by the council of arbitration? If the arbitration never takes place, owing to causes depending on the pleasure of the Chinese government, will not this inquiry made in Cuba, far from being a means of conciliation based on a common accord, be nothing else than an illegal interference, a right of visitation contrary to all law, and whose circumstances may be doubly grave in consequence of the publicity given to the report of the commission?

2d. The Tsungli Yamen refuses to furnish me with a copy of the foreign versions of the report. This commission was not the spontaneous and exclusive act of the Yamen, but rather the result of a common consultation; if, therefore, we intimated that it should be of a mixed character, and Europeans in the Chinese service should be associated with it, our intention surely was not to have them give us their ideas in Chinese. When the protocol was drawn up, in November, 1873, the ministers of the Yamen refused to sign the English text, prepared by Mr. Hart himself, and, truly, if they will not recognize the existence of foreign documents signed by Chinese, I can no more admit the authenticity of Chinese documents signed by Europeans. I cannot consider the report to be complete until the three texts are brought together; and, in view of the immense difficulty of translating the fourteen volumes of the Chinese portion, I find it impossible for me to prepare my defense.

All means of persuasion brought to bear upon the Yamen being thus far without efficacy, I have the honor, sir, to transmit to you my present protest, and ask the council of arbitration to be good enough to take note of it and give it the effect which they shall deem proper at the right time and place.

Pray accept, M. le Ministre, the assurance of my high consideration.

F. OTIN.

[Inclosure 5 in No. 45.—Translation.]

Memorandum handed by the ministers of the Yamen to the representatives of the five powers.

MARCH 4, 1875.

1. On the 2d instant consent was given on the part of the ministers of the five powers, with [the chargé d'affaires of] Spain, to the effect that those persons of literary status or official rank, and those who are the sons or relatives of families of distinction, who have been abducted and ill-treated [and who are now in the island of Cuba] as cooly laborers, being persons who should not be under contract for labor, shall, as a preliminary measure, be sought out and sent back to China. After being subjected to examination by the Chinese government, to test the authenticity of their statements, they are to be returned to their respective homes.

2. The opinion formed in consultation by the foreign ministers in 1873 was, in general terms, to the effect that if it should prove to be the case the Chinese laborers in Cuba were not suffering under ill-treatment, indemnification ought to be agreed to, and emigration ought to be permitted; and that if it should prove to be the case that ill-treatment exists, then indemnification should not be agreed to, and emigration should not be permitted to continue.

The commission of inquiry having now handed in its report, such portions of the document as have been printed off have already been sent [to the foreign ministers] for perusal. It is now requested that, apart from the question of the repatriation of the persons of official status, &c., referred to in the preceding clause, the ministers of the five powers and of Spain will consider and decide what action is to be taken with regard to those who have been ill-treated and have died, and those who have been ill-treated and whose contracts have expired, as also those whose contracts have not expired.

[Inclosure 6 in No. 45.—Translation.]

FORM OF CONVENTION, BY MR. OTIN.

Preamble.

The governments of His Majesty the King of Spain and His Majesty the Emperor of China, being desirous of fixing in a permanent manner the intent of Article X of the treaty of Tien-tsin (1864) concluded between the two nations, and avoid all future controversy regarding the emigration of Chinese laborers to the island of Cuba, have now, through the mediation of their respective representatives, agreed to put in order, and trust and hold as good and valid, the following articles of the present convention:

I. The Chinese government having presented a list of persons holding a certain social rank in their own country, who are now in Cuba in the capacity of laborers, the Spanish government, animated by a desire to give China a proof of its good will and friendship, engage to return these persons to their own country at its own expense, relying on the assertion which the Chinese government has made as to their social position.

II. The Spanish government will receive in the courts of justice in the island of Cuba the individual complaints presented by Chinese subjects to the delegate Chan. These tribunals will examine one by one all the complaints, and decide them according to the principles of justice found in the laws of the land. Chinese subjects can be represented before these tribunals by their consul or his delegates, who can take part in the sittings in the quality of *procuradores*. Rules shall be drawn up between the Chinese consul and the local authorities, for the purpose of securing the registration at the consulate of all immigrants on their arrival in the island, and the necessary control and protection before and after their engagement.

III. Every cause of complaint between Spain and China having been arranged, each of their governments declares that they renounce all pecuniary indemnity. These three articles shall have the same force and value as the preceding convention, of which they form part.

IV. The Chinese government will authorize free emigration to the island of Cuba from all the ports open to foreign commerce, and engages, in the most formal manner, to put no obstacle nor otherwise hinder or interfere with the free resort of emigrants to these ports. The officials in the prefectures will no more oppose the posting of handbills throughout the towns and villages in the interior, informing people of the departure of vessels for Havana.

V. The government of Peking will nominate a consul-general, (Manchu or Chinese,) who shall reside permanently at Havana. This functionary shall have the same attributes and prerogatives as are enjoyed in the island of Cuba by agents of the same class from other countries. The local government of Cuba shall give to the Chinese consul every facility for having intercourse with other Chinese subjects, and for examining and registering their contracts at his chancery.

VI. Chinese subjects desirous of emigrating to the island of Cuba to seek employment, shall be allowed to do so freely, without being restricted by a contract, under the direction of a ship-owner, who will transport them to Havana, where they may enter into contracts for their labor before the Chinese consul, with the employer they have chosen, and for the remuneration which shall be agreed upon in view of their fitness for the kind of labor they are wanted for, and the wages given to freemen of their race. The Spanish representative at Peking, and the Tsung-li Yamen at Peking, shall unitedly determine the form of these contracts.

VII. The period of this engagement shall not overpass the time necessary to re-imburse the ship-owner, or his agent, by a deduction of a half or a third of the wages of the laborer, for the expenses incurred by reason of equipment, transportation, and feeding, the total outlay for which shall be inserted in the contract of engagement. Every other advance to the laborers is interdicted, except in cases of sickness. At the expiry of the engagement, the employer shall deposit in the chancery of the Chinese consulate at Havana, the sum of one hundred Spanish dollars in gold, or its equivalent, as an assurance to the emigrant that he will be sent home. The emigrant shall re-imburse his employer for this sum by prolonging his time of service under the same conditions he contracted for at the first period of service. The conditions now stated in this article are to be expressly mentioned in the original contract.

If the laborer tries to evade, or if, for any other cause, as death, he is unable to work out all the time of his second period, that portion of the funds set aside for his repatriation which he has thus failed to re-imburse his employer, shall be repaid to the latter, and the remainder shall be retained by the cousul, and applied to objects of benevolence for the good of Chinese living in the island of Cuba. In case of death, this fraction of this fund for repatriation shall be remitted by the consul to the family of the workman, with the product left by will to his heirs. This sum of one hundred Spanish dollars, in gold, or its equivalent, shall remain on deposit at the Chinese con-

sulate, and shall not be paid over to the workman until the moment arrives for sailing on his return home. An exception is made to this, however, in the case of such laborers as have, at the expiration of their contract, and with the consent of the local authorities, obtained from their employers some land in *métayage*, (allotment,) from which they shall have thenceforth the right to receive the funds for repatriation. Those Chinese who shall be found in Cuba, at any time, in a state wholly unable to labor, on account of their infirmities, shall be sent back, on their demand, at the charge of the Spanish government.

VIII. When the contract time has been once worked out, the Chinese laborer shall go home, or shall hire himself out to anybody he chooses for himself, at such conditions of time, wages, and other points as the two parties can agree upon. He may continue to reside on the island free of all engagement, provided that he offers a surety, who will act as his bail, and is acceptable to the local authorities competent for this purpose. Those Chinese who have immigrated with their families can reside in the island without any sureties.

Those Chinese who are found in the government depots shall be provided with contracts in accordance with the new plan to defray the expenses of repatriation contained in the preceding (VIIth) article of the convention.

IX. The Spanish government will accord the most efficacious protection to all Chinese subjects residing in the island of Cuba.

X. The carrying of the emigrants can be done by vessels of any nation having a treaty with China, provided that their accommodations shall be found to fulfill the regulations imposed by their own government for the transport of emigrants. The Spanish representative at Peking shall draw up the particular rules to be observed by Spanish vessels which shall engage in the transport of Chinese emigrants to Havana.

XI. The special articles contained in the present convention shall be in full force and vigor after their ratification, which shall be done within ten months, or sooner, if possible; and none of them shall be altered or annulled without a previous examination of the reason for doing so. A previous notice of at least two years shall be given to the other party whenever such an intention exists.

Done at ———.

[Inclosure 7 in No. 45.—Translation.]

Comments of the Tsungli Yamen on Mr. Otin's form of convention.

MARCH 11, 1875.

1. Inasmuch as at the interview which took place on the 4th instant, at the French legation, between the ministers of the Yamen and the representatives of the five powers, with the chargé d'affaires of Spain, it was acknowledged by the ministers of all the powers that there is nothing but what is true in the accounts of ill-treatment of the Chinese in Cuba, elicited by the commission of inquiry, the Chinese government and the foreign ministers are consequently in accord upon this subject. All that is now needed is to arrive at an understanding with the ministers of the five powers and of Spain, on the course to be pursued for the deliverance of the 60,000 Chinese who are in a state of suffering.

2. It was agreed on the 2d March, by the ministers of the five powers and of Spain, that the Chinese of official or literary rank or connections now in Cuba, who should not be in the position of contract-laborers, should be repatriated by the Spanish government, and, after investigation by the Chinese government, should be sent back to their homes.

3. The ministers of the five powers, and of Spain, are requested to decide what steps are to be taken with regard to those Chinese who have died in Cuba [after] suffering under cruel usage, on the actual number of such individuals being ascertained by the Spanish government on receipt of information from the Spanish minister.

4. To all Chinese who have completed the period of five years' contract-labor, or any period less than five years, for which they may have engaged, there shall, without exception, be given certificates of the completion of their term of service, together with funds for their return-passage, and a permit for departure, allowing them to return to China. The passage-money issued to them shall be in cash, not in paper money. To any Chinese who, having completed their term of service, may be willing to remain in Cuba as laborers, the authorities shall give certificates of completion of their five years' service, and allow them to find employment as they may see fit. They are not to be restricted to re-engagement with their late employer only. On a further engagement being entered into, the employer must assign them, for purposes of distinction, a separate lodging place, and not quarter them indiscriminately with the laborers still serving under their original contracts. Chinese, whose original contracts have

expired, shall, in all cases, be authorized to make application on their own behalf to the authorities for either the certificate of completion of five years' service, or else the permit of departure and passage-expenses, at their own option, without the necessity of providing themselves with a guarantor. As regards the laborers whose term of contract has not expired, in addition to affording them full protection and treatment, in conformity with the emigration convention of 1866, they shall be allowed each day, on the completion of their work, to go out and move about as they please without written permits.

5. Passage-money, in specie, and permits of departure, shall be given to all Chinese belonging to the following categories:

A. Those who arrived in Cuba under the age of twenty without certificate of permission from their parents, or from the authorities, and whose contract-term has expired.

B. Those below the age of fifteen, who have arrived without their parents, no matter whether their contracts have expired or no.

C. Those above the age of fifty, whose contracts have expired.

D. Those above the age of sixty, whether their contracts have expired or no.

E. Chinese females employed as laborers in Cuba, not in the island as the families of male laborers, whether their contracts have expired or no.

Persons answering to the above descriptions shall be duly forwarded back to China.

6. Employers of laborers in Cuba shall not be allowed to maintain prisons or lock-ups of their own in which to confine Chinese laborers, nor to set Chinese laborers to work in fetters, or to torture and flog them; neither shall laborers, whose contracts have expired, be sent to the government depots to labor or to enter into fresh engagements. If all the above-indicated various forms of ill-usage be vigorously suppressed, and the laborers treated as they are by the other foreign governments, there is no reason whatever for assuming that a laborer will desert from the service of his employer. In the event, however, of such a case, perchance, arising, the employer shall not be at liberty to inflict punishment of his own notion. He shall send the delinquent to the Chinese consul to be tried and dealt with in conformity with the principles of justice.

7. In appointing a consular representative, the Chinese government may request the consul of one of the powers with whom it has treaty relations to undertake the duty for the time being, and [the representative thus appointed] shall be empowered to use the fullest efforts for the protection of the Chinese laborers. Guilds, constituted by the natives of Kwang-tung, Fuhkien, &c., shall be further established at Havana, and the other ports of Cuba, the managers of which the Chinese shall be allowed to elect themselves. The Chinese laborers shall be allowed free access, at all times, to these guild-houses, in order to make statements of any kind.

The Chinese government shall establish lines of steamers or sailing-vessels to ply to the ports of the island, for the carriage of letters, or for the conveyance of Chinese backward and forward in the prosecution of their business, wherever it may take them.

Finally, the point of paramount importance with China being the deliverance of Chinese laborers who are at present in a condition of suffering, and the important point with Spain being the conduct of emigration in future, all that is necessary is, that Spain should institute measures for the deliverance of the laborers who are at present in a state of suffering, and should repatriate all those who are entitled to be sent back to their own country. A guarantee for the protection of the emigrant will then have been given. It is known to all the powers that China has allowed the Spanish government to carry on emigration under the convention of 1866, while in Cuba, the regulations heretofore established are, in a number of ways, at variance with the terms of the convention. On the two following points, viz, in what manner the existing regulations are to be brought into accord, [with the convention,] and whether the employers of labor in Cuba can be depended upon to act in obedience to the arrangements that may be consented to by the Spanish minister, and not to institute enactments of their own for the oppression of the Chinese laborers, an agreement of the most formal nature must be entered into by the ministers of the five powers and of Spain.

Further comments by the Tsungli Yamen on Mr. Otin' form of convention.

MARCH 11, 1875.

ARTICLE I. Satisfactory.

ART. II. The proposal embodied in this article, involving active judicial proceedings and decisions, owes its origin to the assurance given by his excellency Pai, [M. Pereyre,] the Spanish minister, to the effect that on evidence being obtained as to the place at which acts of cruelty have been committed, and the individuals by whom they have been perpetrated, his excellency would not fail to inflict punishment for

the offense. It has to be observed, however, that in the inquiry conducted by the Commissioner Cheñ, the number of persons from whom statements and depositions were taken does not amount to one-tenth of the entire number of the Chinese in Cuba. The scope of the article requires adaptation and enlargement. The following modification is proposed: [After the words "the Spanish government will receive in the law courts of the island of Cuba the individual complaints presented by Chinese subjects to the Commissioner Cheñ," the following words to be added,] "as also the circumstances set forth in the depositions taken, and furthermore [the complaints] of Chinese subjects who were not examined by the Commissioner Cheñ, or of any Chinese who may hereafter be in Cuba under circumstances of a similar kind to those elicited during the inquiry."

The Chinese laborers being in urgent need of deliverance, the principle of first importance at the present moment is the establishment of measures for their succor and repatriation, and their efficacious protection. The trial in due form of law of the employers who have ill-treated the laborers, stands second in order of importance.

The ministers of the Yamen have, consequently, now draughted a scheme for the immediate protection of the Chinese emigrants, which they present in a separate paper for deliberation. (N. B.—The conditions of the Spanish laws hitherto must be ascertained.)

ART. III. Satisfactory.

ART. IV. This article deals exclusively with sanction on the part of China to emigration conducted by Spain. On this subject there are already in existence the tenth article of the Spanish treaty, and the emigration convention of 1866, which suffice as a basis for action. There is no necessity for additional articles on the subject. If it be desired to add anything further, it is proposed that what is added be placed in the shape of one or two clauses at the end, [of the agreement,] with the declaration, moreover, that when the measures stated in the preceding articles for the protection of the Chinese laborers have been *bona fide* given effect to, emigration may be undertaken for the supply of labor to the island of Cuba, in accordance with Article X of the Spanish treaty and the convention of 1866.

ART. V. With the exception of the paragraph to the effect that "contracts shall be given to the Chinese at present in the government depots, in order that they may provide themselves with means for the return passage under the arrangement set forth in Article VII," the purport of this article is quite satisfactory, and it is the wish of the Chinese government to act in the manner therein set forth. But in the urgent necessity which exists for effecting the deliverance of the Chinese laborers, justice and the circumstances of the case forbid that the institution of measures for their protection should be made absolutely dependent on the appointment of a consul. The measures laid down in the separate memorandum, handed in by the ministers of the Yamen, must be put in action. After these shall have been carried into effect, the propositions of the article now in question can be proceeded with.

With reference to the Chinese at present detained in the government depots in Cuba, inasmuch as they are all men whose contracts have expired, it is manifestly right that they should, without exception, be released and provided with means for their return to China, as it is set forth in the separate memorandum.

ART. VI. This article is not in harmony with the eighth and other articles of the convention of 1866. Having the convention of 1866 as a rule of action, it is considered that no additional arrangements need be discussed.

ART. VII. This article is not in harmony with the ninth article of the convention of 1866. The convention of 1866 being in existence, it is considered that no additional arrangements need be discussed. The concluding paragraph, however, to the effect that "Chinese who may be incapacitated from work by physical infirmity, shall be sent back to their own country by the Spanish government, on their application to this effect," is extremely satisfactory, and should be complied with.

ART. VIII. Of this article, the first portion is satisfactory. The clause relating to a person acting as guarantor gives reason to apprehend that it may be made use of by the Cubans as a handle for obstructive and vexatious practices. For the clause in question it is proposed to substitute the following: "Chinese who may elect to remain as residents in the island of Cuba shall be entirely at liberty to do so, and shall be treated on precisely the same footing as the subjects of the five powers whose representatives join in the present negotiations. They shall not be looked upon in the light of negroes."

ART. IX. Satisfactory.

ART. X. This article, also, is concerned with the course to be pursued after emigration has been sanctioned. In the same way as is stated in Articles IV and V of the present memorandum, consideration of the proposal should be postponed until protection to the emigrants has been actively provided.

The regulations established by the different foreign powers (for arrangements on board vessels carrying emigrants) should be sent to the Yamen for examination after the conclusion of the pending agreement.

ART. XI. For all matters relating to Chinese emigration, the convention of 1866, concluded by the Chinese government with the ministers of Great Britain and France, affords a rule. When protection for the emigrants shall have been actively provided, action can, of course, be taken in all respects conformably to the convention of 1866.

ART. XII. Inasmuch as the Chinese now in Cuba are in urgent need of deliverance, it is necessary that immediately after the conclusion of the pending agreement, the repatriation and protection of the Chinese emigrants be carried into effect as soon as possible. The provisos with reference to the protection of Chinese are, in fact, arrangements in fulfillment of treaty obligation, and as the treaty has long since been ratified, there is no need to make any further arrangements respecting the period of ratification. All that is necessary is that the emigrants of the present be afforded protection, whereupon permission can be given to engage the emigrants of the future. How soon this is to be, and whether it is to take place or no, is solely dependent on the question whether or no Spain can afford the protection in question. It is considered that the provisions relating to a period of ten months [for ratification] and to future modifications, need not be included in the document.

[Inclosure 8 in No. 45.]

The representatives of the five powers to Prince Kung.

PEKING, *March* 2, 1875.

To His Imperial Highness Prince KUNG, *&c.:*

The English minister having communicated to the undersigned, envoys extraordinary and ministers plenipotentiary of Russia, the United States of North America, and Germany, and chargé d'affaires of France, the telegram which he has received from the viceroy of India on the subject of the murder and outrages of which English officers have been the victims in Yunnan, and he having declared to them that the state of his relations with the Chinese government no longer permits him to take part in the conferences relative to the settlement of the Cuba question, the undersigned think it their duty to notify his imperial highness that it is impossible for them to continue the work of mediation which they have undertaken, or proceed to arbitration, until the English minister can rejoin them.

The undersigned avail themselves of this occasion to renew to his imperial highness the assurance of their high consideration.

BÜTZOW.
AVERY.
BRANDT.
ROCHECHOUART.

No. 152.

Mr. Avery to Mr. Fish.

No. 46.] LEGATION OF THE UNITED STATES,
Peking, April 1, 1875. (Received May 25.)

SIR: Referring to my No. 45, in which mention is made of the massacre of Mr. Margary, an English officer, and five Chinese who were accompanying him on an exploring mission from British Burmah into Yun-nan, a Chinese province adjoining Burmah, in the southwestern part of this empire, I am now able to furnish the particulars given in the inclosed memorandum, for which I am indebted to the courtesy of Her British Majesty's minister, Mr. Wade. Some of the ministers of the Tsungli Yamen inform me that Yunnan is partly inhabited by savages, whom it is difficult to control, and attribute the massacre to them. But Mr. Wade's information seems positive on the point that the men who attacked Margary's party were soldiers, and only the advanced guard of an army of 3,000 sent by order of the governor of Momein to destroy the British party. Mr. Strover, who is named in Mr. Wade's memorandum as the authority for this information, is known here to be

a very careful man, who would not be apt to echo mere rumors, or to put forth suspicions as facts. If the crime against a party of peaceful tourists under the protection of the imperial government was really committed by official order or instigation, the fact adds perfidy to barbarism. Certain facts ought to be mentioned in regard to the character and objects of the expedition, which, while they do not in any degree excuse the crime committed, are necessary to a full understanding of the general subject. In the first place the expedition was not composed of private tourists, but was under the command of officials in the British service, sent on an errand of commercial exploration, and accompanied by a band of Burmese, apparently armed, since one report received says they fought bravely. The Indian government is very desirous to open trade with the Chinese provinces adjoining its territory, as are the French in Cochin-China; and the expedition to which Margary belonged was undoubtedly sent to get information of the country, its routes and products, with reference to that desire.

* * * * * * * *

Mr. Wade, on learning the shocking news from India, at once laid it before the Tsungli Yamen, when they promised to send and inquire into the matter. Mr. Wade gave them to understand that he would not be satisfied with this. An inquiry, including the sending to and from the extremity of the empire, would occupy six months, and so vague a promise gave no assurance of redress. He insisted that a British officer be allowed to attend the investigation, that the British government should be allowed to renew the expedition, and that an indemnity of 150,000 taels be paid to him, (Mr. Wade,) some 30,000 taels to go to Margary's family, as much to meet certain outstanding claims of British subjects in China, and a portion to the British Indian government, to defray the expenses of the late or a future expedition. He also intimated to the Yamen, as he told his associates in the Cuban question, that he should press for a better adjustment of the audience question, and of issues connected with the collection of *likin*. In common with my colleagues of Russia, Germany, and France, I was anxious to give the English minister the moral support in his demand for redress in the Margary massacre, which would be afforded by withdrawing from consideration of the Cuban affair until he could rejoin us; but I was decidedly opposed to complicating the case with other issues which, if it is thought necessary to take up at all, can be better treated separately, on their own merits. This being the opinion of the rest also, Mr. Wade, on our voluntary offer to support him as stated, agreed to divide the issues he has presented; and we therefore sent into the Yamen the note given in my No. 45. Mr. Wade's position was undoubtedly strengthened with the ministers of the Yamen by the evident sympathy of his colleagues. At first they declined to do more than send an officer to Yun-nan and bring the responsible parties to justice on their own account. There is apt to be so much evasion in such cases that the demand for a British officer to be present was reasonable. The Yamen pleaded that the treaty provision for joint trials applied only to the open ports; but Mr. Wade insisted on the concession of this point as the most essential to a satisfactory settlement.

After repeated discussions, Mr. Wade formulated his demands in a dispatch, requiring passports for a new expedition, and for two British officers to proceed to Yunnan and participate in the trial, declaring that he should leave Peking in three days if his demands were not granted. This was on the 29th ultimo. On the 30th he received the passports, with a letter positively assuring him that none of the accused shall be

sentenced until the two officers shall have heard the evidence against them. A Chinese official will accompany the British officers. The matter of indemnity was not definitely settled, and Mr. Wade is not certain that his government will care to press it. The Yamen offered to pay 30,000 taels, out of good-will, to Margary's family, but Mr. Wade waived the matter until he should receive instructions. The presence of the two officers will tend to insure the conviction of the principal offenders, instead of some unimportant agents whose death might readily be decreed to screen perfidious officials, unless, as is not unlikely, the trial and scape-goat executions shall have been completed before the arrival of the English on the scene. Mr. Wade will go to Shanghai in a few days for the purpose of appointing and starting for Yunnan the officers as agreed. It is my impression that the Chinese government wished to do justice in the matter, but its pride made it reluctant to concede English participation in the proceedings. The securing of this concession is an important precedent for future cases, which is valuable to all foreigners in the empire, and which cannot fail to have a wholesome effect on the provincial authorities generally, who have been left too much to their own discretion in their dealings with foreigners. I have taken occasion to congratulate Mr. Wade on his success, as I had before expressed to him the sorrow that I was sure would be universal in the United States for the Margary massacre.

I have, &c.,

BENJ. P. AVERY.

[Inclosure in No. 46.]

Memorandum regarding the murder of Mr. Margary.

The viceroy of India proposing to send an exploring mission from British Burmah into Yunnan, passports were obtained for the party from the Tsungli Yamen in July last, and in the autumn Mr. Margary, an able young man of the consular service, proceeded with the passports overland from Hankow to the Yunnan frontier. Care had been taken to supply Mr. Margary with letters from the Tsungli Yamen to the governments of the provinces through which his road lay; and notes received from him, *en route*, and after his arrival at Bhamo, show that he had been, on the whole, well satisfied with his reception along the line. In a note to me, dated Bhamo, 18th January, he writes that on arrival at Momein he had found letters awaiting him from Captain Cooke, political agent at Bhamo, leaving it to him to halt at Momein, or to push on, as he deemed best. Fearing that he might miss the party if he remained at Momein, he advanced, first to Nan Tien, and thence to Man Yun, or Man Wyne, from which point he sent forward a Chinese messenger to Bhamo. This man, by name Lin, had accompanied Mr. Margary from Shanghai, and had proved a most useful employé. He reached Bhamo in six days from Man Yun, and was sent back with a Burmese guard to escort Mr. Margary through the country of the Shans. Tsien, governor-general of Yunnan, and Knei Chow had treated Mr. Margary with great civility, and had sent two mandarins of respectable rank with him as far as Lung Chang. The prefect of this place, an old opium-smoker, was uncivil. Every one else was kind, and Mr. Margary especially speaks of the courtesy of Li ssu tai, who even went so far as to perform the *kotou* to him when he met him at Man-Yun. This man is famous for his support of the government against the Panthai rebels, and is now chief authority at Lan Tien. He was over at Man-Yun for the special purpose, he told Mr. Margary, of inducing the savage tribes to substitute some sort of tariff for their present black-mail system. Mr. Margary remained at Man-Yun some days in friendly intercourse with Li, and on the return of his messenger Lin with an escort, he proceeded to Bhamo, which place he reached two days after Colonel Browne, the chief of the mission. It had been intended that this should leave Bhamo about the middle of January, but circumstances had delayed the arrival of Colonel Browne, and there seems now to have arisen further cause of detention, as it was not until late in February that a portion of the party had reached the neighborhood of Man-Yun. The remainder were proceeding by a more southern route. On the 22d February, according to a telegram

from Mr. Stover to the viceroy of India, the expedition was attacked by some hundreds of Chinese soldiers, accompanied by hill tribes. This body, commanded by the nephew of Li ssu tai, was the advanced guard of an army of three thousand sent by order of the governor of Momein to annihilate the British party. "Of this," says the telegram, "there is not any doubt." Mr. Margary and his servants, five Chinese, were killed at Man Wyne, (whether in the fight or in cold blood does not appear,) and their heads were exposed on the walls of the town. I imagine Mr. Margary must have gone into Man Wyne, where, it will be remembered, he had resided some days, either to prepare quarters, or to offer explanations, or for some such purpose. The rest of the party lost all their baggage, but escaped with their lives, although three (perhaps of their escort) were wounded.

T. WADE.

No. 153.

Mr. Avery to Mr. Fish.

No. 47.] LEGATION OF THE UNITED STATES,
Peking, April 8, 1875. (Received June 17.)

SIR: A question has lately arisen between Mr. Tei, the Japanese chargé d'affaires at Peking, and the Tsung li Yamen, relative to the political status of the Lew Chew Islands, which may possibly lead to fresh complications between China and Japan.

The latter country claims sovereignty over the islands, and the so-called King of Lew Chew is said to be now in Japan, the guest of the Mikado, whose superior authority, I am told, he recognizes.

It was to obtain redress for outrages committed on certain Lew Chewans that Japan invaded Formosa, and the subsequent admission by China that the alleged motive of this invasion was a proper one, was construed by the Japanese envoy as a virtual recognition of the jurisdiction of his country over Lew Chew.

In face of all these facts the Lew Chewans continue a custom which they have followed for about two centuries, of sending annual tribute to China by the hands of persons who visit Peking for the purpose, and the principals of whom, whatever may be their rank, are received by the Emperor in much the same way as the deputations from Corea and Mongolia.

But this tribute, as in the case of Corea, is not what the word would literally imply, a kind of tax in dutiful acknowledgment of dependence on the one side and sovereignty on the other; it is only in the nature of a complimentary gift, in token of intellectual, not political homage. It is the good-will offering of a small power to a great one; a manifestation of reverence for the religious hardship of the Emperor of China, such as Catholic states in Europe at one time accorded to the Pope.

In return for the presents they bring, and for their grateful homage, the Lew Chewans, like the Coreans, are permitted to fetch into the country, free of duty, certain articles of barter, on which they make a profit during the period of their annual pilgrimage; being also permitted to take Chinese goods home free of export duty; and the deputation while at Peking is treated as the guest of the government.

On the arrival of the usual deputation this spring, the Japanese chargé d'affaires thought it his duty to protest against what he evidently regarded as constructive disloyalty to his sovereign, and for this purpose sought to communicate with the Lew Chewans.

He was thwarted in this attempt by Chinese officers in charge of the premises where the islanders are quartered. The circumstances of his appeal to the Tsung li Yamen, of his rather cavalier treatment by the

Chinese ministers, and of his final reference of the matter to his government, are given in the statement inclosed. (Inclosure 1.)

The ministers of the Yamen asserted that Lew Chew is tributary to China, but probably without any serious purpose of asserting any sort of sovereignty or jurisdiction over the islands in opposition to the claim of Japan. Yet by refusing a frank acknowledgment of the latter, and permitting a report of their equivocal observations to be made to the Mikado, they have opened the door for a diplomatic difficulty in which they can hardly fail to come out second best. They have not been in an amicable mood toward Japan since the settlement of the Formosa affair, and probably thought they could chaff Mr. Tei with impunity.

Subsequently, finding he treated the subject quite *au sérieux*, they proposed to adjust the question with him, whereupon he coolly informed them that he had referred it to his government, and should await instructions.

There has been, I am led to suppose, some suspicion on the part of the Chinese that Japan had designs on Corea. The latter country being conterminous with China, any scheme looking to its absorption by Japan would be apt to excite protest, if not resistance, although Corea is practically independent, as the Tsung li Yamen informed Mr. Low, at the time he was preparing for his mission to that country.

I am at a loss to account for the strenuous effort made by the French chargé d'affaires to have Mr. Tei refer this Lew Chew question to the foreign representatives here.

The Japanese chargé evidently did not desire such a reference, although out of deference to the Count de Rochechouart, he reluctantly consented to lay the matter before his colleagues.

The English minister, as dean of the body, circulated a note proposing a conference. Knowing all the facts I declined to go into a conference, as also did the ministers of Russia and Germany, and the chargé d'affaires of Spain; so that none was held, and Mr. Tei is now awaiting instructions from his government.

The course of the Tsung li Yamen in the matter is likely to excite some feeling at Yedo, and for that reason I shall forward this dispatch to Mr. Bingham for his information *en route*, asking him to regard it as a confidential communication.

I have, &c.,

BENJ. P. AVERY.

[Inclosure in No. 47.]

Memorandum of statements made to His Excellency Benjamin P. Avery by His Excellency Mr. Tei, chargé d'affaires of Japan, regarding discussion between the last named and the Tsung li Yamen, about the presence in Peking of a tribute-bearing embassy from Lew Chew

PEKING, *March* 31, 1875.

Mr. Avery inquired of Mr. Tei if he was aware of the presence of Lew Chewans in Peking.

Mr. Tei replied that he was, and on being further asked whether he had seen any of them, proceeded to make the following statement:

"Upon learning, much to my surprise, nearly a month ago, of the presence of a tribute-bearing deputation of Lew Chewans in this city, I at once prepared a note and sent it to them by one of the messengers of my legation, inquiring for what purpose they were in Peking, and requesting their headmen to come to the legation, in order that I might ask them a few questions. Upon reaching the gate of the compound in which the deputation from Lew Chew is quartered, my messenger was stopped by two or three Chinese who seemed to be on duty there, and to whom he delivered the letter. They at once saw from the appearance of the envelope that the communication was from a foreign legation, and when they learned by inquiry of the messenger that it came from

the Japanese chargé they at once refused to receive or deliver the note, stating that they were placed there in charge of the Lew Chew deputation by the board of rites and the office of the imperial household, and that foreigners were not allowed to see or have intercourse of any sort with them.

"On failing to communicate with them, I wrote a note to Prince Kung and the Tsung li Yamen, reciting how I had been thwarted in my attempt to get access to the Lew-Chew deputation by men who represented themselves as acting under orders from the board of rites and the office of the imperial houshold, and asking for an interview, in order that some understanding might be reached in the case.

"In the interview that occurred a day or two subsequently, I again recounted these circumstances, and added that Lew Chew was tributary to Japan, of which fact the deputation from that island now in Peking could not be ignorant, and I requested that the Yamen would see that the heads of the deputation were sent to my legation, that I might have conversation with them.

"Prince Kung replied that these people had come to Peking to prostrate themselves before the Emperor of China and to bring him tribute, as had been the custom of the people of Lew Chew for more than two hundred years, during which time Lew Chew had been tributary to China; that their business had no connection with Japan, and there was no reason why the Japanese chargé should wish to see them; and further, that the Lew Chewans now in Peking were, as had been stated, under the directing care of men appointed for that purpose by the board of rites and the office of the imperial household, and the Tsung li Yamen did not control those two officers, and could not either order the men sent to the Japanese legation or interfere in the matter in any way whatever.

"To this I replied by saying that I could not avoid the consideration of this question, as it was one directly affecting the jurisdiction and sovereignty of my master, the Emperor of Japan, to whom the Lew Chew Islands were tributary; that I understood that the Tsung li Yamen had the control of all questions touching the relations of the Chinese empire with foreign powers, and I asked whether the prince was willing that I should report to my government that the Chinese foreign office disclaimed all power to move in the matter.

"Prince Kung replied, 'O, yes; send that report if you wish.'

"I again asserted the jurisdiction of Japan over Lew Chew, and asked that the Yamen would direct the board of rites and the office of the imperial household to send the headmen of the Lew Chewan deputation to my legation. To which the prince replied, 'O, Lew Chew is tributary to Japan, is it? Well, you send to Lew Chew and prevent the people of those islands from sending tribute-bearing deputations to China, and then we will believe that they are tributary to Japan. They haven't said that they were subject to your government.'

"Shen Chung Tang then took up the conversation and said, 'We have heard about Lew Chew being tributary to Japan, but it was to the Prince of Satsuma, and not to the Mikado; hence this is not a matter in which you can interfere, as you are chargé appointed by the Mikado and not by the prince.'

"I answered, assuring Shen Chung Tang that he was quite mistaken, and explained that the entire territory of Japan, as well as all outlying islands, including Lew Chew, was directly subject to the Emperor, who, in person, ruled the whole; that the old feudal rights of the princes had been done away, and every part of the empire, and every subject, was responsible directly to the Emperor.

"I further stated that in the case of the Lew Chew Islands, although they were some distance away from Japan, separated from that country by a strip of the sea, yet my master, the Mikado, took a strong personal interest in the welfare of the islanders; that the King of Lew Chew was granted a palace, a title, and a large retinue in Yedo, and that the Mikado had sent persons to Lew Chew to instruct the islanders, the men in agriculture and mechanical industries, and the women in silk-weaving, and that great progress was being made by the people, which was a source of great pleasure to the Emperor.

"I added that of these things, namely, the tribute claimed of Lew Chew by Japan, the residence of the Lew Chewan king in Yedo, and the presence of instructors from Japan in Lew Chew, the deputation from the latter country now in Peking could by no means be ignorant; and I repeated my request that the Yamen would afford me an interview with them.

"Chung Hon then said, 'You are trying to deal with Lew Chew as England has dealt with India. But the last named is greater than Lew Chew, which is small, and of not the least importance. Japan, too, is not so powerful as England. So you must not expect to imitate the example of Great Britain with her Indian tributary.'

"I replied that I was quite aware of the comparatively small size of Lew Chew, but I was also aware that serious complications sometimes sprang from what appeared to be slight causes, and I was not at all certain what construction might be put upon this matter, and the Yamen's mode of dealing with it, by my master, the Emperor of Japan, to whom I must report the whole.

"Then Shen Chung Tang asked if the Lew Chewans could understand Japanese, and if there was any possibility of verbal communication between them and Japan. I told him that the Lew Chewans could understand Japanese, and not only this, but the ancient Japanese was better understood among the inhabitants of Lew Chew than in Japan itself.

"Prince Kung then said again, 'Well, you send to Lew Chew and forbid and prevent them from sending tribute to China, and then we will believe that they are tributary to your government.'

"He added, 'There is no use in any further discussion of this subject between us. Write us a dispatch and we will answer.'

"To this I replied, that after the manner in which the question had been dealt with, I fully realized the futility of any further discussion, and that I would address them a communication upon the subject, adding that I should probably send a report of the conversation just held to my government.

"Prince Kung replied, 'All right! send it along.'

"The interview then ended.

"The next day I sent a dispatch to the Yamen, reciting the facts in the case, stating that the Lew Chew Islands were held to be a part of the territory of the Emperor of Japan, and asking the foreign office to send the head-men of the deputation to my legation. I have received in reply a dispatch filled with false statements, and saying, in conclusion: 'Send to Lew Chew and stop their coming to China, and then we will consider the matter.'

"I thereupon made a careful copy, in duplicate, of the conversation held at the Yamen, and inclosed it in a note to the prince, stating that I sent the duplicate copy that day to my government."

Mr. Avery asked Mr. Tei if the Japanese had officials regularly appointed to reside in and exercise authority over Lew Chew?

Mr. Tei replied that there were such officials, and had been for a number of years.

Mr. Tei also stated that he had been waited upon by the interpreter of the French legation, sent by the chargé, M. Rochechouart, to inquire whether he was aware of the presence of Lew Chewans in Peking as tribute-bearers, and what action he proposed in the case. Mr. Tei showed the interpreter the copy of the conversation recited above, and allowed Mr. Chergier to take it to M. Rochechouart. On its perusal, the French chargé advised the Japanese chargé to bring the matter to the notice of his colleagues in Peking, and ask them to take action. Mr. Tei was unwilling to do this, as he had already referred the matter to his government, and could see no advantage to be gained by a conference pending the receipt of instructions from Japan.

The chargé of France, however, pressed the matter, and at last, seeing that Mr. Tei was unwilling to bring it to the notice of the representatives of other powers, informed Mr. Tei that he had already had a French version of the paper shown him prepared, and that in case he (Mr. Tei) was unwilling to submit it to his colleagues, he (M. Rochechouart) would do it for him.

Consequently the chargé for Japan, being unwilling to make the representation himself, and far more unwilling to have it done for him, yielded to the pressure brought upon him by the French chargé, and sent a brief statement of the case to Mr. Wade, who consulted with his colleagues.

The result of this consultation was to the effect that there was no occasion to bring the matter before the colleagues of the Japanese chargé at present.

At an interview at the American legation, Mr. Tei informed Mr. Avery that subsequent to the facts recited by him March 31, (and given in the foregoing,) he had received a dispatch from the Tsungli Yamen, asking him to submit a plan for the adjustment of the question as to the right of jurisdiction over Lew Chew.

He also stated that he proposed in reply to say to the Yamen that, having referred the whole question to his government, asking instructions, he could not further discuss the subject until he shall have received advices from Japan.

PEKING, *April* 6, 1875.

No. 154.

Mr. Fish to Mr. Avery.

No. 25.] DEPARTMENT OF STATE,
Washington, April 9, 1875.

SIR: I transmit herewith a printed copy of "An act supplementary to the acts in relation to immigration,"* approved March 3, 1875, which

* See United States Statutes at Large, 43d Congress, Vol. 18, Part III, page 477.

I will thank you to communicate to the Chinese government for its information. Copies thereof have been sent to the consul-general of the United States at Shanghai, with instructions to communicate the same to the several consular officers within his jurisdiction.

I am, &c.,

HAMILTON FISH.

No. 155.

Mr. Avery to Mr. Fish.

No. 50.] LEGATION OF THE UNITED STATES,
Peking, April 29, 1875. (Received June 17.)

SIR: On the 16th instant S. Wells Williams, secretary and interpreter to this legation, availing himself of leave obtained from the State Department, departed for the United States, via India and Europe, accompanied by his family, having previously made arrangements, with my approval, with Mr. Chester Holcombe to perform the duties of his post during his absence. Mr. Holcombe served the legation in the same capacity during Mr. Lowe's term, when Dr. Williams was at Shanghai, completing his Chinese dictionary, and both as secretary and interpreter gave entire satisfaction.

Dr. Williams has been a resident of China forty-two years, and has been in the diplomatic service of the United States continuously since the legation was established at Peking. His labors in the crowning literary effort of his life, above mentioned, have nearly exhausted the strength of his old age, and necessitate a prolonged rest. A brief reference to the nature of his dictionary may prove interesting, and, as the work of an officer of the United States in China, will not be inappropriate in the records of the Department. It is described by the title as "A Syllabic Dictionary of the Chinese Language, Arranged according to the Wu Fang Yuen Yin, with the Pronunciation of the Characters as heard at Peking, Canton, Amoy, and Shanghai." It forms a quarto volume of 1,334 pages, and was wholly printed by the American Presbyterian Mission press, at Shanghai, whence it issued in 1874. The compilation of this work occupied the author during ten years; but his whole life in China had been a preparation for it. A preliminary work, his "Tonic dictionary of the Chinese Language in the Canton Dialect," published in 1856, and consisting of 832 pages, octavo, is said to have inaugurated a new era of study in Chinese, giving to the colloquial usage of the language, for the first time, the attention it sorely needed, and taking an advanced step in the way of literary definition. His new dictionary, according to the criticism of a competent judge, (Mr. W. F. Mayers, the learned Chinese secretary of the British legation,) "amplifies his own previous work, and that of his predecessors, to a very great extent, increases and rectifies very largely the definitions heretofore supplied for the individual Chinese characters, and adds plentifully to the list of illustrative and idiomatic phrases, under each character, which in earlier dictionaries have been most unsatisfactorily represented." The sounds of the language have been classified under 532 syllables, embracing 12,527 characters, and the variously-sounded characters are arranged in a minute index, according to the system of radicals which is accepted as the basis of Chinese study. For the first time, says Mr. Mayers, identifications are carried out, and this on a

considerable scale, of the terms used in the different departments of natural science.

The importance of such a work cannot readily be estimated, as the study of Chinese for diplomatic, educational, and commercial purposes is constantly extending, and as more and more attention is being given to the critical examination of Chinese literature, it must long supply a leading want, and be an indispensable help in the compilation of more exhaustive dictionaries hereafter. It will hardly be out of place here to mention the great service done to the cause of progress in China by another citizen of the United States, (by adoption,) the Rev. S. I. J. Schereschewsky, who was also at one time in the service of the legation as Chinese secretary, during Mr. Burlingame's term, and before Dr. Williams had assumed the duties of his position. Mr. Schereschewsky had lately completed a translation of the Old Testament, directly from the Hebrew text into the Mandarin dialect, which is the common or general language of China. The book, in this dialect, can be read by about two-thirds of the population of the whole empire, for it is especially the (Chinese) language of Mongolia and the outlying districts of the empire. It may be said that the Mandarin is spoken by more people than any other language on the globe. Every literary man having a knowledge of some three thousand characters can read it. As the New Testament had previously been translated into Mandarin by Messrs. Blodget, Burdon, and others of the American and English missionary establishments here, the entire Bible is now accessible to the Chinese in the most widely-known dialect of their speech. Mr. Schereschewsky is a member of the American Episcopal Mission, and had been stationed at Peking previous to his recent departure for a visit to the United States, nearly fifteen years. His translation, however, was made under the auspices and at the expense of the American Bible Society. It occupied him over seven years. The work has recently been printed at the American Board Mission Press establishment, in Peking, by Chinese compositors and pressmen, and bound by Chinese binders, under the supervision of Mr. P. R. Hunt. The fact of such a work being done, in all its branches, in the capital of the Chinese empire, so lately closed to foreigners, is full of interest and encouragement.

I have, &c.,

BENJ. P. AVERY.

No. 156.

Mr. Avery to Mr. Fish.

No. 52.] LEGATION OF THE UNITED STATES,
Peking, May 12, 1875. (Received July 9.)

SIR: Since my No. 46, of April 1, announcing the murderous attack on a British exploring party in Yunnan, and stating the action of the British minister at Peking in relation thereto, it has become evident that the affair is surrounded by circumstances of peculiar gravity. After securing compliance with his demands, Mr. Wade left here for Shanghai, attended by several members of his legation. At that port he can have telegraphic communication with his Government, and can start for Yunnan the two officers who are to join the investigation into the massacre which has been ordered by the Tsungli Yamen. It is understood that Mr. W. S. Grosvenor, second secretary of legation,

and Mr. Baber, Chinese secretary, are the officers appointed to this responsible trust, and that they will proceed from Han-kow overland to their destination; but this is uncertain. Mr. Wade, at last reports, was daily expecting the arrival at Shanghai of Colonel Browne, the chief of the expedition to which poor Margary was attached, with whom he probably wishes to confer before sending forward his agents. In the mean time he had gone up the Yangtze, accompanied by the British admiral and two gunboats, upon what errand is not known.

The Tsungli Yamen, on their part, having delegated to Li Hung Chang the selection of a Chinese official to accompany the British officers, that dignitary has named for the purpose one Sung Pao-hwa, an underling of his own Yamen at Tien-tsin. This appointment has given great umbrage to the British residents of China, and has been severely commented on by the newspapers; but as Sung Pao-hwa accompanies the commission only as an escort, and is not to participate in the inquiry, his inferior rank is a matter of less consequence than it would otherwise be, though doubtless an escort of a higher grade would magnify the importance of the commission in native esteem. Mr. Wade's departure from Peking simultaneously with that of several of his secretaries and their families and of a number of other foreigners, was the cause of many exciting rumors among the Chinese.

The underlings about the Yamen, who are always permitted to eavesdrop, are said to have heard the open threat to leave unless his demands were complied with, which the British minister made on the occasion of a call upon the foreign office with his full staff of secretaries and attendants before sending in his written ultimatum. This meeting was reported to be rather stormy and electric. As he did leave a few days afterward to see his family off for Europe, and for other reasons given heretofore, it was inferred among the common people that he had had a rupture with the Yamen. So much apprehension resulted among them that trade in the Chinese city was impeded for a time, merchants being afraid to venture on outside transactions, and their apprehensions have since extended to the lower provinces. Then there were ominous rumors in the English newspapers, which soon came to the knowledge of the Chinese; some to the effect that the British-Indian government was massing troops in India; others, that an army was moving on the King of Burmah, who is suspected of having instigated the attack on Colonel Browne's party. Dispatches from England showed the existence there of such an indignant feeling as would seem to make a military demonstration on the Chinese frontiers, if not an invasion of Yunnan, not altogether improbable. The leading foreign representatives here have received telegraphic instruction not to leave their posts, as is usual for most of them to do, on the approach of warm weather. M. Von Brandt, the German minister, who had gone as far as Tien-tsin, on his way to visit the ports for consular inspection, returned here at once, on his instructions, and the French chargé d'affaires postponed his intended journey to Shanghai. The Tsungli Yamen have apparently realized that grave complications may grow out of the matter should the result of the investigation in Yunnan not be satisfactory to the British government, as may very easily prove to be the case. Unless responsible principals, who are believed to be Chinese officials, are brought to punishment, English opinion will imperatively demand that the government shall take the matter into its own hands.

With the French already occupying the sea-board of Cochin-China, and promising at no distant day to possess the whole territory, and with the English partly established in Burmah, threatening presently

to absorb the whole kingdom, and burning to open a trade-avenue through Yunnan, which remote province is held for the Chinese with difficulty against insurgent Mohammedans and aboriginal savages, the Chinese ministers have cause to regard the situation with some uneasiness. The prospect of having the French and English as neighbors on the southwest, while Russia already possesses the great region to the north of them—Mohammedan clans are weakening their hold on the western provinces, and Japan casts envious eyes upon Corea, on their eastern side—is not reassuring. Then a strong section of English opinion, both in Europe and Asia, is clamorous for what is termed a more vigorous policy in China, and would welcome a pretext for a fresh resort to coercion. It would be unfortunate if such a pretext were afforded. However slowly, the Chinese are, nevertheless, surely acquiring a better knowledge of foreign ideas, customs, and improvements, and with the confidence that comes of peaceful and kindly relations, are more willing to favor foreign enterprise. To revive their distrust and fear would be, in my opinion, to retard the political and moral ameliorations so much desired on every hand. Renewed coercion might, more speedily than peaceful negotiation, open more ports and secure better commercial facilities; but it would tend to strengthen the anti-foreign feeling, and might lead to disorders which the imperial government, weak enough at best, would find it difficult to quell, and which could not fail to react injuriously upon foreign interests generally. A perusal of the inclosed newspaper extracts, which include a more detailed account of the Margary massacre, and of the subsequent engagement between Colonel Browne's command and the Yunnanese, will give you a tolerably fair idea of the character and motives of the expedition, and of the profound feeling excited by its repulse. It becomes plain, from the information thus given, that while on the one hand the attack and massacre were premeditated, treacherous, and savage, involving a barbarous disregard of the sanctity of passports and friendly letters, on the other hand the expedition was pushed rather rashly into a region which is infested by a wild race, strongly opposed to commercial intercourse with Europeans, and hardly more than nominally under the control of the Peking government. Whether the Burmese are more inclined to permit foreign trade than the Chinese and aborigines of Yunnan, remains to be seen. They are freely charged with at least an equal share of guilt for the late crime, prompted by a desire, as alleged, to continue in the enjoyment of a monopoly of the coveted trade. Great Britain has other causes of complaint against the King of Burmah, and any color of evidence that he instigated the attack on Browne's expedition, would probably lead to his dethronement and the annexation of his dominion. Meanwhile, as appears from an announcement in the Peking Gazette, (official,) an embassy from that ruler to the Emperor of China is well advanced on the way to Peking, and speculation is rife as to its object. As its departure preceded the massacre in Yunnan, it must originally have had an errand independent of that event. Sixteen or eighteen years have elapsed since the last embassy from Burmah to this court. The frontier tribes of the two countries indulge in mutual depredations, but the government of Burmah looks up to that of China with some degree of respect and deference. The embassy now on the way here may have reference to the common objection to the opening of inland trade-routes by Europeans, and to the common fear of territorial aggression from India. In the absence of facts, however, speculation is idle. I ought to add that the Chinese government is just now unusually sensitive on the subject of its border relations, and has apparently decided

on a more vigorous policy toward the insurgents of its outlying provinces. At the arsenals along the coast, the acquisition of foreign arms and drilling of troops by foreign methods is extending; labor is continued on defensive works; four more gunboats have been ordered from England; and experiments are making with Danish and other torpedoes for river and harbor defense.

Considerable numbers of troops have been moved into Formosa to prosecute active operations against the aborigines, and to assist in opening the island to the colonizing enterprise lately authorized to subjects of China, former restrictions on emigration thither having been removed, while permission has been given for the working of coal-mines. More troops have been moved into Kashgar than can well be subsisted, and a large force is about to be sent into Manchuria, on the Corean border, where another Mohammedan outbreak has occurred. It is an interesting fact in the history of China that this force is to be conveyed by sea in Chinese steamers. These facts are not relevant to the Yunnan difficulty, except as they help to explain the present position of this government, which is making unusual and costly exertions to maintain its authority and prestige. With the pride of antiquity it clings to border possessions which are of no profit to it, and are certainly an element of weakness; but this pride is partly mixed with fear, lest in losing its outlying provinces it invite encroachments on the integrity of China proper. Perhaps they have an especial dread of those vigorous propagandists, the Mohammedans, who have in turn supplanted every native dynasty in continental Asia but that of China.

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I have, &c.,

BENJ. P. AVERY.

[Inclosure in No. 52.]

Sundry extracts from Anglo-Chinese newspapers.

PARTICULARS OF THE MARGARY MASSACRE.

From the North China Herald of May 1, 1875.

We are indebted to Dr. Lamprey, of the sixty-seventh regiment, for a much fuller narrative than has yet been published, of the attack on Colonel Browne's expedition, and the circumstances of Mr. Margary's assassination. The narrative was to be published a few days after it was dispatched to us, in the regimental paper of the sixty-seventh, Our Chronicle, and a copy is very courteously sent to us in advance, with the knowledge that it would have exceptional interest in Shanghai. Old residents will well remember the regiment when it was quartered here, after the campaign in the North and during the Taeping rebellion, and we are of course indebted to the recollection of its stay here, for the present paper. The sixty-seventh, being stationed at Thayetmo, were in the way of getting early information of the expedition.

The account which has reached us from Burmah, of the attack on Colonel Browne's party, removes any possible surmise that it had the character of a riot. The whole affair was clearly premeditated, and comes home more closely than ever to the governor of Momein. As we had learned before, Mr. Margary had gone on ahead of his party to try to overcome some opposition which was shown. He seems to have been persuaded that he had done so, and sent back word to Colonel Browne to that effect. We learn from the Rangoon Gazette that this messenger returned to Mr. Margary after delivering his message, and was one of those killed. A groom only seems to have escaped; and it is from him, we presume, that the information comes that Margary was speared while mounting his horse in response to the tsaubwah's invitation to visit some hot springs in the neighborhood. The narrative we publish below says his head was carried to Momein and exposed on the walls of that city. In the mean time, Colonel Browne's party, deceived by the deception practiced on Margary, was advancing into the trap. He also rode on ahead, and was politely received, while the attacking

party were gathering round. It soon became evident, however, that treachery was intended, and the timely arrival of his escort appears to have been his salvation. They commenced a retreat, were at once attacked, and a brisk fight ensued, during which a leader of the assailants, wearing a Chinese military mandarin's uniform, was shot.

THE ATTACK ON COLONEL BROWNE'S EXPEDITION.

[Our Chronicle—67th Regiment new paper.]

A common spectacle in China, as everybody who has ever resided for any time in the celestial empire knows full well, is a man's head placed in a bamboo basket and suspended over the gate of a city for the crowd to gaze at and take warning by. It is not often, however, that the demoralized instincts of Chinamen have been gratified by the sight of a European's head in such a position, and we may well fancy what a crowd has stopped to gaze intently on such an unusual object over the chief gate of Momein, one of the walled towns of the remote province of Yunnan. Day after day during the past month the eyes of a Chinese multitude, as it passed in and out of the city gate, were turned toward the Yang-queitze-tow, or "foreign devil's" head. Some grinned, no doubt, with satisfaction; some wondered in mute astonishment; and some, perhaps not a few—for all Chinamen are not such idiotic, frivolous creatures as they are generally taken to be—made shrewd remarks, and questioned to themselves the wisdom of such a proceeding, however sophistically accounted for in the proclamation posted on the side-wall of the city gate.

Poor Margary! Full of life, and the pride of having accomplished the feat of being the first Englishman who succeeded in traversing from the northeast to the southwestern limit of the vast empire of China, and safely got beyond its borders to Bhamo where we have a resident political agent, such, it seems to be too true, is his unhappy fate.

The story is soon told. Having accomplished his mission, to which he was duly accredited by our representative at the court of the Emperor of China, and by the Chinese government, and arrived safely at Bhamo on the confines of the Burmese territory, he put himself in communication with Colonel Browne, who arrived at Bhamo from the south about the same time, in command of the expedition to the governor-general of the province of Yunnan, to open up a trade-route with Western China. It was considered that the experience he acquired in his recent journey would be most valuable to the expedition, and he at once prepared to return with it over the same ground to Talifoo, and through China to Shanghai. The expedition consisted of five Europeans, viz, Colonel Browne, Dr. Anderson, Mr. Allen, in charge of the topographical department, and Mr. Ford in charge of the escort of 15 armed Seiks. To this was added, by the Burmese King's orders, a guard of 100 Burmese soldiers under two of their officers; so that what with the baggage-animals, several Chinese servants and other followers, the expedition assumed considerable dimensions.

Its history is, however, a brief one. Starting from Bhamo through a line of country which had already been determined upon, and the necessary preliminary communications with the Tsawbas or heads of the clans of semi-independent tribes who inhabit the space intervening between Chinese and Burmese territory, who in fact constitute the "buffer" between those nations, having been duly accomplished, the expedition set out; but after a few days' march some difficulties were encountered, and opposition began to be shown to its further progress. At length it became palpable that proceeding any further would be likely to cause a hostile collision with the people; this of course was to be avoided, as the expedition, whatever may have been its merits, was strictly a pacific one. This route was given up, and the party returned to Bhamo, where a new one was determined on; and as soon as the necessary communications with the chiefs residing in that direction were completed, the expedition started on its way again. A few marches had hardly been accomplished when rumors of opposition to its progress were again rife, and as it proceeded these rumors assumed a more definite form. From the accounts we have had the opportunity of hearing from the members of the expedition when they touched at Thayetmyo, where they arrived on the 15th ultimo on their way to Rangoon, (and these accounts were necessarily very vague and limited until the official report of the mission is published,) it seems the usual duplicity and feeble cunning of uncivilized people were apparent in the interviews with, and the messages sent by, the chiefs of the Cochins, (Kakhyens?) the usual designation of these people, who are distinguished as Burmese or Chinese Cochins in accordance with their proximity to either the Burmese or Chinese territory, and are generally known in China as the "Shan-ye" or hill-men, who prefer their own barbarous independence rather than submit to Chinese laws and customs.

At length the opposition compelled the party to halt, and in order to ascertain the reason of it, and if possible to adjust matters, Margary, with five or six Chinese servants who accompanied him, proceeded in advance.

We shall, perhaps, never fathom what took place in that interval. Suffice it to say that Margary did not turn up in the manner he had pre-arranged with Colonel Browne, and that the last communication with him was a message he sent back saying that the expedition was to come on, as it was all right. The Chinaman who brought back this message returned to Margary, and was one of the unhappy victims of that kind of treachery which has so frequently branded the Chinese character in history. This was near being exhibited on a larger scale. Colonel Browne, receiving the message that it was all right in front, started off ahead of his party with one or two others, and was to all appearance politely received by an official at his residence, which he was induced to enter; presently it became no longer doubtful that some serious duplicity was intended, which was fortunately frustrated by the timely arrival of the armed escort. There was an immediate retreat, when their worst apprehensions were confirmed by the appearance of armed men on some neighboring hills, and some shots fired from the jungle close by. One of the Seiks was struck by a spent ball, and a mule belonging to the baggage-train was shot through the neck. Fortunately these were the only casualties, but they might have been more serious; in fact, the safety of all the party would have been in much jeopardy had it not been for the resolute behavior of the Seiks, who were armed with breech-loading Snider rifles, but who had few chances of using them with effect, as the jungle was both close and dense. It was not until the Burmese guard and friendly Cochins, who behaved well, had set fire to the jungle, and thus obliged the enemy to expose themselves in the open, that their firing told. Probably twenty altogether were shot.

After such an unfortunate occurrence, it was of course impossible to think of proceeding further, and the next thought was how to get back to Bhamo, This being resolved on, the expedition retreated as fast as possible over the high range of hills which separates Chinese from Burmese territories. It was well it did so in time, as the armed body assailing it was only the advanced guard of a considerable force which was being sent on from Momein with the object of cutting off retreat in all directions.

It was since ascertained, however, that there was no doubt as to poor Margary's fate. At the frontier town of Manwyne, through which he had passed on his way to Bhamo, and where he had been hospitably received, he had been decoyed into a retired place, under most friendly pretexts, when he was speared while he sat on his pony by some dastardly Chinese, and his head was sent on to Momein, together with the heads of five or six Chinese who accompanied him. One of these Chinese he had picked up in Shanghai. Another joined him at Han-kow. He was a Christian, and a most intelligent and well-informed man. Another was a native of the province of Yunnan, who, being a Panthay, had escaped into Burmah from the recent general massacre of his party and settled at Prome, where he married a Burmese wife. He joined the expedition with the view of returning to Yunnan to see his aged mother and surviving relations. He had made himself most useful, and was much regretted by all in the expedition. It must not be supposed that any of the Chinese servants were agents in the treachery; on the contrary, the expedition owes its escape altogether to the fidelity and quick apprehension of the Chinese servant who accompanied Colonel Browne when he went on in advance.

Now, who were the aggressors? There can be no doubt they were a band of Chinese braves, with, of course, some local Cochins. One of the leaders, who was more courageous than the rest, got in advance of his men, and was shot by the Seiks. There was an opportunity of examining him closely, as his men bolted as soon as he fell. This man wore the usual dress of a Chinese military official of a low grade. The Cochins were not altogether hostile to the expedition; on the contrary, they assisted in carrying the baggage, and otherwise showed hostility to the Chinese; of course they were well remunerated, which was an important element in gaining their friendship, and they readily assisted in recalling Mr. Elias, the assistant political resident at Mandalay, who had started on a separate route to explore the course of the Irrawaddy.

Another reason for supposing that the treachery was approved of, if not instigated, by the Chinese mandarins, is the fact of the heads having been sent to the Chinese city, where they were publicly exposed. It must also be remembered that this hostile attack took place within a few miles of the proper Chinese territory.

The Chinese government appear to be bent on keeping a strict cordon around the western borders of their empire, with the object of guarding against the admission of Europeans in that direction. On all sides we see every effort made to get into the country from the west frustrated, and the recent expedition is only another evidence of this old Chinese exclusiveness which has been broken down pretty well on the eastern borders, but still exists where our gunboats cannot reach. There is no provision in the treaty of Tien-tsin by which we can claim admission into China by any other direction than the seaboard, and the disastrous failure of Colonel Browne's expedition is an unfortunate example of our short-sightedness in framing that treaty.

Whether the Burmese were privy to the opposition may be hereafter more fully shown, or it may not be so; though the fate of the previous expedition under Major

Sladen, and the fact of a Burman expedition having preceded Colonel Browne's only a few days previously, besides the probability of other evidence being forthcoming, tend to throw some light on the cause of the unfortunate *dénouement* of a project which was intended to be mutually beneficial to Chinese, Burmese, and English interests.

The question now remains, how will all this be regarded by the different nationalities interested in it? The Chinese will of course represent it as a great victory gained over the outer barbarians, and will treat it with the usual exaggeration, boasting how their braves beat back an immense army of invaders and utterly annihilated it, &c.

The Burmans will, no doubt, regard it as a piece of diplomacy. They seem to be entirely opposed to the opening up of trade with China via Burmah, and have reduced it almost to a minimum, though at one time it assumed considerable dimensions, and appeared capable of very great extension had the trade-route been thoroughly opened out.

The Seiks, who, though few in number, represent an important nation, will carry back the tidings with them to India. They fully expected to be detained at Thayetmyo until a large force could be collected to take revenge on the Chinese, not knowing of course that there were more direct ways of reaching their government than by sending an army up the Irrawaddy.

THE ATTACK ON COLONEL BROWNE'S PARTY.

[From the Rangoon Gazette.]

The members of the expedition to Yunnan returned on Friday, and Dr. Anderson left for Europe on Sunday. Colonel Browne remains here for the present. We are now in possession of full details of the attack upon the expedition, which fortunately, owing to the steadiness of the Sikh escort, and the judicious application of a little palm-oil to the Kachyens, escaped destruction. After all, it appears, the presents and so forth were not looted, and barring the loss of Colonel Browne's uniform, pillaged by the friendly Kachyens in charge of it, and of Dr. Anderson's dress-clothes, coupled with the destruction by fire of a few pack-saddles which were burnt to prevent their falling into the hands of the marauders, but little damage was done, and but few souvenirs remain in the hands of the enemy. Mr. Margary, who was received in an extremely friendly manner at Manwyne on his outward journey, had left the party, and ridden on to that place, utterly at a loss to understand the rumors that were abroad as to obstacles ahead. He, it appears, believed no harm was intended, and wrote to have his journal sent on to him. It would seem he had been in Manwyne for some thirty hours when the Saubwah suggested a ride outside to visit some springs, hot springs we believe, a short distance from the town. As he was mounting his pony, he was speared and subsequently beheaded, and his Chinese attendants, five in number, shared his fate—his syce only, we understand, being fortunate enough to make good his escape. Unaware of the catastrophe which had happened, the expedition resumed its march in the morning, following the road to Manwyne. As the members advanced through a sort of hilly amphitheater surrounded by dense jungle, they became aware, between seven and eight in the morning, of a thin line of Chinamen below them to the right, while in their rear there were signs of others; in a word, a *cordon* was being drawn around them. To their left was a steep hill with an almost vertical descent on the other side. They were not long left in ignorance of their neighbors' intentions—puff after puff of smoke from the surrounding jungle told that the attack had commenced. The Kachyens forthwith stampeded over the hill, playfully drawing their fingers across their throats as they passed Colonel Browne, by way of conveying their views of the fate that was in store for him. The Sikhs unstrapped their cartridge-boxes. Methodically and coolly they went to work, and taking up a position by some large stones toward the bottom of the hill, prepared to send a bullet in the direction of every puff. Cautioned by Colonel Browne to be careful of their ammunition, they threw themselves out in skirmishing order, and from 8 in the morning until 4 in the afternoon, firing was kept up. Meantime a Kachyen hailed the party to the effect that he had been offered five hundred rupees by the enemy to come over to his side; but Colonel Browne topped the offer liberally, and at the request of the Kachyens handed them powder wherewith to fire the jungle. This procedure had a most wholesome effect, and cleared the gorge in the rear, thus enabling the expedition to make good its retreat. The Kachyens were marvelously impressed by the prowess of the Sikhs, and being in a state of maudlin drunkenness would insist upon embracing them.

While the Burmese who accompanied the expedition, and who were repeatedly

shouted to by the Chinamen not to expose themselves to fire, as they were attacking the foreign devils only, were in a state of uproarious excitement, blazing away and aiming at nothing in particular and shouting the equivalent in Burmese to "we are men," which statement they confirmed in a manner highly illustrative of the principle that "seeing is believing." Fortunately, hardly any casualties occurred. One of Dr. Anderson's men was shot through the arm, and a ball grazed the side of another native. We believe the return of the expedition to Bhamo in safety was not welcomed there by any demonstrations of satisfaction—rather the reverse; *possibly the Yunnan merchants and their constituents in Bhamo do not precisely relish the prospect of open competition, and more especially European competition, in a trade which at present is virtually their monopoly.*

There is a rumor that the British resident is to be withdrawn from Bhamo. We hope that is not so. *The opening of that route to trade must come, and because the* machinations of the old anachronism at Mandalay have for the moment retarded it, it would be idle to look upon the project as impracticable. We believe, on the return trip, His Majesty, of Burmah, intimated his wish to receive the mission. We are glad that our proverbial politeness to barbarous potentates did not in this instance influence the mission to accept his invitation.

THE MURDER OF MR. MARGARY.

Major-General Margary writes to the Times as follows: "As the public have not been informed of the whole facts, real or supposed, concerning the disastrous defeat of the British mission from Burmah through China, may I beg you to be kind enough to publish the following? The first telegram received said, 'The attacking party was the advance guard of an army of 3,000, sent by order of the governor of Momein to annihilate British party; of this there is no doubt.' 'With deep grief Colonel Browne reports that Margary and his servants, five Chinese, have been killed at Manwine, and their heads exposed over wall of town. Chinese commanded by the nephew of Lee See Hie.' The last telegram from Colonel Strover, via Rangoon, dated March 3, states: 'From private information I learn that Margary went ahead of expedition to reconnoiter; when twelve miles from Manwyne, in consequence of hostile interruption, he entered to reconnoiter, and was treacherously murdered.' Poor fellow! we know not what horrible torture he may have been subjected to when the Chinese got him into the town. My heart bleeds to think of it. Will our present noble government and the British nation allow this most outrageous insult and defiance of it to pass unavenged? I trow not. If it did, our hold on India would be imperiled. As it is, no doubt exaggerated rumors of a large force of English 'foreign devils' being easily defeated will spread through China and elsewhere like wildfire, and what may be the effects of it if we do not act promptly? Manwyne should be razed to the ground and Momein occupied by us—two feats easy to be accomplished; and then there would be sufficient protection, both moral and physical, for a commercial route through Burmah into China, open to all countries. We went to war with the King of Abyssinia on account of his imprisoning a vice-consul. Lord G. Hamilton, in his tame answer to Mr. Cartwright in the House of Commons on Thursday last, called my son a 'distinguished engineer who had joined the expedition at Bhamo,' thus making him appear a private individual traveling on his own account, whereas he was in Her Majesty's consular service in China, and was sent to join the mission to conduct it through China, by order of the British minister at Peking. He went most willingly, and held imperial safe-conducts."

[From the Foo-chow Herald.]

Later advices tend to confirm our most unfavorable suspicions with regard to the foul treachery and brutality of the Chinese officials concerned in the murder of Mr. Margary. There can be no doubt as to the culpability of the Yunnan authorities, and we are glad to observe that the entire foreign press unite in condemning the atrocity. It is rumored in the North that the Chinese government has expressed its willingness to indemnify the family of the deceased gentleman; but we hope that no satisfaction short of the execution of capital punishment on the ruffianly instigators of the crime will be accepted. The honor of the British flag is at stake, and we trust that it will be fully vindicated by determined and resolute action on the part of Her Britannic Majesty's minister.

[From the Hong-kong Times.)

At the present moment, China stands answerable for a terrible, unprovoked, and aggravated crime. The way in which she will deal with it will depend upon the attitude and demand of the nation which, through one of its murdered citizens, has been outraged and insulted. It will be well that, as is likely, the circumstances should be investigated by English officials; but it is hardly probable there will be a dispute about the facts. Any plea of irresponsibility should be summarily and indignantly dismissed. What England dictates China will no doubt do; and, as has been said, England's policy must be firm and unswerving. First, and above all else, England must insist upon the severest punishment of those who instigated and carried out the dastardly crime. Official position of any participant, instead of being accepted in mitigation of punishment, must be pointed out as a reason for the infliction of punishment in its fullest and severest form.

[From the Daily Press.]

Apropos of Mr. Margary's murder, the Pioneer has the following; the last sentence is significant: "Our telegraphic announcement—to the effect that the expedition was attacked at a place about half-way between Bhamo and Talifoo; that Colonel Browne has retreated within Burmese territory, and that Mr. Margary has been killed—is as surprising as it is painful. The mistake may have been involved in some over-confident reliance on the credentials of the Peking government. In outlying provinces of the Chinese empire the authority of the central government is very loosely exercised. It is premature at present, however, while the *contretemps* is so imperfectly realized, and the expedition is on its way back, to speculate on the measures which the government may have to undertake. But our policy in China for years has been tending to lower the British name in Chinese estimation, and sooner or later it will be necessary to give up all intercourse with the country or take steps to restore our political credit with the mandarins. It is sadly to be feared that the feeble policy of the government of Great Britain during the past ten years is, in some degree, responsible for the commission of this (Mr. Margary's) murder. Our government has relaxed its hold on China, has suffered the treaties wrung from Chinese statesmen, at infinite cost and trouble, to become practically dead letters, and has lost much of the influence and prestige which formerly attached to the British flag in the East. The inactivity which has characterized English policy in China of late years has certainly not proved masterly. It has been productive of great mischief to our interests here, and has earned for us nothing but the contempt of other European nations, and the insolence of the Celestial. No longer are English officials treated with the marked courtesy once extended towards them in China. They are now put off with lame excuses, treated sometimes with scant ceremony, and, generally speaking, are not paid the deference which, in former years, they commanded. The reason is obvious. We have fallen in the estimation of the Chinaman; familiarity has bred contempt. The British lion has gone to sleep, and they have found him wonderfully tame and harmless. It is advisable, nay imperative, that he should shake himself together and once more show that he still retains his pristine vigor, is prompt and willing to avenge the slightest affront offered to him, and is eager and able to protect his interests, wherever and whenever threatened.

TONQUIN.

A Chinese letter from Tonquin, dated 12th January, which has been placed in the hands of the China Mail, contains some curious news on the state of affairs there. It runs somewhat as follows:

I promised to keep you informed of what takes place in Tonquin, and especially as to what has become of the poor partisans of the Laes (Le) since they were abandoned by the French, above all since they were paid for the services they rendered to the French cause in being fired at. These Laes are real natives of Tonquin, partisans of the old dynasty of that country, and consequently not in favor of the supremacy of the government at Hué. When Lieutenant Garnier came to Tonquin with his men, the Laes at once joined them, hoping to have their country placed under the French protection against the Annamites. When Garnier was killed and French troops withdrawn, these Laes were abandoned to the hatred of the Annamite mandarins. At first part of them were killed by the mandarins, but later, the Laes gathered together to offer resistance, informing the French, however, that if they would attack them on behalf of the Annamites they would not even defend themselves. The French answered

them that they would remain neuter on the one side as on the others; that the Laes could fight against the Hué government, which would have nothing to do with them, (the French.)

On the strength of this promise they united under the flag of the Laes (old Tonquinese dynasty) for the purpose of trying to drive away their Annamite tyrants, and then re-establish their king. They were advancing rapidly, and were already in possession of two provinces, when the French, unable to any longer resist the solicitations of their friends the Annamites, shot down the poor Laes. Since then the French have renewed their attacks frequently, and have nearly exterminated these unfortunate partisans of the Lae family, who were the Frenchmen's friends. It was to put a stop to this that Bishop Calomer interfered.

My former letter left the Laes after their last engagement with the French troops, which engagement did them so much harm, and obliged them to take refuge in the Cotba Mountains. A very strange fact has recently occurred, which once more shows the value of some people's word, and especially the value they put on fulfilling their engagements. Monsignor Calomer, the good bishop, who, as all those that have followed these events in Tonquin know, deplores the fate of these poor Laes, went and proposed to the French commander to stop, by a conciliatory measure, the extermination of these good people. He promised to obtain their submission if the commander would protect them against the hatred of the Annamite mandarins. This submission the bishop told him would not only lead to peace, of which the country has so long been deprived, but also to show the people that circumstances alone were the cause of the Laes' misfortunes—misfortunes which they rightly attribute to the French, and for which they reproach them. The bishop asked in return for an engagement (which he considered simply as an act of charity) that the Laes should be respected by the Annamite mandarins, and that they forthwith should be placed under the protection of the French flag. He added, even, that the best means would be when their submission was given to send most of them to Saigon.

The French commander promised the bishop that he would take all the Laes under his protection to prevent the mandarins' exactions, and to ask permission at Saigon to send part of them to Lower Cochin-China, if they quietly laid down their arms and made faithfully their submission.

An Annamite priest was sent to make known these ideas of peace, and to advise the Laes to stop the rebellion, which had been so fatal to them. While this was going on, and the French commander was thus endeavoring to arrange with Monsignor Calomer this honest and honorable measure to put a stop to the sufferings of the unfortunate Laes, the mandarins found means to insinuate to the commander that this measure was dangerous, and that they had better get rid of the rebels, &c. They succeeded in making the commander assist them by lending them two gunboats, the Aspic and Espingole. Notwithstanding the promise made to the bishop, who had already sent messengers of peace who by that time ought to be amongst the Laes, notwithstanding the promptings of conscience which ought to show men the infamy of this action, the French commander conseuted to assist the Annamite mandarins in their fight with the Laes, at the very moment when the latter received the word of peace from the missionary's mouth.

Judge, my dear friend, of the deplorable result of the bishop's negotiations and the lamentable consequence that would necessarily arise from the parleys and conciliations brought about by the priest. The Laes were ready to listen to the promises, were even going to move down, and believed, when they saw in the distance the smoke of the gunboats, that these came to take them off to Hai Phang, when the shells and shot from the men-of-war's guns showed them their false position. During this the missionaries had of course to bear the brunt of the wrath of the indignant Laes, and got back with much difficulty, bringing the answer that the Laes would not submit on any conditions, and that they would rather die than to trust again to the Frenchmen's treacherous promises.

Monsignor Calomer is a Spanish bishop, residing one day's distance from Haiphong, where the French are.

The China Mail believes the English and French governments at home are negotiating as to the possibility of acting in concert regarding the opening up of Tonquin on the one hand and Burmah on the other, so as to permit of free ingress to the borders of Western China.

THE FRENCH IN TONQUIN.

The China Mail gives some further news of French proceedings in Tonquin.

Two ships of war had left for the Annamese capital, with a French official on board who was empowered to make final arrangements, and to fix the date of the opening

of Tonquin to foreign trade. He was expected back in Saigon on the 20th of April, and it was assumed that he would bring news that the event would be fixed for some day in June next. It had been the intention of the French admiral to visit Hué in person, but the King put so many obstacles in the way that the idea was abandoned until the court of Hué could be persuaded to be less obstructive. The difficulties raised remind us very much of our early intercourse with China, and toward which we seem to be gradually drifting back. One objection was that the treaty forbade the ascent of the river as far as Hué by men-of-war, and that, consequently, the admiral must travel overland from Touron to the capital; just as the Chinese caused Lord Macartney to travel overland to Peking, and more recently opposed by force Sir Frederick Bruce's attempt to go up the Peiho. The Annamese also desired to be excused from firing any salutes. When the *Antilope* left on her second trip, her commander was instructed to inform the Hué authorities that all these objections must be withdrawn, or the treaty would be annulled; and, says the Mail, it is highly probable that the Annamese yielded. If so, Tonquin will, within the next eight or ten weeks, be open to trade. The China Mail also publishes a very curious letter, derived ostensibly from a Chinese source, regarding some recent proceedings of the French in Tonquin, which it is very difficult to comprehend. We shall try to make what we can of it. When Lieutenant Garnier was at Hannoi, certain malcontents came and offered their services; "Laes," the letter calls them, we presume Laotians, or the primitive inhabitants of the district. When the French found it advisable to retire, the Laotians were left to their own devices, and the government pressed them so much that they rose in actual rebellion. They tried to get French assistance, but only succeeded in obtaining a promise of French neutrality. The French, however, were desirous of renewing relations with Annam, and succeeded in getting a treaty signed in the beginning of last year. As an inducement apparently to the Hué government to carry out its stipulations, they seem to have turned round on their old allies the Laotians. Possibly the fact is that, the latter having made themselves masters of two provinces on the French frontier, there was a prospect of affairs becoming unsettled with a rebellion raging next door. At all events, the letter states that the French interfered, and nearly exterminated the "Laes." Hereon, another disturbing element, which too often manages to crop up in the negotiations of the French with Eastern nations, came to the front. We find M. Calomer, a missionary bishop, negotiating between the French general and the Laotians, with the object of placing the latter under the protection of the French flag, in order to preserve them from the attacks of the Hué government. Once more the counsels of the latter prevailed, and the French again desert the Laotians and send assistance to the Annamese. Hereupon, naturally, results a cry from the Laotians. They had twice been made tools of by the French, and promised assistance against their natural enemies, the intrusive Annamites, and twice they had been deserted at their hour of need. Now, it is only necessary to add that the charge is entirely *ex parte*. The French commandant's version of the matter is, doubtless, something very different, and would show that there was little, if any, of the ill-faith practiced which is attributed to the French. Still the latter ought to have learned, by this time, that edged tools are dangerous. We cannot help sympathizing with M. Calomer's attempt to screen the Laes from the persecution overhanging them; but a minister of the gospel is seldom in a more unsuitable position than when playing diplomatist; and it seems tolerably evident that in this case the French were led into an engagement which they found impracticable, and in withdrawing from which they incurred dislike, if not discredit. The simplest solution would be the annexation of the entire country. Such close relations with a semi-barbaric court, as the position of the French in Cochin-China involves, are simply impracticable. We find the same difficulty every day in Burmah, which is the more settled country of the two. And we cannot but think the extension of both English and French rule to the frontiers of Yunnan would be the simplest and best solution.

No. 157.

Mr. Avery to Mr. Fish.

No. 53.] LEGATION OF THE UNITED STATES,
Peking, May 14, 1875. (Received July 9.)

SIR: Referring to your No. 18, in which you approve my action in aiding the effort to secure effective measures of protection for the Danish telegraph cables on the coast of China, while you express the opinion that "the aid and assistance to be furnished to this end should not be

limited to a demand for the protection of any particular lines, or for advantages to be extended to any one corporation," I beg leave to make this reply:

So far as my own action in supporting the Danish minister was concerned, it was not intended to secure for the enterprise of his nationals any invidious protection, and I was particular to explain that, with the approval of my Government, which I had no doubt would be accorded, I should as cheerfully lend my support to the legitimate efforts of any other parties or nationalities to introduce the telegraph into China, my sole object being to promote the general interests of commerce and civilization.

As a matter of fact, however, the Danish cables are the only ones in existence along this coast which required recognition and protection from the Chinese government, nor is there any other than the Danish company in the empire offering to construct either water or land lines.

It is true, also, as you conjecture, that a demand for general measures for the protection of all similar enterprises, which might hereafter be attempted, would have alarmed the Chinese government, and have defeated the only practical end in view. It is fortunate that the initial experiments at telegraphy in China have been made by an unaggressive state, which has no territorial possessions in Asia, and whose presence here on a purely commercial errand excites not the least apprehension.

As to the utility of the common action taken by the representatives of Great Britian, Russia, the United States, Germany, France, and Denmark, in behalf of the Danish cables, I am gratified to be able to say, that while the rather vague promise of the Tsungli Yamen seemed to mean little, it has accomplished much.

All the high officers of the sea-board provinces have either issued friendly proclamations on the subject, or have quietly directed their subordinates to give it their attention. In several instances, offenses against the cable have been punished. What is, perhaps, of equal importance, the instructions of the Tsungli Yamen have been construed to mean that the central government is not unfriendly to telegraph enterprise. As illustrating the effect in this direction, I would call attention to the inclosed dispatch from our consul at Foo-chow, M. M. De Lano, covering copy of an official communication.

All of our consuls addressed by me on the action had at Peking have, as opportunity offered, approached the local authorities and found them well disposed. In the case of the governor-general of the Fuhkien province, in which Foo-chow is situated, it will be seen that the changed attitude of the central government toward telegraphy is distinctly recognized.

Concerning the land-line between Foo-chow and Amoy, which naturally connects itself with the foregoing remarks, I have now the extreme satisfaction of being able to inform you of the consummation of the negotiations alluded to in my No. 33, for its purchase and completion on account of the Chinese government.

The Danish minister sent his secretary and interpreter, Lieut. Schultz, to Foo-chow to meet Shen Pao Chen, who was instructed by the Tsung liYamen to carry out the arrangement agreed to at Peking. As Shen was absent in Formosa, whither he had gone to direct operations against the savages, the Danish secretary could not meet him. About the middle of April, however, the matter was turned over to the foreign trade committee, and negotiations were begun directly between that body and the Great Northern Telegraph Company, aided by Mr. De Lano.

In the absence of details I can only say that the agreement, since concluded, as I hear from a brief dispatch to General Raasloff and an earlier note from Mr. De Lano, includes the payment to the company of $150,000, for which sum they are to go on and complete the line upwards of one hundred and sixty miles in length, and work it for the authorities a given length of time.

The amount of money named covers any claim urged for indemnity. The work of construction is to be re-commenced at an early day.

This settlement decides two important points—that land-lines of telegraph are to be erected in China, and that they are to be the property of the government, both circumstances of marked significance in the history of China. If the Foo-chow-Amoy line works well and profitably, it is certain to be followed by others, and we may reasonably anticipate that before many years pass a line will be stretched from Shanghai to Tien-tsin, the port of Peking, if not to the capital itself, now the most isolated great capital in the world.

On a recent occasion Captain Hoskiar, engineer of the Great Northern Telegraph Company, being in Peking on a visit, met some of the Tsungli Yamun at the Tung Wen College, through the good offices of Dr. Martin, its president, and exhibited to the ministers the workings of the telegraph-instrument and short wire put up for the purpose. Chung How, who went to France in connection with the Tien-tsin massacre some years ago, sent as a message the words, "The telegraph is a good thing." I shall take occasion to congratulate the Yamen on their new departure, and to hope they will authorize a northern line at an early day.

I ought to add that the course pursued by the Danish minister in regard to the cables and land-line has been eminently judicious and prudent. It has been my pleasant duty to support him throughout to the best of my ability, and his success can be hailed as a gain for peaceful progress in a land where the advance toward modern ideas and uses is often discouragingly slow.

I have, &c.,

BENJ. P. AVERY.

[Inclosure in No. 53.]

Mr. De Lano to Mr. Avery.

No. 44.] UNITED STATES CONSULATE,
Foo-chow, March 10, 1875.

SIR: I have the honor to acknowledge the receipt of your dispatch of date 30th January, informing me of the measures taken at the capital to secure government protection to the Great Northern Telegraph Company's cable along the coast of China, and requesting me to advise you of the action of the officials of this province in the premises in consequence of instructions addressed to them by the Tsungli Yamen.

I was at a loss to determine how I could best ascertain whether the high officials had received such instructions or not, because it seemed that the unsatisfactory state of affairs existing in regard to the projected land-line between this and Amoy would induce them to keep any knowledge they might have of any friendly action of the central government toward the Great Northern Telegraph Company a profound secret. However, as I was in almost daily communication with the viceroy on the subject of the Foo-chow-Amoy line, I felt warranted in addressing a note to him, asking him directly to inform me if he had received instructions from the Yamen to give protection to telegraph-lines.

This I did on the third instant, and received his reply on the 5th, stating that he had been instructed by the Tsung li Yamen to give such protection as might be found practicable to the sea-cable, and had referred the matter to the Committee of Foreign Trade. I inclose his reply herewith, in Chinese, not having time to give you a translation.

As the matter is now in the hands of the committee, I can very properly pursue it closely, and shall advise you at the earliest possible moment of their action.

I have reason to believe that this action of the central government will greatly strengthen the company's position in regard to the contemplated land-lines in this province.

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

M. M. DE LANO,
United States Consul.

Hon. BENJ. P. AVERY,
United States Minister, Peking.

[Subinclosure in No. 53.—Translation.]

Governor-General Li to Mr. De Lano.

MARCH 5, 1875.

I have had the honor of receiving your letter of the 3d instant, in which you speak of a dispatch sent by the Tsungli Yamen respecting protection to be extended to the submarine telegraph cable, and ask if it has reached me.

In reply, I beg to state that on the first of February I received a dispatch from Peking to the following purport:

"The British, French, American, and Danish ministers, with the Russian and German, have all addressed communications to the foreign office in respect to the cable which is laid between Hong-kong and Shanghai, complaining that the trading and fishing-boats constantly injure it, and thieving miscreants carry it off. It appears that this cable, being laid along the bottom of the sea, any injury caused by casting out anchors from vessels passing over it must be regarded as quite unintentional, and not possible to be prevented by mere orders as to their course; they cannot be regarded as crimes amenable to punishment. Thefts committed on the cable by sea-robbers, who go here and there as they list, and hide away in their secret places very easily, are still more difficult to search out, and punish the wrong-doers. The Yamen, therefore, now incloses copies of all the correspondence, and when it reaches Foo-chow you will see what measures can be devised to protect the cable, and direct the local authorities to exert themselves and arrange the affair properly."

I have also received a dispatch from the southern superintendent of trade to the same purport. It appears to me that the telegraphic cable which the Danish company has laid in the sea, being entirely hidden from the sight of the boat-people who pass over it, can suffer injury from them only by the merest unintentional accident. Such dacoits and sea-robbers as skulk and lurk about, and steal portions of the cable, cannot be reached by any prohibitions and brought up for punishment. The case, in fact, is exactly stated in the Yamen's dispatch to the foreign ministers.

The very friendly sentiments of the Tsungli Yamen in these dispatches differ greatly from their former views, when they explicitly declared that the Chinese government could in no case hold itself responsible for injuries suffered by the cable; and I am even still more desirous of carrying out their friendly desires. When I received their dispatches, and that from the southern superintendent of trade, I sent two instructions to the intendant at the head of the board of trade, directing him to immediately take measures to carry into effect these orders and report to me afterward.

I have, therefore, now the honor to reply to your letter in relation to this affair, and avail myself of the occasion to wish you prosperity.

(Card of Li Ho. Nien.)

To M. M. DE LANO, Esq.,
United States Consul at Foo-chow.

No. 158.

Mr. Avery to Mr. Fish.

No. 58.] LEGATION OF THE UNITED STATES,
Peking, May 30, 1875. (Received July 24.)

SIR: Referring to my No. 47, of April 8th, in which were given the facts as to a question raised between the Japanese chargé d'affaires and the Tsung-li Yamen concerning the political status of the Lew Chew

Islands, I have now the honor to inform you of the following additional facts:

Mr. Tei tells me that his government has instructed him not to pursue the matter, for the reason that it will be taken up and definitely settled at Yedo.

He gives me to understand that the complete jurisdiction of Japan over the islands will be asserted, that provision will be made for governing them in all respects like the rest of the empire, and that then the Lew Chewans, instead of purchasing a limited periodical trading-privilege with China, by paying tribute and obeisance, will be entitled to trade regularly with this country on an equal footing with other subjects of Japan, under the protection of Japanese consuls.

Doubtless you will be more fully and accurately informed on this subject by our minister at Yedo; but it seemed to me proper to send this brief statement of the views expressed by Mr. Tei.

I have, &c.,

BENJ. P. AVERY.

No. 159.

Mr. Avery to Mr. Fish.

No. 61.] LEGATION OF THE UNITED STATES,
Peking, June 1, 1875. (Received July 24.)

SIR: On two occasions within a few months past I have been asked by consuls for an expression of my views upon questions affecting the right of missionaries to reside and hold property, to open chapels, schools, and hospitals, and to preach the doctrines of Christianity, beyond the limits of the treaty-ports.

In reply to the first application of this sort, from Consul De Lano, at Foo-chow, I wrote the dispatch of which a copy is inclosed, and in answer to the second application, from Consul Johnson, at Han-kow, I forwarded a duplicate of the same dispatch.

Substantially, I followed the just interpretation of our treaty-rights in respect to the question at issue which was set forth in Mr. Low's No. 40 to the State Department, and which had your approval; but, in addition, I expressed the opinion that whatever may be the ultimate decision as to remanding back to treaty-limits missionaries who have established premises beyond them, citizens of the United States, wherever they may be in the empire, are entitled to protection against ill-usage so long as they are behaving peaceably and lawfully, and that if they transgress law, exceed the limits of treaty-privileges, or in any way act viciously or offensively, they are still entitled, under the ex-territorial provisions of treaty, to be dealt with only by officials of their own nation.

It seemed to me that this point, overlooked in Mr. Low's correspondence, above referred to, needed to be insisted upon, in order to prevent the occurrence of wrongs and hardships, if not of serious complications, which might arise if it were disregarded, and if our citizens beyond the treaty-limits were left to the mercies of the native authorities. I was confronted by the fact that American missionaries, following the example of the French, and relying upon the immunity accorded to the latter, have pushed their pious operations to many places in the interior, where they generally win their way and secure native protection by prudent and conciliatory conduct; indeed, they are apt to be more dis-

creet without the treaty-limits than within them, and most of the difficulties they have had have arisen at places where their right to dwell and hold property is undisputed. In the face of the strictest construction of treaty-provisions, both our Government and that of Great Britain have extended protection to missionaries dwelling in the interior.

In a dispatch addressed by Earl Granville to Mr. Wade, Her British Majesty's minister in China, in 1871, which was inclosed to Mr. Low in a dispatch from the Department of State, numbered 53, and dated September 19, 1871, the following language was used:

"If British missionaries behave improperly, they should be handed over to the nearest consul for punishment, like other British subjects, as provided in the ninth article of the treaty of Tien-tsin. If the local authorities consider that Her Majesty's consuls do not, in any instance, afford redress for their complaints, they can appeal through the government at Peking to Her Majesty's minister, in the ordinary course of international usage."

In the spirit of this extract, it may be said that, if American missionaries do what they have no right to do under our treaty with China, the remedy of the Chinese authorities is not to instigate or permit their maltreatment or expulsion by a violent mob, but to refer the case to the nearest consul of the United States, and, failing the due performance of his duty by that officer, to appeal the matter to Peking.

It is far from my wish to encourage latitudinarian constructions of treaty-provisions to our selfish advantage, and at the risk of giving offense or just cause of complaint to the Chinese; I think we should be even more careful to be just with this people than with a stronger and more intelligent one, better able to define and defend its rights. At the same time there is some danger to be apprehended from a rash recession from privileges allowed to be enjoyed during a number of years, although there is no warrant for them in the letter of treaties. The general retreat of all missionaries, of whatever nations, from the advanced posts they are now occupying, would probably be hailed by the Chinese populace as a weakening of foreign influence and power, and might react disastrously upon other interests than those of religion.

Such a retreat is not likely to happen, unless demanded by the Chinese government and ordered by the powers with which it has treaty relations. That the Chinese will sooner or later ask for a strict compliance with the treaties, as interpreted by the United States and Great Britain, I have no doubt. They find us imperative enough, usually, in exacting a compliance with whatever in the treaties is to our advantage; and as they are more and more annoyed by the missionary question, they may, any day, retort upon us with a demand for its settlement in a way satisfactory to themselves.

The French are certain to resist such a demand. Their religious interest in China is greater than their commercial, and they will refuse to contract it within the boundaries of treaty-ports.

Thus the subject presents grave practical difficulties, requiring wisdom and forbearance to adjust without a rupture of peaceable relations.

The policy this legation has had to pursue is a temporizing one, and I am most anxious for such instructions as the Department may think proper to give for my guidance in the future.

Without engaging indirectly in religious propagandism on the one hand, to maintain the prestige and opportunities of our citizens on the other, while dealing justly and honorably by China, is the problem to be solved.

I have, &c.,

BENJ. P. AVERY.

[Inclosure in No. 61.]

Mr. Avery to Mr. De Lano.

LEGATION OF THE UNITED STATES,
Peking, December 28, 1874.

SIR: I am in receipt of your communication of the 1st instant, in which you ask what is the policy of our Government in regard to questions affecting the right of missionaries to reside and hold property beyond the limits of the treaty-ports, and as to native servants in their employ; also informing me of your answer to the request of certain local officials that two of our countrymen, Dr. Osgood and Mr. Walker, be instructed by you to refrain from visiting Shao-wu-foo at present, lest their appearance might excite the hostility of the *literati* about to convene there. You say in reference to these matters:

"It is not unlikely that I have held extreme views as to rights of foreigners, generally, in the country, for I have held that treaties of peace and amity between two nations confer reciprocal rights, and that our people should have the same rights as to residence and the holding of property in the interior as are enjoyed by Chinese subjects in the United States, and as to the rights of our missionaries inland, I have held that they may hold property under leases, wherever they may be fortunate enough to acquire it, and that their right of possession by proxy, that is, by natives in their employ, and to maintain houses of worship, book-shops, &c., cannot be doubted. I have claimed for them the right to travel freely, with passports, in all parts of the empire, and the right to sojourn a reasonable length of time in any or all cities they may visit."

In reply, I have to say that what may be claimed as absolute "rights" by our citizens in China is to be learned from the express terms of existing treaties, and the rules established in accordance therewith. That, as you say, "our people *should* have the same rights as to residence and the holding of property in the interior as are enjoyed by Chinese subjects in the United States," is a sound proposition in equity, but will not stand as a guide to official action in the interpretation and enforcement of treaty provisions.

As a matter of fact, Chinese in the United States enjoy many important privileges which are not secured to them by treaty, which inure to them only by virtue of the tolerant and liberal character of our institutions and people, and which neither our minister nor consuls would be upheld by our Government in demanding as rights for Americans in China, on the ground of reciprocal obligation, without such a revision of existing treaties as would include all such privileges expressly. Thus the Chinese in the United States can travel, trade, and reside everywhere, and will be protected without passports and without consular intervention. They can work on our public mineral domain, and keep all the gold or silver they extract. They can buy or lease property, build temples, &c., anywhere without asking permission, having only to comply with such municipal ordinances or police regulations as apply equally to our own citizens. These things are not "rights" which they exercise or claim by virtue of treaty, but privileges freely accorded them.

We might very well, and I think we should, urge these facts when a proper occasion offers, as reasons why similar privileges should be granted to citizens of the United States in China; but at present we can claim no more than belongs to us by virtue of treaty stipulation, either according to express terms or by fair implication.

Taking the treaties as our guides, then, it is clear that we acquired no rights to reside, to do business, to rent houses or grounds, to build houses, hospitals, churches, or cemeteries, outside of the ports opened to commerce, and at which we have consular establishments; and the rights conferred by the treaty of 1858, by operation of the new concession in treaties with other powers under the "favored-nation" clause, and by the supplemental treaty of 1869, are no less or more in the case of missionaries than in that of traders or any other class. Our citizens, as such, whether missionaries, traders, or travelers, have the right to travel anywhere on passports, and that would imply the right of temporary sojourn at their convenience. They may also "quietly profess and teach" the doctrines of Christianity, and "shall not be harassed or persecuted on account of their faith." Article XXIX of the treaty of Tien-tsin adds these words: "Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, shall peaceably teach and practice the principles of Christianity, shall in *no case* be interfered with or molested." The supplemental treaty, Article VI, provides that "citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence, as may there be enjoyed by the citizens or subjects of the most favored nation:" while article VII adds: "The citizens of the United States may freely establish and maintain schools within the empire of China, *at those places where foreigners are by treaty permitted to reside.*"

Unless it can be shown that treaties between China and other countries than the United States concede rights in excess of those defined in these citations, we can law-

fully claim no more than is so plainly set forth. As a matter of fact, however, while traders of all foreign nations confine their operations to treaty limits at the ports, the missionaries, urged by convictions of duty in a sacred cause, have extended their operations much beyond those limits, and have taken up their residence, effected leases, and established churches and schools at many places in the interior. This they have done through sufferance and toleration on the part of the Chinese authorities, and not by virtue of a clear treaty right. It is true that some of them refer to the Chinese text of article VI of the French treaty of 1860, which says, in addition to restitution of or payment for former possessions of French missionaries, "it is permitted to French missionaries to rent and purchase land in all the provinces, and to erect buildings thereon at pleasure."

There is, however, no such clause in the French text of this article, and it is the French text which is made authoritative in cases of dispute; yet the permission assumed to be granted by the Chinese text has been largely availed of by French missionaries without resistance or protest on the part of the Chinese government, which has been equally tolerant of the efforts made by our own and other missionaries to extend the field of their operations. It would seem that, as this condition of things has existed for a number of years, our nationals have acquired a sort of right by prescription to which they are not legally entitled by treaty. It certainly does not enter into the wish or purpose of this legation to hamper the wider action on which they have ventured, to advise any recession from the advanced ground they occupy with the tacit permission of the imperial authorities, or to prevent the taking of rightful measures for their protection when necessary; but it is clearly unwise to encourage such extreme interpretations of treaty-rights as, urged openly and made a basis of imperative demands, would challenge contradiction and refusal.

This whole subject was ably discussed in 1870 by my predecessor, F. F. Low, who reached the conclusion, substantially, that the legal rights of missionaries were limited by the same restrictions as to residence, &c., which are imposed upon traders, beyond which, he held, "their safety must depend upon the good faith and friendship of the Chinese among whom they live." Mr. Low also concluded that foreign missionaries should refrain "from any interference between natives and officials, except to explain cases where explanation will be of service to enable justice to be done."

As one of his dispatches on this subject was addressed to the consul of the United States at Foochow, you must be aware of his views, which were fully approved by the State Department, and therefore stand as an authoritative exposition on the question you raise as to the rights of missionaries beyond the treaty-ports. That exposition was concurred in by the British government, whose minister here, under instructions, informed the consuls within his jurisdiction—

"1. That under treaty, the British missionary has no right of residence in China distinct from the right of any other British subject.

"2. That the right of British subjects to residence can be exercised only at the treaty-ports, or in their immediate vicinity."

That American and English missionaries have been able, in the face of this rigid construction of their treaty-rights, to extend as widely as they have their pious work, and to prosecute it in most cases without serious trouble, even receiving voluntary protection from the local officials in some instances, speaks volumes for their judicious and conciliatory conduct.

My conclusions on the whole subject of your letter may be thus summarized: While our citizens are not entitled by treaty to reside and acquire property, build churches, &c., beyond the open ports, they may freely travel in the interior on passports, may peaceably preach and practice Christianity, may sojourn a reasonable time where they wish, and may rightfully claim protection in the enjoyment of these privileges.

Should they, in addition, succeed by discreet and prudent action in establishing missions *en permanence*, relying on the immunity accorded to the French missionaries in this particular, they may justly expect that protection for their persons and premises, and that freedom from persecution for their converts, which is guaranteed to them in any case, and which on several notable occasions already has been secured for them through the intervention of our consuls and this legation, with the approval of the Secretary of State. Prescription and precedent establish *quasi* rights in this respect, which, although not pretended to be conferred by the letter of treaty, are entitled to official recognition. Besides, an American citizen in China, so long as he is engaged in peaceful and lawful enterprises, never loses his right to the protection of his Government, and if he transgresses law, exceeds the limits of treaty-privileges, or in any way acts viciously or offensively, he is still entitled, under the exterritoriality provisions of treaty, to be dealt with only by officials of his own nation. For any supposed breach or excess of treaty-right, he is to be proceeded against before his consul on representation of the facts in a proper manner by the local authorities, and not by mob-violence.

If this opinion seems to go farther than my predecessor thought wise, it is to be remembered that the new usage of interior residence by missionaries of our nation has been

several years longer in unquestioned existence than it had been when Mr. Low was called to pass upon the question. Since that time, also, our Government, through the State Department, has approved proceedings of our consuls for the protection of missionaries maltreated beyond the ports, as in the recent case of the Rev. Mr. Corbett, whose violent expulsion from Chimi was made by Mr. Sheppard the cause of a very energetic and successful demand for the arrest, trial, and punishment of the chief perpetrators of that outrage, followed by the return of Mr. Corbett under shelter of a proclamation, and the payment to him of the value of the property destroyed or stolen. In this case Mr. Sheppard proceeded strictly in compliance with Article XI of the treaty of 1858, and in conformity to section 20 of the act of June, 1860, for carrying into effect the provisions of that treaty. As you must be familiar with both, I need do no more than make this reference to them in reply to your question "what we (consuls) are expected to do when these rights (of our citizens) cannot be secured, or when the authorities refuse or withhold redress for wrongs committed."

It should be understood, however, that any necessary demand for protection or redress on behalf of our citizens residing as missionaries in the interior is to be made under and by virtue of the general guarantee in Article VI of the treaty of 1858, which declares that "all citizens of the United States in China, peaceably attending to their affairs, being placed on a common footing of amity and good-will with the subjects of China, shall receive and enjoy for themselves and everything appertaining to them the protection of the local authorities of government, who shall defend them from all insult or injury of any kind."

This article can be appealed to without raising the question as to right of residence beyond treaty-limits, which in no event would be a valid answer to complaints of violence or insult, and which may safely be left to stand quietly as it is until the Chinese authorities at Peking shall themselves raise it in a manner to require definitive settlement. If they ever do bring it up with any intention to seek the curtailment of the extra-treaty privileges now cautiously enjoyed by our citizens, it will be sufficient for our minister to refer them to Article VI of the supplemental treaty, and to insist that, so long as French missionaries, who are far more numerous than ours, are permitted to enjoy the privilege of residence in the interior, American missionaries shall not be excluded by an unjust discrimination.

You were quite right in declining to prevent Messrs. Osgood and Walker from going to a particular place. They are entitled to travel freely on their passports, and to receive, if they require it, the active protection of the local authorities. If we should begin to yield to such requests as that of the timid prefect of Shao-wu-foo, travel by our citizens in the interior of China, which is a clear treaty-right, might soon be quite stopped. While, however, no abandonment of such right should be conceded, our citizens should voluntarily try to avoid needless conflict or profitless disputes, when patience and forbearance will suffice to that end, and promote better relations in the sequel.

I have no doubt that our consuls will also, on their part, endeavor always to induce, by suasion, the proper action of the native authorities, independently, before proceeding under the powers conferred upon them by treaty and statute.

I am, &c.,

BENJ. P. AVERY.

M. M. DE LANO,
United States Consul, Foo-chow.

No. 160.

Mr. Avery to Mr. Fish.

No. 62.] LEGATION OF THE UNITED STATES,
Peking, June 1, 1875. (Received July 24.)

SIR: Since my last reference to the Margary massacre affair, the Chinese government has received from the governor-general of Yunnan an acknowledgment of its instructions to investigate and bring the guilty to trial, and a report that he has appointed as a commissioner for that purpose the Tartar General Tan, the governor of Tah-li-foo. This officer is a man of decision and character, who put down a rebellion in his district, and who is mentioned in terms of high praise in a letter written by Margary, and lately published in London. He received and treated Margary with sincere friendship, and his appointment to inves-

tigate the circumstances of the latter's death may be regarded as indicating a good disposition on the part of the governor-general of Yunnan.

In reply to inquiries whether they have learned anything as to who are the guilty parties, the Tsungli Yamun repeat their former statement to me, that the murder was probably committed by some of the wild tribes, and they declare that the man "Li-su-tai," mentioned in the memorandum from Mr. Wade, which was inclosed in my No. 46, is not a Chinese official, but the chieftain of one of these tribes.

They emphatically state, however, that these barbarians are within Chinese jurisdiction, and that they shall be punished. Evidently the invasion of Formosa by Japan has not been without its lessons.

The English commissioners who were to be sent to Yunnan by Mr. Wade had not gone farther than Han-kow at last accounts. Mr. Wade himself had returned to Shanghai, where he is awaiting the arrival of Colonel Browne, not expected for a fortnight longer, who will bring some papers to complete the English case.

The Chinese mind is calming down on the subject, though there is a prevalent apprehension that the British will push their boundary up to the line of Yunnan by the speedy absorption of all Burmah which they do not already possess.

This consummation seems to be devoutly wished for by nearly all the foreign residents of China.

I have, &c.,

BENJ. P. AVERY.

No. 161.

Mr. Avery to Mr. Fish.

No. 63.] LEGATION OF THE UNITED STATES,
Peking, June 11, 1875. (Received August 9.)

SIR: In further reference to the question of missionary rights beyond treaty-ports, I have the honor to inclose an unofficial note from R. M. Johnson, esq., consul at Han-kow, discussing a correspondence between Mr. Beebe, formerly acting consular agent at Kiu-kiang, and Mr. Low, in which the latter clearly states the views set forth at more length in his dispatches to the Department.

In my reply to Mr. Johnson I discourage the tendency to establish permanent missions farther in the interior. It seems to be unnecessary to add anything to what I have already written on the subject.

I have, &c.,

BENJ. P. AVERY.

[Inclosure 1 in No. 63.]

Mr. Johnson to Mr. Avery.

HAN-KOW, *May* 17, 1875.

MY DEAR SIR: Please permit me to refer unofficially to my official communication to you of the 1st instant, in reference to the Shinchang affair, and to hand you certain documents touching the question at issue, which may not have come to your excellency's notice, being unofficial papers.

The questions submitted in my unofficial communications above referred to were asked Mr. Low in a private note, as far back as 1872, under the following circumstances: In 1872 Mr. Hart, then as now superintendent of the American Methodist Episcopal mission at Kiu-kiang, expressed a wish to establish a station in the interior, at, I think,

the capital of Kiangsi Province. I had several interviews with Mr. Beebe, then acting consular agent at Kiu-kiang, and finally it was determined to write to Mr. Low and obtain his views on the subject. Accordingly, on the 16th of December, 1872, Mr. Beebe wrote Mr. Low a private note, asking him certain questions in regard to the rights of missionaries to locate in the interior, &c.

Mr. Low replied to Mr. Beebe, in an unofficial note dated January 15, 1873, in which he answered Mr. Beebe's question plainly and decidedly. I now hand you copies of the two letters above referred to, thinking you may like to see them, and supposing there are no records of them in the legation, they being unofficial communications.

The question at issue is one of grave importance, and should be settled at once decidedly.

If the missionaries have no right to establish in the interior, then they should be informed of the fact, and warned against building or renting chapels outside of the treaty-ports. But if, on the contrary, they have a right by treaty-provision to rent or build chapels in the interior, then they should be protected in this right to do so, and the local authorities should be held responsible for such occurrences as the Shinchang affair. I beg to ask that your excellency will give me your views on this subject, and instruct me what action to take in case American missionaries again wish to rent chapels outside of this port or Kiu-kiang.

I might mention that I have shown Mr. Low's letter (to Mr. Beebe) to the missionaries at Kiu-kiang for their information, but they seem disinclined to accept his view of the case.

The feeling among the natives at Kin-kiang, as I recently wrote you, is one of bitter hatred of all foreigners, especially missionaries, and, unless the latter are very prudent in their movements, I fear trouble of a serious kind may arise.

I have nothing further to report in regard to the destruction of the chapel at Kiu-kiang than what I gave you in my 348 of the 12th instant.

I am, sir, very respectfully, yours,

R. M. JOHNSON.

Hon. BENJAMIN P. AVERY,
United States Minister, Peking.

[Inclosure 1 in 1 in No. 63.]

Mr. Beebe to Mr. Low.

KIU-KIANG, *December* 16, 1872.

MY DEAR MR. LOW: Mr. V. C. Hart, an American missionary at this port, contemplates establishing a station some distance in the interior, for the purpose of extending his *business, i. e.,* converting the heathen.

Before proceeding, however, he wishes to know the amount of protection he will have from the United States, and has addressed the following questions to me, viz:

1st. "Can American citizens purchase, *legally,* property outside a treaty-port?"

2d. "If property can be purchased thus, and dwellings or chapels be built thereon, will the American Government hold the Chinese government responsible for damage or destruction of said property by mob or other violence of the Chinese?

3d. "Can full damages be recovered in case *rented* property be destroyed, outside a treaty-port?"

The above are Mr. Hart's questions, and he further adds: "I should like to be clear in my own mind; for some two years since Dr. Jenkins, late of Shanghai, informed me that the favored-nation clause might not be pressed in such case."

Can you give me a reply to these queries? I do not address you officially, because it occurs to me that you may feel more free to answer privately.

Yours, truly,

C. G. BEEBE.

Hon. F. F. LOW, *Peking.*

[Inclosure 2 in 1 in No. 63.]

Mr. Low to Mr. Beebe.

AMERICAN LEGATION,
Peking, January 15, 1873.

DEAR SIR: Your note of the 16th ultimo, inquiring what rights missionaries have in regard to the purchase or renting of land and buildings at places other than the open ports, only came yesterday.

In reply, I have to say that, according to the interpretation placed on the treaties by the Government of the United States, all American citizens are placed on an equality, and that no rights will be claimed for missionaries that are denied to merchants. It therefore logically follows—

1st. That there is no authority under the treaties for citizens of the United States to purchase land outside of the limits of the treaty-ports.

2d. If property be purchased, and buildings erected thereon, and they should be damaged or destroyed "by mob or other violence of the Chinese," the claim for damages would be an *equitable*, rather than a *legal* one; and, if the local, or the imperial, authorities should refuse to respond, upon the ground that the property was purchased in violation of treaty-rights, it is extremely doubtful if our Government would sanction any proceedings which might be instituted by its diplomatic or consular officers to collect it.

3d. Merchants and missionaries are permitted by treaty to travel in the interior under passports. Any property which may be necessary for their temporary use and occupation, during such travel, it would be competent and lawful to rent, and they should be fully protected in the use and occupation thereof. If, on the other hand, property be rented for *permanent residence inland*, it would be subject to the same rules and liable to the same disabilities as *purchased* property.

To sum up the whole question in a few words, there is no provision in any of the treaties which, *honestly* construed, will permit of permanent residence away from the open ports. The right has been claimed under the 6th article of the French treaty of 1860, and many honestly believed, until recently, that it was legal and proper so to do. The fact is now proven that all that part of article 6, before referred to, on which missionaries have hitherto relied for their protection, is an interpolation in the Chinese text, for which there is no equivalent in the French version, which must be taken and held to be the *original* in cases of dispute.

* * * * * * *

There are, at the present time, a considerable number of missionaries in the interior, who went there in the full belief that they had a right to do so, and I shall do nothing which may endanger their safety or injure their usefulness. But while I shall try and protect, to the utmost of my ability, the people before referred to, my opinion is clear and decided that no further efforts should be made to establish stations inland, until we have a clear and undisputed right to do so by treaty.

Yours, very truly,

FREDERICK F. LOW.

C. G. BEEBE, Esq., *Kiu-kiang.*

[Inclosure 2 in No 63.]

Mr. Avery to Mr. Johnson.

PEKING, *June* 1, 1875.

MY DEAR MR. JOHNSON: I have your note of the 17th ultimo, and thank you for the copies of correspondence inclosed. It appears from Mr. Low's letter of January 15, 1873, that he was careful to cover the point about protection beyond the ports which he left untouched in his officials of 1870, to which reference is made in my dispatch to you and Mr. De Lano.

You will see from the latter that I agree with Mr. Low on the *legal* question at issue; indeed, there is room for but one opinion on that subject.

The difficulty is that our missionaries have advanced their stakes, and cannot be left in the lurch; yet it would be wrong to encourage them to make any new ventures beyond treaty-limits in the present unsettled and somewhat threatening aspect of the question. Knowing the policy of their Government, they ought to abstain from forcing on it embarrassments, by pursuing a course that would not be tolerated on the part of traders for a moment, and it must be remembered that the Government can make no distinctions, if its attention is ever formally called to the matter by the Chinese. Our position is already compromised by missionary zeal, and it is certain that sooner or later the Chinese government will make complaints on the subject. I have forwarded to the Department copy of my dispatch to Mr. De Lano, with full explanation of the situation, and have asked for instructions. Meanwhile I leave it to the sense of prudence and patriotism of the missionaries if they should not learn to wait and labor where they are? Have they so well tilled the field already *lawfully* occupied that they can afford to enter a wider one clandestinely?

If they will be patient, it is not unlikely circumstances may occur to enable our Government, by treaty-revision with other powers, for instance, to legalize what is now done without a warrant of treaty. But whether they like it or not, the policy and wishes of the Government ought to control in an international question like this, and not the views and desires of private individuals, bent on a special object, of a nature beyond the purposes of a government entirely secular and political.

You are at liberty to show this note and my dispatch to the missionaries, *in confidence*, if you think it advisable. I am anxious to give them every facility and protection which I am likely to be sustained in affording. They must see on what delicate ground they stand when they quit the treaty-limits.

Yours, truly,

BENJ. P. AVERY.

No. 162.

Mr. Avery to Mr Fish.

No. 64.] LEGATION OF THE UNITED STATES,
Peking, June 12, 1875. (Received August 9.)

SIR: The attention of the Chinese government has lately been called by the discussion of Cuban coolieism, growing out of the pending issue with Spain, to the necessity of adopting careful port-regulations with reference to emigration.

Being questioned by the Tsungli Yamen as to the character of American laws on the subject, I made some general statements verbally, embodying information which subsequently, at the request of the ministers, I wrote out more in detail, accompanying it with translations of portions of our statutes controlling the transportation of passengers, and prohibiting the coolie traffic.

The Yamen received the information thus afforded with expressions of gratitude. Copies of the correspondence on the subject are inclosed.

In my letter to the Yamen, besides giving the facts they desired, I aimed to show the exceptionally liberal treatment of Chinese subjects in the United States as an indirect incentive to more liberality toward our citizens in China, and to strengthen the disposition of the Government to insist upon the principle of free emigration in all further passenger commerce from the ports of the empire. I find the ministers of the Yamen all very anxious to prevent the revival of coolieism either openly or covertly, and have fully explained to them the position of our Government on this subject, with which they are in hearty smypathy.

I have, &c.,

BENJ. P. AVERY.

[Inclosure 1 in No. 64.]

Mr. Avery to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, May 29, 1875.

SIR: In compliance with your request for some information about the laws of the United States regulating emigration from China and other countries, I have the honor to communicate the following facts:

The laws make no distinction between the people of China and any other country, and no tax or charge is allowed to be imposed or enforced upon any person emigrating from a foreign country which is not equally imposed and enforced upon every person emigrating from any other foreign country.

The charges collected from emigrants on their arrival at different ports are small in amount, and are expended on offices established to look after their welfare, on hospitals, &c.

Formerly it was the custom in California to collect a special monthly tax from Chinese for the privilege of extracting gold from the mines, as is the custom in all other countries where gold is dug; but this tax has been abolished.

Laws have been passed against the importation of foreign convicts, paupers, and lewd women, because it was found that some countries were sending such persons to the United States to get rid of them, or for worse reasons, as Chinese prostitutes have been sent from Hong-Kong to San Francisco; but all foreigners who choose to come to America freely, for purposes of curiosity, trade, or as permanent residents, are welcome to do so; and to travel, reside, engage in labor or business, lease and buy property,

work mines of coal, iron, gold, and silver, bring suits in the courts, follow what religion they prefer, send their children to the public schools, and generally enjoy, without let or hinderance, the privileges of free men under equal laws. This system of free immigration and equal privileges has had a large share in making the United States prosperous and strong, and has been encouraged and protected by very careful laws, which are strictly enforced.

The only reference made to immigration from China, which does not apply to all other countries, is the law forbidding the importation of coolies as they were formerly taken to Cuba and Peru. American vessels engaging in this wrongful traffic are declared forfeit to the Government, and it is the same if they carry coolies to a foreign port. Persons who engage or build vessels for the traffic, or who take or receive coolies, are severely punished by fine and imprisonment. In order to guard most carefully against fraud in this matter, the consuls of the United States in Chinese and other foreign ports where Chinese emigrants may take passage on board of American ships, are obliged to satisfy themselves that the emigrants really go of their own free will and accord, and the ship cannot sail without the consular certificate to that effect.

In regard to every class of immigrants from all countries alike, many laws have been passed to protect them from extortion, neglect, and unkindness during the voyage to the United States, and after their arrival. A certain amount of space must be allowed to each person on board ship, so that there shall be no discomfort or sickness from crowding; a limit is fixed to the number of passengers a ship may carry; the size and character of the berths are carefully regulated; sufficient good food must be provided at stated hours; cleanliness, ventilation, and order are strictly required, and in every way the comfort, safety, and health of passengers are sought to be secured.

These regulations, of course, can only be enforced by the United States against vessels owned in whole or part by its own citizens, but the Government has frequently called the attention of other countries to the necessity of providing with equal care for the welfare of immigrants on foreign-owned ships, and has secured treaty-stipulations on this subject.

Besides this, private individuals, either singly or associated, in America exert themselves to secure good treatment for the immigrants both while traveling and when they are yet strangers on their first arrival, liable, without such help, to be imposed upon and wronged.

In order still further to protect the immigrant who comes by American steamship, regulations are made about the manner of building and inspecting engines and boilers, about transportation of explosive or inflammable substances, and many necessary details which it would be tedious to repeat.

Your imperial highness will see from these statements that the laws of the United States aim to be impartial and just, to protect the immigrant on his voyage and on his arrival, and to insure that he comes as a free man for lawful objects.

There are bad men who try to evade these laws sometimes, but the courts are generally watchful for their enforcement, and the penalties imposed for their violation are severe.

To give all the particulars on this subject would fill a volume, but I trust what I have written will be of service to your highness, and I inclose such extracts from the laws as are likely to be most useful.

I avail myself, &c.

BENJ. P. AVERY.

His Imperial Highness Prince KUNG,
Chief Secretary of State, &c.

[Inclosed were translations of Title XXIX, sections 2158, 2159, 2160, 2161, 2162, 2163, and 2164; Title XLVIII, chapter six, sections 4252, 4253, 4255, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4264, 4266, and 4268, of United States Statutes at Large.]

[Inclosure 2 in No. 64.—Translation.]

Prince Kung to Mr. Avery.

Upon the 29th of May we had the honor to receive a note from your excellency, detailing measures for the protection of strangers, and inclosing translation of certain laws.

They have all had our most careful examination, and evince the excellent purpose and efficient methods of your Government, as also the unaffected goodness and sincerity of your excellency.

We, the prince and ministers, are desirous of expressing to you the most unbounded gratitude.

[Cards of Prince Kung and ministers of the Yamen.]

PEKING, *June* 1, 1875.

No. 163.

Mr. Avery to Mr. Fish.

No. 66.] LEGATION OF THE UNITED STATES,
Peking, June 14, 1875. (Received August 9.)

SIR: A short time ago, Mr. A. B. Christiernson, vice-consul for Sweden and Norway, at Shanghai, brought to me a letter of introduction from W. Scott Fitz, acting consul-general for those countries at the same place, which stated that he came to Peking to acquire information which may prove useful to the Swedish government, and asking me to give him any advice or assistance in my power.

Mr. Christiernson represented that he was under the instructions of his royal master to ascertain the exact nature of the relations between Sweden and Norway and China, and as this legation has been for some years the intermediary for Sweden with Peking authorities, I volunteered to aid him in procuring the information he sought. For this purpose I put him in communication with the Tsungli Yamen, who courteously accorded him an interview with their secretaries, Mr. Holcombe, acting secretary of this legation, acting as interpreter, questions of etiquette and rank preventing the Yamen themselves from attending.

It appears that the Swedish treaty made at Canton, so long ago as 1848, although approved by the King, and always regarded as valid by the Chinese government, which issued a new edition of it in 1869, has never been formally ratified.

The Tsungli Yamen directed their secretaries to say that an exchange of ratifications can still be secured in the usual manner, and a note to this effect was sent to this legation after Mr. Christiernson's interview.

Mr. Christiernson was personally informed that no difficulty would be raised about the recognition of merchant consuls of his nation.

As the Swedish government is apparently disposed to extend its commercial relations in this quarter, the liberality of the Chinese ministers will have to it a practical value.

It is not at all unlikely that a commissioner or envoy may be sent here in due time, to exchange formal ratifications.

I have advised that course as most prudent.

I have, &c.,

BENJ. P. AVERY.

No. 164.

Mr. Avery to Mr. Fish.

No. 68.] LEGATION OF THE UNITED STATES,
Peking, June 16, 1875. (Received August 9.)

SIR: Under date of May 25th, Mr. De Lano writes me from Foochoo that "the controversy between the provincial authorities there, and the Great Northern Telegraph Company, has finally been satisfactorily adjusted, and that the Foo-chow-Amoy land-line of telegraph is to be completed by the company under Chinese government auspices."

Through the courtesy of the Danish minister, I am able to forward the inclosed copy of the full text of the agreement between the provincial authorities and the Great Northern Telegraph Company. This docu-

ment, which has been formally approved by Shen-poa-shen, under instructions from the Tsungli Yamen, provides for the payment to the Danish company of $154,500, the sum of $30,000 (already paid) on the signing of the agreement, $50,000 when the line is completed, and $74,500 in two equal semi-annual installments.

In consideration of these amounts, including indemnity for damages sustained, the company is to build 160 miles of telegraph, fully equip the line, erect and furnish stations and watch-houses, the latter at intervals of about ten miles along the line, provide all superintendence, engineering, labor, and expenses in connection with construction, work the line for and on account of the Chinese government, and teach Chinese pupils the art of telegraphy, the last two items being left to future regulations in detail. The work of construction will begin by the 15th of August, and I learn that the line will probably be finished and in regular operation by November or December.

The Chinese officials who made the above agreement wished to have it include the purchase of the Pagoda-Anchorage line at Foo-chow, but the Danish company only stipulated to make its sale the subject of another contract; that it will be brought about, however, there is no doubt. This fact is a further proof of the intention of the Chinese government to maintain and extend its telegraph operations, the general direction of which will probably be given to Shen, who has just been advanced to the important position of viceroy of the two Kiang provinces, and made superintendent of foreign trade for the southern ports, his jurisdiction embracing the ports on the Yangtze River, and all south of that.

This appointment is a very good one, for Shen is one of the ablest and most intelligent of the high Chinese officials, and has been courteous and just in his dealings with foreigners.

Since it became certain that the new telegraph policy of the Chinese government was earnestly meant, I have taken occasion to congratulate the ministers of the Tsungli Yamen, Prince Kung being present, upon their advance movement as a thing greatly for the advantage of China, and to hope that other lines might be built by the government as it saw the need of them. They received my congratulatory remarks without any of the old evasiveness, appeared pleased, and observed that "things had reached such a condition that China was obliged to take the matter of telegraphs into her own hands." This I understood to mean that to relieve themselves of increasing foreign pressure on the subject, they had determined to buy and complete the Foo-chow-Amoy line, and if it proves to be a good experiment, to build other lines.

I have, &c.,

BENJ. P. AVERY.

[Inclosure in No. 68.]

Agreement between the Chinese government and the Great Northern Telegraph Company for the construction of the Foo-chow-Amoy telegraph-line.

AGREEMENT

concerning the Foo-chow-Amoy Overland Telegraph-Line, between, as one party, Shen-pao-shen, the Imperial Commissioner Shen-pao-shen; the governor-general of the provinces of Fokien and Chekiang, *Lee*; the commander of the Manchu garrison at Foo-chow, Wan; and the governor of the province of Fokien, *Wong*, acting under instructions from the Tsungli Yamen, and represented by "Ting, tia way," director of the committee of foreign trade, furnished with full power of attorney, of which a certified copy is annexed to this agreement; and, as the other party, the Great North-

ern Telegraph Company of Copenhagen, Denmark, represented by its general agent, Lieutenant Dreyer, D. R. N.:

The first party will hereinafter be denominated "the high authorities," and the other party "the company."

The payment of indemnity and the purchase of the material which the company has accumulated for the construction of the line, is assented to by the high authorities, as two principles forming the basis of this agreement, the same having been previously arranged between the Tsung-li Yamun and the royal Danish legation.

The two parties have now agreed and decided to arrange the whole matter in the following manner:

The company shall, for the high authorities, construct a line of overland telegraph between Foochoo and Amoy.

The high authorities give full protection to the company's staff and *personnel*, as well as to the whole of the material employed by the company in the construction of the line.

The high authorities undertake to be responsible for theft and violence against each part of the line which at any time is erected, as well as for the material and goods to be employed in the construction.

The company shall be enabled to commence the construction of the line not later than the 15th of August, this year, but earlier, if found practicable, and shall, when commenced, complete the work with all reasonable dispatch.

The high authorities undertake to be responsible that no delay be occasioned through any interference on the part of inhabitants or others.

The company shall construct the line and furnish the high authorities with materials and goods, as follows: 160 (one hundred and sixty) statute miles of wire, B. W. G. No. 7, or Siemens's compound wire.

Insulators and stretching insulators for 160 (one hundred and sixty) statute miles; for B. W. G. No. 7, of India government pattern, for Siemens's compound wire, of Siemens's patent insulators.

Four thousand two hundred telegraph-poles, according to the company's contract with the contractor, which is from "5 (five) inches to 5½" (five and a half) inches diameter.

Cables to cross the Min River, from Nantei to the main-land, shall be the company's C (No. 3) cable, 6¾ (six and three-quarters) tons per nautical mile, single cored. To cross the rivers at Hinghua, at Chingchu, between the main-land and the island of Amoy, and from this island to the island of Kulangsen, shall be the company's E (No. 5) cable, 6½ (six and a half) tons per nautical mile, double cored; besides cables crossing the various creeks wherever necessary. The core shall be Hooper's India-rubber patent core, 300 pounds copper and 200 pounds India-rubber per nautical mile; copper-resistance 4.25 per nautical mile; insulation 3,500 megohms, as guaranteed from the manufactory.

Six sets of Siemens's ink-recording telegraph instruments, complete, with all appurtenances, cells, tools, &c., ready to work.

Six sets of tools for building of line. A telegraph station, newly built, at Nantei. Two houses for small stations at Hinghua and at Chinchu. Thirteen watch-houses, about ten miles apart from each other, distributed along the line.

Furniture and furnishing the stations and watch-houses as necessary.

The company furnishes all superintendence, engineering, and all labor, as well as all other expenses not mentioned herein, in connection with the construction of the line.

The company undertakes to deliver, at the completion of the line, the whole of the work to the high authorities, in complete working order, constructed in a substantial, good, and workmanlike manner.

The high authorities undertake to pay to the company, in full, for the above-named arrangements, material, goods, and works, the sum of $154.500 (one hundred and fifty-four thousand five hundred Mexican dollars.)

The high authorities will pay to the company $30,000 (thirty thousand Mexican dollars) on the signing of this agreement, and $50,000 (fifty thousand Mexican dollars) when the company declares, in writing, the line to be completed. The balance, $74,500 (seventy-four thousand five hundred Mexican dollars) shall be paid in two equal six-monthly installments, reckoned from the date of the completion of the line.

It is further agreed that the company shall work the line for the Chinese government, and on the Chinese government's account, and teach Chinese pupils the art of telegraphy for a time, and on conditions to be stipulated in another and separate agreement.

It is further agreed that the telegraph line between Foochoo and Mamoi Point (Pagoda Anchorage) shall not be included in this agreement. The company declares itself, however, to be willing to sell this line to the high provincial authorities on reasonable terms, which are to be decided upon in a separate agreement.

This agreement is written and signed in the English language and in Chinese char-

acters in duplicate. If any disagreement should in the future arise in regard to the interpretation of the same, the English text shall be accepted as the original and authentic version.

In witness whereof the two parties have hereto fixed their names and seals, at Foochow, this 21st day of May, in the year of the Lord one thousand eight hundred and seventy-five.

DREYER. [SEAL.]

[Seal of Foreign Board of Trade.]

Signed and sealed in the presence of—

W. S. YOUNG, [SEAL.]
His Danish Majesty's Acting Vice-Consul.

Witness:
M. M. DE LANO. [SEAL.]

No. 165.

Mr. Avery to Mr. Fish.

69.] LEGATION OF THE UNITED STATES,
Peking, June 22, 1875. (Received August 13.)

SIR: Early last month it came to the knowledge of the consuls at Tientsin that a picture representing the massacre of foreigners was being publicly exhibited at a fair in the interior of this province, the evident tendency, if not the motive, of such exhibition being to incite the populace to violence. The consuls of Great Britain, France, the United States, Germany, and Russia thereupon addressed a joint note upon the subject to Li Hung Chang, governor of Chihli, a copy of which is inclosed, requesting him to take steps to discover and punish the exhibitor and painter of this picture; also, to cause a proclamation to be posted stating why such punishment had been inflicted. Although this note was inconsiderately worded, and conveyed an imputation, or what seemed to be such, upon the good faith of the provincial authorities, the reply of the governor-general was quite satisfactory, and his action equally so. The proceedings had will fully appear from this document and the inclosed copy of a proclamation subsequently issued. The picture alluded to contained illustrations of the foul practices falsely attributed to foreign missionaries by ignorant and superstitious natives—such as plucking out the eyes and hearts of Chinese women and children, practices similar to those which, by the ignorant and superstitious of the Christian faith in different countries in Europe, at different times, have been so falsely charged against the Jews. Something of this kind, or kindred charges of abduction, have been made the pretext for most of the attacks on Christian missionaries in China, and it therefore becames more and more important to insist upon the aid of the authorities in preventing, as far as possible, the propagation of such preposterous but mischievous notions.

I have approved the action of Mr. Sheppard, our consul at Tien-tsin, in common with his colleagues.

I have, &c.,

BENJ. P. AVERY.

[Inclosure 1 in No. 69.]

The Consuls to Governor Chang.

TIENTSIN, *May* 15, 1875.

We, the undersigned consuls, have the honor to inform your excellency that a picture, presumably intended to portray the Tien-tsin massacre of the 21st June, 1870, was

exhibited in a peep-show at a public fair held at the beginning of last month in the town of Ching-chia-wu, in the Ning-tsin district. In this picture the Chinese mob is represented as attacking foreigners under the leadership of Chen-kuo-jui, whose banner is depicted with the characters —— upon it. Many other mandarins, decorated with red buttons, yellow jackets, and peacock's feathers, are also represented as being present, and over the head of one of these waves a flag inscribed with the character "Brigadier-general." In the upper story of a house, one foreigner is pictured as scooping out the eye of a Chinese woman, a second foreigner standing by and holding a vessel to receive it, whilst in an adjoining room another foreigner is cutting out a China woman's heart. Now, it is evident that the public exhibition of such a picture as this is calculated to exasperate the ignorant multitude against foreigners. The disgusting and atrocious lies about the scooping out of eyes and cutting out of hearts, which have so often been repeated against them in anonymous placards, are now brought by this picture more vividly before the imagination of the populace, and the belief that attacks upon our nationals are approved, if not instigated, by the mandarins, is strengthened. We therefore request your excellency to take steps to discover and punish the exhibitor and painter of this picture; also, to cause a proclamation to be posted up in the town of Ching-chia-wu, and district city of Ningtsin, stating why such punishment has been inflicted. We trust, too, that your excellency, with the view of preserving friendly relations between China and the treaty-powers, will see the necessity of enjoining the local officials to exert themselves in dissipating the ignorance which unhappily prevails about the pursuits of foreigners and their position in your country; but, at the same time, we cannot refrain from expressing our regret that inflammatory placards or pictures have never, in any case which we are aware of, been brought to the notice of high Chinese officials by Chinese official agency. In conclusion, we would request that your excellency will be good enough to state, for the information of our respective ministers, what steps you have deemed it expedient to take upon the receipt of this communication.

We have the honor to be, sir, your obedient servants,

C. BISMARCK,
Consul for Germany.
C. DILLON,
Consul for France.
J. MONGAN,
Her Britannic Majesty's Consul and Acting Austro-Hungarian Consul.
ELI T. SHEPPARD,
United States Consul.
C. WÆBER,
Acting Consul-General for Russia.

His Excellency LI HUNG-CHANG,
Governor-General of Chihli, &c., &c.

[Inclosure 2 in No. 69.—Translation.]

Governor Chang to the consuls.

TIEN-TSIN, *May* 19, 1875.

J. MONGAN, Esq., *Her Britannic Majesty's Consul,*
C. DILLON, Esq., *Consul for France,*
E. T. SHEPPARD, Esq., *United States Consul,*
C. WÆBER, Esq., *Acting Consul-General, Russia,*
C. BISMARCK, Esq., *Consul for Germany,*
Tien-tsin.

GENTLEMEN: I duly received your joint note of the 15th instant, referring to a picture portraying most detestable falsehoods in representation of the Tien-tsin affair of 1870, which picture had been found among some exhibited by a showman in a public fair held at Ching-chai-wu, in the Ning-Ching district, and unitedly requesting me to take action with regard thereto. I would observe that when the picture known as the "San-chă-hokŏu" was exhibited for sale in Tien-tsin last year, I repeatedly directed the local Tao-tai and prefect to seize and burn every copy of it found in stock in the picture-stores, and to cut up the blocks, the Taotai also to issue a stringent prohibitory proclamation on the subject. As the result of those measures no pictures of that description have since been found in Tien-tsin. In the present instance, where a similar picture has been found exhibited by a showman at a fair in the Ning-Ching district, the offender must unquestionably have been a simple-minded and ignorant person. I was much surprised on hearing of this

matter, and concluded that it occurred in an out-of-the-way place, where the circumstances would not come within the cognizance of the officials. I have ordered the Tien-tsin Taotai and the customs Taotai to send deputies to the place mentioned, and there join with the local magistrate in a thorough search for these pictures and their blocks, destroying all that may be found, and punishing the possessors according to law. Also to issue interdictory proclamations enjoining local officials to make inquiries from time to time, and check the circulation of idle stories among the rustic population. These measures are calculated for the mutual welfare of Chinese and foreigners. With reference to your remark that Chinese officials, either openly or secretly, connive at such matters, I think that such is not the case within the jurisdiction of Chihli, and that you should dismiss such suspicions from your minds.

I avail, &c., &c.

Card and compliments of

LI HUNG-CHANG,
Viceroy of Chihli.

[Inclosure 3 in No. 69.—Translation]

Proclamation of Wu and Sun.

TIENTSIN, *May* 24, 1875.

Wu, intendant of the circuit of Tien-tsin-Fu, Hochien-Fu, &c., &c.; Sun, superintendent of customs at Tien-tsin, &c., &c., issue the following interdictory proclamation:

During the winter of 1873, a picture called the "San-chă-ho-kŏu-tŭ" was exhibited for sale in the picture-shops of Tien-tsin, whereupon Ting, then Taotai of Tien-tsin, and Chĕn, then customs Taotai, directed the prefect and magistrate of Tientsin to seize and destroy the pictures and blocks, summon the shopkeepers, and oblige them all to enter into a restrictive bond, making themselves liable for heavy penalties, as duly set forth, and further to issue a prohibitory proclamation on the subject. In March last another case occurred at a fair held at Ching-chia-wu, in the Ning-Ching district, wherein a man with a picture-show had among his pictures one representing a fracas between the people of Tien-tsin and the Christians,* portraying false and atrocious incidents. The foreign consuls thereupon jointly requested his excellency the viceroy to take action. We have sent reliable deputies to the district of Ning-Ching, there to co-operate in apprehending and punishing the offenders; and, as required, we now issue a strict prohibitive proclamation. Let the people of every district take notice hereby that from and after the date of this proclamation, pictures representing the fracas between the Tien-tsin people and the Christians, whether exhibited in town or market-place, must be at once destroyed. If any one shall presume to conceal such pictures and reproduce them for sale, he will, after detection and summary examination, be awarded most severe punishment. A liberal reward will be given to any person bringing reliable information, and the offender thus informed against will meet his proper punishment. Treaties of friendship have existed for many years between China and foreign countries, and hence in every case of intercourse the mutual conduct should be that of courtesy, not suspicion and insult, lest disturbances result and penalties be brought upon one's self. Let all obey with trembling, and evade not this special proclamation.

No. 166.

Mr. Avery to Mr. Fish.

No. 70.] LEGATION OF THE UNITED STATES,
Peking, June 23, 1875. (Received August 13.)

SIR: I have the honor to inclose herewith copies of a correspondence between this legation and Mr. Eli S. Sheppard, consul at Tien-tsin, and between Mr. Sheppard and the customs Taotai at Tien-tsin, touching the construction of the 28th article of our treaty with China, regarding the conduct of trials between citizens of the United States and Chinese.

* The phrase "a fracas between the people of Tien-tsin and the Christians," referring to the massacre of 1870, having been objected to by the foreign consuls in a joint note to the customs Taotai, that official promised to alter the terms of the allusion.

This correspondence grew out of the trial of a collision case between the American steamer Shantung and a Chinese junk. The customs Taotai wished to depute Mr. Twinem, a British subject, serving the Chinese as customs commissioner, to sit in his place in Mr. Sheppard's court, but Mr. Sheppard declined this arrangement on the ground that a foreign employé in the China maritime customs service is not a public officer of China, within the meaning of the treaty. The Taotai seems to have yielded the point, and even to have instructed Mr. Twinem not to appear at the trial officially in his behalf, but that gentleman, nevertheless, obtruded himself and claimed a right to participate in the trial, although the Taotai was duly represented by two Chinese officials then present. I need not enlarge upon the facts so clearly stated in Mr. Sheppard's dispatch, nor upon the reasoning by which he defends his refusal to recognize the customs commissioner. The impropriety and impolicy of allowing foreign customs employés to arrogate judicial and political functions in questions arising between foreign residents and the Chinese, are plainly apparent. I promptly approved the decision of Mr. Sheppard, and supposed that no further attempt would be made in the same direction, but it appears from a memorandum forwarded to me subsequently by Mr. Sheppard that Mr. Twinem, taking advantage of a new and inexperienced Taotai being appointed at Tien-tsin, presented himself again in another collision case, in a most pertinacious and officious manner. There is no reason to believe that these attempts to put foreign customs employés upon an equality with the consular and native authorities in the trial of international questions were inspired by the Chinese government, but should they be continued a formal protest to the government might become necessary. The diplomatic and consular bodies in China freely acknowledge the valuable aid which the foreign customs-staff, from the able inspector-general down, has afforded in systematizing and facilitating commercial relations with the native authorities, and in carrying out the fine light-house and other improvements requiring foreign skill and attention, but they would be a unit in resisting an extension of the functions of this staff beyond its legitimate field. So far as the customs employés can guide and direct the native authorities by friendly and judicious counsel, they are welcome to all the influence they may acquire, but it is clearly not their right to claim or exercise judicial and magisterial functions as Chinese officers, in conjunction with consuls. If commissioners of customs may act in this capacity, then there is no reason why their superior, the inspector-general, should not represent the Tsungli Yamen at the legations.

I have, &c.,

BENJ. P. AVERY,

[Inclosure 1 to No. 70.]

Mr. Sheppard to Mr. Avery.

No. 25.] UNITED STATES CONSULATE,
Tien-tsin, May 24, 1875.

SIR: I beg to inclose herewith a copy of a letter from the customs Taotai of Tien-tsin, and of my reply thereto, touching the right of a foreign commissioner of Chinese maritime customs to sit in conjunction with a United States consul, acting judicially, in the trial of cases between American citizens and Chinese subjects. The question came before me in connection with the trial of a collision case between the owners of a Chinese junk and the American steamer Shantung. The Taotai had, in compliance with my customary request in such cases, and being unable to be present himself,

appointed two Chinese officials to represent him in the joint hearing, and in courtesy to the Taotai I had consented to this arrangement.

On the day preceding the trial the Taotai wrote requesting me to permit Mr. Twinem, a British subject, acting commissioner of Chinese customs at this port, to sit conjointly with me in the trial. I declined to accede to this request, and in my reply to the Taotai gave him my general reasons for doing so, which were, briefly, that the 28th article of our treaty provides that, "If controversies arise between citizens of the United States and subjects of China which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations, acting in conjunction."

I held that the construction to be put upon the phrase "public officers of the two nations," when applied to the exercise of judicial functions, was not so elastic as to be made to include foreign employés of the Chinese maritime customs-service; and I intimated that I would proceed with the trial conjointly with the two Chinese officers already appointed. When the court was opened for the trial, the day following the correspondence above referred to, the Chinese officers representing the Taotai being present, Mr. Twinem appeared and claimed an official standing in the court as a representative of the Taotai equally with the Chinese officials then present. He stated that he had seen the correspondence of the previous day, but that he came as a "deputy," in the same capacity as the Chinese officers appointed by the Taotai, and desired to be officially recognized as such. In reply, I remarked that I could not admit his claim to an official status in this consular court as a representative of the Chinese authorities, and I explained to him the grounds of my objection as I had written to the Taotai. Mr. Twinem reluctantly yielded to this decision, and remained in court to the close of the hearing, when he requested permission to join in my deliberation with the Chinese deputies; and this too I was obliged to refuse.

I was surprised to learn afterward that, on the receipt of my note previous to the trial, the Taotai had at once instructed Mr. Twinem not to appear at the trial officially in his behalf. Having received such instructions, Mr. Swinem's pertinacity in claiming to be recognized as the Taotai's representative appears strangely inconsistent.

The question thus raised a second time—for it has been once similarly decided in the United States consular court at Foochow—is a somewhat important one, when the scope to which it is capable of developing, if allowed to do so, is duly considered. Shall foreigners in the Chinese customs-service be recognized as having authority to assume the functions of the Chinese magistracy, and stand between the foreign and Chinese officials in the adjustment of international affairs? I consider such an admission to be contrary to both the letter and spirit of the treaty. Excepting those few who are specially designated, the Chinese authorities with whom United States consular officers transact international business are referred to throughout our treaty as the "local officers," "local authorities," "local authorities of government," "local authorities of the Chinese government," "Chinese local officers," "the government," and "Chinese local officers of government," all of which designations are expressed in the Chinese text by one and the same term, *i. e.*, "*ti fang kuan.*" I conceive the meaning of this Chinese term to signify precisely what was intended by the framers of our treaty, who expressed it in so many different forms, viz, those officers holding commissions and appointed by the state to administer local government according to Chinese law.

It seems evident that the foreign employés of the Chinese customs-service are not and never can be included within this category while they remain in such special service; nor until a foreigner possesses a regular commission from the State, and is appointed to administer local government, could he be recognized, it would appear, as the properly authorized person designated by treaty to transact international affairs. But one isolated instance of a foreigner being invested by the Chinese government with the actual functions, in distinction from the mere honorary rank of a civil official, has occurred in modern times; that single instance was Marco Polo, who was appointed to the government of Yang Cho by a Chinese Emperor in the thirteenth century. There has been no other exception down to the present day, though brevet rank, or honorary titles—merely the name of an office without the reality—have been occasionally conferred on foreigners. Several other reasons might be mentioned in support of the position I have taken; but the views I have now expressed are, perhaps, sufficient for the present occasion. I hope to hear that my action and the grounds upon which it was based have met with your approval.

I am, sir, your obedient servant,

ELI T. SHEPPARD, *Consul.*

Hon. B. P. AVERY,
United States Minister, Peking.

[Inclosure in inclosure 1 in No. 70.]

The Taotai at Tien-tsin to Mr. Sheppard.

TIEN-TSIN, *May* 19, 1875.

SIR: I have already appointed deputies to sit conjointly with you in the trial of the collision case between the junk Chin I Hung and the American steamer Shantung; but on considering the unusual gravity of this case—the serious damage to the junk and the large quantity of rice involved—I wished to go in person and sit with you, but I cannot arrange to leave my business, which is very pressing just now. I have therefore requested Mr. Twinem, acting commissioner of customs, to appear at your consulate to-morrow morning, at 10 o'clock, and represent me in acting conjointly with you in the hearing of this case, in order that a due regard may be shown for im portant business.

I avail myself, &c.

Cards and compliments of

CUSTOMS TAOTAI.

ELI T. SHEPPARD, Esq.,
United States Consul, &c., &c.

[Inclosure 2 to inclosure 1 in No. 70.]

Mr. Sheppard to the Taotai.

UNITED STATES CONSULATE,
Tientsin, May 19, 1875.

SIR: I have received your communication of this date, informing me that in consideration of the gravity of the trial which is to be held in this consular court to-morrow, in the case of the junk Chin I Hung *vs.* the American steamer Shantung, you have deputed Mr. Twinem, an English subject, at present acting commissioner of foreign customs at this port, to sit in conjunction with me in the hearing of said cause. I regret exceedingly that your excellency cannot find time to sit in person with me in the hearing of this trial, and I shall proceed to hear it in the presence of the two Chinese deputies, Ta and Sung, whom you have kindly named. As for your appointment of Mr. Twinem to sit at the trial in conjunction with me, it is proper that I remind you that according to the twenty-eighth article of the treaty between the United States and China it is stipulated that if "controversies arise between citizens of the United States and China which cannot be amicably settled otherwise, the same shall be examined and decided conformably to equity and justice by the public officers of the two nations, acting in conjunction."

The commissioner of customs is not a public officer of either nation within the contemplation of the treaty, and consequently cannot sit in conjunction with a consul in the adjudication of cases between American citizens and Chinese subjects. Mr. Twinem cannot therefore be recognized as having any judicial functions in the trial of this or any other case in the United States consular court, nor can he be permitted to take any part in the conduct of trials or the deliberations of the court. The court is always open to all who wish to be present, but no person can be permitted to occupy a seat upon the bench but the consul and the regular Chinese deputies. This is in conformity with the treaty provisions for the public officers of the two nations to act conjointly in hearing suits.

I am, sir, &c.,

E. T. SHEPPARD,
Consul.

His Excellency SUN,
Customs Taotai, &c., &c.

[Inclosure 2 to No. 70.]

Mr. Avery to Mr. Sheppard.

LEGATION OF THE UNITED STATES,
Peking, May 31, 1875.

SIR: I have received your No. 24 and No. 25, the former inclosing copies of a correspondence between yourself and the customs Tao-tai of your port, touching the competency of a foreign subject in the imperial customs-service to sit with you in the

trial of a case between citizens of the United States and Chinese, the latter giving at length the reasons for your refusal to admit such competency. It appears that the Taotai wished to depute Mr. Twinem, a British subject, acting commissioner of customs, to represent him in the joint trial of a case in your consular court, under the twenty-eighth article of our treaty with China, which provides for joint trials, in certain cases, "by the public officers of the two nations," and that you declined to accede to the Taotai's request, on the ground that Mr. Twinem is not a public officer of the chinese government in the sense contemplated by the treaty. I am quite of your opinion in this matter, and think your reasoning on the subject is conclusive. A foreign employé in the imperial customs-service is certainly not a Chinese officer, having judicial or magisterial functions, and qualified to sit as an equal in a consular court, and to assist in determining international cases arising under treaty. Article XVII and XVIII of the British treaty conform to the above-mentioned article of our own treaty in referring to "the Chinese authorities" for the trial, in conjunction with British consuls, of cases arising between the subjects of the two nations. It surely could not be held that a British subject in the employment of the Chinese should rank as one of the "Chinese authorities" for the trial of an international dispute before a British consul; and if not in a British consular court, with what more right or propriety in the consular court of any other nationality? It only needs such an illustration to show the unsoundness of the claim made on behalf of Mr. Twinem.

But extended argument on this question is unnecessary. Your decision and views have my approval.

I am, sir, your obedient servant,

BENJ. P. AVERY.

ELI T. SHEPPARD, Esq.,
United States Consul, Tien-tsin.

[Inclosure 3 in No. 70.]

Memorandum in the matter of the "Chihli" collision suit, heard in the United States consular court at Tien-tsin, June 14, 15, *and* 16, 1875.

After the trial of the "Shantung's" case a new Taotai came into office. So when the day was fixed for the trial of the "Chihli's" case, I notified the Taotai of it, and requested him to appear in person and be present with me at the trial. He replied that he "would come along with Mr. Twinem," and attend the trial. In order to avoid any trouble, I went to see the Taotai, and asked him in what capacity Mr. Twinem was coming. His answer was a little vague, but from the way in which he insisted that Mr. Twinem was a Chinese official, I could see that he meant for him to come officially. Before going to see the Taotai, I had seen Mr. Twinem, and had told him that I had instructions from you, and I begged of him not to be lugged into this case, as it would only make it unpleasant for me; that my duty was plain, and that I could not permit him to take any part in the trial, &c. I told the Taotai that I had talked with Mr. Twinem about the case, and that I had instructions from the minister, and that the commissioner could not be permitted either to sit with the court or take any part in the conduct of the trial. The Taotai said he would wait until he got some instructions about it from the Tsungli Yamen. I told him, as politely as I could, that this was a question for the American minister to decide for himself, and that the Tsung-li Yamen had nothing to do with it; that the minister made rules for the consular courts, and that the Yamen could only make rules for his (the Taotai's) court. I showed him that our consular courts were United States tribunals, and that by our laws the rules governing all our consular courts in China are made by the minister, and that it was nobody else's business to make such rules, because Congress had authorized the minister to make the rules. He then said he knew nothing of the business himself, as he was just new here, and had never transacted any business with foreigners before, but that he would consult with Mr. Twinem about it. From this I saw clearly that Twinem was pushing himself forward. I may mention that the arguments made to me by Mr. Twinem, in support of his right to take part in the trial of cases in consular courts, were repeated almost verbatim by the Taotai; so that it is manifest that the Taotai had been *prompted* by Mr. Twinem himself. There can be no longer any reasonable doubt as to the fact that the commissioner, and *not* the Chinese, was forcing this issue upon me.

MONDAY, *June* 14, 1875.

At the opening of the trial the Taotai and myself took our seats behind a large table at the head of the court-room. Mr. Pethick was sworn as interpreter, and stood in front and to my right hand. The Taotai sat at my left. Twinem was present, and in order to be civil to him, I had a chair placed about six feet in front of us for him, and by the side of it was placed a small table, on which he could make any notes, if he

wished to do so. He sat down in the chair, and the trial began. During the day, while one of the plaintiff's witnesses was testifying, Mr. Twinem arose and said, "May I be permitted to ask the witness a question?" I replied promptly, "No, sir. If the Taotai desires to ask any further questions, they will be put through the sworn interpreter, but persons not connected with the court cannot be permitted to conduct the examination of witnesses." Thereupon he subsided for that day.

TUESDAY, *June* 15.

The court commenced the hearing as before. Presently Mr. Twinem quietly shoved his little table to one side and cautiously "inched" up toward the large table where the Taotai and myself were sitting. No notice was taken of this, and presently he pulled up a little closer, and then closer and closer, and finally he got near enough to lay his notes upon the large table, and then he began to write. Finding that no notice was taken of his intrusion, he commenced talking to the Taotai, and getting bolder, he rose up and said, "May I be allowed to make a suggestion?" I replied, "No, sir. The court cannot entertain suggestions from outside parties." "But," said he, "I came here as the Taotai's *scribe* and I think I ought to be allowed to"——

"Mr. Twinem, if you are here as the Taotai's *scribe* there is a table for you yonder. You will greatly oblige the court by being seated at the table set apart for your use." He then retired reluctantly to his place and sat down. Shortly after this, I was pointing out to the Taotai that the testimony given by the customs tide-waiter (Mr. Castle) did not agree with the testimony of the Chinese witnesses, and asked him how he could reconcile these conflicting statements of the plaintiff's witnesses. The Taotai could not do it, but proposed to re-examine Mr. Castle; to which I assented. But Mr. Castle's cross-examination did not mend matters, and Twinem began to feel very nervous, seeing that the tide-waiter's testimony was destroying the plaintiff's theory of the case. So he rose up and said, "May I be allowed to make an explanation for the witness?" I answered, "No, sir. The witness is under oath, and should make his own explanation." "But," said he, "I hold that I have the right to make an explanation for my subordinates." I replied, "Mr. Twinem, the court holds differently. *Take your seat.*" And he took it.

No. 167.

Mr. Avery to Mr. Fish.

No. 71.] LEGATION OF THE UNITED STATES,
Peking, June 25, 1875. (Received August 13.)

SIR: I have the honor to inform you that on the 15th instant General Raasloff, the Danish minister, having completed the special business on which he came to Peking, took his departure from this capital, *en route* to Japan, to which country he is also accredited as envoy extraordinary and minister plenipotentiary. Before going he addressed to his colleagues of England, Russia, the United States, Germany, and France an identical note upon the subject of the joint action had for the protection of the submarine-telegraph cables, asking them to report what had been the instructions to and responses from their respective consuls, conformably to the protocols of December 20 and January 27 last, and intimating that he would have further measures to suggest. Doubtless his main object was to ascertain what steps had been taken by the English minister and French chargé, whose earnestness in the business he thought he had reason to doubt; and indeed there does appear to have been some hesitancy and lukewarmness in following up the agreement entered into under the protocols mentioned. The Russian and German representatives had sent satisfactory instructions to their consuls, and were willing to co-operate in such further measures as might be necessary; but they doubted their power to issue the specific regulations which they thought General Raasloff contemplated, and were averse to lending themselves to what they deemed a kind of pressure on two of their colleagues. They therefore urged the policy of

replying to General Raasloff in an identical note, very general and guarded in its terms. Although I did not have quite the same feeling in this matter as themselves, and was willing to follow up in a decided manner the action already taken, I deemed it best, for the sake of maintaining complete harmony, to join them in the proposed note which I accordingly did, reserving for a separate communication my independent views, and understanding that some of my colleagues would also address General Raasloff in the same way. In this communication, after sketching what has been done through this legation and various consuls of the United States to secure favorable action by the native authorities, I suggested what should be done to protect the cables against foreigners in China, both on the part of our respective consuls and of the owners of the cables. It seems to me there ought to be no difficulty in proceeding against foreign trespassers on the cables, when committed within a marine league of the shore, where they chiefly lie and are most exposed to injury. A recent occurrence in the harbor of Hong-kong shows the necessity of the telegraph company itself taking precautions that have been heretofore neglected. The Great Northern Telegraph Company brought an action for $15,000 against the owners of the steamer Yesso, which had dragged up the cable with her anchor and cut it to free herself, under circumstances of some peril. The defense set up, that the locality of the cable was unmarked, either upon the charts or by buoys in the water, was held by the British chief-justice to be sufficient, and the company lost the case. Heretofore the company has purposely abstained from marking the localities of its cables in any manner, through fear of attracting the attention of the Chinese, and inviting the very acts of interference sought to be avoided. Since, however, the government at Peking has accorded some degree of recognition and protection to the cables, it is clearly safe and necessary for the company to take those measures on its own behalf which are calculated to prevent trouble, and I have no doubt they will do so.

I have been glad to co-operate with General Raasloff to the best of my ability in the interesting object of his special mission, which he has pursued with ability and success. His short stay in China has been marked by two events of striking importance, namely, the recognition and protection of submarine cables by the Peking authorities and the making of a contract to erect the first land-wires for and on behalf of the Chinese government.

These are steps of decided progress.

I have, &c.,

BENJ. P. AVERY.

[Inclosure 1 in No. 71.—Translation.]

General Raasloff to the Minister from England, &c.

DANISH LEGATION, *Peking, May* 26, 1875.

To the ministers from England, from Russia, from the United States, and from Germany, and to the chargé d'affaires from France, signatories of the protocols of 20th December, 1874, and of 27th January, 1875, relating to the protection of submarine cables in Chinese waters.

GENTLEMEN AND DEAR COLLEAGUES: You are aware that the notes which, in conformity with the protocols of December 20, 1874, and of January 27 last, we have addressed to the Tsung li Yamen, as well as the applications which the consular officers of our respective nationalities have addressed to the Chinese authorities, have produced the effect we could expect from them: the Tsungli Yamen having given the

necessary orders to the provincial authorities, and the local authorities having in consequence of those orders issued proclamations which are more or less satisfactorily worded, and through which those authorities explain to the people of their respective districts, especially to fishermen and to sailors, the special character and great importance of submarine cables, and threatening with severe punishment all those who hereafter, by injuring the cables, cause an interruption of telegraphic communication. But you are doubtless also aware that, notwithstanding that undoubted progress which is due to our efforts, we have not yet reached the end we have set before us. Reports which I have received mention even the much-to-be-regretted fact that one of the last interruptions of telegraphic communication between Hong-kong and Shanghai was caused, not by ignorant or evil-disposed Chinese, but by the crew of a European steamer. I am convinced that you would not, under these circumstances, discontinue an action which has been so successfully started; the more so, as there is every reason to hope that, by continuing our efforts, in conformity with the programme which we adopted on the 27th of January last, and which we embodied in the protocol of the same date, we shall obtain more and more satisfactory results. I therefore consider it incumbent upon me to propose that you will be pleased to communicate to me the reports received from your consular officers in consequence of the instructions you have given them, in conformity with the protocol of January 27 last, namely, the last portion of that protocol, which reads as follows: "In view of these considerations, the undersigned agree—

"I. * * * * * * *

"II. That conformably to the promise made to the Tsung li Yamen, each of the signatories will bring to the knowledge of the consuls of his nation, in the way that seems best to him, the contents of the correspondence above mentioned between them and the Tsung li Yamen, and give to those officers instructions to put themselves into communication with the Chinese authorities, in order to inform themselves of the measures which may be adopted by the latter, and, in case of need, aid them with advice; to inform their legations of what the Chinese authorities have done; and to indicate the measures which may, in their opinion, be useful and convenient for adoption to the end in view by the consular and other foreign authorities."

With the view of enabling me to propose to you, on the strength of those reports, the further measures which we had in view, and by means of which we may expect gradually to approach our end—the efficient protection of the telegraphic communication between China and the rest of the world.

I shall with pleasure take charge of this little work, which appears to me naturally to revert to this legation, but which I am equally disposed to divide with others, if you should prefer.

Be pleased to receive, gentlemen, and dear colleagues, the assurance of the sentiments of high consideration with which I have the honor to be,

Your good colleague,

W. RAASLOFF.

[Inclosure 2 in No. 71.]

Mr. Avery to General Raasloff.

LEGATION OF THE UNITED STATES,
Peking, June 9, 1875.

DEAR SIR AND COLLEAGUE: I have had the honor to receive the letter, under date of May 26, which you were good enough to address to my colleagues and myself, upon the subject of the protection of submarine cables in the Chinese seas. While showing what steps to this end have been taken by the Chinese authorities, you call our attention to the necessity for the adoption of further measures by the consular authorities, and you kindly offer to charge yourself with the task of proposing such measures. I shall be happy, my dear colleague, to continue my co-operation with you for the purpose which has been the aim of the accord established between us on the question of the telegraphic cables, and shall therefore receive, with all the attention they merit, the propositions you may think best to make us on this subject. There is, however, one observation which I think it is a duty to make, should the measures that you contemplate be in the nature of a regulation, the violation of which would be followed by certain penalties, and that is that most of the accredited representatives in China do not possess the powers necessary to establish, of their own authority, equal regulations and penalties. It will be, then, only in a manner very general that we can call the attention of our *administrés* to the protection which is desired for the cables, and it seems to me that it belongs to the telegraph companies, and particularly to the Danish company, as sole owner of the cables in Chinese waters, to indicate the measures which

may contribute to the security of those cables. It depends upon the company to take some measures, but in so far as the support and co-operation of foreign consuls shall be necessary, the consuls of the United States will always be ready to accord it within the limits of their power.

I have the honor to be, my dear colleague, with respect and esteem, very truly, yours,

BENJ. P. AVERY.

His Excelleney W. RAASLOFF,
Danish Minister.

[Inclosure 3 in No. 71.]

Mr. Avery to General Raasloff.

LEGATION OF THE UNITED STATES,
Peking, June 10, 1875.

DEAR SIR AND COLLEAGUE: I have had the honor to receive your communication of the 26th ultimo, identical with one addressed to my colleagues of Great Britain, Russia, Germany, and France, on the subject of our common action for the protection of submarine cables on this coast, and requesting us to acquaint you with the reports of our consuls in response to our instructions to them, conformably to the protocol of January 27, on the strength of which reports you purpose to suggest such further measures as may seem necessary to insure efficacious protection for the telegraphic communications between China and the rest of the world.

Although the signatories of the protocol have replied to you in a joint note, expressing their willingness to co-operate in such further measures as may be thought practicable and within the limit of their powers, I desire to address you separately, for the purpose of making the following statements and suggestions: Under the same date as the protocol mentioned, I addressed a circular to our consuls at all ports contiguous to the cables of the Great Northern Telegraph Company in China, namely, to George F. Seward, consul-general at Shanghai; to Joseph J. Henderson, consul at Amoy; to Edward C. Lord, at Ning-po; Robert M. Tindall, Canton; M. M. De Lano, Foo-chow; and Joseph C. A. Wingate, Swatow. These officers were furnished with the Chinese text of the Tsung li Yamen promise, conveyed in the last paragraph of their note of January 12, to instruct the high officers of the seaboard provinces to take measures for the protection of the cable; and were instructed to communicate with and counsel the local officials relative to the matter in question, to procure the issuance of protective proclamations, &c. In addition to sending the above circular, I wrote personally to his excellency Li-Hung-Chang, the influential and able governor-general of Chihli, who replied with an assurance of his friendly disposition to the cables, although they are not strictly within his jurisdiction. All the consuls of the United States who were addressed on this subject responded promptly, declaring their readiness to do all in their power to promote the end in view, and several of them have reported the success of their active intervention to procure the punishment of depredators on the cables, and of their efforts to procure the issuance of friendly proclamations from the native authorities. I need not remind you that Consul-General Seward, Consul Lord, and Consul De Lano, had all exerted themselves on various occasions, before our common action at Peking, to have the cables protected, as previously to insure their being laid and landed. The particulars of Mr. Lord's success in a recent case, resulting in the posting of two very friendly proclamations by lower and higher officials, are already in your possession. You have also been furnished with the very gratifying correspondence between Mr. De Lano and the governor-general of Fuh-Kien, from which it appears that the instructions from the Tsung li Yamen were of a nature to impress the provincial authorities with the belief that the central government has now very friendly sentiments towards telegraphs. Mr. Henderson makes the very sensible suggestion, in a letter of which you have a copy, that "some regulations should be made for the protection of the cables from foreign vessels also," and remarks that it may be difficult to get the Chinese authorities, who have just issued friendly proclamations, to punish their people for an offense that foreigners may commit with impunity. So far as the consuls of the United States are concerned, I am of opinion that they would be justified by our Government in proceeding against their nationals who commit trespasses upon the cables, when within their jurisdiction, as they proceed against them for trespasses on any other kind of property, where heedlessness or malice can be proved. And, as a matter of justice and sound policy, I am inclined to believe that authority in the same direction would not be refused to the consuls of other treaty-powers in China, if applied for by the different representatives. Considering the truly international character and uses of the cables, it is difficult to see why there should be any refusal on the part of foreign governments to accord the same measure of protection which they have instructed their minister here to demand of the Chinese. The Government

of the United States has heretofore invited consideration to a project for an international convention for the protection of all cable-lines, as well as to encourage the future construction of new ones, and is still desirous to see this project carried out, believing that it will finally develop the most substantial results. Considering the peculiar circumstances of foreign representation and residence in China, and the identity in a large measure of all foreign interests here, we would, in my opinion, be acting wisely to co-operate in the spirit of the above invitation, not with a view to obtaining any exceptional advantages for any country or scheme, but to provide for the general protection and encouragement of all cables in Chinese waters.

With this view, it appears to me that it would be advisable to invite the co-operation, with the signatories of the protocol of January 27, of the representatives of all other nations having treaty relations with China, one of which, Japan, has an extensive system of land and submarine cables connecting with the lines of the Chinese coast, while others have connections through their colonies off the southern coast of this continent. To some extent it will naturally devolve upon the companies owning cables along the shores of China, and particularly the Great Northern Company, to take the initiative in measures for the protection of their property against foreign trespassers. They can test the willingness or the power of consuls to move in the matter by bringing formal complaints before them for any injurious acts committed by their respective nationals. Some precautionary and preventive measures could also be devised by cable-owners. It might be well, for instance, as Mr. Henderson has suggested to the superintendent of the Great Northern Telegraph Company at Amoy, to have those places where a cable is most exposed to accidents from vessels marked by lines of buoys indicating its locality. Should it be decided to take action on this suggestion, the Chinese authorities should be informed thereof, and if it appears that the general proclamations expected in pursuance of the Yamen's instructions have not been issued in all the seaboard provinces, we should remind the Yamen of the omissions, and ask to have them supplied, failing the success of local applications by our consuls, which should first be made. It would have been better had the various consuls at each port conferred and acted jointly in this matter heretofore, and I would suggest that they be asked to do so hereafter whenever practicable. A joint consular application to a governor-general or other high official, to issue a friendly proclamation in a province where none has yet been posted, would hardly be denied. In conclusion, I would remark that, while the action of the Tsungli Yamen and of the provincial authorities, so far as reported, has been more favorable than we expected at the outset, the policy initiated needs to be nursed and developed, and I am convinced that something like the measures suggested in this letter would be most useful.

Be pleased to receive, my dear colleague, the assurance of my high regard.

BENJ. P. AVERY.

His Excellency W. RAASLOFF, *Danish Minister.*

No. 168.

Mr. Avery to Mr. Fish.

No. 73.] LEGATION OF THE UNITED STATES,
Peking, July 7, 1875. (Received September 10.)

SIR: Referring to my No. 45, of March 31, which recounted the progress of mediation in the matter at issue between China and Spain, I have now the honor to continue the narrative.

At the date mentioned, negotiations had been suspended by the withdrawal of the five representatives pending the non-settlement of a grave question growing out of the Margary massacre.

On the 3d of April, Mr. Wade, the British minister, having notified his colleagues that his demands in this matter had been complied with, they addressed the Tsungli Yamen, asserting their readiness to resume mediation, since their colleague could now join them.

To this note Prince Kung replied the next day, requesting that the protocol of a convention agreed upon by the five representatives be forwarded for his consideration. As the protocol had already been handed in, the prince must have misconceived Mr. Wade's note,

which referred to a joint communication prepared by the mediators, explaining their view of the protocol, and recommending its adoption. The original draught of this note, as prepared by Mr. Wade, after an exchange of opinions with his colleagues, was, by them, revised and modified to a considerable extent, and, as finally sent in, was intended to explain our position and powers as mediators, to set forth what we thought would be the practical operation of the proposed convention, to answer certain objections raised by the Yamen in their long memoranda of March 11, (inclosures 6 and 7 of No. 45,) and to state our conviction of the inutility of further negotiations unless the Yamen was prepared to make some concessions—notably on the demand for wholesale repatriation—and for the granting of exterritorial powers to the Chinese consul proposed to be appointed in Havana.

The ministers of the Yamen seemed unable to understand, or unwilling to admit, that it was not in our power to impose conditions on Mr. Otin which he declined to accept, and that having obtained from him, after much effort and with the most earnest disposition to secure the fullest practicable measures of redress and reform, all that he was willing or felt himself authorized to concede, we could do no more than submit the result for their decision.

The full text of our note is sent herewith.

After it was prepared Mr. Wade went to Shanghai, and all subsequent proceedings have been conducted by the representatives of Russia, the United States, Germany, and France, our Russian colleague, Mr. Bützow, acting as *doyen;* but Mr. Wade agreed to abide by whatever his colleagues should do in the matter, and it was decided to allow the presence of his secretary, Mr. Fraser, at any conferences which might be held with the Yamen.

On the 25th of April we received from the Tsungli Yamen a reply to our joint note, reviewing our arguments and the provisions of Mr. Otin's amended project at great length, and submitting a counter-project of their own. While this reply shows a better understanding of our position as mediators, it is marked by the usual tendency to indulge in tedious repetition, to reason in a circle, and to insist upon impracticable points.

Great stress is laid upon the maintenance of the twenty-two regulations, which, as explained in my No. 45, have no real validity, and, so far as they were acted on by Spain, left the door open to all the evils of the contract system, and were seen to be plainly inconsistent with the principle of free emigration, without contracts in China.

Curiously enough, in the face of all their protests against the abuses inseparable from the old contract system, and in the face of their free emigration treaties with the United States and Peru, the Yamen seemed to be still willing that Spain should have coolies, provided they were contracted and shipped under the twenty-two rules. After a careful perusal of these rules, and an inquiry into all the facts connected with the shipment of laborers from China, I became convinced that any system which permitted the laborer to be contracted in Chinese ports would be liable to great abuses, and that there was no security for the freedom and just treatment of the laborer except in letting his departure be entirely voluntary, and leaving him to make his own engagement abroad.

I was gratified to ascertain, on discussing the matter with my colleagues of Russia and Germany, that they concurred with me on this point, and we came to an agreement to insist upon an abandonment of the twenty-two rules, and advise a strict adherence to the principle of

free emigration, subject only to such modifications in practice as the peculiar condition of Cuba might seem to render necessary.

The Yamen again insist upon the concession of exterritorial powers to their consul in Cuba. The reasoning by which they support this demand is not without point and justice; but the impolicy of yielding to them on this point is manifest. Even if Spain were willing to do it, which she is not, none of the other treaty powers would consent to an abandonment of the distinctive principle regulating their dealings with the entire oriental world.

As to the repeated demand for the gratuitous repatriation of large masses of the coolies now in Cuba, we considered it impracticable, and thought the provision which would open the courts for the investigation and redress of cases of individual hardship, and which contemplated new contracts for short terms, at high wages, would gradually ameliorate the condition of all now in Cuba without embarrassment to Spain. Yet we would have gladly procured from Mr. Otin all the concessions on this point which he could be brought to yield.

Some of the suggestions in the Yamen's project are good, and we resolved to give them the consideration they merited. Other suggestions only went to details, which should be matter of regulation between the two parties after they have agreed upon a convention.

On the 8th of May we felt constrained to inform the Yamen that unless they were prepared to make some concessions on some of the points in their letter and project, we doubted the utility of further mediation; but we invited another conference on the mooted points if they should desire it.

On the 10th of May we met the Yamen again, at the Russian legation, and discussed the points just gone over. I rehearsed my objections to the twenty-two regulations, and to any system of contract emigration, stated the policy of my Government on coolieism, recounted briefly its efforts against the traffic, and declared that I could not consistently assist in further attempts at mediation unless the principle of free emigration were carefully guarded and the twenty-two regulations abandoned. My colleagues of Germany and Russia expressed substantially the same opinion and conclusion.

The French chargé simply pronounced upon the inutility of further discussion or negotiation so long as the two parties were so far apart. Finally, as the sequel to a lengthy debate, the Yamen agreed, on their part, to abandon the twenty-two regulations, to negotiate upon the basis of absolutely free emigration, to give up the claim for exterritorial powers to their consul, and to modify their demand for wholesale repatriation.

The conference broke up with the understanding that the four representatives would draft a new convention embodying these points.

This was subsequently done, and a copy of the document is sent herewith. Since the principle of voluntary emigration was set forth in the new project more absolutely than in the original project of Mr. Otin, as revised by the five representatives, all of the details relative to terms of contract were omitted.

The American supplementary treaty was followed in respect to the freedom of emigration, and the Peruvian treaty in respect to equality of rights for Chinese subjects in conformity to the favored-nation clause; and the same treaty was followed in the clauses relative to repatriation of coolies whose contracts have expired, engaging the Spanish government to nothing in this respect which is impracticable or unreasonable. This project is essentially a compromise between the

extreme views of either party, and seemed to us a fair adjustment of a grave dispute.

On the 4th of June, it was submitted and explained to the Yamen, when they expressed their satisfaction with much of it, but wished to offer some articles in addition.

The text of these was sent in to us shortly afterward, and proved to be an entire project for a convention, embodying the essential features of our own, besides a quantity of detail as to shipment of emigrants which should be matter of local regulation on the part of China. In respect to the Chinese now in Cuba, they made more sweeping exactions than at our last conference.

In the mean time we had submitted our project to our Spanish colleague. Mr. Otin had been relieved of his charge by Señor Faraldo, formerly Spanish consul at Macao, who came with full credentials as minister. Some modifications were made in the language and order of the preamble and first four articles to suit his views; but he declared that it was impossible to accept the articles guaranteeing the free movement and equal treatment with other nationals of the Chinese in Cuba, urging the exceptional condition of things in that island as one reason. It was evident, however, that he equally objected to the principle of these concessions and to the provisions for repatriation, other than the limited ones agreed to by Mr. Otin. In short, he gave us to understand that only Mr. Otin's project was quite acceptable, even after we had assured him of the downright refusal of the Yamen to give up the very points which it did not embrace, and to which particularly he objected in our new project.

Nothing remained but to inform the Tsung li Yamen of his decision. He had been shown their own final project, and was no better inclined to that, of course, than to ours.

First, Mr. Bützow, as *doyen*, procured from him a note, stating briefly his non-acceptance of our project, and the reasons therefor, among which he included virtual abrogation of portions of the Spanish treaty, though this certainly is not correct beyond the contract-emigration provisions.

In our note to the Yamen this was repeated. The Yamen, in their reply, under date of June 15, declare that they cannot yield the points of free circulation and equal rights, and sharply resent the refusal to concede them.

While they are not justified in stigmatizing as disrespectful or insulting the conduct of a minister who simply announces his inability to accept certain propositions, some warmth of feeling on the subject is not unnatural, when we reflect that their pride is touched by what they must consider as a virtual assertion of Chinese inferiority.

With the same communication they sent another, inclosing further suggestions for a convention, which do not differ enough from their former projects to make it worth while to forward a copy.

The ministers of the Yamen remaining firm in their position, declining even to admit certain restrictions in practice upon the principle of the debated clauses, such as might be claimed as necessary for Spain, considering the distracted state of the Island of Cuba, we were constrained to inform Señor Faraldo that we felt ourselves powerless to reconcile the differences between the two parties, and to intimate that we must withdraw from any further negotiation, unless it could be renewed with more prospect of mutual accommodation than now exists.

We also informed the Tsungli Yamen that we considered further mediation useless, unless mutual concessions were made.

And so the matter stands at present. We are not without slight hope that both parties, seeing the imminent danger of a rupture, will invite a renewal of mediation on a basis more likely to be mutually acceptable. We are even prepared to wait until Señor Faraldo can communicate with his government and receive instructions that will leave him more latitude.

I have expressed myself personally in favor of renewing mediation as soon as there is the least reason to expect that it may be useful, and my colleagues are of the same mind. Apart from motives of humanity, growing out of our desire to ameliorate the condition of the Chinese now in Cuba and to effect a reform for the future, we feel that a failure to settle the pending dispute on a basis that will remove all causes of complaint about the treatment of Chinese by Spain would react against foreigners generally, in the estimation of the people of this empire, and, by intensifying their hatred for us, lead to increased difficulties in our relations with them. The facts elicited by the Cuban commission have become widely known, and exaggeration will not fail to magnify their bad effect.

Hence it is desirable, in every point of view, that we should secure, if possible, a just settlement of this difficult and delicate business.

Trusting that my action thus far will meet with your approval,

I have, &c.,

BENJ. P. AVERY.

[Inclosure 1 in No. 73.]

The Ministers to Prince Kung.

PEKING, *April* 3, 1875.

To His Imperial Highness Prince KUNG:

The undersigned, envoys extraordinary and ministers plenipotentiary of Russia, the United States, Germany, and chargé d'affaires of France, having been informed by the English minister that there exists no longer any hinderance in his taking part in the conferences relating to the settlement of the Cuban question, have the honor to make known to your imperial highness that they are prepared to resume the consideration of that question.

The undersigned embrace this opportunity to renew to your imperial highness the assurance of their high regard.

BÜTZOW.
AVERY.
BRANDT.
ROCHECHOUART.

[Inclosure 2 in No. 73.—Translation.]

Prince Kung to the Ministers.

PEKING, *April* 4, 1875.

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication in reply:

Upon the 3d of April, 1875, I received a communication from your excellencies, stating that, having received a note from his excellency the British minister, Mr. Wade, to the effect that there was no longer any obstacle to prevent his participating in the discussion of the Cuban question, your excellencies were therefore willing to resume at once the consideration of that business.

The prince begs leave to state that March 24 he received a dispatch from Mr. Wade, setting forth that he had invited the four representatives—of Russia, the United States, Germany, and France—to meet at his legation, in order to lay before them the details of a telegram received by him from the Viceroy of India, and to inform them that, in consequence of the affair therein recited, he could not at present join with

them in considering the Cuban matter. Upon the following day (March 25) a dispatch from your excellencies was received, stating that the adjustment of the Cuban question must be delayed until his excellency the British minister could join you, at which time it would be resumed.

Yesterday a dispatch was received from his excellency, Mr. Wade, stating that he was now able to discuss with the other ministers the adjustment of the Cuban question as before; that the four ministers—of Russia, the United States, Germany, and France—were perfectly familiar with all the points in the case, and the protocol of a convention had been prepared by them in conjunction with him; that a dispatch was ready and only awaited translation into Chinese, when it would be at once forwarded for my inspection; that the ministers had most earnestly cousidered the coolie question, and had devised a mode of adjustment, and if settlement could be made according to this plan it would be cause of great congratulation. But if not, the Tsungli Yamen and his excellency the Spanish chargé d'affaires still desired to bring the points of variance before the ministers for arbitration; it would then become necessary to examine clearly as to the basis on which the business can be proceeded with, in a manner different in no way from that already pursued by the four ministers and himself.

Having thus learned to-day that your excellencies are ready to resume the discussion of this business, and his excellency Mr. Wade and yourselves are of one mind, I would therefore request your excellencies to forward the protocol of a convention agreed upon by your excellencies and Mr. Wade, when translated into Chinese, to this Yamen in order that I may consider it. And for the purpose of making this request I transmit this communication in reply.

To their Excellencies the MINISTERS *of Russia, the United States, Germany, and the Chargé d'Affaires of France.*

[Inclosure 3 in No. 73.]

Mr. Wade to the Tsungli Yamen.

PEKING, *April* 2, 1875.

The minute mentioned in my note of the 15th March as containing my own views upon the propositions of Mr. Otin, and the counter-propositions of the Tsungli Yamen has been made the base of a note, to which my colleagues and myself have agreed, and which will be sent to your imperial highness as soon as it can be translated. My minute, which was at great length, has not been put into Chinese, and there will not now be any occasion to trouble your imperial highness with it.

I should be glad to find that the note now on its way from my colleagues and myself induced acceptance of the adjustment of the emigration question we have been striving so hard to promote.

Should it be otherwise, and the Tsungli Yamen and the Spanish legation still entertain a desire to submit the issue between them to arbitration, I shall be ready, as before, to join my colleagues in whatever course it may be found practicable to follow.

[Inclosure 4 in No. 73.]

Joint note of five ministers to the Tsungli Yamen.

PEKING, *April* 6, 1875.

The undersigned, representatives of England, Russia, the United States, Germany, and France, have considered with careful attention the two memoranda placed in their hands by the ministers of the Tsungli Yamen on the 11th March.

From the tone of these it is plain that some misconception exists regarding the relation of the undersigned to the Yamen in the late conferences regarding the Cuban question; some misapprehension also of the purport of what has fallen from the undersigned.

In November, 1873, the five legations of France, Germany, Great Britain, Russia, and the United States were invited by the Tsungli Yamen, and M. Otin, representative of Spain, to form a court of arbitration, on certain issues not very precisely stated, which were to be submitted to that court whenever the report of a Chinese commission, then about to proceed to Cuba, should be received by the Yamen.

It having become evident, when the commission returned in November, 1874, that much time must elapse before the arbitrators could be put in possession of the evidence to be laid before them, and that whenever a court should be formed its proceedings would be attended with much difficulty, and probably with little or no practical result, the

two appellants were sounded as to possibility of some adjustment of their differences without submitting them to arbitration.

The Yamen was unprepared with any alternative course. Mr. Otin, after some deliberation, produced a draught-convention, which, with certain modifications suggested by the undersigned, they have recommended the Yamen to accept.

In recommending it, the undersigned were moved by the consideration that the object which the Chinese government professes to have specially at heart—a speedy amelioration of the status of the Chinese now in Cuba—would be at once commenced and gradually achieved; their protection against wrong in the time to come being at the same time provided for.

In their consideration of Mr. Otin's draught-convention, and in their recommendation of it to the Yamen, the undersigned have been acting, not as arbitrators, but as mediators. As arbitrators they could have done nothing until the whole of the evidence was laid before them. Then, being duly advised of the particular issues on which their decision was desired, and being formally assured by both parties that, whatever might be the decision of the court of arbitration, it would be accepted as final, they would have proceeded to examine the evidence. So much for the relation of the undersigned to the two parties *en litige*.

Next, to the misapprehension on one or two points of the meaning of what they have said.

In their memoranda the ministers of the Yamen assume that the undersigned admit the truth of the evidence taken by the commission sent to Cuba. The undersigned have made no such admission, and could not have made it consistently with the duty which would have been imposed upon them as arbitrators.

There is a further assumption in the memoranda that the concessions made in Articles I, III, VII, and IX of the draught-convention have been made unconditionally, and that the undersigned are pledged with Mr. Otin to their accordance.

The ministers of the Yamen, in advancing this statement, evidently forget that the proposals laid by Mr. Otin before them form a whole, and can be considered as binding upon the Spanish representatives only if accepted *in toto;* the undersigned certainly have neither the power nor the right to press upon Mr. Otin what he declares his inability to concede.

As mediators, however, they feel bound to urge once more upon the Yamen the inexpediency of declining Mr. Otin's convention.

By its acceptance—

First. The quarrel between China and Spain, now open since 1872, is closed, and with it all question of the indemnity claimed by Spain.

Secondly. The surrender of Spain's treaty-right to engage laborers under contract in China puts an end to impressment by crimps and kidnapers, a result the ministers of the Yamen have repeatedly declared themselves very anxious to obtain.

Thirdly. The condition that the Chinese laborer is henceforth to be a voluntary emigrant (proceeding to Cuba under the same conditions as Chinese now proceeding to California) guarantees immediate effort on the part of Cuba to remove causes of complaint.

Fourthly. The provision that the form of contract under which henceforth Chinese are to engage themselves in Cuba shall be prepared in Peking, enables the Yamen to secure insertion of all reasonable conditions respecting the laborer's term of service, his rate of wages, support, general treatment, and repatriation.

Fifthly. The Chinese of condition now in Cuba are to be immediately repatriated, as also those whose infirmity incapacitates them for work.

Sixthly. Chinese now detained under the vagrance laws by the local government, if they cannot be at once repatriated, are to be provided with fresh contracts to enable them to work out their repatriation at an improved rate of wages.

Seventhly. The convention is intended to guarantee redress by law to any Chinese laborer ill treated by his employer, and the undersigned are authorized by Mr. Otin to state that such redress will be obtainable for all parties aggrieved in the future as well as in the past; and will not be confined, as the Yamen appears to believe, to those only who have already sent in petitions to the Chinese commission.

Eighthly. The appointment of a consul insures to the Chinese plaintiff the assistance of his own authorities before the Spanish courts; the enforcement of the contract; the protection of the Chinese when uncontracted; and the denunciation and therefore speedy redress of defects and abuses in existing laws or regulations.

The Yamen's memoranda draw special attention to the punishment of Chinese by their employers. The Spanish regulations admit the punishment by the employer only in the manner and under the circumstances mentioned in the annexed copy of articles 69 and 70 of the "Rules for the introduction of Chinese Colonists."

It will therefore be the duty of the Chinese consul to watch over the enactment of the Spanish laws as far as his countrymen are concerned; and in the performance of this duty he will without doubt meet with the ready and effectual assistance of the Spanish authorities and courts of justice.

But the Yamen must not expect that the Chinese consul will be invested with powers over his nationals not accorded to the consul of any other power represented in Cuba, or that rights will be granted to China which are not possessed by any other nation.

With regard to the measure of repatriation desired by the Yamen, the undersigned have been informed by Mr. Otin that he cannot go further than he has already done in his proposal laid before the Yamen.

It will therefore rest with the Chinese ministers to decide if, by insisting on a demand which they have not pressed in their negotiations with other powers, they are prepared to cause the present negotiations to be broken off, and to prolong a state of things in Cuba of which they complain, and with it those evils from which their countrymen are charged to be suffering, and which the ministers profess so strong an anxiety to alleviate.

The undersigned, in recommending once more the acceptance of the proposals of Mr. Otin as the only available way to arrive at a speedy and practical result, feel it their duty to inform the Yamen that unless by the acceptance of the proposed conventions as modified by the declarations contained in this note, and which Mr. Otin has expressed his readiness to accept, a practical basis is found for the continuation of the mediation, they are persuaded of the inutility of further negotiations in this direction, and are further of the opinion that arbitration, while it would consume much time, would leave the question still undecided as to the objects which the Yamen has most at heart.

WADE.
BÜTZOW.
AVERY.
BRANDT.
ROCHECHOUART.

[Inclosure 5 in No. 73.—Translation.]

Reply of the Tsungli Yamen to the representatives of the five powers.

Upon the 6th day of April a note was received from your excellencies concerning the question of Chinese emigration to Cuba, expressing the fear that the undersigned still misapprehended the nature of the draught for a convention sent them; and reciting the advantages of the adjustment agreed upon between your excellencies and his excellency M. Otin. The undersigned have reported to the prince the kindly thought of your excellencies; it has also been most carefully and thoroughly considered by the undersigned.

The representative of Spain, holding that the Spanish government has not subjected the Chinese laborers in Cuba to ill-treatment, held that China ought to make indemnity for refusing to allow Spain to obtain laborers in accordance with the terms of the twenty-two regulations.

China, holding that there was ill-treatment of the Chinese laborers in Cuba, therefore temporarily suspended the engagement of coolies.

The foreign representatives agreed that a commission be sent by the Chinese government to investigate, the object being that, if alleged abuses should be proved to exist, China should not pay indemnity, and should prevent the further emigration of laborers; if it was proved that no abuses existed, China should indemnify Spain.

A note was also received from his excellency M. Otin, stating that, if the Chinese government believed that their laborers abroad were ill-treated, and consequently put an end to emigration, China was but doing its duty.

It now appears from the entire details of the examinations and the depositions taken by the commission, although not yet fully examined, that there are actual abuses, agreeing, in all particulars, with the statements of the various consuls of foreign governments, and with the information reported by his excellency Mr. Low, formerly American minister.

Consequently, the claim of his excellency M. Otin against the Chinese government for indemnity becomes invalid; and the promise of his excellency M. Otin to repatriate persons of reputation, and those who are diseased, is a plain demonstration of this. The undersigned, inasmuch as your excellencies and his excellency M. Otin desired, prior to arbitration, to attempt settlement by mediation, and agree with the undersigned in a most urgent desire to relieve those laborers who are, at the present time, suffering ill-treatment, were moved by this excellent thought to consult with your excellencies, and not to retain so fixed a determination to refuse further emigration. Yet there must be delay until the relief and full protection of those now in Cuba is really accomplished, when there may be further consideration of emigration.

If, hereafter, there shall be consent given for emigration, it still must be under the twenty-two rules.

Upon March 24, 1873, his excellency M. Otin informed this Yamen that, in case Spain

was not allowed to obtain coolies under the same twenty-two rules accorded to France and England, such discrimination against his government was an infraction of the "favored-nation clause" in the treaty. He further stated that at the time of emigration the limit of the contract as to time should be plainly stated, and it should be definitely agreed that a day's labor should not exceed nine and one-half hours; each Sunday they should rest, or, in case they preferred to labor, the returns of such labor should be their own; the rations of the laborers, and their passage-money each way, should be provided by their employers; in case any laborer should be taken ill, a physician should be called to attend him, all in accordance with the twenty-two rules.

This is a proof that his excellency M. Otin was most desirous to proceed according to these twenty-two rules, and not anxious to set them aside. How can it be that his excellency M. Otin was originally desirous to proceed according to the twenty-two rules, and to-day, since an investigation has been made, and the good offices of your excellencies are accorded, he changes his mind, and desires that the twenty-two rules be set aside? If it be said that heretofore, with the twenty-two rules, how could these abuses exist, it may be replied that these abuses exist because of *failure* to observe the twenty-two rules, and not because of their observance.

In this matter there are now, 1st, the project of Mr. Otin for a convention; 2d, the project of your excellencies; and, 3d, the project of the undersigned.

In these three plans there is the protection of the laborers.

The undersigned have not misunderstood. In the points of disagreement, the idea of the undersigned has been, first, to relieve those at present suffering ill-treatment, as a guarantee of power to protect those laborers who may go in future, and *thereafter* to discuss emigration.

The idea of your excellencies and M. Otin has been to take up the protection of coolies and the emigration question together. In a word, there must be proof of the protection of the laborers, (now in Cuba.) In the matter of the protection of coolies, there are some new regulations to be added to the former, but the former twenty-two must not be evaded. In this way only can it be accomplished.

Although there appear to be some slight differences of opinion, yet in the main there are no points of difference. If there is only anxiety to get more laborers, and not to first relieve those who are now at labor, it is like considering how to rebuild a house now in flames, without endeavoring to save it from the fire. Would that be regarded as protecting the house now burning?

In the discussion of this question, as there are now three projects, the undersigned have collated from the three the admissible points into one, without setting aside the twenty-two rules, and have written them out separately, with the greatest carefulness and moderation. Thus they have combined the three into one, and request your excellencies to consider them and express an opinion; and they also request M. Otin to examine them.

Regarding the note recently received from your excellencies, the undersigned can but speak plainly. Although arbitration and mediation are different, the end desired is the same. In arbitration the law is considered, yet not in opposition to the facts; in mediation the facts are considered, yet not outside of the law.

In arbitration, the two parties cannot both be right. In mediation, each can gain his own. When mediation is desirable, the objects sought by the two parties must be placed in an even balance for exact justice and equity.

In the matter at issue, the desire of China is, first, to relieve the laborers who are now being ill-treated; the wish of Spain is to obtain additional laborers in the future. If your excellencies would mediate with the best results, first secure the relief of those at present at labor; and thereafter, according to Mr. Otin's desire, allow the engagement of coolies in future under the twenty-two rules. This would be most satisfactory. Regarding the annulling and setting aside of the twenty-two rules, his excellency Mr. Otin hs aformerly had no such thought, and it need not to be considered.

Regarding the unwillingness of your excellencies to accept as valid the conclusions of the commission, inasmuch as mediation is now being considered, the undersigned do not insist upon this; and, for the present, if the former statement of the undersigned to the fact of such an admission on the part of the foreign representatives meet with no consideration, there will certainly be no objection.

Concerning the projects for a convention of your excellencies and Mr. Otin, they are not entirely one-sided, and as in the project which the undersigned now submits it is agreed that, after the relief of laborers now suffering ill-treatment, coolies may be sought under the twenty-two rules, therefore this project is not all for China; and, moreover, it has many points in common with the projects of your excellencies and Mr. Otin. If it be said that all of Mr. Otin's plan must be accepted, and that ours can be made use of in no way, this is not consistent with the kind wish of your excellencies for mediation.

The advantages recited by your excellencies are eight in number. They have been carefully considered. As regards the *first*, China has a right to require indemnity

of Spain for cruelty. Since mediation is on the *tapis*, and consequently there need by no indemnity, the advantage is not all on the side of China.

As regards the *second*, it appears from the twenty-two rules that the use of a contract was to do away with all the mischiefs of crimps, kidnapers, and those who deceive. Without a contract there would be no investigation, and these troubles would grow even greater. And if it is desired to draw up a contract after reaching Cuba—suppose, on arrival, the coolies were unwilling to labor according to the terms of the contract, advance and retreat are equally difficult; how can they return to China?

Concerning the *third*, going abroad at will, without contract, there has never been the least hinderance; it is so plainly stated in the general statement with the twenty-two rules. The Chinese emigrants now in California and similar places are all of this sort. And hence it is stated in the supplementary treaty with the United States "that all other modes of obtaining laborers are prohibited," &c., and this is not cooly emigration. Since, now, Spain wishes to obtain coolies, it can only be according to the twenty-two rules. As to the statement that the local authorities in Cuba will use their best endeavors to eradicate all existing abuses, and enact satisfactory regulations in order that the number of laborers may be increased, this is an excellent idea. If it be fully carried out, the numbers of Chinese laborers who desire to go abroad will not wait to be sought; they will run as in a race, fearing to be behind. The advantage of the laborer is the advantage of the Spanish merchant.

Regarding the *fourth*. To decide whether the contract is advantageous or the contrary, one must examine the rules now agreed upon, whether they are acceptable or not. If they are acceptable, then it must be considered whether the Spanish merchants will act according to them.

Regarding the *fifth*. In the matter of the return to China of all persons of quality and the sick, the just intentions of your excellencies and his excellency Mr. Otin are already manifest. But in the case of the aged, females, and all who have fulfilled their terms of labor, it has not yet been agreed to repatriate these classes of persons, and it will only be acceptable to act in regard to these persons according to the terms of the project sent herewith.

Regarding the *sixth*. In justice, all whose terms have expired ought to be repatriated by the Spanish employers, according to the terms of the twenty-two regulations, and they ought to be provided with a certificate of completed contract and a passport. All whose terms have not expired should, at once, have an increase of wages, to provide for their return home, and all existing abuses should at once be corrected. When their term has expired, they, too, should be provided with a certificate of completed contract and a passport. A discriminating adjustment of this nature is not beyond the power of Spain to effect.

Regarding the *seventh*. The idea is excellent, but it must be seen whether it is feasible. After the appointment of a Chinese consul, satisfactory rules must be most carefully considered and agreed upon; until his appointment, there must be protection afforded to Chinese laborers by Spain. At the present, when rules are not yet determined, if Spain has the kindness toward the coolies, prompting effective protection to each man, China will certainly hear of it.

Regarding the *eighth*. It is as the seventh; the idea is excellent, it is a satisfactory rule; but we must see it accomplished; when it can be really reckoned an advantage.

In these points of advantage the coolies will obtain protection and the Spanish employers will obtain laborers. Acting thus will have the common results for good from which the kind disposition and complete management of your excellencies and Mr. Otin in this business will be extolled over the whole earth. Would not this be a cause of great congratulation?

The undersigned have another point of the greatest concern to them, about which as your excellencies and his excellency Mr. Otin are agreed in desiring to afford relief to the Chinese laborers, they can but most frankly advise with you.

The commission, while in Cuba, made copies of the "Cooly Regulations," established by the government of Spain, and they are not identical with the tenor of the regulations communicated to this Yamen by his excellency Mr. Otin. For example, the Spanish regulation as to each day's labor is for more than ten hours' work, while that stated in the communication of his excellency Mr. Otin, of March, 1873, was nine hours. The rules established by the Spanish employers differ again from those of the government of Spain, and there are regulations which the government has not approved, under which the Spanish employers are already acting. If, after these negotiations shall have been concluded, Spanish employers still persist in following their own private rules, will not the present conference all prove to be idle? Means ought to be considered and agreed to by his excellency Mr. Otin, by which a single line of conduct may be assured.

As regards the matter of imprisonment, at the will of the employer, when the laborer is guilty of misdemeanors, how can he be imprisoned at the personal will of his employer? Is the employer legitimately a jailor? Is not this a plain evidence of cruelty? We hear that Spain deals with negroes in this manner; but Chinese coolies still are Chinese, and cannot be classed with negroes; how can Spain thus think lightly

of China? Moreover, other nations do not treat negroes in this manner. China and all the western nations are all friendly powers with Spain—in case Spain had dealt with subjects or citizens of western powers after this manner, would they consent, or not?

The communication of your excellencies states that China must not expect to obtain for her officials rights and powers which are not granted by Spain to the consuls of other powers.

But Spain ought to deal with Chinese subjects according to the laws observed in her dealings with other nationals. Why does she treat the Chinese only as she treats negroes? And it is the law of each nation that when other nationals come within its jurisdiction they must submit to be governed by its officials. But with foreigners in China, when cases between the two nationals arise, the Chinese is dealt with according to Chinese law by Chinese officials, and the foreigner according to the law of his own government and by his own superiors. Treaty-regulations are all of this sort. Since Chinese and foreign modes of punishment are unlike, heretofore all intercourse has been upon this plan. But now, since the treatment of Chinese laborers by Spain is after this manner, in case China hereafter appoints a consul to Cuba, dealings ought to be according to the treaties, in cases concerning the Chinese. The officials of the two governments should first examine and adjudicate the case, and in case of wrong on the part of the Chinese he should be handed over to be dealt with by the Chinese officials.

Previous to the appointment of a Chinese consul, Spain certainly ought not to treat the Chinese like negroes. As to the forbidding Spanish employers to imprison Chinese, and the like, this is eminently right and just, and we hope your excellencies will frankly and carefully consider it.

Your excellencies' communication also states that the present plan of mediation may fail of completion.

The undersigned are exceedingly unwilling that this should occur, and the kind thought of your excellencies for mediation all come to naught. In the project for a convention now submitted are many points of agreement with those submitted by your excellencies and Mr. Otin. Since the laborers sought by Spain are Chinese, it becomes the duty of the undersigned to consider with the greatest care and honesty existing facts, and see how they may be afforded protection. It is manifest that your excellencies and Mr. Otin have already, on behalf of the undersigned, planned for the entire question from beginning to end; but although your excellencies and Mr. Otin have spoken for the undersigned, it cannot prevent the undersigned from speaking for themselves, and we request that the project for a convention sent herewith be carefully considered by your excellencies and a response be given us.

With cards, compliments, &c.

PEKING, *April*, 1875.

The wages received by Chinese laborers at the time of their engagement did not exceed a few dollars, or even a few hundred cash; and all the expenses of every sort for the passage never exceeded $190.

But those who sold the time of the coolies in Cuba received from two to four times this amount. After deducting expenses of passage, &c., each laborer should have received $200 or $300. For 10,000 men this would amount to $2,000,000 or $3,000,000. For 140,000 men it would amount to many millions of dollars. The amount of this excess, and the amount due and never paid, for working on the highways for the government, after terms of contract had expired; and in addition to these, the amount retained from wages by the officials, at a certain rate per month, agreed upon by the official and the employer at the public office at the time of making new contract, which had been rumored, and which was deposed to before the commission, but which need not be especially considered—but the two former, as to their amount, both of the number of men and the money due, ought to be carefully considered, and it ought to be returned by Spain.

Moreover, the Spanish merchants professed to engage laborers, when in fact they sold men for gain, still more in violation of the dealings with civilized powers.

Your excellencies and his excellency Mr. Otin are most earnestly requested to consider these things, and to state in reply what ought to be done in view of these circumstances.

[Inclosure 6 in No. 73.—Translation.]

Protocol for a convention submitted by the Tsungli Yamen.

ARTICLE I. Lists shall be prepared by the Chinese government of all literary men, officials, members or relations of wealthy families, now among the laborers in Cuba, for the information of Spain; and the Spanish government engages, on the evidence

furnished by these lists, to repatriate all persons of the classes named, as an evidence of good faith and good will.

ART. II. All points of difference between the Chinese and Spanish governments are to be considered as settled, and all questions of indemnity on either side are waived.

ART. III. All Chinese now in Cuba, who are unable to labor because of sickness or physical defects; all who at the time of their emigration were less than twenty years of age, and were not provided with a written permit from their parents, and to whom Chinese officials have given a certificate of completion of contract; all who were at the time of their emigration to Cuba less than fifteen years of age, and who were not accompanied by their parents, whether their term is expired or not: all above fifty years of age whose term has expired; all above sixty years whether their term has expired or not; and females who are not members of the families of laborers; all persons of these several classes shall be furnished with passports, and with funds for their return to China, by the Spanish government.

ART. IV. All laborers now in Cuba who have completed a term of labor, whether of five years or less, shall be furnished by their masters with a certificate of completed service, and by the local authorities with a pass for completed service, and with a passport, and by their masters with expenses for their journey, which shall be in silver, and not in bank-notes. If, because of the excessive number of those who have completed their term, it should prove to be inconvenient to pay the entire amount of passage-money at once, the Chinese government will not crowd Spain in this contingency, but will consult and make a temporary arrangement upon the following basis: State the entire number of laborers who have completed their contract; state how much money for return-passages to China the Spanish merchants are able to provide; and divide the men into installments according to the pecuniary ability of the merchants. Upon a certain year, month, and day send the first installment of a certain number; upon another date send the second installment; and by this method the matter will be easily managed.

If any, having finished their term, desire to remain in Cuba and labor, the employer shall again sign a contract with him for five years, and the contract shall state plainly that he is permitted to go upon the street, and not merely for one year, as an evidence that he willingly contracts for the labor. If, after he has found an employer, he has difficulty with him, he shall be permitted to seek another.

The wages paid shall be according to the new arrangement, an advance upon the old, and he shall not be forced to recontract himself. He shall be required by his master to live apart by himself, and he is not to be permitted to live with those who have not completed their terms.

There shall be discrimination. All those who have completed their term shall go in person before the official and take out their papers, whether of completed contract, passport, or re-engagement, or of funds for return home, and shall not be required to find a surety. Those who do not wish to re-engage, but desire to engage in business in any place, shall not be required to find surety.

ART. V. All who have not completed their contract, in addition to all the protection afforded by the twenty-two rules, shall be allowed, at the close of each day's labor, to go out and come and go at pleasure, and no permit shall be necessary from their masters.

This class, comprising all who have gone, and shall hereafter go, at the time of the completion of their contracts, shall, according to the rules, be returned to China, and all who are now at service shall have increase of wages to enable them to lay up something. At completion of service the employers shall provide sufficient amounts for their return—at the lowest it shall equal six large Spanish gold-pieces, equivalent to $100.

ART. VI. Cuban employers shall not be allowed, of their own will, to imprison, nor compel men to labor when fettered, nor to punish improperly. And those who have completed contracts shall not be taken by their masters to the contract-officer for forced engagement. If all the occasions of former suffering can be done away with, the Chinese laborers certainly will not run away. If occasionally there are runaways, or those guilty of crime, the employer shall not be allowed, of his own motion, to punish, but shall hand them over to the Chinese consul for investigation and settlement.

ART. VII. The consul appointed by China to Cuba shall be allowed to afford protection to the full extent of his power in all cases calling for his intervention, in accordance with treaty and the usages of other consular officers.

At Havana, and other points in Cuba, Canton and Foo-chow guilds shall be established, supervised by men of their own selection, and to these guilds the Chinese shall at all times have access, where they may get full information as to all labor-regulations, &c. And it shall be permitted to China to establsh lines of steamers or sailing-vessels between all ports, for the transportation of mails and Chinese passengers.

ART. VIII. When China shall have appointed consuls to Cuba, the examination and protection of laborers shall be by Cuban officials, who shall use their best endeavors, and in each case shall make thorough investigation and afford full protection

to the Chinese cooly. In cases of hardship or injustice to the coolies, the Chinese consul shall present all the facts to the Cuban officer, who shall deal with it impartially. In the cases of all petitions presented to the commission recently sent to Cuba, and all sufferers who have not petitioned, Spain has already agreed to receive all such complaints and transmit them to the local judges, (in Cuba.) After the appointment of a consul, petitions shall first be made to him, and by him transmitted to the local authorities, who shall decide upon and properly adjudicate each case. And hereafter the Chinese laborers, in cases of hardship or ill-treatment, can complain against their employers, and such complaints shall be impartially heard and decided. If the employer, in violation of treaty and regulations, ill-treats his coolies, of which there is plain proof, the police officer shall deal with the case according to justice, in conjunction with the Chinese consul.

After examination of any case by the judge, if the Chinese complainant is not satisfied, he may appeal to a higher court.

Either before or after the appointment of a Chinese consul, in the cases of all Chinese laborers in Cuba, the Cuban authorities shall use their best endeavors to afford ample protection, to remove all unjust or unsatisfactory restrictions, and deal with Chinese exactly as with English or Americans. It shall not be allowed hereafter, as formerly, *to force* the Chinese to cut off their queue, or to receive baptism, and to oppress and restrain them with all sorts of restrictions.

ART. IX. In addition to the foregoing regulations for the protection of coolies, Spain will obtain coolies in accordance with the twenty-two regulations; in addition to these twenty-two regulations, when a foreign merchant is about to dispatch a vessel to Havana, he shall in advance notify the day of departure to the officials, and at the same time he (the merchant or owner) shall post a notice in all parts of the port, informing all who do *not* wish to go aboard that they must not go on board his vessel. If any desire to go aboard, the Chinese government will depute an officer, before the ship shall have sailed, and while the emigrants are either at the emigration-office or on board ship, to examine them, in order to their satisfactory protection and the prevention of fraud. On arrival in Cuba, if a Chinese consul has already been appointed, the laborers shall go before the consul, that he may examine clearly whether all is according to regulations; thereafter the emigrant may seek labor. The government of China will first concert a plan (with the representatives in Peking) for fixing and determining all the rules and regulations, and the consul sent will adhere to them in every particular.

ART. X. Hereafter, if Spain seeks laborers to proceed to Cuba, in addition to the twenty-two rules, in the matter of the arrangements for the expenses of the return of the coolies to China, it may be permitted either that, according to the twenty-two rules, at the expiration of the contract-term, the employer shall furnish the means for sending him home, or, according to the new agreement, he may pay him greater wages. If he elects to pay additional wages, he shall, instead of paying $4 per month, pay $15 per month, and the dollar shall at least equal 70 tael cents.

The employer shall retain one-third, to be deposited with the Chinese consul for the expenses of the return to China. Each man shall provide $100 for passage-money, and, having laid up that amount, nothing need be retained from his wages, but the whole shall be paid over to the laborer for his own use and disposition.

The consul shall retain the $100 passage-money thus provided for each man until the time of his return to China, when it shall be paid over to him. In case any prefer to remain in the island, he shall notify the consul, who will pay over to him his $100 for a capital in trade. At the time of making contract it shall be distinctly fixed which of the two foregoing plans the employer elects to follow, and notice shall be given to the Chinese consul, who shall proceed accordingly.

ART. XI. Hereafter, coolies proceeding to Cuba shall only go on ships of those nations with which China has treaty-relations, and the vessel shall in all respects comply most strictly with all rules and regulations of its own government regarding the care and treatment of emigrant passengers. Each minister will communicate to the Tsungli Yamen the regulations of his government, and the representative of Spain shall determine what rules and regulations regarding coolie-ships he will follow, and shall notify the Tsungli Yamen for its examination and approval, and that notice may be given to all the ports.

ART. XII. After the agreement upon this convention, if Spain shall faithfully comply with the foregoing provisions for the protection of coolies, and the twenty-two rulse for obtaining them, in case hereafter, in the matter of coolie emigration, China shall make any greater concessions to other powers, Spain shall have the full benefit and advantage of such concessions to the full extent that they are granted to the most favored nation, and she shall comply with all requirements made of any other nation.

ART. XIII. In the rules heretofore established by Spain for obtaining coolies were points not in the agreement with the twenty-two rules nor of this convention. The twenty-two rules and this convention shall hereafter be considered as the final, certain rules, fixed and determined, and they shall be considered as the most plainly understood and positive authority.

[Inclosure 7 in No. 73.]

The foreign ministers to the Tsungli Yamen.

To their Excellencies the members of the Tsungli Yamen:

MAY 8, 1875.

The undersigned have had the honor to receive the note addressed to them by your excellencies, under date of 25th April, and the accompanying project for a convention relative to the emigration of Chinese laborers to the Island of Cuba.

The conditions enumerated in this project are so opposed to those which the representative of Spain had submitted as a basis for a settlement of this question, and which he has repeatedly declared himself unable to concede, that the undersigned are compelled, to their great regret, to doubt the utility of further attempt at mediation, which they had undertaken solely with the hope of reconciling the interests of the two governments, and in the desire to serve the cause of humanity.

Should your excellencies still have the desire, which has been expressed to the undersigned, to have an interview in order to discuss this question, the undersigned will be pleased to have a conference at the Russian legation, May 10, at 2 P. M.

The undersigned avail themselves, &c.

BÜTZOW,
AVERY,
BRANDT,
ROCHECHOUART,
FRASER,
For the British minister.

[Inclosure 8 in No. 73.]

Protocol of the foreign ministers.

The governments of His Majesty the King of Spain and His Majesty the Emperor of China, desiring to establish upon a new basis the emigration of the Chinese subjects who may go to the Spanish possessions, and to prevent all misunderstanding in this matter, the undersigned, duly authorized to that effect, have agreed upon the following rules:

ARTICLE I. The stipulations of the treaty concluded at Tien-tsin between Spain and China, , 1864, relative to the emigration of Chinese subjects under contract, are abrogated, with the exception of those clauses in article X of said treaty concerning the enticing away of emigrants, and the restoration to Chinese authorities of convicts escaped from prison, and those convicted or accused of crime.

ART. II. The difficulties arising from the enforcement of the provisions of the said treaty of Tien-tsin relative to emigration are waived, and the two governments renounce, on either part, all right to pecuniary indemnity.

ART. III. It is agreed between the high contracting parties that the emigration of their respective subjects shall be entirely free and voluntary. They formally condemn all other modes of emigration, as well as all acts of violence or fraud which may be committed in the ports of China or elsewhere, with the purpose of taking away to foreign parts the subjects of China against their will.

The two governments co-equally engage, with all the rigor of their laws, to punish all violations by their respective subjects of the preceding stipulations, and to inflict the penalties provided by their respective laws upon the subjects guilty of violation of this stipulation.

ART. IV. The government of His Majesty the Emperor of China authorizes on its part free emigration to the Spanish possessions from all the ports of the empire open to foreign trade, and it contracts to interpose no obstacle, either on its own part or on the part of the provincial authorities, to the free emigration of its subjects. It is, however, understood that the Chinese authorities have the right to assure themselves that the emigration is effected conformably to the spirit and the terms of the present convention.

ART. V. The government of His Majesty the Emperor of China will appoint a consul-general, who will reside at Havana. This officer shall have all the rights and prerogatives enjoyed by officers of the same class from other countries. It is expressly stipulated that this officer shall be a native and a subject of China.

The authorities of the island of Cuba shall accord to the Chinese consul-general all the facilities in their power to place him in communication with his nationals, and shall give him all the protection which is his due.

ART. VI. The subjects of China residing in the island of Cuba shall be possessed of

all the rights, privileges, immunities, and guarantees of every sort which are accorded to the subjects and citizens of other powers.

ART. VII. Chinese subjects shall have free access to the Spanish tribunals to defend or maintain their rights. They shall enjoy the same right as to testimony with the residents on the island, and shall have in all respects the same treaty-rights as the subjects and citizens of other powers.

Chinese subjects shall have the right of representation before tribunals by their consul, or his deputy, who shall attend the sittings in the position of attorney.

In the cases of complaints made by Chinese subjects actually residing in Cuba, and who have made such complaints of ill-treatment prior to the exchange of the ratifications of the present convention, the Spanish courts will examine such cases separately and deal with them equitably.

ART. VIII. The consul-general of China at Havana, and the proper authorities of the island, shall conjointly arrange regulations for the registration at the consulate-general of all Chinese emigrants now upon the island or who may arrive hereafter; and measures shall be agreed upon between the authorities and the consul-general for the protection to be accorded to emigrants.

The Cuban authorities shall communicate to the Chinese consul-general all the intelligence they may be possessed of as to the number and the names of all Chinese subjects in every part of the island, and shall facilitate personal inspection, on the part of his delegates, into the condition of the Chinese engaged to labor on the various plantations.

ART. IX. The transport of emigrants shall only be upon ships which shall conform to the stipulations of the present convention, and with the same provisions for safety and health made for their own people, and those of other countries.

ART. X. The government of His Majesty the King of Spain, desiring to give to the government of His Majesty the Emperor of China a proof of good-will and friendship, engages itself to repatriate, at its own expense, a certain number of persons of condition retained upon the island of Cuba as laborers, the repatriation to be effected upon information from the government of China as to the social condition of these individuals.

The government of Spain also engages itself to repatriate, at its own expense, immediately upon exchange of ratifications of this convention, all Chinese laborers then in the island of Cuba, who are incapacitated for service by reason of any physical infirmity, and who wish to return to China.

The government of Spain will require the employers of Chinese emigrants whose terms of contract have expired, and who, according to the terms of their contract, were entitled to repatriation, to execute the obligations which they have made with the emigrants.

With regard to those laborers who have completed their term of contract, but who are not entitled to repatriation by their employers, and are not themselves provided with the means of return, the local authorities, in conjunction with the counsul-general of China, shall fix upon the requisite measures for providing the means for their return to China.

The emigrants now in Cuba, whose terms of service are already completed, shall receive, immediately upon the signing of this convention, certificates stating that they have fulfilled their contracts, and passports, which shall allow them to circulate freely about the island, or to leave it at their option. Similar certificates and passports shall be given, at the expiration of their terms of contract, to all persons whose terms have not yet expired. All Chinese subjects held in custody by the government of the island of Cuba, not convicted or accused of crime, shall be set at liberty immediately upon the going into effect of the present convention, and shall be provided with the certificates and passports above mentioned, and shall in all respects receive the same treatment as other Chinese subjects.

ART. XI. The present convention, made in —— copies, shall be ratified, and the ratifications exchanged at Pekin within —— months, or sooner if possible.

In testimony whereof the respective ministers have signed this convention and affixed their seals.

Done at Peking.

[Inclosure 9 in No. 73.—Translation.]

Amended protocol from the Tsung li Yamen.

In the matter of the emigration of Chinese coolies to Cuba, the Chinese government having, with the consent of Spain, sent a commission to investigate, the five representatives of Great Britain, Russia, the United States, Germany, and France, acting as mediators, have agreed upon the following articles of a new convention:

ARTICLE I. After the investigation by the Chinese government it is still permitted to Spain to engage coolies according to the regulations. But the Spanish govern-

ment, of its own will, abandons that system. Chinese emigrants shall go voluntarily, and the government of China will oppose no obstacle, according to the rules heretofore made, to which consent is here renewed. Spain agrees to deal with Chinese emigrants according to the Chinese emigrant laws in force in the United States. In the case of criminals flying from justice, and all kidnapers and the like, they shall be dealt with according to the 10th article of the former treaty.

ART. II. All persons, who, either in the ports of China, or at other points of departure, steal or kidnap Chinese, and force them to go abroad contrary to their will, shall be rigorously dealt with according to the laws of the two governments.

ART. III. All points of difference between the two governments are hereby declared satisfactorily adjusted, and all questions of indemnity on either part are waived.

ART. IV. China will appoint consuls to reside at Havana and other ports, who shall receive the same treatment at the hands of the Spanish government as is accorded to the consuls of other nations. The Spanish officials shall accord to the Chinese deputies all the facilities necessary for their free intercourse with their nationals, and for affording them proper protection.

ART. V. Chinese laborers and emigrants in Cuba shall receive all the privileges of liberty to travel, trade, protection, and similar advantages which are now, or may hereafter be enjoyed by the citizens or subjects of other nations, and Chinese shall not be treated like the blacks.

ART. VI. After the appointment of consuls to Cuba, the Spanish officials shall, in conjunction with them, investigate and settle all cases of complaint; all modes of redress open to other foreigners shall acquire to the Chinese; and in matters of every sort they shall be treated as other foreigners. The Chinese shall be represented by the Chinese consul, or his deputy, who shall have in the courts the position of attorney; and all cases of complaint or hardship coming previous to the signing of this convention shall be separately investigated and equitably settled by the Spanish tribunals, according to the rights granted to other foreigners.

ART. VII. The Chinese consuls in Havana and other ports shall, in conjunction with the proper authorities, fix regulations for the government of the Chinese now in Cuba, and who may hereafter go, and agree upon laws for their protection; and the Cuban officials shall report the number and names of all Chinese upon the island to the Chinese consul for registration, and shall devise suitable regulations for enabling the consul or his deputies to have direct communication with the Chinese laborers, and inform himself of their condition.

ART. VIII. In future all ships carrying Chinese emigrants shall conform to the terms of this convention, and to the regulations of their own governments for the protection of emigrants.

ART. IX. As emigration is to be voluntary, the clause in former regulations providing for the examination of laborers shipped on cooly-vessels need not be enforced; but in the case of ships clearing for Cuba direct, whether they carry single emigrants or families, they shall be regulated according to the 10th article of the former treaty with Spain; and no emigration shall be allowed from other than treaty-ports.

At the departure of any vessel carrying emigrants, the customs Taotai of the port shall send a deputy to make examination of the passengers. If it really appears that they go of their own accord, the customs Taotai shall give a passport to each, bearing the seal of his office, which shall be indorsed by the Spanish consul, and then handed over by the commissioner of customs to those who are to go abroad. On the emigrants' arrival in Cuba, the passport shall be submitted to the inspection of the Chinese consul. If it appears to the deputy that the emigrants do not go voluntarily, but are induced or led to it by other parties, the said emigrants shall be handed over to the customs Taotai for his action.

In case of emigrant-vessels clearing for other ports, and not direct for Cuba, in addition to the above-stated examination at the time of their clearing by the customs, and the ascertaining by the proper authorities that there are no unwilling emigrants on board, within one day after the arrival of the emigrants by such vessels in Cuba, they shall proceed to the Chinese consulate and obtain passports.

In case the Chinese consul discovers among them those who have not the passport of the customs Taotai, and have not obtained such a paper from him, it shall be held ground for suspicion that such persons are either criminals evading justice, or have been kidnaped, and the consul shall examine and deal with them according to the facts.

ART. X. The customs Taotai shall fix a time for the examination of ships about to sail with emigrants, and the ship-master must in advance notify the customs Taotai of the time of sailing. In case the ship-master fails to notify the Taotai, and sails in advance of the examination, his ship shall be confiscated.

ART. XI. All voluntary Chinese emigrants who may hereafter go to Cuba shall receive the same treatment as other nationals, and in the matter of passports to travel no special regulations shall be made for the Chinese, to restrain them to labor, different from those made for other nationals.

ART. XII. Spain desiring to give China a proof of friendship and good will, agrees upon information to be furnished by China, to repatriate, immediately upon the exchange of ratifications of this convention, at her own expense, certain persons of quality now held to unwilling labor in Cuba; and, also, to repatriate all those Chinese laborers in Cuba who are unable to labor because of disease, and desire to return, at her own expense. She also engages to require the employers of coolies whose terms have expired, and whose contracts specify for their return, to return them according to contract. When there is no such stipulation, and the laborer has no means of his own, the Spanish government engages itself to send him to China at its own expense, and without charge to the laborer.

All laborers now in Cuba whose terms have expired shall be furnished with a certificate of completed contract, and a passport allowing them to travel or leave the island. In the case of laborers whose terms have not yet expired, in addition to giving them at once a permit to go and come at will on completion of contract, they shall be furnished with the papers above mentioned; and all Chinese laborers now under confinement in government depots shall be at once liberated, allowed to go at will, or leave the island, and none shall be compelled to labor or suffer extortion, but shall be furnished means to return to China, or allowed to remain in the island and engage in trade, at their option.

ART. XIII. All those whose terms have not expired, and those who have no fixed term of contract, shall at once, upon the signing of this convention, be treated as free emigrants, and as other nationals; and upon the signing of this convention between China and Spain all the cases of imprisonment, working for government, and all other cases of injustice, hardship, and wrong of every sort shall be investigated and ended, and the former ill-treatment shall not be allowed.

ART. XIV. In cases of indebtedness of Chinese laborers in Cuba to their employers, the Spanish authorities shall, in conjunction with the Chinese consul, adjudicate them; but they can only recover the amount of the indebtedness, and cannot imprison them as absconding criminals.

[Inclosure 10 in No. 73.—Translation.]

Mr. Faraldo to Mr. Avery.

PEKING, *June* 9, 1875.

MY DEAR COLLEAGUE: In response to the note which you have addressed me under the present date, I have the honor to reply that, as it seems to me, my government cannot consent to Article VI, and to paragraph 5 of Article X of your project for a convention, since it modifies essentially, even to nullifying, in my opinion, certain points in the treaty of October 10, 1864.

The project presented by Mr. Otin for the regulation of free emigration of Chinese laborers to the island of Cuba offers all the desired guarantees for the protection of the rights and the interests of the emigrants, and avoids all the difficulties which can present themselves.

I embrace this occasion, my dear colleague, to renew the assurance of my sincere regard.

FIB. FARALDO.

[Inclosure 11 in No. 73.]

Foreign ministers to Tsungli Yamen.

Copy of a note addressed by Russia, the United States, Great Britain, and France to the members of the Tsungli Yamen, under date of June 10, 1875.

The undersigned having again addressed a note to the Spanish minister to obtain his opinion upon certain stipulations of the project for a settlement of the question of emigration to the island of Cuba, have the honor to inform your excellency the ministers of the Tsungli Yamen, that M. Faraldo declares himself unable to accept Article V* of the project, and other clauses which refer to freedom of circulation, since these stipulations modify essentially and annul in certain points the stipulations of the treaty concluded between China and Spain, 10th October, 1864.

The undersigned avail themselves, &c.

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*Article VI of inclosure 8.

[Inclosure 12 in No. 73.—Translation.]

Tsungli Yamen to the foreign ministers.

Upon the 10th instant we had the honor to receive a note stating that the protocol for a convention in the matter of Chinese emigration to Cuba had been submitted to the Spanish minister, and a reply received from him stating plainly that he could not accept the fifth article,* and the clauses elsewhere allowing the Chinese to go about at will, because they differed greatly from the provisions of the Spanish treaty made in 1864, and parts had been stricken out.

The undersigned would remark that China deals with Spanish subjects in her dominions as she does with all other nationals, and Spain certainly ought to treat Chinese within her borders as she treats the subjects or citizens of other powers.

The refusal of the Spanish minister to assent to the fifth article, and those clauses elsewhere which allow the Chinese in Cuba to move about at will, is an act of disrespect to China, and the undersigned, servants of His Imperial Majesty, cannot consent to any insult, of whatever nature, to the dignity of China.

With regard to the statement of the Spanish minister that the clauses referred to "differ greatly from the provisions of the Spanish treaty of 1864, and parts had been omitted," he fails to state clearly what has been altered and what omitted, and the undersigned would request your excellency to inquire particularly of his excellency the Spanish minister and inform them.

With cards, compliments, &c.

PEKING, *June* 15, 1875.

To the representatives of Russia, the United States, Germany, France, and Great Britain.

[Inclosure 13 in No. 73.—Translation.]

Mr. Bützow to Mr. Faraldo.

PEKING, *June* 26, 1875.

MY DEAR COLLEAGUE: My colleagues and I have not failed to bring to the notice of the Chinese ministers the statement contained in the letter which you were so kind as to address me upon the —— instant relative to Article V and the fifth clause of the Article IX of the project for a convention upon the emigration to the island of Cuba.

The ministers, in response to this communication, have informed us that they cannot consent to strike out from the project in question the clauses in references to which you have taken exceptions; and I can only send you a copy of the ministers' note in order to acquaint you with the considerations on which their refusal is based.

You are aware, my dear colleague, that we have endeavored in vain to secure the acceptance, by the members of the Tsungli Yamen, of certain restrictions of the principle of the participation by the Chinese in the rights which are conceded to other foreign residents in the island of Cuba, and that we have consequently been unable to arrive at a reconciliation between the demands of the Chinese government and those which result from the peculiar conditions consequent upon your establishing a special rule for Chinese emigrants to the island.

The status of Chinese emigrants in Cuba is the main point in the question of Chinese emigration, and any arrangement of this question is impossible while that point is undecided.

We are unable to see how, in view of the declarations made by yourself and the Tsungli Yamen, our good offices can further serve to bring to agreement the great difference existing between your government and that of China.

Our mediation finds itself in the presence of incompatibilities which we are unable to reconcile; to pursue it, without concessions made on either part, would not serve in any way to lessen the distance which separates the demands of the two parties.

It is with regret that my colleagues and I are obliged to abandon the work which we had undertaken.

But I believe I am able to assure you that we hold ourselves in readiness to give you our co-operation if it can be used in a more efficacious manner than has been possible heretofore.

BÜTZOW.

*Article VI in inclosure 8.

[Inclosure 14 in No. 73.]

Foreign ministers to the Tsungli Yamen.

PEKING, *June* 27, 1875.

The undersigned have had the honor to receive from their excellencies the ministers of the Tsungli Yamen, under date of the 15th instant, a note relating to the statement of the Spanish minister, that certain points of the project for a settlement of the question of emigration to the island of Cuba, &c., as well as the note accompanying the project for a modified convention from your excellencies.

The undersigned have communicated the first of these notes to the minister for Spain and have informed him that they could not further give their good offices in the question of emigration to the island of Cuba, since the last declarations of your excellencies and those of Señor Faraldo will not permit them to hope that their efforts to bring about an arrangement by mutual concessions would be successful.

The undersigned see even more the difficulty of further mediation, since the new project of the Tsungli Yamen contains clauses entirely inadmissible, as the undersigned have frequently embraced occasion to explain. Your excellencies, in bringing forward these stipulations, and declaring their unwillingness to renounce them, increase the difficulties of an adjustment.

The mediation of the undersigned is impossible under existing circumstances.

BÜTZOW.
AVERY.
VON BRANDT.
ROCHECHOUART.
FRASER.

No. 169.

Mr. Avery to Mr. Fish.

No. 77.] LEGATION OF THE UNITED STATES,
Peking, July 13, 1875. (Received September 10.)

SIR: The Chinese government has lately sent more troops forward to quell the so-called insurrection in the Manchurian province of Shingking, bordering on Corea.

Fourteen hundred foreign-drilled troops were conveyed to that province, by Chinese steamers, during last month, proceeding from Taku up the gulfs of Pechele and Liantung, to the river Lianho, and by the river into the interior. These steamers were followed by a German bark laden with shell and other munitions of war. The transportation of troops and munitions by steamers to the very seat of trouble, where these steamers will be used as gunboats in co-operation with the land-forces, is a novelty in Chinese military operations worthy of notice. The preparations made would appear to indicate a rather formidable outbreak. The most full and accurate information on the subject which has come to my knowledge is contained in the inclosed copy of a dispatch from our consul at New-chwang, Mr. F. P. Knight.

In the extreme south of the empire there has been another outbreak of a different character, by several hundred natives engaged in opium-smuggling, who occupied a village near the Pagoda Anchorage, defied the authorities, and even organized an attack on the customs premises. A considerable force of imperial troops, report puts it as high as 3,000, was recently sent to the smugglers' village, when the smugglers fled to the hills without a fight.

Such outbreaks as this, and that in Shingking, which are frequent in China, may be regarded as natural incidents to a dense population, large portions of which must at times feel the pressure of want, and become reckless and desperate. That they are not still more frequent

and extensive is due more to the Chinese instinct for order than to the vigor of the government, though latterly the authorities have shown unusual promptitude and energy in the adoption of repressive measures, which results in part from the greater resources for rapid offensive movements enjoyed through the establishment of arsenals and military depots, under foreign direction, at various points on the coast.

The empire, however, greatly needs the opening, under liberal sanctions, of more avenues of labor and mercantile enterprise, which would do more to maintain peace and increase the general prosperity than any increase of military efficiency, though the latter may, in time, make the government feel more self-reliant, and more disposed to risk taking the initiative in improvements.

The operations against the savages in Formosa continue, with reported successes latterly to the imperial arms. Repeated re-enforcements have been sent to the island, and the disposition to thoroughly subject it seems now very strong.

This result obtained, and a liberal policy adopted toward native and foreign enterprise, Formosa would soon prove a source of increased prosperity to the empire.

I have, &c.,

BENJ. P. AVERY.

[Inclosure in No. 77.]

Mr. Knight to Mr. Avery.

UNITED STATES CONSULATE,
New-chwang, June 19, 1875.

SIR: Some private communications having appeared in the Shanghai newspapers which tend to give very erroneous impressions regarding the condition of this district—and I take particular exception to the letter in the Courier of the 31st ultimo—I would inform you that the surrounding country is, so far as foreign interests and trade genally is concerned, in a peaceful condition.

Manchuria, as you are doubtless aware, has ever been infested by small bodies of wandering marauders, whose proceedings have at times proved a hinderance to trade and a danger to travelers.

A body of these marauders established themselves last month at a small town called Tien-chwan-tai, situated about twenty miles from this by the river, headed by a man named Chwang-tien-chen, whose son is arrested. This disorder, however, was purely local, and was soon settled on the appearance of a detachment of the military police of this place.

Difficult as it is to obtain reliable information from Chinese sources, there is reason to attribute this deplorable state of affairs to the conduct of the late governor, Tu-sing-ah, a man of high character, but whose extreme old age incapacitated him from exercising a strict surveillance of his secretary and other subordinates, some of whom have lately been degraded for complicity with bad characters.

The recent appointment, however, of Chung-shih, a brother of his excellency Chung How, as governor of this province, is satisfactory, inasmuch as he bears a character which leads us to hope that the rule of the brigands along the road is at an end.

A regiment of Tien-tsin foreign-drilled soldiers has arrived from that place, and some mounted cavalry are soon to follow, subject to his orders.

Many are the speculations as to what special purpose these troops are intended for, besides keeping order generally throughout the country; and there is a report that some rich gold-mines have been discovered lately in Kirin, which are attracting numbers who may in time become troublesome. My own belief is, however, that these troops were ordered hither to suppress the illegal cutting and shipment of timber which is being carried on, regardless of all restraint, by a number of outlaws from the strip of country, said to be thirty miles wide, which marks the boundary between Chinese territory and Corea.

Last autumn these wood-cutters came into collision with the local authorities at one of the two small towns named on the chart Si-kan-li and Tung-kao-li, east of the

mouth of the Yalu River, and the result was the killing of the chief official and the capture of the town.

These outlaw wood-cutters, under the leadership of a bandit of some note, named Kao-hsi-tien, whom the authorities are determined to arrest at all hazards, are, it is said, so intrenched that only shelling will break their lines.

It is noteworthy that this expedition is being organized with some approach to western systems.

As the infantry forces, with a detachment of cavalry, march overland southward to the point of attack, they are to be supported by two or three gunboats, whose rendezvous is now established at the conveniently-situated island named Hai-Yün-tao.

While apprehending that these troops were especially intended for the above service, I hope the report is true that they will be retained in the province as a permanent force.

I have the honor to be your obedient servant,

FRANCIS P. KNIGHT,
Consul.

Hon. BENJ. P. AVERY,
United States Minister, Peking.

No. 170.

Mr. Avery to Mr. Fish.

No. 78.] LEGATION OF THE UNITED STATES,
Peking, July 16, 1875. (Received September 10.)

SIR: At the time of the accession of an infant Emperor and the constitution of a female regency, in January last, there seemed little reason to expect from the Chinese government, for some years to come, any measure of decided progress. The foreign view of the situation was discouraging, anticipating nothing more than another long period of waiting without progressive movement.

Recent occurrences, however, compel a modification of this view. While the high officials of the empire are not more ready than before to take an attitude or to hold language of pronounced friendliness to foreigners, they are certainly more inclined to advocate the adoption, solely in the interest of China, of foreign ways and appliances. This is strikingly illustrated by the result of the Foo-chow-Amoy telegraph difficulty, China becoming, by the direct act of the Tsung li Yamen and the throne, the owner of a line of land-wires, subsequently extending that purchase to include the Pagoda-Anchorage line, and designating Shen Pao Chen as director-general of telegraphs. Then, immediately after the inauguration of the present reign, an extraordinary council of high officials was held, as I advised the Department in my No. 43, at which various propositions of a progressive nature were discussed, with what effect we are beginning now to learn. I have only recently ascertained that one of these propositions was to establish diplomatic and consular representation abroad, and that it was favorably reported to the throne, which has since directed that it be carried into effect.

In full confirmation of this important statement, I send herewith a translation of a document embodying memorials addressed to the Emperor by Li Hung Chang, viceroy of Chihli; Wang, governor of Fuhkien; Ying, viceroy of Kwangtung and Kwangsi; Yin, governor of An Huei; Li, late superintendent of trade for the southern ports; Ting, governor of Shantung; Prince Li, and others of the council, and the ministers of the Tsung li Yamen, who called the council but were not members of it.

These memorials run through a period from December 12, 1874, to

June 17, 1875. Those originating with the several viceroys and governors were, by the request of Prince Li and his associates of the council, referred to the Tsung li Yamen by the Throne, with an approval of the proposal for the appointment of ministers to foreign countries, and a request that the Yamen be directed to report a plan for carrying it into effect. This memorial of Prince Li bears date April 3. On the 30th of May the Tsung li Yamen memorialized the Throne on the same subject, and again on the 17th of June. At the conclusion is a characteristically brief edict, or mandate, from the Throne, which shows that the main object of the memorialists is approved by the head of the government, and is to be carried into effect.

The viceroys and governors, whose names appear as the original memorialists, are all officials of the seaboard provinces, who have been for many years in more or less intimate association with foreigners at the ports, witnesses of foreign methods and inventions, and advocates, however cautiously and timidly, of their adoption to some extent for the use of China. Their experience led them to the conclusion that stubborn rejection of these things could not be maintained without loss or danger to the empire. Probably also they have learned to think better of the foreigner *per se*, and to desire the establishment of more cordial relations. At least they have realized how inconvenient it is for their country, while receiving a large body of ministers and consuls from abroad, who subject her to a constant, sharp criticism before the world, to have no representatives of her own who can speak for and defend her. As Governor Wang says, "We [the Chinese] have been like men thinking to see with their faces set against a solid wall, and to hear with covered ears." And Li Hung Chang, a leading spirit in this matter, observes with equal frankness and point, "Foreign powers having commercial relations appoint ministers abroad, and thus they strengthen friendship; but China, even with the nearest, has nothing to do, which is certainly not the path to continued progress."

All the memorialists show an equally clear apprehension of the disadvantage to which China puts herself in her relation with foreigners by refusing reciprocity of diplomatic intercourse.

The ministers of the Tsungli Yamen must have realized this keenly, and hence the readiness with which they second the request of the provincial magnates. As, however, none of them but Chung How have been abroad, or resided at an open port, they do not so well realize the necessity of imitating other ways of foreigners.

It will be observed that Li Hung Chang, Ying, and Wang wish to make fitness for a special service, and not mere rank or literary proficiency, a standard of official preferment. They especially advise the selection of men qualified in foreign affairs and arts, and familiar with foreign ways, for those branches of the service which bring Chinese officials most in contact with foreigners. They would "open a path for the employment of men skilled in foreign matters," would "broaden the path" of preferment by admitting this class of men to competition with the literary graduates, and would have a school of foreign arts established in each province, the graduates of which shall be appointed to positions in the public service according to special fitness. The ministers of the Tsungli Yamen state that Li Hung Chang and Shen pao Chen, (the latter lately appointed southern superintendent of trade,) "desire to establish schools of foreign arts, and a special board of examination in addition to, and not in place of, the present [literary] examinations." These are revolutionary propositions, and their practical operation would be more radical in its tendency than anything yet pro-

posed by Chinese for the benefit of their country. Hence, the Tsungli Yamen, while they do not oppose the plan, and even speak of its necessity as the best means of supplying a body of native officials competent to conduct business with foreigners, defer action upon it, saying they must first plan for the present, that is, for the early appointment of ministers and consuls. That they should commend such a plan to the throne, with an evident desire to see it carried out presently, and even take issue with Prince Li in its behalf, as a thing essential to the continued supply of good diplomatic material, are very significant and encouraging facts. The old system of literary instruction, *i. e.*, laborious cram of canonical books, having little if any bearing on the practical affairs of life, is seen to be inadequate to the needs of China in her dealings with the outside world, and as the outside world cannot be got rid of, it must be met on a more equal footing.

The literary class will naturally oppose what promises in any degree to lessen their importance; but I have no doubt the government will at no distant day carry into effect the admirable plan it has already so frankly and favorably considered, and when it does we will find the ordinary motives of human action inciting the literary class to the study of foreign arts and sciences, as a means of broadening their opportunity to get into the public service. Heretofore, Chinese educated abroad or at home, in foreign knowledge, have not on that account stood any better chance of promotion; indeed, they seem rather to have been neglected, if not to have lost caste. But it is manifest from the language of the memorialists that the day is near when they will be in special request, and when a most influential career will be open to the Chinese sent to the United States for education, as to those who may have elsewhere or in other ways acquired foreign learning and experience.

I need not call attention to the liberal and intelligent character of the commentary of the Tsungli Yamun on the memorials transmitted to the throne. It speaks for itself, and evinces a sincere desire to promote more advantageous and harmonious relations with the treaty-powers.

There is a remarkable significance in the following words: "This year the minds of our best scholars have been upon current events, and little by little they are coming to examine them, not being as heretofore so exceedingly unconcerned." Their usual conservatism is indicated by the care they take to show that the proposed appointment of foreign embassies is not without a precedent. The whole matter assumes a practical shape when they give the names of nine persons who have been reported to them by the various viceroys and governors as worthy of representing China abroad, and request that the list may be enlarged by the addition of "such [persons] as are suitable," "irrespective of rank;" the whole list to be handed to His Majesty for selection at the time of making the appointments.

The anxiety of the ministers to have a sufficiency of good names proposed is notable. The active duty of the selection will doubtless fall on themselves.

I think it is evident from the foregoing that China is passing from the stage of obstinate resistance to that of tentative adoption with reference to foreign matters. It is also evident that the initiative of the new movement comes from those officials of the seaboard provinces who have been enlightened by more familiar contact with foreigners, and by their opportunities to observe the value of foreign arts and ways in certain particulars. The growing influence of these officials with the central government is manifest. Some of them discuss the subjects considered with much ability. Wang's memorial is the most full and

intelligently reasoned, and shows that his mind grasps the real needs of the situation, and is inspired by statesman-like ideas. He makes a good point in urging the necessity of China being represented abroad as a means for the better protection of her subjects in foreign countries. This is an argument that I have myself addressed to Li Hung Chang and the ministers of the Yamen on several occasions. * * * *

There will probably be no public notification of the intention of the government to send ministers and consuls abroad until they are actually appointed.

I have, &c.,

BENJ. P. AVERY.

[Inclosure in No. 78.—Translation.]

Memorials to the Emperor of China on representation abroad, &c.

December 12, 1874, Li, viceroy of Chihli, and superintendent of trade for the northern ports, memorialized as follows:

If the regulations are not somewhat modified, so as to open a path for the employment of men skilled in foreign matters, to the end that eventually all men may understand them in the future, having the most complete schemes, yet in a few decades men will be lacking in this department; while existing in name they will really be ignorant, and will gradually fall back and lose all their knowledge.

December 12, 1874, Ying, viceroy of the two Kwung, and Yü, governor of Au Huy, memorialized, submitting a project for the imperial approval as follows: The high officials at the capital and in the provinces, and the viceroys and governors, be directed constantly, when they discover a suitable person, to report him to the Emperor—in the capital, from the subordinate officials in the boards; in the provinces, from the civil and military officials, great and small, no matter how he obtained office nor his present rank, only let him in ability be above the average, and absolutely reliable, and let the ability of each be separately reported. The man who understands military matters, let him be appointed to command in that department; the man who is skilled in commercial affairs, let him receive an appointment in the customs-revenue; he who is familiar with foreign ways, or understands foreign machinery, and has undoubted ability, let him undertake these important and difficult affairs. We request the government to promote them for the emulation of all grades.

December 20, 1874, Wang, governor of Fuhkien, memorialized as follows:

In the matter of the employment of men (as officials) there is a saying, "That in ten years there will be a tree, and in a hundred years a man." Whether in transacting business incompetent men are to be used, or in common matters before the arrival of difficulties, men better be prepared; a comparison of these two plans will show which is the better. The establishment of examinations and the selection of scholars has been the established plan; but at this time, when relief is needed, we ought to use ability without regard to acquired rank, and to fix a plan for utilizing and recasting the knowledge of our people, and broaden the path to official service, that all men can know and walk in it, to incite them to greater progress. Hereafter, in literary studies, let them not attend exclusively to composition and poetry; and those in the military life not seek alone skill in drawing the bow, using the sword, and in trials of strength. If this is acceptable, I entreat His Majesty to direct the viceroys and governors of each province to establish in each a school of arts; and all who have special ability in strategy or are remarkable for great skill, who understand astronomy or are proficient in geography, from all the various departments of the province, be reported at this school for examination at the proper time. In case their ability is according to their reputation, let them be reported to Your Majesty for promotion and service. If one has any special talent, whether of strength greater than other men, or of skill in constructing machinery, or of understanding foreign languages, (spoken and written,) let him be sent to the arsenals or to the customs to study arms or revenue-laws. No matter how great a preparation of skilled service is thus made, for then we shall be in no danger of suffering for lack of it.

Regarding the appointment of ministers abroad: All treaty-powers have ministers appointed to the capital and consuls to the various open ports, with the simple wish to cement friendship with China, and to become acquainted with the affairs of our country. They have come hither, but none have gone to them. We have been like men thinking to see with their faces set against a solid wall, and to hear with covered ears. I entreat His Majesty to appoint two representatives, one minister and one secretary, to

each government, either from the capital or from the provinces, selecting persons of ability and power, who have wisdom, courage, and strength, and to give them high rank and large salary, to reside at that court. If now in office, their present positions need not be filled by others, but let them be exchanged once in two years, for the satisfactory management of amicable relations with foreign nations. The affairs of each nation should be reported at the time of their occurrence, to the end that our eyes and ears may be quickened, and that there be no division-line or barrier of separation between China and foreign nations.

If this meets the approbation of His Majesty, let the prince and ministers of the Tsungli Yamen consider and devise plans for the appropriation from the funds of the customs of the necessary expenses, and report to the proper board for action.

Concerning plans for the protection of Chinese merchants and Chinese emigrants abroad, I have heard that in Siam there are between 200,000 and 300,000 Chinese; in Lin Sung, between 20,000 and 30,000; in Singapore, above 10,000; in Manila, some 80,000 or 90,000; in America and Australia, about 200,000 or 300,000; in Japan, not less than 10,000. This includes all merchants and laborers. If, in addition to sending ministers, men of ability be chosen and sent to these various parts, as consuls are sent by foreign governments, it will be a satisfactory mode of dealing. In important matters the minister should still make investigation, and adjust; but all mercantile and commercial questions these consuls could settle, and afford the necessary protection.

Injustice to merchants should be remedied by the consul, but the merchant's profits are nothing to him.

The Chinese abroad—who would not employ them for China?

If among them are men of ability, let them be returned to China and furnished with official duties and rewards, and a plan devised to stimulate them to greater efforts, and thus stir up a spirit of emulation and rivalry (for good) among Chinese abroad. If the Chinese who have pecuniary means learn that there are Chinese officials abroad who will protect them, the great tea and silk firms will be encouraged to take their merchandise thither themselves, and the natural resources of China will continually increase.

December 20, 1874, Li, viceroy of Chihli, and superintendent of trade for the northern ports, memorialized the throne as follows: Foreign powers having commercial relations appoint ministers abroad, and thus they strengthen friendship; but China, even with the nearest, has nothing to do, which is certainly not the path to continued progress. In 1871, Japan made with us her first treaty. "Tseng quo fan" and the writer, at that time, memorialized, asking that, after the making of this treaty, a minister might be sent to Japan to have charge of our people, and strengthen the friendship, and that there might be no further delay.

The memorialist entreats the Emperor to instruct the prince and ministers of the Tsungli Yamen to choose a person of the third or fourth rank, acquainted with foreign affairs and experienced in business, from the Yamens at the capital, and I entreat His Majesty to give the person so selected increased rank, and appoint him to Japan. It is stated that at Nagasaki, Hiogo, Yokohama, and other ports there are about 10,000 Chinese merchants, and we cannot ignore them. After the arrival of this minister at his post, plans must be devised for the appointment of a consul-general and consuls for the several ports to attend to commerce for the assistance of the government.

And not only to Japan, but also to all the western great powers, ministers ought certainly to be accredited, to reside at those courts in rotation,* and to have high rank, large salaries, and a fixed term of service, in order to a thorough mutual understanding.

There are international matters between these powers and China which cannot be adjusted, or there are clauses in the treaties already made which are unsatisfactory, and thus direct communication to and fro could be secured. These points can be discussed and examined, and without delay there can be conference and adjustment, and so the best interests of commerce will be secured.

December 20, 1874. Li, superintendent of trade for the southern ports, and viceroy of the two Kiang, memorialized as below: It appears from examination of the geography of the earth, and from an inspection of the degrees in the heavens, that the various Western nations are distant from China many tens of thousands of li,† and at the various treaty-ports foreigners are scattered about in clusters everywhere.

The affairs of China, there are none of them who do not thoroughly understand, but the affairs of their countries China does not fully comprehend. Since the appointment of Pin Chun, Chih Kang, and Sun Chia Ku to go abroad, none others have been sent.

It appears to me that the selection of intelligent persons versed in foreign matters, and the dispatching them as ministers, at suitable times, to the various foreign powers, to discuss commercial questions which are open to discussion; to examine and

* To be exchanged each few years, after the manner of western nations.

† A "li" is one-third of a mile.—C. H.

purchase, at proper times, new inventions and valuable apparatus of those countries, and to invite skilled artisans to come to China, would be valuable. At present the various foreign powers are all in commercial relations with China and without suspicion on either side, a circumstance which heretofore could certainly never have been. The limits of China are exceeding great, and from generation to generation brings forth human skill; there has been no lack of great and talented scholars. Let there be a selection from these, and it will be for the advantage of foreign interests.

May 17, 1875, Ting, governor of Shantung, forwarded a memorial of Hueh fu Cheng to the following effect:

1. The collection of skilled men in advance is advantageous.

From the commencement of intercourse with foreign nations to the present, the great scholars of China have had fixed notions of what constituted great learning; have talked large and high-toned, and have looked down upon foreign ideas as unwilling to mention them. On the occurrence of any business, they have had no idea how to act. Another class profess to understand foreign business, but aside from ability to interpret, or skill in trading, lust, and cupidity, they know nothing. Hence the obtaining genuine men of skill is difficult. It is now desired to stimulate the energy of men, and it is necessary to cause men of native intellect, ability, and talent to study with the utmost care now, and hereafter the end will be gained.

Formerly Wu ti, of the Han dynasty, directed the reporting of men of great skill and unusual abiiity to be made military generals, cabinet ministers, and to go abroad as envoys. It appears that this plan, at the present time, would be valuable, and in addition, the establishment of an additional "board of examination," directing the high officials at the capital and in the provinces to report the names of suitable persons, without regard to any fixed number.

If, in the list of those recently passed to the third grade, or the second grade, or among the honor-men of the first grade, are those who understand foreign affairs, permit the high officials to report them as students, after the fashion of students in the department of rivers, and to classify them according to their ability. The employment of them to be after the following manner: those who have abundant courage, wisdom, and ability and conversational gifts may go abroad as ministers; those who are well acquainted with the treaties can maintain them, and are not covetous, may enter the customs; those who have ability, experience, and understanding, and are upright and inflexible, may become officials in the various departments bordering on the sea. These classes being early sought out, in time of using them there will be no deficiency. These great scholars and officials becoming skilled in foreign matters by what they see and hear, will be able in turn to modify the notions and customs of the people, and will not talk idle emptiness. The road to merit and fame being thus open, men of unusual virtue and ability will appear.

April 3, 1875, Prince Li and others, in council, memorialize that the plans of Li Hung Chang and others, submitted in the foregoing memorials for appointing ministers to reside in Japan and at the various western courts, are all feasible, and we request His Majesty to direct the Tsungli Yamen to take into consideration the facts, and report a plan for carrying the proposal into effect.

May 30, 1875, this Yamen memorialized as follows:

Li Hung Chang has requested the establishment of schools of foreign arts, and Shen-pao-Chen the establishment of a special board of examination. Prince Li, in a memorial, together with the Seventh Prince, do not mention these requests.

But the plans of Li Hung Chang and others for appointing envoys to reside in Japan and the various western countries are reported in the memorial of Prince Li as practicable. The idea of Prince Li and his associates is that the deputing of foreign ministers is one thing, and the establishment of schools of foreign arts and a special board of examination is quite another. They do not know that to desire to do this and not to seek the skill for doing it, but to say to one's self we already have this ability, and so not especially to seek the very best, is to make the practicable impracticable. Li Hung Chang, Shen-pao-Chen, and others, desire, after the manner of the edict in the Han dynasty, which prepared men of skill and ability to go as envoys to distant parts, and as in the Lung dynasty, Sz-ma-Kwang, planned to establish ten examining boards, so they desire to establish schools of foreign arts and a special board of examination, in addition to and not in place of the present examinations, and not to change the existing examinations into foreign schools. And, in the matter of appointing ministers abroad, suitable persons must first be selected, and without schools of foreign arts for their instruction and an examination board for determining who are prepared, there is no satisfactory way of obtaining able foreign envoys like those sent abroad.

This business must be accomplished by degrees. At the present time and in existing circumstances the schools of foreign arts and the special board of examination cannot at once be established. We must first plan for the present; and we must request His Majesty to direct the superintendents of trade for the northern and southern ports, Shen-pao-Chen and others, to report the names of all suitable persons, irrespect-

ive of their rank, stating carefully the particular ability of each official and the ground of his fitness for the position of minister. In addition, let all the various viceroys and governors, and the high officials at the imperial court, if they know any suitable persons, not fail to report them, in order that His Majesty may appoint them to reside abroad and attend to his interests.

In future, the ministers at the various foreign courts will have manifest results for good, and the officials of all grades, at the capital and in the provinces, will see the advantage to the government, and consequently the matter of schools of foreign arts and a special board of examination will meet the views of all; there will be no diverse opinions to meet.

June 17, 1875, this Yamen memorialized as below: Heretofore the management of foreign relations has not met the requirements of circumstances, because a clear understanding of the nature of these relations has not been attained. In the present memorials, the appointment of envoys to friendly powers is held to be of exceeding importance. In our own internal affairs men of skill can alone transact business; there is no business and no time in which persons of ability need not be chosen; but in an envoy abroad it is of exceeding importance.

From ancient times, in the selection of an envoy abroad, none less than the best was at the time chosen. Thus Fu-pi, Su Chê, and others of the Sung dynasty, officials of great reputation and high scholarship, were appointed to this office. In our own dynasty, in the time of Kang-hi, a minister was sent to Russia, since the friendly relations of the two governments, if there were no diplomatic intercourse between the two, would have been interrupted; and we ought, in the selection, all the more to obtain able men. Hence the selection and preparation of men of ability and intelligence, in order that the will of the Emperor, in all parts, may not meet with ridicule, is certainly no small object. This year the minds of our best scholars have been upon current events, and little by little they are coming to examine them, not being as heretofore so exceedingly unconcerned.

But present affairs are exceedingly difficult, and each day become more so; the international matters are of the gravest importance, and officials of all grades ought to take these difficulties to heart, and with the utmost care examine them.

If all the high officials at the capital and in the provinces can come to understand plainly our common condition, then in matters of international character the present difficulties can be managed, the men of skill to go abroad can be found, they will gradually be secured, and there will be no detriment to public interests.

This Yamen, upon the 30th of May, memorialized in reply, requesting the Emperor, in the matter of the princes consenting to the appointment of ministers abroad, that His Majesty command the high officials at the capital and in the provinces to report the names of suitable persons, and His Majesty consented. In addition to reports from the various viceroys and governors, this Yamen has obtained the following names: Chen lan pin, Li feng pao, Horn Chang, Hsü chien jin, Hsü chien shin, Yeh juan chun, Hsü ching chen, Chü erh liang, and Hsü tung shan; nine in all, the record of each being written separately for the inspection of His Majesty.

Aside from Chen lan pin, who has been abroad for some years, and thoroughly understands foreign affairs, the Yamen has heard that the remaining eight persons selected are also proficient. We have not seen them, but hope from ten to be able to select five men of skill to be prepared for future service. But the sources of information of this Yamen are limited; the selection of skilled officials from all quarters is difficult. In the court all are under orders to report men of ability to His Majesty; day by day they ought carefully to scrutinize, and there must certainly be these honest, faithful men, who are fitted to serve His Majesty as ministers abroad.

We must request His Majesty to command the princes, grand secretaries, presidents and vice presidents of boards, and unemployed officials of rank, to obey the former edict, and, irrespective of rank, report such as are suitable, who are possessed of honesty and integrity, whose ability is complete, or who are versed in foreign affairs, to report their special capabilities to His Majesty; and at the time of employment to be classed with those reported by the various viceroys and governors and by this Yamen for his Majesty's selection.

If it is feared that some, although possessed of marked ability, still may not thoroughly understand foreign affairs; they should be reported afterward, and at a suitable time sent to this Yamen for instruction, that they may acquire the necessary knowledge. If this meets with His Majesty's favor, this Yamen will make copy of the foregoing and forward to each Yamen in the city, that they may act accordingly.

Respectfully submitted with inclosures.

The grand council of state must obey the imperial will, and carry this plan into effect.

Respect this.

No. 171.

Mr. Avery to Mr. Fish.

No. 79.] LEGATION OF THE UNITED STATES,
Peking, July 18, 1875. (Received September 10.)

SIR: Under date of May 1 I received from Mr. R. M. Johnson, United States consul at Han-kow, a dispatch, with voluminous inclosures, detailing the circumstances of an attack upon two American citizens, Messrs. Strittmatter and Hykes, at Shui Chang, on the 3d of November last, and of a previous riotous assault on the American Methodist Episcopal Mission premises at the same place, and informing me of the failure of the local authorities to furnish any redress, despite the repeated and urgent efforts of our consular agent at the near port of Kiu-kiang, and of Consul Johnson at Han-kow, to induce them to do their duty; wherefore Mr. Johnson appealed the matter to me.

As the facts justified his appeal, I laid them at once before his highness Prince Kung. They will be found fully stated in the inclosed copy of my communication. While assuring Mr. Johnson that I should pursue the business to a just settlement, believing that such violence could not be left to go unredressed without danger of repeated and more serious trouble, I took occasion to express my regret at the lack of discretion exhibited by the missionaries, Strittmatter and Hykes, in their rather unceremonious effort to press an immediate interview on the magistrate at Shui Chang, which circumstance seems to have given the mob a pretext for attacking them.

Prince Kung replied to my communication briefly, informing me that he had forwarded a copy of it to the southern superintendent of trade, and had ordered the local authorities to examine and settle the case justly.

In my communication to Prince Kung I called his attention to the fact that the troubles between our missionaries and the people were caused by the falsehoods told about them; such as that they abduct and kill children, take out their eyes for medicine, &c., and by popular ignorance of the rights of foreigners under the treaties. I also suggested that were proclamations issued disabusing the minds of the people and stating what are the treaty-rights of foreigners, such a course would go far to prevent difficulties in future. I even suggested the propriety of friendly proclamations from the higher authorities. To all of this Prince Kung, as I expected, made no reply; but I attach some importance to the fact that he sent a copy of my dispatch, including these suggestions, to the southern superintendent, thus leaving him at liberty to act upon them. It would probably be impossible by mere suasion to induce the Chinese government to proclaim that it wishes to remain at peace and friendship with foreigners, for the ministers fear that such a proclamation would strengthen the opposition of the anti-foreign party; yet such a step would almost certainly have a good effect and save them much trouble.

I thought it proper to assure the prince that this legation would dissuade its nationals from urging themselves on any community manifestly hostile and violent; and I have written to some of our consuls, as the Department knows, in the spirit of this assurance, and have reason to believe our missionary citizens will be duly cautious in their movements.

Under date of May 12, Mr. Johnson advised me of another act of violence against American missionaries, this time at Kin-Kiang, consist-

ing of the destruction by mob of the chapel and other buildings of the Methodist Episcopal Mission on the night of May 1. On being informed of the facts, by Mr. Acting Consular-Agent Cunningham, Mr. Johnson, on May 4, addressed the Taotai at Kiu-kiang, relating the particulars, and asking for redress in the terms set forth. I inclose a copy of this communication, which gives all the facts. Under date of May 11, Mr. Cunningham informed Mr. Johnson that the demands made by the missionaries for losses had been fully complied with by the authorities, and that the chapel-building and furniture would be restored as before. I inclose copy of the Taotai's own statement, which shows that the difficulty originated in the refusal of the native door-keeper of the chapel, in the absence of the missionary, to open the door to a father whose son was inside, thereby exciting the unreasonable suspicions of the people on a point already referred to.

On the 9th of June I received from Prince Kung a communication covering a statement of the Kiu-kiang affair from the acting governor of Kiangsi, the province in which Kiu-kiang is situated. In this document the prince lays the blame for the occurrence on the missionary in a manner so unjust that I felt it a duty to correct his mistake, as per inclosure. In my dispatch I took occasion to lay down the doctrine that mob violence is not justifiable as a mode of redress for real or fancied wrongs at the hands of foreigners, and that if our citizens misbehave, they are to be proceeded against legally, as provided in the treaty. Curiously enough, Prince Kung, in his reply to this suggestion, appears to hail it as something quite new; but I doubt not good will result from it, since the prince has "sent instructions to all the provinces to issue proclamations informing the people that hereafter, in case any missionary, or any of his subordinates, is guilty of improper conduct, in addition to making complaint to the local authorities, and abstaining from all disturbances themselves, they (the people) can make complaint to the consul at the nearest port, and in case he fails to adjust the case equitably, may appeal from him to the legation." This is as near to telling the people that they must not assail our citizens, and that there is a peaceful remedy for any supposed wrong, as the central government can be expected to go.

In the same communication, Prince Kung informs me of the satisfactory settlement of the Kiu-kiang trouble. It is significant that he alludes to the presence of missionaries "throughout all the interior," without a word or hint of objection. He also frankly admits that "the missionaries know and do their duty," and that no blame attached to them in the Kiu-kiang affair.

In conclusion of this report, I inclose copy of my reply to the prince, and of my dispatch to Mr. Johnson.

I have, &c.,

BENJ. P. AVERY.

[Inclosure 1 in No. 79.]

Mr. Avery to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, June 3, 1875.

His Imperial Highness Prince KUNG, *&c., &c., &c.*

SIR: It is my duty to lay before your imperial highness the facts of two different acts of violence committed by disorderly and foolish people upon the persons and property of American citizens at Shui Chang, within the treaty limits of Kiu-Kiang port, prov-

ince of Kiangsi, and to ask that you will require the local authorities to settle them without delay, in that spirit of justice and friendship which I know it is the desire of your highness to manifest in all your dealings with my country.

I am informed by the consul of the United States at Han-kow, within whose jurisdiction Kiu-kiang and Shui Chang are included, that at midnight of the 21st of May, 1873, the buildings which had been rented and furnished at Shui Chang for missionary purposes, by Americans from Kiu-kiang, were attacked by a mob, without any cause, except ignorance and hatred of foreigners. By this mob, which the missionaries declare was instigated and led on by certain men of literary degree, who ought to know better, the chaplain was beaten, his effects stolen, the furniture of the place smashed or carried away, and four large boxes of books scattered to the winds. Mr. Henry M. Hall, on hearing of this outrage, went to Shui Chang, from Kiu-kiang, to ask for justice from the district magistrate, who received him properly, and promised that the guilty should be punished, and the people warned against insulting or maltreating the missionaries of my country. On his way from the magistrate's Yamen, Mr. Hall was set upon and beaten by a furious mob, although he was accompanied by an escort of soldiers.

The mob even attacked a temple in which he took refuge, and if the magistrate himself had not come to the rescue and arrested some of the gentry who led the populace, Mr. Hall would have lost his life. From the effects of this violence Mr. Hall's health seriously impaired, he was obliged to return to America, and the matter was therefore not then prosecuted.

Again, on the 3d of November, 1874, two other American missionaries, having previously secured the rental of a place in Shui Chang, proceeded from Kiu-kiang, with passports from the United States consular agent at the former place, for the purpose of fitting up a chapel, going to the Yamen of the Che-hsien, who was not the same magistrate who was there the year before, in order to ask from him a proclamation warning the people against molesting them. The Che-hsien kept them waiting on the premises about four hours, during which time a mob gathered, who abused them with foul language, and in their violence pushed in the lattice-work of the small room in which they were sitting. The officials, for a long time, made no serious attempt to disperse the crowd which pressed into the audience-room, where the Che-hsien at last received his visitors. He declined to issue a proclamation until he had been instructed by both the taoti and foutai. Meanwhile the crowd outside had increased, and, pushing its way into the small waiting-room where the Americans had left their native attendant, Chao-hung-Kwie, this inoffensive man was beaten in a shameful manner. The Americans requested the Che-hsien to drive out the mob, but he refused to do so, until they came into the audience room, when he had them pushed back into the street. He refused to see the passports of the Americans, and declined to do anything for their protection, unless they consented to depart at once under an escort, which they did. The Che-hsien promised to go with them himself, but did not do so, except for a few steps, into the street, when he turned back to his Yamen. The Americans were gradually deserted by their escort, and the mob set upon them again, once more beat their student-helper, Chao-hung-Kwie, robbed him of his money and clothes, and followed the Americans outside the city, pelting them with bricks, until they fell into a deep stream in the darkness, for it was now night, when they were further pelted by the light of lanterns, until they reached the opposite bank, and, after wandering about in great distress for two hours in the darkness, found their boat, in which, next day, they returned to Kiu-kiang. Their chair-coolies were also driven away from the city, and Pi-hsien, an assistant whom they had left at the Yamen, returned to Kiu-kiang, without his money and part of his clothes.

Immediately after these events the missionaries appealed to the United States consular agent at Kiu-kiang for redress of their wrongs, asking that he demand of the taotai of that place reimbursement for their pecuniary losses as follows: For riot of 1873, in which they lost money expended for chapel-rent, furniture, wages of men, books, ready money, and traveling expenses, $200; and for riot of 1874, in which was taken from the persons of their native assistants money and clothing to the amount of $40, besides the traveling and other expenses to which the mission was subjected, and the personal loss of the two missionaries, the sum of $125; besides just compensation for personal injuries. In addition, they demanded that the building rented at Shui Chang as a chapel be delivered into their hands for one year, properly furnished; that the three Shen Ching who were instigators of the riot be punished, as also the Che-hsien who refused to protect the missionaries in 1874, and that proclamations be issued warning the people hereafter not to molest them. Mr. Rose, the consular-agent at Kiu-kiang, having failed to induce the taotai to make satisfactory settlement of the claim, submitted the matter to his superior, the consul at Han-kow, who instructed him, on the 21st of December, to demand an immediate investigation by the taotai. Mr. Rose again urged the case on the attention of the taotai, but receiving no satisfaction, the consul at Han-kow himself addressed that functionary, February, 1875, informing him that Kiu-kiang came under his jurisdiction; that he had personally ex-

amined the missionaries as to the facts of the repeated violence at Shui Chang, and stating that he would refer the matter to this legation unless the Taotai did his duty.

The taotai, on March 6, replied to the consul denying that there was any evidence to substantiate the statements made, declining to enter into any further examination, and expressing himself satisfied with the denials of the Che-hsien of Shui Chang, to whom he had referred the matter, and who would, of course, try to screen himself and please the violent people who had mobbed two American citizens and their native helpers under his very roof. Yet, after denying that there was any violence committed, the taotai admits that the people did rush together in tumult, because they did not wish missionaries to come among them, and says he wrote to Mr. Rose asking him to tell the missionaries not to go to Shui Chang again.

I will frankly say to your imperial highness that I shall counsel my countrymen who wish to preach and sell religious books, not to press themselves where they know the people are hostile and violent, although the treaty gives them the right to go and do these things; but I must say the missionaries who went to Shui Chang are positive the people would not molest them if they were not deceived and instigated by a few men of literary degree who act out of malice. Even in that case, had the magistrate done his duty fearlessly on the first sign of trouble, there would have been no serious disturbance. The Taotai of Kiu-kiang in like manner, by neglecting to enforce justice in this case, encouraged the mob in his own city to attack the American missionary premises there, as they did on the 1st of May when they demolished the doors and windows, destroyed what furniture was not carried off, pillaged and tore down the rooms of the two native assistants, threw down the walls of two school-rooms, and totally destroyed the furniture of the same.

In this case, as he could not deny what was done so near at hand, the Tao-tai at once agreed to have the chapel and buildings connected with it restored and refurnished, to make good all other losses sustained by the mission, to punish the ringleaders of the riot, and to issue a proclamation.

Had he been as just and reasonable in the Shui Chang case, the last riot would probably not have happened.

As he refused to deal justly in that matter, the consul has appealed the case to me, and I have now had the honor to lay all the material facts before your imperial highness.

I have no doubt that with your usual sense of right, and desire to preserve friendly and pleasant relations between China and the United States, you will comply with my request that the Shui Chang affair be promptly settled by the proper authorities, and the very reasonable demands made by our consul be complied with. The amount of money damages asked for is very trifling, and no compensation seems to have been insisted upon for personal injuries. The main thing is to repay actual losses, to punish the ringleaders, to give the American missionaries a years' possession of the rented premises, and to issue a proclamation warning the people not to molest them.

If these things are done, I have no doubt the people of Shui Chang will be as peaceable and friendly hereafter as those of most other places in China frequented by foreigners. The whole trouble rises from the malicious falsehoods told about missionaries, whose only object is to do good and not to force their doctrines on any who dislike them. Then there is too much ignorance among the people about the rights of foreigners under the treaty, and for this reason the proclamation to be issued at Shui Chang should state those rights.

In this connection I beg leave to suggest to your imperial highness that if the governors-general of all the provinces were instructed to issue proclamations stating the general rights of foreigners under the treaties, declaring that the imperial government wishes to remain at peace and friendship with foreigners, and warning the people not to molest them, we should have very few cases of violence reported, and any difficulties occurring in spite of the precautions of the local authorities would be more likely to be settled promptly on the spot.

Wishing to your imperial highness daily health and happiness, I renew, &c.,

BENJ. P. AVERY.

[Inclosure 2 in No. 79.—Translation.]

Prince Kung to Mr. Avery.

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication in reply:

Upon the 5th of June I had the honor to receive a communication from your excellency, stating that you had received information that citizens of your country had suffered ill-treatment at the hands of the people of Shui-chang, within the treaty-limits of Kiu-kiang, and that the local official had not adjusted the case; and your excel-

lency asks that orders be issued for a prompt settlement. Your excellency further remarks that you shall counsel your nationals not to go where the people are unwilling to receive them, in order to avoid trouble, &c.

It appears to the prince that these cases between the Chinese and missionaries are not all alike. If your excellency will, according to your statement, notify the missionaries not to go to places where the natives are unwilling to receive them, it will be an evidence of your excellency's consideration and sincere friendship for which I shall be exceedingly grateful.

Regarding this case, I have already received a dispatch from the superintendent of trade for the southern ports, covering a report from the customs Tao-tai at Kin-Kiang, stating that the case was settled. On receipt of your excellency's communication, I forwarded a copy to the superintendent of trade for the southern ports, and have ordered the local authorities to make most careful investigation into the real facts in the case, and I so report to your excellency.

Peking, 15th June, 1875.

[Inclosure 3 in No. 79.]

Mr. Johnson to the Taotai.

UNITED STATES CONSULATE OF HAN-KOW AND KIU-KIANG,
Han-kow, May 4, 1875.

His Excellency the TAOTAI, *Kiu-kiang:*

SIR: I have just received a communication from Mr. H. M. Cunningham, acting consular agent at Kiu-kiang, under date of May 3, to the following effect, viz:

"I beg to hand you herewith copy of a letter addressed to me by the Rev. Mr. A. Strittmatter, secretary of the Methodist Episcopal Mission, giving particulars regarding an attack made by a Chinese mob on the mission chapel, situated within the city limits, on the night of Saturday, the 1st instant, and requesting that certain measures be taken to obtain indemnification from the authorities for the damages sustained in this instance, and for the avoidance of similar disturbances in the future. I beg to refer this matter to you for settlement."

The statement made by the Rev. Mr. Strittmatter of the riot above referred to by the consular agent, a copy of which he sent forward to me, is as follows, viz: "The chapel was attacked by a mob about 5½ p. m. on the day mentioned, (May 1,) the doors and windows demolished, the furniture carried off, or totally destroyed, the rooms of the two native assistants torn to pieces and pillaged, and the walls of the two school-rooms connected with the chapel thrown down, and the furniture entirely destroyed.

"Up to the present time the greater part of the flooring has been taken up and carried off, no effective measures having been taken by the authorities to put a stop to the plundering of the premises.

"The conclusion come to by the mission in a formal meeting this morning was that the native officials be requested through the proper authorities to have their chapel and buildings connected with it repaired and put in the same condition as before the riot, and to make good all the other losses sustained by the mission, and that they be further requested to administer proper punishment to the ringleaders of the riot, and to issue a proclamation, disabusing the mind of the people of the false impressions that have been made in regard to the nature of our work."

I take advantage of this early opportunity to bring to your notice the particulars of this high-handed outrage, and have to respectfully ask that you will at once comply with the very moderate request contained in Mr. Strittmatter's letter to Mr. Cunningham, to the effect that "you have the chapel and buildings connected with it repaired and put in the same condition as before the riot, and to make good all other losses sustained by the mission, and further that you administer proper punishment to the ringleaders of the riot, as well as issue a proclamation disabusing the minds of the people of the false impressions that have been made in regard to the nature of the mission work."

The settlement of the case upon the above terms will be subject to the approval of the United States minister at Peking, to whom I will submit the particulars of the affair at once.

I cannot too strongly urge upon your excellency the necessity of dealing promptly and severely with persons guilty of such lawless violence, if for no other reason than to prevent complications of a serious nature from arising.

The immediate arrest and severe punishment of the ringleaders of this riot will have a salutary effect upon the mob element of Kiu-kiang, and I sincerely trust you will act on my request and punish them to the fullest extent of the law.

I have, &c.,

R. M. JOHNSON, *Consul.*

[Inclosure 4 in No. 79.—Translation.]

The Taotai to Mr. Johnson.

KIU-KIANG, *May* 10, 1875.

I have the honor to acknowledge the receipt of your dispatch of the 4th May, in which you inform me that on the 1st May an attack had been made on a chapel within the city by a mob, who destroyed the same, as also furniture, &c., and that the flooring had been carried away, asking me to investigate into the affair, to arrest the ringleaders for punishment, to see that compensation was made for the loss as sustained, and to issue a proclamation in order to prevent similar disturbances.

In compliance with your request, I have myself inquired into this matter and ordered a deputy officer, with the Che-hsien and a military officer, to investigate the affair. From a thorough investigation made by myself, it appears that the son of a mason by the name of Chang was detained in the chapel premises. The local officer being informed of it, applied for admittance, but was refused by the door-keeper; in consequence, the people, being aroused, began to attack the premises. These facts I have brought to the notice of the vice-consul of Kiu-kiang, as I expected he would communicate with yourself. This is the cause of the whole affair, and, as it appears, brought about by the conduct of the persons in charge of the chapel, and therefore no compensation should be required, as the treaty does not contain a clause to the effect that the local officers are to be held responsible in such a case.

In your dispatch you requested me to arrest the ringleaders, and to see that such compensation be made for the losses sustained. I have ordered the Che-hsien at once to do so, to bring them up for punishment, in order to prevent similar disturbances.

To-day the deputy informs me that the door-keeper had run away and that no trace of him is to be found; that at the time of the disturbance the foreign missionary was not at the premises; that therefore the people made an attack, which certainly should not have been done.

As time must be lost until the guilty parties are found and brought to justice; moreover, as the missionaries have no place for preaching, which will keep up ill-feeling, and the Che-hsien will not be responsible for the losses, I have ordered a deputy to arrange with the same. They have agreed to order the carpenter who formerly built the chapel to rebuild the same as before, and to pay to the missionaries the sum of tael 775, to cover the other losses for furniture and clothing lost, which sum the Che-hsien and his officers will see paid. This officer has also arranged with the missionaries themselves, who seem to be quite satisfied with this arrangement, while I have informed the vice-consul of Kiu-kiang to this effect.

The actions of the deputy having been thus made known to me, by which all parties received satisfaction, and peace and concord restored, I do not wish to interfere with this arrangement, but that the offending parties must be held liable for any losses.

I have also communicated with the military governor to issue a proclamation, and have informed the vice-consul of Kiu-kiang of the settlement of this affair, which I herewith bring to your notice.

I have to request your honor to tell the missionaries to see that the door-keeper of their chapel will in future no more allow young children to be taken to this chapel, and thus avoid further trouble.

I have, &c., &c.,

SUNG TAOTAI, (of Kiu-kiang.)

[Inclosure 5 in No. 79.—Translation.]

Prince Kung to Mr. Avery.

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

I have received a dispatch from the acting governor of Kiangsi, covering a statement from the Taotai of Kiu-kiang, of the following tenor: In the city of Kiu-kiang an American missionary, named Hart, has a chapel. On the night of the 1st May, about 9 o'clock, a rumor suddenly became current that a child from the shop of a stone-mason was locked up in this chapel. A turbulent crowd gathered, and the Tao-tai, in all haste, sent a deputy to investigate and suppress the disturbance, &c.

It appears that the missionary Hart opened a chapel for the purpose of exhorting men to be virtuous. Why should he, without cause, shut up a young child in the chapel and so rouse suspicions in the breasts of the populace to the creating of disturbances? The local official proceeded to the spot to suppress the tumult, his thought being to afford protection; but the keepers of the chapel still kept it most closely shut and would not allow him to examine, an exceedingly improper act.

At the present time a large proportion of the cases of disturbance between missionaries and the people spring from the suspicions of the latter. How much more in the present, which was an actual case of the detention of a young child? In case people of other districts hear of it as an actual occurrence will the suspicions of all the populace not be allayed, but troubles hereafter will with difficulty be avoided.

I have sent orders, most stringent, to the acting governor of Kiangsi to examine into and investigate the origin of this affair down to its very root, and to deal most severely with the leading rioters, in order that the missionaries and people may be in mutual accord; and in addition to this action, beg leave to inclose a copy of the governor's dispatch for the information of your excellency, and to request that you will instruct the consul to summon the missionary in charge of this chapel and tell him in future to conduct himself discreetly, and not make work for us.

PEKING, *June* 9, 1875.

[Inclosure 6 in No. 79.]

Mr. Avery to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, June 15, 1875.

SIR: I have had the honor to receive the dispatch of your imperial highness, under date of June 9, inclosing copy of dispatch from the acting governor of Kiangsi, relating the circumstances of an attack on the American missionary premises at Kiu-kiang on the evening of May 1, and informing me that your imperial highness has sent stringent orders to the acting governor of Kiangsi to have the affair thoroughly investigated and the leading rioters punished, in order that the missionaries and people may be in mutual accord.

I beg leave to thank your imperial highness for this renewed proof of your friendly and just disposition, and to express my satisfaction with the prompt action of the local officials, who had already, as I mentioned in a late communication to your imperial highness, given the matter prompt attention, in marked contrast to the failure of such action at Shui Chang.

Referring especially to the Kiu-kiang case, your imperial highness observes: "It appears that the missionary Hart opened a chapel for the purpose of exhorting men to be virtuous. Why should he without cause shut up a young child in the chapel, and so arouse suspicions in the breasts of the populace, to the creating of disturbances?" And you then remark that most of the disturbances between missionaries and the people spring from the suspicions of the latter, who fear their children will be abducted and misused; wherefore you ask me to have the missionary in charge of the chapel at Kiu-kiang warned to conduct himself discreetly.

In reply to this I beg leave respectfully to inform your imperial highness that the missionary Hart did not shut up a young child in the chapel, and knew nothing about the trouble until it was all over. The Taotai at Kiu-kiang, in a dispatch to Consul Johnson informing the latter of the facts and of his action in relation to the same, which dispatch is now before me, expressly says that, "at the time of the disturbance, the foreign missionary himself was not at the premises, and that therefore the people made an attack which certainly should not have been done."

There was a boy in the chapel, as your highness says, but he had been there but a very short time with the native keeper, and without the knowledge of the missionary, who had left the premises; and the whole affair, including the detention of the boy, and the disturbance, occupied hardly more than an hour. The native keeper was to blame for quarreling with the boy's father, and for not opening the chapel; but it is clear that no blame can justly attach to the missionary, and there has never been anything in the conduct of American missionaries anywhere to warrant the foolish suspicions of the people. They never constrain or misuse children, and ought not to be held accountable for the silly stories circulated about them by the ignorant or designing. I have cautioned them to be discreet and conciliatory, and shall not fail to urge them to avoid every occasion of trouble; but I beg leave to repeat what I have already said on this subject, that the local authorities should for their part be instructed to notify the people by proclamation that the citizens of the United States come among them for lawful purposes, under protection of treaty, and are not to be molested. If, in any instance, they do wrong, let complaint be made to the nearest consul, and if he does not do his duty, to this legation, and I can assure your imperial highness that the wrong-doer will not escape punishment.

I avail myself, &c.

BENJ. P. AVERY.

His Imperial Highness PRINCE KUNG, *&c.*

[Inclosure 7 in No. 79.—Translation.]

Prince Kung to Mr. Avery.

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication in reply.

I have received your excellency's dispatch stating that in the matter of the chapel opened by the missionary Hart, in the city of Kiu-kiang, the missionary did not in person reside at the chapel, and that the shutting up of a young child in it was no act of his; and your excellency requests that the local officers issue proclamations informing the people that American citizens come among them for proper objects, under protection of treaty, and must not be molested; that in case any missionary is guilty of any improper action, no matter where or when, they can make complaint against him before the consul, and in case he does not deal justly in the matter, they can appeal to your excellency's legation, &c.

It appears to me that the great proportion of the troubles between the people and the Christians is caused by improper conduct on the part of the chapel-keepers and their fellows in taking advantage of their position to insult the people, and when disturbances ensue they hoodwink the missionaries and the consuls, and so the officials engaged in managing international affairs are unable to find out the truth and settle the cases equitably, and the people are wronged. And the people, thus treasuring up anger, become hostile and break out into greater violence. After the creation of a disturbance these disorderly persons, (the chapel-keepers,) the real facts of the case becoming apparent, and their guilt, they either hide in the chapels, and cannot be given up, or they abscond in advance, and the local authorities are unable to seize them. And since at the time of the disturbance they cannot be dealt with according to their deserts, after it is over they become even more reckless. The populace, seeing this, on hearing about the Christians, do not ask either as to the nationality of the men, nor the kind of church, (Catholic or Protestant,) nor whether the persons behaved properly or not, but are more completely filled with hatred.

Whenever there are any suspicious circumstances in the chapel, crowds gather, and everywhere disturbances occur, which have almost always the origin described above.

If your excellency will carry out the statements made in your dispatch, the people and the Christians will most assuredly be at peace, and this is certainly the road to protection and friendship. But it occurs to me that there are missionary operations throughout all the interior, while consuls are found only at the open ports, and your excellency lives in this capital. Hence, although the people are allowed to make complaints, the great distance is an obstacle, and there are many other inconveniences.

Although the missionaries know and do their duty, the chapel-keepers, &c., are all guilty of misconduct, and bring trouble upon the missionaries.

Since your excellency is now so kind as to allow the people to make complaints against the Christians, this Yamen has sent instructions to all the provinces to issue proclamations informing the people that hereafter, in case any missionary or any of his subordinates is guilty of improper conduct, that in addition to making complaint to the local authorities and abstaining from all disturbance themselves, they can make complaint to the consul at the nearest port, and in case he fails to adjust the case equitably, may appeal from him to your excellency's legation.

At the moment of dispatching this communication, I hear from the acting governor of Kiangsi that, in the case of the chapel of the missionary Hart, the trouble arose from a Chinese chapel-keeper shutting up a boy on the premises. The said Chinese chapel-keeper has absconded and cannot be found. At the time of the disturbance there were no missionaries on the place. The destruction of the property was certainly deplorable. But the people acted without premeditation; they gathered instantly, and were as quickly scattered, and arrests were impossible. It has been decided to repay the losses and reconstruct the buildings, in order to satisfy the men from far, (the missionaries.) The buildings, walls, carpenter and mason work will be made good, and the value of the books, clothing, &c., paid in money. The amount paid in silver is 775 taels. The case has thus been settled after personal conference with the missionaries.

I report this mode of settlement for your excellency's information.

PEKING, *June* 24, 1875.

[Inclosure 8 in No. 79.]

Mr. Avery to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, June 29, 1875.

SIR: I have had the honor to receive your dispatch of the 24th instant, informing me of the settlement of the missionary case at Kiu-kiang in a manner conformable to ustice, and beg leave to return my thanks for the gratifying information.

I also wish to thank your imperial highness for acting on my suggestion that if citizens of the United States do wrong, the remedy lies in an appeal to the consuls or minister, not in mob violence, and for directing the provincial authorities to notify the people of this fact. If now the provincial authorities will see that the people act accordingly, and do not molest citizens of the United States who are among them on lawful errands, under the protection of treaty and provided with passports of protection, we shall hear of very few difficulties.

I avail myself, &c.

BENJ. P. AVERY.

His Imperial Highness PRINCE KUNG,
Chief Secretary of State, &c.

[Inclosure 9 in No. 79.]

Mr. Avery to Mr. Johnson.

LEGATION OF THE UNITED STATES,
Peking, June 18, 1875.

SIR: Under date of June 3 I addressed Prince Kung in a communication, copy of which is inclosed for your information, detailing the circumstances of the repeated attacks on American missionaries and their premises at Shui Chang, which were made the subject of an appeal to me in your No. 344. You will see from his reply, copy of which is also inclosed, that his imperial highness has forwarded a copy of my complaint and demand for redress to the superintendent of trade for the southern ports, with orders to have the local authorities "make most careful investigation into the real facts of the case, and settle it justly."

This reference, and the manner in which it is made, encourages me to expect that satisfactory results will follow. I attach some importance to the fact that my own suggestion as to the mode of settlement and the issuance of a proclamation have been sent to so high an officer as the one named.

Shen Pao Shun, who has lately been appointed superintendent of trade for the southern ports, has been usually prompt and just in his dealings with foreigners, and the acting superintendent Liu is also a well-disposed executive.

Until the superintendent has reported under his instructions, I can do no more, unless officially informed that no action at all is being taken.

Before answering my communication referring to the Shin Chang troubles, Prince Kung addressed me, as per inclosure, on the subject of the Kiu-kiang affair, which had been so incorrectly reported to him that I was obliged to reply in the terms of the inclosure, which is sent for your information.

I was not sorry to be afforded so good an opportunity for the vindication of American citizens against unjust charges.

I am, sir, your obedient servant,

BENJ. P. AVERY.

R. M. JOHNSON, Esq.,
United States Consul, Han-kow.

No. 172.

Mr. Avery to Mr. Fish.

No. 80] LEGATION OF THE UNITED STATES,
Peking, July 19, 1875. (Received September 18.)

SIR: I have the honor to transmit herewith copies of dispatches from Consul-General Seward and from Mr. Consul Colby, giving the particulars of a grave disturbance which occurred at Chin-kiang on the 14th of June, and of the subsequent proceedings to bring the offenders to justice.

Although no actual violence was suffered by any of the foreigners assailed, wanton insults to the consular officer of the United States and his wife, and an open assault upon the British consular premises, were

offenses of too grave a nature to be lightly treated. The prompt intervention of Consul-General Seward, followed up by the firm persistence of Mr. Colby, resulted in securing, with little delay, the full measure of satisfaction demanded.

The dispatches inclosed give all the facts with sufficient clearness. I have approved the action of Mr. Seward and Mr. Colby, which was at once energetic and judicious.

I have, &c.,

BENJ. P. AVERY.

[Inclosure 1 in No. 80.]

Mr. Seward to Mr. Avery.

UNITED STATES CONSULATE-GENERAL,
Shanghai, June 17, 1875.

SIR: I have the honor to hand to you herewith a copy of a dispatch I have received from Mr. Colby reporting a serious disturbance which occurred at Chin Kiang on the 14th instant.

I have had an opportunity to learn the contents of the dispatch addressed by the British consular agent at Chin-kiang to the consul here in regard to the same matter. It is more detailed, and puts the matter in quite as bad a light as does Mr. Colby's.

Under the circumstances I have consulted with the British consul, Mr. Medhurst, and, at a later moment, with Mr. Wade, the British minister, and it has been arranged that Mr. Medhurst and I shall proceed at once to Chin Kiang. The British sloop-of-war Thalia will also be dispatched for that port as soon as possible, and Captain Bridgman of the American gunboat Palos will follow a little later.

My object will be to advise with Mr. Colby with a view to concert such measures between him and the Chinese officials as will prevent a recurrence of the annoyance to which he has been subjected, and which may at any time end seriously.

It may be possible to procure the punishment of some of the ringleaders in this particular case of annoyance, two of whom are, I believe, the men who were lodged at the British consulate, and for whose rescue the attack on the consulate was made.

I shall also give such support to my British colleague in the graver matter which he has in hand as may appear appropriate.

This movement may be in one sense unnecessary. But regarded in another light, it appears to me very desirable. The Chinese are not, as a rule, troublesome at the ports. The native population at the ports has, however, a large rabble element which is cowardly enough as a rule, but, when excited, it is cruel in the extreme. The best way to keep this element in subjection is to show the ability and readiness to act sternly and rapidly in any given case of trouble.

The advent of Mr. Medhurst and myself, supported by two ships-of-war, and followed by appropriate measures for the punishment of the offenders, and for the future security of our people, will have a good effect at the port for years to come.

I ask your approval of my proposed course, as above reported, and trust to be able to inform you in a few days of the satisfactory settlement of the whole affair.

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

GEORGE F. SEWARD,
United States Consul-General.

[Inclosure 2 in No. 80.]

Mr. Seward to Mr. Avery.

UNITED STATES CONSULATE-GENERAL,
Shanghai, 22d April, 1875.

SIR: I have the honor to inform you that I returned to Shanghai last evening from Chin-kiang, and to report the facts of the recent trouble at that port, and of the action which has been taken in view of it.

It appears that Mr. and Mrs. Colby were walking on a street of the English settlement, and that a lot of braves, ten or a dozen in number, followed them and used vile language toward or regarding Mrs. Colby. A Chinese policeman, who was patrolling in the neighborhood, thought it desirable to warn them to desist. This led to an alter-

cation between the policeman and some of the braves, and he finally called to his assistance some Chinese of the foreign hongs, and with them arrested two of their number. Thereupon the other braves ran off and called together a considerable number of their comrades, perhaps fifty, who proceeded to the British consulate with the avowed object of releasing the prisoners who had been taken there by the policeman and the constable of the consulate.

Seeing the approach of the soldiers, followed by a large crowd of their country-people, Mr. Baber closed a gate on a public street in the rear of the consulate, thus cutting off the approach on that side. In front of this gate the soldiers stood, some urging that the gate should be broken in. It appears, however, that from the time when the gate was closed, being pressed back upon the crowd, until the end, no attempt was made to force it. During the twenty minutes or half hour that the crowd stood in front of the gate, a number of the foreign residents made their way through the crowd and entered the consulate, the gate being opened for them. Others, including Mr. and Mrs. Colby, came in by another gate. An officer of the corps to which the soldiers belonged also appeared, and used some exertions in the way of strong language and actual blows with his riding-stick, which resulted in dispersing the soldiers.

Mr. Baber and Mr. Colby wrote the Taotai after the occurrence, stating what had occurred, and asking him to secure the punishment of the offenders, both those who had been so troublesome to Mr. and Mrs. Colby and those who had made the demonstration before the consulate. The Taotai responded to this that the two men actually arrested and then in his hands had been dismissed from the service, and would be tried and punished. Further than this he made no promise, and it would appear that he did not feel able to make any, in view of the independent nature of the military branch.

By consent matters remained in this form until Mr. Medhurst and I arrived on Saturday, five days after the trouble. We at once proceeded, with Mr. Baber and Mr. Colby, to take the evidence of the police-officer, the constable of the British consulate, and a tide-waiter at the customs, who had seen a great deal of the disturbance. We also heard what Mr. Baber and Mr. Colby had to say. The substance of all this evidence I have given above, and it does not seem necessary to encumber this dispatch with copies of the actual statements.

Saturday afternoon Mr. Medhurst met the Taotai, and impressed upon him the need of his urging the military commandant to arrest a considerable number of the offending Chinese. The Taotai, as Mr. Medhurst has told me, did not express himself hopefully in the matter, but appeared willing to do what he could.

My own task with the Taotai was easier than Mr. Medhurst's, and I was able to secure from him promises—

1st. To try the two prisoners in my presence the next morning.

2d. To urge the commandant very warmly to arrest others of those who had used the vile language to Mr. and Mrs. Colby.

3d. To issue a proclamation setting forth the facts of the case, reprobating the conduct of the soldiers in suitable terms, and warning others against the commission of a like offense.

I reported this result to Mr. Medhurst, and asked him to be present at the trial and to urge against the same men the charge of resistance to a police-officer. This he thought well of and agreed to do.

The next morning we proceeded to the Taotai's Yamen and watched the trial as conducted by the Che Hsien. The two men were sentenced to fifty blows each, and to be caugued in the street, where they had assailed Mr. and Mrs. Colby with vile language, for thirty days, their offense to be stated on the *cangue*.

An incident of the trial was the proposal of the Che Hsien to bamboo the prisoners to make them tell the names of their comrades. The two men were actually led out, thrown upon their faces, and their thighs stripped for the whipping, before we could make the Taotai understand that the use of torture to procure evidence is not sanctioned by our laws, and that we could not assent to such procedure.

So far as the punishment was concerned, the Taotai's readiness to meet our representatives may be understood when I say that he was quite willing to administer one hundred blows to the prisoners, or even two hundred, if we thought it desirable. We took pains to indicate to him that we had no wish to be vindictive; and that it was the adequate punishment of a considerable number of persons, and not the cruel punishment of the two in question, that we desired.

After I had again impressed upon the Taotai the need of his calling upon the commandant to make further arrests in Mr. Colby's case, and had told him that Mr. Medhurst had suggested the issue of one proclamation embracing the whole case, and that I assented to this, Mr. Medhurst urged upon the Taotai strongly the need of his appealing forcibly to the commandant to arrest and punish those soldiers who had made the demonstration at the consulate, and told him that unless he received word that this work was going on satisfactorily by the next evening, he would proceed to Nanking to state the case to the viceroy.

The business having been so far prosecuted, and my duties here demanding my attention, I left for this place the same afternoon.

You will see that the newspaper reports of the case have been somewhat exaggerated, and you may consider that we showed quite as much vigor as the case required.

I do not think that more has been done or projected than the circumstances demanded. If the Chinese are allowed to use toward foreigners language of the vilest character, that prestige of the foreign name which is essential to the security of foreigners in the smaller ports will be more or less injured. To pass by a grave demonstration against a consular residence would be a still greater mistake. If Mr. Medhurst shall succeed in carrying the whole business to a satisfactory conclusion, the result will be one for which the residents of Chin-kiang may congratulate themselves, as promising to them a greater degree of security for a long while to come. And even if the soldiers are not further punished, which I cannot believe will be the case, good will come of the demonstration which has been made.

My co-operation with Mr. Medhurst was warm and hearty throughout, and that of Mr. Baber and Mr. Colby has been equally satisfactory. I should say that Mr. Baber's coolness when his consulate was besieged is deserving of much appreciation, and that all his steps were carefully taken. Mr. Colby has shown excellent judgment throughout.

The further action needed to secure the results aimed at by me will be undertaken by him, and I have but little doubt he will succeed perfectly. He takes a quiet unbiased view of the business, and will insist upon such action as that contemplated in my conversations with the Taotai.

I have to express my gratification at the promptness with which Captain Bridgman, of the Palos, met my suggestion that he should show his flag at Chin-kiang.

I respectfully ask an expression of approval of my course, if it shall seem to you to have been judicious.

I am, sir, your obedient servant,

GEORGE F. SEWARD,
Consul-General.

Hon. BENJ. P. AVERY,
United States Minister, Peking.

[Inclosure 3 in No. 80.]

Mr. Colby to Mr. Avery.

UNITED STATES CONSULATE,
Chin-kiang, July 6, 1875.

SIR: Referring to the disturbance that took place at this port on the 14th of last month, I beg to submit the following report of the affair as regards the events transpiring after Mr. Seward's departure from here on the 20th ultimo:

The judicious arrangement effected by Mr. Seward with the Taotai in regard to a just and equitable adjustment of the difficulty left little else for me to do but to follow the course marked out by that gentleman, and to see to it that the Taotai fulfilled the promises made him. In this regard I have been scrupulously exacting, at the same time endeavoring to avoid captiousness or an appearance of distrust, and I am happy to announce that the result, to me at least, is highly satisfactory, and all that reasonably could be expected.

The day Mr. Seward left here two men, the principal offenders, were bambooed, receiving eighty blows each, and were sentenced to a month's *cangue*, and they are now, undergoing that punishment upon the scene of their misconduct.

The next day after the departure of Mr. Seward the Taotai announced the capture of four others of the men who participated in the general disturbance, two of whom confessed their insolence and disorderly conduct toward my wife and me.

I have had several interviews with the Taotai touching the identity of these men, and other matters connected with the settlement of this affair, and at his request I consented to a delay of the trial of the two men who confessed their guilt until Her Britannic Majesty's consul, Mr. Medhurst, returned to Kiu-kiang.

I here take occasion to say that the delay on the part of Mr. Medhurst, the two cases being so closely allied and amalgamated, prevented a speedy settlement and termination of my case, which otherwise would have been concluded several days ago.

On Friday, the 3d (?) instant, the two men who confessed their guilt were tried at the office of the Che Hsien in my presence, and were sentenced to fifty blows of the heavy bamboo and one month's *cangue*. The blows were administered in my presence, and the men are undergoing the *canguing* on the bund in front of my office; thus making

four men in all who have been punished for their insolence to my wife and me on that occasion; a sufficient example and warning, I take it, to convince others that foreigners are not to be treated insolently with impunity.

In accordance with the views expressed by Mr. Seward while here, I have not insisted upon a severe and vindictive punishment of these men, believing it to be a wiser and better policy to only demand such a punishment as, while it does not savor of cruelty, is yet sufficiently strong to become a proper example to deter others from committing similar offenses, and, what I consider of far more importance, establishing a precedent upon the principle that we must be protected in "life, liberty, and the pursuit of happiness" even in China.

The Taotai stated to me in a letter a few days ago that "it was a Chinese custom, in hot weather, not to *cangue* criminals, but to defer it until the autumn;" "but," he says, "as this is a case in which both natives and foreigners were concerned," he would, "for the public expediency, have the men exposed for a day or two in *cangue*, and then remove them in custody until the autumn, at which time they would conclude their caugue punishment." To this proposition I strongly demurred, insisting that if he intended to punish these men in good faith, I wanted no humbuggery about it, but wanted the men exposed daily until the expiration of their sentence. My object in this apparent severity was to show him that he could not lead me, and whatever leniency I extended would be of my own volition and sense of right, and not at his dictation. He acceded to my demand, and pledged his honor that, "rain or shine, hot or cold," the men should be forthcoming daily.

Finally, when the men were all flogged, and everything concluded except the promulgation of the proclamation, I told the Taotai that if these men were exposed in good faith for ten days, I would then consent to a suspension of their *cangue* sentence until the autumn, he making himself responsible for its fulfillment at that time. To this he readily agreed, and thanked me profusely for my "humane action," as he called it.

As a termination of the whole affair, and in accordance with Mr. Seward's arrangement with the Taotai, that official has issued a proclamation, a copy of which, with the translation, I have the honor herewith to inclose, which is posted up in conspicuous places for the benefit of all whom it may concern.

The proclamation, as now promulgated, is somewhat different from the original text, many changes having been suggested by both Mr. Medhurst and myself, the most of which were readily assented to by the Taotai. It may not be out of place for me to say that I believe the Taotai has acted in good faith throughout, and has manifested a disposition to bring the violators of law and good order to a speedy trial and punishment. And considering the embarrassments with which he has been surrounded, the offenders being "braves," and belonging to a military command, over which he had no imperative control, he has acted with commendable zeal.

In conclusion, I have to say that all is quiet, and I have no apprehension of violence at the hands of either local citizens or "braves" in camp, of whom, by the way, there are still three or four thousand *en route* for Formosa.

Hoping that my action and report will meet with your approbation,

I am, sir, your obedient servant,

J. C. S. COLBY,
Consul.

To His Excellency B. P. AVERY,
Envoy Extraordinary and Minister Plenipotentiary United States, Peking.

[Translation.]

Proclamation.

Whereas a foreign official and his lady were lately followed by braves, and accosted with insulting language in the settlement, and the said braves tumultuously assaulted a municipal policeman who interposed; and whereas, two of them being arrested on the spot, a number of soldiers repaired to the front of the English consulate and cried a rescue, apparently intending to force the palisade, the offenders first seized and those subsequently captured have now been delivered to the magistrate for trial and punishment;

And whereas following and impudently insulting a foreign officer and his lady, in the settlement or elsewhere is beyond doubt a lawless proceeding, and combining to mob the English consular office and to raise a disturbance and riot, the serious consequences of which were only averted by securing the palisade, is to evince an utter contempt for law; the offenders have now severally been sentenced, as the law directs, to flogging with the heavy bamboo and severe *canguing* of two months; the case has been reported to the high authorities to be placed on record, and this proclamation is issued:

Know ye, therefore, soldiers and people, that since the opening of trade natives and foreigners associate on terms of mutual consideration. A foreign public office must therefore be regarded with respect, and foreign gentlemen or ladies, immaterial where they are, walking in the settlement or elsewhere, treated with deference and politeness, to the confirmation of friendship and good feeling.

Henceforward, therefore, let there be no more such disturbance and defiance of law, only leading to arrest and punishment. The foreign settlement is devoted to the purposes of trade. Let soldiers and braves attend strictly to the duties of the camp, and not create trouble and disorder by strolling about the settlement and congregating in knots, thereby causing disturbances to arise.

Let all obey a special proclamation.

No. 173.

Mr. Avery to Mr. Fish.

No. 81.] LEGATION OF THE UNITED STATES,
Peking, July 19, 1875. (Received September 10.)

SIR: During the last few weeks there have been several instances of assault upon foreigners in Peking and its vicinity, which I would not think it necessary to report to the Department, if accounts exaggerating their importance were not likely to reach the United States through the newspapers.

First, several of the Cossack guard of the Russian legation were assailed and pelted, while strolling in a portion of the capital where a large crowd of Chinese were met to witness some native races. Then Dr. Bushell and wife, of the British legation, were assailed in the same neighborhood, under similar circumstances, and narrowly escaped serious injury.

Subsequently, Mr. Mollendorf, an attaché of the German legation, and several student interpreters of the British legation, who were together visiting temples at Pao-Hua-Shan, a day or two's journey from the city, were fiercely attacked, and all more or less cut and bruised by the bricks thrown at them, making a narrow escape with their lives. These cases were all laid before the Tsungli Yamen by the legations directly interested, and, I am told, every disposition is shown to do what is required to discover the guilty leaders of the assaults and to notify the people that foreigners must not be molested.

Another circumstance gave rather more significance to the foregoing assaults in the minds of some of the foreign community here than justly attaches to them. This was the discovery, on the southern wall of the city, of numerous copies of a placard animadverting upon and threatening foreigners. One of these was secured by the British legation and brought to the attention of the Tsungli Yamen by Mr. Fraser, the secretary in charge, who informs me that they have ordered an investigation of the matter. You will see from the translation sent herewith that the placard is a very wild, crazy production, evidently the product of a fanatical mind; but it recites some of the slanderous charges frequently made against foreigners, and could not prudently be overlooked.

These affairs at Peking, following the attacks on missionaries at Shui Chang, Kiu-kiang, and elsewhere, and the more recent assaults on the American and British consuls at Chin-kiang, have made some of the foreign community in China apprehensive that a general plot against them was on the eve of breaking out, and that the direct incitement to this in the native mind was the expectation of a war with England growing out of the Margary affair, to which I have before alluded.

I can see no ground for believing in the existence of an exceptionally bad feeling towards foreigners; on the contrary, so far as I can learn, the relations between them and the natives are, as a rule, more harmonious and friendly than formerly, and the outbreaks reported are quite sporadic, no more indicating a conspiracy against foreigners than the acts of ruffianism against Chinese which occur more frequently in the United States, and none of which have been made the subject of diplomatic remonstrance.

It is necessary, however, in order to prevent serious outbreaks in China, to treat each case as it arises with promptness and energy, and this is always aimed at by the diplomatic and consular agents of the United States, in most cases seconded by the native authorities with apparent willingness.

Mr. Consul Johnson, at Han-kow, reported to me some weeks ago the existence of an exceptionally bad feeling towards foreigners at that port, Kiu-kiang, and vicinity, and urgently requested that a gunboat might be sent up there.

As there are strong objections to ordering vessels of war far up the Yangtze during the heated term, when our sailors are dangerously exposed to heat-apoplexy, and as, after careful inquiries made through Consul-General Seward at Shanghai, I could not ascertain that the situation at Han-kow and Kiu-kiang justified the alarm evidently felt by Mr. Johnson, I did not think it necessary to act further on his request.

Since that time occurred the attack on the American missionary premises at Kiu-kiang, reported in my No. 79; but that was accidental and unpremeditated, and was so promptly settled by the local officials, without reference to Peking, that I am confirmed in my opinion that a show of force there is not specially required.

Speaking generally, however, I ought to say that, in my judgment, the number and distribution of war-vessels on the Chinese coast is inadequate to the service of observation and police to which they are assigned. In case of any serious disturbance, which is always a contingency within the range of probability, our citizens would have to rely for needed refuge and protection upon the vessels of other nationalities, so long as our own flag is as meagerly represented as at present.

I have, &c.,

BENJ. P. AVERY.

[Inclosure in No. 81.—Translation.]

Incendiary placard against foreigners found posted on the walls of Peking.

Chan King—by the order of Heaven (called) the golden star, great ruler of the gods and demons of the great northern and southern continents, commander-in-chief of the fourth rank, of the constellation of the five planets, Venus, and ——,* shining upon China from the north, herewith proclaims as follows: Since foreigners are proud and insolent, not obedient to the laws of Heaven nor in harmony with the feelings of men, facts deserving of punishment, I now proclaim for the information of them all that heaven and earth have appointed places for all creatures, and each should remain in his own place.† Heaven has created all men, and all men ought to live in harmony with the divine ordinances.

Heaven has likened the male and female principles, and all men ought, in obedience thereto, to contract marriages.‡

Now, you foreigners, I have examined you thoroughly for several years. You insult the Chinese among whom you dwell, as one crime; you destroy young children, and take out their eyes, as a second; and male and female cohabit indiscriminately, as a third.

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*Foreign name of this star unknown.

†That is, foreigners should leave China.

‡That is, one man to one woman.

Shangti* has commanded me to descend to earth upon the year Chiao Wa, (1834?) upon the year Chiatz, (1864?) to assume power and authority in the latter part of the third month of the year Wu Chen, (1867?)† Inasmuch as the laws of Jesus concerning marriage were impure and sinful, I stirred up one thousand and four hundred demons of the earth to seize and deliver him over to Shangti, who punished him, and ordered him to make remission for sin.

Now, you foreigners have these three sins, and I forbear with you for a limit of three reflections. If you do not repent, and escape my wrath, I will stir up the gods and demons and bring trouble upon your souls and spirits, punishing without mercy. Every one of you heed this, and disobey not.

POEM.

I am from the west, a stranger; in the autumn I descended.
In obedience to Heaven, born upon earth to judge the disobedient;
To take the three souls‡ of the sinful—at first the leaders of them.
If the foreigners seek me, I am distant a few li by a straight path.

In the first of the heavenly circuits, Kwang Su, 5th month, 24th day, (June 27, 1875.)

No. 174.

Mr. Fish to Mr. Avery.

No. 54.] DEPARTMENT OF STATE,
Washington, July 29, 1875.

SIR: Your dispatch No. 58, of the 30th May last, relative to the political status of the Lew Chew Islands, has been received.

In connection with this question I have to refer you to the compact concluded between the United States and the royal government of Lew Chew, on the 11th June, 1854, granting certain privileges to American citizens and vessels going to the Lew Chew Islands. (10 Stat. at Large, 1001.)

The attention of Mr. Bingham has been called to the question.

I am, &c.,

HAMILTON FISH.

No. 175.

Mr. Fish to Mr. Avery.

No. 56.] DEPARTMENT OF STATE,
Washington, July 30, 1875.

SIR: Your No. 61, in reference to the rights of missionaries in China, has been read with interest and careful attention.

Your reply to inquiries of Mr. De Lano covers the whole question, and wisely and carefully distinguishes between rights which may be claimed as such, and privileges which the missionaries, by their self-sacrificing exertions, may be permitted to enjoy.

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*Shangti is the name of one of the gods of the Chinese, and by some is supposed to mean the true God.

†These years are given according to the Chinese cycle, and may be either the A. D. years given, or any multiple of sixty years before the dates given. The only point of interest about them is that in their relation to each other they agree with the birth, assumption of power, and crucifixion of our Lord.

‡Chinese believe that each person has three souls.

C. H.

I approve of this reply, and of the broad and clearly-expressed views therein contained.

I do not deem it necessary further to specifically instruct you, as it is not easy to foresee precisely how the question will arise. Should it be presented, you will consider it in concert with the representatives of the treaty-powers, and endeavor to advance, by proper means, and on grounds that can be sustained, religious toleration in China.

I am, &c.,

HAMILTON FISH.

No. 176.

Mr. Cadwalader to Mr. Avery.

No. 59.] DEPARTMENT OF STATE,
Washington, August 11, 1875.

SIR: Your dispatch No. 63, of the 11th June, inclosing further correspondence upon the question of missionary rights beyond treaty-ports, has been received, and the correspondence has been read with interest.

The Department replied some time since to your dispatch No. 61 upon this subject; and your No. 63 furnishes no reason to change the views expressed in that instruction, (No. 56.)

It is hoped that judicious treatment of the subject and careful action of the missionaries may induce the authorities to permit what might not be demanded as a right.

I am, &c.,

JOHN L. CADWALADER,
Acting Secretary.

No. 177.

Mr. Cadwalader to Mr. Avery.

No. 61.] DEPARTMENT OF STATE,
Washington, August 14, 1875.

SIR: Your dispatch No. 64, of the 12th June, inclosing a copy of correspondence with the Tsungli Yamen, relative to the emigration-laws of the United States, has been received.

The Department approves the friendly spirit manifested by you in furnishing the information sought, and is convinced of the desirability of impressing on the Chinese government on all proper occasions the care taken by this Government to prevent wrong-doing and injury to Chinese as in the cooly-traffic, and the desire to freely receive and liberally treat honest Chinese emigrants.

I am, &c.,

JOHN L. CADWALADER,
Acting Secretary.

No. 178.

Mr. Cadwalader to Mr. Avery.

No. 62.] DEPARTMENT OF STATE,
Washington, August 14, 1875.

SIR: Your dispatch No. 69, of the 22d June, in relation to the exhibition of incendiary pictures in the province of Chihli, and to the action which was taken in regard thereto by the foreign consuls at Tien-tsin, and also by the viceroy at Chihli, has been received.

The exhibition of the pictures referred to was sufficient to call for a vigorous remonstrance. The reply and action of the viceroy seem to have been prompt and intended in good faith.

I am, &c.,

JOHN L. CADWALADER,
Acting Secretary.

No. 179.

Mr. Cadwalader to Mr. Avery.

No. 63.] DEPARTMENT OF STATE,
Washington, August 16, 1875.

SIR: Your No. 70, treating of the right of persons of foreign nationality employed in the Chinese customs-service to sit in conjunction with the United States consular officers in the trial of causes, has been received.

From your dispatch and the inclosures it appears that the Taotai at Tien-tsin deputed Mr. Twinem, a British subject, and acting customs-commissioner in the Chinese service, to sit in his stead, in conjunction with Chinese deputies, in Mr. Sheppard's consular court during the trial of an important case, whom Mr. Sheppard refused to receive in that capacity.

The 28th section of the treaty of 1858 provides "that if controversies arise between citizens of the United States and subjects of China which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations acting in conjunction."

Substantially the same provision was contained in the Russian, French, and English treaties negotiated in 1858. In these, however, the officials referred to were designated as the "Chinese authorities" instead of public officers.

It is quite clear that these provisions, among other things, were intended to secure the attendance of a Chinese official of position and influence on the occasion of a trial of this nature, who might not only watch over the interests of his own countrymen, and assist in a proper manner therein, but whose standing, intelligence, and rank would serve as an assurance to his countrymen of the justice of the judgment which might be rendered.

The precise official designated was not named, because within the limits I have referred to it might well be left to the Chinese authorities to choose such person as might from time to time be best fitted to attain the desired end.

A foreigner, however, and a person of inferior position, although attached to a branch of the Chinese service, such as Mr. Twinem, complies with none of the requisites, is in no respect a public officer of the Chinese nation within the meaning of the treaty, and his presence could not secure the intended purpose.

Mr. Sheppard's refusal to allow Mr. Twinem to sit was proper, and his course on the question seems to have been dignified and judicious.

I have referred only to the general question, and have not adverted to the fact that Mr. Twinem seems to have caused and kept alive the difficulty, and that the Taotai seems to have been otherwise represented, as those matters which would apply to this case alone were disposed of at the time.

I am, &c.,

JOHN L. CADWALADER,
Acting Secretary.

No. 180.

Mr. Avery to Mr. Fish.

No. 90.] LEGATION OF THE UNITED STATES,
Peking, August 17, 1875. (Received October 7.)

SIR: A short time since, through the courtesy of his excellency Mr. Tei, Japanese chargé d'affaires at this court, I was informed of the arrival in China of a commission, appointed by His Majesty the Emperor of Japan, to inspect several departments of the Chinese government, with a view to informing themselves whether any modification of the present system in the same departments of the government of Japan could be made with advantage.

This commission was composed of four gentlemen, one each from the boards of agriculture, war, customs-revenue, and internal affairs.

It is certainly a sign, encouraging in no small degree, to see these eastern powers, naturally jealous and suspicious of each other in the extreme, become willing to take lessons, not merely of the Western World but of each other, in the art of the economical and efficient administration of public affairs.

Of these officials, the three severally deputed by the boards of agriculture, customs-revenue, and internal affairs, after a stay of a few days in Peking, returned to the southern ports of the empire, where they can hope to prosecute their inquiries most successfully.

The member appointed by the board of war remained in the capital as a military attaché of the Japanese legation here. He has under his care four students, who are to fit themselves, by studies of the Chinese spoken language, for future service as consuls at the various open ports. This is also encouraging, as giving indication of a determination on the part of the Japanese to establish permanent commercial relations with the Chinese government.

It appears that the more especial object of the deputy from the board of agriculture is to obtain information concerning the process employed in the manipulation of "black teas."

The tea heretofore grown in and exported from Japan has all been "green," and I am informed by Mr. Tei that, understanding the "black tea" to be a distinct and peculiar variety of the tea-plant, the Japanese

government, anxious to cultivate that variety, dispatched an agent several years ago to China with orders to purchase, at any cost, "seven hundred pounds of the black-tea seed," in order to introduce this variety into Japan.

Much to the chragrin of the government, the seeds thus secured developed a plant identical in all respects with the tea-shrub of Japan, and by this costly experiment the Japanese learned that the two varieties of tea came from two different modes of manipulation of the same leaf.

Persevering in their determination to add black tea to the exports of their islands, this commissioner has now been directed, with the necessary assistants, to inspect in person the process of manufacture of that peculiar brand, and to secure, if possible, skilled Chinese workmen to proceed to Japan to give to the Japanese the necessary instruction in the art. Their perseverance certainly deserves to be crowned with success.

My informant also stated that the military attaché was appointed to the Japanese legation at this court because of the complications existing between China and Great Britain consequent upon the "Margary massacre," referred to in my Nos. 46, 52, 62, and 85; and because of the disturbances on the Corean border, mentioned in my No. 77, under date of July 13.

I may add that the last-mentioned Japanese official has recently departed for the scene of the disturbances in Manchuria, under the escort of a petty official especially deputed to attend him by the Chinese government.

Considering the peculiar distrust and suspicion supposed, on good authority, to exist in the minds of the Chinese with regard to the ulterior intentions of Japan upon Corea, it would be strange indeed should the Chinese government permit this Japanese official to witness and study the military operations undertaken to suppress this insurrection upon the Corean border.

I have, &c.,

BENJ. P. AVERY.

No. 181.

Mr. Avery to Mr. Fish.

No. 91.] LEGATION OF THE UNITED STATES,
Peking, August 18, 1875. (Received October 7.)

SIR: In my No 79, of July 18, detailing certain assaults upon American missionaries and missionary premises, and the efforts made to obtain redress and better protection for the future, I inclosed copies of dispatches to Prince Kung, in which I represented to him that most of the difficulties arose from popular ignorance of the treaty rights of foreigners, and urged upon him the necessity for the issuance of proclamations calculated to remove such ignorance, and warning the people that the persons and premises of foreigners must be respected. The prince sent copies of my dispatch to the superintendents of trade, who have general supervision of foreign relations in the provinces, with certain instructions, as set forth in my No. 79.

As one of the first fruits of this action, a proclamation was recently issued in the province of Fuhkien, the terms of which convince me that

the local officials have seen and were influenced by the instructions of Tsung li Yamen.

This proclamation came to me as an inclosure to a dispatch from our efficient consul at Foochow, Mr. De Lano, copy of which is sent herewith, together with a translation of the proclamation, which was made at this legation.

I regard this document as the most important and satisfactory paper relating to the rights of our missionary citizens under the treaty which has been issued within my knowledge in China. It is not only full and clear as to the rights of our citizens, but as to those of native Christians.

On this point Mr. De Lano seems to have exerted himself especially with good effect, and deserves credit for procuring the posting of a proclamation calculated generally to have such excellent results. It is not to be expected that it will entirely prevent insult and violence in the districts where issued, but it must exert a restraining and enlightening influence, especially as it is addressed to officials as well as to the people.

Could such proclamations be issued in all the provinces, I am persuaded the number of missionary difficulties would soon be very small.

It is remarkable that no reservations are expressed as to the rights to reside and to obtain land in the interior by "perpetual lease," which is the term used instead of "sale" or "purchase," to designate the mode by which foreigners acquire property subject to the nominal ownership of the Emperor and the eminent domain of the state. The renting of buildings for chapels is, also, put on the same footing as renting for commercial purposes. It would seem from all this that there is no disposition at present to raise a question as to the status of missionaries beyond the limits of treaty-ports.

I ought to explain that the proclamation issues from what is commonly called the "board of trade," a committee on foreign affairs, peculiar to the province of Fuhkien, which consists of three high local officials, including the Foo-chow Taotai. In this connection, I may state that a late member of this board, the Taotai pan, obstructed the business brought before it by Consul De Lano to such an extent that I made a complaint on the subject to the Tsung li Yamen, which led to his removal not long ago, and the substitution of a more tractable and friendly official. This change much facilitated Mr. De Lano's intercourse with the board, and led to the prompt consideration of the cases referred to in the proclamation.

I have, &c.,

BENJ. P. AVERY.

[Inclosure in No. 91.]

Mr. De Lano to Mr. Avery.

UNITED STATES CONSULATE,
Foo-chow, August 3, 1875.

SIR: I have the honor to hand you herewith a copy (without translation) of a proclamation lately issued at my request by the committee of foreign affairs at this port, touching the rights of foreign missionaries and native Christians in China.

Attacks upon chapels in the interior, discourteous treatment of foreigners, especially missionaries, and persecutions of native Christians, have been greatly on the increase in this province of late. I have with great difficulty procured the publication and the promise of a general distribution of this proclamation, but I find the authorities unwilling to attempt the arrest and punishment of offenders, even when I am able to identify and point them out.

I am almost always able to trace the persecution of native Christians to the instiga-

tion of local mandarins, but no matter how clear and undeniable the proof may be against them, the high authorities will not even rebuke them.

I have at this time a case in hand, in which a native convert was murdered by a mob, and most unmistakably at the instigation of the local magistrate, but it is treated as a matter of little consequence.

My faith in the efficacy of the proclamation is by no means strong, but it is a means of getting one article of our treaty before the people, thousands of whom, I dare say, do not know of the existence of treaties.

* * * * * * *

I am, sir, your obedient servant,

M. M. DE LANO,
United States Consul.

Hon. BENJ. P. AVERY,
United States Minister, Peking.

[Inclosure to inclosure in No. 91.—Translation.]

Proclamation.

The Committee on Foreign Affairs for the province of Fuhkien herewith makes a special proclamation:

With reference to foreigners of every nationality conducting missionary operations in the interior of China, the treaties state plainly that "the principles of the Christian religion, as professed by the Protestant and Roman Catholic Churches, are recognized as teaching men to do good, and to do to others as they would have others do to them."

Hereafter, those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teach and practice the principles of Christianity, "shall in no case be interfered with or molested."

First and last, many complaints have been received by the consuls that the literati and people of Yen-cho-fu, Chien-fu, Shao-fu, Hsing-hwa-fu, and the various subordinate villages, being engaged in idol-processions, repairing temples, theatrical performances, &c., have levied contributions of money upon the Christians, seizing or destroying the property of, and using abusive language toward, those who refused to contribute. These complaints have been laid by the consuls before this committee, which has ordered the local officials to deal rigorously with the cases reported, and to issue proclamations forbidding such things.

In reference to foreigners obtaining land in the interior of the Chinese, under a perpetual lease on which to construct chapels, the lease should be handed over by the foreigner concerned to his consul, and by him transmitted to the local authority for inspection, and in order to receive the official seal, and then returned to the foreigner. And they are permitted to rent the premises of the people for use as chapels in all the cities, towns, and villages as they may choose. Let it be understood that their renting buildings for chapels is, in all respects, the same as though the buildings were rented to merchants for shops, or to families as places of residence; the neighbors on either hand must not invent falsehoods, or raise objections, but must heed the treaties.

This proclamation is issued in order to fully inform you officials, seniors, soldiers, and common people that the purchase of premises, opening of chapels, and prosecuting of missionary work in all places by foreigners, is plainly specified in the treaty. If in any place a fraudulent sale is made, let full complaint be made to the local officials, and permit no local disturbance to the making of trouble.

In idol-processions, repairing temples, &c., it is not allowed to levy contributions from the Christians, against their will. The literati, soldiery, and common people must treat with respect and courtesy those who preach and practice Christianity, that the Christians and the people may live in peaceful relations. The character "yi"* must, also, not be used in violation of treaty. Foreigners may dwell in all the cities, towns, and villages of the interior, and must not be molested.

If officials, literati, or the people, meet with foreigners, they must treat them with great respect, as an indication of kindly feeling on their part, and must not allow insults, or disrespect of any sort; this for the promotion of a spirit of amity and concord.

In the matter of Chinese professors of Christianity, in case of suits at law, the foreign missionaries will not be allowed to protect or screen them.

After the issue of this proclamation, let officials, literati, soldiers, and populace each do the right, and avoid giving rise to disorders. Should any dare to disobey, he will be most severely dealt with. Give heed, therefore, to this special proclamation.

FOOCHOW, *June* 30, 1875.

* Meaning "barbarians," interdicted by treaty.

No. 182.

Mr. Seward to Mr. Cadwalader.

No. 847.] UNITED STATES CONSULATE-GENERAL,
Shanghai, November 11, 1874. (Received December 26.)

SIR: I have the honor to transmit to you the newspaper reports in regard to the Formosan difficulty since the date of my last letter in this connection. You will see that a settlement has been arrived at. I am not able to say whether the Chinese have made an unqualified admission that the Japanese were right in going to Formosa. Nor can I say whether, if they have made this admission, they have not been actuated by a desire to preserve the peace, even at the cost of their own dignity. The money paid by China is to go in part to the alleged Lewchewan sufferers. The remainder is paid, as it is claimed, as a consideration for the material which the Japanese leave upon the island. The Japanese admission of the sovereignty of China is unqualified. The provisions for the lighting of the Formosan coast, the occupation of the savage territory, &c., are in the interests of civilization and humanity. Japan has been to all appearance the winner. This has happened because she has been the bolder and more active. She had no heart in the quarrel as a quarrel. She did not undertake it in the interests of humanity, as has been claimed. A number of her restless men, supported by an idle soldiery, made a foreign enterprise the alternative of civil war. They wanted to go to Corea, but Iwakura prevented this. They then prepared to go to Formosa, but the government, uncertain as to the merits of the matter, and unprepared to precipitate a quarrel with China, ordered that the expedition should be arrested at Nagasaki. Its leaders, however, went on in defiance of the government. From that time the efforts of Japan have really been directed toward a preservation of the peace, but in face of the fact that the expedition had left their soil and descended upon that of China, they had no alternative but to assume a bold attitude. This attitude they have preserved throughout, and they have won from China what the world will consider a victory. That victory brings them 500,000 taels, or say $666,000, and has cost them $6,000,000 of expenditure. I do not hesitate to say again, as I have said in the past, that while China ought to have taken better care of the Formosa coast than she has done, the course of Japan has not been straightforward. She never even hinted to China that she had suffered gravely in Formosa. She never mentioned that she should send there a great expedition. She never said that she would hold China responsible for the expenses of that expedition. She has simply allowed a lot of her discontented people to force a great raid upon the territory of an unoffending nation, and she has then under threat of war extorted from that nation a settlement which will seem to defend all that she has done. If there is one lesson rather than another which I should take out of the whole business, it is that when the Chinese are so timid as to yield in such manner to unreasonable demands it is a pity that they cannot be brought to listen to those reasonable representations in favor of internal improvements and the like, which are always being urged upon them in an indifferent way.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure 1 in No. 847.—Translation.]

FORMOSA.

Placard by "All the scholars and people of Formosa."

[From the Japan Mail.]

The following is the public expression of our opinion:

It appears to us that the whole of Formosa has been included in the map of China for more than two hundred years; and that the several emperors of our country in their successive reigns have been moderate in inflicting punishment and sparing of taxation, so that the four classes of people have enjoyed happiness and have grown and prospered. As to the wild aborigines behind the hills, with their dwellings perched on high or burrowed in the earth, they are far from having human feelings. Yet in the years which have gone by, the savage aborigines have turned into tame aborigines, and the tame ones have turned into citizens; so that the orderly citizens of to-day are all the wild aborigines of former times.

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[Inclosure 2 in No. 847.]

Settlement of the Formosa difficulty.

[From the North China Daily News.]

SHANGHAI, *November* 9, 1874.

The uncertainty which prevailed as to the issue of the negotiations between China and Japan, regarding the Formosa expedition, was put an end to on Saturday by the arrival of steamers from the north, bringing not only news of the peaceful settlement of the difficulty, but the Japanese ambassador, Okubo, and his numerous suite. A treaty embodying the terms of settlement was signed on 31st October by the Japanese ambassador and the chiefs of the Tsung-li Yamun. So far as we have been able to ascertain, it admits, on the part of Japan, the sovereignty of China over the whole of Formosa; and on the part of China, that Japan was justified in dispatching the expedition, under the circumstances of the massacre of her Loochewan subjects and the action taken upon it at the time the treaty of friendship and commerce was negotiated between the two countries. It then provides for the payment of the sum of Tls. 500,000, one-fifth of which is in the nature of compensation to the families of the murdered Loochewans, and is to be paid at once; the remaining Tls. 400,000 as indemnity for the expenses of the expedition, to be paid when the Japanese retire from Formosa, which it is stipulated they shall do by 20th December. The indemnity is to be paid out of the revenues of the Foochow and Tien-tsin customs. The Japanese high commissioner having thus settled the matter, left Peking at once; and it is now his intention, we understand, to proceed very shortly to Amoy and Formosa in the Kanagawa-Maru, (late P. and O. steamer Madras,) instead of returning direct to Japan, in order that the stipulations of the treaty may be carried out under his own eye. It is difficult to understand the object of his doing so, but it may be conjectured, if we recall the contradictory conditions under which the expedition set out from Japan. The Kanagawa-Maru arrived here yesterday, in order to be at the disposal of the commissioner. The Japanese resident-minister, Yanigawari, remains at Peking, as we are informed, to have audience of the Emperor before returning to Japan. General Le Gendre and other gentlemen connected with the embassy have gone to Japan in the war-vessels which were waiting the result of the negotiations at Tien-tsin and Chefoo. Congratulatory and complimentary visits have already taken place between the Chinese and Japanese officials in Shanghai. Immediately previous to the settlement arrived at, the course of the negotiations appears to have been extremely critical, and hence the contradictory reports that emanated from the capital—the rumors of war which alternated with assurances of peace. About the middle of October the difficulty was in a fair way to be adjusted, but a few days later, when the question of indemnity was broached, the understanding partially arrived at came to nought. Okubo is reported to have suggested an indemnity of five millions as the price at which the Japanese were willing to retire from Formosa and acknowledge the sovereignty of China over the whole island; and, on the rejection of this proposal, to have next claimed a modified indemnity, and an acknowledgment that his government was justified all through in the matter of the expedition. This also the Chinese refused to concede, but they offered to pay Tls. 100,000 as compensation for the massacre of the Loochewans

wrecked on their coasts. The Japanese commissioner refused to listen to such an offer, and from the unyielding attitude of both parties a rupture seemed inevitable. On Saturday, the 24th October, both the commissioner and the minister announced their intention of leaving Peking on the morning of Monday following. General Le Gendre and a portion of the embassy started in advance of the envoys, and on their arrival at Tien-tsin were not a little puzzled to account for the non-appearance of the latter at the expected time. On the 25th, however, Her Britannic Majesty's minister, Mr. Wade, had induced Okubo to put off his departure and make another effort to arrange the matter amicably; and, after a week's further negotiations, the agreement which we stated at the outset was arrived at, with Mr. Wade's assistance.

[Inclosure 3 in No. 847.]

Settlement of the Formosan difficulty.

[From the North China Daily News.]

SHANGHAI, *November* 10, 1874.

Unimportant as is apparently the settlement of the late difficulty between Japan and China on account of the insignificance of the sum which the latter has agreed to pay the former, it is difficult to overrate the value of the principle which China has been compelled to yield to a power so comparatively inferior to itself. From whatever point of view it is regarded, it is an admission that Japan was not only right in the claims it had advanced, but that it was also right in the mode which it took to enforce them; and this gives it a significance and importance which we trust will not be lost sight of by the ministers of foreign powers when seeking to enforce claims founded on similar considerations from the Chinese government. Whether the indemnity which is to be paid as the price of the evacuation of Formosa by the Japanese is considered in the light of a compensation to the families of the Loochewan crews murdered by the savages, in the light of a payment in respect merely of the houses erected and the roads built in Formosa, or in the light of a return of the expenses incurred by the Japanese in connection with the expedition, it amounts to what we have before stated, namely, an admission that the Japanese were right in what they did, and the Chinese wrong in what they refused. Viewed as a measure of compensation to the families, it is certainly in excess of any damage sustained by them; as a mere *quid pro quo* for the cost of the houses, &c., built, it may be an equivalent; as a compensation for the general expenses of the expedition it is clearly insufficient. Any way, it may be taken, not so much as an equivalent for the wrong done and the cost incurred in getting it repaired, as a concession that the principle asserted by the Japanese was a sound one. About the facts there can be no dispute; the events themselves are so recent that they are within everybody's memory. Some Lewchewan junks were wrecked on the coast of Formosa, and their crews murdered by the savages in the island. If that portion of the island did not belong to China, there could be no pretense for seeking an indemnity from China. If such portion belonged to China, it was the duty of the provincial government so to govern the savage inhabitants as to prevent the perpetration of the wrong or punish the offenders. If the provincial government was careless in the performance of so self-evident a duty, or the central government had left it so powerless that it was unable to perform this ordinary task, the central government was undoubtedly liable to repair the wrong which the subjects of a friendly power had sustained. This was the position assumed by the Japanese. The Chinese government sought, as usual, to clear itself from all liability by a simple denial of responsibility; and while on the one hand it asserted its sovereignty, and declared the Japanese expedition to be an infraction of that sovereignty, it denied the obligation which is a necessary consequence of it. Such arguments and such logic had hitherto prevailed with the diplomatic agents of the older civilized nations, but the youngest was unable to see their force or application. The youthful vigor of the younger civilization was of quite a different complexion to the worn-out languor of the elder; hence it achieved success where in other hands there would have been a certainty of failure. No doubt the foreign ministers at Peking were thunderstruck at the presumption of Japan. Like the early fathers of the Christian church, it was for them and them only to explain impossibilities and reconcile contradictions. Whatever they said, or thought, or wrote, however mistaken, was to be considered the truth, and to be accepted as such. The Japanese had been guilty of political heresy, as our Protestant forefathers were of religious heresy. To their unsophisticated minds a wrong done was to be redressed; and if the wrong-doer could be discovered, he was to pay the penalty. Before this guiding principle, the doctrines of Confucius and modern diplomacy fell prostrate to the ground; and the result, little satisfactory as it may be in

point of amount, is visible in the negotiations which have just terminated. We sincerely trust that the lesson which Japan has taught China will not be without its effect on the future bearing of foreign ministers at Peking, for it shows what a little earnestness and firmness may effect. Almost, if not all, the foreign claims on China, which are pigeon-holed in the chanceries of the different legations in Peking, which have been languidly urged, and for most unsatisfactory and puerile reasons shelved, present exactly similar features with that which lay at the bottom of the Japanese difficulty, namely, a wrong suffered and a wrong unredressed. Thanks to the Japanese, the way has been now shown in which such questions should be dealt with. A precedent has been created, of which we trust that, in humble imitation of the youngest member of civilized nations, the agents of the older nations will not be slow to avail themselves; and although the amount paid is so small that it may be apprehended the Chinese government will too soon forget the lesson taught them, there can in future be no excuse for our representatives, should they, as too often in times past, allow the settlement of a claim to be lost sight of in interminable discussions whether central or provincial government, or unattainable private individuals, should properly be held responsible.

No. 183.

Mr. Seward to Mr. Cadwalader.

No. 899.] UNITED STATES CONSULATE-GENERAL,
Shanghai, March 15, 1875. (Received May 7.)

SIR: You will have learned, perhaps, through the public press, that the Chinese government has recently made several loans from foreigners. In this connection I have the honor to transmit to you several editorial articles from the North China Daily News. You will observe that the rates of interest stipulated for are high. I regard this as indicating not so much want of confidence in the capacity of China to carry loans, or in her good faith, as her lack of skill in the negotiation of the inconsiderable loans mentioned.

The fact that the government has come forward to borrow money of foreigners may be held to indicate that the financial straits of China are great, and more or less that the old unreasoning dislike and jealousy of foreigners is less strong than heretofore.

I am, &c.,

GEORGE F. SEWARD.

[Inclosures in No. 899.]

Newspaper extracts on the Chinese loan.

1.

If the rumor is true that a new Chinese loan is to be placed on the London market, it will be interesting to see at what rate it can be floated as compared with the two loans contracted by Japan. The small portion offered in London of the loan made lately through the Hong-kong Bank hardly affords a criterion. Otherwise the public seem to have fixed the interest in that case at a little over 8 per cent. The difference between this rate and that of the more recent loan from the Oriental Bank, which is reported to be 10½, seems at a first glance to be startling; but it is, we believe, as regards the rate paid by the Chinese government, more apparent than real. The high rate of exchange which was charged by the Hong-kong and Shanghai Bank fully covers the difference between 8 and 10½ per cent. as a total charge on the loan. What we have now to do with, however, is the market value of the stock, and it is curious to note that the Chinese 8 per cent. stock is quoted here at exactly the same rate which the Japanese 7 per cent. stock commands in the London market. Unless, therefore, we assume that a higher value will be eventually put upon the Chinese stock in London than it commands here, we may take it that Japanese credit is 1 per cent. bet-

ter than the Chinese in the money market. The comparison is hardly flattering to China, and it remains to be seen how her apparent inclination to increase her debt will affect her future credit. She is actually paying now, at the outset of her career, very nearly as much (10½ per cent.) as Turkey, which is thought to be nearing the end of its financial tether. The public are apparently willing, as yet, to let her have money more cheaply. But the loans are thus far secured on the revenue of the foreign customs, and if the government goes on much longer at the present rate and in its present mood, all available receipts from this source will be soon completely pledged; and we may be sure that, this limit once reached, a much higher rate of interest would be at once required. It would not be a little strange if the result of the so-called patriotic agitation in China should be to turn all the direct income derived from duties on foreign trade back into the pockets of the foreigner himself.

At the time of the threatened difficulty with Japan, the Chinese professed to look down with contempt upon the little state which was galling them. Rightly judging money to be the sinews of war, it seemed surprising that a country undeniably possessing considerable financial resources should not be able to make a better show in that transaction than did their own. We have recently shown what have been the true reasons of the collapse of China in both its military and financial aspects. In neither has she that confidence in herself without which a nation cannot be prosperous. Rudely disturbed in its dreams of universal pre-eminence, the Chinese government discovered that its troops, armed with the antiquated weapons of the Middle Ages, were no match against European levies. It saw the necessity of reform, but commenced the reform at the wrong end. It endeavored to imitate the external aspects of those forces to which it had to succumb, but left out the fundamental principles of action by which such forces are regulated. So in finance. Finding that its revenues from trade, in place of displaying the elasticity which the return of the empire to a state of internal tranquillity would have naturally produced, were actually falling off, it took the course, not of alleviating the incidence of those taxes, but of endeavoring to increase their amount. Warnings have been given from all quarters of the effect of those measures. One province after another has protested against the manner in which it has been forced to increase the burdens upon the resources of the people. To all this there has been but the one stereotyped reply, desiring the provincial officers to see that their subordinates do not squeeze. As it is necessary, in order to meet the demands upon them, that the higher officials should exact as much as they possibly can from those below them, and those in return have recourse to their own inferiors for a similar purpose, it needs no special prescience to foretell the result. We do not mean to say that there are no well-meaning officials in China. The occasional able and straightforward memorials which appear in the Peking Gazette are sufficient proof to the contrary. The best of men, however, works with the millstone of an utterly corrupt system round his neck, and in some respects the higher the office the more corrupt does the system seem to become. In nothing does this position of affairs appear in more unenviable light than in the rescripts to the memorials which from time to time appear in the Peking Gazette. Possibly an utter want of power to grasp the true bearings of the subject submitted is at the bottom of the unmeaning verbiage with which important memorials are quietly shelved. If a memorial be of too important a nature to be thus quietly put to one side, the device, not unknown indeed in other quarters, is adopted of referring it to one or other of the boards. Thus it is that the memorial of Hu Ting-kwei, to which we referred some time ago, is delegated to the board of revenue. Hu, our readers are aware, requested that the revenue and expenditure of the various provinces should be stringently audited, and that a travelling commission to inquire into abuses be formed. We doubt if the board of revenue, or the government in its present state of comparative feebleness, could give effect to such a sweeping proposition. It could, however, do much. At all events, it could commence reforms near home, but there is no symptom of the purpose or the will to do even this.

2.

If getting in debt be a sign of progress, the Chinese government has made a small step in that direction. The new Chinese loan of two millions and a quarter taels, secured as it is on the foreign customs' revenue, will doubtless meet with ready acceptance at the proposed rate of nearly 8½ per cent. Economically speaking, the proposed loan has much to recommend it; but it is characteristic of the false position which China holds among nations, and the bad name its government has earned for itself, that it has had to go into the market at a rate so much less favorable than has the government of Japan. The securities offered are, as we have stated, ample, provided care is taken that the revenues assigned are duly placed aside for the intended purpose. There is no reason to believe that the Chinese governnment is other than

desirous to do its duty in this respect; in fact we believe that those who control the executive are quite sensible that in a matter of this sort thorough honesty is their best and only policy, and their good intentions are guaranteed by the statement that a certain portion of the customs' revenue is assigned to the introducers of the loan, the Hong-kong and Shanghai Bank, in trust for the bondholders. So far we believe the loan to be satisfactory, but there is a question to be asked, the reply to which is not of so clear a nature. We are not told the object of the loan, nor what are the circumstances which have impelled China to go into the market and become a debtor to Europe. Were the money raised to be devoted to some useful project, as in Japan, we have little doubt that China bonds would rapidly become a favorite in the market It has been our unpleasant duty lately to comment on the extremely unsatisfactory state of Chinese finance, and the issue of this loan lends considerable proof to the arguments that we have advanced, that China in this respect has fallen into a position whence she sees little hope of extricating herself. Yet this condition of affairs has occurred in a time of profound peace, when the empire is settled—so far as China can for years hope to be settled within the eighteen provinces—and when the only external foe to be guarded against is the Ameer of Kashgar. It is true that the threatened rupture with Japan cost a good deal of money; but it augurs ill for the finances of a power like China that the few weeks of preparation really undertaken should have so utterly exhausted its resources as to need an application to foreigners for capital. Had the finances of China been in a moderately sound condition, they should without difficulty have borne this strain; but so involved had they become that it rendered necessary the present appeal to right them again. These circumstances are not hopeful for the future of the empire, as the government is at present administered; and now that China is about to take the first leap, and become a debtor to the would at large, it will behoove her to see that her revenues are administered in a less extravagant manner than at present. That the empire is capable of occupying a high financial position, no one who has studied the economy of the country, its resources both mineral and agricultural, and the character of the people, can doubt. But all those things are rendered nugatory by a government feeble and yet grasping, and which, by unluckily always adopting the very worst means to an end, has succeeded in involving itself in its present complication. The break-down of Chinese finance when exposed to the light strain put upon it by the threatened rupture with Japan, cannot, however, but have left its impress on the minds of those who direct the government.

If the mere rumor of a war with a small power like Japan so seriously interfered with the car of state, the consequences of any serious difficulty with one of the great powers would be overwhelming. When China was ignorant of the ways of the rest of the world, as at the outbreak of the first war, it seemed but a slight thing to offend a power like England. Men there were in abundance, and the rude munitions of war within the experience of Chinese mandarins were readily obtainable without any very great expenditure of money or discomfort to the country. Experience has twice shown China that things have changed, and that even such measures as might have been effective in 1840, in 1875 would be of no avail. Even within that brief space the expense of war has probably quadrupled, and what China was unable to do then, with a comparatively uncrippled exchequer, is now altogether beyond her utmost endeavors. As we have pointed out, the very measures recently adopted to increase the revenue of the empire are in reality sapping its existence; but we fear that, although known to many Chinese officials, these unpleasant facts have not yet presented themselves in their nakedness to the *de facto* government of China. The present loan may afford a breathing space to enable some relief to be introduced, but we fear that this will hardly be its result. To amend its ways, unless under the extremest pressure, would be contrary to all the traditions of China's policy. The slight relief afforded will, we anticipate, not be turned to the most useful, or to any useful purpose. The terms of the loan are, as we have stated, fair, but one point attracts comment. Issued at £95 per £100 bond, the repayment of the principal by lot will effectually prevent the scrip ever rising above par. The future quotations of the loan will thus never be a fair criterion as to public opinion with regard to Chinese financial resources. Perhaps, on the whole, this will be an advantage; though it might, on the other hand, be useful if the Chinese government had some external means of ascertaining the effect on its own credit of amelioration in its exchequer.

3.

A humorous picture was drawn in an English paper, at the time of the first Turkish loan, of the delight and astonishment of the Mussulman at finding such a mine of wealth in the easy confidence of the Giaour. It was only in 1854, at the time of the Crimean war, that the first Turkish loan was contracted—under, we believe, the joint guaran-

tee of England and France—and the subsequent course of Turkish finance has fully justified the satire we have quoted. In 1858, 1862, 1863, twice in 1865, in 1869, 1871, and 1873, the Turkish government has appeared again and again as a borrower in the European market. What can be simpler? They have only to ask and the money comes. True they have now to pay the high rate (for Europe) of 11½ per cent.; but they can borrow afresh if they go in arrear. Ministers do not hold office long in Constantinople. Each one says, *Après moi le déluge*, and gives the ball another roll. There must be a limit; it will reach a size one day, when all the strength of the finance department will fail to give it another turn, and it will be very apt then to roll back and crush those who make the effort; but in the mean time it moves with comparative ease. We should be sorry to think China will, twenty years hence, have landed herself in the same financial slough; and we have recalled the experience of Turkey chiefly because we imagine the feeling at Constantinople in 1854 is paralleled twenty years later at Peking. What a relief must it be to a government embarrassed by the legacies of foreign and civil wars, its revenue checked by oppressive taxation, and its resources drained by unprofitable expeditions, to find an outlet from embarrassment in the wealth and generosity of the barbarian. Was it embarrassed by the result of the Formosa muddle? A loan of a million sterling at once smoothed the difficulty. Do the troops in the northwest ask for pay and provisions as an inducement to march on Turkestan? A loan of three million taels will send them on their way rejoicing. And if it should occur to Li Hung-chang that another three millions would be usefully spent in armor-plating the Taku forts, no doubt the money could be at once obtained. The sums are small, in comparison with European loans, but they must be a great relief to embarrassed financiers; and their very smallness suggests how real must be that embarrassment.

China is not like other countries, where a man's money is recognized as his own, and he can only be made to contribute to the wants of the state by taxes imposed with popular sanction, or by loan offered in the open market. The paternal government of China claims a profound interest in the property of its subjects. The only limit to taxation is the rebellion of the taxed, or the attainment of a point at which taxation chokes the sources of revenue. And do not memorials in the Peking Gazette indicate that each limit has been attained in several provinces of the empire? And does not the resort for money to extraneous sources seem to confirm the tale? Besides, what could be more simple? Foreigners supply both principal and interest. Foreigners lend the money, and taxation on foreign goods supplies the necessary interest. We can imagine this is exactly the specious way in which the transaction commends itself to the mental vision of Chinese statesmen. That taxation on trade impedes trade, and thereby hinders the prosperity of their people, is a fact of which they are ignorant or careless. And, really, a loan of two millions sterling would be a very trifle to such a country as China, if it were not for the indications we have noticed, of grave financial embarrassment. The resources of the empire are enormous, if only they were allowed to be developed. Its mineral wealth and commercial capabilities are practically unlimited, if only it were intelligently governed. That such a country should be reduced to borrowing so paltry a sum is the strongest possible commentary on the incapacity of a government which we persist in treating as an equal. Properly governed, China could support a great debt with ease, and it would be an intelligent act on the part of her rulers to borrow largely for the purpose of developing her resources. Any movement in this direction would facilitate her operations by the greater financial promise it would open up, and by the greater confidence it would give in a government that showed an intelligent appreciation of its duties. But loans contracted to replace money squandered on arsenals, and to supply funds for profitless expeditions, only go to increase embarrassments. Already there is a rumour of a third loan, to be brought out on the London market, and we should not be surprised at any moment to hear the report confirmed. One good effect may possibly ensue. Attention will be drawn to China. People will want to know what she is doing with this money; and may urge their rulers to demand some guarantee in the shape of progress for the money which she asks them to lend. If the result of these loans should be to impart some vigour to our relations with Peking, the gain would be great to both foreigners and Chinese.

No. 184.

Mr. Seward to Mr. Cadwalader.

No. 923.] UNITED STATES CONSULATE GENERAL,
Shanghai, April 27, 1875. (Received June 17.)

SIR: I have the honor to hand to you herewith a copy of a dispatch, dated the 1st of March, which I have received from Mr. Avery. In this

connection, I have to advise you that the Taotai at this port has directed his subordinate officers along both banks of the Yangtse River and the neighboring sea-board to issue appropriate proclamations regarding telegraph cables, and looking to their protection.

Owing to the shoaliness of the waters adjacent to the coasts of China, and the innumerable craft which navigate them, sea-cables in this part of the world will always be subject to interruption. But we may expect fewer interruptions than heretofore, and, doubtless, it will not be many years before the Chinese will construct or permit the construction of land-lines. These will be likely to supersede the sea-cables of the coast, and do away with the annoyances to which we are now subjected.

In this connection, I am glad to be able to state that the prospects of the settlement of the difficulty in regard to the Foo-chow-Amoy line are excellent. Mr. De Lano is acting there as the friend of both parties, and the chances of success are largely increased by his counsels.

I am, &c.,

GEORGE F. SEWARD.

[Inclosure in No. 923.]

Mr. Avery to Mr. Seward.

LEGATION OF THE UNITED STATES,
Peking, March 1, 1875.

SIR: I am in receipt of your No. 413, inclosing copy of correspondence between yourself and Mr. Consul Lord, at Ning-po, relative to asking of the Chinese officials at the latter place the arrest and punishment of persons who have cut the Danish cable. Your suggestions to Mr. Lord and his subsequent action evince a sense of the right policy to be pursued in the premises, and I hope to hear that the Ning-po Taotai has kept his promise.

There is no reason, in the nature of things, nor in a fair construction of treaty obligations, why property in telegraphs should not be protected as well as property in anything else. It is gratifying to know that on this occasion, as on many others, the representatives of the United States have been foremost in practical and disinterested efforts to introduce and protect telegraph enterprise in China.

Should the sea-board officials generally act in the right spirit in response to the letter of the Tsungli Yamen concerning cable protection, we may expect hereafter more promptness and harmony in the measures necessary, and something like a consistently friendly native policy. This would relieve our own officers of much trouble.

The tendency of your recent and former action in behalf of cable protection, supported by that of our consuls through your advice, has been to hasten the adoption of such a policy. I am glad to feel, now that the matter has become a leading question at Peking, that there is such hearty accord regarding it among all in the service of our Government.

I am, sir, your obedient servant,

BENJ. P. AVERY.

GEORGE F. SEWARD, Esq.,
United States Consul-General, Shanghai.

No. 185.

Mr. Seward to Mr. Cadwalader.

No. 940.] UNITED STATES CONSULATE GENERAL,
At Shanghai, June 14, 1875. (Received July 24.)

SIR: I have the honor to hand to you herewith a copy of a dispatch which I have received from the consul at Foo-chow, together with a copy of an answer which I have addressed to him.

I am, &c.,

GEORGE F. SEWARD.

[Inclosure 1 in No. 940.]

Mr. De Lano to Mr. Seward.

No. 72.] UNITED STATES CONSULATE,
Foo-chow, May 25, 1875.

SIR: I am glad to be able to inform you that the matter of the Foo-chow-Amoy telegraph line was finally settled on the 21st instant, on the following terms:

The Chinese, in the first place, acknowledge the justice of the company's claim for damages for the destruction of thirty miles of the line, which was erected and destroyed, and pay it. In the second place, they enter into contract with the company for the purchase of all materials accumulated for the line, and for its completion, on the Chinese account; the line to be worked by the company for the Chinese for a time and on terms to be agreed upon hereafter. The work of construction to be recommenced as early as practicable, but not later than the 15th of August next. The whole sum to be paid is $154,500, of which sum $50,000 is indemnity. Thirty thousand dollars was paid on the signing of the contract, $50,000 to be paid when the line is completed, and the balance in two equal payments in six months and twelve months after its completion.

I have every reason to believe the provincial government will carry out the agreement in good faith, and that certain of the prominent officials here will become earnest advocates of a general system of telegraphs in the empire.

You can well understand that I am much gratified at the present prospect of the ultimate success of this advance movement, which has all along had my earnest support, and that, although the officials have at times severely censured me for advocating a measure which was distasteful to them, they have at the last looked to me for counsel and advice, and intrusted to me the responsibility of preparing all of the documents which have been made use of in the settlement of the case.

My interpreter, Mr. Lee, has shown rare ability in dealing with the case from the beginning, and his services have been invaluable. I shall look forward now with deep interest to see how the officials deal with the people inland, who, they say, are violently opposed to the telegraph, and must be exhorted and instructed before the work of construction is again commenced.

I am, sir, your obedient servant,

M. M. DE LANO,
United States Consul.

GEORGE F. SEWARD, Esq.,
United States Consul-General, Shanghai.

[Inclosure 2 in No. 940.]

Mr. Seward to Mr. De Lano.

No. 139.] UNITED STATES CONSULATE,
Shanghai, June 14, 1875.

SIR: I have had the honor to receive your letter No. 72, advising me of the settlement of the Foo-chow and Amoy Telegraph difficulty.

In this connection I beg leave to advise you that the agent of the company has spoken to me in warm terms of the great assistance which you have rendered to the telegraph company from the inception of the business until its close in a satisfactory manner.

I shall send a copy of your letter and of the response to it to the Assistant Secretary of State. It will, I think, be agreeable to him to learn how earnestly, yet disinterestedly, American officials in this part of the world labor for the advancement of general interests.

I am, sir, your obedient servant,

GEO. F. SEWARD,
Consul-General.

M. M. DE LANO, Esq.,
United States Consul, Foo-chow.

No. 186.

Mr. Seward to Mr. Cadwalader.

No. 948.] UNITED STATES CONSULATE GENERAL,
Shanghai, June 29, 1875. (Received August 9.)

SIR: I have the honor to hand to you herewith copies of my dispatches to the legation, numbers 442 and 443, the former having one inclosure, a dispatch No. 16, to myself from the consul at Chin-kiang. These relate to a disturbance at that port and my action; which latter will, I trust, receive your approval.

I am, &c.,

GEORGE. F. SEWARD.

[Inclosure 1 in No. 948.]

Mr. Colby to Mr. Seward.

No. 16.] UNITED STATES CONSULATE,
Chin-kiang, June 1, 1875.

SIR: I have to report that a very serious disturbance, which at one time threatened to become calamitous, occurred here last Monday evening, (the 14th instant,) about 7 o'clock. While neither the life nor property of any American citizen seemed to be imperiled, except upon general principles in the event of a general riot, still, as my wife and I were the prime though innocent cause of the difficulty, and as I may become officially a party to the settlement of the affair, I deem it my duty to report to you the facts of the case as I understand them.

During the evening in question, at the hour mentioned, my wife and I were taking our accustomed walk, with the usual curious crowd of natives following, some of whom were disbanded soldiers or "braves," and were both saucy and insolent, calling us names (not foreign devils) unfit to appear in this paper, something seeming directed more particularly toward my wife; at the same time they came rather near to her, and from indications they apparently intended to place their hands upon her. We were passing up a street in the British concession, not very far from Her Britannic Majesty's consulate, and by this time had arrrived at the intersection of a cross street upon which a native municipal police officer was patrolling. He came upon the scene just in time to check the crowd from following us too closely, and to prevent their further insults, to which we had paid no attention. Not wishing to become involved in a street imbroglio with the crowd, but caring more to get my wife in a place of safety, as there seemed to be a chance of doing when the crowd appeared to stop to parley with the policeman, we turned around the corner of the next block. I looked back, and saw the policeman having an altercation with two of the soldiers or braves, as though he was trying to arrest them.

But, not thinking it likely to become a serious matter, we went on, but had proceeded only a short distance when my wife called my attention to the tumult in the direction from which we had come, remarking that "there must be a terrible fight." I suggested that probably some foreigners had come to the assistance of the native officer, and we walked on. Before passing entirely out of view of the vicinity, I looked back and saw a crowd of natives running in the direction of the English consulate. We continued our walk, passing around the "consular hill," past the English cemetery, intending to pass by the road somewhat to the rear and around the hill above the English consulate, and from thence to the upper end of the bund and down the bund homeward. As we were about passing the open space of ground between the base of the hill and the river, in order to reach the bund, a foreign gentleman connected with the customs came running to us, stating that there was some trouble, and that we had better come to the English consulate. We did so, and upon our arrival there found a number of foreigners collected, and very soon afterward most of the foreigners in port arrived at the consulate. By this time, outside of the consulate gate were assembled a crowd of a thousand or more Chinese. I here learned that, as I expected, Mr. Nunn, English consular constable, had gone to the relief of the native officer, and that, with the aid of some friendly Chinese, they had succeeded in arresting "two braves," and had brought them to the English consulate. Of what then transpired I know nothing

personally, but I am told by Mr. Baber, and it is no doubt true, that a hundred or more comrades of the prisoners attempted their rescue, vigorously assaulting the gate of the consulate, and swearing they would kill the "foreign devils." I have no doubt the result would have been terrible, ending with loss of life, but for the timely arrival of Chinese officials, to whom Mr. Baber had very wisely sent a private messenger warning them of the disturbance. In about an hour, all apparently being quiet and immediate danger passed, my wife and I went home.

I am co-operating with Mr. Baber in demanding from the Chinese a prompt and severe punishment of the men engaged in the outrage, as well as immunity from a repetition of such insults and insolence, and am glad to say that they seem to regret the circumstance, and manifest a disposition to yield to any reasonable demands in the premises. I learn from Mr. Baber to-day that the braves have been degraded and turned over to the civil authorities to be further dealt with, and I hope punished. I shall write to the Taotai and insist that they be made an example of, in order to deter others from committing similar offenses.

I do not feel that there is any immediate danger of another outbreak; still I may be deceived as to appearances, and shall be happy to receive any instructions or advice from you that you may deem necessary.

I am, sir, your obedient servant,

J. C. COLBY, *Consul.*

GEORGE F. SEWARD, Esq.,
United States Consul-General, Shanghai.

[Inclosure 2 in No. 948.]

Mr. Seward to Mr. Avery.

No. 442.] UNITED STATES CONSULATE GENERAL,
Shanghai, June 17, 1875.

SIR: I have the honor to hand to you herewith a copy of a dispatch which I have received from Mr. Colby, reporting a serious disturbance which occurred at Chin-kiang on the 14th instant.

I have had an opportunity to learn the contents of the dispatch addressed by the British consular agent at Chin-kiang to the consul here in regard to the same matter. It is more detailed, and puts the business in quite as bad a light as does Mr. Colby's.

Under these circumstances, I have consulted with the British consul, Mr. Medhurst, and at a later moment with Mr. Wade, the British minister, and it has been arranged that Mr. Medhurst and I shall proceed at once to Chin-kiang. The British sloop-of-war "Thalia" will also be dispatched for that port so soon as possible, and Captain Bridgman, of the American gunboat "Palos," will follow a little later.

My object will be to advise with Mr. Colby, with a view to concert such measures between him and the Chinese officials as will prevent a recurrence of the annoyances to which he has been subjected, and which may at any time end seriously. It may be possible to secure the punishment of some of the ringleaders in this particular case of annoyance, two of whom are, as I believe, the men who were lodged at the British consulate, and for whose rescue the attack on the consulate was made.

I shall also give such support to my British colleague in the grave matter which he has in hand as may appear appropriate.

This movement may be in one sense unnecessary; but regarded in another light, it appears to me very desirable. The Chinese are not, as a rule, troublesome at the ports. The native population at the ports has, however, a large rabble element, which is cowardly enough as a rule, but when excited it is cruel in the extreme. The best way to keep this element in subjection is to show the ability and readiness to act strongly and rapidly in any given case of trouble. The advent of Mr. Medhurst and myself, supported by two ships of war, and followed by appropriate measures for the punishment of the offenders, and for the future security of our people, will have a good effect at the port for years to come.

I ask your approval for my proposed course as above reported, and trust to be able to inform you in a few days of the satisfactory settlement of the whole affair.

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

GEORGE F. SEWARD,
United States Consul-General.

Hon, BENJAMIN P. AVERY,
United States Minister, Peking.

[Inclosure 3 in No. 948.]

Mr. Seward to Mr. Avery.

No. 443.] UNITED STATES CONSULATE-GENERAL,
Shanghai, June 22, 1875.

SIR: I have the honor to inform you that I returned to Shanghai last evening from Chin-Kiang, and to report the facts of the recent trouble at that port, and of the action which has been taken in view of it.

It appears that Mr. and Mrs. Colby were walking on a street of the English settlement, and that a lot of braves, ten or a dozen in number, followed them and used vile language toward or regarding Mrs. Colby. A Chinese policeman, who was patrolling in the neighborhood, thought it desirable to warn them to desist. This led to an altercation between the policeman and some of the braves, and he finally called to his assistance some of the Chinese of the foreign hongs, and with them arrested two of their number. Whereupon the other braves ran off and called together a considerable number of their comrades, perhaps fifty, who proceeded to the British consulate with the avowed object of releasing the prisoners, who had been taken there by the policeman and the constable of the consulate.

Seeing the approach of the soldiers followed by a large crowd of their country-people, Mr. Baber closed a gate on a public street in the rear of the consulate, thus cutting off the approach on that side. In front of this gate the soldiers stood, some urging that the gate should be broken in. It appears, however, that from the time when the gate was closed, being pressed back upon the crowd, until the end no attempt was made to force it. During the twenty minutes or half hour that the crowd stood in front of the gate a number of the foreign residents made their way through the crowd and entered the consulate, the gate being opened for them. Others, including Mr. and Mrs. Colby, came in by another gate. An officer of the corps to which the soldiers belonged also appeared, and used some exertions in the way of strong language and actual blows with his riding-stick, which resulted in dispersing the soldiers.

Mr. Baber and Mr. Colby wrote the Taotai after the occurrence, stating what had occurred, and asking him to secure the punishment of the offenders, both those who had been so troublesome toward Mr. and Mrs. Colby, and those who had made the demonstration before the consulate. The Taotai responded to this that the two men actually arrested and then in his hands had been dismissed from the service and would be tried and punished. Further than this he made no promise, and it would appear that he did not feel able to make any, in view of the independent nature of the military branch.

By consent matters remained in this form until Mr. Medhurst and I arrived on Saturday, five days after the trouble. We at once proceeded with Mr. Baber and Mr. Colby to take the evidence of the police officer, the constable of the British consulate, and a tide-waiter at the customs, who had seen a great deal of the disturbance. We also heard what Mr. Baber and Mr. Colby had to say. The substance of all this evidence I have given above, and it does not seem necessary to encumber this dispatch with copies of the actual statements.

Saturday afternoon Mr. Medhurst met the Tao-tai and impressed upon him the need of his urging the military commandant to arrest a considerable number of the offending Chinese.

The Taotai as Mr. Medhurst has told me, did not express himself hopefully in the matter, but appeared willing to do what he could.

My own task with the Taotai was easier than Medhurst's. I was able to secure from him promises—

First. To try the two prisoners in my presence the next morning.

Second. To urge the commandant very warmly to arrest others of those who had used the vile language toward Mr. and Mrs. Colby.

Third. To issue a proclamation setting forth the facts of the case, reprobating the conduct of the soldiers in suitable terms, and warning others against the commission of a like offense.

I reported this result to Mr. Medhurst, and asked him to be present at the trial and to urge against the same men the charge of resistance to the police officer. This he thought well of and agreed to do.

The next morning we proceeded to the Taotai's Yamen and watched the trial as conducted by the Chi-hsien. The two men were sentenced to fifty blows each, and to be *cangued* in the street where they had assailed Mr. and Mrs. Colby with vile language, for thirty days, their offense to be stated on the *cangue*.

An incident of the trial was the proposal of the Chi-hsien to bamboo the prisoners to make them tell the names of their comrades. The two men were actually led out, thrown upon their faces, and their thighs stripped for the whipping, before we could make the Taotai understand that the use of torture to procure evidence is not sanctioned by our laws, and that we could not assent to such a procedure.

So far as the punishment was concerned, the Taotai's readiness to meet our representations may be understood when I say that he was quite willing to administer one hundred blows to the prisoners, or even two hundred, if we thought it desirable. We took pains to indicate to him that we had no wish to be vindictive; and that it was the adequate punishment of a considerable number of persons and not the cruel punishment of the two in question, that we desired.

After I had again impressed upon the Taotai the need of his calling upon the commandant to make further arrests in Mr. Colby's case, and had told him that Mr. Medhurst had suggested the issue of one proclamation embracing the whole case, and that I had assented to this, Mr. Medhurst urged upon the Taotai strongly the need of his appealing forcibly to the commandant to arrest and punish those soldiers who had made the demonstration at the consulate, and told him that unless he received word that this work was going on satisfactorily by the next evening, he would proceed to Nankin to state the case to the Viceroy.

The business having been so far prosecuted, and my duties here demanding my attention, I left for this place the same afternoon.

You will see that the newspaper reports of the case have been somewhat exaggerated, and you may consider that we showed quite as much rigor as the case required.

I do not think that more has been done or projected than the circumstances demanded. If the Chinese are allowed to use toward foreigners language of the vilest character, that prestige of the foreign name which is essential to the security of foreigners in the smaller ports will be more or less injured. To pass by a grave demonstration against a consular residence would be a still greater mistake. If Mr. Medhurst shall succeed in carrying the whole business to a satisfactory conclusion, the result will be one for which the residents of Chin-kiang may congratulate themselves, as promising to them a greater degree of security for a long time to come. And even if the soldiers are not further punished, which I cannot believe will be the case, good will come of the demonstration which has been made.

My co-operation with Mr. Medhurst was warm and hearty throughout, and that of Mr. Baber and Mr. Colby has been equally satisfactory.

I should say that Mr. Baber's coolness, when his consulate was besieged, is deserving of much appreciation, and that all his steps were carefully taken. Mr. Colby has shown excellent judgment throughout.

The further action needed to secure the results aimed at by me will be undertaken by him, and I have but little doubt that he will succeed perfectly. He takes a quiet unbiased view of the business, and will insist upon such action as that contemplated in my conversations with the Taotai.

I have to express my gratification at the promptness with which Captain Bridgman, of the Palos, met my suggestion, that he should show his flag at Chin-kiang.

I respectfully ask an expression of approval of my course, if it shall seem to you to have been judicious.

I am, sir, your obedient servant,

GEORGE F. SEWARD,
Consul-General.

Honorable BENJAMIN P. AVERY,
United States Minister, Peking.

COLOMBIA.

No. 187.

Mr. Scruggs to Mr. Fish.

No. 79.] LEGATION OF THE UNITED STATES,
Bogotá, January 5, 1875. (Received February 17.)

SIR: An indemnity claim, amounting to over one hundred thousand dollars, in favor of Messrs. Cotesworth & Powell, merchants of London, was presented by the English government against that of Colombia in November, 1871.

The facts upon which the claim is based are substantially these:

In the year 1855 Cotesworth & Powell, residing in London, entered into a contract with Messrs. Powles, Gower & Co., an English house established in Baranquilla and in Bogota, for the purchase of tobacco on

joint account. The former house supplied the funds; the latter made the purchases, forwarded the tobacco, and shared the profits. Powles, Gower & Co. had a branch house in London through which all the business was transacted.

In 1857 the London house failed. This was soon followed by the suspension of the one in New Granada. Cotesworth & Powell at once dispatched an agent to this country to protect their interests. That agent was duly recognized by Powles, Gower & Co., who made over to him all the property of the claimants, both in produce and in contracts.

The creditors of the New Granadian firm, finding the assets small, sought to obtain possession of this property on the plea that it belonged to Powles, Gower & Co.; and in this they so far succeeded as to secure judicial sanction to the embargo of it.

The agent of the claimants in Bogota succeeded, after some litigation, in getting this embargo removed as regarded the property in Bogota, the supreme court of the confederation having pronounced sentence in his favor.

But the agent in Baranquilla was not equally successful. The judge having cognizance of the case at that place was Señor Clemente Salizar, a person, it seems, of venal character. It is alleged that this judge, aided by the local assignees of the bankrupts, made away in various ways with the property of the claimants.

Among other violent and illegal acts, he is charged with having sold three hundred cases of the tobacco to his own secretary; with having forced his way into the sick-room of the claimants' agent, and, over the protest of the English consul, seized the bills of lading of certain cargoes of tobacco, sent them to England, and received the value for them. Finally he disappeared suddenly from Baranquilla, carrying with him all the papers relating to the suit which was before him, thus rendering it impossible for the claimants to prove their case.

This same judge had, it is alleged, been previously arraigned by his own countrymen upon charges of bribery and forgery in similar cases; had been convicted, pardoned, and restored to his place. For his conduct in the present case he was condemned in costs in March, 1862, but judgment could not be executed against him, as he pleaded the general-amnesty act of March, 1860. This plea was admitted on the ground that the amnesty included the civil as well as criminal action, and he was thus relieved of all the consequences of his conduct.

Therefore, although the supreme court of the State of Bolivar had declared the claim of Cotesworth & Powell to the assets of the Baranquilla house well founded, it was impossible to recover anything, as Judge Salizar and his accomplices had made away with all the property.

The grounds upon which the English government made demand for reparation to Cotesworth & Powell are, first, the notoriously bad character of Judge Salizar in that he had been previously convicted of infamous conduct; second, that in the present case justice was denied the claimants by reason of that judge's violent and illegal acts; and, third, that by condoning his offense, the State became responsible for the consequences of his acts in so far as innocent parties had been injured thereby, if indeed it was not previously liable on the ground of the judge's infamous reputation; consequently that the national government of Colombia becomes responsible, inasmuch as foreign powers in their intercourse with Colombia cannot treat with the separate States or integral parts of the confederation, but only with the national or federal head.

The Colombian government, after resisting the claim upon the ground

that it could not be held responsible for the venal acts of State judges, finally proposed its reference to arbitration, which was accepted by that of England. A commission was organized in the early spring of 1873, under an agreement a copy of which I inclose. It was composed of Dr. Schumacker, the resident German minister, on the part of Great Britain, and Dr. Ancizar, a distinguished citizen of Bogotá, on the part of Colombia; these to choose an umpire, and in case they should not agree, then an umpire was to be named by the French minister in Colombia.

The recall of Dr. Schumacker, or rather his transfer to the United States, in September last, before any decision had been reached, and the continued ill-health and final resignation of Dr. Ancizar, left the case substantially where it was two years ago, and the appointment of a new commission has, therefore, become necessary.

It is understood that General Salgar, once minister to the United States, afterward President of the republic, now governor of Cundinamarca, will be named as the new commissioner on the part of Colombia, and that he will accept the appointment. Mr. Bunch, Her Britannic Majesty's minister resident, has asked me to accept on the part of his government. His solicitations have been strengthened by the fact that General Salgar and the Colombian authorities have expressed a desire to the same effect.

I have, therefore, with some reluctance, consented; and as the case has been one of long standing, and both governments desire an early settlement, I have even agreed to act in anticipation of the assent now respectfully solicited of my Government. I believe this has been customary with some of our diplomatic representatives both in Europe and in Spanish America, as also with those of other powers; although under almost any other circumstances I should not presume to act upon exceptional precedents.

The documents of the case are quite voluminous. The question itself has been the source of protracted discussion and considerable irritation. I am also sensible of the fact that it involves some nice points of public law. But while distrusting my abilities and inexperience, I have yielded to repeated solicitations in the hope of being able to contribute toward an amicable and satisfactory adjustment; and this without any hope or expectation of reward, other than the consciousness of discharging a public duty.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 188.

Mr. Scruggs to Mr. Fish.

No. 83.] LEGATION OF THE UNITED STATES,
Bogotá, January 27, 1875. (Received March 15.)

SIR: This city has been in a considerable state of excitement for four days past, growing out of what at first seemed only an insignificant bread-riot.

The disturbances originated on the evening of the 23d instant, in a demonstration by the rabble against the bakers of the city, resulting in the death of one man and the wounding of several others.

Next morning placards appeared upon the walls of houses along the principal thoroughfares announcing "death to the monopolists," alluding to the mill-owners and flour-dealers of the city. The night following, the private residences of some ten or twelve prominent citizens were stoned and considerable damage done. Among the houses thus assaulted, without any apparent provocation whatever, was that of the consul of Denmark.

The next morning placards appeared announcing the organization of the "commune," and threatening death to the "aristocrats," and to the President of the republic.

Up to this time the municipal and State authorities seemed either powerless to restore order or else wholly indifferent to what had been going on. The national government, trusting, it seems, to the local authorities, remained indifferent. There was consequently much alarm among the citizens, and a feeling of insecurity among resident foreigners.

Under these circumstances, although no American citizen had been molested, I deemed it proper to call upon the President and inform him of this state of feeling, and to notify him that American residents looked alone to the national government for protection, and that in case it was not afforded, and damage should result either to their persons or property, his government would be held responsible. Mr. Bunch, the British minister, likewise called upon him the same day and made similar representations on behalf of English residents.

The President acknowledged the justice of the position thus taken, and promised the fullest protection. He informs me this morning that, although the demonstrations are still menacing, efficient measures have been taken to suppress any further violence.

That there are one or more prominent revolutionary agitators at the back of these demonstrations I think admits of little doubt. At present, however, all serious apprehensions seem passed and it is hoped the excitement will entirely subside within a few day

I have, &c.,

WILLIAM L. SCRUGGS.

No. 189.

Mr. Scruggs to Mr. Fish.

No. 84.] LEGATION OF THE UNITED STATES,
Bogotá, February 6, 1875. (Received April 3.)

SIR: The Colombian Congress assembled at the hour of 12 m. in the national capitol, and both houses were duly organized on the 1st instant. Señor Rafael Nuñez, a senator from the State of Bolivar, and Señor Emigdo Palan, a representative from the State of Cauca, were elected respectively president of the senate and speaker of the house of representatives.

The President, in his annual message—authentic copies of which I transmit—congratulates the country upon the condition of uninterrupted peace, order, and prosperity which has prevailed during the past year. He alludes delicately and briefly to a species of opposition still maintained by certain factions to the system of public instruction inaugurated in accordance with the constitution and laws of the republic three

years since, but predicts that this opposition will grow less and less year by year, as the system progresses, and as its beneficent influences are more generally felt. He says:

"In the department of instruction the progress of the republic appears satisfactory. The number of primary schools has now reached 2,000, and between the nation and the states, the sum annually expended for school purposes is $80,000; figures which reveal the impulse recently impressed upon this department. Still the system is very far from being what it should. Already a considerable number of teachers are being educated in conformity with modern methods; and in the course of the present year there will be founded in each state of the union a national normal school for the education of teachers."

He alludes as follows to the defective postal facilities of the country:

"Our postal and telegraphic service is still very far from satisfying the demand of the public. For want of a marine, and a basis upon which to adjust postal conventions, the co-operation of foreign companies of navigation is still necessary to our communication with the exterior. We should, therefore, modify the present conditions demanded of those companies by the fiscal code, so that they may maintain their agencies in our ports."

In further explanation of the "conditions" here referred to, I beg leave to refer you to my dispatch No. 48 of July 27, 1874.

Owing to the want of anything like express companies or common carriers, other than the public mails, the transportation of coin, bullion, and other valuable packages has heretofore formed a department of the postal service. The President recommends that this be continued until some more proper means of transportation may be provided by individual enterprise. He also recommends the building or purchase by the government of two or more steamers of light draught, adapted to the various stages of water in the Magdalena River, to be used for the transportation of the mails from Honda to the coast, and to be utilized by other departments of the government as exigencies may arise.

The income from the postal service for the year last past he states to be $63,604, or $1,000 less than that for the year previous, a difference which he attributes to a suspension for six months of the transportation of valuable packages by the department.

He announces that the financial condition of the republic is visibly improving; that, after paying all expenses of the administration of the government for the year last past, there will remain in the treasury a balance of $1,362,500, of which $600,000 has been directed to be applied toward the payment of the loan of 1863, and that the final arrangement of 1872, by means of compromises with the national creditors, domestic and foreign, has been, and should continue to be, scrupulously fulfilled.

Of the relations of the republic with other powers the President says:

"The condition of our foreign relations is satisfactory. There exists no question calculated to produce international ill-feeling. The reclamations for the capture of the Montijo and that known under the name of 'Cotesworth & Powell,' have been submitted to arbitration, and the parties await the respective decisions with entire confidence that they will be commensurate with the honorable and upright spirit which animates the arbitrators. The spirit of justice which animates Colombia toward the countries with which we cultivate diplomatic and commercial relations duly corresponds to that of those countries, as is verified by the respectful and deferential bearing of their honorable representatives here."

Of the late unfortunate controversy between Colombia and Venezuela the President says:

"Our relations with Venezuela are renewed under circumstances honorable alike to both republics, and on our part there has been accredited to Caracas a legation of the first class for the final settlement of the question of boundaries and transits. The disturbance of the peace in that country has necessarily deferred the conclusion of conferences and treaties; but there is a sufficiency of worthy interests and motives in both countries to induce the belief in an early and happy result, which, I hope, may be submitted for your consideration during your present session."

The annual reports of the heads of the respective departments of the government have not yet been printed. I must, therefore, defer an epitome of the public debt, of the foreign relations of the republic, statistics of commerce, productions, &c., &c., until the several documents are received.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 190.

Mr. Scruggs to Mr. Fish.

No. 86.] LEGATION OF THE UNITED STATES,
Bogotá, February 17, 1875. (Received April 3.)

SIR: The Colombian constitution provides that "the election for President of the union shall be made by vote of the States, each State having one vote, which shall be that of the relative majority of its electors, according to its own legislation," (article 75.)

The election for President for the term beginning April 1, 1876, and ending April 1, 1878, takes place during the present year, or before the annual meeting of Congress, February 1, 1876, at which session that body will, under the provisions of the constitution, "declare to be elected President the citizen who shall obtain the absolute majority of the votes of the States." In case no candidate shall have such majority, then "Congress shall choose a President from among those candidates having the highest number of votes," (article 75.)

For some weeks past the ensuing election has been the exciting topic here. The rival candidates are Señor Rafael Nuñez, of Carthagena, and Señor Aquileo Parra, late of President Perez's cabinet. Both are members of the liberal party, but the latter is understood to be the choice of the administration, while the former represents the "outs." The conservatives have as yet no candidate in the field.

It is customary here to make presidential nominations by states, through their respective delegations in Congress; and in the present instance the contest became very close and exciting. A scheme was finally developed, on the 5th instant, to have the army cast its vote in a body. This movement is understood to have been in the interest of Señor Nuñez. On the 8th instant the President sent to Congress a special message, denouncing the measure as unconstitutional, and as calculated to seriously disturb the peace and order of the country. He was sustained by a bare majority of both houses.

Generals Vila and Wilches, respectively secretary of war and com-

mander-in-chief of the national forces, were understood as being in sympathy with this opposition movement; and fears began to be entertained that they contemplated revolution should that become necessary to insure its success. This apprehension was heightened by the fact that both those distinguished gentlemen refused acquiescence in the decision of Congress, and had become openly hostile to the policy of the President.

Matters thus continued, and the excitement reached a high pitch on the morning of the 12th instant, when the President by executive order deposed both Vila and Wilches. He nominated to the place of the former Señor Wenceslao Ibáñez, and named General Joaquin Réyes as commander-in-chief of the armies. Meantime Señor Parra, the administration candidate, resigned his position in the cabinet, and his place is temporarily filled by the nomination of Señor José M. Villamoza Gallardo.

With these changes, the excitement began to subside; and although Generals Vila and Wilches are active and vigilant opponents, all apprehensions of a revolution seem passed. Apparently all is again tranquil, although the contest between the two opposing candidates is still undecided.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 191.

Mr. Fish to Mr. Scruggs.

No. 69.] DEPARTMENT OF STATE,
Washington, February 18, 1875.

SIR: Your dispatch No. 79, of the 5th ultimo, has been received. It relates to a claim of British subjects against Colombia, in which, having been asked to act as arbiter, you consented, and request the sanction of the Department to that consent. This is granted, but it would have been preferable to have awaited the decision here before accepting the trust.

The case, as stated by you, obviously involves important principles, and as the result, whatever it may be, may in the future be made applicable to similar claims of foreigners against this Government, it is hoped that you will give the subject your best attention. Without wishing to bias your judgment in advance, it may be remarked that the claim, in some of its features, resembles that in the case of the Caroline against Brazil. This claim, after having been urged for years, was at last paid. My predecessor, however, having doubts as to the accountability of Brazil under the law of nations, consulted the Attorney-General for the time being on this point.

A copy of Mr. Akerman's opinion, which may be found on page 164 of the document in the case of the Caroline, is herewith transmitted for your information.

I am, &c.,

HAMILTON FISH.

[Inclosure in No. 69.]

Mr. Akerman to Mr. Fish.

No. 74.] DEPARTMENT OF JUSTICE,
Washington, December 29, 1871. (Received December 30.)

SIR: On the 17th of January, 1868, the Secretary of State called on the Attorney-General for an opinion upon the question whether the government of Brazil is justly responsible for damages resulting from the alleged corruption of its municipal judge at St. Catharine's, in authenticating and ratifying the report of a board of surveyors upon a damaged vessel.

The claim for damages is preferred by Mr. Welles, the agent at St. Catharine's of certain insurance companies in New York and Philadelphia that were injured by the proceedings in which the alleged misconduct occurred.

Even if the charge of corruption were established, (which does not appear to be the fact,) I am of opinion that the Brazilian government would not be responsible. The misconduct violated no treaty stipulations between Brazil and the United States. It did not benefit the public treasury of that country, but was in aid of a private interest. For aught that appears, a civil proceeding in the courts of Brazil would produce adequate redress.

For a thorough discussion of the subject of the liability of governments for the faults of their officers, I refer you to the opinion of Attorney-General Cushing, of May 25, 1855, (7 Opinions, 229.) In a case similar in principle to the present, he considered that the Government of the United States was not responsible to an injured foreigner. In all fairness, we must adhere to the same rule when our own citizens are injured by the officers of a foreign country.

Very respectfully,

A. T. AKERMAN.

Hon. HAMILTON FISH,
Secretary of State.

No. 192.

Mr. Scruggs to Mr. Fish.

No. 88.] LEGATION OF THE UNITED STATES,
Bogotá, February 27, 1875. (Received April 19.)

SIR: I have the honor to transmit to the Department separately, by this mail, the annual report of the secretary of the national treasury of Colombia for the year ending December the 31st, 1874.

The foreign debt of the republic is $10,708,000, and is composed of the following items:

1. Bonds of 1873, issued in virtue of a compromise effected that year with foreign creditors holding the old bonds of the New Granadan Confederation	$10,000,000
2. Bonds of 1868, issued in virtue of a compromise effected that year with foreign creditors	105,500
3. Bonds of 1873	602,500
Total foreign debt December 31, 1874	$10,708,000

The domestic debt, as set down in the secretary's report, is nominally $9,752,559. But this is above its present value. It may be analyzed as follows:

1. Privileged consolidated debt, drawing 6 per cent. interest, paid punctually in coin, worth par, and held by charitable institutions	$1,828,240
2. Ordinary consolidated debt, at 3 per cent. interest, (in private hands;) nominal value, $3,225,100, now worth about 50 per cent	1,612,550
3. Floating debt, (treasury bonds,) at 6 per cent. interest; nominal value, $3,070,860, worth to-day 40 per cent	1,228,344
4. Floating bonds, drawing interest at 3 per cent.; nominal value $1,484,707; actual value, 16 per cent	237,513

Bonds non-interest-bearing, issued in settlement of overdue interest; nominal value, $88,780, now worth 80 per cent	$71,102
6. Bonds for foreign claims, &c., about $10,000 outstanding in December, 1874, but now redeemed	
7. Treasury bills, nominal value, $44,500, worth only 65 per cent	28,925
Actual cash value of the domestic debt February 1, 1875	$5,006,674
Foreign debt, as above, December 31, 1874	10,708,000
Total debt	$15,814,674

I have, &c.,

WILLIAM L. SCRUGGS.

No. 193.

Mr. Scruggs to Mr. Fish.

No. 90.] LEGATION OF THE UNITED STATES,
Bogotá, February 27, 1875. (Received April 19.)

SIR: The one hundred and forty-third anniversary of the birth of Washington occurring on the 22d instant, was duly celebrated at this legation.

The day was respectfully observed by the Colombian officials, by the foreign legations and consulates, by resident Americans, and by many private citizens of the city, who called to pay their respects.

The Colombian Congress, in session at the time, passed a joint resolution of both houses, in recognition of the occasion, a copy of which, together with the foreign secretary's note of transmission, is herewith inclosed.

I have, &c.,

WILLIAM L. SCRUGGS.

[Inclosure 1 in No. 90.—Translation.]

Mr. Sanchez to Mr. Scruggs.

UNITED STATES OF COLOMBIA,
OFFICE OF THE INTERIOR AND FOREIGN RELATIONS,
Bogota, February 23, 1875.

Mr. MINISTER: The undersigned, secretary of the interior and foreign relations of the United States of Colombia, is pleased to transcribe herewith, for the information of the Hon. Mr. Scruggs, minister-resident of the United States of America, the proposition which the Senate and House of Representatives of the Colombian Union in Congress assembled approved in the session of yesterday, and which in words is as follows:

"The Congress of the United States of Colombia remember the birthday of the immortal Washington with the respect and the admiration with which the virtues of the founder of the North American Republic have inspired the world."

It is very pleasing to the undersigned to associate with the vote of Congress an analogous expression on the part of the executive power, of which he is the organ, and at the same time to renew to the Hon. Mr. Scruggs the assurances of his distinguished personal consideration.

J. SANCHEZ.

Hon. WILLIAM L. SCRUGGS,
Minister-Resident of the United States of America, &c.

[Inclosure 2 in No. 90.]

Mr. Scruggs to Mr. Sanchez.

LEGATION OF THE UNITED STATES,
Bogota, February 24, 1875.

Mr. SECRETARY: The undersigned, minister-resident of the United States of America, has much pleasure in acknowledging receipt of your excellency's very polite note of the 23d instant, transmitting copy of the joint resolution passed by the Senate and House of Representatives of Colombia in memory of Washington.

In further reply, the undersigned begs leave to renew the assurances of his Government to that of Colombia, and to express the hope that the relations of peace, amity, and good correspondence, at present so happily subsisting between the two republics, may continue uninterrupted.

Renewing to your excellency, and through you to his excellency the citizen President of the Union, his assurances of high and distinguished personal consideration, the undersigned has the honor to remain your excellency's very obedient servant,

WILLIAM L. SCRUGGS.

Hon. J. SANCHEZ,
Secretary of the Interior and Foreign Relations of the United States of Colombia, &c.

No. 194.

Mr. Scruggs to Mr. Fish.

No. 97.] LEGATION OF THE UNITED STATES,
Bogotá, April 17, 1875. (Received May 13.)

SIR: I have the honor to transmit to the Department, separately, by this mail, an official copy of the memorial of the secretary of the interior and foreign affairs of Colombia for the year 1874, addressed to the Congress of this republic, now in session.

The secretary reports that the peace and public order of the nation have been maintained throughout the entire year last past; that the federal laws have been easily and faithfully executed; that the individual States, following their career of prosperity, have maintained themselves in complete harmony with the government of the union; that all ill-will has been displaced from party politics, and all malevolence from the discussions of conflicting interests heretofore dividing the people; that the system of public instruction continues to be the object of greatest care alike to federal and state governments; that the spirit of enterprise is being stimulated more and more each day; and that the good relations of the republic with the great powers of the world have been carefully and successfully cultivated. * *

Speaking of the foreign relations of the republic, the honorable secretary says:

> The item of $40,000 usually set aside in the appropriation act for the diplomatic service is hardly sufficient to sustain two legations of first class with the modest salaries fixed by law; so that Congress, in former years, voted additional sums in order to complete the payment of the diplomatic agents and employés of the republic, or passed acts legalizing the diversion of certain sums to this service.

Alluding to the discontinuance of the Colombian legation in Washington, page 144, the secretary says:

> Until the year last past a permanent legation has been maintained in the United States of America, but the deficiency of the appropriation voted, the satisfactory termination of the subjects placed in charge of Mr. Martin, and the greater necessity for accrediting a legation extraordinary in Venezuela have rendered the maintenance of a special mission in Washington difficult. Notwithstanding this, our minister in

Europe, Mr. Zapata, was likewise accredited near the American Government, should imperative necessity arise for the temporary presence of a representative of the republic in that country.

The present international relations of Colombia, according to the honorable secretary—

Demand the support of four legations—one in Europe, one in the United States of America, one in Venezuela, and one near the republics of the Pacific. Great compromises, bind us with the United States of America. That nation guarantees the sovereignty of Colombia over the most important portion of our territory. The only interoceanic communication over our isthmus was opened by citizens of that republic. In Washington are accredited legations of all the countries with whom we are on the best relations, and of those with whom it would be desirable and convenient to establish such relations, so that the legation in the United States of America can fulfill great and important general commissions.

The case of the Montijo is treated of from page 161 to page 164, inclusive. I subjoin a translation of this entire portion of the memorial, as follows:

The capture of the steamer Montijo, the property of the Messrs. Schuber & Brother, citizens of the United States of America, which took place in the national waters of Colombia, in the month of April, 1871, by some individuals of the State of Panama, who had rebelled against the government of the State, caused the reclamation for damages to the persons and property of the reclaimants, directed to the general government, through the legation of the United States of America in this city.

This reclamation, initiated in December, 1871, gave rise to a controversy between Mr. Zapata, then secretary of the interior and foreign relations, and General Hurlbut, minister-resident of the United States of America. It was, however, suspended by referring the question to the Department of State in Washington, where it was to be discussed with the Colombian legation in that city.

In the mean time, the Colombian federal supreme court took cognizance of the proceedings instituted upon the occupation of the Montijo, and by a decision of March 25, 1872, confirmed that of the judge of the first instance, in so far as it decided that, in the capture of the ship, the crime of piracy had not been committed.

The Colombian government was led to believe that that of the American Union, better informed of the acts, and in possession of satisfactory proofs, had abandoned this reclamation, since it had ceased to appear until the new minister, the honorable Mr. Scruggs, who was received in July, 1873, reproduced it. But as the discussion had become vexatious, it was proposed by my predecessor to submit the question to an arbitral decision. This was accepted by Mr. Scruggs as soon as he received instructions from his Government.

The law 43, of 1874, gave the executive power the necessary authority, and on the 17th of August last the following convention was agreed to:

"Agreement of arbitration.

"The undersigned, to wit, William L. Scruggs, minister resident of the United States of America, and Jacobo Sánchez, secretary of the interior and foreign relations of the United States of Colombia, being especially authorized by their respective governments to submit to the decision of arbitrators the indemnity-claims made by the Government of the United States against that of Colombia for damages resulting from the seizure and detention of the steamer Montijo, within the territory and by certain citizens of Colombia, in April, 1871, have entered into the following agreement:

"1. Said claims shall be submitted to arbitrators, one to be appointed by the minister-resident of the United States of America, another by the government of the United States of Colombia, and these two to name an umpire, who shall decide all questions upon which they may be unable to agree. In case the place of either arbitrator or of the umpire shall, from any cause, become vacant, such vacancy shall be filled forthwith, in the manner herein provided for the original appointment. If the arbitrators cannot agree in the choice of an umpire, one shall be selected by new commissioners, chosen for and assigned exclusively to this duty.

"2. The arbitrators and umpire so named shall meet in Bogotá within one month from the date of their appointment, and shall, before proceeding to business, make and subscribe a solemn declaration that they will impartially consider and determine, to the best of their judgment, and according to public law and the treaties in force between the two countries, and these present stipulations, the claims herein submitted, and such declaration shall be entered upon the record of their proceedings.

"3. The official correspondence and documents relative to the case shall be submitted to the arbitrators; but before their decision is rendered, the attorney-general, or lawyer, of the government of Colombia shall be heard, as well as the one designated by the minister-resident of the United States. The expositions of the attorneys will be made orally or in writing.

"4. The arbitrators shall have jurisdiction of the claims mentioned, and they shall decide, as a primary question, whether the United States of Colombia is obligated to grant indemnification; and if that question should be decided affirmatively, they will fix the amount of indemnification. The award shall be in writing; and, if indemnity be given, the sum to be paid shall be expressed in the legal coin—*pesos de ley*—of the United States of Colombia, and paid to the minister-resident of the United States, or to such person as he may name, within one year from the date of the decision.

"5. The expenses of the arbitration, not to exceed fifteen hundred dollars, shall be borne in equal moieties by the two governments.

"6. The two governments will accept the award made as final and conclusive, and will give full effect to the same; and the Colombian government shall be forever released from any and all further accountability after the decision of the arbitrators shall have been made and its terms faithfully complied with.

"In faith whereof the plenipotentiaries of the two governments have signed and sealed the present agreement, in Bogota, on the 17th day of August, in the year of our Lord one thousand eight hundred and seventy-four.

"WILLIAM L. SCRUGGS.
"JACOBO SANCHEZ.

"PODER EJECUTIVO NACIONAL,
"*Bogota*, 17 *de Agosto de* 1874.

"Aprobado. "S. PEREZ.

"J. SANCHEZ, *El Sacretorio de lo Interia i Relaciones Exteriors.*"

The arbitral commission was constituted as follows: Mr. Mariano Tanco was nominated on the part of the Colombian government; Mr. Bendix Koppel on the part of the legation of the United States of America; and the gentlemen thus commissioned named the honorable Mr. Bunch, Her Britannic Majesty's minister-resident, as umpire.

The arbitrators met on the 23d day of September last, in the office of foreign relations, exchanged their respective credentials, made the declaration required in article 2 of the convention, announced their selection of Mr. Bunch as umpire, and signified, as the probationary limit, the 20th day of January, 1875, within which time the parties should present all the proofs which they might judge necessary.

Mr. Gómez, the attorney-general of the nation, was nominated counsel for the Colombian government.

On the 17th of September last, I directed the official letter found among the documents annexed to this memorial, (page 30,) for the purpose of elucidating more clearly the acts connected with the capture of the Montijo, and of proving whether the Messrs. Schuber and Brother, in their character of foreigners domiciled in the State of Panama, had observed the neutral conduct in the civil wars of the state which entitled them to the rights which they claim, and to the protection of their government.

In the official letter named the following data were asked:

"1. Information upon the agreement which the owners of the Montijo celebrated with the Messrs. Fernando Ponce and Buenaventura Coreoso for the transportation of troops and other elements of war during the period in which those gentlemen were in rebellion against the government of the state.

"2. Date of Messrs. Schuber's domicile in Panama, the business they had been engaged in, and the time they had been navigating the Montijo.

"3. Authentic copy of the ship's patent of navigation, and the title which it had in order to do the coasting-trade; the nationality of the captain and all the crew.

"4. Sworn declaration of some passengers as to whether the act of occupation of the ship was or was not by violence.

"5. Information relative to the reclamations which the Messrs. Schuber and Brother had made in consequence of the occupation of the steamer at divers times, before what authorities, and what arrangement had been made or initiated with such object.

"6. Sworn declaration of persons worthy of credit, acquainted with the events as they occurred, relative to the points referred to, and especially with respect to the participation which the claimants may have taken in the political questions of the State of Panama; and

"7. Finally, a report of the president of the state respecting the acts referred to."

The government of the State of Panama furnished the data asked, and upon them and those already published, Mr. Gómez made his concluding argument, which he read before the arbitral commission at their session on the 20th of January last.

The question now remains in the condition referred to, the arbitrators not yet having rendered their decision.

The reclamation caused by the capture of the Montijo once decided, there remains

pending no other question of similar character with the Government of the American Union.

The debt which the republic contracted in consequence of the reclamations growing out of the riots in the city of Panama April 15, 1856, amounts, principal and interest, to $402,020.44. In June, 1871, the American legation in this city passed an account which showed a balance of $157,372.48 in favor of the American Government, computing at compound interest. Upon the supposition that the time for payment had arrived, and without exacting the payment of the whole amount rendered, or any determinate part of it, the legation limited itself to asking a written response upon the subject.

Mr. Martin, as minister in Washington, took charge of and arranged the respective accounts. He showed that the republic had not delayed the payments, but had, on the contrary, anticipated some of them; thus obtaining a reduction of the compound interest, which saved the republic more than $33,000. The debt was canceled, before the last installment became due, in 1874.

Concerning the interoceanic canal project the secretary says:

The result of the explorations which the American Government has ordered to be made in our isthmus and in that of Nicaragua is still unknown. The treaty for the excavation of the canal, approved by Congress in 1870, was not ratified within the time fixed, which terminated September 12, 1871. The American legation in this city announced that it had instructions to propose a prolongation of the time one year more for the exchange of ratifications; but the executive power could not concede this without the approval of Congress. Moreover, if the negotiation depended upon the explorations, it was prudent to await their result.

The legation of the republic in Washington, in charge of Mr. Martin, had authority to adjust a new treaty, but the American Government did not accept the obligation to construct the canal, or to contract for its construction with any company, which was the basis of Mr. Martin's proposition.

So long as the American Government does not possess all the information which it deems necessary upon this matter, it is but natural that it should not accept this obligation; consequently, the treaties referred to will only be projects whose realization will depend upon the practicability of the work where it may be considered most advantageous.

The perseverance of the Government of the United States of America in sustaining the exploring commissions in the American isthmuses will decide the opening of one of them within no very remote period; because already the commerce of the world demands this work.

According to some publications it is known that a survey on the line of the Panama Railway is practicable.

The legation of Nicaragua in the United States of America, in charge of Mr. Emileo Benard, presented in the month of June last a memorial upon the advantages of opening the interoceanic canal through that country. He estimates its approximate cost at fifty or sixty million dollars, and that the construction of a tunnel will not be necessary.

In his memorial, Mr. Benard cites that of Mr. J. E. Nourse, a distinguished professor in the Naval Academy of the United States, published in 1870, wherein he compares the Suez Canal with that which is proposed in the American isthmus. "The probabilities are," says Mr. Nourse, "that a canal in America will be much more useful than that of Suez, since the former will serve not only for the south of Europe, Asia, and the coasts or Africa, but likewise for the commerce of the world. If the isthmus of Suez is the center of the old continent, that of America is the center of the grand union of the Atlantic and Pacific; a center not only of the seas, but likewise of the lands and waters of the globe."

Speaking of the income of the Suez Canal, Professor Nourse says: "During the last twenty years the steamship navigation of England has increased 417 per cent., that of France 613 per cent., and that of Austria 637 per cent. The commercial exchanges of exportation and importation of the Chinese Empire, during the year 1855, amounted to 231,000,000 francs; in the year 1868 they reached 1,120,000,000 francs. The number of ships which entered and went out of her ports in 1855 was 1,527, with 529,222 tons; in 1868 they amounted to 14,075, and the number of tons to 6,318,503. The Suez Canal Company, taking as a basis the annual tonnage of Liverpool at six millions, that of Marseilles at five millions, and the traffic across the Dardanelles and Black Sea at six millions, calculated the minimum traffic of the canal at six millions and the product at 60,000,000 francs."

"In view of these calculations," says the Colombian minister of foreign affairs, "it would not be an exaggeration to estimate the traffic through the Interoceanic Canal at eight million tons, and the annual gross product at sixteen million dollars. Perhaps the time may have already arrived when Colombia should encourage the formation of a company for the execution of this work. In such event, Congress should give the

necessary authority. If the Government of the United States, in possession of the data wanting in 1870, would initiate the celebration of a new treaty, it might be adjusted upon the basis of that approved by Congress in 1870; and doubtless this treaty, in the present condition of the negotiation, would tacitly embrace the obligation of carrying out the enterprise."

I shall crave your indulgence for making the following translation from pages 177 and 178 of the honorable secretary's memorial, touching the war in Cuba:

A part of the Great Antilla is still a dependency of the Spanish power, but the war of more than six years which has been sustained by those who proclaimed the independence of the island at Jara, has demonstrated the inutility of the efforts made by Spain to maintain this most important portion of Latin-America in a colonial state.

The justice of the cause proclaimed at Jara, the ferocity employed by the agents of the Spanish government in order to conquer the insurrection, and the maintenance of slavery in the colonial part, have inspired general and warm sympathies for the Cuban revolution. This revolution is a subject of more importance than any which has been discussed in American diplomacy for some years past. Since 1870, Colombia has recognized the belligerent rights of the patriots of Cuba who have sustained the war for independence; has granted some aid to the poor families who had been under the necessity of abandoning their native country by reason of the war which had devastated it, and has employed her diplomatic action to promote the emancipation of the island.

The Colombian administration under Murillo directed the circular of the 26th of September, 1872, to all the republics of Latin-America, with the end of obtaining from Spain the independence of Cuba through the common intervention of those governments under the direction of that of the United States of America. These acts demonstrate how much interest Colombia feels in the fate of the Cuban patriots.

Mr. Martin, Colombian minister plenipotentiary in Washington, charged to promote the execution of the elevated thought expressed in the Colombian circular, had an understanding with the representatives of the Spanish-American republics accredited near the Government of the United States. In the conference of April 8, 1873, brought about by Mr. Martin, and in which the ministers of Chili, Ecuador, Guatemala, Mexico, Peru, the Argentine Republic, and Salvador (the only Spanish-American representatives then in Washington) participated, the transcendant idea expressed by Colombia was discussed—the condition of the relation of each of the Latin-American republics with the ancient metropolis, and the influence which the recent political transformation of Spain would have upon the fate of Cuba.

* * * * * * *

The controversy between Colombia and Venezuela, growing out of the long-standing dispute respecting the boundary-limits between the two countries and of certain reclamations by the latter against the former government, arising from alleged violations of neutrality laws and commercial treaties, still remains unsettled. Although, up to the present time, Dr. Murillo's mission to Caracas has been barren of satisfactory results, hopes are entertained, now that the civil war in Venezuela has terminated, that an amicable solution of the difficulties may be reached before the close of the present administration, if not before the adjournment of the present Congress.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 195.

Mr. Scruggs to Mr. Fish.

No. 99.] LEGATION OF THE UNITED STATES,
Bogotá, April 26, 1875. (Received June 14.)

SIR: Dr. Manuel Murillo, special envoy to Venezuela, has just returned from Caracas. He reports, in private conversation here, that the present government of Venezuela is a pure military despotism, un-

der the form of a republic. Contributions are levied *ad libitum*, according to the caprices of one man, and collected at the point of the bayonet. The government has long since ceased to pay interest on its foreign debt. It proposes compromising with foreign creditors, and the President, Blanco, does not scruple to assert that their payment will be contingent upon their acceptance of his own terms.

In regard to the sums due the United States from that government, Murillo says that Blanco told him most emphatically that "not one real of them would ever be paid." The alleged corruption of the arbitral commission which awarded those claims is Blanco's pretext for the proposed bad faith of his government. I may add that this statement by Murillo fully corroborates others of like import made by other persons, direct from Caracas, and who have the reputation of sharing General Blanco's confidence.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 196.

Mr. Scruggs to Mr. Fish.

No. 101.] LEGATION OF THE UNITED STATES,
Bogotá, May 17, 1875. (Received June 14.)

SIR: Since the date of my No. 86, of the 16th February last, the presidential contest in Colombia has assumed a more serious aspect. The four coast provinces are understood to have declared their adhesion to the candidature of Nuñez, while those of the interior support the claims of Parra, the administration candidate.

The contest having thus become sectional, grave consequences are apprehended. It is known here that the adherents of Nuñez are secretly purchasing arms, and preparing for revolution in case of defeat. One of the prominent partisans of the candidate named, Senor José Maria Samper, has been imprudent enough to reveal the plans of his party in confidence to a member of the diplomatic body in this city. They are, in effect, that, should the five interior States of the confederation refuse acquiescence in the choice indicated by those of the coast, then the latter will seize the ports and custom-houses, and set up a separate government. In other words, they will secede, and ask for recognition.

Señor Samper is a politician of considerable prominence here, having at one time been minister for foreign affairs, and his statements are fully corroborated by the movements of Generals Vila and Wilches, who are now on the coast, as also by those of Señor Carlos Martin, late Colombian minister to the United States, General Acosta, an Ex-president of the republic, and other known partisans of the Nuñez movement.

This revolutionary scheme, which I have reason to believe actually exists, may, it is hoped, be abandoned; but its attempt is not improbable, and I therefore respectfully solicit instructions in anticipation of such an event. I also submit herewith a copy of a circular of this date, addressed by me to each of our consuls on the coast, and express the hope that the same may meet the approval of the Department.

Her Britannic Majesty's minister-resident here will, I apprehend, in the event of attempted disruption, order a naval force from Jamaica to take possession of the port and custom-house of Savanilla, as a means

of securing the English bondholders and creditors of the Colombian government. Indeed, he has told me as much, adding that such action would be under precedent and by express sanction of his government.

* * I have, &c.,

WILLIAM L. SCRUGGS.

[Inclosure in No. 101.]

Circular addressed to United States consuls in Colombia by Mr. Scruggs.

LEGATION OF THE UNITED STATES,
Bogotá, May 17, 1875.

SIR: The presidential contest between Messrs. Parra and Nuñez seems to have become purely sectional, the four coast States being united upon the latter, while those of the interior are equally unanimous in the support of the former candidate.

I have also information, which is deemed reliable, that, in anticipation of defeat in the five interior States, the partisans of Nuñez are secretly purchasing arms and preparing for revolution. Their plan is said to be to seize the ports and custom-houses, preliminary to forcing their recognition as a separate government.

Foreign powers, representing important interests in Colombian territory, or as creditors of that government, cannot be expected to view with indifference a movement so serious in its consequences.

You are therefore requested to have special care to keep the legation here and the Department at Washington accurately informed of all political and military movements in your section; and in case disintegration should be attempted, to carefully refrain from any and all acts or words that may be construed either as an encouragement to the movement or the official recognition of the insurgents.

I am, &c.,

WM. L. SCRUGGS.

No. 197.

Mr. Scruggs to Mr. Fish.

No. 105.] LEGATION OF THE UNITED STATES,
Bogotá, June 7, 1875. (Received July 12.)

SIR: Referring to my Nos. 86 and 101, respectively, of the 17th of February and May last, relative to apprehended movements of a revolutionary character in the coast States of Colombia, I regret to say that hostilities have already commenced, resulting, as we are informed here, in the overthrow of the state government of Magdalena and the seizure by the insurgents of the custom-house at Carthagena.

This demonstration is understood to be in concert with the plans of Generals Vila and Wilches, and as a prelude to a general revolt looking to a disruption of the Colombian Union, should the five interior States of the republic fail to respect the will of the four coast provinces in the choice of President.

By a decree of the 25th May last, the president increased the national guard from one to three thousand men. This was done for the purpose of restoring order in the disaffected section and deterring outbreaks here. But the state of public excitement is high, the President is the object of the most vulgar and violent abuse, the army cannot be trusted, and in the midst of such intense popular excitement an insurrection is liable to break out here at almost any moment.

Under these circumstances, without wishing to interfere with or influence the internal policy of the government, but in the hope of better securing American interests, especially on the coast, I deemed it my

duty to address the Colombian minister for foreign affairs the note of inquiry, a copy of which, together with a copy and translation of Señor Sánchez's reply, is herewith submitted. My colleague of the British legation addressed a similar representation to the government under the same date. Mr. Bunch's note, however, referred more particularly to the interests of the English bondholders, and to the Savanilla custom-house, the receipts of which are hypothecated for the payment of the annual interest on the bonds of the general government.

Since the date of these notes I have additional information from Panama, confirming the apprehensions of disorders there. General Carmago, who had been sent thither by the government here to take command of the national troops stationed on the Isthmus, has been arrested and placed in close confinement by order of the governor of Panama; and the report is that nearly all the troops have abandoned the service of the general government and become partisans of the revolutionists. Meantime, General Vila had returned, with additional troops and munitions, to Magdalena, thus remaining master of the situation on the coast. At present the general government seems powerless to assert its supremacy in that section.

Such being the condition of affairs, I think it advisable for the Department to order one or more war-vessels to within convenient distance of Panama. Their presence along the Colombian coasts, in the midst of so much disorder and demoralization, would have a salutary effect, and may, at any moment, become necessary to the protection of American interests in that locality.

I have, &c.,

WILLIAM L. SCRUGGS.

[Inclosure 1 in No. 105.]

Mr. Scruggs to Mr. Sanchez.

LEGATION OF THE UNITED STATES,
Bogotá, May 27, 1875.

The undersigned, minister resident of the United States of America, deplores the necessity of calling the attention of his excellency the honorable Señor Sanchez, secretary of the interior and foreign relations of the United States of Colombia, to the current reports of a revolutionary movement now in progress in the coast States of the republic.

Although the movements referred to are as yet confined to the provinces of Magdalena and Bolivar, they are very generally believed to be a prelude to more extensive insurrections.

The undersigned indulges the hope that these apprehensions, so generally entertained in this capital, may be the result of exaggerated reports from the remote scenes of strife; and, in any event, that the enlightened patriotism and statesmanship of Colombia may prevail for the conservation of that public order and tranquillity which has happily subsisted in the republic during the past decade, and which is so essential to the continued material prosperity and progress of the Colombian people and nation.

But as grave apprehensions exist that these disturbances on the coast will ultimately threaten the integrity of the union, his excellency Señor Sanchez is aware that friendly powers representing valuable interests within Colombian territory, or creditors of the republic, cannot be expected to view with indifference a movement fraught with consequences so serious.

The Government of the undersigned deems it important, in the interests of general commerce, and especially of the carrying-trade across the Isthmus of Panama, that all local insurrections should be guarded against in that section. By existing treaty stipulations with Colombia, the Government of the undersigned engages to guarantee the neutrality of that Isthmus; but this has never been acknowledged to embrace the duty of protecting the Panama-railway transit from the violence of local factions. Such protection is, however, regarded by the Government of the United States as the undoubted duty of the national government of Colombia.

With a view, therefore, to a mutual understanding on this point, and to the prevention of possible complications, arising from interruptions by armed forces of the Isthmian transit, the undersigned respectfully inquires whether the government of his excellency Señor Sanchez apprehends any attempted or incidental interruption of that route, growing out of the present revolutionary movement on the coast; and whether, in such case, his government is prepared to maintain its national sovereignty, and afford full protection and security to the Panama Railway Company, its officers and employés.

Improving this occasion to renew to his excellency the honorable Señor Sanchez his assurances of high and distinguished consideration, the undersigned has the honor to remain, &c.,

WILLIAM L. SCRUGGS.

His Excellency the Hon. J. SANCHEZ,
Secretary of the Interior and Foreign Relations
United States of Colombia,
&c., &c., &c.

[Inclosure 2 in No. 105.—Translation.]

Mr. Sanchez to Mr. Scruggs.

UNITED STATES OF COLOMBIA, OFFICE OF FOREIGN AFFAIRS,
Bogotá, May 29, 1875.

Mr. MINISTER: In relation to the note of the 27th instant, which the honorable Mr. Scruggs, minister resident of the United States of America, has been pleased to direct to this department, the citizen President of the union has instructed the undersigned to give his excellency the present answer:

There exist, in fact, reasons for apprehending an approaching disturbance of the public peace, since certain disorders, of which there is notice, may become more extensive, and since others may take place which have been announced.

As there are, however, no causes which can justify any revolution, much less one of a general character, the executive power confides in the rectitude and virtues of the government and citizens of the States to remain superior to the passions and difficulties of the hour, and that, by means of a general patriotic effort, the safety and integrity of the nationality of the Colombian States may be preserved.

Nevertheless, if, by some lamentable frenzy, a rebellion against the public order and constituted authorities should break out, the national government has sufficient means to suppress and punish the rebels, whomsoever they may be; and it moreover relies upon a uniform and all powerful public opinion, which now more than ever asserts itself in favor of the peace and order of the country.

In regard to the interoceanic road of Panama, whose neutrality is guaranteed by the United States of America, and whose freedom is of the first importance to general commerce, the Executive judges that it can provide, with the national resources at its command, not only for the preservation of Colombian sovereignty in that part of the nation, but likewise for the preservation of the transit through that section, and that no detriment will result to any person or to any interest which has been placed under the guarantee of the federal government by the constitution and public treaties.

The citizen President acknowledges and is grateful for the noble interest which the honorable Mr. Scruggs, minister resident of the United States of America, manifests for the good order and progress of Colombia; and the undersigned, whilst expressing these sentiments, has the honor to re-assure him of his respects and consideration.

J. SANCHEZ.

The Hon. WILLIAM L. SCRUGGS,
Minister Resident, &c.

No. 198.

Mr. Scruggs to Mr. Fish.

No. 106.] LEGATION OF THE UNITED STATES,
Bogotá, June 7, 1875. (Received July 12.)

SIR: It becomes my painful duty to record a terrible disaster to life and property on the northern frontiers of Colombia, resulting from an earthquake on the 18th ultimo, at the hour of 11¼ a. m.

The scene of disaster was the fertile and beautiful valley of Cúcuta, adjoining the Venezuelan boundary. Although more than three hundred and fifty miles from Bogotá, the shock was distinctly felt here, creating some alarm, but resulting in no immediate danger to the capital.

The thriving commercial city of San José de Cúcuta, numbering some twenty thousand inhabitants, among whom were many foreign residents and merchants, is said to have been totally destroyed. Probably more than three-fourths of the entire population perished. Whole families were crushed beneath the crumbling ruins of their own mansions, without a moment's warning, leaving none to tell the sad story of their fate. The time of the disaster being the usual breakfast hour, there were comparatively few persons in the streets; hence the almost unparalleled destruction of life.

The loss of property seems to have been even more general. Official dispatches from that neighborhood to the government here represent all the buildings, public and private, as being in complete ruins. The disaster was followed by a shameless demoralization, which doomed the ruined city, so suddenly and tragically converted into an immense cemetery, to the rapacity of plunderers who rushed thither in search of spoils.

This state of things continued, it seems, for some days, until a sufficient military force could be collected and sent from the interior for the restoration and maintenance of order.

Some eighteen or twenty other towns in the valley of Cúcuta, and many settlements and villages within the Venezuelan line, were likewise destroyed. But in these, owing to the fact that most of the houses were but one story high, or mere thatched huts, the loss of life was less considerable than in San José de Cúcuta.

The scene of this frightful disaster was the great coffee-growing region of Colombia; and, next to the valley of Bogotá, was in all probability the wealthiest section of the federal union.

Private subscriptions to the amount of nearly $10,000 have already been raised in this city for the relief of the survivors in the unfortunate section; and there is also a proposition before the national Congress, still in session here, looking to the same end.

After consultation with my colleagues of the other legations here, it was agreed that each should address a separate note of sympathy and condolence through the Colombian minister for foreign affairs. I submit herewith copy of my note on this occasion.

I have, &c.,

WILLIAM L. SCRUGGS.

[Inclosure 1 in No. 106.]

Mr. Scruggs to Mr. Sanchez.

LEGATION OF THE UNITED STATES,
Bogotá, May 31, 1875.

The undersigned, minister resident of the United States of America, receives with emotions of profound regret and commiseration the sad intelligence from the district of Cúcuta, confirming the first reports of the frightful disaster resulting from the earthquake of the 18th instant.

In communicating this painful intelligence to his Government, which he shall take the earliest opportunity of doing, as also in giving expression to his sympathies and condolence with the people of Cúcuta and vicenity, and with their relatives and friends throughout the republic, the undersigned becomes the interpreter and exponent of the feelings and sentiments of his countrymen sojourning in Colombia. He begs leave, furthermore, to assure his excellency the Hon. Señor Sanchez, secretary of the interior

and foreign relations of the United States of Colombia, that the sad disaster to life and property will be deplored by the people and the Government of the United States no less on account of the potential interest there felt for the people and institutions of Colombia, than in virtue of that common humanity and brotherhood which, on occasions like this, appeals to the generous sympathies of all civilized and Christian peoples.

Improving the present occasion for renewing to the Hon. Señor Sanchez his assurances of high esteem and distinguished consideration, the undersigned has the honor to remain his excellency's very obedient servant,

WILLIAM L. SCRUGGS.

His Excellency the Hon. J. SANCHEZ,
Secretary of the Interior and Foreign Relations of the United States of Colombia, &c., &c., &c.

[Inclosure 2 in No. 106.—Translation.]

Mr. Sanchez to Mr. Scruggs.

UNITED STATES OF COLOMBIA, OFFICE OF FOREIGN AFFAIRS,
Bogotá, June 2, 1875.

MR. MINISTER: In the presence of the national calamity, originating in the earthquake of the 18th of May last, which has destroyed one of the most flourishiug districts of Colombia, a true consolation is found in receiving demonstrations of so much good-will as that which the Hon. William L. Scruggs, minister resident of the United States of America, has been pleased to make to the undersigned in the note which he directed to him under date of the 31st ultimo.

The Hon. Mr. Scruggs assures us that the disaster which Colombia now suffers will be the object of sympathy on the part of the people and Government of North America, not only on account of the interest there felt for the people and institutions of Colombia, but likewise by reason of those sentiments of humanity and fraternity which should unite all civilized and Christian peoples.

The citizen President of the union, to whom the undersigned made known the contents of the note of your excellency, could not have desired a testimonial of greater sympathy on the part of the worthy representative of the Great Republic in this city; and he has specially charged the undersigned to make known to your excellency his acknowledgments, and those of the people of Colombia, for the distinguished proofs of interest and complacence which they have just received from the Hon. Mr. Scruggs.

The undersigned, while transmitting to your excellency these sentiments, has the honor to reiterate once more his respects and consideration.

J. SANCHEZ.

The Hon. WILLIAM L. SCRUGGS,
Minister Resident of the United States of America.
&c., &c., &c.

No. 199.

Mr. Scruggs to Mr. Fish.

No. 113.] LEGATION OF THE UNITED STATES,
Bogotá, July 17, 1875. (Received September 10.)

SIR: Since the date of my No. 105, of June 7th, the political situation in Colombia has undergone some changes for the better. A "peace commission" from the interior States, composed of the leading adherents of both candidates, and headed by General Salgar, governor of the State of Cundinamarca, left here for the coast some three weeks since. The commission is now in Panama; and although we are without definite information as to the result of their visit, hopes are entertained that possibly the worst has passed.

It is observed, also, that during the past few weeks there has been less bitterness and personality indulged in by the partisan press at the

capital. Whether this is because the vocabulary of incendiary language has been already exhausted, or whether the violent partisans are being held in check by their respective managers, in the hope of reaching a compromise, is a matter of conjecture. As there are really no issues involved in the presidential contest other than mere personal ambition, perhaps a compromise may yet be effected which will save the country from the calamities of civil commotion at a time when the government and people of Colombia can least afford such expensive pastimes.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 200.

Mr. Scruggs to Mr. Fish.

No. 116.] LEGATION OF THE UNITED STATES,
Bogotá, August 14, 1875. (Received September 10.)

SIR: Within the past few weeks the political situation here has assumed a more serious aspect. General Salgar, one of the "peace commissioners" to the coast States, returned several days since; and although he and his colleagues had concluded a convention with the authorities of Panamá and Bolivar, there were very general apprehensions that the troubles had not passed. During this suspense, the election in this State (Cundinamarca) for President and members of the federal Congress took place. This occurred on Sunday, the 1st instant, and passed off without any disturbance, save two or three petty riots, in which four or five persons were killed and as many seriously wounded. A few days later, intelligence reached here of the arrest and imprisonment in Baranquilla of Dr. Nicolas Esquerra by the State authorities of Bolivar. Dr. Esquerra, besides being one of the "peace commissioners," is a member of the federal cabinet; and at the time of his arrest was in the discharge of his official duties as minister of finance. This was followed by the seizure of such steamers in the Magdalena as were within reach of the insurgents, the blockade of the river itself, and the suspension of all intercourse between Baranquilla and Honda. We are thus deprived of all mail communication with the coast, and I am consequently under the necessity of transmitting this and accompanying dispatches by special courier. On the 7th instant, President Perez issued a proclamation announcing the facts above recited, declaring the country in a state of insurrection, placing this city under martial law, and ordering an increase of the national force to ten thousand men. Since then the recruiting officers have been active, both here and in Antioque; and a re-enforcement of twelve hundred men has already been dispatched to raise the river blockade. A great many arrests have already been made in Bogotá. Among the most prominent are those of José Maria Samper and Leon Ruiz. Samper was at one time secretary for foreign affairs under a former administration; Ruiz is a journalist, and also an official of the State government of Cundinamarca. These arrests were made late in the evening of the 9th instant, by order of the President. A few minutes thereafter, Governor Salgar, in great agitation and alarm, asked asylum in this legation from the violence of an apprehended mob. His life had been threatened by the populace, should he refuse to demand the immediate release of Ruiz. Being wholly unprepared, as he said, to enforce such a demand, he

was not disposed to make it. The situation will be better understood by the Department when it is remembered that there is no federal district in Colombia, Bogotá being the site alike of both State and national governments. Governor Salgar returned to his residence early next morning, and resumed his official duties wholly unmolested. Ruiz still remains a prisoner, of course. Only a few days previous to this occurrence, Dr. Nuñer, one of the presidential candidates, asked and obtained asylum in the French legation, in order to avoid, as he said, being assassinated. On the evening of the 10th, General Margues, the plenipotentiary from Venezuela, * * * * invited the English minister resident, the French chargé, and myself to meet a number of prominent adherents of both parties at his house. The object of this meeting, as he said, was the discussion of the political situation with a view to compromise and peace. This we courteously but firmly declined, of course. The meeting, however, as I afterward learned, took place, resulting only in the most violent and intemperate discussion. On the 10th instant I received from the Colombian foreign office the note of Señor Rueda, a copy and translation of which is inclosed. My colleagues of the British and French legations each received a similar note at the same time. On the morning of the 11th I sent in my reply, a copy of which is herewith submitted. My colleagues responded to their notes in more or less the same terms. As I am still without advices from the Department relative to the suggestions contained in my No. 105, of the 7th of June last, I do not know what naval vessels, if any, have been ordered to the Atlantic coast of Colombia. It is presumed, however, that both naval and consular officers in that locality are acting under instructions directly from the Department. But, apprehending that possibly my dispatch may have miscarried, I have by this courier instructed the United States consul at Savanilla corresponding to the terms of my note of the 11th instant, addressed to the Colombian government.

I have, &c.,

WILLIAM L. SCRUGGS.

[Inclosure 1 in No 116.—Translation.]

Mr. Rueda to Mr. Scruggs.

UNITED STATES OF COLOMBIA,
OFFICE OF HOME AND FOREIGN RELATIONS,
Bogotá, August 10, 1875.

The undersigned, secretary of the interior and foreign relations, has the honor to address the honorable minister resident of the United States of America, and to inclose herewith a copy of the Diario Official, No. 3519, in which will be found inserted the bulletin published the 7th instant, for the purpose of manifesting what follows:

Acknowledged as it has been that, by reason of the acts mentioned in the indorsed document, the federal order is found interrupted, the government of the union deems it a duty, besides procuring the most prompt possible re-establishment of the constitutional authority in all the territory of the republic, to employ every means within its reach to prevent abuses that may arise from a prolongation of the present unhappy state of affairs in the country, prejudicial to those rights and interests of foreigners which it is the duty of the nation to guarantee and protect.

Consequently, since it is probable that the authorities of the State of Bolivar, and possibly also those of one or more other Colombian States, may pretend to adopt measures prejudicial to the rights and interests of pacific strangers, the undersigned is instructed to declare to your excellency that the executive of the Union will consider illegal and null any blockade of the ports of the nation not decreed by his order or authority. He will likewise consider illegal and null any embargo of vessels anchored in the national ports, or of merchandise deposited or existing in those places. He therefore authorizes the non-recognition and the raising of any blockade declared by any au-

thority or pretended authority other than the national executive power. He likewise authorizes the disregard of any and all embargoes of the property of strangers that may be made by any authority or pretended authority other than the national. In like manner the undersigned is instructed to make known to your excellency that should any local functionaries in rebellion against the national government pretend to take possession of the custom-houses, collect fiscal duties, abstract or sell any foreign merchandise in the public offices and warehouses, the national government authorizes resistance to such unlawful acts, and will sanction any refusals to pay customs-duty to any agent or agents other than such as may be acting under its legitimate authority for this purpose. The undersigned improves this occasion to renew to the honorable William L. Scruggs the assurances of his most distinguished appreciation.

FRANCISCO DE P. RUEDA.

The Honorable WILLIAM L. SCRUGGS,
Minister Resident of the United States of America, &c.

[Inclosure 2 in No. 116.]

Mr. Scruggs to Mr. Rueda.

LEGATION OF THE UNITED STATES,
Bogotá, August 11, 1875.

The undersigned, minister resident of the United States, learns with deep concern from the note of the honorable secretary of the interior and foreign relations, dated yesterday, that the federal order in Colombia is seriously disturbed. He indulges the hope that this unhappy state of affairs may be of short duration, and that in the mean time there may arise no necessity for interference by friendly powers for the protection of the persons and property of their citizens sojourning or trading within the territory of Colombia. In concert, however, with his colleagues of the English and French legations in this capital, the undersigned accepts the timely and considerate suggestions of his excellency the President of the Union, as set forth in the honorable Señor Rueda's note of yesterday. He will therefore dispatch a special courier with instructions to the United States consuls and naval officers on or near the coast, to respect no blockade of Colombian ports by insurgent authorities of Bolivar or other states of the union; to recognize no embargo in the ports named by said insurgents; to resist the payment of customs-duties to any except to the authorized agents of the government; and to take prudent but effective means for the protection of the persons and property of American citizens in the localities named. The undersigned, while thanking his excellency the President of the republic for the solicitude manifested for the protection of American citizens and interests in Colombia, improves the occasion to renew to the honorable Francisco de P. Rueda his assurances of great appreciation and esteem.

WM. L. SCRUGGS.

The Honorable FRANCISCO DE P. RUEDA,
Secretary of the Interior and Foreign Relations of the United States of Colombia, &c.

No. 201.

Mr. Scruggs to Mr. Fish.

No. 118.] LEGATION OF THE UNITED STATES,
Bogotá, August 15, 1875. (Received September 10.)

SIR: Recurring to the subject of my dispatch of yesterday, No. 116, I may remark that the President, in conversation this morning, said his administration had fully decided to put down the rebellion on the coast by force of arms; that the general government was abundantly able to do this; and that, so far as he was concerned personally, he would resign his office and leave the country rather than enter into any compromise with the rebels.

In this determination the general government is said to be supported by the State authorities of Cauca, Antioque, Santander, Boyaca, and Tolima—five out of the nine. Cundinamarca, one of the most powerful

and wealthy States of the union, is doubtful. I think it probable, however, that Governor Salgar will finally declare himself in support of the national government. The other States are understood to be in open hostility to the national authorities.

It would be difficult to say just what all this trouble is about. In my former dispatches, I have mentioned that both the presidential candidates are members of the liberal party. The conservatives, being wholly without organization, have heretofore taken no part in the contest. But it is now very generally understood that they will support the government.

As between the two candidates, there is really no issue involved. It is a mere politicians' quarrel over the spoils of office.

I have, &c.,

WILLIAM L. SCRUGGS.

DENMARK.

No. 202.

Mr. Cramer to Mr. Fish.

No. 314.] LEGATION OF THE UNITED STATES,
Copenhagen, March 13, 1875. (Received March 29.)

SIR: The Danish Rigsdag has recently passed a law, which received the sanction of the King, in relation to *street-railroads*, of which the following is the substance:

This law authorizes the minister of the interior to grant to street-railroad companies the right of using locomotives on their tracks instead of horse-power. After having conferred with the respective city or local authorities, he may impose such conditions and prescribe such regulations in relation to the construction, use, &c., of such locomotives, as may be deemed necessary for the safety and security of general transit.

This law further authorizes the minister to grant to such companies the exclusive right to use the tracks laid for the purpose of running such locomotives and cars over them for a period of forty years. At the expiration of this period, the city or local authorities within whose territory such tracks have been laid have the right to demand, either that the rails be taken up and the streets, &c., be repaired at the expense of the company, or that the track, rolling-stock, appurtenances, &c., shall be turned over to them for a sum fixed by disinterested men appointed by a court. The minister may, however, at the recommendation of such city or local authorities, extend the period to such company or companies. Should a difference of opinion arise between the communities through whose territories the rail-track runs, as to the manner of settling the various questions that may present themselves at the expiration of the said period, the minister, after having consulted with the interested parties, shall definitely settle the matter, and his decision shall be final.

It may, perhaps, be proper to state that the law contemplates the construction of such locomotives as shall either emit no smoke at all, or consume the same in some manner.

I have, &c.,

M. J. CRAMER.

No. 203.

Mr. Cramer to Mr. Fish.

No. 318.] LEGATION OF THE UNITED STATES,
Copenhagen, April 2, 1875. (Received April 21.)

SIR: I have the honor to inform you that, in accordance with the coinage law of May 23, 1873, the Danish minister of finance has, by the direction of the King, issued an order, under date of March 24 last, by which the following-named silver, copper, and bronze coins, still in circulation, will, from and after November 1, 1875, be called in and cease to be lawful currency, as well between the state treasury and the public as between man and man, viz: $\frac{1}{3}$-rigsbankdaler, or 2-marks pieces; 1-mark, or 16-skillings pieces; 8-skillings pieces; 4-skillings pieces; and 3-skillings pieces, (all of silver;) 2-skillings pieces; 1-skilling pieces; $\frac{1}{2}$-skilling pieces, and $\frac{1}{5}$-skilling pieces, (all of copper;) 1-skilling pieces, and $\frac{1}{2}$-skilling pieces, (all of bronze.) For Iceland and the Faroe Islands, these coins shall continue to be lawful currency for the period of six months from the date this order shall have been officially published there.

I am, &c.,

M. J. CRAMER.

No. 204.

Mr. Cramer to Mr. Fish.

No. 334.] LEGATION OF THE UNITED STATES,
Copenhagen, June 14, 1875. (Received July 2.)

SIR: Referring to my No. 326, of the 21st ultimo, in which I informed you of the resignation of the Danish cabinet, I have now the honor to further inform you that the King not only accepted that resignation, but also appointed a new cabinet, in which Count Frederick George Julius Moltke-Bregentved is the minister for foreign affairs.

On the evening of the 12th instant I received a note, under the previous day's date, from the outgoing minister for foreign affairs, informing me of the acceptance by the King of his resignation, and of the appointment of a successor, and alluding in pleasant terms to the friendliness that had marked our official relations. A copy of this note is herewith inclosed, marked "A," together with a copy of my reply to the same, marked "C."

In the same envelope that contained the farewell note of the outgoing minister for foreign affairs was inclosed a note of the same date from the incoming minister for foreign affairs, informing me of the appointment of a new cabinet, in which he is charged with the *portefeuille* of foreign affairs, and expressing the hope that our official relations may strengthen the good understanding and advance the interests of our respective governments and countries. * * *

I have, &c.,

M. J. CRAMER.

ECUADOR.

No. 205.

Mr. Biddle to Mr. Fish.

No. 12.] LEGATION OF THE UNITED STATES IN ECUADOR,
Guayaquil, April 20, 1875. (Received May 13.)

SIR: I have the honor to inform you that yesterday President Garcia Morena arrived in this city.

He gave me a cordial personal welcome to Ecuador, and conversed fluently in both English and Spanish.

He said that really there was no foreign land which he loved so well as ours; that President Grant was his special admiration, and that he had passed some happy days in New York.

He alluded to the selection of several estimable gentlemen, citizens of the United States, as chief engineers on the public works, and complimented their efficiency and fidelity.

* * * * * * *

With relation to my official presentation, he thought best to postpone it until our arrival at Quito, as he was unattended by the minister of foreign relations.

He said that the roads to the capital were in a fearful condition, and that we must not think of travel earlier than June, when he should be glad to greet us.

He spoke also of the pestilential climate of Guayaquil at this season, and advised our moving to Pasorja, at the mouth of the Gulf of Guayas, and a six hours' sail from this city.

With kindest expressions of the anticipation of the most friendly public and private relations, which I fully reciprocated, the unofficial interview closed.

I have, &c.,

THOS. BIDDLE.

FRANCE.

No. 206.

Mr. Hoffman to Mr. Fish.

No. 1027.] LEGATION OF THE UNITED STATES,
Paris, August 31, 1874. (Received September 17.)

SIR: During his recent visit to Paris, on his way to Berlin, Mr. Davis exhibited to me the advanced sheets of the instructions you propose to issue to the diplomatic officers of the United States. Among them I observed one upon the subject of marriages celebrated at the legations of United States between Americans. During the seven years I have been secretary of this legation, one hundred and fifty marriages have been celebrated here, probably more than in all the other legations of

the United States in Europe during the same period. The importance of the subject, and my natural desire to protect my countrywomen from the sad consequences of an illegal marriage, have induced me to give to this subject exceptional attention. You will, therefore, excuse me if I venture to offer some observations upon the proposed instruction in this matter.

I may perhaps remark, in the first place, that the legality of these marriages has been the object of serious consideration by the able and conscientious men who have represented the United States in France. The volume of certificates which I have before me runs back to 1858. Mr. Mason, Mr. Faulkner, Mr. Dayton, Mr. Bigelow, Mr. Dix, and Mr. Washburne, after full examination of the subject, were of opinion that such marriages were perfectly legal, and acted accordingly. The subject seems naturally to divide itself into three points of view: the legality of these marriages under French law, under United States law, and under State law.

When I came here as secretary of legation with General Dix, 1866, being impressed with the importance of the subject, I applied, with his assent, to Mr. Moreau, the eminent counsel of the United States in the Armand suits, for his opinion upon the subject of the legality of such marriages under French law. His opinion lies before me. I translate a portion of it:

"The undersigned, counselor at law at the imperial court of Paris, having been consulted as to the validity of a marriage contracted between Americans before the minister of the United States, and at the hotel of the legation, is of opinion that such marriage is valid in the eyes of the French law."

Mr. Moreau then proceeds to give his reasons for this opinion.

Under this head I will add that, in two instances in which marriages between an American man and a French woman, and between an Englishman and a French woman, celebrated at their respective embassies, have been annulled by the French courts, it was upon the ground that the woman was French; and it was implied that had she been American or English, as the case might be, the marriage would have been held valid.

The second point of view of this subject is the legality of the marriage under United States law.

This is a point of which I must speak with diffidence. You are necessarily better informed upon this matter at the Department than I can be, and you always have the opportunity of procuring the opinion of the Attorney-General upon the question, if you think it worth while to do so. In the elaborate and learned opinion of Mr. Cushing, then Attorney-General, upon this subject, however, and which, if I am not mistaken, forms the base of its full discussion in the consular regulations of 1868, it is assumed that such a marriage, celebrated at a legation, is valid, and the weight of his argument is directed to show that if celebrated at a consulate it is not valid; and it was in consequence of this opinion that Congress framed the statute of June 22, 1860, (12 U. S. Stat., page 72,) making such marriages valid when celebrated at a consulate under certain prescribed conditions. Had Congress doubted the validity of such marriages at legations, it is scarcely to be supposed that it would not have conferred similar powers upon them. Will it be held irrelevant to suggest that Congress may perhaps have exceeded its powers in passing this law?

Upon the general principle that the powers which are not expressly confided to Congress are reserved to the States, it may be that should a

conflict hereafter arise between national and State law upon this subject, involving property, the Supreme Court of the United States would decide that the State law was supreme in matters of marriage.

But the third point is that to which I wish especially to call your attention, the validity of a marriage between Americans celebrated at a United States legation under the laws of these States.

Two residents of Massachusetts come to this legation desiring to be married. The minister quotes to them your instruction, and declines to permit the marriage except under the conditions therein prescribed. They reply that in this matter they have nothing to do with the United States law; that they are citizens of Massachusetts; that the statute of Massachusetts is supreme for them in this matter; that this statute prescribes that "marriages celebrated in a foreign country by a consul or diplomatic agent of the United States shall be valid in this State; and a copy of the record, or a certificate from such consul or agent, shall be presumptive evidence of such marriage." (Mass. Gen. Stats., ch. 106, § 23.) They ask to be married under this statute. Is the United States minister to refuse them the courtesy of the legation for this purpose? And, if so, could he not with equal propriety refuse to take their acknowledgment to a deed, under the power conferred upon him by the statute of Massachusetts and not by any United States statute?

There is only one other point to which I would call your attention—a minor one in my estimation and in yours, I am sure, but unhappily not such in the opinion of many married people—the question of divorce. If Americans in France are compelled to comply with the laws of France in reference to the formalities to be observed for a marriage, they will be married at the "*mairie*," where alone these formalities can be complied with. Should these Americans afterward be divorced by a competent tribunal in their own country—in Indiana, or elsewhere—the French courts will not respect such a decree. It would be otherwise were they married in the United States or at this legation. And thus the American citizen is deprived of his inalienable right of divorce.

The question of the disturbance and anxiety which will be thrown into many families by any doubt cast upon the validity of these marriages by so high an authority as your own has no doubt already received your attention.

I am, &c., WICKHAM HOFFMAN.

No. 207.

Mr. Fish to Mr. Washburne.

No. 652.] DEPARTMENT OF STATE,
Washington, October 23, 1874.

SIR: Referring to instruction No. 651, of the 21st instant, I have to inform you that the watch intended to be restored to the family of General Lafayette will be forwarded to you in a separate package by this mail; and you are requested to ascertain the eldest male representative of General Lafayette, and to restore the watch to him as the representative of the family, in accordance with the provisions of the act of Congress.

I am, &c.,

HAMILTON FISH.

No. 208.

Mr. Fish to Mr. Washburne.

No. 660.] DEPARTMENT OF STATE,
Washington, November 14, 1874.

SIR: Referring to Mr. Hoffman's dispatch of the 31st of August last, No. 1027, on the subject of marriages abroad between American citizens, I deem it proper to call your attention to the recent instructions of the Department on that subject, to which the observations of Mr. Hoffman, in the dispatch referred to, are directed.

The question, no less from the intrinsic importance which attaches to a contract of so serious a nature, than in view of the grave consequences which may result, not only to the parties themselves, but to their offspring, from a misapprehension of the law governing such contracts, has been one of no little solicitude to the Department. It may be stated as a general rule, subject to few and rarely-occurring exceptions, that a marriage, solemnized according to the laws of the country in which it is celebrated, will be recognized as valid and binding under the laws of all other civilized or Christian nations; hence, while it was deemed proper to gratify the natural wish of American citizens to have a contract of such interest to them solemnized under the flag of their own country, and that the hospitality of the legation should be extended to them for that purpose, the Department at the same time considered it only safe and prudent to advise them "that a ceremony of marriage performed within the precincts of a legation may nevertheless be deemed to be performed in the country within which the legation is situated, and therefore ought, in all respects, to comply with the requirements of the laws of that country, in order to insure its validity." The wisdom of this precautionary measure with regard to the marriage of American citizens at the United States legation in Paris is at once evident from the two cases which Mr. Hoffman instances, in which marriages, solemnized in each case at the respective embassy of one of the contracting parties, were both subsequently annulled by a French judicial tribunal. These two cases suggest a rather awkward commentary on the opinions of Mr. Moreau, adduced by Mr. Hoffman, in support of his own criticism of the views of the Department. Mr. Moreau's opinion is to the effect "that a marriage contracted between Americans before the minister of the United States, and at the hotel of the legation, is valid in the eyes of French law."

In both of the cases in which the marriages were held void by the French court the women were French, and it was upon this ground, as Mr. Hoffman states, that the contracts were held invalid, but the consequences were no less unfortunate on that account; rights of property acquired by the husbands or wives, either in consequence of or during coverture, were more or less affected by the decrees annulling the marriages. There may have been children of those marriages, and the consequences to them would be of a still more serious character. And if, in the case of a marriage solemnized at the legation between Americans, who might from any cause be incompetent to enter into such contract under the laws of France, its validity should be brought in question before a French tribunal, it is to be feared that even the opinion of the learned counsel in question would be found insufficient to secure the sanction of the court to its validity. It was in view of such considerations as these, and admonished by the frequent recurrence of questions growing out of the subject, that the Department deemed it

advisable to instruct the diplomatic representatives of the United States, when application might be made for the use of the legation for such a purpose, to satisfy themselves by inquiry whether the parties might lawfully marry according to the laws of the country in which the legation is situated, and in case they were found incompetent thus to marry, to inform them that the ceremony could not be permitted to be performed in the legation. There is, moreover, a manifest impropriety in thus using the privileges of the legation to give even an implied sanction to the completion of a contract which may be held by the tribunals of the country in which the legation is situated to be in contravention of the laws of that country.

It may also be supposed that these considerations were not overlooked by Congress in prescribing, as it did, by the thirty-first section of the act of the 22d of June, 1860, a general and uniform rule for the consular officers of the United States in relation to such marriages of American citizens in foreign countries. The Department finds itself unable to agree with Mr. Hoffman in his inference that Congress, in omitting to name the diplomatic officers, is to be taken as having assumed that a marriage solemnized in presence of the minister would be *per se* valid. It may with quite as much propriety be assumed that Congress looked upon the functions of the diplomatic representative as pertaining more to national affairs, and that, as there is a consul of the United States at every considerable port, while there is but one diplomatic representative, and he, at the capital of the country, the convenience of the parties to the marriage may also have had some weight in the legislative deliberation. With reference to the suggestion that Congress may have transcended its constitutional powers in the passage of the law referred to, it may be observed that, the power of determining that question being reserved to the judicial branch of the Government, it is no part of the duty of the executive branch, or its administrative officials, to question the constitutionality of an act of Congress that has become a law according to the prescribed constitutional forms. The law in question, moreover, was evidently intended for the better protection of the rights of American citizens abroad. It imparts the sanction of legal validity within the United States to a most solemn contract entered into by them in a foreign land during a temporary absence from their own country. It is difficult to perceive that Congress, in thus investing Federal officers with certain powers to be exercised beyond the territorial limits of the United States, and alike for the benefit of all citizens of the United States, can have transcended the just limits of their constitutional powers, or infringed upon any reserved sovereign rights of the States. Mr. Hoffman supposes a case of two citizens of Massachusetts presenting themselves at the legation for the purpose of having a marriage ceremony performed, and, upon their being informed of the minister's instructions from this Department, insisting that in that matter they have nothing to do with the United States law; that for them the statute of Massachusetts is supreme.

It is scarcely supposable that citizens of Massachusetts would, at any period in the history of this Government, have advanced that doctrine, and it is scarcely to be expected that so extreme a practical assertion of State sovereignty will henceforth be put forward from any section of the country. Nor is it probable, especially with reference to the marriage-contract, and the relations resulting therefrom, that any prudent persons would willingly put themselves in such an attitude with reference to a law of the United States; but, should such a case arise, it is only necessary to say that a Federal officer is not bound to execute a

State statute unless required so to do by act of Congress, and in the case supposed by Mr. Hoffman, it would be an answer to the imaginary citizens of Massachusetts, who might thus insist upon forcing themselves into the legation, to require from them the production of their right to the use of the legation for their private or family arrangements. The Department's instructions on this, as on other subjects, are intended as a guide for the diplomatic and consular officers of the United States, with the supervision of whose official duties it is charged; these instructions are promulgated from time to time with a view of enabling such officers the better to conform their action to the laws of the United States, these laws being the guide of official conduct for the Department and its officers, whether abroad or at home.

Marriages of American citizens abroad, celebrated according to the requirements of the act of Congress of the 22d of June, 1860, are recognized as valid by the Department. But while thus confining its own action within the prescribed limits of the statute, the Department carefully avoids the expression of an opinion in regard to the validity or non-validity of the marriage of citizens celebrated abroad in any other manner than in conformity with the statute requirements. The forms and modes which may attend the performance of that interesting ceremony, as well as the particular place in which it shall be celebrated, are properly left to the determination of the parties themselves; while the legal consequences of the adoption or omission of the observances prescribed by the act of Congress rest with the judicial tribunals of the country, whose exclusive province it is to decide upon such questions, when, in the course of legal proceedings, such decision may become necessary. The aim of the Department, in the instruction which it has issued, has been one of precaution and admonition, prescribing only what was clearly within the statutory enactments, cautioning against what is uncertain or doubtful, and withholding the use of the legation in cases where the possibilities of a decision adverse to the legality of a marriage celebrated within it seem to approach to a certainty, or, at least, are potential.

I am, &c.,

HAMILTON FISH.

No. 209.

Mr. Washburne to Mr. Fish.

No. 1068.] LEGATION OF THE UNITED STATES,
Paris, December 4, 1874. (Received December 18.)

SIR: The National Assembly reconvened on Monday last, the 30th ultimo, after a recess of several months. During that period, great quiet prevailed throughout the country. Though there is a deep-seated dissatisfaction with the existing state of things, yet such has been the prosperity of France during the past season that the people have been led into an apparent acquiescence in the situation for the time being. The crops have everywhere been exceptionally good. The production of wine has been something without a parallel. The exportations from France, of this year, will amount to a fabulous sum. Notwithstanding the enormous taxes, the financial condition of the country is a marvel to the nations. All the countries of Europe are complaining that France

is getting all the gold. The condition of the Bank of France excites the wonder and admiration of all financial men.

It is a long time since specie payments have been practically resumed. Five-franc bank-notes have gone out of circulation, and for months the bank has not paid out any twenty-franc notes. It will probably not be long before the whole circulation under fifty francs will be in gold and silver. All these results have been accomplished without talk, boasting, or parade. And what a humiliating contrast it is to us. Proclaiming ourselves constantly the "greatest, richest, freest, noblest" government on the face of the earth, our promises to pay are to-day at twelve per cent. discount. That is a reproach to us in the face of the world; and now the one thing needful above all others, looking to the genuine prosperity of the country, is the resumption of specie payment at the earliest possible period. I am therefore rejoiced to learn, as we do by a special dispatch to the London Times of day before yesterday, that the President, in his message at the opening of Congress next week, will take no step backward, but will stand by his veto message, and will recommend to Congress such action as will bring us back to a specie basis at a very early day.

The message of the President was read to the Assembly yesterday. I inclose a translation thereof.

* * * * * * *

I have, &c.,

E. B. WASHBURNE.

[Inclosure in No. 1068.]

Message of President Mac Mahon.

PARIS, *December* 4, 1874.

The National Assembly sat yesterday, M. Buffet in the chair.

In consequence of the meeting of the members in the bureaux, the proceedings commenced at a later hour than usual.

Immediately after the minutes of the previous sitting had been adopted, General De Cissey, vice-president of the council of state, ascended the tribune with a paper in his hand. Immediately the vacant seats were occupied, and as soon as silence had been obtained, proceeded to read the following—

Presidential message.

"GENTLEMEN: At the moment when you are about to resume your labors, the government has the duty of explaining to you the general situation of the country, and I owe to you also an honest declaration of my own sentiments.

"I have striven, during your absence, to fulfill scrupulously the twofold mission which was assigned to me, the consolidation of peace and the maintenance of order.

"No foreign complication comes at this moment to impede the work of reorganization to which we have devoted ourselves. My government has not neglected any opportunity for affirming, by words as well as by acts, its fixed resolution to keep all its engagements, and to rigorously respect all treaties.

"That policy which you have always approved of and in which we have persevered, has each day rendered our relations with foreign powers more confiding. Not one of them at present entertains the slightest doubt of our sincere desire to maintain pacific and amicable relations with all the cabinets.

"In the interior, the economic situation of the country has sensibly improved. The deficit of last year has been followed by an exceptionally abundant harvest; and thanks to the circumstances which have favored it, and also to the continued progress of farming, the agricultural produce has reached a figure which has never been attained before. This happy abundance, for which we return thanks to Providence, could not fail to have a favorable influence on the development of affairs and the general prosperity of the country.

"And accordingly the manufacturing activity which, during the first half-year, had undergone some relaxation in consequence of the insufficiency of the preceding harvest, has since recovered in a perceptible manner. Never has the movement of our

exports been so considerable as in the course of the four months just elapsed, and everything leads to a belief that in the point of view of exchanges, the results of 1873, the most satisfactory hitherto obtained, will be at least equaled.

"The impulse given to works of public utility will come powerfully in aid of that valiant effort of national labor; and we reckon on it to secure more abundantly the payment of the taxes.

"The government, in devoting itself with earnest solicitude to the public finances, and principally to the means of creating the necessary resources for balancing the receipts and expenditure in the budget of 1875, has realized your intentions and the desire of the country; and it has, above all, endeavored to make the existing taxes produce all they ought to yield.

"Measures destined to accomplish useful reforms in the administration of the finances, to complete our fiscal legislation, and to prevent, as far as possible, frauds of all kinds, will be shortly presented to the National Assembly for its approval.

"Our financial situation will besides be explained to you in a special report, and you will judge, with a full knowledge of the facts, whether the present means will suffice to make up the deficit which the financial law of the 5th August, 1874, allowed to subsist.

"In visiting some of our departments, I saw everywhere expressed, with love of order and the need of peace and security, the desire that an organization, admitted by you to be indispensable, should give to the power created by the law of the 20th November the strength which it requires to fulfill the mission you confided to it.

"Incessantly disturbed by the propagation of the most pernicious doctrines, the country asks you, in fact, to assure the free action of the government, and to insure, by measures of prudent foresight, during the period of stability which you have promised France, the regular working of the public powers.

"On those serious questions which you are shortly to take into consideration, an accord will, I hope, be established among you. I shall not shrink from my share of responsibility, and the intervention of my government will not be wanting.

"But I wish to tell you at once how I comprehend my duties toward the Assembly and the country.

"I have not accepted power to serve the aspirations of any party; I am engaged only in a work of social defense and national restoration.

"I invite to rally round me, to aid me in accomplishing it, all men of good intentions—all whose personal preferences bow to the necessities of the present time and to the sacred cause of the country. I desire ardently that the co-operation of all will be given me. I claim that support in the name of France, whose safety and greatness is my only object.

"But, in any case, nothing shall discourage me from the accomplishment of my task.

"On November 20, 1873, in the interest of peace, order, and public security, you confided to me, for seven years, the executive power. The same interest makes it my duty not to desert the post in which you placed me, but to occupy it until the last day with an immovable firmness and a scrupulous respect for the laws."

No. 210.

Mr. Washburne to Mr. Fish.

No. 1069.] LEGATION OF THE UNITED STATES,
Paris, December 10, 1874. (Received December 26.)

SIR: Referring to your two dispatches, Nos. 651 and 652, touching the matter of the restoration of the watch to the family of General Lafayette, I have the honor to state that on the reception of the first dispatch I addressed a communication to the Duke Decazes, as I have heretofore stated, in relation to the matter, and to ask him for a list of the heirs of the general. You will find herewith a copy of the Duke Decazes's answer, and of the list of the heirs as transmitted to me by him, and which gives interesting information. On the receipt of your No. 652, I immediately notified Mr. Oscar de Lafayette—who is the oldest male member of the family—that I had received the watch, and was prepared to present it to him at such time and place as should be agree-

able to him. In response to my letter, he called at my house on Sunday afternoon last, and after stating how profoundly he was touched by the action of the Government and Congress, he said it would be very agreeable to him to come to my house to receive the watch on the following Wednesday, at half-past ten in the morning. He said also that he would be glad to bring with him certain members of the Lafayette family, who would like to be present on the occasion. Accordingly, at that hour yesterday Mr. Oscar de Lafayette, accompanied by the Count de Rémusat, deputy, and late minister of foreign affairs; his son, Mr. Paul de Rémusat, deputy; Mr. de Lasteyrie, deputy, and his son; and Mr. de Beaumont, came to my house for the purpose of receiving the interesting souvenir. In their presence and in the presence of Mr. Hoffman, secretary of this legation, and of Mr. Henry Vignaud, I carried out your instructions, and presented to Mr. de Lafayette the watch in question, after having addressed him in French some words of explanation, a copy of which I inclose herewith. Mr. Oscar de Lafayette made a brief and touching response, which I also inclose.

The journals of Paris have all alluded to this incident, which has created the most favorable impression.

I have, &c.,

E. B. WASHBURNE.

[Inclosure 1 in No. 1069.—Translation.]

DUKE DECAZES TO MR. WASHBURNE.

VERSAILLES, *December*, 1874.

Mr. MINISTER: I have the honor herewith to send you, in compliance with the desire expessed by you, a statement of the names and addresses of the Lafayette family, together with their degrees of relationship to the general. I thought I could not do better, in order to obtain this information, than to address Mr. O. de Lafayette, a deputy in the National Assembly, and, in transmitting it to me, he has begged me to express the gratitude felt by the Lafayette family in consequence of the adoption of the resolution by the Congress of the United States which you were pleased to bring to my notice.

Accept the assurances, &c.

DECAZES.

Mr. WASHBURNE,
Minister of the United States.

[Inclosure in 1 in No. 1069.—Transiation.]

THE MEMBERS OF THE LAFAYETTE FAMILY.

General Lafayette left one son, George de Lafayette, and two daughters, Madame de Latour-Maubourg and Madame de Lasteyrie.

All of the above are now deceased.

Mr. George de Lafayette left five children, all of whom are now living, viz:

Mr. Oscar de Lafayette, No. 90 rue du Bac, Paris.

Mr. Edmond de Lafayette, No. 72 rue de Rome, Paris.

Madame Adolphe Périer, now a widow, No. 42 rue Barbet de Jouy, Paris.

Madame Buveaux de Pusy, (widow,) No. 42 rue Barbet de Jouy, Paris.

Madame Gustave de Beaumont, (widow,) rue Barbet de Jouy.

Madame de Latour-Maubourg left two daughters, viz:

The Baroness de Brigode, No. 42 rue de Grenelle Saint Germain.

The Baroness de Pennon, Maison Vernon, Turin, Italy.

Madame de Lasteyrie left four children, viz:

Mr. Jules de Lasteyrie, deputy, No. 1 rue Beaujou, Paris.

Madame de Rémusat, No. 24 avenue Gabrielle, Paris.

Madame de Corcelles, Colonna Palace, Rome.

Madame Charles d'Assailly, No. 12 rue Lascazes, Paris.

[Inclosure 2 in No. 1069.—Translation.]

MR. WASHBURNE'S REMARKS ON PRESENTATION OF LAFAYETTE'S WATCH.

Mr. OSCAR DE LAFAYETTE: You are perhaps aware that during the journey which General Lafayette, your illustrious grandfather, made in the United States in 1825, a watch was stolen from him which had been presented to him by General Washington.

All the efforts that were made at the time to recover the watch proved unavailing. By a remarkable accident, however, it fell into the hands of Mr. John R. Ward, of Austin, Texas. That gentleman, having seen it in a pawnbroker's shop in Louisville, Ky., purchased it on account of the inscription on the case, without having any idea of its historical value.

The Louisville Courier-Journal shortly afterward published a statement of the facts which were then known with regard to this watch. This statement having met the eye of General John B. Rodgers, of South Rock Island, Tennessee, that officer informed Mr. Ward that he had commanded the escort of honor assigned to General Lafayette on the occasion of his journey to Nashville in 1825, and that this watch, together with a saddle known as the "Martha Washington saddle," had been stolen at that time from General Lafayette. He added that it had been impossible to find any trace of the lost articles, although the governor of Tennessee had offered a reward to any one who should find them.

The existence of this curious and interesting souvenir having come to the knowledge of my Government, Congress, which had not forgotten that General de Lafayette had rendered such services to the sacred cause of national independence, that his memory would ever be cherished by the American people, passed a joint resolution, having the force of law, on the 22d of June, 1874, ordering the purchase of the watch and its restoration to the family of the Marquis de Lafayette.

In pursuance of this resolution of Congress, Mr. Hamilton Fish, the American Secretary of State, has sent this precious souvenir to me, instructing me to present it, in the name of the Government of the United States, to the eldest of General de Lafayette's male descendants, as the representative of the whole family.

It belongs to you, sir, as such, to receive this relic, and in placing it in your hands I perform a most pleasing duty.

The history of the watch is contained in the inscription, touching in its simplicity, which is engraved upon its case:

"G. Washington to Gilbert Mottier de Lafayette, Lord Cornwallis' Capitulation, Yorktown, Oct. 17th, 1781."

These few words call to mind that great event, which will never be effaced from the history of the United States, by which the revolutionary war was closed, and which secured to my country, together with its independence, the inestimable blessings of a free government and of constitutional liberty.

In performing the agreeable task which is to-day incumbent upon me, I am, sir, but the interpreter of the feelings of the Government and people of the United States toward yourself personally, and toward all the descendants of General Lafayette. We earnestly hope, sir, that happiness and prosperity may ever attend those who bear your honored name; and we entertain the same hope for France, who is the ally of the United States, who is their traditional friend, and whose glory is so dear to us.

[Inclosure 3 in No. 1069.—Translation.]

MR. OSCAR DE LAFAYETTE'S RESPONSE TO MR. WASHBURNE.

Mr. MINISTER: The descendants of General Lafayette gratefully receive the precious relic which you present to them in behalf of the United States. They are deeply touched by the unanimous vote of Congress, and by the care which must have been taken by the executive branch of your Government, in the first place, to discover, and afterward to transmit to them, the gift of Washington to their grandfather. They thank you personally for the kind words spoken by you on presenting this national gift. This watch (we know it now) bears its date sincere and certain, that of the surrender of Yorktown, which was postponed until the day after the victory. It was the gift of the General-in-Chief to his lieutenant, the legacy of the Father of his Country to his adopted son. You remind us that in that glorious military action (the last one of the great struggle for the independence of the United States) the French and American armies were united; they were both happy and proud to be commanded by Washington.

Mr. Minister, the people of the United States have, on numerous occasions, manifested their affection for him whose name we bear; but when, after the lapse of a century, in spite of time and events, we hear the same sentiments expressed, with the

same force and the same ardor, our hearts thrill with gratitude. Be pleased, Mr. Minister, to transmit the expression of this feeling to those whom you represent.

Be the interpreter of the Lafayette family to the American nation, to Congress, to the Government of the United States; and, since you express your best wishes for the happiness and prosperity of France, permit us to offer the expression of our admiration and love for the Republic of the United States, our second country.

No. 211.

Mr. Washburne to Mr. Fish.

No. 1072.] LEGATION OF THE UNITED STATES,
Paris, December 24, 1874. (Received Jan. 8, 1875.)

SIR: I beg leave to acknowledge the receipt of the President's message, which you have done me the honor to forward in pamphlet form through the dispatch-bag.

We had received, two days before, the full text of this document in the New York papers. The message has been remarkably well received in Paris. For myself, I am greatly pleased with the whole of it, but more particularly gratified with that portion of it which treats of the financial situation. That, indeed, has pleased the people of Europe more than anything else, as showing the firm resolution of the President to stand upon and defend sound financial principles, regardless of any clamor that may be raised on the subject.

As the true text of the message is read, the portion of it in regard to Cuba is highly commended as statesmanlike, moderate, and just. You will have heard before receiving this of the scandalous misrepresentation of this part of the message, which was telegraphed to Europe by Reuter's Telegram Company. That false version of the message created a bad impression here, and was a means of very materially depressing the bourse. It was not until the full text of the message was received here that the fraud was discovered. General Schenck has probably sent you the article in the London Times referring to it. I send herewith a slip which I cut from the Times, containing a communication from the secretary of the company on the subject, in which he endeavors to explain away the affair; but the Times, in three lines, completely destroys all that he has to say. I do not take any stock in the statement he gives of the alteration of the message at the last moment, or that the President had given out a telegraphic synopsis of the message before it was delivered and while it might still be subject to a change. Many people here think that the statement telegraphed in regard to Cuba was a stock-jobbing operation. It is certainly a thing very much to be regretted, and was calculated to do us much injury in Europe.

My own idea is that what was telegraphed over was the guess-work of a newspaper correspondent instead of any authorized views of the President.

* * * * * * *

I have, &c.,

E. B. WASHBURNE.

[Inclosure in No. 1072.]

[From the London Times.]

SPAIN AND CUBA.

To the Editor of the Times:

SIR: Having telegraphed to our New York correspondent concerning the discrepancy between his summary and the text of President Grant's message, he states in reply

that he received a synopsis of the document by telegraph from Washington on the evening previous to its presentation to Congress.

The paragraph relating to Cuba and Spain was, however, changed by the President at the last moment, and our correspondent immediately telegraphed the altered version.

Unfortunately, it only arrived after publication of the first message in the second morning editions of the London newspapers. In other respects our correspondent's summary appears to have been substantially correct; and while it is to be regretted that he did not clearly explain the discrepancy at the outset, it cannot be charged against him that he left the public under a wrong impression as to what the President had actually said.

You may rest assured that regard for our reputation and our responsibility toward the press and public will insure the immediate adoption of further precautions against the consequences which might result in the future from undue haste in telegraphing important documentary intelligence.

I am, sir, yours obediently,

FREDERICK J. GRIFFITHS,
Secretary.

Reuter's Telegram Company, (limited,)
Old Jewry, London, E. C., December 22.

Note by the Times.—Mr. Griffiths does not explain why the corrected version received, he informs us, by his company, was never communicated to us and our contemporaries.

No. 212.

Mr. Washburne to Mr. Fish.

No. 1074.] LEGATION OF THE UNITED STATES,
Paris, December 26, 1874. (Received Jan. 20, 1875.)

SIR: There is no probability that Congress will ever act on the question of permitting the acceptance of certain testimonials proposed by the German government in recognition of services rendered by our diplomatic and consular officers in France during the Franco-German war. I have, therefore, written to Prince Hohenlohe, the German ambassador at Paris, the letter on this subject, of which I have the honor to inclose you a copy herewith.

Had the proposed testimonial to me been in the form of a portrait of the Emperor, or a vase, as Mr. Bancroft had suggested, and if Congress had upon consideration of the subject given the permission, I would have regarded it as implying a direction that I should accept it. But I could never, under any circumstances, receive what might have been deemed a "decoration."

As Congress has not given any permission in this matter enabling me to receive a testimonial while in office, I should of course refuse to receive any such testimonial after I should go out of office.

I have, &c.,

E. B. WASHBURNE.

December 29, 1874.

P.S.—Since writing the above I have received from the Prince Hohenlohe a reply to my letter of the 26th instant, a copy of which I beg leave to inclose herewith.

E. B. W.

[Inclosure 1 in No. 1074.]

Mr. Washburne to Prince Hohenlohe.

LEGATION OF THE UNITED STATES,
Paris, December 26, 1874.

MY DEAR COLLEAGUE: As the Congress of the United States has not given permission to its diplomatic and consular officers in France to receive certain recognitions from the German government for services rendered by them during the late war between France and Germany, it is proper to say that it will not be possible for me at present, or any future time, to receive any testimonial which your gracious sovereign might desire to present to me. I could not possibly receive anything more precious to me than the appreciation of what I was enabled to do by the German government, and the thanks of the Emperor, conveyed to me in the most generous and graceful terms by the Prince de Bismarck, and which will ever be most gratefully cherished.

Believe me, &c.,

E. B. WASHBURNE.

S. A. M. LE PRINCE DE HOHENLOHE SCHILLINGSFÜRST,
German Ambassador, Paris.

[Inclosure 2 in No. 1074.]

Prince Hohenlohe to Mr. Washburne.

AMBASSADE IMPÉRIALE D'ALLEMAGNE EN FRANCE,
Paris, December 27, 1874.

MY DEAR COLLEAGUE: While I sincerely regret the information conveyed by your letter, I hasten to thank you for having so justly interpreted the grateful feelings of my sovereign. His Majesty would have wished that a visible sign of his gratitude might have recalled to the recollection of your descendants the services rendered by you to my countrymen in time of need.

Believe me, &c.,

HOHENLOHE.

No. 213.

Mr. Fish to Mr. Washburne.

No. 666.] DEPARTMENT OF STATE,
Washington, December 30, 1874.

SIR: Your No. 1069 of the 10th instant, inclosing a copy of correspondence relating to the restoration to the family of General Lafayette of the watch which accompanied my No. 652 of the 23d of October, has been received.

The manner in which you have executed the instructions of the Government, and the address with which you accompanied the restoration to his family of the watch, which had belonged to the early friend of this country, command the warm approval of the Department.

I am, &c.,

HAMILTON FISH.

No. 214.

Mr. Washburne to Mr. Fish.

No. 1079.] LEGATION OF THE UNITED STATES,
Paris, January 7, 1875. (Received January 23.)

SIR: "*Le ministére est renversé.*" The Assembly came together on Tuesday last after the holiday recess. By general understanding between all parties, nothing of a political nature had been acted upon before

the holiday adjournment. This was on the ground that the Assembly did not want to raise any excitement which might injure the holiday trade of Paris. It was well understood, however, that as soon as the Assembly should reconvene after New Year's day, it would have to face the political questions which have long been before it, but which have been passed over from time to time. From the general feeling in the Assembly, and from an uneasy sentiment throughout the country, it was evident to all intelligent observers of political events in France that there would have to be some important changes in the ministry. In fact, the weakness of the septennate, or, as we would call it, the administration, had become very apparent. Nothing of particular interest was accomplished on Tuesday, the day of the meeting of the Assembly; but among the first measures taken up yesterday was a bill in relation to legal proceedings in Algeria. This was adopted as a government measure, and supported by General Chabaud La Tour, the minister of the interior, and opposed by several of the opposition. When a vote came to be taken on the first article of the proposed law, the ministry was badly beaten. This was defeat number one.

After this was disposed of, Mr. Grivart, the minister of agriculture and commerce, read to the Assembly the message of the President of the republic, of which I inclose slips both of the original and of a translation cut from the Paris newspapers. When the reading was over, Mr. Batbie, as president of the commission on constitutional laws, moved that a day should be fixed for a discussion upon the laws of the organization of the public powers and the law upon the senate. He said that he was charged by the commission to demand priority for the law upon the senate, leaving to the second place the law upon the organization and transmission of powers. This proposition was immediately combated by Mr. De Kerdrel, a member of the right, by Mr. Laboulaye, of the left center, and the Marquis de Castellane, a straight-out legitimist. They insisted that the project for the constitutional laws was more important, and should be first discussed. General Chabaud La Tour, however, insisted upon the proposition of Mr. Batbie, thus making it, in point of fact, a ministerial question. After some further discussion, a vote was finally had by sitting and rising, (*par assis et levé,*) and the government was so overwhelmingly beaten that a "*scrutin de liste*" was not called for. It is said that only 250 voted for Batbie's proposition, while 430 voted against it. Those who voted against it were the republicans of all shades; members of the left center, members of the extreme right, and about half of the Bonapartists who were in the Assembly. All the particular friends of Mr. Thiers, such as Dufaure, Casimir Perier, and Leon Say, voted against it.

* * * * * * *

At nine o'clock in the evening the ministers, who had all come back to Paris, met at the Elyseé in a council, presided over by the President, and the result was that they all placed their resignations in his hands. Another meeting is to be held this afternoon at the Elyseé, for the purpose of taking measures to form a new ministry. We may know the result to-morrow; and, if so, I shall write you another dispatch on the subject.

It is thought that the Duc Decazes will retain his place in the new ministry; also Admiral de Montaignac as minister of marine, and General de Cissey as minister of war.

* * * * * * *

I have, &c.,

E. B. WASHBURNE.

[Inclosure in No. 1079.—Translation.]

[*From a Paris newspaper.*]

President MacMahon's message.

The National Assembly sat yesterday, M. Buffet in the chair:

The order of the day was the adjourned discussion on the third reading of the bill to maintain the state of siege in the commune of Algiers.

M. Warnier presented, as an amendment, a counter-project, declaring that a bill on the legal system of Algeria should be immediately presented by the minister of the interior.

General Baron de Chabaud-Latour (interior) had to declare that the government could not accept the motion thus made.

After some observations from M. Jules Favre and Count d'Harcourt, reporter, the amendment was put to the vote and rejected.

Some further discussion took place on the general tendency of the measure, M. Randot, General Billot, M. Clapier, and M. Ernest Picard being the speakers; after which Art. 1, being put to the vote, was rejected. (Agitation.)

M. Grivart, minister of agriculture and commerce, ascended the tribune and said:

Gentlemen, the President of the Republic has directed me to read to the National Assembly the following message from him to that body, (movement of attention:)

"VERSAILLES, *January* 6, 1875.

"GENTLEMEN: The hour has come for you to commence the grave discussion of the constitutional laws; the labors of your commission are complete, and public opinion would find unaccountable any further delay.

"Anxious now, as I have never for one moment ceased to be, to see this essential compliment given to the power which I exercise in virtue of the law of the 20th November, I charge my ministers with the duty of asking you, at an early sitting, to place the law for the establishment of a second chamber on the order of the day.

"That is, in fact, the institution which seems most imperatively demanded by those conservative interests which you have intrusted to me, and the defense of which I shall never desert.

"At present, the relations between the Assembly and the Executive, emanating therefrom, are easy; but it might perhaps become otherwise on the day when, having yourselves fixed the lapse of your authority, you would make place for a new Assembly.

"Discussions may then arise, and for their settlement the intervention of a second chamber, offering by its constitution solid guarantees, is indispensable. That necessity would not be diminished, even if, to terminate such conflicts, you should deem it expedient, as my government has requested, to arm the executive power with the right of appealing to the judgment of the nation by means of a dissolution.

"The exercise of that extreme power would be perilous, and I should hesitate myself to make use of it, unless, in circumstances so critical, the government felt itself supported by the concurrence of a mediatory Assembly.

"I have the satisfaction of believing that upon this point I am in accord with the majority of this Assembly. Should my ministry, in the course of the deliberations, present certain modifications, it will only be for the purpose of rendering the adoption of the measure more facile.

"Another moot-point requires a no less prompt decision; that, namely, which relates to the transmission of power when I shall have ceased to exercise it. Here my intervention must maintain a character of greater reserve, inasmuch as my personal responsibility must under no circumstances be involved therein.

"Nevertheless, I do not hesitate to say, that in my opinion that transmission, on the expiration of the 20th November, 1880, should be so regulated as to leave the Assemblies which will then be in existence fully and entirely free to determine the form of the government of France.

"It is on that condition that, during the intervening period, the concurrence of all the moderate parties may remain assured to that work of national reparation which I am charged to prosecute.

"I attach less importance (and I think the country is of my opinion) to the question of settling what course would have to be adopted in case, by a dispensation of Providence such as every man must look forward to, life were taken from me before the termination of my authority. National sovereignty is imperishable, and its representatives will always know how to give expression to its will.

"However, the desire has been enunciated that in such an event nothing should be changed in the present condition of affairs until 1880. It will be for you to judge whether it may not be well, by such an arrangement, to complete the guarantees of stability promised by the law of the 20th November.

"In any case, this is a subject to be debated and settled among you in a broad

spirit of conciliation; France, I feel assured, would scarcely understand that a difference, based upon hypothesis, should come to trouble the present and certain good that she awaits from your accord.

"Such are the views suggested to me by the study of the real necessities of the country, to which I have devoted myself during the past year. The conversations which I have been enabled to hold with a great many members of this Assembly, lead me to hope that a majority will be found to sanction them by their votes.

"This is my earnest desire, which, indeed, in the interests of the Assembly itself, I conjure you to realize. The anxieties of France, the perils which besiege it, indicate to you your duty.

"For my part, I believe I have thoroughly discharged my duty, and whatever may be the result of these debates, I count upon the justice of my country to appreciate my efforts.

"MARSHAL DE MACMAHON.
"Duke de Magenta."

No. 215.

Mr. Washburne to Mr. Fish.

No. 1088.] LEGATION OF THE UNITED STATES,
Paris, January 20, 1875. (Received February 6.)

SIR: There has been more difficulty in forming a new ministry than I had even anticipated. All the persons who were called upon by the President to construct a ministry declined undertaking the task, as they all believed that it would be impossible to obtain one which would have a majority in the Assembly. As the outgoing ministers had been requested to hold on to their places until a new ministry was formed, they are still in office; and it is now said that no change is contemplated until the constitutional laws shall have been discussed and voted upon. The discussion upon those laws will probably not commence before next week, and the opinion very generally prevails that they will all be rejected. It is very difficult to predict what will happen in that event. The situation becomes more and more embarrassing. A solution of the difficulty will probably be found, but what it will be no one can tell.

The result of the election which took place in the department of the Hautes Pyrénées, on Sunday last, for a member of the General Assembly to fill an existing vacancy, has attracted unusual attention in Paris, and, indeed, in France. It is a great and unexpected victory for the Bonapartists, and has created a panic among all other political parties. At the first election, which was on the 3d of January, there was no choice; the Bonapartist candidate receiving, in round numbers, 20,000 votes, the candidate of the septennate receiving 16,000 votes, and the republican candidate 13,000; while a legitimist candidate received some 2,000.

There being no choice, a second trial was had on Sunday last. The republican candidate withdrew, and recommended to the electors to vote for the septennate candidate. There was, therefore, a square contest between the Bonapartist and the combined opposition. The result is that the Bonapartist received 29,769 votes and the septennate list 23,115—the Bonapartist majority being 6,654. The Bonapartist gained more than 10,000 votes over the previous election.

All the Paris papers are seeking reasons for this most significant triumph of the imperialists. It is to my mind very evident that a great number of voters who had voted for the septennate candidate on the 3d

of January, voted against him and for the Bonapartist directly on the 17th when they saw the republicans supporting him. It is useless to seek for reasons after the election is over. The result is a Bonapartist triumph, and as such will have great effect on the political situation of the immediate future.

* * * * * * *

I have, &c.,

E. B. WASHBURNE.

No. 216.

Mr. Washburne to Mr. Fish.

No. 1097.] LEGATION OF THE UNITED STATES,
Paris, February 3, 1875. (Received February 19.)

SIR: You will comprehend from my political dispatches of last month, and from what you have seen in the newspapers, how interesting the political situation has been. The discussion on the constitutional laws came off sooner than I expected when I wrote you my dispatch No. 1088. The great uncertainty which existed as to what would be the action of the Assembly in regard to those laws, and the fact that the ministry was hanging by the gills, awaiting some definite action on the subject, have given a keen zest to political matters here for the past month.

The discussion on the proposition of the committee on constitutional laws proceeded without exciting any extraordinary interest until the 28th of January, when Mr. Laboulaye moved his amendment to what is called the Ventavon proposition, which had avoided the declaration that the republic was the definitive government of France. Mr. Laboulaye's amendment changed the whole face of the question, and declared that "the government of the republic should be composed of two chambers and a President." This was a full, clear, and complete recognition of a permanent republic, and was so accepted and regarded. Mr. Laboulaye supported his amendment in a speech of great moderation and good sense, remarkable alike for eloquence and logic. It had been previously agreed upon by all the factions of the left, with the exception of a few members of the extreme left, who had always taken the ground that the Assembly had no power to frame a constitution, and had often declared that they would never, under any circumstances, give a vote implying that it had. There were only three or four recalcitrants, however. With these exceptions it was a compact and well-organized force. Mr. Laboulaye's speech was very effective, and it is believed that, had a vote been taken when he concluded, his proposition would have prevailed. But Mr. Louis Blanc, who is one of those who have insisted that the Assembly had no constituent powers, got the floor and made a speech to the disgust of his friends and with the applause of all parties in the Assembly opposed to the republic. The consequence was that, after his speech, an adjournment was carried, thus giving to the opponents of the Laboulaye amendment time to caucus, organize, and arrange for its defeat.

The matter went over therefore to the next day, and it was supposed that the question was then to be finally settled whether a definitive republic should be declared, or the present indefinite state of things should still continue. Intense interest was felt in the vote which was

to come off. Every deputy was present whom it was possible to get there. Two men were carried to the palace who were too sick to enter the hall, and whose votes had to be deposited by the president of the Assembly. I went out early and got a good seat in the diplomatic tribune, which was much crowded. The vote was taken amid deep anxiety, and, as the contest was very close, it was taken by what they call "*le scrutin à la tribune*," where each member had to go to the tribune and give his bulletin to one of the secretaries, who deposited it in an urn.

After this long and tedious process, the vote was declared 336 ayes and 359 noes, being a majority of 23 against the Laboulaye proposition.

The result was a surprise and a disappointment to the friends of the measure, for they had hoped for a considerable accession of strength from the moderate members of the right center. This failing, the prospect was very discouraging.

The next day, however, Mr. Wallon, a deputy from the department of the North, who has never been particularly attached to any of the various divisions of the Assembly, offered an amendment, as follows:

"The President of the Republic is elected by a plurality of the votes of the Senate and the Chamber of Deputies, sitting in joint convention. He is elected for seven years. He is re-eligible."

This proposition was quite as full a recognition of the republic as the amendment of Mr. Laboulaye, besides that it fixed the term for which the President should hold office, and declared him re-eligible. With the same deputies present as on the day before, it was hardly to be expected that there would be any considerable change; but upon taking the vote it was found that the Wallon amendment had been adopted by *one* majority, and great was the surprise and consternation of those who had so recently felt assured of ultimate triumph. The votes were counted and re-counted, and "pointed," as they call it, but every time there came out the same *one* majority. There was no reconsideration, and no way to get out of it. There was general rejoicing in the ranks of all those who desired to see a definitive form of government established under the name of the republic.

This vote placed "the administration," as we may term it, which is made up of a portion of the center-right in the Assembly, in a position of the utmost embarrassment. It was evident that if the main propositions for organic laws, to which this was added as an amendment, were not adopted, everything would have to go to pieces; and hence, as a *dernier resort*, the amendment of Wallon was accepted. The whole matter was to have been tested yesterday, and there was a good deal of skirmishing, which brought out another test-vote on a question of precedence as between a proposition of Mr. Depeyre and that of Mr. Wallon. If the precedence of the proposition of Mr. Depeyre had been voted over that of Mr. Wallon, it would have practically nullified the Wallon amendment, and hence an immense effort was made to have such a motion adopted. It was defeated, however, by eight votes, which showed to the center-right that all was gone, and they could have no hope except by rallying to the Wallon proposition; and then was witnessed the extraordinary spectacle of more than half of the center-right, headed by the members of the ministry, and including the Duc de Broglie, going over in a body to all the fractions of the left, and adopting a proposition really accepting the republic.

This last vote took place on Tuesday, the 2d, and the Wallon amendment, which on the preceding Saturday had only prevailed by one vote, now obtained a majority of 182.

On Wednesday the Assembly proceeded to the discussion of the other

provisions as amended, and the whole passed to a third reading by 340 majority; but some material changes may still be made. One of the articles already adopted provides for a senate, which is to be constituted in accordance with a law hereafter to be enacted. There are great divisions of opinion in regard to the manner in which the senate shall be made up, and it will evidently be a very difficult matter for the Assembly to pass any law; but something will probably be reached, unless there be a complete change in the spirit which now seems to control a large majority of the Assembly. It is a majority made up of such discordant and warring elements, that it will be very difficult for it to hold together for any considerable time. I shall, however, watch the current of events, and keep you advised from time to time, though I am aware that, when my dispatches reach you so long after you have obtained results by telegraph, they can really be of little interest.

I have, &c.,

E. B. WASHBURNE.

No. 217.

Mr. Washburne to Mr. Fish.

No. 1101.] LEGATION OF THE UNITED STATES,
Paris, February 9, 1875. (Received February 27.)

SIR: Two more elections took place on Sunday last, to fill vacancies in the Assembly; one in the Seine-et-Oise (Versailles) and the other in the Côtes-du-Nord, (Brittany.) In the former department, Mr. Valentin, the republican, was elected by about fourteen thousand majority over the Duc de Padoue, the imperialist candidate. The Count de Kératy ran as a sort of wild candidate, and obtained four thousand votes. A great effort was made in this department by the Bonapartists to elect the Duc de Padoue, who is a very rich man, and also had great influence there, and it was believed by many would succeed. In the Côtes-du-Nord there is no choice. Admiral Kerjégu, the legitimist, who heads the poll, has forty-two thousand, while Mr. Foucher de Careil, the republican, has thirty-seven thousand five hundred, and de Goyon, the Bonapartist, has thirty-four thousand votes. These results are on the whole very satisfactory to the republicans.

The probability is that at the next election, which takes place on Sunday, the 21st instant, in the Côtes-du-Nord, a coalition will be formed between the Bonapartists and the legitimists, in order to beat the "radical." That can only be done, however, by the Bonapartists going over to the legitimists, which will be a very bitter pill.

I have, &c.,

E. B. WASHBURNE.

No. 218.

Mr. Washburne to Mr. Fish.

No. 1108.] LEGATION OF THE UNITED STATES,
Paris, February 26, 1875. (Received March 11.)

SIR: There have been so many complications and so much uncertainty as to the result of the grave questions which have been before

the National Assembly for several weeks past, that I have not addressed you a political dispatch since the 3d instant.

In my No. 1097,* I explained to you quite fully the proceedings which had been had, and the status which then existed in regard to the constitutional laws in the National Assembly. In that dispatch I laid particular stress upon the question of the organization of the senate, and stated the evident difficulties which would arise in the Assembly when the law providing for it should come to be discussed. I then said that I thought some solution would be reached, unless a complete change should take place in the spirit which then seemed to control a large majority of the Assembly.

I then further expressed the opinion, that, as the majority was made up of such discordant and warring elements, it would be difficult to hold it together for any considerable time. That predication was verified soon after in the discussion and action upon an amendment to the senate law which was proposed by M. Pascal Duprat, a deputy of the left, from the department of the Landes. His amendment was to the effect that the senators should be elected by universal suffrage, in the same manner as the members of the National Assembly. A vote was taken on this amendment without discussion, and the bulletins of the members were in the urn before the full bearing of the question was appreciated. And here was exhibited a piece of parliamentary strategy, on the part of those opposed to the constitutional laws and the senate, which could but excite the admiration of any old member of our House of Representatives. The Bonapartists, always claiming to be the champions of universal suffrage, eagerly voted for the proposition, knowing full well that, if the amendment was carried, the law as a whole would be voted down. A large number of the members of the extreme right, who were opposed to universal suffrage, and yet were desirous of seeing this amendment adopted, abstained from voting. The result was that the amendment was carried by the votes of all the groups of the left and the votes of the Bonapartists; the center-right, which had voted for the other articles in the senate law, as well as for the article in the constitutional laws declaring the republic, voting against it. When, therefore, the vote came to be taken on the proposition as amended by Pascal Duprat, the whole project was voted down by twenty-three majority, showing a complete break in the majority which had voted the Wallon amendment. That action left matters in the utmost uncertainty, and great was the joy of the legitimates and the Bonapartists, and those members of the right who had not voted the Wallon amendment, when they saw from this, that all the efforts to pass constitutional laws were likely to prove abortive. Things were, therefore, left in a very critical and dangerous position so far as the McMahon government was concerned. If the constitutional laws could not be adopted, and a senate constituted, it was evident that the Assembly would have to dissolve at no distant period, and the result of such a dissolution could easily be foreseen. The country would at once have been launched into a stupendous contest, practically between the republicans and the imperialists, and legitimists not having much strength, and the septenualists, *per se*, still less. Under such circumstances, most people saw imminent danger that the Bonapartists would carry the Assembly and the country. The government had, evidently, the liveliest apprehensions of the Bonapartists' success; and hence it became a necessity for them to make a new attempt to obtain the constitutional laws and the law for the senate.

*Ante.

The first thing was to try again for a law providing for the establishment of a senate. It was a matter of extreme difficulty to reconcile the conflicting views in regard to its organization. Up to this time nearly all parties, except the left, had insisted that the President should have the appointment of a certain number of life-members. This was a proposition to which the left—such an important factor in all this matter—was unwilling to accede, and it seemed likely to be the rock upon which everything would split. When the matter was under consideration before the commission of thirty, to the surprise of everybody, and to the great indignation of the Bonapartists, the legitimists, and a certain portion of the right, the President sent a communication to the commission, by the minister of the interior, stating that he would renounce all claim to the appointment of any senators. This generous and patriotic action of the President served to smooth the way to all those who were sincerely friendly to the establishment of a permanent government, and a project for a senate was drawn up, which was adopted with entire unanimity by the left center, and almost unanimously by the left, and a sufficient number of the center-right to make its passage an absolute certainty.

This having been accomplished, the consideration of the senate law came up for consideration on Monday last in the Assembly, and this has been the great and only question before that body since that time. All Paris and France have been intensely excited on the question, and there has been scarcely any other topic of conversation in all circles, or any other subject of discussion in the newspapers. Every member of the Assembly who could possibly be in his place has been in attendance at the sessions, and there has not been in all these days a single vacant place in the tribunes. And all this is not surprising; for everything that is transpiring is not only to have a tremendous influence on the parties in France, but on the country. If a form of government shall be established, republican in spirit as well as in name, and firmly upheld by wise and patriotic men, neither the Bonapartists nor legitimists will stand any chance of coming into power. The spirit displayed in the Assembly this week by all parties desiring a permanent and fixed government must give new hope to all the well-wishers of France; for there has been shown a degree of union, discipline, and political sagacity which does them infinite credit. Some eight or ten members of the extreme left had, for special reasons, declined to support the senate project, but at the same time did not offer any opposition. All the others gave it their hearty and unqualified support; and never have I, in my experience in the House of Representatives in times of the highest political excitement, seen a party better drilled than were the friends of these measures in the Assembly. Entrapped once by having a hostile amendment adopted by the votes of the opposition, they were determined that no change should be made in the senate bill which had been agreed upon. As I listened to the debate on Tuesday, and saw the compact, steady voting, I could but admire the discipline which had been improvised for the occasion.

After a struggle of three days, in which the Bonapartists and legitimists resorted to every method to break the solid ranks of their opponents, after innumerable amendments had been voted down, the whole law was adopted by a vote of 448 against 241, being a majority of 207 votes.

When this immense step had been accomplished, the Assembly proceeded to the third reading of the law relating to the organization of the public powers. The first article, which provided that the legislative

power should be exercised by two assemblies, a chamber of deputies and a senate, the deputies to be chosen by universal suffrage in a manner to be determined, the nomination and attributes of the senators to be the subject of a special law, was adopted without opposition.

The second article, which provides that the President of the Republic shall be elected by a majority of all the votes of the senate and chamber of deputies, sitting in joint convention, that his term of office shall be seven years, and that he shall be re-eligible, was adopted by a vote of 413 against 248, a majority of 165. On yesterday, all amendments having been defeated, the whole proposition was adopted by a vote of 436 against 262.

The majority of one voice on the Wallon amendment, which fixed the status of the republic, has thus been confirmed by a majority of 174 votes. And this result is had upon full discussion and deliberation by the representatives of the people, and must be accepted as a free and well-considered expression of the national will. From the date of February 25, 1875, therefore, the republic becomes, in law and fact, the government of France, and I am sure the ardent wishes of our Government and people will go out for its perpetuity, and for the happiness, prosperity, and glory of the French nation.

I shall send you very soon the full text of the constitutional laws and the law of the senate.

I have, &c.,

E. B. WASHBURNE.

No. 219.

Mr. Washburne to Mr. Fish.

No. 1109.] LEGATION OF THE UNITED STATES,
Paris, March 1, 1875. (Received March 25.)

SIR: I have the honor to inclose you herewith the full text of the constitutional laws and the law of the senate recently enacted by the National Assembly.

I have, &c.,

E. B. WASHBURNE.

[Inclosure in No. 1109.—Translation.]

Text of the constitutional laws and law of the senate enacted by the French National Assembly February 25, 1875.

PARIS, *Friday, February* 26, 1875—9.30 p. m.

The following is the text of the law on the organization of powers passed yesterday:

"CLAUSE 1. The legislative power is exercised by two assemblies, the chamber of deputies and the senate. The chamber of deputies is elected by universal suffrage, under the conditions determined by the electoral law. The composition, mode of nomination, and functions of the senate will be regulated by a special law.

"CLAUSE 2. The President of the Republic is elected by a majority of votes by the senate and chamber of deputies united in National Assembly. He is nominated for seven years, and is eligible for re-election.

"CLAUSE 3. The President of the Republic has the initiative of legislation concurrently with the two chambers. He promulgates the laws when they have been voted by the two chambers. He watches over and insures the execution of them. He has the right of pardon; amnesties can only be accorded by law. He disposes of the armed force. He appoints to all civil and military posts. Every act of the President of the Republic must be countersigned by a minister. He presides at national ceremonies. The envoys and ambassadors of foreign powers are accredited to him.

"CLAUSE 4. According as vacancies may arise after the promulgation of the present

law, the President of the Republic, in cabinet council, nominates the councilors of state. Those so nominated can only be superseded by a decree adopted in cabinet council. The councilors of state nominated by virtue of the law of 24th of May, 1872, can only, until the expiration of their powers, be superseded in a manner prescribed by that law. After the separation of the National Assembly, the supersession can be pronounced only by a resolution of the senate.

"CLAUSE 5. He may, with the assent of the senate, dissolve the chamber of deputies before the legal expiration of its term. In such event, the electoral colleges are to be summoned for new elections within three months.

"CLAUSE 6. The ministers, as a body, to be responsible to the chambers for the general policy of the government, and individually for their personal acts. The President of the Republic to be responsible only in case of high treason.

"CLAUSE 7. In the event of vacancy by death or any other cause, the two united chambers to proceed immediately to the election of a new President. In the meantime, the council of ministers to be invested with the executive power.

"CLAUSE 8. The chambers to have the right, by separate deliberations, carried on in each of them, by an absolute majority of votes, to declare either spontaneously or at the instance of the President of the Republic, that the constitutional laws should be revised. After each of the two chambers shall have taken this resolution, the two unite into a National Assembly for such revision. Any deliberation revising the constitutional laws, either in whole or in part, to be carried by an absolute majority of members forming the National Assembly. Nevertheless, during the term of power granted by the law of November 20, 1873, to Marshal McMahon, such revision cannot be made save on the proposition of the President of the Republic.

"CLAUSE 9. The seat of the executive power of the two chambers to be at Versailles.

The senate law is as follows:

"CLAUSE 1. The senate is composed of 300 members, 225 elected by the departments and the colonies and 75 by the National Assembly.

"CLAUSE 2. The departments of the Seine and the Nord to elect, each, five senators; Seine-Inférieure, Pas-de-Calais, Gironde, Rhone, Finistere, and Côtes-du-Nord, each, four senators; Loire-Inférieure, Saône-et-Loire, Ille-et-Vilaine, Seine-et-Oise, Isère, Puy-de-Dôme, Somme, Bouches-du-Rhone, Aisne, Loire, Manche, Maine-et-Loire, Morbihan, Dordogne, Haute-Garrone, Charente-Inférieure, Calvados, Sarthe, Herault, Bases Pyrénées, Gard, Aveyron, Vendée, Orne, Oise, Vosges, and Allier, each, three senators. All the other departments to elect two senators. The district of Belfort, the three departments of Algeria, the four colonies of Martinque, Guadeloupe, Reunion, and the French Indies to elect, each, one senator.

"CLAUSE 3. No one to be elected senator unless he be a Frenchman of at least 40 years of age, and in full enjoyment of his civil and political rights.

"CLAUSE 4. The senators of the departments and the colonies to be elected by an absolute majority, and conjointly, where there is more than one, by an electoral college, consisting of deputies, general councils, councils of districts, delegates elected by each municipal council among the electors of the commune.

"CLAUSE 5. The senators nominated by the Assembly to be elected by an absolute majority of votes by *scrutin de liste*.

"CLAUSE 6. At the beginning of the first session the department will be divided into three classes, each containing an equal number of senators. It will be decided by lot which class is to retire on the expiration of the first triennial period, and which on the expiration of the second triennal period.

"CLAUSE 7. The senate to have, conjointly with the chamber of deputies, the right of initiating and framing laws. Nevertheless, financial laws must be first presented to and voted by the chamber of deputies.

"CLAUSE 8. The senate may be constituted a judicial court to try either the President of the Republic or the ministers, and to take cognizance of plots against the safety of the state.

"CLAUSE 9. The senate will be elected one month previous to the day fixed by the National Assembly for its dissolution. The senate will enter on its duties, and will constitute itself on the day that the National Assembly is dissolved."

No. 220.

Mr. Washburne to Mr. Fish.

No. 1115.] LEGATION OF THE UNITED STATES,
Paris, March 12, 1875. (Received March 25.)

SIR: The new ministry was announced in the official journal yesterday morning, and I send you herewith a list of the members. Although the

constitutional laws were passed on the 25th February, you will see that it was not until the 11th of this month that this ministry was formed. The delay arose from the great difficulties in the way of constituting it in a manner acceptable to the majority of the 25th of February. Mr. Leon Say, the minister of finance, and Mr. Dufaure, the minister of justice, were in the cabinet of Mr. Thiers, and both are able men, who command the confidence of the country. Mr. Wallon, the minister of public instruction, is the author of the amendment which was adopted by one majority, making the republic the definitive government of the country. The Duke Decazes retains his portfolio as minister of foreign affairs, much to the gratification of the diplomatic corps. General Cissey continues to be minister of war, the Marquis de Montaignac minister of marine, and Mr. Caillaux minister of public works. Mr. Buffet, the president of the Assembly, takes what must always be deemed the most important ministry, that of the interior, which is charged with all political matters. The Viscount de Meaux, who is the new minister of agriculture and commerce, belongs to the minority in the vote of the 25th of February, his appointment being the result of a concession to the moderate right, said to have been asked by the President. On the whole, I think the ministry has been well received, but it is necessary to wait and see what programme it will adopt.

I have, &c.,

E. B. WASHBURNE.

[Inclosure in No. 1115.]

List of members of the new French ministry.

Interior, and vice-presidency, M. Buffet.
Foreign affairs, Duc Decazes.
War, General de Cissey.
Marine, Admiral de Montaignac.
Justice, M. Dufaure.
Finance, M. Leon Say.
Public works, M. Caillaux.
Public instruction, M. Wallon.
Agriculture and commerce, Viscount de Meaux.

No. 221.

Mr. Washburne to Mr. Fish.

No. 1123.] LEGATION OF THE UNITED STATES,
Paris, March 26, 1875. (Received April 7.)

SIR: The first ministry named after the passage of the organic laws having been finally constituted, the National Assembly took a recess on Saturday last until the 11th of May. Mr. Buffet, the former president of the Assembly, having been made minister of the interior, he was replaced as president by the Duke d'Audiffiet Pasquier. Mr. Pasquier was the nominee of the majority of the 25th of February which made the constitutional laws. His political position has been that of an Orleanist, being a prominent member of the center-right, and at one time, I believe, the president of that group. He is a man of ability and liberal opinions. Perhaps he has been more distinguished than any other man in the As-

sembly for his dislike to Bonapartism, and he is very obnoxious to that party. His relations with the center-left have always been cordial, his brother-in-law, Casimir Perier, being one of the most prominent members of that group. He never has rendered himself obnoxious to the moderate and extreme left, who rallied almost unanimously in supporting him for the presidency. He had presided over the Assembly for about a week before the recess, and showed that he was possessed of those qualities so important to an officer presiding over such a body as the National Assembly of France—decision, courage, and impartiality.

I have, &c.,

E. B. WASHBURNE.

No. 222.

Mr. Washburne to Mr. Fish.

No. 1136.] LEGATION OF THE UNITED STATES,
Paris, April 23, 1875. (Received May 7.)

SIR: On the 16th instant I received a note from Vice-Admiral Baron de la Ronciere le Noury, president of the geographical society, inviting me to be present at a meeting on the evening of the 21st instant, for the purpose of receiving a gold medal, (Prix a de la Roquette,) which had been granted by the society to Captain Francis Hall for the exploration in the Polaris to the north of Smith's Sound in 1871–1873.

It afforded me pleasure to comply with the invitation, and at the time appointed I proceeded to the hall of the society, accompanied by the secretaries of the legation. It was densely crowded, including many persons celebrated for their writings and their achievements, as this was the annual meeting to hear reports, present medals, and elect officers.

After the presentation of a gold medal to Abbé Armand David for his travels in China and Mongolia, and another to Dr. George Schweinfurth for his explorations in the country of the Nyams-Nyams and Minbouttons, the president presented to me the medal decreed by the society for Captain Hall. He accompanied the presentation with a few remarks appreciative of the heroism and enterprise of Captain Hall, saying that as he had perished in his work, and was now in his coffin, this society could only lay upon that coffin this medal decreed in his honor, which he asked me to place in the possession of his family.

It now remains for me to send you herewith the said medal, to be by you transmitted to the family of Captain Hall.

I have, &c.,

E. B. WASHBURNE.

No. 223.

Mr. Washburne to Mr. Fish.

No. 1165.] LEGATION OF THE UNITED STATES,
Paris, May 21, 1875. (Received June 2.)

SIR: I have the honor to send you herewith a newspaper slip containing the two constitutional bills which were introduced into the Assem-

bly on the 17th instant by Mr. Dufaure, minister of justice. The first of these bills has relation to the public powers, and deals with the attributes of the President, the senate, and the chamber of deputies. The second provides all the necessary machinery, which is somewhat complicated, for the election of the senate. These proposed constitutional laws will commend themselves to the examination of all persons who interest themselves in the present situation of France, and particularly those who desire the success of the present form of government. The most important provisions of the bill on the public powers are analogous to cognate provisions in the Constitution of the United States. I doubt, however, the wisdom of providing by organic law that the chambers shall remain in session at least five months in every year. Still, as it may be said, the powers of these bodies are so extensive that a large amount of legislation is always necessary to be had, and outside of political legislation, French legislative bodies act only upon the fullest consideration of every question, and generally with great caution and wisdom. The idea of voting away, under the previous question, without even a report of a committee, and without discussion, millions of acres of public lands to railroad land-grabbers, and tens of millions of dollars of subsidies to railroad monopolists, would startle a French deputy from his propriety.

* * * * * * *

I have, &c.,

E. B. WASHBURNE.

[Inclosure in No. 1165.]

Constitutional bills introduced into the Assembly by Mr. Dufaure.

Subjoined is the text of the bills presented by Mr. Dufaure, minister of justice, on Tuesday, in the National Assembly. That on the senate is thus worded:

"ARTICLE 1. A decree by the President of the Republic, issued at least six weeks beforehand, fixes the day on which are to place the elections for the senate, and at the same time that for choosing the delegates of the municipal councils. There must be an interval of at least a month between the appointment of these latter and the nomination of the senators.

"ART. 2. Each municipal council elects a delegate. The choice is made, without discussion, by ballot, and by an absolute majority of votes. After two trials, a relative majority is sufficient; and in case of an equality of votes, the eldest candidate is chosen. If the mayor does not form part of the municipal council, he will preside, but cannot take part in the vote. On the same day, and in the same form, shall be chosen a substitute to replace the delegate, in case of his refusal to act, or of any other hinderance.

"ART. 3. In the communes where there is a municipal commission, the citizens will be called on to elect a new council, which shall proceed, as stated in article 2, to the choice of a delegate and a substitute.

"ART. 4. If the delegate has not been present at the election, a notification shall be made to him by the mayor within twenty-four hours. He must send, within five days, notice of his acceptance. In case of refusal or silence, he is replaced by the substitute, who is then entered on the list as delegate of the commune.

"ART. 5. The minutes of the election of the delegate and the substitute are forwarded immediately to the prefect. They mention the protests against the regularity of the election by one or more members of the municipal council. A copy must be posted at the door of the *mairie*. Any elector of the commune may, within three days, address, direct to the prefect, objections against the regularity of the election.

"ART. 6. The protests relative to the election of the delegate or substitute are judged by the council of prefecture. The delegate whose election is canceled because he does not fulfill some one of the conditions required by the law, or for vice of form, is replaced by the substitute. In case of an annulment of the election of the delegate and substitute, a fresh choice shall be proceeded with by the municipal council, on a day fixed by an ordinance of the prefect.

"ART. 7. A week, at least, before the election of the senators, the prefect draws up

the lists of the electors in the department by alphabetical order. No elector can have more than one vote. The list is communicated to any one who may apply for it, and may be copied and published.

"ART. 8. The deputies and members of the council-general or of arrondissement who may have been proclaimed by the revising committees, but whose powers have not been verified, are inscribed on the list of electors, and may take part in the vote.

"ART. 9. In each of the three departments of Algeria, the electoral college consists (1) of the deputies; (2) of the French citizen members of the council-general; (3) of the delegates chosen by the French citizen members of each municipal council from among the French citizen electors of the commune.

"ART. 10. The electoral college is presided over by the president of the civil tribunal of the chief town of the department. He is assisted by the two oldest and the two youngest of the electors present at the opening of the sitting. The bureau, thus composed, chooses a secretary from among the electors.

"ART. 11. The bureau divides the electors, by alphabetical order, into voting-sections, comprising at least 100 each. It nominates the presidents and secretaries of each of those groups; it decides all difficulties and disputes which may arise in the course of the election, particularly on the subject of inscription on the electoral list or removal from the same of one or more names, without power, however, to depart from the decisions given by the council of prefecture, in virtue of article 6 of the present law.

"ART. 12. The first ballot is opened at eight in the morning and closed at noon. The second is opened at two and closed at four. The third, should such be needed, is opened at six and closed at eight. The results of the voting are ascertained by the bureau and proclaimed the same day by the president of the electoral college.

"ART. 13. No person can become a senator at either the first or second election, unless he at one and the same time obtains—first, the absolute majority of the votes given; secondly, a number of votes equal to one-fourth of the electors registered. On the third voting a relative majority suffices, and in case of equality of votes the oldest is elected.

"ART. 14. Dating from the day of the nomination of the delegates, electoral meetings for the nomination of senators may take place in conformity with the regulations laid down by the law of June 6, 1868. Such sittings can be composed only of the electors who nominate the delegates for the senate.

"ART. 15. Those electors who have taken part in all the votings receive, from the funds of the department, an allowance for traveling expenses calculated on the bases and according to the forms determined by a regulation of the public administration.

"ART. 16. Every delegate who, without legitimate cause, has not taken part in all the ballots, or, if he has been prevented from so doing, has not given notice in proper time to the substitute, will be condemned to a fine of 50 francs by the civil tribunal of the chief town, on the requisition of the law-officers of the state. The same penalty may be applied to the substitute-delegate who, having been informed in sufficient time by letter, telegram, or notice delivered in person, has not taken part in the electoral proceedings.

"ART. 17. Every attempt at corruption, to influence the vote of an elector, or to induce him to abstain from voting, shall be punished by imprisonment for a period of from three months to two years, and by a fine of from 50 francs to 500 francs, or by one of those two penalties only.

"ART. 18. Are ineligible to the senate, in the departments where they exercise their functions, and within six months subsequent to the time at which they have ceased to exercise them—first, the prefects, secretaries-general, and subprefects; secondly, members of the bench at the courts and tribunals; thirdly, the payers-general of the treasury, and the private receivers of finance.

"ART. 19. If, by death or resignation, the number of the senators of a department is reduced by one-half, the vacancies are filled up within a delay of three months, unless they occur in the year preceding the triennial renewal.

"ART. 20. The election of senators by the National Assembly is made in a public sitting, by a collective list and an absolute majority. After two trials, a final ballot takes place among the candidates who have obtained most suffrages, in number double those remaining to be elected. Before proceeding to the choice, the National Assembly charges a committee nominated at the rate of two members per bureau, to propose to it a list of candidates. That paper contains names equal in number to that of the senators to be nominated, with one-half more, and is drawn up in alphabetical order. The choice of the Assembly may fall on candidates who are not proposed by the committee.

"ART. 21. When it is necessary to provide for the replacement of the senators named in virtue of article 7 of the law of February 25, 1875, the senate proceeds in the forms indicated in the preceding article.

"ART. 22. The members of the senate shall receive the same yearly payment as those of the chamber of deputies.

"ART. 23. Are applicable to the election of the senate all the enactments of the electoral law which are not contrary to those of the present bill.

"TRANSITORY CLAUSES.

"ART. 24. For the first election of members of the senate, the law which determines the date of the separation of the National Assembly shall fix the time at which the municipal councils shall meet to choose the delegates, and the day on which the election of the senators is to take place. A fortnight before the meeting of the municipal councils, the National Assembly shall proceed to the election of the senators whom it is called upon to nominate."

"THE BILL ON THE PUBLIC POWERS.

"ARTICLE 1. The senate and the chamber of deputies meet every year on the second Tuesday of January, unless an anterior convocation has been made by the President of the Republic. The two chambers must be assembled in session at least five months of every year. The sitting of the one commences and ends at the same time as that of the other.

"ART. 2. The President of the Republic pronounces the closing of the session. He has the right of convoking the chambers extraordinarily. He will be bound to do so if a demand to that effect is made by one-half plus one of the members composing each chamber. The President of the Republic can adjourn the chambers; but that recess cannot, however, exceed the term of one month, nor take place more than twice in the same session.

"ART. 3. Any meeting of one of the two chambers held out of the time of the session is illicit and null by law, except in the case where the senate is assembled as a court of justice; and then it can exercise only judicial functions.

"ART. 4. The sittings of the senate and those of the chambers of deputies are public; nevertheless, each assembly resolves itself into secret committee on the demand of its president or of ten members. It afterward decides, by an absolute majority, whether the proceedings are to be resumed in public on the same subject.

"ART. 5. The President of the Republic communicates with the chambers by messages, which are read in the tribune by a minister. The ministers can enter both chambers, and must be heard when they ask to speak. They can obtain the assistance of commissioners designated for the discussion of a determined measure by a decree of the President of the Republic.

"ART. 6. The President of the Republic promulgates the laws within the month following the transmission to the government of the law definitively adopted. He must publish, within three days, the laws the promulgation of which shall have been declared by a vote of either chamber a matter of urgency. Within the time fixed as above, the President of the Republic can, by a message with reason assigned, ask the two chambers for a reconsideration of the subject, which cannot be refused.

"ART. 7. The President of the Republic negotiates and ratifies treaties. He communicates them to the chambers as soon as the interest and the safety of the state permit. Treaties of commerce and other conventions which engage the finances of the state are only definitive when they have been voted by the two chambers. No cession, exchange, or adjunction of territory can take place except in virtue of a law.

"ART. 8. Each of the chambers is the judge of the eligibility of its own members, and the regularity of their returns. It alone can receive their resignations.

"ART. 9. The president, vice-presidents, secretaries, &c., of both chambers are elected every year for the duration of the session, and for any extraordinary assemblage which may take place before the ordinary meeting of the following year. When the two chambers meet in general assembly, their officials are composed of the president, vice-president, and secretaries of the senate.

"ART. 10. The President of the Republic can be impeached only by the chamber of deputies, and can be tried only by the senate. The ministers can be impeached by the chamber of deputies for crimes committed in the exercise of their functions. In that case they are tried by the senate. The upper chamber can be constituted by a decree of the President of the Republic, given in council of ministers, as a court of justice to try any person accused of committing an act against the safety of the state. If the proceedings have been commenced before the ordinary tribunals, the decree convoking the senate may be issued any time before judgment is pronounced. A law will determine the mode of proceeding for the accusation, trial, and judgment.

"ART. 11. No member of either chamber can be prosecuted or called to account for opinions expressed or votes given by him in the exercise of his functions.

"ART. 12. No member of either chamber can, during the session, be arrested or prosecuted for an offense or crime, without the authorization of the assembly to which he belongs, except in the case of *flagrante delicto*. The detention or prosecution of a member of either chamber is suspended during the session, and for the whole continuance of it, if the assembly so determines."

No. 224.

Mr. Washburne to Mr. Fish.

No. 1172.] LEGATION OF THE UNITED STATES,
Paris, June 18, 1875. (Received June 26.)

SIR: Returning this moment from the funeral of Count de Rémusat at the Madeleine, where a vast throng, including the most illustrious men of France, gathered to do honor to his memory, I have thought it proper to devote the few lines of this dispatch to this illustrious man, with whom I was long brought into official and personal relations, and who was so distinguished for his liberal opinions, and well known for his friendship for our country and its institutions.

Every intelligent American will sympathize in the grievous loss which France has sustained in the sudden demise of this statesman and scholar, whose name was one of the glories of the republic.

Count Charles François Marie de Rémusat died at his residence in this city on Sunday morning last, in the 79th year of his age. The impression caused by his death, particularly in the ranks of those who cherished liberal political opinions, and in the circles of literary men, has been wonderfully marked, and elaborate and touching tributes have been everywhere paid to his memory. Born at Paris, in 1797, he had consecrated his long life to study, to letters in almost every department, to active politics, to the service of his country. In 1830 he was elected a member of the chamber of deputies, and in 1840 was made minister of the interior in what was known as the cabinet of the first of March. In 1846 he was chosen a member of the Academy, and has ever since held a conspicuous position in that illustrious body of *savants*. After the revolution of February 24, 1848, he was elected a member of the Constituent Assembly from the Haute-Garonne, and re-elected in 1849 to the Legislative Assembly, of which he was still a member when he was driven into exile by the *coup d'état* of 1851. Referring to this exile, the Duke d'Audiffiet-Pasquier, the president of the Assembly, who is as much noted for hostility to the empire and to Bonapartism as he is distinguished by his high honor and chivalrous character, in announcng the death of the eminent deputy yesterday to the Assembly, said: "The empire did him the honor to proscribe him." From that time until 1871, he remained in dignified retirement, devoting his ever-active mind to literature, philosophy, and science. He ranked among the profound scholars of this age, and his literary activity was extraordinary.

At the close of the Franco-German war, yielding to the wishes of Mr. Thiers, whom he admired, and with whom he had been closely allied for forty years, in answer to an appeal to his friendship and patriotism, he accepted the position of minister of foreign affairs, although he was then in private life and not a member of the Assembly. He held this post until the overthrow of the Thiers government, on the 24th May, 1873.

At the time of his death he was a member of the Assembly from the Haute-Garonne, a department in which he had a large property, near Toulouse, and where he spent a portion of every year with his family.

It was when he became minister of foreign affairs that I first made the acquaintance of Count de Rémusat. As he held that position from August, 1871, until May, 1873, I had occasion to see much of him officially and socially, and I cherish with profound satisfaction the *souvenirs* of my intercourse with him, and of the friendly feeling he always evinced for our country; and what was my own experience was that of the whole diplomatic corps. No man in an official capacity was ever

more amiable or cordial in his personal intercourse. To quick intelligence and rare culture, he united the simplest manners and most unaffected modesty. His genial disposition, the graces of his spirit, and the charm of his conversation, left upon all the impression of his purity and worth as a citizen, his accomplishments as a statesman, and his fidelity, honesty, and patriotism as a public servant. The love of France was the hope and inspiration of his life.

Madame Rémusat, who survives him, was a Mlle. de Lasleyrie, and grand-daughter of Lafayette. Her partiality for Americans has made her well known to many of our country-people, by whom she is beloved, as she is by all who have the happiness to know her; for she possesses all the graces and virtues that adorn the female character.

Count Rémusat belonged to that political group of the chamber, known as the center left, embracing such men as Thiers, Casimir Perier, Leon Say, Dufaure, Calmon, Waddington, Laboulaye, and Oscar de Lafayette. Though always holding liberal opinions, his inclinations were monarchical; but yielding to the logic of events and the demands of circumstances, it was his judgment that the republic was the only form of government that could give peace and safety to France. Hence he loyally accepted it, and gave it the support of his influence and his name, and sustained it by his counsels, his votes, and his sympathy.

Eminent as was M. de Rémusat in the fields of literature and politics, it was in private life, in that highly cultivated, thoughtful, and appreciative society in which he moved, that his character showed its finest traits. Such was the elevation of his tone, the beauty of his interior life, and the interest of his conversation, that he was the charm of every circle.

As I write, the last of those who formed his funeral *cortège* are returning from the cemetery of Picpus, where his remains are placed near the ashes of Lafayette and many other distinguished members of that family.

I have, &c.,

E. B. WASHBURNE.

No. 225.

Mr. Washburne to Mr. Fish.

No. 1189.] LEGATION OF THE UNITED STATES,
Paris, July 28, 1875. (Received August 11.)

SIR: You will have seen that the National Assembly has voted to take a recess, to commence on the 4th of next month and to extend until the 4th of November. It is questionable, however, whether the necessary legislation can be got through by that time, and it is now believed that the recess will not commence till the 10th of the month. The question of this recess excited much interest, not only in the Assembly, but in the country. Upon the adoption of the constitution of February 25, it seemed to be the understanding of everybody that the laws to be made in pursuance thereof, and the other necessary legislation, would be passed by the assembly as soon as possible, with a view to a final dissolution of that body, the election of a new Assembly, and the choice of a senate this fall. This expectation is likely to be disappointed by reason of the long debates on many measures of local legislation, and the discussion of the constitutional laws which are necessary to be passed. It has become quite evident, therefore, that the Assembly cannot get through in season to hold elections this fall, though a very large minor-

ity of its members still insist upon it that it is not impossible to have a dissolution by the end of the year. But my idea is that the recess, running up to so late a period, precludes all idea of the Assembly accomplishing its business in season for such dissolution this year. The whole matter, therefore, will probably go over to 1876, and there is a belief among many well-informed people that the Assembly will not get through until next May—perhaps not even then, as there is evidently a very strong feeling among many members of the body against giving up their official life. Mr. Dufaure, the minister of justice, speaking for the government, has, however, declared that they are determined to get through as soon as practicable. But there is manifestly no hurry in official circles. The reason of this is, perhaps, that under the present state of things quiet prevails everywhere, and there is scarcely a trace of political agitation—none of that commotion which must accompany a dissolution and the elections which must follow such a notable event.

Independent of this alleged indifference on the part of influential members of the government for the completion of the constitutional laws, the great body of the monarchical members are absolutely opposed to a dissolution, on the ground that the longer the definitive laws are delayed the more chances they will have to break down the republic.

I have, &c.,

E. B. WASHBURNE.

No. 226.

Mr. Washburne to Mr. Fish.

No. 1192.] LEGATION OF THE UNITED STATES,
Paris, August 3, 1875. (Received August 18.)

SIR: In the National Assembly, on Thursday, the 29th ultimo, Mr. Raoul Duval, a Bonapartist deputy from the Seine Inferieure, addressed an inquiry to the minister of foreign affairs in regard to what had been done in the United States in relation to the claims of certain Frenchmen who had suffered losses in our late war by the acts both of the army of the Government and that of the rebels.

I send herewith, for your information, a translation of the remarks of Mr. Raoul Duval and of the answer made to him by the Duke Decazes.

I have, &c.,

E. B. WASHBURNE.

[Inclosure 1 in No. 1192.—Translation.]

Extract of proceedings of the National Assembly, July 29, 1875.

The PRESIDENT. Mr. Raoul Duval has the floor to put a question to the minister of foreign affairs.

Mr. ROAUL DUVAL. In accordance with an understanding with the minister of foreign affairs, I desire, in the interest of our countrymen who reside in the United States of America, to put to him a question, which, with the permission of the Assembly, I will explain in a very few words.

During the war of secession which desolated the United States, the property of a number of our countrymen was injured by acts of war, both by the army of the Northern States and the army of the States in rebellion.

Since that time numerous claims have been presented by our countrymen, both to the French legation in the United States, and directly to the minister of foreign affairs. If I am correctly informed, they amount to from four to five millions of dollars, *i. e.*, twenty to twenty-five millions of francs.

A part of the claims of our countrymen have been amply satisfied, after being sub

mitted to the tribunal in the United States which has a special jurisdiction in such cases, the Court of Claims, but the greater part of these claims have been declared incompetent.

Since that time the most of the other European nations have obtained from the Government of the United States a settlement of the indemnity due to their subjects. Last year, in December, 1874, the President of the United States, in his message to Congress, called the attention of Congress to the facts which I have stated, and to the possibility of providing a remedy. He asked Congress to pass a bill creating a court of special jurisdiction charged with the settlement of these claims.

The whole session of 1874-'75 went by, the bill was not presented, and the interests of our countrymen are still suffering.

I have received a claim, signed by a great number of our countrymen, which I have the honor to lay on the table of the Assembly, and which is at the disposition of the minister of foreign affairs. I will be much obliged if he will tell us whether he finds this claim worthy of his attention. At the time of the discussion of the budget of the department of foreign affairs, I was not able, in the absence of the minister, to call his attention to it. We hope that he will inform us whether he thinks he will be able to effect a settlement of the interests in question.

The DUKE DECAZES, *minister of foreign affairs.* I thank the honorable Mr. Raoul Duval for the opportunity which he has furnished me for stating and proving the solicitude with which the department of foreign affairs has cared for those of our fellow-countrymen who suffered in their persons or in their property during the war of secession.

The question has been stated by our honorable colleague, gentlemen, with such clearness and correctness that, in truth, I have nothing to add to what he has said.

I will, however, make a single observation. It has been intimated at this tribune that, without regard to the French claimants, claims of foreigners have been satisfied upon privileged conditions. I believe I can state that that is an error. Those foreign claimants who have received satisfaction had applied, like our own, to the Court of Claims, which was, at the beginning, very willing to assist us; and since the Court of Claims has declined to take jurisdiction, or the foreign claimants have ceased to apply to it, I know of no case where foreign claims have been admitted or settled. It was in consequence of this that the various foreign governments agreed in the demands to be made upon the Government of the United States. They did not pretend to press upon it, through their diplomatic agents, the claims of their respective subjects and their liquidation, but to come to an agreement with it in regard to the mode of procedure in these cases, and the jurisdiction to be established. In this order of ideas, the first question was in regard to the creation of a mixed commission, which should take cognizance of these claims in principle and in fact.

This project has been abandoned, and I believe that you, like us, will congratulate yourselves that it has been. Instead of this first project, the creation of a special tribunal has been substituted, upon which Congress shall confer power to satisfy all claims which can be proven to be well founded. The Government of the United States, which had in 1869 proposed to us this mode of investigation and settlement, did not hesitate on the 1st of December, 1873, if I am not mistaken, to propose to Congress a bill providing for the creation of this tribunal and conferring jurisdiction.

During the session of 1874, Congress could not take up this question. In December last, the President, with a solicitude to which I desire to call the attention of the Assembly, renewed his recommendations in terms which it is well that the French Assembly should know.

The President said, in effect: "I renew my recommendation, made at the opening of the last session of Congress, that a special court be created to hear and determine all claims of aliens against the United States arising from acts committed against their persons or property during the insurrection. It appears equitable that opportunity should be offered to citizens of other states to present their claims to the early decision of some competent tribunal. To this end I recommend the necessary legislation to organize a court to dispose of all claims of aliens of the nature referred to in an equitable and satisfactory manner, and to relieve Congress and the Departments from the consideration of these questions."

You see, gentlemen, with what loyalty the President of the United States gave the most complete satisfaction, in principle, to our claims, and you see, too, with what stress he again presses upon Congress the creation, almost immediately, of the tribunal which we desire and await.

Delays have arisen, gentlemen, that are to be regretted. Congress has taken no action since the commencement of this year on the bill which was before it last session, but you can be assured, both of the care which the French government will take to recall the attention of the American Cabinet to the engagements which it entered into with France and the States themselves, and of the loyalty with which, as you know in advance, the Government of the United States will listen to our just claims.

["Very good!" "Very good!"]

No. 227.

Mr. Bartholdi to Mr. Fish.

[Translation.]

LEGATION OF FRANCE IN THE UNITED STATES,
Washington, November 23, 1874. (Received November 27.)

Mr. SECRETARY OF STATE: The Marquis de Noailles had the honor to communicate to your excellency, on the 22d of December, 1873, a resolution of the standing committee of the international meter commission, the object of which was to bring about a diplomatic conference which should take the necessary measures to enable the committee to make the numerous verifications which it has been instructed to make. It would, moreover, be the duty of this conference to provide for the preservation of international standards, and for the making, hereafter, of such comparisons of meters and kilograms as might be desired by the various governments.

This proposition of the standing committee, which has been transmitted to all the countries represented in the international meter commission, has obtained the adhesion of a certain number of them, viz, Germany, Belgium, Brazil, Colombia, Denmark, Spain, The Netherlands, Russia, Sweden and Norway, and Switzerland.

Germany has given its consent, with only one proviso, viz, that the conference shall "fix conditions of strict neutrality for the organization of the custody, the control, and the use of the common standards by a permanent scientific institution."

Russia, while declaring itself ready to take part in the conference, expresses the wish that the scientific questions may not be the only ones submitted to it, but that the utmost latitude may be granted to it for the examination of everything connected with the task which has been confided to the international meter commission.

These provisos are in no wise at variance with the desire expressed by the standing committee, and there will doubtless be no objection made to them by any of the governments.

England is the only power which has thought proper to decline the proposition of the standing committee. She has done so on the ground that the interest which she might have in adopting the metric system, and in recognizing an international standard, would not be sufficiently direct and immediate for her to feel authorized to ask Parliament for a special appropriation.

The other countries, that is to say, Austria, Hungary, the United States, Italy, Portugal, Turkey, Greece, and most of the South American governments, have not yet communicated their replies.

Such, Mr. Secretary of State, was the state of the question when, during the session of last month, the standing committee adopted and communicated to the French government the following resolution:

"In view of the large number of favorable replies from the countries interested in the success of the plan proposed last year to the French government for a diplomatic conference which should meet for the purpose of enabling the committee to perform all the labors intrusted to it, as well as of providing for the preservation of the international standards and for the comparisons to be made in future, the committee instructs its bureau to address the French government, requesting it to convoke the diplomatic conference with as little delay as possible."

The French government cannot do otherwise than comply with this

request. It seems to it important no longer to defer the convoking of the conference, the object of which is to conclude a convention which may secure an international organization to the labors of the meter commission, to the custody of the standards, to their preservation, and to their ulterior use. It has, therefore, been decided, Mr. Secretary of State, that this invitation should be officially addressed, not only to the governments which have already signified their adhesion, but also to those which have not yet communicated their replies to the proposition of the standing committee, in the conviction that these latter will not hesitate to take part in deliberations of such high importance and of such universal interest.

The object of this conference being to conclude a diplomatic convention touching matters most of which will require technical knowledge, it seems that it ought to be conducted in the same manner as was the international telegraphic conference that was held at Paris in 1865. Each government would then furnish its diplomatic representative accredited in France with the full powers necessary for the signing of the convention, appointing at the same time as adjuncts, if he should deem this desirable, one or more special delegates, in case the conference should think proper, according to the plan adopted in 1865, to confide to a commission composed in great part of such delegates the task of preparing the draught of a convention, which should afterward be submitted to its approval.

Not doubting that this mode of proceeding, which seems the one best calculated to secure a satisfactory result, will be approved by all the countries, the French government has already selected Mr. Dumas, perpetual secretary of the Academy of Sciences, formerly a minister, and General Morin, director of the *Conservatoire des Arts et Métiers*, to represent it as special delegates to the conference.

As to the time for the meeting of the conference, the French government would suggest Monday, the 1st of February next, this delay seeming strictly necessary in order to enable all the governments which have taken part in the international meter commission to receive their notifications and to make their arrangements.

I should be happy, Mr. Secretary of State, to be able to announce to my government that the Government of the United States has favorably received this proposition, and in that case I should be grateful to your excellency if you would be pleased to communicate to me the names of the special delegates whom it might think proper to designate as assistants to its diplomatic representative at Paris.

Be pleased to accept, &c.,

A. BARTHOLDI.

No. 228.

Mr. Bartholdi to Mr. Fish.

[Translation.]

LEGATION OF FRANCE IN THE UNITED STATES,
Washington, January 4, 1875. (Received January 6.)

Mr. SECRETARY OF STATE: A telegraphic dispatch from Duke Decazes informs me that the expulsion of the French Sisters of Charity in Mexico has been ordered by a decree which obliges them to leave on the

31st of January at the latest. They solicit an extension of the time allowed them, that they may be able to take the transatlantic packet which sails in February.

I am instructed, Mr. Secretary of State, to solicit the good offices of the American Cabinet in order to secure this extension of a few days, to which Duke Decazes hopes the Mexican government will have no objection.

Be pleased to accept, &c.,

A. BARTHOLDI.

No. 229.

Mr. Fish to Mr. Bartholdi.

DEPARTMENT OF STATE,
Washington, January 6, 1875.

SIR: I have the honor to acknowledge the receipt of your note of the 4th instant. It states that you had been directed to request the good offices of this Government toward obtaining from that of Mexico a delay in the departure from that country of French Sisters of Charity, who had been ordered to embark on the 31st instant.

In reply I have to acquaint you that by this day's post Mr. Foster, the minister of the United States at Mexico, has been instructed to make application to the Mexican government accordingly.

Accept, &c.,

HAMILTON FISH.

No. 230.

Mr. Fish to Mr. Bartholdi.

DEPARTMENT OF STATE,
Washington, January 18, 1875.

SIR: You have already been informed that I referred to the Treasury Department the communication of the 22d of December, 1873, addressed to this Department by the Marquis de Noailles, and that from yourself of the 23d of November, 1874, relative to a diplomatic conference to be held at Paris on the 1st of February next, at the recommendation of the permanent committee of the international meter commission, to which the Government of the United States is invited to send delegates. I have now the honor to inform you that the Secretary of the Treasury having reported favorably upon the subject, this Government, actuated by a desire to take part in the deliberations contemplated by this conference, as set forth in your note of the 23d of November, accepts the invitation so conveyed, and that the President has designated Mr. E. B. Washburne, the envoy extraordinary and minister plenipotentiary of the United States accredited to your government, as the delegate to represent the United States in the diplomatic conference, to whom the necessary powers and instructions will be transmitted for that purpose by the next mail.

This Department has been informed by the Department of the Treas-

ury, to which the subject appropriately belongs, that it is not possible to send special delegates as assistants to the minister of the United States, but information will be furnished him which it is hoped will obviate that necessity. It is proper that I should add that, as the representative of the United States in Paris has not the advantage of the assistance of skilled experts in relation to this matter, he will be instructed to report to this Government, for approval, the final conclusions of this conference before entering into any definite engagement on the part of this Government; and further, because legislation may be hereafter required before the results of the conference can be finally adopted by this Government, or a convention agreed upon for such purpose.

I regret the delay which has occured in communicating to you this acceptance of the invitation, and which has been occasioned by circumstances not within the control of this Department.

Accept, &c.,

HAMILTON FISH.

No. 231.

Mr. Bartholdi to Mr. Fish.

[Translation.]

LEGATION OF FRANCE IN THE UNITED STATES,
Washington, February 19, 1875. (Received February 19.)

Mr. SECRETARY OF STATE: I have already had the honor to inform your excellency that an international congress for the promotion of geographical science is to meet at Paris in the course of this year. The majority of the specialists of all countries in this branch of science have already answered the invitation which has been addressed to them directly by the French Geographical Society, of which Vice-Admiral Baron de la Roncière le Noury is president. Thanks to their favorable action, the success of this congress is now assured.

Nevertheless, the Geographical Society having decided that a general exhibition of maps, instruments, and other articles of use in geographical science and in sciences of a kindred nature shall be held simultaneously with the session of the congress, it has been deemed necessary to secure the appointment by foreign governments of special commissioners, whose duty it shall be to make suitable arrangements with the committee of organization, and to exercise supervision at the opening of each partial exhibition.

The documents which I have the honor herewith to transmit to your excellency will give you a clear idea of the object and of the principal conditions of the congress and of the geographical exhibition.

I take pleasure in adding that my government would be very glad if the Government of the United States would lend its useful co-operation to the plan of the French Geographical Society, and I hope that your excellency will not refuse to favor this scientific assemblage, and that you will be pleased to recommend the appointment of a representative of the United States.

Be pleased, &c.,

A. BARTHOLDI.

No. 232.

Mr. Fish to Mr. Bartholdi.

DEPARTMENT OF STATE,
Washington February 23, 1875.

SIR: Referring to your note under date of the 4th January last, requesting this Government to use its good offices with that of Mexico, with a view to having the time fixed for the expulsion of the Sisters of Charity from that country extended to the present month, I have now the honor to inclose herewith, for your information, copy of dispatch No. 239,* addressed to this Department by the minister of the United States in Mexico, to whom the matter was referred.

Accept, &c.,

HAMILTON FISH.

No. 233.

Mr. Bartholdi to Mr. Fish.

[Translation.]

LEGATION OF FRANCE IN THE UNITED STATES,
Washington, February 26, 1875. (Received February 28.)

MR. SECRETARY OF STATE: I have received the dispatch which you did me the honor to address me on the 23d instant, together with the copy of the note from the minister of the United States at the city of Mexico, by which it was accompanied. I am very grateful for the readiness with which your excellency has been pleased to comply with the desire which I had the honor to express to you in the name of my government, on behalf of the French Sisters of Charity who have been forced to leave Mexico, and I beg you to accept my warmest thanks. I shall take care, moreover, to transmit to my government the communication which your excellency has been pleased to make to me.

Be pleased to accept, &c.,

A. BARTHOLDI.

No. 234.

Mr. Fish to Mr. Bartholdi.

DEPARTMENT OF STATE,
Washington, March 11, 1875.

SIR: Referring to your note of February 19, in relation to the geographical conference to be held at Paris, and to the Department's reply thereto of March 3, I have the honor to inform you that the Department is now in receipt of a letter from the Hon. Charles P. Daly, president of the American Geographical Society, Cooper Institute, New York, dated the 6th instant, wherein he states that the Rev. Joseph P.

* See under "Mexico."

Thompson, D. D., the Rev. W. Bjerring, pastor of the Greek church of New York City, and Mr. W. Wright Hawkes have already been selected to represent that society at the geographical conference, and that further efforts will be made to the end that the American Geographical Society may be appropriately represented.

Accept, &c.,

HAMILTON FISH.

GERMANY.

No. 235.

Mr. Davis to Mr. Fish.

No. 25.] LEGATION OF THE UNITED STATES,
Berlin, October 13, 1874. (Received October 30.)

SIR: I have the honor to inclose copies of correspondence with several Americans, respecting the imposition of an income-tax upon Americans residing within the limits of the German Empire.

The complaints come simultaneously from Frankfort-on-the-Main, from Hanover, and from Dresden.

I thought I should be justified, under these circumstances, in incurring the expense of consulting a competent lawyer concerning the laws imposing these taxes. I also inclose his report respecting Prussian laws, together with a translation and a comment upon it by Consul-General Kreismann. You will observe that a further communication is promised, respecting the laws of Saxony.

Our last treaty with Hanover (volume of treaties, page 454) made provision only (Article X) for the case of residence for business purposes. This treaty is understood to have been abrogated by the conquest of that country and its annexation to Prussia.

Our treaty with the Hanseatic Republics is broader, (volume of treaties, page 463, Article VIII.) Protection is to be afforded to transient citizens on the same terms which are usual or customary with natives or citizens. But it may be said that this treaty also was abrogated, as to Frankfort, by the conquest and annexation of the whole territories of that state to Prussia.

The treaty of 1828 with Prussia provides only for a commercial residence, (volume of treaties, page 724, Article VIII.)

In all cases which have come to the knowledge of the legation the tax has been imposed upon persons claiming to be American citizens, and residing temporarily within the German Empire, either for purposes of education or for some similar object.

The several questions would, therefore, appear to involve the application of similar principles, unless the status of a naturalized citizen may be deemed to be affected by one of the German naturalization treaties. Other similar cases will undoubtedly be presented for the decision of the legation.

I have a decided opinion upon these cases.

Assuming that the German government is acting in good faith, and under general laws applicable alike to its own citizens and to all foreigners, I think that it is due to its sovereignty to concede to it the right to determine, through its own officers and in its own courts, what

residents and what property are to be taxed within its limits. Should this result in any case in a substantial miscarriage of justice, it will be for the Department of State, and not for this legation, to determine whether the injury is such as to justify political interference with the municipal regulations of the German governments; and I am free to say that it also seems to me that persons who live here year after year, enjoying the protection of the laws of this country, can have little cause of complaint if they are called upon to contribute to the support of those laws.

Yet I think that, as the question is likely to be wide-reaching, it is due to the Department to ask for instructions on the cases as they stand. If the Department differs from me, I shall be pleased to have it indicate the line of argument in which I am to present its views, and I need not add that I shall endeavor to fully carry out its instructions.

I have, &c.,

J. C. B. DAVIS.

[Inclosure 1 in No 25.]

Mr. Wolf to Mr. Davis.

FRANKFORT-ON-THE-MAIN, *September* 12, 1874.

DEAR SIR: I take the liberty of inclosing you a protest by me against the right of the Prussian government to levy an income-tax from me, as an American citizen temporarily residing in Frankfort, where I am staying for purposes relative to the education of my children, and doing no business whatever, and having no investments in Prussian stocks of any kind, and living on the revenues of capital employed in American and Austrian securities. A protest of very near same tenor, in German, I forwarded some months ago to the Prussian general government tax-commission, at Wiesbaden, without any result.

I would now call your excellency's kind attention to this my protest, and hoping it may meet with due consideration, and that your excellency will thereupon take such steps in this matter as you may think just and right under the circumstances.

I have the honor to be, your excellency's obedient servant,

LOUIS LEO WOLF.

His Excellency J. C. B. DAVIS,
Minister of the United States of America, Berlin.

[Inclosure in 1 in No. 25.]

Protest of Louis Leo Wolf, a citizen of the United States of America, from the city of New York, pro tempore residing in Frankfort-on-the-Main, against the arbitrary increase of a general government income-tax imposed upon him by the Prussian authorities specially, as well as against the right of levying such income-tax generally from him.

I was born upon the dominions of Christian VI, King of Denmark, in the year 1806, A. D. In 1830 my father and all his children emigrated to the United States, settling in the city of New York. Having taken the oath of allegiance, I became a citizen in the year 1835. Although I have spent several years in Austria, I have preserved my rights as a United States citizen ever since unimpaired. In the year 1870–'71, I moved to Frankfort-on-the-Main, and am living here, prior to my return to the United States, for purpose of education of four minor children. I do not carry on any trade or profession, and support myself and family from revenues derived by investments in the United States and Austria. When I removed to Frankfort no income-tax was demanded from me.

About a year and a half afterward a tax was demanded from me, amounting to forty-eight thalers. Ignorance (fancying this to be a corporation-tax, which to pay I certainly should not object to as long as I reside here) made me pay this income-tax without protest.

However, on my return from Italy, where I mostly spend the winter-season, the tax-commission imposed upon me an income-tax nearly four times the former amount. There against I protested, and not only against this arbitrary proceeding, but also against the right the Prussian government possesses of levying upon me any income-tax.

Of this protest, addressed in the German idiom to the tax-commission at Wiesbaden, setting forth the same arguments as in these presents, no notice has been taken.

Wherefore, I now and hereby lay this my protest before the representative of the United States at Berlin, requesting his excellency to act in this matter as he may think just and right in protecting the interests of American citizens residing temporarily within the Prussian dominions, and especially upon the following motives:

1. I do not, as before stated, carry on any business or profession, neither in Prussia nor elsewhere.

2. Naturally, not enjoying equal rights with subjects of Prussia, I am deprived of the right to vote, which at least they have, *for* or against any taxation to take place. Still I am taxed as if I were imbued with all such privileges of a Prussian subject; and a great deal worse, and without any remedy, which they have, as I will show hereafter; for, as in my case, deriving my revenues from outside Prussia, I am—

3. Doubly taxed; for whence I derive the revenues they are subjected to a home-tax; so that, for the privilege of spending my revenues within Prussian dominions, I am to be taxed twice as heavy as their own subjects.

4. Moreover, the treaty of May, 1828, would be quite an illusion; for by that treaty American citizens are to enjoy, within the dominions of the King of Prussia, the treatment of the most favored nations, and a treatment corresponding with that of Prussians residing in the United States.

5. Prussians living in the United States, not following any business pursuits, nor having any occupation or profession, do not pay any tax to the General Government.

6. More than one-half of my revenues I spend all, yearly, in Vienna and Italy, where I pass the winter-months, notwithstanding I am forced to pay the full and overrated tax.

7. As before mentioned, the foreigner has no right to inquire or to know for what purposes the tax is to be applied. He is simply made to pay, or be executed by his personal property. Now, it is obvious, and by national economy, searched for well-known facts, that five-sixths of the taxation levied by the general government of Prussia goes for military purposes, building fortifications, &c. Now, am I, a citizen of the United States, temporarily residing in Prussia, to contribute to the expenses which a standing army of half a million men cause? Am I to forward (admitting indirectly) Prussian ambition to carry on warfare against nations that are on friendly terms with the United States, or, which is not so quite impossible, to carry on war against the United States themselves?

Austria has quite lately prescribed an income-tax, but most justly and reasonably, only against subjects of the Austrian Empire.

8. I have called this income-tax a most arbitrary measure against foreigners; for, without any cause or motive, without inquiring into the state of your pecuniary matters, the tax-commission levies upon you this year, with as little right or justice, 50 thaler, as they would demand from you next year 500 thaler.

9. And, as a foreigner, you are deprived of any means to oppose such arbitrary proceedings, whilst the Prussian subject has, by bringing two of his fellow-citizens giving testimony that he has been overrated. The foreigner, being a stranger in the place, may hunt in vain for such testimony.

Although it is no more than just that, whilst an American citizen resides in a place abroad, he should contribute to local or corporation demands made upon him, I am in hopes, and trust that his excellency, our representative near the court of Berlin, will concur in my opinion, that the income-tax, as heretofore described, levied upon citizens of the United States living temporarily, without any occupation whatever, within the Prussian dominions, is not only unjust and contrary to the still-existing treaty, but likewise against rules laid down by international laws; and that his excellency will duly appreciate this my protest, and cause relief to be afforded, by extending his influence in this matter with the respective Prussian organs.

Frankfort-on-the-Main, September 12, 1874.

LOUIS LEO WOLF.

[Inclosure 8 in No. 25.]

Mr. Wierss to Mr. Davis.

HANOVER. (Received September 20, 1874. *Not dated.*)

DEAR SIR: Having protested as well last as this year against my being taxed, they have not only not listened to my protest, though I have made a written statement and stated that I was ready to swear to it, they have put me up to higher rate of taxation.

I have, for instance, $20,000 California extension railroad bonds, which cost me at the rate of 84; they are at present 25, and do not pay any interest; also $8,000 Rockford and Rock Island railroad bonds, which cost me 80, worth now 15, and no interest; but this seems to make no difference here. I have to live from my capital, since the extension bonds do not pay interest, and therewith would humbly request you to assist me to get rid of such a high taxation, which I do not at all represent. Hoping and wishing that you will please do some steps accordingly, I remain, awaiting your kind reply.

Your most obedient servant,

WILLIAM A. F. WIERSS.

His Excellency the AMBASSADOR OF THE UNITED STATES, *Berlin.*

[Inclosure 12 in No. 25.]

Mr. Wierss to Mr. Davis.

HANOVER, VILLA WIERSS, *September* 30, 1874.

DEAR SIR: I take the liberty to inform your excellency that the authorities of this city have not listened to my protest which I have made for two years, they having taxed me entirely too high. They forced me to make out a full statement of my assets and income, and nevertheless they still put my taxes each year higher than the year before, though my statement showed them that I had not the income they taxed me at. They took war-taxes from me, though I came here after the war with France had been ended, and by reclamation to Count of Bismarck they got to return it to me, and since then it seems to me they try to make that up again in taxing me higher every year. I hope that your excellency will please look into this matter, because there seems to be no end in their taxing me still higher next year. I most humbly would request that the city authorities had to return to me for the last two years the tax which they took from me too much.

Your most obedient servant,

WILLIAM A. F. WIERSS.

His Excellency the MINISTER OF THE UNITED STATES, *Berlin.*

[Inclosure 13 in No. 25]

Mr. Appleton to Mr. Davis.

DRESDEN, *September* 23, 1874.
10 (2) SIDONIAN STRASSE.

DEAR SIR: May I ask your opinion respecting a matter which affects the interests of several of our countrymen besides myself living temporarily in this city?

Are we subject fairly to taxation? I received a few days since a circular letter which I herewith inclose, the purport of which, I am informed, is that I am to make a declaration of my property, on which an income-tax is to be levied.

I had supposed that an American, like myself, living temporarily abroad, pursuing no vocation, practicing no profession, occupied in no employment, and owning nothing in the country, was not a subject of taxation in a foreign country.

I have lived abroad for some years, and this is the first time I have been called upon to pay a tax.

I have been in Dresden now about two years, excepting an absence of about two months in each year, occupying furnished apartments, commorant, as I think the law-term is, having no intention to remain, and proposing before long to return to Boston, where I live.

As it is probable that you may have been applied to in cases analogous to my own as thus stated, I shall esteem it a favor if you will, at your early convenience, reply to this, and indicate the course I should take in the matter.

I am, very respectfully, &c.,

B. B. APPLETON,
Of Boston, Mass., U. S. A.

P. S.—Can the absence from Saxony for two months in each year be construed into an interrupted residence? In such case, I am told that the stranger is held liable only after five years instead of two.

His Excellency BANCROFT DAVIS,
Envoy, &c., &c., of the United States to Germany.

[Inclosure 14 in No. 25.]

Mr. Davis to Mr. Appleton.

AMERICAN LEGATION,
Berlin, September 25, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d September, respecting the claims to collect from you an income-tax. I shall transmit the correspondence to the Department of State for instructions. But in case you are paying taxes on your personal property in America, or in case you have paid income-tax to the United States, I think it well to enable me also to inform the Department of the place of assessment and payment of such taxes.

Awaiting your reply, I am, sir, your obedient servant,

J. C. B. DAVIS.

B. B. APPLETON, Esq.,
10 (2) *Sidonian Strasse, Dresden.*

[Inclosure 15 in No. 25.]

Mr. Appleton to Mr. Davis.

DRESDEN, *September* 25, 1874.
10 (2) SIDONIAN STRASSE.

DEAR SIR: I beg to express my thanks to you for your very prompt attention to my letter of September 23.

I am under still further obligations to you for calling attention of the State Department to the subject, as there are several Americans here in the same category with myself, as I had the honor to apprise you in my aforesaid communication of the 23d instant.

You suggest in your note that "in case I am paying taxes on my personal property in America, or in case I may have paid income-tax to the United States, that it will be well to enable you to also inform the Department of the place of assessment and payment of such taxes."

In answer, I have to state that all the property of which I am possessed is in the city of Boston, and that the taxes levied upon it, personal as well as real, and, I have no reason to doubt, income-tax also, have been regularly assessed, and duly paid by my representatives in Boston.

Renewing to you the expression of my thanks, I have the honor to be yours, &c.,

B. B. APPLETON,

His Excellency BANCROFT DAVIS,
Envoy, &c., of the United States to Germany.

[Inclosure 16 in No. 25.—Translation.]

Mr. Jansen to Mr. Davis.

BERLIN, *October* 1, 1874.

In reply to the inquiries made of me, verbally and in writing, on the subject of the liability of aliens to the class-tax, or classified income-tax, in the states of the German Empire, I have the honor to advise your excellency as follows:

1. The levying of class-taxes and classified income-taxes is regulated in the several states of the German Empire by the laws of those states, in Prussia by the laws of May 1, 1851, and May 25, 1873.

2. In Prussia all residents of the state, unless subject to the classified income-tax, are made liable to the class-tax by said laws.

The classified income-tax in the continuation of the class-tax, commencing with incomes of more than 1,000 thalers per annum.

(*a*) The class-tax is levied in 12 grades; the first grade commencing with an annual income of from 140 to 220 thalers, and amounting to 1 thaler per annum. The last and twelfth grade commences with a yearly income of from 900 to including 1,000 thalers, and a ounts to 24 thalers per annum.

(*b*) The classified income-tax is levied in forty grades and upwards; the first grade commencing with a yearly income of from more than 1,000 to 1,200 thalers inclusive, and amounting to 30 thaler per annum; fortieth grade, commencing with a yearly income of from 220,000 to 240,000 thalers, and amounting to 200 thaler per annum.

If the yearly income exceeds 240,000 thalers, then the tax increased by 600 thalers from every additional 20,000 thalers.

It will be seen that only those persons having an annual income exceeding the sum

of 140 thalers can be made to pay the class-tax, and that those persons having an annual income of more than 1,000 thalers are made to pay classified income-tax. Those persons paying the class-tax, as a matter of course, do not pay any classified income-tax, and *vice versa*.

3. So far as the levying of the class-tax of aliens is concerned, the law provides as follows:

In the first place, article 1 of the general liability of the residents of the state, in its full text reads as follows:

"All those residents (inhabitants) whose yearly income does not exceed the sum of 1,000 thalers, are subject to the class-tax;" and article 5 in full text providing: "Exempt of the class-tax are *a, c, d, e, f*."

(*f*) Aliens not having resided a full year at any one place within the state, with the exception of those who have a residence in the state for the purpose of profit and gain. Aliens may therefore be made to pay the class-tax—

1. Generally, when they have resided one year at any place.

2. When they have taken up their residence in the state for the purpose of profit and gain, immediately upon taking up such residence, without regard to the length or duration thereof. In such cases aliens, in pursuance of section 11 of the law, are to be made to pay the class-tax from and after the first day of the month following the one in which such residence has been taken up.

Relative to the classified income-tax as regards aliens, the law contains the following provisions. Section 16 in its full text provides in general:

"All residents (inhabitants) of the state, with the exception of the members of the royal family and the members of the two princely families of Hohenzollern, and all Prussians residing abroad, are subject to the classified income-tax, who of themselves, or in connection with any separate income of members of the family, making up their household, have an annual income of more than one thousand thalers."

And section 18, concerning aliens, provides in full as follows:

"Aliens also owning real estate in the state, so far as the same all together affords an income of more than one thousand thalers, are, in consideration thereof, required to pay the classified income-tax."

A like obligation applies to aliens who own within the state industrial (professional) or commercial establishments, or are partners thereof. Other aliens are subject to that tax only when they have resided in Prussia for the purposes of profit and gain for more than one year.

The meaning of the law is perfectly clear; but I bring to the notice of your excellency the following points:

(*a*) Upon a full consideration of both sections 5*f* and 18, it is evident that aliens, for an income from real estate or business establishments in Prussia, not exceeding the sum of one thousand thalers per annum, if such aliens at no place within Prussia have a domicile or residence, cannot be made to pay class-taxes.

(*b*) In the assessment of the income in this country in the case of aliens, only such deductions can be taken into consideration as relate specially and expressly to revenues here; as, for instance, taxes, annuities, interest or balances of purchase-moneys, interests and debt arising from commercial and business transactions, but not the interest on personal debts.

(*c*) To constitute such a residence of an alien as to establish his liability to be taxed, a continued personal presence of the alien in this country is necessary. Merely establishing a household in a case, for instance, in which the alien in question declares or proves by his action that his residence in Prussia for the time being is quite temporary, does not suffice. Nor can, on the other hand, every temporary absence of the alien remove or interrupt this liability of being taxed when the same has once ensued.

I have been unable to furnish your excellency with this statement at an earlier time, for the reason that it was a matter not exactly within my line, and I had to submit the matter of the legislative enactments and commentaries on the subject to a close examination. So far as a report on the status of aliens in regard to the taxes in the kingdom of Saxony is concerned, I pray for a delay of a week, to enable a colleague in Saxony to furnish me the necessary material.

Very respectfully,

JANSEN,
Attorney at Law and Notary.

[Inclosure 18 in No. 25.]

Memorandum by Mr. Kreismann.

BERLIN, *October* 10, 1874.

Having made an English translation of the paper of Mr. Attorney Jansen, left at the first late by Mr. Fish this morning, the same is herewith respectfully returned.

It may not be inappropriate, perhaps, in this connection, to refer to the question of municipal income-taxes here and in other Prussian and German cities, which are a constant cause of complaint for Americans residing in this and other cities in Germany in the pursuit of their studies or pleasure. So far as Berlin is concerned, the law of 1868, and the regulations in pursuance thereof of 1869, authorize a collection of such tax for municipal purposes of all persons who have an income of their own, and have their permanent domicile or have resided here for three months. But the city authorities here, in the case of Americans, have insisted upon the right of levying such tax also of persons who are married women and minors who have no income of their own, and no means other than such as they are furnished by their husbands or parents.

It would be in the interest of many Americans if it could be determined what the law and their liability actually are in the premises.

Respectfully submitted.

H. KREISMANN.

No. 236.

Mr. Davis to Mr. Fish.

No. 39.] LEGATION OF THE UNITED STATES,
Berlin, November 2, 1874. (Received November 18.)

SIR: In reply to a request of the Department for information, my predecessor wrote to you last year that it appeared from official returns that there were in Germany in December, 1871, fourteen thousand two hundred and sixty-three Americans, and that he estimated the number of those whose residence in Germany had been of a long continuance, or seemed to be indefinite in its intended duration, at about ten thousand.

He also stated that he estimated the number of Americans annually arriving from the United States in the German empire at about fifteen thousand, of whom about thirteen thousand return in the same season, leaving, perhaps, about fifteen hundred as sojourning or temporarily abiding in the country, and about five hundred added to the class of those whose residence seems to be indefinite.

Under the operation of the state of things so correctly described by Mr. Bancroft, there are large and steadily-increasing colonies of Americans scattered throughout the German empire. Whole families live here for years, drawing their means of support from American investments, educating their children in German ideas, and spending here the income which otherwise would go to enrich the United States. The evil is not without great counterbalancing advantages; but whether the preponderating effect be for good or for ill, it is not probable that the fact itself will be changed, until America shall offer as cheap education, as reasonable cost of living, and as agreeable amusements to idlers and pleasure-seekers as Europe affords.

Many families come here solely for the purpose of educating their children. Dresden, Münich, Heidelberg, and Stuttgart have been favorite centers for those who come with such objects. There are quite large colonies of Americans in each of these towns; probably more native-born citizens than anywhere else in Germany.

But the native-born Americans form only a comparatively small portion of the citizens of the United States permanently or indefinitely residing in Germany.

It is estimated that at least three-quarters of the number are persons of German birth, who have been naturalized in the United States, and have returned to Germany to reside.

Of this great number, some are here on short visits to their friends and

relations; and many are here for an indefinite time, either engaged in business or residing here for the purpose of educating their children, or staying here for their pleasure; but in all cases, with a purpose at some future time, as yet uncertain, of returning to America, and of resuming their citizenship there. The intercourse of such naturalized American citizens with their former fellow-countrymen cannot but have a good influence. On the one hand, it informs those who are disposed to emigrate of the great advantages which the United States hold out to the industrious emigrant; and, on the other hand, it makes those who remain Germans better informed respecting the many ties of blood as well as the extended community of interest which now unite the people of the United States with the people of Germany. I do not undervalue the influences which thus tend to increase and cement a good understanding between the two powers. Nevertheless, after giving the fullest weight to these considerations, it must be regarded as for the interest of the United States that the residence of its citizens abroad should not be unreasonably prolonged, but that it should itself have the benefit of the products of their labor and of the expenditure of their revenues. The naturalization treaties seem to regard two years as a reasonable time within which a return to America may be expected, and that a further residence may be subject to be inquired into.

There is still another class of naturalized citizens residing in Germany, not so numerous as the others, but by no means insignificant, who have sought American citizenship solely for the purpose of avoiding the duties of citizenship here, and, having acquired it, have returned here without any intention of residing again in America, or of performing any of the duties of citizenship there.

* * * * * * *

The position of the German emigrant, naturalized in good faith, who returns here, and who dwells here temporarily, but without an intent to remain permanently, is materially affected to his disadvantage by the odium caused by such cases as I have described. The very stringent laws respecting military service in Germany are about to be made still more stringent. The authorities to whom their execution is intrusted look not unnaturally with suspicion upon every person of German birth, of the requisite age for military service, whom they see residing in Germany as a citizen, with no apparent purpose of leaving it, and yet claiming exemption as a foreigner from duties required of Germans by German laws. * * * The military authorities have not up to this time been disposed to enforce the laws with undue precipitancy; but that they are acting with more vigilance than formerly the several cases which I have already reported to the Department show.

No effort will be spared to make this legation offer a complete protection to every naturalized German citizen who is remaining temporarily in Germany with the intent to return to America. I should hope that there will be no disposition in the imperial government to make this a difficult task. As yet, I have seen none. It is to be remembered, however, that Congress has declared in a statute the right of all persons to expatriate themselves, and to elect a new nationality; and that the naturalization treaties with the German powers have provided that this right may be regarded as exercised by a German who has been naturalized in the United States, when he returns to the land of his nativity, and dwells there for two years. The treaties do not provide that such a residence *shall* work an expatriation, and I understand that both governments are agreed that the imperial government is not by an *ex-parte* decision to determine that the facts in any particular

case constitute such an expatriation, without affording to the United States an opportunity to inquire into them.

Nevertheless, after all, it remains, with the best intentions on the part of the imperial government, that frauds are committed upon it, and that this legation is invited by cunningly arranged statements to further them, and that it is not always easy to get at the truth in cases arising in distant parts of the empire.

It will be for the Department, to which the subject is now respectfully referred, to decide whether by rules and regulations for the conduct of this legation, or by provisions for the registration of citizens, or by an attempt to secure legislation, or in any other manner, it is feasible to do anything to make more secure the position of our naturalized fellow-countrymen returning in good faith temporarily to the land of their birth.

The subject is, I believe, already before the present Congress on the invitation of the President. Perhaps that body may be able to supplement its declaration respecting the right of expatriation by provisions concerning the exercise of that right, and may thus aid the several legations in sifting out the various cases of American citizenship assumed for fraudulent purposes, and in giving to *bona-fide* naturalized citizens protection, not only against improper claims to their military services, on the part of their old governments, but also against the doubts and suspicions engendered by the conduct of others for which they are not responsible, and over which they have no control.

I have, &c.,

J. C. B. DAVIS.

No. 237.

Mr. Nicholas Fish to Mr. Fish.

No. 19. LEGATION OF THE UNITED STATES,
Berlin, November 16, 1874. (Received December 4.)

SIR: I called at the foreign office on the 5th instant, for the express purpose of paying my respects as chargé d'affaires *ad interim*. Mr. von Bülow received me in a very friendly manner, and said he was very happy to inform me that two of the pending military cases had been decided in our favor, and that I would receive his communications relative thereto in the course of a day or two. I asked if he recalled the names of the two to which he referred, and he said that one was the case of Arndt. I thanked him, and said that we had already received the answer in that case.

On the 10th I again called at the foreign office and told him that I had not yet received the answer in regard to the second case, and expressed the hope that he would tell me in which case it had been made. He said he regretted that his memory had been at fault, and that a final decision had not yet been reached, but that the foreign office had recommended that a favorable decision should be made in regard to one of the pending cases. I asked him to hasten the action of the authorities as much as possible. He promised me that he would do all in his power, and that there was no delay in his department. He assured me that the foreign office was in favor of deciding in our favor every case where *bona fides* was apparent in the naturalization of the appli-

cant. In cases where the naturalization appears to have been without such honesty of purpose, the naturalized American of German origin would first be notified that he would have to serve if he continued his residence here; and that only in case of this notice being disregarded would further proceedings be taken. He said such was the spirit of the treaty, and in that spirit they intended to carry it out. He said he had given the same assurance to Mr. Bancroft, and that this government desired always to maintain and encourage the most cordial and friendly relations with that of the United States. I thanked him, and told him that the desire was most heartily reciprocated by the United States. I said that I called merely to urge a little more speedy action in regard to the cases which we had presented, and that among them was one to which Mr. Bancroft had called his attention early in June last, to which we had received no reply.

In view of the first conversation, I deferred replying to instruction No. 13 in regard to Carl F. Selbach, hoping to be able to transmit a favorable decision of the case. Immediately after my second interview with Mr. von Bülow I wrote to the vice-consul at Mannheim to inquire if any further developments had taken place. I inclose a copy of my letter and of his reply.

* * * * * * *

The case is interesting as an example of one of the great defects in the treaties of naturalization with the different German states, mentioned in your instruction No. 569, of April 14, 1873, to Mr. Bancroft, "that the remaining states are affected by four treaties, each operative only within its own territorial sphere."

I have, &c.,

NICHOLAS FISH.

No. 238.

Mr. Fish to Mr. Davis.

No. 29.] DEPARTMENT OF STATE,
Washington, November 21, 1874.

SIR: Your dispatch No. 25, in relation to the imposition of income-tax upon citizens of the United States residing in Germany, has been received and considered with attention.

To your dispatch are annexed communications from Mr. Leo Wolf, Mr. Wierss, and Mr. Appleton, all claiming to be citizens of the United States residing in different parts of Germany, and objecting to the imposition of this tax; added to which is your correspondence on the question with them, and an opinion of Mr. Jansen at Berlin, as to the legal aspects of the law of the different German States imposing these several taxes. It appears that each of the persons objecting to the tax is admittedly a resident in that part of the German Empire where he is assessed, and not a mere temporary sojourner for pleasure or otherwise.

Upon examination of the statement of Mr. Jansen, it further appears that taxes on income of aliens appear to be assessed under certain restrictions and within certain limitations upon resident aliens only, although it appears that a person carrying on business is deemed to be a resident immediately upon taking up his residence in any place.

The real question raised, therefore, by this correspondence, is, whether an income-tax may properly be assessed against an alien resident in Germany.

As a general rule the power to impose taxes is an attribute of sovereignty, and where the person or the property in question is a proper subject of taxation, the species of tax and the amount which should be collected may fairly be left to the state or government exercising this power.

By the act of March 2, 1867, it was provided—

> That there shall be levied, collected, and paid annually upon the gains, profits, and income of every person residing in the United States, or of any citzen of the United States residing abroad, whether derived from any kind of property, rents, interest, dividends, or salaries, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any other source whatever, a tax, &c.

Such provision does not materially differ from the corresponding provision in the previous acts on the same subject. It applies in terms to all persons, aliens as well as citizens residing in the United States, and to all citizens residing beyond the limits of the United States.

So far as the subjects of taxation are concerned, the income-tax referred to in your correspondence does not appear to differ from the income-tax imposed by this Government.

On the ground, therefore, that the parties complaining in these cases are all residents of Germany, and so long as the tax is uniform in its operation and can fairly be deemed a tax and not a confiscation or unfair imposition, it is not believed that any successful or consistent representation can be made to the German government in their behalf.

It is true that in some cases a party may be liable to double taxation, but such instances are exceptional, and this fact cannot alter the rule. No income-tax, as such, is at present collected in this country.

Some of these statements complain of excessive taxation, even under the provisions of the German laws, but such matters would seem more properly to be questions for submission to the German courts.

The views of the Department are confined to the particular cases presented in your dispatch.

It is not admitted that an income-tax could be collected from non-resident aliens, nor is the general question of municipal taxation adverted to in the communication of Mr. Kreismann, the consul-general, but concerning which no particulars are given, here considered.

The general views expressed in your dispatch on this question are concurred in by the Department.

I am, &c.,

HAMILTON FISH.

No. 239.

Mr. Davis to Mr. Fish.

No. 60.] LEGATION OF THE UNITED STATES,
Berlin, January 11, 1875. (Received February 8.)

SIR: I have the honor to acknowledge the receipt of your instructions, up to and including No. 40.

On the 6th instant a Prussian subject appeared at this legation and stated that his son, Edward Grübel, a native of Prussia, who had emigrated to the United States in the year 1867, at the age of 17, without

having previously received a summons to serve in the army, had been naturalized in the United States, and had resided there for seven years; that on Christmas day last he arrived home on a visit to his parents; that on the 5th instant he was condemned by the "land and stadt gericht" to pay a fine of 150 reichmark for non-performance of military service; that he had informed the court that he was a citizen of the United States, and had exhibited a passport from the Department of State; that the court had answered that it was unnecessary to produce the passport, as he was liable to the fine irrespective of citizenship, and that he was at once committed to prison for non-payment of the fine.

I immediately prepared a note to Mr. von Bülow, describing the details of the case, and expressing the hope that, should the facts as stated be found to be correct, Grübel would be discharged and the fine remitted. I took this note in person to the foreign office, and in handing it to Mr. Von Bülow, I repeated nearly the substance of it, and I said that the case was one demanding immediate attention.

He assured me that it should be attended to at once.

I took the opportunity to read to him from your No. 35 the question which you had asked there: "Whether the unallowed emigration of a person of an age making him liable to military duty is of itself an offense by the law of Germany, or whether the issue of a notice to perform military service is requisite to constitute an offense?"

He answered that every German subject is by law required to be ready to perform military duty on reaching the requisite age, and that no notice is necessary in order to entail liability to do the duty or to warrant a fine for neglect to perform it.

I then asked him what was the nature of the court which imposed such fines, and passed upon such cases as those of Grübel. He replied that it was a mixed court—partly military and partly civil.

I asked whether, before that tribunal, a defendant might plead naturalization in the United States, and whether such a plea when established would operate as a bar against the imposition of a fine, in accordance with the construction put upon the naturalization treaties by the German government and by the United States.

He answered that the fact of the naturalization would not be taken into consideration by the court; that it was necessary to have that fact brought to the attention of the foreign office; that the ultimate settlement of these cases lay with the minister of war and the secretary of state for foreign affairs jointly, by whom questions arising under the treaties were to be decided.

* * * * * * *

I have, &c.,

J. C. B. DAVIS.

No. 240.

Mr. Davis to Mr. Fish.

No. 82.] LEGATION OF THE UNITED STATES,
Berlin, March 13, 1875. (Received April 2.)

SIR: The relation between the Roman Catholic Church and the state, which now agitates Prussia, and, in fact, all Germany, is no new question. It early attracted the attention of that acute political observer, my distinguished predecessor, Mr. Wheaton, from whose dispatches I venture to make one or two extracts, in order to elucidate more clearly what I have to say about the present condition of affairs. Writing from Berlin on the 6th of December, 1837, [No. 55,] he said:

The disputes which have recently taken place between the Prussian government and the Archbishop of Cologne have at last been terminated by the forcible removal of the prelate from his post to the fortress of Minden in Westphalia. * * * The principal points in dispute between this prelate and the government relate to the following subjects:

1. *Education.*—A theological faculty annexed to the University of Bonn is provided for the education of the Catholic clergy. In Prussia the entire matter of education, in all its branches, is monopolized by government, and supported by ample endowments, extending its benefits to all classes of the people. Among the theological professors of Bonn was the celebrated philosopher Hermes, who died in 1832, and who asserted for the Catholics the right of free examination, for the purpose of confirming them in the faith; a doctrine novel and alarming to the Church of Rome, and which was accordingly condemned by the Pope as heretical. From this source arose various disputes, a minute detail of which would be tedious, respecting the right of the Catholic prelates to refuse confirmation to candidates for holy orders who had been educated in the schools of Bonn, and many other intricate questions growing out of this anomalous union between a Catholic church and a heretical state.

2. *Mixed marriages.*—By the civil law of Prussia, the children born of a marriage between Protestants and Catholics are to be educated in the faith of the father, or in such as he may prefer. The archbishop requires them all to be educated in the Catholic faith whenever either of the parents is Catholic.

3. *The publication of the papal bulls.*—In every Protestant country of Europe which maintains relations with the see of Rome for the benefit of its Catholic subjects, every bull of the pope must be submitted to the inspection of the government of the country before its publication, in order to guard against the possible abuses of such an intercourse. The Archbishop of Cologne makes a distinction in this respect between bulls which relate merely to dogmas and matters of faith and those which relate to matters of civil legislation, and the connection of the church with the state. He asserts his right to receive, publish, and execute the former without submitting them to the inspection of the local government. It is easy to see that under this pretext the Catholic clergy might interfere with and defeat the execution of the laws of the country respecting education, marriage, divorce, and, in short, all the relations of life which are ordinarily regulated by the civil magistrate. In the course of these discussions the Prussian government has proceeded with great moderation and circumspection.

And in a dispatch (92) dated the 2d of January, 1839, in speaking of "the conduct of the Prussian government in its intercourse with the papal see and its proceedings toward the Catholic prelates," Mr. Wheaton said:

This question still continues to be a constant source of uneasiness and debility to Prussia. * * * The Austrian government is more successful in managing the clergy in its dominions. Being a Catholic power, its measures are not viewed with such jealousy by that body, while its influence at Rome enables it to control them through the head of the church. Measures which on the part of a Protestant sovereign are regarded as proofs of the spirit of proselytism and persecution, may be, and in fact are, accepted with docility when proceeding from the house of Austria. * * * This fact tends to confirm the suspicion indulged by many persons here, that the religious dissensions in Prussia have been, if not fomented, at least regarded with no unfavorable eye by Prince Metternich, who seeks to weaken the increasing influence in

Germany obtained by Prussia through the commercial union, by opposing moral to material interests, and engaging Prussia, which, ever since the thirty years' war, has continued to be the representative of the Protestant party in Germany, in an embarrassing conflict with a religious faction, from which Austria has not only nothing to fear, but upon whom she might count as her natural ally in a struggle for political influence and power.

The contest described in these graphic and well-considered periods was still undetermined when King Frederick William III died, on the 7th day of June, 1840. His eldest son succeeded him as Frederick William IV. This monarch, through the intermediary of the late Chevalier Bunsen, succeeded in adjusting, or rather suspending, the differences between Berlin and Rome. Among other things, he gave up the right of the royal "*placet*," by virtue of which all the correspondence between the Vatican and the Prussian bishops of the Roman Church passed through the foreign office, and under the control of the minister of foreign affairs. He also continued the arrangement made by his father (Frederick William III) for the sanctioning of the dispositions of the papal bull known as "*de salute animarum*," and for the dotation of the Roman Catholic clergy.

In 1850, a new fundamental or constitutional law was enacted, that the ecclesiastical organizations named in the law, among which was the Roman Catholic Church, should have the right of managing their own affairs. This law continued in force until 1873, and under it the Roman Catholic Church in the Rhine provinces prospered greatly. It increased its religious organizations, and gathered to itself great wealth. A Roman Catholic friend estimates the increase at the incredible sum of two millions of thaler a year.

Meanwhile, the antagonism between Berlin and Rome remained in no respect diminished by the worldly prosperity of the church on the Rhine, or by the political and military successes of the government at Berlin. The opinion of Prince Bismarck has been made public that the Emperor of France was forced into the great war of 1870–'71 by ecclesiastical influences from Rome. The antagonism found its natural expression in the legislation of Prussia.

On the 5th day of April, 1873, the fundamental law of 1850 was amended, so as to give to the state a supervisory control over the ecclesiastical organizations. The right of the Evangelical, Roman Catholic, and other religious organizations to manage their own affairs was to remain, "but subject to the laws of the state and to a legally-organized state inspection," (*aber den Staatsgesetzen und der gesetzlich-geordneten Aufsicht des Staates unterworfen.*)

The next law, passed upon the 11th of May, 1873, related to the education of priests and religious teachers. It required all priests to be educated in Germany, and it gave to the state authorities a power of examination and rejection of unfit persons. It also established at Berlin an ecclesiastical court for the purpose of hearing and finally determining cases arising under these ecclesiastical laws, or from violations thereof. This court was to consist of eleven members, six of whom were required to be regular judges; and they were authorized to order, in cases of adjudged violations of these laws, the several measures of punishment provided by the laws.

In the same session a law was passed limiting and defining the measure of ecclesiastical punishments within the religious orders, and also a law providing a mode for leaving a church.

In the session of 1874 there was still further legislation. By the law,

of the 4th of May provision was made in case of a vacant bishopric for authorizing a person to perform the functions of the office, and to administer the temporalities. The new bishop, when appointed, was required to give the upper president of the province notice of his appointment, and to prove to the satisfaction of the proper officer that he possessed the personal qualifications for the office required by law; and, further, to take an oath of allegiance to the sovereign. In case of his rejection by the civil authorities, he had the right of appeal to the ecclesiastical court at Berlin, whose decision was to be final. If, however, he should undertake to exercise his office without authority, he was to be punished in the manner prescribed by the law.

The same statute made provision for filling vacancies. Upon a vacancy by judicial determination, the upper-president was to summon the cathedral chapter, in order that the vacancy might be filled by election; and in case no election should be had, then the minister for church-affairs was authorized to appoint a commissioner to manage the real and personal property.

It was further provided that the same laws should apply to bishoprics filled by bishops not recognized by the state, and also to vacancies in bishoprics which exist for more than a year.

Provisions were also made for filling vacancies in other orders of the priesthood. The persons appointed under the provisions of the law were authorized to cause this to be done by election by the congregation, and provisions were made for holding such elections, and for investing the persons elected with the offices.

On the 20th of the same May another law was passed concerning the management of the vacated Catholic bishoprics.

These several laws gave great offense at Rome. On the 5th day of February last the Pope issued his encyclical letter, addressed to "his venerable brothers the archbishops and bishops in Prussia," in which, among other things, he said:

"In order to fulfill the duties of this apostolic seat, we declare publicly by the present encyclical, to all whom it concerns, as well as to the entire Catholic world, that these laws are null, because they are contrary to the divine constitution of the church; for it is not to the powers of the earth that the Lord has committed the bishops of His church in what concerns His sacred service, but to Peter, to whom He has committed His lambs and His sheep."

The gauntlet thus thrown down was taken up at once at Berlin. Two bills are now pending in the Landtag, and will undoubtedly become laws. The first, which was introduced before the encyclical, in anticipation of it, is a project of a law for the management of the property of the Catholic Church. (*Über die Vermögensverwaltung in den katholischen Kirchengemeinden.*) It provides for an election of church wardens in each parish by the congregation, the number to be fixed by the bishop, in conjunction with the government. This body can be called together at any time, either by the bishop or by the Landrath, or, in cities, by the mayor, or by one-half of the board, or by the congregation, acting in the manner indicated in the act.

The second act was introduced on the 3d of March, and, like the former, bears the name of Dr. Falk. It is entitled "An act concerning the suppression of the payment of the state aid to the Roman Catholic bishops and clergy," (*betreffend die Einstellung der Leistungen aus Staatsmitteln für die römisch-katholische Bisthümer und Geistlichen.*) It absolutely suspends such payments, but the suspension is to be removed so soon as the archbishop, or bishop, &c., pledges himself in writing to

obey the laws of the state. The revocation of such a pledge, once given, is to involve dismissal from office by judicial sentence, and incapacity for the exercise of office hereafter.

These various measures and proceedings have excited a deep interest. The subject has been discussed at length, not only in the journals of Berlin, but in London and Paris. The Roman Church in Germany is divided. One branch sends a deputation to the Pope with an address, in which they—

> Declare before you, most holy father, that no human force shall separate us from our lawful Pope, for we remember that it is an eternal truth that one of the conditions of salvation is to be subject to the Pontiff of Rome. * * * Prostrate before your feet, most holy father, we are your obedient children of Germany.

On the other hand, many Roman Catholic members of the Reichstag and Landtag have joined in a protest, in which it is said that—

> We dispute in the most decided manner that the ecclesiastical laws of the German Empire and of the Prussian state entirely overthrow the divine government of the church, and reduce to nothing the inviolable jurisdiction of the bishops; and we protest solemnly, first, against all principles set forth in the papal document, which are dangerous to the authority, the constitution, and the existence of the state, and most especially, secondly, against the claim of the Pope to declare invalid state laws which have been enacted by constitutional means. We are, moreover, of the opinion that the teaching of the Catholic Church expressly commands every Catholic to recognize as fully valid and binding all state laws enacted in constitutional manner, and to give his obedience to them.

As if to make the parallel between this controversy and the one detailed by Mr. Wheaton more complete, the very number of the London Times which contains a translation of the proposed law for the suspension of the state subsidies has another telegram, in which it is stated that the Austrian bishops are permitted by the Pope to comply with the terms of an Austrian law which compels them to mention to the authorities the names of the priests appointed to livings. And it is further said that the concession to Austria is regarded as another proof that the resistance to the laws of Prussia is prompted by political motives.

I inclose copies of the several laws and projects of laws referred to, together with other documents and papers, and extracts from the press.

And have, &c.,

J. C. B. DAVIS.

[Inclosure 1 in No. 82.—Translation.]

THE CHURCH LAWS OF 1873.

AN ACT providing for a change in articles 15 and 18 of the constitution of 1850.—April 5, 1873.

We, William, by the grace of God King of Prussia, &c., do hereby decree, with the sanction of both houses of the Diet of our monarchy, as follows:

SOLE ARTICLE.

Articles 15 and 18 of the constitution of January 31, 1850, are hereby annulled.

The following provisions are adopted in their stead:

ARTICLE 15. The Evangelical and the Roman Catholic Church, as well as every other religious society, have the direction and control of their own affairs, but are subject to the lawfully regulated supervision of the state.

On the same terms every religious society shall possess and enjoy the establishments, endowments, and funds which are devoted to its religious, educational, and charitable purposes.

The right of appointing, proposing, selecting, and confirming, in filling ecclesiastical offices, is hereby abolished, so far as it belongs to the state, and is not based upon advowson or special legal titles.

This provision has no reference to the appointment of clergymen in the army or in public establishments.

The prerogatives of the state shall be regulated by law as regards the preparatory education, appointment, and dismissal of clergymen and other religious functionaries, and the limits of ecclesiastic disciplinary power shall also be defined by law.

In testimony whereof we have hereunto affixed our signature and caused our royal seal to be hereunto affixed.

Done at Berlin, April 5, 1873.

[L. S.] WILLIAM.

Count von ROON. Prince v. BISMARCK, Count v. ITZENPLITZ, Count EULENBURG, LEONHARDT, CAMPHAUSEN, FALK, von KAMEKE, Count v. KÖNIGSMARCK.

AN ACT providing for the preparatory education and appointment of clergymen.—Of May 11, 1873.

We, William, by the grace of God King of Prussia, &c., hereby decree, with the consent of both houses of the Diet, the following:

I.—*General provisions.*

§ 1. An ecclesiastical office in one of the Christian churches shall only be given to a German who has received his preparatory education in the manner provided by this law, and to whose appointment no objection has been made by the government of the state.

§ 2. The provisions of § 1 are to be enforced, whether the office is to be given permanently or subject to revocation, or whether the incumbent is to be appointed only *ad interim* or as an assistant. If there is any danger in delay, a person may be appointed temporarily or in the capacity of assistant, subject to the approval of the government of the state.

§ 3. The provisions of § 1, so far as they are not inconsistent with those of § 26, shall be enforced when a clergyman who already holds a position is to be appointed to another, or when an appointment subject to revocation is to be changed to a permanent one.

II.—*Preparatory education for the clerical office.*

§ 4. Before filling an ecclesiastical office, it shall be necessary for a candidate to have gone through the educational course required at a German gymnasium, and a theological course (of three years) at a German state university, and to have passed the examination in regard to literary qualifications which is prescribed by the state.

§ 5. The minister of ecclesiastical affairs is authorized, in consideration of a university course other than a theological one, or in consideration of a course of study at some state university not in Germany, or in consideration of some other special educational course, to remit a suitable portion of the required term of three years at a German state university, above referred to.

§ 6. Candidates may go through the theological course required in those church seminaries which shall have been established in Prussia at the time of the promulgation of this act, if the minister of ecclesiastical affairs shall deem such a course a suitable substitute for the university course. This provision, however, shall be applicable only to seminaries in places where there is no theological faculty, and only to students belonging to the diocese for which the seminary was established. The consent of the minister of ecclesiastical affairs, referred to in the first paragraph of this section, cannot be refused if the institution is conducted in accordance with the provisions of this law, and if the aforesaid minister approves of the plan of instruction therein adopted.

§ 7. During the prescribed university course students shall not be at liberty to belong to a church seminary.

§ 8. The examination prescribed by the state shall take place after the theological course has been completed. No person shall be admitted for examination who has not fully complied with the provisions of this act as regards the gymnasial and the theological course of study. The examination shall be public, and its principal purpose shall be to ascertain whether candidates possess the proper literary qualifications for their vocation, especially in philosophy, history, and German literature. It shall be

the duty of the minister of ecclesiastical affairs to arrange the details of the examination.

§ 9. All church institutions for the education of candidates for the clerical office shall be under the supervision of the state. The domestic and disciplinary regulations in these establishments, the method of instruction in seminaries and boarding-schools for boys, as likewise in the seminaries referred to in section 6, must be submitted by the wardens of these institutions to the president of the province for his approval. The aforementioned institutions shall be subject to the inspection of commissioners, who shall be appointed by the president.

§ 10. In the institutions referred to in the foregoing section no one shall be appointed in the capacity of instructor or disciplinarian except Germans who have given satisfactory evidence, in the manner prescribed by section 11, that they are properly qualified, and to whose appointment no objection has been made by the government of the state.

The provisions of sections 2 and 3 are to be duly observed.

§ 11. Candidates for teacherships in seminaries or boarding-schools for boys must furnish evidence that they have become duly qualified to teach in a Prussian gymnasium the branches for which the appointment is to be made. Candidates for appointment as instructors in institutions devoted to the theological education of persons intending to be clergymen must furnish evidence that they are qualified to teach in a German state university the branches for which the appointment is to be made. Candidates for clerical positions must possess the educational qualifications prescribed for clergymen. The said qualifications shall be considered sufficient for those desiring positions in institutions devoted to theological training.

§ 12. The presentation of objections to appointments shall be governed by the same provisions as the presentation of objections to the appointment of clergymen, sections 15, 16, and 17.

§ 13. If the provisions of sections 9, 10, and 11 are not complied with, or if the orders of the state authorities are not obeyed, the minister of ecclesiastical affairs is hereby authorized to suspend the payment of the public moneys appropriated for the support of the establishment, or to close it. On the hypothesis stated, and until the time fixed, pupils of boys' seminaries and boarding-schools may be excluded from gymnasiums and from the examination required for their discharge; the consent referred to in section 6, moreover, may be withdrawn from any institution. These matters are to be regulated by the minister of ecclesiastical affairs. After the creation of a royal court for ecclesiastical affairs an appeal may be taken to the same within thirty days in regard to the legality of the provisions of this section. The disputed provision will be enforced, notwithstanding the appeal. The court, however, may order the enforcement thereof to be suspended until its final decision.

§ 14. Seminaries and boarding-schools (§ 9) shall hereafter not be established, and no new pupils shall be received into institutions of this kind already existing. In case of the reception of new pupils, the minister of ecclesiastical affairs is hereby authorized to close the institution receiving them.

III.—*Appointment of clergymen.*

§ 15. It shall be the duty of superior ecclesiastical officers to furnish to the president the name of any candidate who is to be appointed to an ecclesiastical office, and to state, at the same time, what the office is. The same must be done when a clergyman is to be transferred from one position to another, or when a revocable appointment is to be changed into a permanent one.

Objection may be made to the appointment within thirty days after the nomination. The objection is to be made by the president.

§ 16. Objection may be made: (1) when the person to be appointed does not possess the qualifications required by law for the position to be filled; (2) when the person to be appointed has been sentenced or is on trial for any crime or offense, for which the German penal code declares the perpetrator to be punishable by imprisonment in a penitentiary, or by forfeiture of his civil rights, or by disqualification to hold any public office; (3) if any facts are known in relation to the party to be appointed which justify the presumption that he will use his influence against the laws of the state, or against the ordinances of the authorities promulgated within the legal competency of said laws, or that he will disturb the public peace.

The facts upon which the objection is based must be stated.

An appeal against the objection may be taken, within thirty days, to the royal court for ecclesiastical affairs, and until its creation, to the minister of ecclesiastical affairs. The decision shall be final.

§ 17. Any appointment to an ecclesiastical office made in violation of section 1, or before the expiration of the term allowed by section 15 for the presentation of objections, shall be considered null and void.

§ 18. Every vacant parish must be permanently supplied within one year from the

day of its becoming vacant, in case a year of grace is allowed, either by law or custom. This term may be suitably extended by the president, in case of need, if application for such extension is made.

After the expiration of the term, the president is empowered to take coercive measures to cause the place to be filled, and, in case of opposition, to impose a fine to the amount of one thousand thalers. The notification and the fixing of the amount of the fine may be repeated until the law shall have been obeyed.

The minister of ecclesiastical affairs is, moreover, authorized to suspend the payment of any public moneys appropriated to the support of the incumbent of the position, or to that of the ecclesiastical officer whose duty it is to make the appointment, or to approve the same, until the provisions of the law shall have been complied with.

§ 19. The creation of pastoral offices, whose incumbents may be removed at pleasure, is only allowable when approved by the minister of ecclesiastical affairs.

The provisions of section 18 are also applicable to the so-called branch parishes established by the French code, and the term fixed in the first paragraph of section 18 shall begin, for them, on the day of the publication of this law.

§ 20. Any decree or order which would suspend or impair the privilege of bringing an action at law in regard to claims concerning property which arise from matters connected with ecclesiastical offices must receive the sanction of the state authorities before it can take effect.

§ 21. Any person sentenced to imprisonment in a penitentiary, or who has forfeited his civil rights and his right to hold any public office, shall, in consequence, be ineligible to any ecclesiastical office, and shall be entitled to receive none of the moneys appropriated for ecclesiastical purposes.

IV.—*Fines.*

SECTION 22. Any ecclesiastical officer who shall make an appointment to an ecclesiastical office in violation of sections 1, 2, and 3, or who shall approve such appointment, shall be required to pay a fine of not less than 200 nor more than 1,000 thalers.

Any one acting in violation of paragraph 1 of section 19 shall be held to the payment of a like fine.

§ 23. Any person performing ecclesiastical functions in an office to which he has been appointed, in violation of sections 1, 2, and 3, shall be required to pay a fine not exceeding 100 thalers.

Any person performing ecclesiastical functions in a parochial office not held by him permanently, after he has been notified by the president that coercive measures have been taken to fill the place by the appointment of another person, shall be subject to a like fine.

§ 24. Any person performing ecclesiastical functions after having become disqualified to do so by a judicial sentence, (section 21,) shall be subject to a fine not exceeding 100 thalers.

§ 25. A foreigner who has been appointed to an ecclesiastical office, or to one of the offices in church institutions mentioned in section 10, must, in order to avoid the penalties provided in section 21, become a subject of the empire within six months.

The minister of ecclesiastical affairs may, in consideration of the circumstances of any particular case, extend this period.

§ 26. The provisions of this law which require persons to furnish evidence of the possession of proper educational qualifications shall not be applicable to persons who have held clerical positions or become qualified to do so before the promulgation of this law.

The minister of ecclesiastical affairs is also authorized to exempt, either in whole or in part, from the requirements of this law in regard to preparatory educational qualifications, all persons who, previously to the promulgation of this law, had made considerable progress in their preparation for the clerical office.

The minister of ecclesiastical affairs is also authorized to exempt foreigners from the requirements of section 4 of this law.

§ 27. The examination prescribed by the state, which is referred to in sections 4 and 8 of this law, may take place in connection with the theological examination, so far as the conduct of the latter and the formation of the examining committees is in the hands of officers who are appointed, either in whole or in part, by the King.

§ 28. The provisions of this law with regard to the right of the state to object (sections 1, 3, 10, 12, 15, and 16) shall not be applicable in cases in which the appointment is made by a board all the members of which are appointed by the King.

§ 29. So far as the co-operation of the state in the making of clerical appointments is further regulated upon the basis of advowson or special legal titles, no change is made in relation thereto.

In like manner, the existing rights of the state in relation to the appointment of clergymen in the army and in public institutions are not affected by the present law.

§ 30. The minister of ecclesiastical affairs shall have charge of the execution of this law.

In testimony whereof We have hereunto affixed Our signature and caused Our royal seal to be hereunto affixed.

Done at Berlin May 11, 1873.

[L. S.] WILLIAM.

Count von ROON, Prince von BISMARCK, Count von ITZENPLITZ, Count EULENBURG, LEONHARDT, CAMPHAUSEN, FALK, Von KAMEKE, Count von KÖNIGSMARK.

An act for the regulation of ecclesiastical disciplinary power and of the establishment of the royal court for ecclesiastical affairs. Of May 12, 1873.

We, William, by the grace of God King of Prussia, &c., do hereby decree, with the sanction of both houses of the diet, for the entire extent of the monarchy, including the hunting district, as follows:

I.—GENERAL PROVISIONS.

SECTION 1. Ecclesiastical disciplinary power over church functionaries can be exercised by German ecclesiastical authorities only.

§ 2. Ecclesiastical disciplinary penalties, which are directed against liberty or property, cannot be enforced until the party accused has had a hearing.

Any removal from office (dismissal, transfer, suspension, &c.) must be made as the result of a regular legal proceeding.

In all these cases the decision must be given in writing, and the grounds therefor stated.

§ 3. Corporal punishment, as an ecclesiastical disciplinary penalty or means of correction, is not permissible.

§ 4. Fines shall not exceed the sum of thirty thalers, or, if the monthly salary is greater than that amount, they shall not exceed such monthly salary.

§ 5. The penalty of deprivation of liberty can only consist in confinement in a demerit institution.*

The confinement shall not continue for more than three months, and its enforcement shall neither be begun nor continued against the will of the party whom it is sought to discipline. No person shall be sent to any demerit institution other than a German one.

§ 6. The demerit institutions shall be under the supervision of the state. The domestic regulations thereof shall be submitted to the president of the province for his approval.

He is authorized to order visits to be made to demerit institutions, and to make inquiry as to their arrangements.

When a delinquent is received into a demerit institution, the warden thereof must notify the president of the fact within twenty-four hours, stating, at the same time, what authority has ordered him to be sent there. The warden shall keep a list of all delinquents received, stating their names, the penalties inflicted upon them, and the date of their reception and discharge. At the close of each year the list is to be sent to the president.

§ 7. Notice shall be sent to the president, at the same time as to the party concerned, of every ecclesiastical disciplinary decision involving the payment of a fine of more than twenty thalers, confinement in a demerit institution for more than fourteen days, or removal from office.

Said notice must contain a statement of the grounds of the decision.

§ 8. The president is authorized to enforce obedience to the provisions contained in sections 5–7, and to the ordinances issued by him in pursuance thereof, by imposing fines to the amount of 1,000 thalers.

The commination and fixing of the fine may be repeated until the law has been complied with.

A demerit institution may, moreover, be closed.

§ 9. The enforcement of ecclesiastical disciplinary sentences by the state authorities shall only take place when such sentences have been declared by the president to be enforceable.

II.—APPEALS TO THE STATE.

§ 10. An appeal may be taken to the state authorities against decisions of ecclesiastical authorities involving a disciplinary penalty:

1. If the decision has been pronounced by an authority which is excluded by the laws of the state;

* Institutions specially designed for the punishment of delinquent priests.

2. If the provisions of section 2 have not been complied with;
3. If the penalty is legally inadmissible;
4. If the penalty is sought to be imposed—
a. On account of an act or omission which is rendered obligatory by the laws of the state or by ordinances issued by the authorities within its jurisdiction;
b. On account of the exercise or non-exercise of the right to vote;
c. On account of making use of the right of appeal to the state authorities (section 32) in accordance with the provisions of this law.

§ 11. An appeal may also be taken if—
1. The removal of the party concerned from his cure has been ordered as a disciplinary punishment against his will, and if the order is based upon an assumption at variance with the plain facts of the case, or is in contravention of the laws of the state or the general principles of equity;
2. If, after temporary suspension of the party concerned from office, further proceedings have been unduly postponed.

§ 12. An appeal may be taken by any one against whom sentence has been pronounced, whenever he has used, unsuccessfully, such legal means as are at his disposa before the proper ecclesiastical authorities.

If any public interest is concerned, an appeal may be taken by the president also, but only when the legal means used before the ecclesiastical authorities have been unavailing, or when the term allowed for the use thereof has been allowed to pass without making such use.

§ 13. Due notice of an appeal must be given, in writing, to the royal court for ecclesiastical affairs.

In the cases contemplated in sections 10 and 11, par. 1, notice of appeal must be given by the party concerned within four weeks from the expiration of the day on which he has received a copy of the sentence, with the grounds therefor.

In the cases contemplated in section 11, par. 2, an appeal may be taken at any time.

The president shall give such notice within three months, if the decision or sentence has been communicated to him as final; otherwise, he may give notice at any time.

§ 14. The enforcement of a contested sentence shall be postponed by the taking of an appeal. The court is, however, authorized to grant a temporary enforcement. In the contrary case, the postponement of the enforcement may be required by the court, and the court may impose fines for its non-postponement to the amount of one thousand thaler, (section 8, par. 2.)

§ 15. The appeal must be justified, in writing, within fourteen days after notice thereof has been given. This term may be extended.

§ 16. The notice and the justification shall be delivered to the ecclesiastical authorities, that they may prepare a written explanation and hand in the documents. The delivery of the documents may be made compulsory, and failure to deliver them may be punished by fines to the amount of one thousand thaler, (section 8, par. 2.)

§ 17. The court shall take the necessary measures for the elucidation of the case. The evidence shall be taken down by a sworn reporter.

§ 18. The decision shall be based upon verbal proceedings in public sessions.

Publicity may be refused by the court, or may be confined to particular persons.

§ 19. The appellant and the ecclesiastical authority are to be summoned to attend the procedings, (sections 17 and 18.) They may be represented by a lawyer or an attorney. In case of their failure to appear, decision will be given according to the evidence elicited.

The minister of ecclesiastical affairs must, moreover, be notified. He may designate an officer to represent him. If the president has taken the appeal, he shall be represented by the officer designated by the minister.

§ 20. Within the term appointed for the verbal proceedings, a reporter, appointed by the president of the court from among the number of the members thereof, shall prepare a statement of the case, as shown by the proceedings thus far. The appellant or his representative, and also the representative of the ecclesiastical authority and that of the minister of ecclesiastical affairs, shall be heard, with their remarks and suggestions.

§ 21. In giving its decision, the court, without being confined to positive rules of evidence, shall decide in accordance with its free conviction, reached from due consideration of the proceedings and the evidence. In the sentence it shall be stated that the appeal is rejected, or that the contested decision is set aside.

The sentence of the court, with a statement of the grounds on which it is based, shall be proclaimed in the session in which the verbal proceedings have been concluded, or in one of the next sessions, and a copy thereof shall be delivered to the appellant or his representative, and likewise to the ecclesiastical authority and to the minister of ecclesiastical affairs.

§ 22. A report shall be taken of the verbal proceedings, and shall contain the names of the parties present and the essential points of the proceedings.

The report shall be signed by the president and by the sworn reporter.

§ 23. If the contested decision is set aside, the ecclesiastical authorities shall cease

from the enforcement thereof, and shall cause the effects of the measures already adopted to cease.

The president* is empowered to enforce obedience to the orders issued by him for this purpose, by imposing fines to the amount of 100 thalers, (section 8, par. 2.)

The ecclesiastical authorities may appeal against the enforcement of these orders to the court for ecclesiastical affairs.

III.—*Interference of the state without appeal.*

§ 24. Clergymen who violate those provisions of the state laws which concern their office or official duties, or the orders issued in relation to the same by the state authorities, in such a manner that their continuance in office seems incompatible with public order, may, at the suggestion of the state authorities, be dismissed from their office.

Dismissal from office involves disqualification to hold the office, loss of the income thereof, and vacation of the position.

§ 25. The suggestion or petition for the removal of the offending clergyman must be preceded by a request to the proper ecclesiastical authorities to institute an investigation of the conduct of the party accused, with a view to his removal from office. If the accused is under the jurisdiction of no ecclesiastical authority within the German empire, he shall be summoned to resign his office.

The summons shall be sent in writing, together with a statement of the grounds on which it is based, by the president of the province.

§ 26. If the summons is not obeyed within the time fixed, or if the ecclesiastical investigation does not lead within the time fixed to the removal of the accused from his office, the president of the province shall move that the court for ecclesiastical affairs institute proceedings against him.

§ 27. The court of superior instance within whose jurisdiction the accused has his official residence shall, at the request of the court for ecclesiastical affairs, commission a duly-qualified judge to conduct the preliminary examination. During the preliminary examination such provisions of the laws governing prosecutions as may be applicable to the case shall be enforced.

The duties of attorney for the state shall be performed by an officer to be appointed by the minister of ecclesiastical affairs.

§ 28. The court may, in view of the result of the preliminary examination, suspend the prosecution. In such case the accused shall receive a copy of the decision to that effect, with a statement of the reasons therefor.

§ 29. If the prosecution is not suspended, the accused shall be summoned to appear at the verbal proceedings, and a copy of the indictment, prepared by the state attorney, shall be sent to him. He may avail himself of the services of a lawyer or attorney to defend him.

The minister of ecclesiastical affairs shall, moreover, be notified.

§ 30. During the prosecution the provisions of sections 17, 18, 20, 21, and 22 shall be enforced.

In the sentence, either the acquittal of the accused shall be announced or his removal from the ecclesiastical office held by him.

§ 31. Clergymen performing clerical functions, after they have been removed from their office according to section 30, shall be held to pay a fine of one hundred thalers, and, in case of a second offense, of one thousand thalers.

IV.—*Royal court for ecclesiastical affairs.*

§ 32. For the decision of the cases referred to in sections 10–23 and 24–30, as well as of others which may be legally assigned to it, a court is hereby established, which shall bear the name of "royal court for ecclesiastical affairs," and shall sit at Berlin.

§ 33. The court shall be composed of eleven members. The president and at least five other members must be judges, duly qualified and appointed. The verbal proceedings and the decision in individual cases shall be conducted and rendered by seven members. The presiding officer and at least three associates must be judges.

The manner of transacting business, and more particularly the prerogatives of the president and the order in which the members are to participate in the work of the various sessions, shall be adjusted by a series of regulations, which shall be drawn up by the court, and submitted to the minister of state for his approval.

The provisions made in this law in regard to the manner of proceeding may be supplemented by a unanimous resolution of the court, and the application of said provisions to other cases legally brought before the court may be regulated in the same manner.

§ 34. The members of the court shall be appointed by the King, on motion of the minister of state. Those already holding an office under the state shall be appointed

* The *oberpräsident*—not the president of the court.

for such time as they may continue to hold their principal office, and the others shall be appointed for life.

§ 35. The decisions of this court shall be final, and from them no appeal can be taken.

§ 36. It shall be the duty of all judicial and administrative authorities to comply with requests made to them by this court. The orders and decisions of the court shall be administratively executory.

§ 37. With regard to the obligation to pay the costs of a suit, the court shall decide freely, according to its best judgment. Only cash expenditures shall be considered as costs.

V.—*Final provision.*

§ 38. The requirement that ecclesiastical disciplinary sentences be ratified by the state is hereby abolished; also the right of appeal to the state on account of abuse of the ecclesiastical disciplinary authority, so far as they are based upon laws enacted previously to the present one.

In testimony whereof We have hereunto affixed Our signature, and caused Our royal seal to be affixed.

Done at Berlin, May 12, 1873.

[L. S.] WILHELM.

COUNT VON ROON.
PRINCE VON BISMARCK.
COUNT VON ITZENPLITZ.
COUNT ZU EULENBURG.
LEONHARDT.
CAMPHAUSEN.
FALK VON KAMEKE.
COUNT VON KÖNIGSMARK.

AN ACT in relation to the limits of the right to use ecclesiastical, punitory, and corrective measures, of May 13, 1873.

We, William, by the grace of God King of Prussia, &c., hereby decree, with the sanction of both houses of the Diet of the monarchy, for the extent thereof, including the hunting district, as follows:

§ 1. No church or religious society is authorized to provide, decree, or proclaim any punitory or corrective measures other than those which are of a purely religious character, or which relate to the withdrawal of a right exercised within the church or religious society, or to exclusion from the church or religious society.

Punitory or corrective measures directed against body, property, liberty, or civil honor are not permissible.

§ 2. The punitory or corrective measures which are permissible, according to section 1, shall not be decreed or proclaimed against a member of a church or religious society for the reason:

1. That he has committed an act rendered obligatory upon him by the laws of the state, or the orders issued in pursuance of the same, by the authorities;

2. That he has exercised, or has not exercised, the elective franchise in a particular manner.

§ 3. Similar punitory or corrective measures shall not, moreover, be provided, decreed or proclaimed:

1. For the purpose of inducing any person not to commit an act rendered obligatory upon him by the laws of the state, or by the orders issued by the authorities, in pursuance of the same;

2. For the purpose of bringing about the exercise or non-exercise of the right of suffrage in any particular manner.

§ 4. The adoption of the punitory or corrective measures which are permitted by this law shall not be publicly announced.

An announcement confined to the members of the congregation is not forbidden.

The execution or announcement of such punitory or corrective measures shall not take place in an insulting manner.

§ 5. Clergymen, employés, officers, or deputies of a church or religious society, who shall, in violation of the provisions of this law, (sections 1–4,) provide, decree, or proclaim punitory or corrective measures, shall be punished by fines not exceeding two hundred thalers, or by confinement, or by imprisonment for not more than one year, and in more serious cases by fines not exceeding five hundred thalers, or by imprisonment not exceeding two years.

§ 6. The special disciplinary prerogatives of churches or religious societies as regards

their employés and officers, and the rights of the state in relation thereto, are not affected by this law.

Especially, the right which is reserved in such laws to the state to remove ecclesiastical functionaries for violation of the public order, remains in force, independently of the punitory provisions contained in section 5.

In testimony whereof we have hereunto affixed our signature, and caused our royal seal to be affixed.

Done at Berlin, May 13, 1873.

[L. S.] WILLIAM.

COUNT VON ROON.
PRINCE VON BISMARCK.
COUNT VON ITZENPLITZ.
COUNT ZU EULENBURG.
LEONHARDT.
CAMPHAUSEN.
FALK VON KAMEKE.
COUNT VON KÖNIGSMARK.

AN ACT relating to withdrawals from churches, of May 14, 1873.

We, William, by the grace of God King of Prussia, &c., hereby decree, with the sanction of both houses of the Diet, for the extent of the monarchy, including the hunting district, as follows:

§ 1. Withdrawal from a church with civil effect may take place by a declaration of the party withdrawing made in person before the judge of the place where he resides.

With regard to the right of leaving one church and joining another, the existing law remains unchanged.

If the party leaving one church and joining another desires to be free from the obligations imposed upon him by his previous religious connection, the form prescribed in this law must be observed.

§ 2. The acceptance of the declaration of withdrawal must be preceded by an application therefor. Such application must be made known without delay by the judge to the presiding officers of the congregation to which the applicant belongs.

The acceptance of the declaration of withdrawal shall not take place before the expiration of four weeks, and shall take place at the latest within six weeks after the legal recording of the application. A copy of the recorded application shall be furnished to the presiding officers of the congregation.

The party withdrawing shall be furnished, if he desire it, with a certificate of his withdrawal.

§ 3. One effect of the declaration of withdrawal is that the party withdrawing shall no longer be held to the payment of moneys which the members of the church or congregation are obliged to pay.

This provision shall take effect at the close of the calendar year following the day of the declaration of withdrawal. The party withdrawing must contribute, just as if he had made no declaration of withdrawal, to the payment of the expense of any extra building, the necessity of which is decided upon before the expiration of the calendar year in which the declaration of withdrawal is made.

Payments which are not required of the members of churches or congregations, especially taxes which are levied upon particular pieces of landed property in virtue of some special legal title, or upon all the landed property of the district, or upon all the landed property of a certain class in the district, without distinction of owners, shall not be affected by the declaration of withdrawal.

§ 4. Persons who have made a declaration of withdrawal from a church, in accordance with previously existing laws, before the present law takes effect, shall not be required to make any payments, save those referred to in the third paragraph of § 3, on and after the day when this law takes effect.

§ 5. Claims for surplice-fees and other payments required for the performance of special official services can only be asserted against persons not belonging to the church making them, when the service has really been performed at their request.

§ 6. Only the cost of procuring copies and outlays in cash shall be charged for as costs of the proceedings.

§ 7. The duties made incumbent upon the judge by this law shall be performed within the jurisdiction of the court of appeals at Cologne by the justice of the peace, and within the territory of the formerly free city of Frankfort-on-the-Main by the second section of the city court of that place.

§ 8. The provisions contained in sections 1 to 6 in relation to churches are applicable to all legally incorporated religious societies.

§ 9. The obligation of Jewish owners of real estate to contribute to the support of Christian denominations shall be confined, when the present law goes into effect, to the payment of such contributions as, according to the third paragraph of section 3 of this law, are incumbent upon persons who have withdrawn from a church.

§ 10. All legal provisions at variance with the present law are hereby abolished.

§ 11. It shall be the duty of the minister of justice and of the minister of ecclesiastical affairs to see that this law be executed.

In testimony whereof We have hereunto affixed Our signature and caused Our royal seal to be affixed.

Done at Berlin, May 14, 1873.

[L. S.] WILLIAM.

COUNT VON ROON.
PRINCE VON BISMARCK.
COUNT ZU EULENBURG.
LEONHARDT.
CAMPHAUSEN.
FALK VON KAMEKE.
COUNT VON KÖNIGSMARCK.
ACHENBACH.

AN ACT relating to the administration or management of Catholic bishoprics, of May 20, 1874.

We, William, by the grace of God King of Prussia, &c., hereby decree, with the sanction of both houses of the Diet, for the extent of the monarchy, as follows:

§ 1. In a Catholic bishopric, the chair of which is vacant, the rights and ecclesiastical functions connected with the episcopal office shall only be exercised and performed, collectively or individually, so far as they do not relate to the management of property, in accordance with the following provisions of this law, until the appointment of a bishop, duly recognized by the state.

§ 2. Any person desiring to exercise rights or peform functions of the kind referred to in section 1 must communicate the fact in writing to the president of the province in which the vacant bishopric is situated, stating, at the same time, the extent of the rights which he desires to exercise, and furnishing evidence that he has been duly appointed, and that he possesses the personal qualities required for the purpose in question by the law of May 11, 1873. (Laws of 1873, page 191.) He must, at the same time, declare that he is prepared to pledge himself, under oath, to be faithful and obedient to the King and to obey the laws of the state.

§ 3. The president may, within ten days after the receipt of the communication, object to the desired exercise of the rights or functions mentioned in section 1. The provisions of section 16 of the act of May 11, 1873, (laws of 1873, page 191,) shall be applicable to the advancement of the objections, with the proviso that an appeal to the court for ecclesiastical affairs shall be permissible for ten days only.

If no objection is made, or if the objection is set aside by the court for ecclesiastical affairs, the oath of office prescribed in section 2 shall be taken before the president or before a commissioner designated by him.

§ 4. Any person who shall exercise episcopal rights or perform episcopal functions of the kind referred to in section 1, before having taken the oath of office, shall be punished by imprisonment for from six months to two years.

The same penalty shall be inflicted upon any personal representative or deputy of a bishop who, after the episcopal chair has become vacant, shall continue to exercise episcopal rights or to perform episcopal functions, without having been authorized to do so in the manner prescribed in sections 2 and 3.

The acts performed shall be void of legal effect.

§ 5. Clergymen who shall perform clerical functions by order of a bishop who has not been duly recognized by the state or who has been removed from his see in consequence of a judicial sentence, or of a person exercising episcopal rights or performing episcopal functions in violation of this law, or of a representative appointed by these persons, shall be fined to the amount of one hundred thalers, or be punished by arrest or imprisonment not to exceed one year; and if episcopal rights have been thus exercised, or episcopal functions thus performed, the party who has done so shall be punished by imprisonment for not less than six months nor more than two years.

§ 6. If the see of a bishop shall have become vacant in consequence of a judicial sentence, it shall be the duty of the president to summon the cathedral chapter to choose an acting bishop without delay.

If the president shall not receive information within ten days that the choice has been made, or if the oath of office is not taken by the party chosen within fourteen

days more, the minister of ecclesiastical affairs shall appoint a commissioner, who shall assume the charge of the real and personal property belonging to the episcopal see and of that which is subject to the control of the same, or of the bishop. Any compulsory measures that may be required in order to subject the property to the control of the commissioner shall be adopted by the president.

The president is authorized to take charge of the property referred to in the preceding paragraph, even before the appointment of the commissioner, and at the time of issuing the summons to the cathedral chapter. He is further authorized compulsorily to enforce such measures as may be necessary for the accomplishment of the purpose in question, if necessary.

§ 7. The provisions of § 6 shall also be enforced:

1. When, in a case in which the see of a bishop has become vacant in consequence of a judicial decision, the acting bishop vacates his office before the appointment of a new bishop, duly recognized by the state; and

2. When, in other cases of vacancy of an episcopal see, episcopal rights are exercised or episcopal functions performed by persons who do not fulfill the requirements of §§ 2 and 3.

§ 8. The provisions of § 6 with regard to the appointment of a commissioner for the management of the property therein referred to, as likewise regarding the seizure of such property, shall, moreover, be enforced in all cases, when a vacant episcopal see is not filled within one year after it has become vacant by a bishop recognized by the state.

The minister of ecclesiastical affairs may, at his discretion, extend the allotted term.

§ 9. The rights of the bishop, as regards the management of the property, shall be transferred to the commissioner.

The costs of the management shall be deducted, in advance, from the property.

The commissioner shall represent the episcopal see or the bishop in all external legal matters connected with the property. He shall have the supreme control, which would otherwise belong to the bishop, of the church property within the bishop's diocese, including that belonging to all parishes, vicarages, chaplainships, and church institutions, as well as of property of all kinds that is devoted to ecclesiastical purposes.

The commissioner shall, as against third parties, be legitimized by a commission, duly sealed and subscribed, also in cases in which the laws require a special power of attorney, or a power of attorney judicially, notarially, or otherwise authenticated.

§ 10. The functions of the commissioner shall cease whensoever an acting bishop (chapter vicar) duly appointed in accordance with the provisions of this law shall take charge of the bishopric, or so soon as a bishop, who has been duly recognized by the state, shall have been installed.

The commissioner shall be responsible for his management only to the superior authority, and the account to be rendered by him shall be submitted, for revision, to the royal supervisor bureau of accounts, according to section 10, No. 2, of the act of March 27, 1872. (Laws of 1872, page 278.) He shall be required to render no other account, and shall not otherwise be held responsible.

§ 11. The president shall publicly announce the appointment of an acting bishop, made in accordance with the provisions of this law, as also the appointment of the commissioner, stating the date of the commencement of their functions, as likewise that of the termination of the same, in the official bulletin, and in all the official papers printed in the diocese.

§ 12. The enforcement of sections 6 to 11 is not excluded by the fact of the cathedral chapter's appointing a special manager for the duration of the vacancy of the episcopal see, or by its taking charge itself of the property, or by the fact of the existence of a special board for the management thereof.

§ 13. During the administration of a commissioner, in the cases provided for in sections 6 and 7, the person who, on the ground of advowson or any other legal title in connection with a vacant ecclesiastical office, has the right of presentation or nomination, is authorized to fill the office in case of its becoming vacant, or to appoint a temporary incumbent.

§ 14. If the person having the right referred to in section 13 makes no use thereof, the provisions of the law of May 11, 1873, (laws of 1873, page 191,) shall be enforced. The penalty provided in section 22, par. 1, of that law, for an ecclesiastical officer filling an office in violation of law, shall, in similar case, be enforced against the person having the right of nomination by advowson or some other legal title.

§ 15. If the person having the right of nomination, by advowson or other legal title, shall make no provision for the appointment of a temporary incumbent within two months from the date when it shall have become possible for him to do so, or shall not have filled the place within one year from such date, his prerogative shall be transferred to the congregation.

The congregation shall have the prerogatives referred to in section 13 in all cases in which there is no person having the right of nomination.

§ 16. In the case supposed in section 15 the magistrate, (amtmann,) in city districts the burgomaster, shall, on motion of at least ten male members of the congregation, who are of full age, in full possession of their civil rights, and who are not subject to the authority of any head of a family who votes at the same time, summon all the members of the congregation who meet these requirements to adopt resolutions in regard to the appointment of a temporary incumbent, or to the permanent filling of the place.

In order that any resolution may be valid, it shall be necessary for more than half of those present to have voted for it.

Any further special regulations that may be deemed necessary in such cases shall be provided by the president.

§ 17. If an election is duly held, a representative is to be chosen, according to art. 16, whose duty it shall be to install the clergyman chosen. The provisions of section 14 shall be applicable to the conduct and responsibility of the representative.

§ 18. If, in the cases provided for in sections 13 to 17, no objection is made by the president; or, if such objection, after having been made, is set aside by the court for ecclesiastical affairs, the clergyman shall be considered to be duly appointed.

§ 19. If the place of a bishop shall become vacant, in consequence of a judicial sentence, before the day when this law takes effect, the provisions of this law shall still be applicable.

§ 20. Wherever mention is made in this law of a bishop, episcopal see, office, chair, &c., or of a bishopric, this refers also to an archbishop or prince bishop, and likewise to their sees, offices, chairs, bishoprics, &c.

Among the prerogatives and ecclesiastical functions connected, in the sense of the present law, with the episcopal office, are included both those attached to the episcopal office, as such, and also those which may be delegated.

It shall be the duty of the minister of ecclesiastical affairs to see that this law be enforced.

In testimony whereof we have hereunto affixed our signature and caused our royal seal to be hereunto affixed.

Done at Wiesbaden, May 20, 1874.

[L. S.] WILLIAM.

CAMPHAUSEN.
COUNT ZU EULENBURG.
LEONHARDT.
FALK VON KAMEKE.
ACHENBACH.

[Inclosure 2 in No. 82.—Translation.]

The church laws of 1874.

AN ACT for the interpretation and supplementation of the act of May 11, 1873, in relation to the preparatory education and appointment of clergymen, (laws of 1873, page 191,) of May 21, 1874.

We, William, by the grace of God King of Prussia, &c., hereby decree, with the sanction of both houses of the Diet of Our monarchy, for the interpretation and supplementation of the act for the preparatory education and appointment of clergymen of May 11, 1873, as follows:

ARTICLE 1. The act of May 11, 1873, is hereby interpreted as signifying that the conferring of an ecclesiastical office, and also the approval of such conferring, are in violation of sections 1 to 3 of that act, if they are made without the naming of the candidate which is prescribed in section 15 of that act, or before such naming, or before the expiration of the time allowed in section 15 for the presentation of objections.

ART. 2. The penalty provided in section 23 of the act of May 11, 1873, shall be enforced in the case of every clergyman who shall perform clerical functions without being able to furnish evidence that he has been appointed to an office empowering him to do so, or as a temporary incumbent of, or assistant in, such an office, in the manner prescribed in sections 1 to 3 of said act.

ART. 3. When a clerical office has become vacant, the president is authorized to order the seizure of the property belonging thereto, if,

1. The vacant office has been conferred upon any one in violation of the provisions of sections 1 to 3 of the act of May 11, 1873; or,

2. If facts are known which justify the presumption that the office will be conferred upon some one in violation of those provisions.

The entire property belonging to the office shall be subject to seizure, including all

its revenues. The president shall appoint a commissioner, who shall take charge of the property, and shall manage it for the account of the office until the office shall again be legally filled, or until the appointment, in due form of law, of a temporary incumbent thereof. Any compulsory measures that may be necessary for the accomplishment of the seizure shall be adopted administratively. The commissioner shall exercise all the prerogatives of the regular incumbent of the office so far as the property is concerned, and his action shall have full legal effect.

The costs of the management shall be deducted from the revenues of the office.

ART. 4. If, after a clerical office has become vacant, a clergyman has been sentenced according to section 23, par. 1, of the act of May 11, 1873, or of article 2 of that act, to suffer punishment for the illegal performance of clerical functions, the person who has the right of nomination on the ground of advowson or some other legal title is authorized to fill the office again, either permanently or with a temporary incumbent.

ART. 5. The person having the right of nomination on the ground of advowson, &c., is also authorized to provide for the appointment of a temporary incumbent of a vacant office, when a clergyman has been forbidden to remain in the district in which the vacant office is, according to section 5 of the act of May 4, 1874, in relation to the prevention of the illegal performance of clerical functions.

ART. 6. Official information shall be given to the person having the right of nomination on the ground of advowson, &c., both of the sentence (art. 4) and of the order for the limitation of residence, (art. 5.)

As regards sentences pronounced and orders issued before the promulgation of this act, such communication shall be made immediately after it shall have taken effect.

ART. 7. If the person having the right of nomination on the ground of advowson, &c., exercises his prerogative, (arts. 4, 5,) the provisions of the act of May 11, 1873, shall be enforced. The penalty provided in section 22, paragraph 1 of said act for ecclesiastical officers, in case of their making an appointment in violation of law, shall be enforced, in like manner, in the case of a person having the right of nomination on the ground of advowson, &c., who shall be guilty of a similar offense.

ART. 8. If the person having the right of nomination on the ground of advowson, &c., shall make no provision within two months from the day of the receipt of the prescribed communication (art. 6) for the appointment of a temporary incumbent, or if he shall not permanently refill the office within one year from that day, his prerogative shall be transferred to the congregation.

The congregation shall have the prerogatives mentioned in articles 4 and 5, in all cases when there is no person having the right of presentation on the ground of advowson or other legal title.

The provisions of artcle 6 are applicable to the congregation. The congregation must be informed, without fail, if the person having the right of nomination shall not have exercised his right within the time allowed him for that purpose.

ART. 9. If the cases provided for in article 8 shall arise, the magistrate, (amtmann,) in city districts the burgomaster, shall, on motion of at least ten male members of the congregation, of full age, and in the full enjoyment of their civil rights, who are not subject to the control of the head of a family, who votes at the same time, summon all the members of the congregation who meet these requirements, for the purpose of adopting resolutions for the appointment of a temporary or permanent incumbent of the office.

In order that a resolution may be valid, it shall be necessary for more than half of those present to have voted for it.

Any further regulations that may be deemed necessary shall be prepared by the president.

ART. 10. If an election is duly held, a representative is to be chosen according to article 8, whose duty it shall be to install the clergymen chosen. The provisions of article 7 shall be applicable to the conduct and responsibility of the representative.

ART. 11. If, in the cases provided for in articles 4–10, no objection is made by the president, or if such objection, after having been made, is set aside by the court for ecclesiastical affairs, the clergyman shall be considered to be duly appointed.

In testimony whereof We have hereunto affixed Our signature and caused Our royal seal to be affixed.

Done at Wiesbaden, May 21, 1874.

[L. S] WILLIAM.

CAMPHAUSEN.
COUNT ZU EULENBURG.
LEONHARDT.
FALK VON KAMEKE.
ACHENBACH.

[Inclosure 3 in No. 82.—Translation.]

THE POPE'S ENCYCLICAL LETTER.

Encyclical letter of our Most Holy Father Pius IX, by divine Providence Pope, to the archbishops and bishops of the Kingdom of Prussia.

Pope Pius IX to his venerable brethern the archbishops and bishops of the Kingdom of Prussia, greeting and apostolic benediction!

What we never thought would happen, when we recollected the stipulations which had been made in the year 1821 between this Apostolic See and the government of Prussia for the safety and welfare of the Catholic cause, has now unhappily come to pass, venerable brethren, in your country, where the tranquillity that was enjoyed by the church of God has been succeeded by a sudden and raging tempest. To the recently enacted laws, which bore so heavily upon many of the clergy and of the faithful who had steadfastly adhered to duty, others have now been added, which entirely subvert the divine constitution of the church, and render the sacred rights of her bishops completely nugatory, inasmuch as thay give lay judges the power to deprive bishops and other ecclesiastical officers of their episcopal dignity and jurisdiction.

These same laws have laid many and great obstacles in the way of those who are called to exercise lawful jurisdiction during the absence of the shepherds. These laws permit the chapters of the metropolitan churches to elect, in violation of the canons, capitulary vicars while the episcopal see is not yet vacant. Without touching upon points, do not these laws authorize the prefects themselves to appoint in the place of bishops men who are not Catholics, and to give them the charge of ecclesiastical property intended for the support of the clergy and the churches? You are but too well aware, venerable brethren, of the injuries, the vexations, and the hardships which have been occasioned by the enforcement of these laws. We keep silent on this subject, in order not to increase the general grief by recalling these sad events.

We cannot, however, pass over in silence the calamities which afflict the dioceses of Posen-Gnesen and Paderborn. After having been thrown into prison and arraigned for trial, our venerable brethren Micislas, archbishop of Posen and Gnesen, and Conrad, bishop of Paderborn, have, with the greatest injustice, been declared to be removed from their episcopal sees and deprived of their jurisdiction; their dioceses, moreover, have been deprived of the blessed care of their excellent guardians, and have been plunged into an abyss of miseries and calamities. It is true that, calling to mind the words of our Lord, we should congratulate rather than pity the venerable brethren whom we have just named: "Blessed are ye when men shall hate you, and when they shall separate you from their company, and shall reproach you, and cast out your name as evil, for the Son of Man's sake." (St. Luke, vi, 22.)

These venerable brethren have not feared the imminent danger nor the penalties with which these laws threatened them; not only have they defended the rights of the church and caused its commands to be respected, but they have deemed it an honor, like the other pastors of your country, to accept an iniquitous judgment, and to suffer penalties reserved only for transgressors. They have thereby furnished a most brilliant example of virtue, which may well serve for the edification of the whole church.

Although they merit our highest praises rather than our tears of compassion, yet the abasement of the episcopal dignity, the blow struck at the liberty and the rights of the church, the persecutions to which the deposed bishops and all their brethren are subjected in Prussia, demand that we, in virtue of our apostolic power, given by God, should raise an accusing voice against these laws, and against the wicked deeds which they already have caused, and which they will in future cause to be committed, and that we should defend the now downtrodden liberty of the church against impious force with all the divine energy and authority.

In order to fulfill the duties of this Apostolic See, we publicly declare, by the present encyclical, to all whom it may concern, as well as to the entire Catholic world, that these laws are null and void, because they are entirely contrary to the divine constitution of the church. For our Lord did not render the bishops of His church subject to the potentates of this earth as regards His sacred service, but to Peter, to whom He intrusted His lambs and His sheep. (St. John, xxi, 16, 17.) No temporal power, therefore, however high it may be, has the right to deprive of their episcopal dignity those who have been appointed by the Holy Spirit to feed the church of God. (Acts, xx, 28.)

To this sad situation must be added the following fact, unworthy of a noble nation, and which, we may believe, will be severely judged by men who are not Catholics, but simply impartial.

These laws are excessively severe, and provide the most rigorous penalties for those who do not obey them. They are supported by armed force, and place peaceable and inoffensive citizens in the pitiable situation of men oppressed by a power to which they can offer no resistance, merely because their consciences require them to oppose

these laws. One would suppose them to have been made, not for free citizens, from whom a reasonable obedience may rightfully be required, but for slaves, who must be terrified into obedience.

From what we have just said, do not suppose that those who, through fear, obey men rather than God, are excusable; but those sacrilegious men will be especially guilty who dare to take possession of churches and to act as ministers thereof, relying only upon the secular arm for protection; they will not escape the justice of God. On the contrary, we declare that all these sacrilegious men, and all those who, in future, shall commit a similar crime by usurping ecclesiastical functions, shall, both *de facto* and *de jure*, be fully excommunicated. We exhort the faithful not to be present at the holy sacrifice celebrated by these men, and not to receive the sacraments from them; we exhort them, further, to avoid all association and conversation with them, so that the bad leaven may not spoil the good lump.

In the midst of these tribulations, your intrepidity and your perseverance have consoled us greatly in our grief. The rest of the clergy and the faithful have followed your example, venerable brethren, in the painful struggle which has arisen. Their firmness in maintaining Catholic rights and duties is so great, the conduct of each one of them is so praiseworthy, that they have attracted the notice of all men, even the most distant, and have excited their admiration. Nor could it be otherwise; for, "as the fall of a general is a fearful thing for his soldiers, and often leads to their defeat, so is it a most beneficial and salutary thing when a bishop, by standing fast in the faith, sets a worthy example to his brethren." (St. Cyprian, epist. 4.)

Would that we could afford you some relief in your troubles. But once more renewing and affirming our protest against whatever is contrary to the constitution of the divine church and its rights, and against the force which has been so unjustly used against you, we assure you that our counsels and teachings, adapted to the circumstances, shall not be wanting unto you.

Let your enemies know that, by refusing to render unto Cæsar the things which are God's, you commit no offense against the royal authority; for it is written: "We ought to obey God rather than men." (Acts, v, 29.)

Let them know at the same time that each one of you is prepared to pay his tribute to Cæsar, and to obey him in all matters coming within the scope of the civil authority, not because forced to do so, but as a matter of conscience. Be of good cheer, therefore, and continue, in the future as in the past, to fulfill both duties, and to obey the divine laws, for your merit will be great, since you will have patience, and will not be weary of suffering for the name of Jesus Christ.

Look unto Him who has walked before you in much greater tribulations, and who submitted to outrages in order that those who believe in Him might learn to shun the favors of this world, not to quail before terrors, to love tribulation for the sake of truth, and to fear and flee from the delights of earth.

He who has placed you in the line of battle will give the necessary strength for the combat. In Him is our hope. Let us submit to His will and implore His mercy. You see that what He has foretold has already come to pass. Trust in him. He will fulfill all that he has promised. "In the world ye shall have tribulation, but be of good cheer; I have overcome the world." (St. John, xvi, 33)

Having faith in this victory, we humbly implore the Holy Spirit to grant you peace and grace. As an evidence of our special love, we heartily give unto all of you, and likewise to all the clergy and all the faithful under your charge, our apostolic benediction.

Done at Rome, near St. Peter, on the 5th day of February, of the year 1875, and the twenty-ninth year of our pontificate.

PIUS P. P. IX.

[Inclosure 4 in No. 82.]

Translation of the proposed law for suspending subsidies of the Roman Catholic Church in Prussia.

[From the London Times of March 8, 1875.]

1. In the archdioceses of Cologne, Gnesen, and Posen, and the dioceses of Kulm, Ermeland, Breslau, Hildesheim, Osnabruck, Paderborn, Munster, Trèves, and Fulda, the delegated districts of those dioceses, and also in the Prussian portion of the archdioceses of Prague, Olmutz, Freiburg, and the diocese of Mayence, the contributions paid out of the public treasury for the bishoprics, the institutions attached thereto, and the priest will be suspended from the date of the promulgation of this law. The payments destined for priests employed in public institutions are exempted from this measure. Special funds are considered state funds.

2. The sequestration will be removed in each see as soon as the bishop, archbishop, prince bishop, or episcopal administrator now in office pledges himself, in writing, to the government to obey the laws of the state.

3. In the archdioceses of Gnesen and Posen, and the diocese of Paderborn, the sequestration is removed as soon as the appointment of an episcopal administrator or the installation of a new bishop has been made in due form of law.

4. In case of a vacancy in a see now filled, or of the withdrawal of the present episcopal administrator of the diocese of Fulda from his office before the sequestration has been removed, under the operation of clause 1, the sequestration continues in the diocese in question until the appointment of an episcopal administrator or the installation of a new bishop in due form of law.

5. If in any diocese the payments out of the public treasury are resumed, and if individuals entitled to share therein refuse obedience to the laws of the state, notwithstanding the pledge given by the bishop or episcopal administrator, the government is entitled again to sequestrate the sums allowed to such recipients.

6. In addition to the cases mentioned in clauses 2 to 4, the sequestration is removed as regards individual recipients who give a pledge to the government to obey the laws of the state in the manner prescribed in clause 2. The government is also empowered to remove the sequestration as regards individual recipients if they manifest by their conduct an intention of obeying the laws of the state. If such persons afterward refuse obedience to the laws of the state, the sequestration is again imposed.

7. The renewal of payment dates in every case from the first day of the quarter in which the sequestration is removed.

8. With regard to the application of the sequestrated funds as far as they are not applicable, according to the general resources of the state, as a saving of expenditure or are not otherwise applicable, their mode of disposal is reserved. The minister of worship is empowered, in the event of a commissarial management of the episcopal property, under the law of the 20th of May, 1874, to arrange the continuance of the payments for the endowment of the bishop as far as is necessary for the purposes of such management and the expenses thereof.

9. The enforcement by the executive of dues and payments to the bisoprics and the institutions attached thereto and the clergy is suspended in any diocese as long as the sequestration is in operation. In the event of the state payments being resumed to any recipient under clause 6, the enforcement of dues and payments is also resumed, and so also with regard to dues and payments to those priests who have nothing to draw from the public treasury, if they bind themselves expressly or tacitly to obey the law of the state, as long as they conform to that engagement.

11. Any person revoking the written pledge under clauses 2 and 6, or who, contrary to his engagement, attacks the law of the state or the measures taken under it within legal competency in documents connected with his office, is to be dismissed from his office by judicial sentence.

12. Dismissal from office involves legal incapacity for exercise of office, the loss of official income, and the voidance of the office. The suspension of state stipends and of the enforcement of dues is also resumed. The minister of worship is empowered to decree the sequestration upon the prosecution being instituted, and, in the event of acquittal, the money thus withheld is to be paid over.

13. The royal court for ecclesiastical affairs is to hear and decide such cases. The prosecutors are to conform to the provisions of part 3 of the law of the 12th of May, 1873, on ecclesiastical discipline and the rules of the royal court for ecclesiastical affairs.

14. Whosoever exercises his functions after dismissal from office under clause 11 of this law is punishable with a fine not exceeding 300 marks, and, in the event of repetition, not exceeding 3,000 marks.

15. The minister of worship is charged with the execution of this law.

[Inclosure 5 in No. 82.—Translation.]

Draught of a law for the management of property in Catholic parishes.

We, William, by the grace of God King of Prussia, &c., hereby decree, with the sanction of both houses of the Diet, as follows:

§ 1. In every Catholic parish matters relating to church-property shall be under the charge of a vestry, and of a number of representatives of the congregation, as hereinafter provided.

§ 2. The provision of § 1 shall also be applicable to missionary parishes, and likewise to other congregations, (branch churches, chapels, &c.,) to the support of which the income yielded by church-property is applied, or the members of which are obliged to make special contributions in order to meet the wants of such parishes.

§ 3. The following property shall be considered as church-property in the sense of this law:

1. Property devoted to religious purposes, including funds for the building of churches and rectories; property the income of which is devoted to the support of clergymen and inferior church functionaries, and anniversary funds.

2. Church-property devoted to charitable and educational purposes.

3. Institutions within the parish devoted to any ecclesiastical purpose, provided no special provision has been made by the founder for the management thereof.

§ 4. Property is not considered as church-property (in the sense of this law) which, although devoted to church purposes, is a part of the property of the civil community, particularly church-yards belonging to the civil community.

I.—*Church boards.*

§ 5. The vestry shall be composed, (1) of the clergyman; in parishes in which there are several clergymen, of the first or principal clergyman; in branch churches or chapels, which have their own clergyman, of that clergyman; (2) of several vestrymen, who shall be chosen by the congregation, provided their appointment or authorization to become members of the vestry be not assigned to other persons by this law.

§ 6. The number of vestrymen to be chosen for each parish shall be fixed the first time by the episcopal authority, in conjunction with the govermental president, (*landdrost.*)

The number may be changed by a resolution of the representatives of the congregation.

The number shall be not greater than twelve nor less than four.

The number may be reduced to two, if the number of souls or the peculiar circumstances of a parish shall so require.

§ 7. The office of vestryman is an honorary office.

For unusual labor a suitable compensation may be given, at the suggestion of the church board, by the representatives of the congregation.

§ 8. The vestry shall have charge of the church-property.

It shall represent the property under its management, and also the congregation in all matters relating to such management.

The rights of those in possession, for the time being, of property devoted to the payment of the salaries of clergymen and inferior church functionaries, are not hereby affected.

§ 9. The members of the vestry shall be required to take the same care of the property under their charge as is exercised by a prudent head of a family.

§ 10. The cash and the accounts shall be under the charge of one of the vestrymen, who shall be elected by the vestry.

An accountant not belonging to the vestry may be appointed for this purpose by a resolution of the vestry. Such accountant shall be considered as a church functionary in the sense of the law of May 12, 1873. (Collection of Laws, page 198.)

§ 11. The vestry shall prepare an estimate of the income and the expenses of each year.

§ 12. It shall be the duty of the vestry to examine the accounts at the close of each fiscal year.

§ 13. The presiding officer of the vestry shall be the rector of the parish or the clergyman designated in § 5, No. 1, and in case of their inability to act, their substitute in the clerical office shall preside.

If the place shall become vacant, the vestryman who is chosen every three years by the vestry, when new vestrymen come in, shall be the presiding officer.

He shall also preside in case the clergyman shall refuse to enter the vestry, or to assume the duties of presiding officer, or to continue to perform such duties, or if the substitute of the clergyman shall be prevented from acting, or if there shall be no such substitute.

§ 14. The vestry shall convene, in obedience to the summons of its presiding officer, as often as may be required for the transaction of business. Regular session-days may be fixed by resolution.

§ 15. The vestry shall be summoned to convene, when this is desired by the episcopal authority, by the local magistrate, (*Amtshauptmann, Amtmann;*) in city-districts by the mayor; by one-half of the members of the vestry, or by a resolution of the representatives of the congregation. In the last two cases provided a reason lying within the competence of the vestry be stated.

§ 16. If the presiding officer shall fail to comply with the requirement to convene the vestry, or if there shall be no presiding officer, the summons may be issued either by the episcopal authority or by the officers mentioned in § 15, No. 2.

In both cases the authority issuing the summons shall appoint a presiding officer.

§ 17. All the members of the vestry shall be summoned to the sessions. When the resolution requires the assent of the representatives of the congregation, the summons

must be delivered in writing, with a statement of the object, on the day before the session, at the latest.

§ 18. It shall be the duty of the members to observe secrecy in all matters designated as confidential.

§ 19. Resolutions shall be adopted by a majority of the votes of those present. In case of a tie, the matter shall be decided by the vote of the presiding officer; in elections, by lot.

In order that a resolution may become valid, it shall be required that more than one-half of the members of the vestry, although at least three members, participate in the voting.

Members who are personally interested in the matter concerning which the resolution is to be adopted must abstain from voting.

If no summons shall have been issued in due form, a resolution can be adopted if all the members of the vestry shall be present and if no objection shall be made.

§ 20. Resolutions shall be entered in a book of record, with the date and a list of the names of those present. The records shall be signed by the presiding officer and at least one vestryman.

§ 21. Every written declaration of the will of the vestry affecting the property it controls and the parish must be signed by the presiding officer and two vestrymen, and must also bear the church-seal. This shall constitute a guarantee to third persons of the due adoption of the resolution, so that proof of compliance with the several requirements, particularly of the concurrence of the representatives of the congregation, shall not be required.

II.—*Representation of the congregation.*

§ 22. The number of representatives for each congregation shall be fixed in the manner prescribed by § 6, paragraphs 1 and 2.

The number shall not exceed forty, and must be at least three times as great as that of the vestrymen.

In the case contemplated in § 6, paragraph 4, the number of the representatives of the congregation may be reduced to double that of the vestrymen.

§ 23. The resolutions of the vestry shall require the concurrence of the representatives of the congregation in the following cases:

1. Upon the purchase, alienation, or mortgaging of real estate, the renting or leasing thereof for a term exceeding ten years, and the renting or leasing of lands set apart for the use or enjoyment of church functionaries beyond the period of service of the actual occupant.

2. In the case of extraordinary use of the property, involving the integrity of the substance itself, as well as upon the calling in of capital, provided no re-investment take place.

3. Upon contracting loans which are not intended for mere temporary relief, and which cannot be repaid from the current revenues of the same period of estimate.

4. Upon the institution of suits which do not relate to the recovery of current interest or dues, or to the calling in of outstanding capital, and upon making compromises or agreements.

5. Upon the erection of new buildings, or the making of considerable repairs on buildings, when the necessity of such work has not already been finally decided upon by the proper authorities. Considerable repairs shall be held to be such as are estimated to require an outlay of more than 200 marks. In case of need, the representatives of the congregation may, once for all, extend the power of the vestry to cause more costly repairs to be made, yet not exceeding 1,000 marks.

6. On procuring the money and labor necessary for church purposes, provided such cannot be obtained, according to existing laws, from church-property, from the patron, or from any other person upon whom the obligation to furnish it specially rests.

7. Upon fixing the amounts to be contributed by the members of the congregation, and upon fixing the scale of assessments; the latter is to be fixed on the basis of the state tax or the communal tax.

8. Upon the alteration of existing dues, or the establishment of new ones.

9. Upon allowing, out of the church funds, moneys for the establishment of new places for the service of the congregation, as well as for the permanent improvement of the revenues of existing places, and upon changing variable revenues of church functionaries into fixed dues, or of revenues in kind into money; the last in cases where the manner of the change is not prescribed by the laws of the state.

10. Upon establishing the budget and period of estimate.

11. Upon auditing and passing the yearly accounts.

The budget, when established, and the annual accounts, when passed, must be held open to the examination of the members of the congregation for two weeks.

§ 24. The vestry is authorized to obtain the concurrence of the representatives of the congregation for resolutions other than those relating to the management of prop-

erty, which are mentioned in section 23. In that case the resolutions of the vestry cannot be carried out until such concurrence has been obtained.

§ 25. The representatives of the congregation shall choose their own president and vice-president.

They shall convene when summoned by the president, as often as the proper transaction of business may require.

As regards the convening of the representatives of the congregation, the provisions of sections 15 and 16 shall be applicable.

§ 26. All the representatives of the congregation shall be summoned, in writing, to the sessions, (the reason of the summons being stated,) on the day preceding the session, at the latest.

The provisions of sections 18, 19, and 20 are applicable to this matter.

Copies of the resolutions, made from the record-book, and signed by the president and two representatives of the congregation, shall be delivered to the vestry.

III.—*Choice of vestrymen and of representatives of congregations.*

§ 27. The following persons shall be entitled to vote: All male independent members of the congregation, of full age, who have resided for a year within the limits of the parish; or, where there are several parishes in a place, who have resided for a year in that place, and have paid their church dues.

Persons shall be considered as independent who have a household of their own, hold a public office, or carry on a business of their own, or who, as members of a family, transact business for the same.

Persons shall not be considered as independent who are under guardianship, or who, on account of poverty, have received public relief during the year preceding the election, or who have been exempted from the payment of their church dues.

§ 28. The following persons shall not be permitted to vote:

1. Such as are not in possession of their civil rights;

2. Such as are awaiting trial for any crime or misdemeanor which may deprive them of their civil rights;

3. Such as are in bankruptcy;

4. Such as are in arrears for the payment of more than a year's church dues.

§ 29. Members of the congregation who have completed their thirtieth year shall be eligible to office, provided they are not excluded from the right to vote by section 28.

§ 30. Priests and other church functionaries are not entitled to vote, nor are they eligible to office.

§ 31. No person shall, at the same time, be a vestryman and a representative of the congregation.

§ 32. The manner of conducting the election shall be adjusted in accordance with the election regulations which accompany this.

§ 33. After their election vestrymen shall be installed in their office, and a faithful performance of their duties is to be enjoined upon them.

§ 34. The parties elected may decline or resign the office of vestryman or representative of a congregation in the following cases only:

1. When they have completed their sixtieth year; or,

2. Have held the office for six years; or,

3. When there are other weighty grounds for exemption, such as delicate health, frequent absence, or occupations which are incompatible with a proper performance of the duties of the office.

The vestry shall decide as to the importance and correctness in fact, and, upon appeal within two weeks after the decision has been rendered, the diocesan authority in conjunction with the government president, (landdrost.)

Any person who, without such ground, shall refuse to accept the office or to continue to discharge its duties, shall lose the right to vote in church matters which is granted by the present law. Said right may, at his request, again be conferred upon him by the vestry.

§ 35. The term of office of vestrymen and representatives of the congregation shall be six years.

One-half shall go out every three years. Those going out may be re-elected, and shall, in any event, remain in office until their successors qualify. The going out shall be decided by length of service—the first time by lot.

§ 36. If the office of a vestryman or representative of the congregation shall become vacant at any other time, the representatives of the congregation shall elect a substitute for the remainder of the term.

IV.—*Absence of representation of the congregation.*

§ 37. In communities in which peculiar circumstances, such as an inconsiderable amount of property, scattered dwellings, &c., cause the election of representatives

of the congregation to appear unsuitable or impracticable, the diocesan authority, in conjunction with the upper president of the province, may direct that none be elected, provided that in a meeting of the voters of the congregation, to be called for the purpose, a majority shall not refuse to sanction such direction.

§ 38. In the case supposed in section 37 the duties devolving upon the representatives of the congregation, according to section 7, shall be performed by the vestry.

The number of vestrymen shall not be less than four.

Substitutes shall be chosen by the entire body of voters.

V.—*Removal from office and dissolution.*

§ 39. The removal from office of a vestryman or representative of a congregation shall take place—

1. Upon the loss, on his part, of any of the qualifications of a voter.
2. In the case of gross neglect of duty on his part.

In the latter case the privilege of voting may be withdrawn permanently or temporarily. The removal may be made by the diocesan authority or by the government president, after a hearing has been granted both to the accused and to the vestry. An appeal may be taken to the court for ecclesiastical affairs within four weeks. If an appeal be taken, the execution of the decision against which it is taken shall be suspended. The court, however, may order it to be provisionally executed.

§ 40. If the vestry or the representatives of the congregation shall obstinately neglect or refuse to perform their duties, or shall repeatedly make matters not within their jurisdiction the subject of discussions and resolutions, they may be dissolved by the diocesan authority, as also by the upper president acting in concert.

After a dissolution a new election shall be ordered at once. The members of the dissolved body shall not be rechosen at the new election.

VI.—*Appointment of patrons and others.*

§ 41. The patron who, on the ground of being such, or another, who, on the ground of some particular title, has membership in the vestry, or the right to name, appoint, or present vestrymen, is henceforth entitled, either to enter the vestry himself, or to appoint a vestryman. Such person entering the vestry, and the vestryman appointed by him, must be eligible as prescribed in sections 29–31.

§ 42. In addition to the right of participation in the vestry, the patron shall have, when he bears the burdens of the patronate for church needs, the supervision of the management of the church funds.

Copies of the resolutions of the vestry and of the representatives of the congregation shall be furnished to the patron. If he shall, within thirty days, make no declaration concerning them, he shall be considered to have concurred in them. If the patron shall refuse to concur, the vestry shall have the right of appeal to the government of the district; in the province of Hanover, to the royal Catholic consistory, which may set aside his objections and supply his concurrence.

Such concurrence, however, cannot be so supplied when the question is one relating to any expenditure to which the church funds have not previously been appropriated.

If the formal establishment of the assent of the patron is required in the case of documents, and if such assent is to be considered as having been given, owing to failure to act on the part of the patron during the allotted time, the required signature shall be supplied by the authorities mentioned in paragraph 2.

VII.—*Provisions as to execution.*

§ 43. Directions as to the conduct of business may be furnished to the vestry or the representatives of the congregation, by mutual consent, both by the diocesan authority and the upper president.

§ 44. Whensoever the diocesan authorities, in cases in which it is incumbent upon them to issue an order or render a decision in conjunction with the state authorities, shall fail to discharge such duty, they shall be summoned to do so by the state authorities. If, after the receipt of such summons, they shall fail to comply therewith for the space of thirty days, the discharge of the duty in question shall devolve upon the state authorities.

In cases in which the diocesan or state authorities, each, however, in conjunction with the other, shall have to issue an order or render a decision, the authorities to whom application is made for their concurrence must reply within thirty days from the date of their receiving the summons. If they make no reply, they shall be considered as concurring.

When objection is made, decision shall be rendered in all cases of difference of opinion between the diocesan authority and the governmental president (*landdrost*) by the upper president; in cases of difference of opinion between the latter functionary and the diocesan authority, by the minister of ecclesiastical affairs.

§ 45. In the orders issued, it must be made apparent whether a mutual understanding has been reached, or whether the concurrence is to be considered as having been given through failure to act during the allotted time, or whether the decision has been reached in consequence of the raising of objections.

§ 46. If a vestryman or a representative of the congregation shall refuse to enter upon the discharge of the duties of his office, or, having done so, shall refuse to perform said duties, a new election shall be ordered.

If the newly-elected vestryman or representative of the congregation shall also refuse to assume the duties of his office, or, having done so, to perform said duties, the government president (*landdrost*) shall have the right to appoint a vestryman or representative of the congregation, if possible from the eligible members of the congregation.

The government president shall also have this right, provided the election of any vestryman or representative of the congregation do not take place.

§ 47. If no election of vestrymen shall be held, or if all the vestrymen elected shall refuse to assume the duties of their office, or to perform the same, the government president shall have the right to appoint a presiding officer.

In the case supposed in the above paragraph no representatives of the congregation shall be chosen, and the provisions of section 38 shall be enforced.

VIII.—*Final provisions.*

§ 48. Existing legal forms, and the right of supervision of and concurrence in particular administrative acts, which now belongs by law to the superior state and church authorities, shall not be affected by this law.

If the superior church authority shall make no use of the right which belongs to it to exercise supervision of or to concur in particular administrative acts, it shall be summoned to do so by the government president. If, after receiving such summons, it shall fail, during thirty days, to comply therewith, the discharge of these functions shall devolve upon the government president.

§ 49. The vestry shall have the right of appeal to the upper president (whose decisions shall be final) against ordinances of the superior church authorities, whereby concurrence in particular administrative acts shall be refused.

§ 50. Resolutions to exact payment of dues from the members of the congregation cannot be put into execution before they have been declared executory by the state authorities.

Such declaration shall be refused especially in case of doubt of the propriety of the requirement, of the suitableness of the amount required, or of the ability to pay of the parties from whom it is required.

§ 51. If the vestry or the representatives of the congregation shall refuse to insert in the estimate, to fix or to assent to obligations which are properly to be met out of the church property, or which devolves upon any of the parishioners or others, either the diocesan authority or the government president is authorized to cause the insertion to be made by mutual understanding, and to take other necessary measures in the same manner.

Under the same circumstances these authorities are empowered to order and adopt the needful measures to effect the judicial establishment of claims of the church, of the pastor, of the congregation, and of the property under the control of the vestry, and in particular of claims for damages arising out of the unlawful acts of church functionaries.

IX.—*Final and transition provisions.*

§ 52. The provisions of this law shall not be applicable to cathedral or military congregations, or to those of institutions.

§ 53. On and after ———— the functions devolving, according to this law, upon the vestry and the representatives of the congregation, shall be performed by no other persons or authorities than those mentioned in this law.

If, according to previously-existing laws, church officers have performed other duties than that of managing the property, such duties, if they have been performed by officers whose special duty it was to manage the property, shall devolve upon the vestry, but in all other cases upon the representatives of the congregation. If there are no such representatives, the duties of those officers also shall devolve upon the vestry.

§ 54. All existing provisions at variance with this act, whether contained in the common law obtaining in parts of the country, in provincial laws, in local laws, or local ordinances, are hereby abolished.

§ 55. The minister of ecclesiastical affairs is charged with the execution of the present law.

He is authorized to abstain from executing this law in particular congregations, in

view of peculiar local or other circumstances, and of special arrangements for the management of property, provided this be desired by the congregation.

In testimony whereof we have hereunto affixed our signature, and caused our royal seal to be affixed.

Done, &c.

Certified: The minister for ecclesiastical, educational, and medical affairs,

FALK.

Election regulations.

ARTICLE 1. It shall be the duty of the vestry to order elections to be held for the choice of vestrymen and representatives of congregations, to prepare lists of those entitled to vote, and to post such lists, in some place that is accessible to every one, for two weeks.

The time when and the place where the list is posted shall be made known to the congregation, and they shall be informed that, after the expiration of the time for which the list is to be posted, no objections thereto will be received. The notice may be given, by order of the vestry, in such other ways as may be required by local circumstances.

Any member of the congregation, who is a duly-qualified voter, shall have the right to present objections.

ART. 2. The vestry shall decide concerning the objections, and shall correct the list. When it is decided by the vestry that any person has not the right to vote, such person may, within two weeks after receiving a notice to that effect, appeal to the representatives of the congregation; if there are no such representatives, he may appeal to the diocesan authority. The latter shall decide the case in conjunction with the governmental president, (*landdrost.*) The election shall not be postponed in consequence of the appeal. At least two weeks must intervene between the expiration of the time allowed for the presentation of objections and the day of the election.

ART. 3. The election-notice must specify the time and place of the election, and state the number of persons who are to be elected. The notice shall be posted in a public place, where it can be generally seen by the congregation. Notice may be given, by order of the vestry, in such other ways as may be required by local circumstances.

ART. 4. A board of inspectors of election shall be formed, consisting of the presiding officer of the vestry and four associate members, who shall be chosen by said presiding officer from the eligible members of the congregation.

ART. 5. The election shall be held under the supervision of the presiding officer.

ART. 6. Each voter shall cast his ballot in person. The ballots shall be closed, and without signature, and shall be deposited in the ballot-box.

A vote may be taken *viva voce* and a record thereof kept, if the vestry shall so order.

ART. 7. If the number of persons necessary to form a vestry or board of representatives of the congregation shall not receive a majority on the first ballot, the voters shall next cast their ballots for those candidates who have received the largest number of votes. If the number of such persons shall be more than double the required number of vestrymen or representatives of the congregation, such a number of those who have received the fewest votes shall retire that the number of candidates shall be double that of the officers who are to be chosen.

In case of a tie, the matter shall always be decided by let.

ART. 8. After the balloting shall have been declared by the presiding officer to be at an end, no more votes shall be received.

ART. 9. The inspectors of election shall decide concerning the validity or invalidity of ballots.

ART. 10. A report of the principal proceedings of the election shall be kept, and shall be signed by the presiding officer and at least two of the inspectors of election.

ART. 11. The election of the vestrymen must take place before that of the representatives of the congregation.

ART. 12. The names of the officers elected shall be made known to the congregation by placard. The notice may, by order of the vestry, be given in such other ways as local circumstances may require.

ART. 13. Objections to the election are to be presented to the vestry (which shall decide concerning them) within two weeks from the last day on which the placard is exposed to view. If the vestry shall set aside the objection, the party presenting it may, within two weeks after its presentation, appeal to the diocesan authority, which, in conjunction with the governmental president, (*landdrost,*) shall decide the case.

ART. 14. The inspectors of election and their presiding officers shall, for the first election, be appointed by the diocesan authority in conjunction with the governmental president. The duties incumbent upon the vestry shall be performed by the inspectors of election.

This is intended to provide for the case of a dissolution of the vestry.

[Inclosure 6 in No. 82.]

ADDRESS OF GERMAN ROMAN CATHOLICS TO THE POPE.

[From the London Times of March 10, 1875.]

The Frankfurter Zeitung gives the following text of an address which is to be presented by a deputation sent to Rome on behalf of the German Catholics:

"MOST HOLY FATHER: During your glorious pontificate the German Catholics, united to the other branches of the great Christian family, have already often laid at your august feet the expression of their filial devotion to our holy mother the church, whose direction has been confided to you by Jesus Christ. You have always received us with the paternal welcome with which your heart embraces all nations and all Christians in the universe. Recent events which increase the pain caused by the measures taken by our government against the holy church bring us again to your holiness. Not long since a circular was published, dated the 20th of December, 1872, addressed by the German chancellor to the foreign powers, concerning the future conclave. We protest, as our bishops have already done, against the entirely erroneous construction put upon the Catholic faith by this letter; but, above all, we think ourselves called upon to declare before you, most holy father, that no human force shall separate us from our lawful Pope; for we remember that it is an eternal truth that one of the conditions of salvation is to be subject to the Pontiff of Rome. We will never recognize any other Pope but him who is elevated to the chair of St. Peter by the canonical laws. On the 4th of December last year, the German government, with the approbation of a majority of the Reichstag, suppressed the accredited embassy to the holy see, although the Catholic members protested in the most solemn way against such a decision. The experience of the last few years proves to us that this measure was not so hurtful from the point of view of the safety of your rights, of those of the holy church, and of our own situation as it was a want of regard for the 15,000,000 German Catholics and a stage on the fatal road to the separation of church and state, the union of which alone can form the basis of all political and social order. As for us German Catholics, we wish never to be separated from that rock which is the church. The sacred bond of love which unites us to you, most holy father, will only be the stronger. All attempts to tear us away from the bosom of the church will be unavailing; they will only stimulate us in the accomplishment of our duty which our conscience, inspired by our holy faith and directed by the infallible Pope, dictates, and will ever dictate to us. Most holy father, the august words which your holiness addressed to us in your encyclical of the 24th of November have fortified us. The martyrdom which so many of our bishops and ecclesiastics are now undergoing, while taking you as an example, proves that the grace of God is efficacious in succoring our weakness. It is not in our power, O most holy father, to maintain a German ambassador at your side. Nevertheless, his place will not be unfilled. It is for this reason that we send our own ambassadors—the ambassadors of the Catholic people. They are directed to deliver this address to you, in which we lay the expression of our sentiments at your august feet. Our ambassadors are directed to tell you that we will always be at your side. We would especially be in communication with you by the agency of angels, who will bear the prayers we offer up for your health. These angels will tell you that our faith will always be conformable to your doctrine, and that we will always obey your orders. We know that we shall still have fierce combats to sustain. We approach, therefore, with more joy the new fountains of peace opened to the whole world by the publication of the jubilee established by your holiness. For us Germans, also, we hope that prayers and penitence will appease divine anger, and will end those sufferings which all nations are undergoing, and which are the consequences of the sins of the age. Why can we not all make a pilgrimage to the tomb of the apostles? But we know that you will bless us, too, from afar, and that your heart will always beat for us. Deign, O holy father, to send back by our ambassadors your holy blessing, and entreat the sacred heart of Jesus and of his immaculate mother for us in order that they may grant us the grace of constancy in our troubles. Prostrate before your feet, most holy father, we are your obedient children of Germany." (Here follow the signatures.)

[Inclosure 7 in No. 82.—Translation.]

Protest of Roman Catholic members of the Prussian Landtag.

[From the Berlin Post of March 2, 1875.]

The Pope's encyclical has already called forth one Catholic protest. A meeting was held on Saturday in the House of Deputies, composed of Catholic members of the house not belonging to the center, at which the following declaration was adopted:

With regard to the papal encyclical of February 5, 1875, the undersigned Catholic members of the House of Deputies deem it their duty to make the following declaration:

We most emphatically deny that the church-laws of the German empire and of the Prussian state "entirely subvert the divine constitution of the church and nullify the inviolable prerogatives of the bishops," and most solemnly protest against all the principles set forth in the encyclical which jeopardize the authority, the constitution, and the existence of the state, and especially against the prerogative claimed for the Pope of declaring constitutionally enacted laws null and void.

It is, on the contrary, our conviction that the teachings of the Catholic Church expressly enjoin upon every Catholic to recognize as binding, and to obey, state-laws which have been constitutionally enacted.

While we thus define our position as regards the papal encyclical of February 5, 1875, and unreservedly recognize the competency of the state to enact the church-laws, and also recognize said laws as binding, we call upon all patriotic Catholics who think as we do to join us in this our protest, in order thus to exclude all communion with those Catholics who consider the interference of the papal see with state affairs authorized.

Berlin, February 27, 1875.

ALLNOCH.
COUNT ARCO.
BISCHOFF,
Gr. Strehlitz.
BRAUN,
Waldenburg.
DOMS.
HAUCKE.
MOSCHNER.
SCHRAMM.
STUSCHKE.
WERNER.

[Inclosure 8 in No. 82.]

[Telegram taken from the London Times of March 8, 1875.]

The Pope has permitted the Austrian bishops to comply with the law compelling them to mention to the authorities the names of priests appointed to livings. As the refusal of the Prussian bishops to obey the analogous law recently enacted in this country is the principal cause of the ecclesiastical war with Prussia, the concession made to Austria is regarded by the German press as another proof that the Pope is actuated, not by religious, but by political motives in resisting the statutes of Prussia and Germany.

[Inclosure 9 in No. 82.—Translation.]

Opinions of the press.

[From the Berlin Post of February 24, 1875.]

The recent encyclical of the Pope is in a high degree deserving of general attention for it certainly is an important document, in regard to which the government and every individual Catholic will have to take a stand. This is no chance manifestation of the Pope, called forth by some sudden event, the expressions of which it is unnecessary carefully to weigh and critically to examine. The Pope speaks in his encyclical, *ex cathedra*, as the chief director and pastor of the church; he gives an infallible definition, and declares the Prussian ecclesiastical laws null and void, inasmuch as they are totally at variance with the divine constitution of the church. Hence it follows, from his standpoint, that all Catholics, if they do not wish to subject themselves to the Pope's anathema, are under obligations to accept this his definition, and to consider the laws in question as having no rightful existence.

There may be some doubt whether the declaration of nullity includes all the recent Prussian church-laws, or only a part of them. At the outset, both laws enacted years ago and recent ones are declared objectionable. A special attack, however, is made only upon the law relating to the deposition of bishops and the filling of subordinate places which have become vacant. The other May laws, the pulpit-law, the Jesuit law, the civil-marriage law, are included by implication, it is true, in the condemnation, but are not expressly and directly denounced. This calling of special

attention to certain laws in a so well-considered and carefully prepared document can hardly be unintentional. The laws have, doubtless, purposely been expressly mentioned, to combat which the bishops are particularly expected to concentrate their forces, so that the different treatment of the different laws perhaps renders it possible to form some idea of what the plan of operation is to be.

It makes, in reality, but little difference, however, whether all or only some of the laws are declared null and void. The declaration that a single one of them is so is sufficient to change the state of things—especially the position of the bishops as regards the laws—entirely. It is true that the bishops have refused obedience to the laws in times past. But if the leaders of the ultramontane party, and particularly Mr. Reichensperger, in order to weaken the reproach of disobedience to the laws of the state, have hitherto boasted that the bishops submitted to the laws by taking the consequences of passive resistance, if then it was possible, at least to make the attempt to cause them to appear in the light of sufferers, the encyclical has removed the possibility of making any more such efforts, because it has expressly made resistance their duty, and has declared that, in case of submission, the severest ecclesiastical penalties are to be inflicted.

It is remarkable in a document prepared like this, with great care and deliberation, that in its endeavor to show the severity of the laws in as clear a light as possible, it entirely ignores the necessities of the state, or leaves them unnoticed, declaring that they provide severe penalties for those who refuse to obey, and place peaceful and unarmed citizens who are opposed to them for conscience sake in the sad position of men who are held prostrate by superior force, and are unable to defend themselves. It seems, says the encyclical, as if these laws had not been enacted for free citizens, but for slaves, in order to enforce obedience through fear.

Compulsion for the sake of securing obedience, then, is represented as terrorism. Were not penalties provided in the old states of the church, and are they not provided in every country in the world for infractions of the laws? Can a law be imagined, or does it deserve the name of a law, if the state does not reserve to itself the means of forcing those who disregard it to obey it, and of holding them accountable for every violation of it? Does not the Pope himself threaten those who do not recognize his infallible decree with the *spiritual death* of excommunication?

If we turn aside, however, from these curialistic exaggerations, the fatal pith of the encyclical still remains, viz, that all Catholics are bound, under penalty of the papal anathema, to recognize the laws as null and void. All Catholics holding state offices must thus of course answer the question whether they will obey Berlin or Rome. In the situation in which the Pope has placed them, there remains no possible means, no possible subterfuge whereby they can reconcile a proper performance of their duties toward their temporal ruler with obedience to the commands of the Pope. It is a duty which the state owes to itself to require the utmost clearness in a matter like this. Would it not be advisable, under these circumstances, to remodel the form of the oath of office taken by state officials in such a manner that all doubts shall be set aside, and that every mental restriction shall be rendered impossible?

What would be desirable in the case of the oath taken by state officials would also be advisable as regards the oath taken by deputies in reference to the constitution. It is an altogether inconsistent and unbearable state of things that men are now sitting among the representatives of the people concerning whom it is not known whether the oath of fealty to the King and the constitution which they have taken is an oath which they feel bound to fulfill unconditionally, or whether they consider themselves bound by it only so far as may be pleasing to the Pope, who has just declared a number of laws, the recognition of which is included in the oath to support the constitution, to be null and void, and has thereby forbidden Catholics to obey them. The center must be required to define its position toward the encyclical in the most unequivocal manner. If its members submit to the Pope, they can no longer continue to act as representatives of the nation.

If, however, the interference of the state is to be really effective, it is greatly to be desired that those Catholics who remain true to the state should jointly raise their voices against the Pope's assumption in relation to them as well as to all other Catholics. If it is expected of them to consider duly enacted laws as null and void, it behooves them to record, in the name of their duty to the state, their earnest and energetic protest against such a presumption. This is a case in which they remove the remotest suspicion that they are willing quietly to accept the situation in which the papal encyclical seeks to place them.

We must call attention to another important point. The bishops have recently attempted to weaken the significance of the decree of infallibility; they have protested against the assertion that they are only instruments in the hands of the Pope, without personal responsibility; they have declared that the Catholic Church does not teach that the command of a superior frees one from personal responsibility. That is a declaration which is at variance with strict ultramontane doctrine, and which has doubtless not been contradicted in ultramontane quarters, for the reason only that it

emanates from the bishops, who, at least nominally, are the leaders in the struggle against the state. The ultramontanes both priests and laymen, can now refer the bishops to a declaration made by the Pope himself, with which all individual responsibility is quite incompatible. Will the bishops maintain their declaration? We doubt whether they will have the courage to do so. There is, then, all the more reason for compelling them to speak their minds with regard to the solemn declaration made by them in January, 1875. There is need of a general clearing up as regards this papal encyclical, and the encyclical itself offers more handles for the accomplishment of this object than its authors would perhaps wish.

[From the Berlin Post, February 25, 1875.]

The *Provincial-Correspondez* devotes the greater part of its to-day's issue to the late papal encyclical. The first two articles are chiefly historical, but they are followed by one in relation to the position of the government as regards the Papal See, which is so important, that we print it entire. It is as follows:

In the recent step taken by the Pope, the arrogance of the papal toward the civil authority is more manifest than ever before; the Pope dares to declare laws null and void which have been duly enacted by the Prussian Crown and the Diet.

The fact of this bold step having been thus undisguisedly taken leaves no doubt now that the relations of the Papal See toward temporal governments have been totally changed by this latest development.

But the Pope goes still further; he does all that lies in his power to excite the people against the government in Prussia. How is it possible otherwise to interpret the Pope's complaints concerning the obedience which is extorted by force of arms, the enslavement of Catholics, and the treatment which is unfit for a noble nation, especially when it is added that, in such a case, obedience through fear of men is inexcusable.

This manifesto of the Pope is an appeal and a note of encouragement to revolutionary passion. The statement made by Meglio, the papal nuncio, which has been so zealously denied in Catholic quarters, viz, that the Catholic Church must, if necessary, appeal to revolution, is now corroborated by the course of the Pope himself.

Lamentable as this clashing of spiritual authority is in itself, the fact that the attitude of Rome toward temporal governments has been made so clear, so indisputable, that all the devices whereby the German bishops and the ultramontane leaders in Parliament have just been trying to whitewash the attitude of Rome have been swept away by the infallible Pope himself, must be of great service in determining what are the true relations existing between the state and the Romish Church.

What the thoughtful bishops predicted before the council was held, and while it was in session, is now being irrefragably verified; the position of the Pope, as Pius IX, on the ground of the Vatican resolutions, understands and seeks to assert it, is totally at variance with the rights of all temporal powers.

The light which the Pope has just thrown upon his relations with the Prussian government unmistakably points out to the government the course which it must now take against revolutionary arrogance; the Catholic Church must be taught, in such a manner as to remove all her doubts on the subject, who is the sovereign in Prussia.

The course of the present Pope is of still greater interest, however, when considered in relation to the question raised some time since by Prince Bismarck concerning the attitude to be taken by the governments as regards the next papal election. It is now clearer than it ever was before that the governments, before allowing such a place as the Vatican council claimed the See of Rome to be, to be filled by a new Pope, must inquire whether the person selected can furnish the guarantees against the abuse of spiritual authority which they have a right to demand.

[From the *Norddeutsche Allgemeine Zeitung*, February 26, 1875.]

We copy the following article on the Pope's encyclical to the German bishops from the *Augsburger Allgemeine Zeitung:*

In the political struggle against Prussia and the German Empire, another hierarchical manifestation has been made public, which is far more important than the collective declaration of the German bishops, which we published some days since. The Pope thinks the proper time has arrived for him to take the field against the Prussian government with an encyclical to the archbishops and bishops of Prussia, the object of which is to instigate them in their resistance to the government and laws of the land, and to instigate them to continue it. While praising their disobedience, he

threatens to excommunicate all who do obey the laws, and finally the objectionable church laws are declared null and void, whereby the faithful are, of course, absolved from the duty of obeying them. More than this could not have been done by a Pope in the Middle Ages. Then it was only possible to stir up a neighbor to make incursions for purposes of plunder and violence, and this would certainly be done now if it were possible, and it will be done as soon as an opportunity shall offer which promises better success than was met with in 1870 and 1871. In a word, the Pope is pushing things to extremes, and does not recoil from anything, however hazardous. We hope that not only the German episcopate, but the papacy itself will lose (at least in Germany,) in the struggle in which it is staking everything, and that we shall at least see the utter downfall of the Romish papacy, and the complete deliverance of the nations from its tyranny. Let us examine this encyclical.

The complaint is first raised that "the rest and peace which were enjoyed by the church of God in Prussia have been succeeded by a violent and unexpected tempest." Yes, indeed; we know that rest and that peace of the church of God in Prussia and elsewhere, and have had abundant opportunities to see how the church of God, *i. e.*, the Pope and the Jesuits, enjoy them. The governments are now finding out what sort of an enemy they have reared and nourished, partly by active support, and partly by letting it alone, and find it a difficult matter to protect themselves against the venomous bite with which the jesuitical snake, now that it has got warm, seeks to reward their long care and indulgence. In the year 1848 the Jesuits got a foot-hold in Prussia. They were not allowed by law, if we remember right, to hold any real estate, but were soon in possession of extensive buildings and landed property; for there were various ways of evading the law. They purchased and built cloisters, schools, and churches, with all their accessories, and, taking these strongholds as their base of operations, they labored among the people, exercised supervision over the bishops and clergy, and endeavored everywhere to re-introduce the pedantic learning of the schoolmen into all educational establishments. Meanwhile they and their Romish pupils, the *Doctores Romani* in Germany, denounced such professors and authors as were unwilling to bow at their shrine, caused their books to be placed in the Romish Index, and made every effort to discredit and cast suspicion upon those whom they were unable to control. How far their efforts among the people, the bishops, and the clergy were successful is shown by the events which are now taking place. Catholic scholars suffered themselves either to be brought over by the Jesuits to their way of thinking, or to be intimidated, as was sadly attested by the meeting which they held in 1863. Such was the rest and such the peace which the church of God enjoyed in Germany. But now the holy church became overbearing. Inasmuch as the people were so easily molded, and since all the bishops submitted, together with their clergy, and even Catholic scholars laid the prerogative conferred by learning at the feet of the Pope, it was decided, in the next place, to attack the governments themselves, especially that of Prussia, the stronghold of Protestantism. The plan was, of course, first to lay the enemy prostrate by force of arms, and to humble him, and the "infallible" Pope, clothed with absolute power, was next to assert his spiritual supremacy. They did not succeed in everything quite as well as they had hoped, but the absolute power of the Pope had to be asserted in some way. And so began the present struggle, of whose outbreak the Pope complains as of an unexpected event. This is singular and without sense, unless we may suppose the Pope to have thought that, since he and his jesuitical host had met with no resistance from the governments for so long a time, they would never meet with any at all.

But now we come to the main point. "To the former laws," says the Pope, "new ones have been added, which completely subvert the divine constitution of the church, and render the sacred prerogatives of the bishops utterly nugatory; for in these laws power is given to lay judges to deprive bishops and other ecclesiastical officers of their dignity and their office." One would suppose the new laws to be aimed directly at the church, whereas their only purpose is to enforce obedience to the previously existing laws, and to punish those who violate them, even though they happen to be high dignitaries of the church. These laws, therefore, do not exist for those persons who obey the laws previously enacted, which require nothing but what is required and cheerfully yielded in other countries. The laws in question are simply laws which have been enacted for the maintenance and enforcement of the laws, and to which the state has had recourse only for the sake of defense against attacks and resistance. If the state can enforce no punitory laws against bishops who defy its authority, it must just let them take their own course as privileged adversaries, and then the bishops are the sovereign lords of the empire, and no longer its subjects. They are, moreover, lords who keep continually tampering with the subjects of the state, leading them into acts of disobedience, and, in their desire to overcome all opposition, inciting the people to set the secular government at naught. These facts are of course not referred to by the Pope. He states the case as if bishops could be deposed at will by the secular authorities in Prussia, in consequence of the passage of the laws in question, whereas they are only obliged to obey the laws previously enacted, which in

nowise affect the existence of the church, and, by so doing, have it in their power to make the laws which are declared to be so dreadful utterly inoperative. A Pope ought to state the case honestly, just as it is, without resorting to such distortions of the facts.

The Pope's tender concern for the "prerogatives" of the bishops is worthy of remark. He, who has deprived the bishops of all their prerogatives and despotically united them in his own person, now suddenly appears so greatly alarmed for the prerogatives of the bishops. It is, in fact, cruel mockery of the poor bishops, from whom he has taken away their rights, and who now, because those rights have been taken from them and concentrated in the Pope, find themselves involved in a serious conflict with the state, and, strangely enough, must fight for what the Pope has taken from them and for what they no longer possess. Of course they must fight for these rights, so that the state may grant them to them, and then the Pope can take them away—just as the state is expected to grant political rights to its citizens, so that the hierarchy, especially the Pope, may tell the people just how to use them, and thus make them subservient to his own purposes.

Let us consider the question, however, from another point of view. The Pope says, because the laws in question give lay judges the power to deprive bishops of their office and of their dignity, that the divine constitution of the church is completely subverted. Well, if what the Pope says is true, if the divine constitution of the church is completely subverted by the attacks of laymen, and by the appointment or deposition of bishops, then no divine church constitution and church authority, descended in uninterrupted succession from the days of the primitive church, has existed for a long time. The papal power itself, in that case, long since ceased to exist as a divinely-constituted and hierarchically-delivered power. The source and the substance of the divine constitution of the church in Rome itself, as everywhere else, were long since annihilated. For, not to mention the fact that the Popes were chosen, and undoubtedly deposed, for centuries by laymen—even by the people themselves—German emperors have appointed and deposed Popes, without any objections being made by the church. In the eleventh century the bishops placed the power of appointing the Popes in the hands of the Emperor Henry III, and, in the tenth century, Theodora and Marozia, two women of profligate character, appointed and deposed the Popes at will. If, therefore, the divine constitution, and consequently the divine character, of the church is destroyed by the participation of laymen in the appointment and deposition of bishops, then the divine character of the papacy itself (if it ever possessed such a character) is destroyed and no longer exists; so that, if Pius IX tells the truth in this encyclical, he no longer possesses any divine rights. For, if the deposition of bishops by judges, regularly appointed in accordance with the laws of the land, totally subverts the divine constitution of the church, the interference of the genial courtesans must have subverted said divine constitution even in the Roman church; and it is not easy to see how it could be restored, since the historical continuity, the unbroken succession, on which we are told that its divine character depends, must have been radically destroyed at the church's very source and center. If, moreover, such a restoration was not possible, all subsequent Popes have been destitute of any really divine power, and Pius IX is talking sheer nonsense when he claims such power. But if this destruction by the various attacks is not admitted, it cannot be true that the divine constitution of the church is completely subverted by a judicial deposition of her bishops, and again the Pope's words are meaningless. The bishops, like all other citizens, must be held amenable to the laws for crimes and illegal acts of all kinds, unless they, who are but servants of the Pope, are to be made sovereigns.

In order to fulfill the duties of his office, as he says, the Pope next openly declares "to all whom it may concern, and to the Catholic world at large, that those laws are null and void, because they are totally at variance with the divine constitution of the church." Well, we are quite willing to leave it to the government of Prussia and of Germany to return suitable answer to this declaration. We feel assured that such an answer will be returned; but science replies to the Pope: Your papacy, with all its absolute power, is invalid, is null and void, because it is based upon a historical untruth, and because it has been sustained by means of craft, deceit, and violence. We hope that the whole people of Germany will at last be found on the side of science and truth, comprehending that true religion never needs the support of falsehood, and that the Christian church is never obliged to have recourse to fraud in order to influence mankind.

This declaration of the invalidity of the objectionable laws does not satisfy the Pope; he goes still further, and boldly incites the people to rebellion against the legally-constituted government, declaring that the Catholics of Germany are treated like slaves by their government, and hinting that they need not put up with this. Those who do put up with it, *i. e.*, who obey the laws which have been enacted in due form by the government and parliament, especially clergymen who do so, are threatened with excommunication outright, and the faithful are told that such persons must be placed under a ban and avoided. The Pope thus uses the language of a professional insti-

gator to rebellion, and certainly no thanks are due to him if irreconcilable dissensions, bloody civil war, and nameless misery do not afflict the German people.

The pious rolling of the eyes that follows, ill accords with this language. Of course, in order to confirm and strengthen the bishops and their party in their lawless course, the much-abused and misinterpreted passage, "we ought to obey God rather than men," must be brought in. The words, however, are chiefly applicable to the Pope and his entire hierarchy. The apostle Peter did not say this in reference to the secular, but the spiritual (legitimate) authorities. He made this answer to the high priest (*princeps sacerdotum*) and his companions, who at that time, (just as the Pope and his bishops are doing now,) making a great outcry about their prerogatives, wanted to rule men's consciences, mould their religious belief, and hammer everything on their own last. These words, then, are applicable to the Pope and his bishops, for they are like the high priest and his council. (Acts 5, 27, *seq.*) The interpretation of the Scriptures, however, has ever been one of Rome's prerogatives; the Scriptures must say and mean what the Pope wishes, *i. e.*, what is calculated to promote and increase his power. Violence has been done to the Bible itself, and the papal policy has been to annihilate all who did not interpret its text in a manner pleasing to the Pope. "No small merit is yours," finally says the Pope, "because you have been patient and have suffered for the sake of Jesus, and have not grown weary." The praise is well deserved, for the bishops have done their best to serve the Pope, if not to serve Christ and true Christianity. Jesus expressly forbade his apostles to exercise power after the manner of earthly potentates, and drove Satan from him when the latter sought to tempt him by the offer of worldly power. This example might well be imitated by the Pope and his bishops. They would not then give rise to bitter conflicts concerning their authority, and would not use religion as a cloak to disseminate hatred among men, and to disturb the peace of kingdoms and of nations.

In our yesterday's number we reproduced the concluding remarks made by the "*Provincial-Correspondenz*" in reference to the Pope's bull of the 5th instant. It remains for us to reproduce the opening remarks of the same paper concerning that manifestation. It reaches its well-known conclusions in regard to the bull through the following considerations:

The last few weeks have brought forth two new and characteristic manifestations of the Romish spirit: one from the bishops, issued for the purpose of denying the great importance and significance of the Pope's infallibility; and the other from the Pope himself, in the practical exercise of the infallibility which he claims, and of the imaginary absolute power which is based thereupon.

The utterances of the Pope, in their unreserved plainness and defiant bluntness, are a direct refutation of the assertions made by the bishops with a view to making the resolutions of the Vatican appear less dangerous.

The German bishops deemed it their duty to answer the recently-published dispatch of the chancellor of the empire in relation to the next papal election, especially that portion of it in which the assertion is made that, in consequence of the two late important resolutions of the Vatican council in relation to the infallibility and the jurisdiction of the Pope, the position of the latter toward the bishops and the governments is entirely changed.

The bishops declare that this view of the case is without foundation, and is decidedly at variance with the true sense of the resolutions of the council. They deny that any new doctrine with regard to the power of the Pope is contained in the resolutions; these resolutions, say they, do not afford the shadow of a foundation for the assertion that the Pope, through them, has become an absolute sovereign; all such assumptions are based upon a total misunderstanding of their import, and upon assertions which have been put in circulation by Protestants, and by former Catholics, now in open rebellion against the papal authority.

This declaration cannot have been very easy for the majority of the German bishops to make; they must have experienced a twinge of conscience when they signed the untrue statement. Most of the bishops must have recoiled from averring that the view, above referred to, of the resolutions of the council, was based solely upon the assertions of apostate Catholics and of Protestants; for no one contended against the Vatican decree and condemned it more earnestly than they did—only, it is true, until it had been issued in spite of their protest, and they, being reduced to the alternative of breaking with Rome or of submitting unconditionally to her demands, chose the latter, as they themselves admitted, with a heavy heart.

It is a noteworthy circumstance that, as time wears on, and the resolutions of the council become more and more matter of history, the more inconsistent with their former attitude upon the questions decided by the council does the conduct of the bishops become; they are evidently acting on the supposition that the recollection of the mass of the people is daily growing fainter as regards the position which they themselves took from their own Catholic convictions and from a sense of their duty as bishops.

Their present apparently confident attitude, however, cannot obliterate the vivid

recollection of the expressions of doubt and opposition which were uttered by the German bishops both before and after the council, or of their earnest remonstrances and prayers to the Pope. It cannot be forgotten that the bishops solemnly protested, at the council, against the action of the majority, "in order to avoid, before men and before the tribunal of God, any share of the responsibility for the unhappy results which would doubtless shortly ensue;" that they earnestly represented to the Pope, some of them on their knees, that the doctrines which the Vatican council was about to establish must directly affect the relations of the Catholic Church to society. The Popes of the middle ages had, indeed, they admitted, taught the faithful to believe that God had given them the right to command and to judge in all secular affairs. This doctrine had been announced by Pope Boniface VIII, in the bull "Unam sanctam;" but they claimed that a different doctrine was taught at the present day by almost all the bishops of Christendom. It therefore became their duty to point out the dangers which must arise to the church from a decree not in accord with this doctrine. Everybody knew that it was impossible to reform society according to the rule laid down in the bull "Unam sanctam."

Other renowned dignitaries of the church expressed themselves in relation to the declaration of infallibility with even greater emphasis than did the German bishops. The well-known bishop of Orleans, Dupanloup, asked, in an article published by him, "How would the governments receive it, if the Pope should be declared infallible?" He called to mind the fact that there had been ambitious and violent Popes, who had confounded spiritual and temporal affairs and asserted arrogant claims to dictate in the affairs of temporal sovereigns.

Spiritual and temporal affairs are connected in manifold ways. "Who," said he, "will convince the governments that the Pope will never hastily step from the spiritual to the temporal?"

He also referred to the bull "Unam sanctam," according to which the Pope has the right to place kings on their thrones and to arraign them for trial, and added:

"Sovereigns, even those who are Catholics, will ask whether the infallibility of the Pope will render such bulls impossible in future. Who shall prevent some future Pope from laying down as an article of belief the doctrine that has been taught by several of his predecesors, viz, that the vicar of Christ has direct control over the secular authority of princes, that it is among the number of his prerogatives to appoint and depose kings, and that the civil rights of kings and nations are dependent upon his good pleasure?

"When the new article of belief shall have been promulgated, no priest, no bishop, no Catholic will be able to refute the doctrine so objectionable to the governments that all civil and political rights depend, like doctrines of belief, upon the will of a single man.

"They will be all the more disposed to regard the promulgation of the doctrine of papal infallibility as a ratification of those objectionable teachings, inasmuch as those teachings have by no means been laid aside. These principles are unceasingly proclaimed by journals which claim to be the truest representatives of the principles of the Roman church. This is done with a great parade of proof, and, at the same time, the doctrine to which both Catholic and non-Catholic principles attach so much importance, viz, that of the mutual independence of both powers, the spiritual and the temporal, is plainly declared to be impious."

What Bishop Dupanloup said of the teachings of the "truest representatives of the principles of the Roman Church" was fully confirmed during the council by the immediate organs of the Roman pontificate. The Pope's court theologian proper, Peronne, wrote in March, 1871:

The Pope is the supreme judge of all civil laws. The two powers—the spiritual and the temporal—run together in him, as it were, to a point, for he is the vicar of Christ, who is not only the everlasting priest, but the King of Kings and the Lord of Lords.

And in the face of such teachings and such pretensions, and after all their own previous declarations with regard to the necessary consequences of the Vatican decree, the bishops now boldly assert that the attitude of the Pope toward the governments is in nowise changed in consequence of the action taken by the council.

One of the German bishops, who signed the late joint declaration, the bishop of Rottenburg, expressed himself in a remarkable manner, shortly after the council, with regard to the sudden change in the attitude of the German bishops. He wrote in November, 1871:

"It is no easier for me in Rottenburg than it was in Rome to shut my eyes to the fact that the new dogma is without a true, genuine, biblical, and traditional foundation, and that it does incalculable injury to the church, so that the latter never received a more cruel and deadly blow than on the 18th of July last, (the day of the promulgation of the decree of infallibility.) But my eye is too weak to discern any way of escape, now that almost all of the German bishops have changed their convictions in a moment, as it were, and have gone over, at least in part, to a very intolerant zeal for the maintenance of the doctrine of infallibility."

That the bishops have changed their convictions in a moment is a matter for them to settle with their own consciences; that their zeal for Rome increased, immediately after their sudden conversion, so far as to make them very intolerant toward all whose opinions differed from theirs, is quite in harmony with what has always been observed among new converts. There is one thing, however, that they ought not to expect, viz, that the governments and the German people should now set aside, on their authority, all the scruples against the doctrine of infallibility which they themselves expressed with so much eloquence and earnestness.

They are now obliged to teach as they do, because they recently sacrificed their own convictions in a moment and submitted to the Pope. They must also yield *if the Pope chooses again to treat their explanations of his infallibility with contempt, as has so recently been done.*

When Bishop Dupanloup, to give some foundation to the apprehensions of the governments with regard to the doctrine of infallibility, pointed to the fact that "there have been ambitious and violent Popes, who have asserted arrogant claims to dictate in the affairs of temporal sovereigns," he added, "we cannot be sure, in the course of ages, of always having *a Pius IX* on the papal throne."

It must remain a matter of doubt whether the latter words were uttered in sincerity, or whether they were used by the prudent bishop of Orleans only out of respect to the reigning Pope. The bishop might, at all events, have seen that those spirits "who bring the church into the greatest dangers," had considered the reign of this very Pope as the most suitable time to accomplish their plans of spiritual absolutism.

The recent encyclical of the Pope to the archbishops and bishops of Prussia (dated February 5th) is the most striking proof that Pius IX is fully determined to renew the tradition of the violent Popes of the Middle Ages.

[From the Berlin Post, March 5, 1875.]

The new encyclical has already called forth a reply from Catholic members of the House of Deputies, and has, as we learn, been the subject of deliberations and resolutions at the ministry of state. We give below the opinion of a devout Catholic, who is, however, at the same time true to the state, in regard to the reason why it was issued, and to its significance.

The recent encyclical was addressed, in its monstrosity, only to the *Prussian archbishops and bishops, by whom it was ordered, for the purpose of destroying the impression produced by the summons which was sent last December to the bishops, calling upon them to make propositions for the establishment of a modus vivendi.* We think we are not mistaken in designating the pugnacious Bishop Kettler—who is endeavoring to arouse the torpid combativeness of his brother bishops—as the one who called it forth. That the Pope has gone further than the bishops expected, is not improbable, in view of his childlike and utter ignorance of the situation of things in foreign countries. The formal declaration that certain Prussian state laws are null and void is so utterly revolutionary that we would fain regard it as a trick of the Italian jesuits. Some of the bishops, and the usually not very bashful ultramontane press, are apparently undecided what course to take as regards the encyclical. They assume that it is *not a dogmatic decision, not a declaration ex cathedra,* which must be regarded as infallible, and as rendering it obligatory upon the faithful to believe in its truth. This is another case in which the trick remains available at every moment for the jesuitical directors of the German bishops to characterize the encyclical, when necessary, as not binding. Many bulls, as is well known, are in existence, which threaten those who refuse to obey them with the severest penalties, but to which not the slightest attention is paid by any one; such, for instance, as that which forbids the consulting of physicians, and which orders the physician's visits to be stopped if the patient, on the third day, is unwilling to confess, etc., etc.

The present bull will, in like manner, receive no attention, or will, at most, be brought to the notice of the clergy.

If the bishops, contrary to our expectations, should publish the encyclical officially, they should be prosecuted at once for this act of treason, and the *placet* of the sovereign should again be made a requisite for the publication of all papal and episcopal communications.

As regards the Catholics of Prussia, however, the government should act on the assumption that not one of them dares openly to approve the papal declaration that these laws are null and void; it can afford quietly to wait and see whether any one gives in his adhesion to the papal declaration, which *contains no direct demand for assent or obedience.*

Any inquisitorial action on the part of the government against Catholics, on the suspicion of their being disloyal, would be unbecoming the dignity of a strong government. It would, moreover, be doing more honor to this papal manifesto than it deserves.

For the very reason that the majority of law-abiding Catholics are quite undisturbed by this document, they regarding it as a new effusion of Romish inconsiderateness, there will not be many who will have any inclination to use it as a subject for counter-demonstrations. The mass of the uneducated remain in utterly stupid indifference as regards this manifestation. Since 1852 no pains have been spared to foment fanaticism among the lower classes, and it will not soon be possible to shake off and remove the ultramontane fruit of these efforts.

We will briefly recapitulate our views as follows: The royal government should entirely ignore the encyclical, so long as it is not officialy published by the bishops, and should also, disregarding all childish declarations of the nullity of existing laws, avoid the appearance of suspecting that all Catholics are not true and loyal citizens of the state.

If, contrarily to our expectations, the encyclical should be officially published, the severest measures would not only be justified by so revolutionary an act, but even demanded.

[From the *Journal des Débats*, March 7, 1875.]

A correspondent writes us from Berlin, under date of March 5th, as follows:

"The *Journal des Debats* published, in its issue of the 24th ultimo, the bull addressed by the sovereign Pontiff to the archbishops and bishops of Prussia, under date of the 5th ultimo, and declaring the laws enacted in May last to be null and void. The reply to this pontifical bull was soon forthcoming. Yesterday Dr. Falk, minister of ecclesiastical affairs, proposed in the chamber of deputies a bill for suspending the payment of the subsidies which the Prussian state allows to the Catholic bishops and clergy by virtue of the cabinet order of August 23, 1821, whereby King Frederick William III sanctioned the provisions of the papal bull *De salute animarum* of the 16th of July of the same year.

"The German newspapers taken at Paris will give you, as early as this letter does, the text of the fifteen articles of this bill. Its object is to modify the order of things established in 1821, and to provide that the payment of subsidies shall be continued in future only to such bishops as shall sign a declaration of submission to the laws of the state, and, without further formality, to the clergy under their orders. As to such ecclesiastics as refuse to sign the declaration required, they may escape the consequences of their refusal by making a declaration themselves for their own account.

"The entire amount which this proposed law might cut off from the Roman Catholic clergy is not very considerable. Reckoning the sum annually paid to the bishops at 1,242,754 marks, (1 mark = 1 franc 25 centimes,) that paid to the priests and the churches, at 1,351,908 marks, and the sum annually received by the Catholic clergy from the fund of three and a half millions, which is devoted to ameliorating the condition of clergymen and teachers of all denominations, and we have a total of about three and a half millions of marks. The Catholic clergy, notwithstanding this reduction, would still retain the real source of their revenues, *i. e.*, the by no means inconsiderable estates which they hold by the same title as the French clergy under the old *régime*. The law, therefore, even if passed and enforced, will amount to little more than a threat. If this threat, however, has no effect upon the attitude of the bishops, it is very probable that it will be followed by other legislative measures of a constitutional character, the object of which will be, by modifying the organic situation of the Catholic clergy as regards the state, to deprive them of the important resources just referred to. The *Norddeutsche Allgemeine Zeitung* is already beginning to discuss the possibility of the sequestration of church property, for the purpose of depriving the bishops of the means of continuing their resistance to the state. 'Sequestration' is the word used by the semi-official journal; but, when this word is printed, one may suppose, without any effort of the imagination, that the idea of 'confiscation' and 'alienation' was in the mind of the writer. In France, we have seen the state resort first to the confiscation of church property, and eventually sign the concordat. If the contest is not brought to an end, it may happen that a similar beginning will be made, but we may feel sure that the end will not be the signing of a concordat.

"You have doubtless already remarked—at all events it is worthy of remark—that the Prussian bishops have not yet caused the pontifical bull of February 5 to be read in the Catholic churches. Persons are not wanting in Prussia who attribute this reserve to prudence, that is, to fear. It is just as easy, and I think it would be more in accordance with truth, to say that the bishops have been restrained by a feeling of duty toward the state. For the sake of obeying the Pope, they affected, it is true, to ignore the provisions, which in themselves were acceptable enough, of the first May laws; they do not seek to avoid the consequences of their disobedience to the state, and undergo the penalties provided by those first laws and by the laws which have supplemented them; but they stop as soon as it becomes necessary to excite the

faithful to revolt, by the publication from the pulpit of the nullity of laws enacted by the state, whose subjects they acknowledge themselves to be. After the evidences of firmness and courage which they have given, it would be doing them a great wrong to say that they are influenced by fear. We should, however, perhaps be justified in concluding from their silence that they hesitate to approve the wisdom of the pontifical bull, whose author is unable to resist the encroachments upon the rights of the Holy See, of which the Prussian state is claimed to have been guilty, otherwise than by consecrating an encroachment of the Holy See upon the rights of the state.

"Whatever may be the truth as regards these questions, it would be idle, now that the state has gone so far as to depose the bishops, and the Pope to set the civil laws of Prussia at naught,—it would be idle to inquire on which side is the right, as we are accustomed to understand it. That was still possible when the first May laws were made by the civil legislator and defied by the Pope. Then, a simple question was propounded, viz, whether the state could claim to control the appointment of ecclesiastical functionaries; during the past two years, however, blows have been exchanged, which can never be forgotten. A state of war now prevails, and one characteristic of a state of war is the suspension of the value of good reasons in order to give full swing to the resources of skill and of force. The event alone, therefore, will be capable of deciding which of the two adversaries was the wiser, that is to say, which, in a word, was the stronger. All that can be said by an impartial observer, who does not believe in the infallibility of the Pope in matters of tactics, is that with the prudent and tenacious energy of the government of Prussia, given, especially, the predominance of the national sentiment over the religious instinct, which is the distinguishing characteristic of Prussian education among cultivated minds, the victory will be on the side of the state, unless unforeseen and improbable events produce a total revolution in the internal policy of Prussia.

"Among the measures to which it is said that the government has decided to have recourse, I omitted to mention the return to the *régime* of the royal *placet*, under which all correspondence between the Holy See and the bishops of Prussia was carried on through the ministry of foreign affairs, and was subject to is control. King Frederick William IV abolished the *placet* January 1, 1841, the day following his accession to the throne."

[From the London Times of March 6, 1875.]

In the politics of Germany there is comparatively little of that dramatic interest which enchains attention; but, if its neighbor and rival subside into tranquillity, the world may have leisure to discern that the issues involved in the great contest between the Emperor's government and the Pope are of the highest importance for all the continental nations. There is no lull in the controversy, no moment of compunction or misgiving on either side in the long struggle. Both Pius IX and Prince Bismarck have had friendly advisers without number. They have been lectured by every class of critics from every point of view, political and patriotic, moral and religious, æsthetic and sentimental. Liberals and philosophers have expostulated with the representative of civil rights and lay independence, while persons professing a sincere attachment to the church, and even to the general ecclesiastical policy of the Vatican, have counseled the Pope to circumspection in his demeanor toward the new-born national pride of Germany. The English people, long accustomed to the manifestations of ill-will which have excited the Germans, and long since taught to bear with a population whose animosity is essentially associated with its religion, have seen with surprise and misgiving the policy of the Prussian government. They think that it erred in treating a capricious and temporary breeze of ecclesiastical ill-will, which had been occasioned by the transfer of the leadership in Germany to a Protestant state, and had been increased by the defeat of Catholic France, as an influence perpetually hostile to the state. Many a time it has been pointed out by friendly observers that, even before the ecclesiastical laws were passed in their full strictness, the Austrian and Bavarian governments had ceased to be inspired by ultramontane counsels, the hopes of the legitimists in France had vanished, and the government of Versailles had given friendly assurances to Italy. The tendencies of the last twelve months have been to dissipate still further that notion of an alliance between the Vatican and the temporal enemies of Germany which gave the original impulse to the new legislation. No one can say that the government which M. Gambetta and his friends have helped to create, and which they will more and more influence, is likely to be encouraged to a crusade by the blessings of the Vatican. In short, the spectators of this bitter contest between Emperor and Pope have endeavored to impress upon each that there is no necessary antagonism between the empire of 1870 and the papacy which, in its new phase, dates from the same year, and that the truest statesmanship would consist in inaction and in a show of indifference until the passions caused by great political changes subside on both sides of the Alps.

Although such arguments are generally directed to the German government, as more amenable to reason, still they might be thought likely to find some advocates even at the Vatican. The distrust of the German government has been met by the Pope's counselors with defiance and studied irritation. The father of several millions of the German faithful whose lot, for good or evil, is cast among a majority of Protestant brethren, and whose moral well-being, as well as their happiness, is involved in the maintenance of social concord, might have displayed something more of Christian meekness. Such a grace of conduct would, indeed, have been a most skillful policy. Prince Bismarck's legislation has been so novel, and the acts performed under its sanction have verged so closely on violence, that the Pope might have brought nearly all the world to his side by a few generous words. If he had told bishops, priests, and people to prove by their conduct how much their church had been calumniated, the new ecclesiastical laws would have been put in force amid the regret of all the German liberals, and a quick reaction would have followed. But the higher arts of policy with which the Roman church was so long associated in the popular imagination seem to be now as much beyond it as a true discernment of the impulses and tendencies of nations. Whatever error may inhere in the policy of the German government, the mouths of those Germans who would protest against it are stopped by the acts of the Vatican. To the arm of violence the chief of the Roman church opposes a tongue of bitterness, and every sentiment of regret for the struggle or pity for its victims is checked by ever-recurring displays of priestly arrogance.

The last of these has been the issuing of the encyclical, which bears date the 5th of February last. It is long since such a document has been addressed to the subjects of an independent power. The issue of it shows how completely the old European system, which kept the Pope the most cautious and punctilious of potentates, especially in his dealings with Protestant powers, has passed away. The encyclical, which is a mixture of querulousness and provocation interlarded with texts, seems as if intended to bring the war with the German government to a crisis. There can be no doubt of the meaning of its most important sentences—the operative parts, as they may be called, of a document addressed to the Prussian archbishops and bishops. After a long eulogy of the archbishop of Posen, the bishop of Paderborn, and other "martyrs," the Pope comes to the point, and declares that the Prussian legislation has no claim to obedience. "Duly to fulfill the obligations of our office, we hereby publicly inform all those whom it may concern, as well as the whole Catholic world, that those laws, being completely at variance with the divine institutions of the church, are invalid from beginning to end." It may be imagined what effect this denunciation would have on a people proud of their new nationality, elated by unparalleled victories, yet solicitous for the safety of the fabric they have raised, and disposed to suspect one neighbor and another of evil intentions. The anti-Roman jealousy has at once flamed up again. Do not the ultramontanes, it is asked, exhibit precisely the character which Bismarck imputed to them? It was always alleged that they meditated nothing less than resistance to the law and rebellion to the state, and now the word has been given. The only question is whether they have been encouraged by any temporal power to throw down the gauntlet to the German empire. The result of the encyclical is that the majority of German politicians are at this moment less disposed to listen to temperate counsels than at any time during the last three years.

The measures now proposed by the government, as foreshadowed in the German semi-official press, amount to the disestablishment and disendowment of the Roman Catholic church in Prussia, and even the treatment of it as a hostile society. That this consummation will be reached by the successive stages of legislation which are impending is probable, however marvelous. Test-oaths are to be introduced; the bishops are to be forbidden to publish pastorals or to correspond with the Pope without the sanction of government. A bill withdrawing government subsidies in the case of all Catholic priests not expressly rejecting the encyclical has been already introduced, and the sequestration of the property of the Catholic church is talked of. All that has been done as yet is as nothing to what is now proposed.

[From the *Journal des Débats*, March 7, 1875.]

On nous écrit de Berlin, le 5 mars:

"Le Journal des Débats a publié, dans son numéro du 24 février dernier, la bulle adressée par le Souverain-Pontife à l'épiscopat prussien à la date du 5 du même mois, et qui déclare nulles les dernières lois de mai. La réponse à cette bulle pontificale ne s'est pas fait attendre longtemps. Hier, le docteur Falk, ministre des cultes, déposait sur le bureau de la Chambre des Députés un projet de loi tendant à suspendre le paiement des dotations que l'état prussien sert aux évêchés et au clergé catholique romain en vertu de l'ordre de cabinet du 23 août 1821, par lequel le roi Frédéric-Guillaume III

a sanctionné les dispositions de la bulle papale *De salute animarum* du 16 juillet de la même année.

"Les journaux allemands distribués à Paris en même temps que cette lettre vous donneront le texte des quinze articles de ce projet de loi. En somme, il tend à modifier l'ordre de choses établi en 1821 dans ce sens que le paiement des dotations ne serait maintenu à l'avenir qu'aux évêques ayant signé une déclaration de soumission aux lois de l'état, et, sans autre formalité, au clergé placé sous leurs ordres. Quant aux ecclésiastiques dont les supérieurs auraient refusé la déclaration exigée, ils échapperaient aux conséquences de ce refus en la faisant eux-mêmes et pour leur compte.

"Le total des sommes que ce projet de loi pourrait retrancher au clergé catholique romain n'est pas considérable. En comptant 1,242,754 marcs (1 marc = 1 fr. 25 c.) de dotations de l'état aux évêchés, 1,351,908 marcs de dotations aux prêtres et aux églises, plus environ 1 million de marcs qui reviennent chaque année au clergé catholique sur le fonds de 3 millions et demi consacré à l'amélioration de la condition des ecclésiastiques et instituteurs de toutes confessions, on arrive à une somme d'environ 3 millions et demi de marcs. Le clergé catholique, en dépit de cette réduction, conserverait la véritable source de ses revenus, à savoir les biens assez nombreux qu'il possède au même titre que le clergé français sous l'ancien régime. C'est pourquoi le projet, une fois voté et mis en vigueur, n'aura guère d'autre portée que celle d'une menace. Si cette menace pourtant reste sans effet sur l'attitude des évêques, il est très probable qu'elle sera suivie d'autres mesures législatives d'un caractère constitutionnel qui auront pour but, en modifiant la situation organique du clergé catholique vis-à-vis de l'état, de lui enlever les importantes et dernières ressources dont il vient d'être question. *La Norddeutsche Allgemeine Zeitung* envisage déjà l'éventualité d'une séquestration des biens religieux pour enlever aux évêques les moyens de continuer leur lutte contre l'état. C'est bien le mot 'séquestration' que la feuille officieuse emploie; mais, quand ce mot vient sous la plume, on peut, sans effort d'imagination, supposer que l'idée de 'confiscation' et d' 'aliénation' est déjà dans l'esprit. En France, on a vu l'état procéder d'abord à la confiscation des biens du clergé pour arriver ensuite, il est vrai, au concordat. Il se pourrait qu'en Prusse, si la lutte ne cesse pas, les choses commencassent de la même façon, mais pour finir autrement que par un concordat.

"Vous avez remarqué déjà sans doute, en tout cas il est digne de remarque, que les évêques prussiens n'ont pas encore fait donner lecture à leurs fidèles de la bulle pontificale du 5 février. Il ne manque pas de gens en Prusse qui attribuent cette réserve à la prudence, c'est-à-dire à la peur. Il est aussi simple, et il serait, je crois, plus vrai de dire que les évêques ont été retenus par le sentiment du devoir qui les tient encore rattachés à l'état. Pour obéir au Pape, ils ont affecté, il est vrai, d'ignorer les prescriptions, en elles-mêmes acceptables, des premières lois de mai (1); ils ne repoussent pas les conséquences de leur désobéissance vis-à-vis de l'état et subissent les peines édictées par ces premières lois et les lois qui les ont complétées; mais ils s'arrêtent du moment qu'il faudrait exciter les fidèles à la révolte en faisant proclamer du haut de la chaire la nullité des lois de l'état dont ils se reconnaissent les sujets. Après les preuves de fermeté et de courage qu'ils ont données, ce serait faire, en effet, injure à leur caractère que d'admettre qu'ils se laissent diriger par la crainte. Mais alors on est peut-être en droit de conclure de leur silence qu'ils hésitent à approuver la sagesse de la bulle pontificale dont l'auteur ne sait pas combattre les empiétements dont l'état prussien se serait rendu coupable sur les droits du Saint-Siége, autrement qu'en consacrant un empiétement du Saint-Siége sur les droits de l'état.

"Quoi qu'il en soit de ces questions, il serait oiseux, aujourd'hui que l'état en est venu à déposer les évêques, et le Pape à casser les lois civiles de Prusse—il serait oiseux de rechercher de quel côté est le droit tel qu'on a coutume de l'entendre. Cela était encore possible quand les premières lois de mai ont été faites par le législateur civil et repoussées par la papauté. Alors une question simple était posée: celle de savoir si l'état pouvait prétendre à contrôler la nomination des fonctionnaires ecclésiastiques; mais depuis deux ans on s'est porté, de part et d'autre, des coups irremédiables. Aujourd'hui, c'est l'état de guerre, et le propre de l'état de guerre est de suspendra la valeur des bonnes raisons pour donner libre effet aux ressources de l'habileté et de la force. L'événement seul aura donc la compétence pour décider lequel des deux adversaires était le plus sage, c'est-à-dire lequel, en somme, est le plus fort. Tout ce que peut dire un observateur impartial, qui ne croit cependant pas à l'infaillibilité papale dans les choses de tactique, c'est qu'avec l'énergie prudente et tenace du gouvernement et de l'administration de Prusse, étant donnée surtout la prédominance du sentiment national sur l'instinct religieux qui est la marque de l'éducation prussienne dans les esprits cultivés, la victoire devra rester à l'état, à moins que des événements imprévus et improbables n'amènent un revirement complet dans la politique intérieure de la Prusse.

"Au nombre des mesures auxquelles le gouvernement serait décidé à recourir, j'ai omis de mentionner le retour au régime du *placet* royal, en vertu duquel toute correspondance entre le Saint-Siége et les évêques de Prusse se faisait par l'intermédiaire et sous le contrôle du ministère des affaires étrangères. Le roi Frédéric-Guillaume IV avait aboli le *placet* le 1er janvier 1841, au lendemain de son avénement au trône."

[From the *Norddeutsche Allgemeine Zeitung*, March 9, 1875.]

In answer to our repeated inquiries how the faith could be endangered in a country by anything that is done elsewhere without objection on the part of the ecclesiastical authorities, the Germania has at last informed us that everything depends upon the participation of the church in the enactment of the laws. The church, it says, can readily concede to one government what she can by no means grant to another, when that dares to act independently. This position is based, it is true, upon jesuitical logic; but there is some ground for it if, like the Germania, we consider the state and the hierarchy as equal factors, or even assert that the state is subordinate to the ecclesiastical power. The Germania, however, has frequently had the lie given it by the Vatican itself, notwithstanding its correct understanding of Vatican views; and quite recently, by a decision emanating from the apostolic threshold, it has been placed under the painful necessity of modifying its arguments against the Prussian church-laws.

Everybody remembers that the Austrian church-laws, especially that which makes it obligatory upon the bishops to inform the government when they make appointments to vacant church offices, were enacted without any participation on the part of the ecclesiastical authorities. The bishops entered a solemn protest at the time against those laws, and the Pope, in the same spirit that is shown by the Germania, characterized them in an encyclical bearing a resemblance to the "*quod nunquam*" bull, as "highly objectionable," thereby stamping their observance as a sin. Even infallibility, however, is not synonymous with consistency. The majority of the Austrian bishops had previously preferred to obey the laws rather than the bulls, and when the last of the renitent ones, Bishop Rudigier, of Linz, appealed, in his anguish of conscience, to Rome, for new orders, he was told that the new order of things might be tolerated. How will the Germania now combat the assumption that the *non dissentit tolerari posse* may be claimed by Prussia under precisely the same circumstances?

It seems, however, as if the treatment of ecclesiastical questions in Austria were conducted according to principles different from those which our infallible ones declare to be immutable. Thus the ultramontane party in Prussia thinks proper to characterize the recent measures of the government as blows that hurt nobody. The ecclesiastical authorities in Austria, who certainly understand such matters quite as well as the ultramontanes of Prussia, are manifestly of a different opinion, for we read in the Volksfreund, the organ of Cardinal-Archbishop Rauscher, in Vienna, that the annulment of the bull "*De salute animarum*, would be a blow whose effect would be incalculable in Prussia," and that "it would penetrate the practical life of every German Catholic to the very marrow." This same Volksfreund is honest enough to admit that the aforesaid bull, which alone forms the legal basis on which the Catholic church in Prussia stands, became operative as a law of the state only by the royal order issued August 23, 1821, by Frederick William III.

This is an admission whose significance we do not undervalue at the present time, when hierarchical arrogance has already forced the state to annul all the legal titles on which alone the Catholic Church in this country bases its legal existence. A discussion between the Germania and the Volksfreund, with regard to the heresies of the latter, and between the Germania and the holy see with regard to the antidogmatical yielding of the latter to the law-making power of Austria, might throw a light which would be as instructive as beneficial upon the springs of the clerical opposition to the Prussian church-laws; no such discussion, therefore, will take place. We thought, however, that we could not pass over the new facts in silence, since they make it even more evident than it was before, that two different measures are used at the Vatican, and that one can be a very good and devout Catholic without being obliged to deny the validity and the justice of the measures to which our government, in case of necessity, has recourse.

[From the *National*, Berlin, March 9, 1875.]

The chancellor of the empire and the clerical party.

Another letter, dated Berlin, March 9, from the correspondent of the Kölnische Zeitung, whose statements concerning the intention of the chancellor of the empire to retire have caused such a stir, has now been made public. "If the chancellor of the empire," says the letter, "seriously considered whether the state of his health would not compel him soon—*i. e.*, not exactly on the first of next month, at noon—to suspend the performance of his official duties, it was not proper for reliable information to be withheld from your readers. In the two Berlin letters, dated the 15th and 19th ultimo respectively, which you published, what there was to be said was said, and the statements made in those letters still have their value. It has not been pos-

sible for any change in the state of affairs to take place since. The situation has, however, been in a great measure obscured, and an effort has been made to cast doubt upon the statement that Prince Bismarck is or has been thinking of resigning his offices. With the circulation of the disquieting intelligence it was said that all sorts of intentions were connected, which were aimed at one side or the other, or it was declared that, in a moment of ill-humor, the chancellor had determined to retire. Finally, the favorable impressions which the prince's guests had received at the parliamentary dinner on the 1st instant, had served to place the state of his health in an astonishingly favorable light. All this compels us to recur to the subject. We are able positively to state that nothing special has occurred that was calculated to put the prince in ill-humor, nor can it be said that any purpose was to be accomplished by a declaration or even threat of an intention to retire. The fact cannot be denied that the chancellor is unwell, and that the question must soon, at any rate in the course of the coming summer, be decided whether he feels able to perform the duties of his exalted post or not. A reliable diagnosis cannot be based upon the appearance or condition of the host on the occasion of an evening's entertainment, especially in view of the notorious nervous sufferings of the chancellor. It is sufficient to say that the evening on which the dinner was given in honor of the house of deputies, had been preceded by a day's work which had had a very beneficial effect, so much so as to cause the prince—whose spirits are greatly raised by every agreeable occupation—to appear like a healthy man. It would be quite as wrong to judge of the minister's condition from the impressions received on one of his bad days, when he feels depressed by trifling annoyances and vexatious incidents. In his nervous state, he is more agreeably affected by pleasant things than he was ten years ago, and, on the other hand, is perhaps more irritated or depressed by untoward occurrences than it is worth while to be. The late papal encyclical did not fail to exert an exciting, invigorating, and refreshing influence upon the chancellor."

The contemptuous remarks made in the foregoing letter in relation to the encyclical are evidently well justified. The papal see, the astuteness of whose diplomacy was formerly proverbial, has now adopted the policy of blindly rushing at its adversary. That pretty severe cuts may be received in this way, is shown by the events of the past few days. We deem it very credible that the papal encyclical exerted "an exciting, invigorating, and refreshing influence upon the chancellor." If what is asserted by the clerical, and by a portion of the liberal press, is true, viz, that the withdrawal of the endowments of the Catholic Church has long been contemplated by the chancellor, but not put into execution, we must really admire the ingenuity and skill with which Pius IX himself has removed these obstacles, or rather frictions, just at the right moment. We think we cannot be mistaken in thinking the day's work of the 1st of March, of whose "beneficial effect" the correspondent speaks, was the getting in readiness of the law for sequestration, which bears date of March 3. On the 28th of February the chancellor of the empire had an audience with the Emperor, and on the day preceding a council of ministers had been held. We will remind our readers that the encyclical, which, together with the measures by which it was followed, had so excellent an effect upon the chancellor's health, bears date of February 5th, and that it was published *urbi et orbi* by the secret papal agent in the bishopric of Munster in an obscure provincial paper called the Westphalian Mercury. What an impression the postponement of what was called among us the "chancellor crisis" produced at the Vatican, is shown by an article in the Voce della Verità, which, in the midst of the apparent quiet of Italian domestic politics, sees serious events approaching, if it is true that Germany ("read Prince Bismarck," says the clerical journal) demands the repeal of the guarantee law. The papal organ conjures Victor Emanuel's cabinet, for the sake of the honor of Italy, not to yield to such a demand. That is a new tone for the papal press, which, however, gives evidence of some uneasiness. From what we know of the Italian cabinet, an energetic step on its part is neither to be hoped for nor to be feared. We cannot, however, help believing that the papal government is constantly sawing in two the last branch that supports it, for, that an asylum should be allowed permanently to exist in a civilized state, from which fire-brands are constantly thrown into friendly countries, is scarcely credible. At all events, it is a question of great political importance.

[From the Berlin Post, March 9, 1875.]

To Catholics who are true to their government.

When, about a year and a half ago, a number of Catholics who remained true to their government signed a joint address to His Majesty the Emperor, declaring their submission to the new church-laws, this first step led me to hope that a further recon-

ciliation would be possible with men who had been able to take a calm view of things during the unfortunate struggle, and who had maintained their independence.

His Majesty duly appreciated the stand taken by these Catholics, and Prince Bismarck said to me: "This is the first drop of oil that has been thrown upon the troubled waters of this unhappy contest."

I prepared a circular addressed to those who thought as I did, and sent it to a few prominent men with a request that they would give me their opinion upon it.

It read as follows:

"The Catholics of Germany are now divided into two parties, ultramontanes and those who are loyal to their government. Thoroughly organized, well disciplined, and shrewdly managed by the Jesuits, the ultramontane party has become a power in the empire, which inspires statesmen and the entire non-Catholic population with the gravest apprehensions. It sends its representatives to all legislative bodies in large numbers, and controls a blindly-subservient party-press, both in the large cities and in the provinces. It has spread a net of societies of all kinds throughout the length and breadth of the land, and every day we hear of meetings, addresses, contributions of money, and agitations, from Upper Silesia to Treves, from Posen to the Bavarian Alps, and beyond the latter to the Vatican itself.

"In sad contrast to this, we see the Catholics who are loyal to their government without leaders, without organization, without a press, without governing principles, without any sort of union—an unnumbered, unknown, inactive, impotent mass. And yet the highest and most sacred interests of these very Catholics are at stake.

"The state does not trust them, and places them in the same category with the ultramontanes. It removes them from influential positions, or does not suffer them to reach them. Non-Catholic citizens turn from the supposed enemies of the empire with distrust, or even with aversion and hostile feeling. Meanwhile, the ultramontanes persecute each one of us who does not swear by their flag with all the hatred that is inspired by blind fanaticism.

"The state inevitably strikes loyal as well as disloyal Catholics by its severe preventive laws, and by its stern measures against hierarchical encroachments.

"The ultramontanes, however, injure our church still more through the mischievous desire to rule which is entertained by the Jesuits, to whom they passionately adhere.

"Thus it is that the moderate Catholics are crowded into the very worst situation by all the forces of church, state, and society.

"If this is the case now, what a prospect presents itself for the future!

"The determination of the contending powers between which we stand naturally increases with the increasing excitement and passion of their partisans. *The Jesuit party preaches a crusade against modern governments, and directs its whole force against the German Empire. We must expect the most ultra measures to be adopted by it, for the purpose of bringing about a new Canossa. Rome, hard pushed on every side, will not hesitate to adopt any measure, no matter how wild or extravagant.* The state, meanwhile, being thus attacked, may easily be compelled to use its great power, even unjustly and violently, and to oppress us seriously. War has been declared, and what does a state of war not justify, demand, and excuse? These certainly are prospects which must render every one deeply anxious, who means to act uprightly toward both his country and his church.

"But whose fault is this? Let us confess the truth frankly, for nothing but the unvarnished truth can help us. *We ourselves, and we only, are to blame. Things would never have gone as far as they have, if the loyal Catholics had not stood inactive and still, while the ultramontanes were working with indefatigable activity and astonishing boldness.*

"*Had we opposed them with anything like their own energy, they would never have been able to intimidate and fanaticize the clergy, of both high and low degree, and to mislead and bewilder the people, as they have done.*

"We left the inconvenient and unpleasant fight to be fought by the non-Catholics and by the state. They, however, have not to the same extent the right, nor do they possess the same ability, to fight the ultramontanes that we do.

"Timidity and indifference are the great evils from which we suffer.

"Both can be removed, if we only have the will to do so.

"Timidity disappears as soon as the oppressive feeling of isolation has been dispelled. Indifference ceases when lofty objects stand clearly before the soul.

"*The first thing to be done, therefore, by Catholics who are loyal to their government, is to find each other out, to know each other, to stand side by side, and to be united.*

"Their numbers are immense; we feel it, we know it; all that is needed is to find out where they are.

"The undersigned have therefore undertaken the task of drawing the line of demarkation between the ultramontane and the national Catholics, and call upon all Catholics who think as they do to join them.

"Entertaining the full conviction that a Catholic Christian can fulfill his whole duty under the government of a modern state, which grants equal rights to all, without

doing any violence to his conscience, we beg our co-religionists to join us on the following basis:

"1. In the present fight against the German Empire, which has been brought about by the ultramontanes and the jesuitical party, we stand firmly by our country.

"2. We acknowledge the right of the empire, as well as of each particular state, to draw the line of demarkation, by legislation, between church and state.

"3. We are opposed to the principle of the separation of church and state.

"4. We disapprove the attempts of the clergy to use their honorable office for political purposes, and the preaching by them of resistance to the laws of the state by the people. This we shall everywhere resolutely oppose.

"5. We desire the restoration of harmony with our non-Catholic fellow-citizens and with our own co-religionists on the basis of liberty of conscience and Christian charity.

"The undersigned are firmly convinced that the mischievous development of the fierce contest into which our country has been drawn will be prevented by the earnest and resolute action of a number of Catholics who are united on the above basis. The state will respect and listen to its true and loyal subjects on the difficult ground of ecclesiastico-political legislation.

"Our non-Catholic fellow-citizens will gladly return to a state of peace with those Catholics who earnestly desire it. Our views and wishes will again command respect in public life.

"The power of the ultramontanes will be destroyed, for they are strong only through our weakness.

"A great reward is thus held out to us for our exertions to benefit the state and our religion at the same time. Who can falter when such a prize is offered?"

The *Germania* did me the favor, for which I am duly grateful, of publishing the document—committing a breach of confidence in so doing—and I soon learned, without any trouble, what I had to depend upon.

The time had not yet arrived for an open union of the moderate elements; people answered with ifs and buts; some were obliged to have regard to peculiar circumstances, others had done enough in signing the address, others feared excommunication. (This fear was perhaps not without foundation, for the ultramontane journals and chaplains, who had nothing better to do, vied with each other in hurling shafts of excommunication, both great and small, in genuine Christian charity, at those of their brethren in the faith who had declared their intention to obey the laws of the state Not one of our bishops uttered a word against these proceedings.)

I now renew my warning to all Catholics who remain true to their government, and especially to my Prussian countrymen, since I can now point to the fact that events have corroborated all that I said, and that my predictions have been fulfilled in the most striking manner.

I renew it at a moment when the hour for every man to decide has audibly struck. The ultramontane party, under the leadership of the bishop who is most irreconcilably hostile to Prussia, has succeeded in pushing back the hand that was even quite recently held out for reconciliation by the Pope, (this is true, though the ultramontanes may deny it a thousand times over,) and in cajoling the old man, who is so basely deceived and kept from communication with the outside world, into issuing a manifesto which has caused the most unbounded joy in their camp, but grief and despondency in the hearts of the German Catholics. I read with shame that the proclamation of Pius IX, whereby he absolves us Prussian Catholics from obedience to a number of laws, all of which he declares null and void, without enumerating or naming them, is declared by the Catholic press to be an inspiration of the Holy Ghost, and as binding upon the conscience for the sake of everlasting salvation.

Our bishops are silent concerning this encyclical, and they are silent also concerning this unheard-of blasphemy of the press. Ought not those Catholics, then, who do not belong to the ultramontane army to raise their voices?

A highly estimable Catholic said, in the Post of March 5: "Inquisitorial proceedings on the part of the government against Catholics, based on the suspicion of their disloyalty, would be unbecoming the dignity of a strong government." With this view I fully agree, but I think at the same time that it is all the more evidently the duty of loyal Catholics to declare their unflinching loyalty voluntarily and unmistakably. Or shall we allow full swing to the ultramontanes just at the present time, when, penetrating into both palace and hovel, they are carrying around an address to the Pope, for which they are obtaining signatures from deluded believers by a shrewd use of their well-known artifices—an address in which the blindest obedience to the Pope and the most malignant bitterness toward the fatherland find expression; an address which, having received the approval of the prince bishop as regards its circulation in the diocese of Breslau, is now lauded to the skies in the very paper which, a few weeks since, combated, with cynical impudence, the divine right of the Pope to dethrone princes.

The government has already dealt a powerful blow in reply to the proclamation from the Vatican. Still heavier blows are in reserve, and no power will restrain the hand

that is to deal them. When the whirlwind which the ultramontanes have sown really bursts forth, the heavenly hosts will no more rush to their aid than did the expected angels descend to defend Rome in the breach of the Porta Pia.

There is but one means of escape from this terrible situation, and that is the union of all Catholics who have kept aloof from ultramontane fanaticism. This union must take place for the purpose of forming the nucleus of that Catholic movement which will bring about a reconciliation between church and state, because it must bring it about.

The German bishops recently made the following solemn declaration: "The immoral and despotic principle that the command of a superior absolves, unconditionally, from personal responsibility, has never been received by the Catholic Church."

This is a powerful appeal to the consciences of all German Catholics for the present crisis. If they obey Rome in political matters, and refuse obedience to their Emperor and their country, they do it on their own responsibility. But can the Catholics longer defer the making of an open declaration? Will a declaration be worth anything by and by, which is not made freely and voluntarily? Shall we wait until we can make it only under the appearance of pressure and compulsion? That would be totally unworthy of us, and would give a very unfavorable impression concerning us. Let us, freely and of our own accord, range ourselves on the side of our Emperor and our fatherland!

I trust that my warning may not again be without lasting effect. The Germania, some time since, derisively called me "one crying in the wilderness." I am proud of this honorable title, for that crier prepared the way for the victory of salvation and for the triumph of truth.

COUNT FRED FRANKENBERG AUF TILLOWITZ,
Member of the Reichstag.

No. 241.

Mr. Davis to Mr. Fish.

No. 83.] LEGATION OF THE UNITED STATES,
Berlin, March 15, 1875. (Received April 2.)

SIR: Referring to your No. 35, I am at last able to send the promised summary of the military laws of the empire.

From this it appears that every German is liable to serve in the army: first, for three years, from the commencement of his twentieth year, in active service; second, for four years more, as a reserve, being still on the army rolls and regarded as in active service, and liable at any moment to be recalled into the same; and, third, for a further term of five years, as a member of the landwehr. To this may be also added his duties as member of the landsturm, referred to in Mr. Coleman's abstract.

A German emigrating before his liability to do military duty commences is nevertheless required by the law to report himself for military service on the prescribed day after he attains the requisite age, and without previous notice. If he does not so report himself, he renders himself liable to be proceeded against for failure so to do. Provisions are made for the service of process against him in his absence, and, where the preliminary steps are properly taken, the proceedings may be carried to final judgment, and he may be condemned in his absence to a fine or imprisonment. If he has left property here, the fine may be collected out of it. You will perhaps remember that such a fine was actually collected in Robert Weidel's case, while he was absent in America, but before he was naturalized.

* * * * * * *

I have, &c.,

J. C. B. DAVIS.

[Inclosure 1 in No. 83.—Translation.]

SUMMARY OF THE MILITARY LAWS OF GERMANY.

The constitution of the empire of April 16, 1875, contains the following provisions with regard to military duty:

ARTICLE 57. Every German owes military duty, without the right of substitution.

ART. 59. "Every German owing military duty in general from his completed 20th to the beginning of his 28th year, belongs to the standing army; the first three years to the flag, the last four years to the reserve, and the following five years to the landwehr."

With regard to emigration, the reserves are governed by the same provisions which obtain with regard to the emigration of the landwehr.

With regard to the duty of presenting oneself for duty, the military law of the empire prescribes as follows:

§ 10. "All those subject to military duty, who do not of their own free will enter the army, are, on and after the first of January of the calendar year in which they have completed their 20th year, subject to perform military service. They are obliged to present themselves for this purpose to the 'ersatz-authorities' until the question of their military service is decided in accordance with the provisions of this law; not oftener, however, than twice yearly.

§ 12. "Every person owing military service is obliged to present himself in the levy district in which he has his permanent residence; or failing that, a place of sojourn. Whoever within the limits of the confederation has neither a place of permanent residence nor a place of domicile, must present himself in the levy district of his birthplace; and if the birthplace be in a foreign country, in the levy district of this country in which his parents or the heads of his family had their last residence. In the levy district in which those owing military duty are to present themselves they will be also enrölled for military service, account being taken of the contingent of recruits to be raised therein."

In the imperial penal code of May 15, 1871, the following provisions for the punishment of evasions of military duty are contained:

ART. 140. "Whoever seeks to evade entering the service of the standing army, or of the navy, either by leaving without permission the territory of the confederation, or, having attained the age for military service, by remaining without its territory, shall be punished by a fine of from fifty to one thousand thaler, or by imprisonment of from one month to a year."

The property of the accused may be attached so far as in the opinion of the judge is necessary to secure the payment of the highest fine which may be imposed upon the accused, together with the costs.

ART. 142. Whoever intentionally, by self-mutilation or otherwise, makes himself unfit for military service, or allows himself to be made unfit by another, shall be punished by imprisonment of not less than a year, and may be adjudged to have forfeited his rights as a citizen. The same punishment shall be awarded to those who render another, at his request, unfit for the performance of military duty.

ART. 143. Whoever, with the view of evading military service, either in whole or in part, uses means calculated to deceive, shall be punished with imprisonment, and may be adjudged to have forfeited his rights as a citizen. The same penal provision applies to participants.

ART. 360, SUBDIVISION 3. "With fine not exceeding fifty thaler, or with imprisonment, shall be punished—3. Whoever, being on leave, and belonging either to the land or sea wehr, emigrates without permission."

With regard to emigration, the confederation law of June 1, 1871, constituted an imperial law by article 81 of the imperial constitution 1, 24, contains the following provisions:

§ 13. Citizenship is henceforth only to be lost—

1. On motion.

* * * * * * *

§ 14. Release from citizenship is given by a release-document, to be made out by the higher tribunal of the native state.

§ 15. Such release will be granted to every citizen who proves that he has been admitted to citizenship in another state of the confederation.

In the absence of this proof it cannot be granted—

1. To persons liable to military duty, between the age of the completed seventeenth and the completed twenty-fifth year, who have not first produced a certificate from the circuit levy commission that they are not seeking a release merely for the purpose of withdrawing themselves from service in the standing army or in the navy.

2. To military persons who belong to the standing army or navy; to officers and officials before they have been discharged from the service.

3. Persons belonging to the reserve of the standing army and to the landwehr, as

well as those belonging to the reserve of the navy and to the seawehr, and not holding the position of officers after they have been called into active service.

§ 17. From other reasons than those given in sections 15 and 16, discharges may not be refused in time of peace. For time of war or danger of war, the president of the confederation is privileged to issue particular instructions.

§ 18. The discharge-paper effects from the time of its delivery the loss of citizenship. The discharge becomes ineffectual if he who is discharged does not within six months from the time of the delivery of the discharge-paper change his domicile to a place outside the territory of the union, or acquire citizenship in some other state of the union.

§ 19. The discharge comprehends, if no exception is made, also the wife and the minor children still remaining under paternal authority.

§ 20. Germans residing abroad may be declared to have lost their citizenship, by a resolution of the controlling authority of their native states, when in case of war, or danger of war, they fail to obey, within the period named, an express summons of the president of the union applying to the whole union.

§ 21. Germans who leave the union and reside uninterruptedly for ten years abroad, thereby lose their citizenship. The period above mentioned is computed from the time of leaving the territory, or if the person so leaving is provided with a traveling or home paper, from the time of its expiration. It is interrupted by entry in the records of a union consulate. Its course begins anew with the day following the cancellation in the records.

The loss of citizenship worked hereby extends to the wife and minor children remaining under paternal authority. As regards Germans who reside uninterruptedly at least five years in a foreign state, and there acquire citizenship, the ten years period may, by a stated treaty, be reduced to five years, irrespective of the parties being provided with traveling or home papers, or not.

Germans who have lost their citizenship by a ten years' residence abroad, and have acquired no other citizenship, can be restored to their native citizenship even without being domiciled there.

Germans who have lost their citizenship by a ten years' residence abroad, and thereupon return to the territory of the German union, acquire citizenship in that state of the union in which they have taken up their abode, through a certificate of the higher tribunal, which must be furnished on demand.

§ 22. When a German enters a foreign state's service without permission of his government, the controlling authority of his native place may by resolution declare him to have lost his citizenship, provided he does not obey an express summons to leave such service within the period therein limited.

§ 23. If a German serves with a foreign power with permission of his government he retains his citizenship,

The provision of subdivision 3 of § 21 has been embodied in the law of June 1, 1870, mainly with reference to the treaty of February 22, 1868, between the United States of America and the North-German Union, which is now operative throughout the whole German empire. In the said treaty the following provisions are to be particularly considered:

ARTICLE 1. Citizens of the North-German confederation who (have become or shall) become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by the North-German confederation to be American citizens, and shall be treated as such. And, also—

"The declaration of an intention to become a citizen of one or the other country has not for either party the effect of naturalization."

ARTICLE 4. If a German naturalized in America renews his residence in North Germany without the intent to return to America, he shall be held to have renounced his naturalization in the United States. And, also—

The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

The course of proceeding against those who have emigrated to avoid military duty, whether they have already been pronounced able-bodied for military service or not, or whether they be "landwehrmen" or "reserveats," is regulated by the law of January 3, 1849, and the supplementary law of May 3, 1852. Of prominence are the following provisions:

I.—*From the law of May* 3, 1852.

ART. 35. * * * * Should, however, the state's attorney, for particular reasons deemed sufficient in his discretion, move that proceedings *in contumaciam* be taken, the proper tribunal must institute the same and issue the summons.

ART. 46. If the proceeding is to be had before the "court division" or the police justice, the published summons must contain the following:

a. Full name, age, residence, position, or trade of the accused as far as known;

b. The character of the punishable act which constitutes the subject of the accusation;

c. A notice of the period fixed for the trial, and the summons and warning contained in § 32 of the law of January 3, 1849.

ART. 47. This summons is to be hung out at the place of holding court at the seat of the court having jurisdiction, to be inserted three times in the official paper, and in the discretion of the court also in another domestic paper. The time for trial is to be so appointed that a period of at least one month must elapse between the final insertion in the newspapers and the trial.

ART. 48. If the trial is adjourned, the resolution declaring the same is only to be made known in a public sitting.

ART. 49. The judgment, without the reasons therefor, however, is to be made known by public posting at the place of holding court. The judgment having been thus posted for fourteen days, the service of the same upon the accused is to be regarded as properly effected.

ART. 50. In all cases in which any further service of summons cannot be effected in the manner prescribed by law with his own country upon an accused person already legally summoned to the trial in the first instances, the service is to be considered duly effected when the document to be served shall have been posted for 14 days at the place of holding court. Judgments are posted without reasons; there is, in such cases, no necessity for written justifications.

II.—*From the law of January* 3, 1849.

§ 32. * * * * The accused is to be warned that in case of his non-appearance the trial and decision are to be had *in contumaciam*. The minor details of the legal provisions are contained in the law concerning proceedings against emigrants owing military duty, and against furloughed landwehrmen who have emigrated without permission of March 10, 1856.

I.—*Of the proceedings against emigrated persons owing military duty.*

§ 2. The authorities vested with the control of persons owing military duty are bound to make careful inquiries, particularly of the respective local authorities, of the relatives and of the guardians concerning the place of domicile of such persons owing military duty as do not appear at the revisions ordered by them, or who are announced as absent.

§ 3. Are these inquiries fruitless, or do they result in showing that such person has left the royal dominions without permission, the land-police authorities must, on the basis of the proceedings handed them, make out a declaration as follows:

1. That such person has not appeared at such revisions so ordered;
2. That the place of his domicile within the country cannot be discovered; and,
3. That notwithstanding the inquiries made, no circumstances have appeared which exclude the assumption that such person has quitted the royal dominions without permission, and has thereby sought to withdraw himself from service in the standing army.

§ 4. The declaration of the land-police tribunal is to be transmitted to the states attorney of the court of the last place of residence, or of the last place of customary domicile. On the basis of this declaration the states attorney shall immediately move the seizure of the property according to section 110 of the penal code, and to cause criminal proceedings to be instituted by a public summons.

§ 5. These proceedings can be simultaneously directed against several persons, and the trial of them proceed jointly.

§ 6. As regards the summoning of the accused and the serving of summons upon them the following applies: The provisions of articles 46 to 50, inclusive, of the law of May 3, 1852, concerning additions to the law of January 3, 1849, and in the circuit of the court of appeals at Cologne the provisions of articles 10 to 13, inclusive, of the law of May 11, 1855, concerning the altering of several provisions relating to judicial procedure.

A copy of the summons, however, is to be sent the accused by mail if his place of domicile is known. A certificate that such course has been pursued is not needed.

§ 7. During the period of verbal conduct, and in the further proceedings, the accused who has not appeared may be represented.

As representatives are admissible:

1. Persons authorized to conduct a defense.
2. Guardians, relatives in the ascending and descending line. Wives and brothers and sisters of the accused without being provided with special authority for such purpose.

§ 8. Sentence follows upon the ground of the declaration issued by the land-police

tribunal, unless it be shown that the accused has not left the royal dominions without leave, or that circumstances exist which forbid the assumption that he has thereby sought to evade entering the service of the standing army.

§ 9. If an adjournment of the oral proceedings be necessary, in order to take proof held admissible on this point, the case is to be separated from others with which it is being jointly conducted, and to be decided separately. This course is also pursued when such separation is deemed advisable for other reasons.

II.—*Of the proceedings against landwehrmen on leave who emigrate without permission.*

§ 10. The institution of proceedings against landwehrmen on leave who emigrate without permission is founded upon the declaration of the landwehr tribunal:

1. That a domestic place of sojourn of such landwehrman has not been discovered.
2. That permission to emigrate has not been granted him.
3. That notwithstanding the investigation made, no circumstances have appeared which exclude the assumption that he has emigrated.

§ 11. Sentence follows upon the basis of this declaration, if circumstances adverse to such declaration are not shown. § 4, 5, 6 and 7, and 9 also find application here.

There are wanting legal provisions as to what is to be held in the case of a person sentenced for unallowed emigration who afterward returns to Germany as an American citizen.

Punishment can only be remitted by way of grace, and the court having jurisdiction must, upon the request of the condemned, report officially to the minister of justice concerning the remission of the punishment and costs by way of grace. This can, however, only be done when the person so returning has acquired citizenship in the United States in accordance with article 1 of the treaty of February, 1868.

If a German not yet naturalized in the United States of America returns to Germany, or if a German so naturalized re-acquires naturalization in Germany, and he is still within the age of military duty, (has not yet completed his thirty-first year,) he is not legally protected against being still drawn into military service.

The § 11 of the imperial military law of May 2, 1874, prescribes as follows on this point:

§ 11. Persons who have left the imperial dominions, and have lost their imperial citizenship, but have not acquired citizenship in another state, or have lost the same again, are, if they take up a permanent residence in Germany, under obligation to present themselves, and are liable to be still enrolled, but yet cannot, in time of peace, be held to service beyond their completed thirty-first year.

The same holds good as to sons of persons who have emigrated and returned to the German Empire, provided such sons have not acquired foreign citizenship.

The aforegoing provisions also apply to emigrants who, while they have acquired foreign citizenship, yet return to their German allegiance before their completed thirty-first year.

No. 242.

Mr. Fish to Mr. Davis.

No. 75.] DEPARTMENT OF STATE,
Washington, April 7, 1875.

SIR: Referring to the question of the taking of testimony in Germany by commissioners appointed under the authority of the courts of this country, I have to inform you that on the 1st of April Mr. Schlözer, the German minister, called, and after informing the Department that his government had found some fault with him because he had not answered the inquiries contained in my note to him of the 9th December, 1874,* a copy of which was transmitted to you with my No. 34, stated that he had been directed by his government to answer the questions. He said that in pursuance of this instruction he informed the Department that the rule which had been laid down by the German government, in reference to the case of Wolff, namely, that the testimony could be procured by letters rogatory, was a general rule, and applied to any case in which

* See correspondence with German minister, *post*.

testimony was desired. He further stated that he was directed to inform the Department, in reference to the hope expressed in my note that the German government might see fit to change the rule which it had laid down, excluding commissioners from taking testimony, that his government, while desirous of assisting in the procuring of testimony, were not now able to comply with our request, but that at the coming session of parliament the matter would receive consideration, with a view to affording equal facilities on this question to this country and to Great Britain. In answer to an inquiry addressed to Mr. Schlözer, as to the cause of the rule laid down by the German government, he replied that such action in taking testimony was prohibited by law in Germany, and that the cause of the refusal was not occasioned by a rule of public policy. He was informed that this Government had not previously known of the existence of any distinct statute or law on that question. During the conversation Mr. Schlözer was informed that unless the Department was mistaken, the German officials in this country avail themselves of the liberality of our provisions of law on this question, in which statement he acquiesced.

I should be glad to ascertain whether Mr. Schlözer be correct in supposing that there is a prohibition by statute, or otherwise, in this matter in Germany. If it be so, it may be that some legislation might be required. The Department had supposed, however, that the rule laid down was an expression of the public policy of Germany.

Mr. Schlözer seemed greatly surprised, in the course of the conversation, to learn that while the right to take testimony was guaranteed by few treaties, at the same time formal objections are not interposed by foreign governments to such action, and that this was the first instance that had come to the knowledge of this Department where a foreign government had intervened to prevent a plaintiff and defendant from obtaining testimony for their mutual benefit, to be used in a pending lawsuit; and after expressing his own opinion in favor of our system, he stated his intention to forward these facts to his own government.

It is apprehended that the German government has chosen to convey an answer to these questions through their minister here, and that we may consider this question for the present as settled, but these facts are forwarded for your information should any convenient opportunity offer to again refer to the question, and especially if it should appear that there is no positive enactment of German law, as we have been informed exists, or in case the German government should in any respect change its views in consequence of any representations made by Mr. Schlözer.

I am, &c.,

HAMILTON FISH.

No. 243.

Mr. Davis to Mr. Fish.

No. 102.] LEGATION OF THE UNITED STATES,
Berlin, April 19, 1875. (Received May 7.)

SIR: Referring to my No. 82, I have now the honor to forward a translation of the text of a bill pending in the Prussian house of deputies for the repeal of the clauses in the constitution giving to ecclesiastical corporations the right to manage their own affairs. This bill will probably be passed into a law to-day or to-morrow.

I also inclose the text (translated) of a new law to be submitted to the chamber for the sequestration of monastic property.

I also inclose a translation of the petition addressed by the bishops to the Emperor on the 2d instant, and of the reply by the ministry by order of the Emperor.

In order to complete the files of the Department, I also inclose a translation of the declaration by the bishops respecting the election of a new Pope, made in February last, having accidentally omitted to send it at the time.

I have, &c.,

J. C. BANCROFT DAVIS.

[Inclosure 1 in No. 102.—Translation.]

Project of law for changing the relations between church and state.

The following is an analysis of the projected bill for abrogating the three articles of the constitution regulating the relations between church and state in Prussia:

"Since it has lately been judged necessary to regulate by legislation the indispensable limits between church and state, in order to establish the definite and fixed position of the two powers, the government has often heard the objection raised to the effect that the measures adopted by it tended to injure the arrangements of the fundamental compact, which assures the independent administration of their affairs to religious bodies. When the question was first brought forward as a legislative measure in 1873, this objection appeared plausible, for article 15 of the constitution still existed in its primitive sense, which allowed of a more or less wide interpretation. The arbitrary interference of the Catholic bishops and that of the organs of the state had even given this article a meaning which much exceeded its real sense. To define this real sense was the object of the law of April 5, 1873. It was intended to re-establish in a definite manner, and for every one, the fact that even the autonomial administration of ecclesiastical affairs was subject to the sovereign right of the state, to its legislation, and its supervision. Nevertheless, the same objection continues to be urged, and was very recently raised on the occasion of every proposed law concerning ecclesiastical affairs. Continually to repeat this accusation of unconstitutionality in the two chambers as well as in the press is the more grave, because it disquiets the people, lays the authorities and legislators open to suspicion, and causes the laws to be considered invalid and of no effect before they have been promulgated. Such a solution of the matter is not tolerable in any state, especially at a time so fruitful in serious agitations. Such a state of things must absolutely be opposed with energy and promptitude. This cannot be attained until the relations between church and state shall have been regulated, no longer by general and equivocal provisions, but by special laws alone; that is to say, by a modification of the fundamental compact. The legislature must find a way open to assure the state at all costs against a clergy directed by Rome. Provoking and battling against the sovereign rights of the civil power, restored to liberty by fresh legislation, this power will know how to defend itself against its aggressors. This is why it is proposed to suppress article 15. This act of defense is not necessitated by the attitude of other forms of religions. The legislative provisions which already regulate their position with regard to the state suffice. Fresh laws are useless. Where there are defects, the legislature will give corporations which submit to public order the security which is due to them. The suppression of article 16 is justified by the fact that, since the religious communities have enjoyed perfect freedom in their relations with their superiors, and that the publication of ecclesiastical injunctions is now subject only to the conditions imposed by the law on publications of every kind, the confidence of the government has been seriously abused. It will be sufficient to recall the encyclical of the 5th of February, addressed to the episcopate, to understand the pressing necessity for restraining excessive liberty assured by the said article within limits compatible with the public welfare. Article 18 is but the corollary of article 15, applicable in a solitary and determined case. The suppression of article 15, therefore, necessarily involves that of article 18. The abolition of these articles will not, however, be any obstacle to high clerical positions being held by men who obey the laws, a condition which cannot be given up by a state, which, in consequence of the various religious beliefs of its population, has the greatest interest in seeing the different religious communities live in peace with one another. The projected law is composed of this single clause: 'The articles 15, 16, and 18 of the constitution of January 30, 1850, are abrogated. The legal state of the Evangelical and Catholic churches, as well as the other religious communities, is regulated by the laws of the state.'"

The text of the articles which it is proposed to abolish is as follows:

"Article 15. The Catholic Church, as well as the Protestant Church, and every other religious society, regulates and administers its affairs in an independent way; but it remains subject to the laws of the state, and to the supervision defined by the laws of the state. Under the same conditions, every religious society keeps the possession and the enjoyment of its funds, and of the establishments and foundations destined for its worship, its teaching, and its charities. Article 16. The relations of religious societies with their superiors are free. The publication of ecclesiastical ordinances is subject only to the restrictions to which all other publications are subjected. Article 18. The right of nominating, of proposing, of electing, and of confirming ecclesiastical posts is suppressed as far as it belongs to the state, and is not based upon patronage or on special legal titles. This provision does not apply to the nomination of ecclesiastics in the army or in the public institutions. The law regulates the rights of the state relating to instruction, to the employment and removal of ecclesiastics, and fixes the limits of the disciplinary powers of the state."

[Inclosure 2 in No. 102.]

ARTICLE 1. The state places under sequestration all monastic property.

ART. 2. The orders which have for their object the education or the care of sick persons will be tolerated for two years; after that time they will be totally suppressed.

ART. 3. All other orders and monastic corporations will be abolished in six months.

ART. 4. All property which has been given to these orders by their members will be restored to the latter.

ART. 5. The oldest members of monastic bodies, and those who may be incapable of working, will receive an annual pension from the state.

[Inclosure 3 in No. 102.—Translation.]

Correspondence between Catholic bishops and the Emperor.

BERLIN, *April* 10.

The following is the text of the petition addressed to His Majesty on the 2d of this month by the Prussian bishops:

"FULDA, *April* 2, 1875.

"MOST SERENE AND MOST MIGHTY EMPEROR, MOST GRACIOUS EMPEROR, KING, AND SIRE: A bill has been presented to both houses of the Diet by Your Imperial and Royal Majesty's ministry by which the further enjoyment of the state grants accorded to the Catholic bishoprics and clergy will be made dependent upon a previous declaration of the administrators of dioceses or the clergy that they will unconditionally obey the state laws. So unconditional a declaration is incompatible with the conscience of a Christian. Indeed, the Apostles, and innumerable Christian martyrs, suffered death rather than submit to state laws and public ordinances which prohibited them from proclaiming the divine truth or demanded on their part a denial of the Christian faith. We being, therefore, unable to give that declaration without acting against our conscience or infringing upon the principles of Christianity, thus the attempt to force us to obey by withholding material means can never be regarded as admissible from a Christian stand-point.

"Moreover, the respective grants from the state to the bishoprics in question are in compliance with a legal obligation which the state undertook when it assumed possession of the secularized church property in accordance with explicit stipulations, and, to quote the well-known words of a Prussian minister, they were undertaken under a pledge of the honor of Prussia; and as regards other state grants to clergymen, they also by no means sprang from a mere liberality of the state toward the church, but have likewise a legal basis either in the secularization of cloisters and ecclesiastical institutions, or in right of patronage, or in royal promises, and the suspension of these grants just at the present moment must especially serve to stir bitter feelings in the hearts of the Catholics, since just now considerable improvements of salary from the general revenue are granted by the state with gracious liberality to the clergy of other Christian denominations.

"We feel, however, the threatened suspension of the state grant most painfully, because it is expressly described as a punishment for the attitude of the Catholic bishops and clergy with regard to the May laws, although they are unable to co-operate in the execution of these laws without violating their most sacred duties and the divine constitution of the Catholic church.

"We should fear to trespass upon the veneration due to Your Majesty if we were

even to consider the supposition possible that it could respond to the intentions of Your Majesty to demand such an infidelity and violation of duty on the part of the appointed guardians of ecclesiastical order.

"We, therefore, do not address ourselves to the houses of the Diet, where the proportion of Christian feeling begins to vanish more and more, but address direct to Your Majesty, as the protector of the Christian church recognized by Prussia—to the Crown by which the Catholics have likewise ever stood with true loyalty during political storms—the respectful prayer that Your Majesty will deny your sanction to the intended law as being a violation of duty and acquired rights and a source of unspeakable affliction and peace-disturbing confusion.

"In deepest reverence, with most entire submission, we remain Your Majesty's most humble, true, and obedient."

(Here follow the signatures.)

The following is the text of the reply made by the ministry by order of the Emperor:

"BERLIN, *April* 9, 1875.

"His Majesty the Emperor and King has deigned to charge the ministry with the reply to the petition addressed to His Majesty on the 2d instant by the Prussian bishops assembled in Fulda:

"In fulfilling the imperial instructions, we cannot avoid expressing our astonishment and regret at the fact that ecclesiastics of such high position as the right reverend bishops could make themselves the vehicle of an assertion that it would be in Prussia a denial of the Christian faith to promise obedience to such laws which in other German and foreign states have been obeyed for centuries, and are still most readily obeyed by the Catholic clergy and their ecclesiastical superiors, and unconditional obedience to which continues to be sworn there by the Catholic clergy by a sacred oath. None the less remarkable and untrue is the assertion that the laws against which recently the disobedience of the bishops has been directed in Prussia only forbid the proclamation of the divine truth. With regard to the right reverend bishops mentioning that improvements of salary are at the present being granted to the clergy of other denominations which did not at the same time benefit the Catholic clergy, a superficial glance at the bills before and the debates of the Diet would have sufficed to convince the right reverend bishops themselves of the untruth of their assertion. It can just as little be unknown to the right reverend bishops that the measure which they ask His Majesty not to sanction, at the same time using offensive expressions about its contents, could only have reached the Diet with the imperial consent. The demand that His Majesty should, notwithstanding, refuse his sanction after it had been adopted by the Diet is the more strange, since the right reverend bishops themselves will not believe that the grants, the suspension of which is in question, would have been ever made, if at their bestowal the right had been reserved to the bishops and clergy to be obedient or not to the laws of the state according to the papal will.

"With regard to the petition calling the law which withdraws the state-grants a source of unspeakable affliction and peace-disturbing confusion, those among the right reverend bishops, who, in the year 1870, before the proclamation of the Vatican resolutions, saw that such conditions would arise from those resolutions, and announced this publicly in eloquent terms, should ask themselves if they, by a true and firm maintenance of their convictions, would not, perhaps, have been able to preserve our fatherland from the confusion and disturbance of peace which they themselves warningly prophesied, and which we now, with them, deplore.

"We request your grace to kindly communicate this letter to the co-signatories of the petition.

"THE STATE MINISTRY."

[Inclosure 4 in No. 102.—Translation.]

THE CATHOLIC BISHOPS IN REPLY TO PRINCE BISMARCK.

BERLIN, *February* 11.

The following is the text of the joint declaration just issued by all the Roman Catholic bishops of Germany, in reply to Prince Bismarck's well-known dispatch on the election of the next Pope:

"The *Staatsanzeiger* (official Berlin Gazette) has recently published a circular-dispatch, indited by the Prince Chancellor on the 14th of May, 1872, dealing with the election of the next Pope. This dispatch, according to the declaration of the *Staatsanzeiger*, is the key to the contents of that portion of the Arnim case papers withheld from the public. Proceeding from the supposition that by the Vatican council and its

two important enactments concerning infallibility and the jurisdiction of the Pope, the relative position of His Holiness toward the secular governments has been entirely changed, the dispatch arrives at the conclusion that the interest of the secular governments in the election of a Pope has been very considerably increased, and that their right to look after such election is placed upon an even firmer basis than heretofore. These conclusions are as unjustifiable as their premises are unfounded. Considering the grave nature of the document in which they appear, and the inferences forced upon us as to the principles governing the ecclesiastical policy of the German imperial chancellerie, we, the undersigned arch-pastors, deem ourselves equally entitled and obliged to oppose publicly the erroneous views expressed in the dispatch. The dispatch contains the following assertions relative to the votes of the Vatican council:

"'By these enactments the Pope is enabled in every diocese to exercise episcopal rights and substitute his own authority for that of the local bishop. The episcopal jurisdiction has been completely superseded by direct papal authority. The Pope no longer reserves to himself certain specified rights, as formerly, but all episcopal rights have been transferred to him. He has replaced the bishops principal, and it solely depends upon him practically to assume the functions of any of the local bishops, not excluding those affecting the relations of that bishop to his government. The bishops henceforth are only the tools, and wholly irresponsible employés of the Pope. They have become the officials of a foreign sovereign, and that a sovereign who, by dint of his infallibility, is a more absolute monarch than any other monarch in the world.'

"All these assertions are utterly devoid of foundation, being at variance with the wording of the Vatican enactments, as well as with the meaning of the same, such as it has been repeatedly interpreted by the Pope, the episcopacy, and the acknowledged representatives of Catholic theological erudition. In accordance with those enactments, the papal jurisdiction is indeed a *potestas suprema ordinaria et immediata*—a supreme official power conferred upon the Pope by Jesus Christ, the Son of God, through Saint Peter, and extending to the whole of the church and each individual diocese, that unity of faith, ecclesiastical discipline and government may be duly upheld. The papal power, it is true, then, is no power confined to certain specified rights reserved by the Pope. But this is no new doctrine. On the contrary, it is a doctrine which has always been a recognized doctrine of the Catholic faith—a well-known principle of canon law, a truth which the Vatican council, opposing the Gallican, Jansenist, and Febronian heresies, has only confirmed and explained in accordance with the verdicts of preceding councils. In virtue of this doctrine the Pope is bishop of Rome, not bishop of any other city or diocese, not bishop of Cologne, Breslau, &c. But in his capacity as bishop of Rome he is Pope, that is, is arch-pastor and supreme head of the whole church, chief of all bishops and all the faithful believers, and his papal authority, far from being restricted to certain exceptional cases, is always and everywhere in full force. It is the duty of the Pope to control the action of the bishops, and if any bishop should be prevented from attending to the function of his office, or if any other exigency should require it, the Pope is both entitled and obliged, not as bishop of the respective dioceses, but as Pope, to issue any orders necessary for the proper administration of such diocese. These papal rights have been recognized by all European states as belonging to the system of the Roman Catholic Church, and whenever any European government had occasion to enter into negotiations with the Pope, it has acknowledged him as the chief of the entire Catholic Church, including both bishops and believers, and he never has been regarded by any European government as only the owner of certain specified and reserved rights. There is, further, absolutely nothing in the enactments of the Vatican council to justify the assertion that the Pope has in consequence of these enactments become an absolute sovereign, and that a sovereign more absolute than any other monarch in the world. In the first place, the field over which the ecclesiastical authority of the Pope extends is distinct from that swayed by the temporal power of a monarch, nor do Catholics deny the sovereignty of monarchs in regard to secular affairs. But, independently of this, the designation of a Pope as absolute monarch is inadmissible, even with reference to the field allotted to him, because the Pope acts under the law divine, and is bound to adhere to the ordinances laid down by Christ for his church. The Pope cannot change the divinely-ordained constitution of the church, though the secular legislator may be able to remodel the political arrangements intrusted to his keeping. The constitution of the church, in all its essential points, is based upon the direct injunctions of the Divinity, and exempt from all arbitrary experiments of mankind. The same divine regulations which created the Pope created the bishops likewise; the bishops to have their own peculiar rights and duties, allotted to them by God Himself, to modify which the Pope has neither the right nor the power. Hence, it is a glaring mistake to assume the Vatican enactments to have superseded episcopal authority by papal power, and to have replaced by the Pope the bishops, who are henceforth only his tools and employés, without any personal responsibility. Under the eternal doctrine of the Catholic

Church, it has been expressly declared by the Vatican council that the bishops are no tools of the Pope, no mere papal employés, without personal responsibility, but pastors appointed by the Holy Ghost to represent the apostles; to govern, as good shepherds, the flocks intrusted to them. In the 18th century of Christian ecclesiastical history, the papacy has been placed over and by the side of the episcopacy, both being divinely instituted by Christ; so it will be also in the future. The Pope's ancient right of exercising his power of ecclesiastical government in any part of the Catholic world has never made episcopal authority illusory, nor is the new interpretation of this old Catholic principle calculated to raise apprehensions in this respect as to the future. It is universally known that the dioceses of the Catholic world have, since the Vatican council, been directed and governed by their bishops, in exactly the same manner as before that date. We specially protest against the statement that the bishops, in consequence of the Vatican enactments, have become papal employés, without personal responsibility, and we beg to observe that it is not the Catholic Church which acknowledges the immoral and despotic principle that the command of a superior officer relieves the subordinate from personal responsibility. As to the opinion that the Pope, by means of infallibility, has become an absolute sovereign, it is based upon an entirely erroneous conception of the dogma of infallibility. As the Vatican council has clearly and unmistakably pronounced, papal infallibility, in accordance with the nature of things, is confined to the field belonging to the doctrinal authority of the church, and is restricted by Holy Writ, tradition, and previous decisions of the church. The action of the Pope in governing the church has in no way been altered by the enactment of papal infallibility. The opinion that the relations of the Pope to the episcopacy have been changed by the Vatican council being entirely indefensible, the conclusion drawn from these premises, that the Pope has assumed a novel position toward the governments, is equally groundless. We cannot restrain ourselves from expressing the deepest regret that, in the above circular dispatch, the German imperial chancellerie should have advanced opinions founded upon the assertions and conjectures of Protestant scholars, and some former Catholics, rebelling against the whole legitimate episcopal authority vested in the Holy See. These assertions and conjectures have been repeatedly and emphatically contradicted and refuted by the Pope, the bishops, and Catholic theologians and canonists, as the legitimate representatives of the Catholic Church. In our respective dioceses, we have the right to demand that, if the principles and doctrines of our church are to be discussed in this wise, our opinion be taken too, and that, so long as we regulate our conduct by these principles and doctrines, our words be credited. In thus correcting the erroneous version of the Catholic doctrine contained in the circular dispatch of the Prince Chancellor, we have no wish to enter upon what is foreshadowed in that dispatch concerning the election of the next Pope. Still, we feel it our duty to protest solemnly against the attempt made to interfere with the independent election of the chief of the Catholic Church, and we declare that the validity of any papal election can be decided only by the church, to whose authority every Catholic will unconditionally submit in Germany as anywhere else.

"Dated January and February, 1875."

Here follow the signatures of twenty-three German bishops and representatives of bishops.

No. 244.

Mr. Davis to Mr. Fish.

No. 106.] LEGATION OF THE UNITED STATES,
Berlin, April 26, 1875. (Received May 14.)

SIR: I have the honor to inclose a translation of the proposed law for the management of the property in Catholic church communities, as reported in an amended form by the committee of the Prussian Diet, and to be, &c.

J. C. BANCROFT DAVIS.

[Inclosure in No. 106.—Translation.]

DETERMINATION OF THE COMMISSION.

Draft of a law concerning the management of property in Catholic parishes.

We, William, by the grace of God, King of Prussia, &c., ordain, with the consent of both houses of the Landtag, for the entire extent of the monarchy, as follows:

§ 1. In every Catholic parish matters appertaining to church property are to be

cared for by a vestry and representatives of the congregation, in accordance with this law.

§ 2. The provisions of section 1 also apply to mission parishes, as well as to such other congregations, branch churches, chapels, &c., where there are special church lands, or in which the individual members of the congregation are under obligations to contribute to the needs of the church.

§ 3. All church property is to be held under this law:

1. Property destined for clerical needs, inclusive of church and parsonage building-funds, of lands to provide the salaries of the clergy and other church-servants, and of anniversaries.

2. Church-lands for any other church purpose, or for charitable or school purposes.

3. The proceeds of subscriptions, collections, &c., undertaken by church functionaries for church, charitable, or school purposes, or by other persons for church purposes, both in and out of church buildings.

4. Institutions within the community for charitable or school purposes, which are under the management of church functionaries.

§ 4. The rights of the state or of civil communities to places of burial, or to such lands as are destined for church purposes, are not affected by this law.

Under church property, within the meaning of this law, property is not understood, which, though destined for church purposes, is yet under the permanent management of the state or of civil communities.

I.—*Church vestry.*

§ 5. The church vestry consists of:

1. In parishes, of the pastor; in branch churches, chapels, and other similar congregations, which have priests of their own, of him whose appointment is oldest.

2. Of several church-heads, (or vestrymen,) who have been chosen by the congregation.

3. In the case of section 41, of the person therein designated as entitled, or of the church-head (vestryman) appointed by him.

§ 6. The number of church-heads (vestrymen) to be chosen in each community is in congregations of 500 or fewer members, 4; of from 500 to 2,000 members, 6; from 2,000 to 5,000, 8; of more than 5,000, 10.

A change in the number can be effected by a resolution of the representatives of the congregation; the number shall, however, not exceed 12 nor be less than 4. In consideration of the number of members, or of the peculiar circumstances of a congregation, the number may, with the consent of the upper president, be reduced to 2.

§ 7. The office of church-head (vestryman) is an office of honor, (honorary.) For extraordinary services, a proper compensation may be allowed by the representatives of the congregation, on motion of the church-head, (vestryman.)

§ 8. The vestry manages the church property.

It is the representative of the properties under its management, and of the congregation in matters relating to such properties.

The rights of those entitled for the time being to the lands destined for the payment of salaries to the clergy and other church-servants are not hereby affected.

§ 9. The members of the church-vestry are held to exercise that care which is practiced by a good head of a family.

§ 10. The control of funds and the book-keeping is to be intrusted to a church-head (vestryman) chosen by the vestry.

By resolution of the vestry an accountant not belonging to it may be appointed. Such accountant is held to be a church-servant within the meaning of the law of May 12, 1873.

Sections 11 and 12 are canceled.

§ 12*a*. The vestry shall make out and continue an inventory of the church property under its management.

It must make an estimate in advance of the year's revenues and expenditures, and render each year a full report of the condition of the church property to the representatives of the congregation. At the conclusion of each year the vestry shall examine the accounts.

§ 13. The vestry elects from its members, described in section 5, Nos. 2 and 3, upon the entrance of the new church-heads, (vestrymen,) a president and a substitute, both for three years.

§ 14. The vestry convenes upon the summons of the president, whenever the transaction of business requires. By resolution, regular days of meeting may be appointed.

§ 15. The vestry is to be convened when it is demanded—

1. By the diocesan authorities.

2. By the landrath; in the city districts by the mayor.

3. By one-half of the members of the vestry.
4. By a resolution of the representatives of the congregation.
In the two last cases where a purpose coming within the province of the vestry is given.

§ 16. If the president does not respond to this call, or if there be no president, the call may be made by the diocesan authority, as well as by the officials named in section 15, No. 2. In these cases, the authority calling appoints the president from among the members of the vestry described in section 5, Nos. 2 and 3.

§ 17. All the members of the vestry are to be invited to the meetings. This invitation is, in all cases where the resolution requires the assent of the representatives of the congregation, to be made in writing, the purpose of the call being stated.

§ 18. Canceled.

§ 19. Resolutions are carried by a majority of those present. If the votes are even, the president decides; in cases of choice, the decision is by lot. To be valid, resolutions must have been passed upon by at least half of the members.
Members having an interest in the subject-matter voted upon must abstain from voting.
In cases of a call not made as prescribed, resolutions can only be passed when the entire vestry is present, and no objection is raised.

§ 20. The resolutions are to be entered in a journal, with the date and the names of the members present. The entries must be signed by the president and at least one other member of the vestry.

§ 21. Every written declaration of the will of the vestry, affecting the property it controls and the congregation, requires to be subscribed by the president and by two other members of the vestry, and must, in addition, bear the official seal. This shall constitute a guarantee to third parties of the formality of the resolution, so that proofs of compliance with the several requisites, particularly of the concurrence of the representatives of the congregation, where such is necessary, shall not be required.

II.—*Representatives of the congregation.*

§ 22. The number of the representatives of the congregation shall be three times as large as that of the chosen church-heads. Reference being had to the number of souls, or the particular relations of a community, this number may be diminished with the consent of the upper president.

§ 23. The resolutions of the vestry require the assent of the representatives of the congregation in the following cases:
1. Upon the purchase, alienation, or mortgaging of real estate, the renting or leasing thereof for longer terms than ten years, and the renting or leasing of lands set apart for the use or enjoyment of priests and other church-servants beyond the period of service of the occupant for the time being;
1*a*. Upon the alienation of objects which have a historical, scientific, or art value;
2. Upon extraordinary use of the property, involving the integrity of the substance itself, as well as upon the calling and drawing in of capital, provided no re-investment upon interest ensues;
3. Upon contracting loans, which are not intended for mere temporary relief, and cannot be refunded out of the surplus of the current revenues beyond the expenditures of the same period of estimate;
4. Upon the institution of suits which do not relate to the recovery of current interest, or dues, or the calling in of outstanding capital, and upon making compromises or agreements.
5. Upon the erection of new buildings, or considerable repairs on buildings, where the necessity for such work has not been finally decided upon by the proper authorities. Considerable repairs shall be held to be those whose estimate exceeds two hundred marks. In case of need, the community-representatives of the congregation may once for all extend the power of the vestry to contract for more costly repairs; the cost of which, however, shall not exceed one thousand marks.
6. Upon procuring the money and labor needful for church purposes, provided such are not to be accorded, according to existing laws, out of church property, or by the patron, or by some other person, upon whom it particularly devolves so to do.
7. Upon fixing the amounts to be contributed by the members of the community, and upon establishing the scale of assessment, the latter is to be fixed on the basis of the state tax or of the communal tax.
8. Upon the institution or changing of regular dues.
9. Upon allowing out of the church funds moneys for the establishment of new places for the service of the congregation, as well as for the permanent improvement of the revenues of existing places, and upon changing variable revenues of priests and other church servants into fixed dues, or of revenues in kind into money; the last, in cases where the change does not take place in pursuance of the operation of existing state laws.

9*a*. Upon the employment of church property for purposes not relating to the spiritual needs of the congregation itself.

10. Upon establishing the budget and period of estimate.

11. Upon auditing and passing the yearly accounts.

The budget, when established, and the annual accounts, when passed, must be held open to the examination of the members of the congregation for two weeks after having been first announced according to the custom of the locality.

§ 24. Canceled.

§ 25. The representatives of the congregation elect, upon the entrance of the new representatives, a president and a substitute, both for two years.

They convene upon the call of the president, whenever the transaction of business may require.

§§ 15 and 16 apply to the calling together of the representatives of the congregation, yet with this modification, that upon the demand of one-third of its members a call must ensue.

§ 25*a*. The president of the vestry, or a vestryman appointed by him, (§ 5, Nos. 2 and 3,) is entitled to attend the meetings of the representatives of the congregation, and to be heard.

§ 26. To these meetings all the representatives, as well as the president of the vestry, are to be invited in writing, with a statement of the object, at least one day before the meeting.

For the rest, the provisions of §§ 19 and 20 apply as far as pertinent, yet the presence of one-third of the members is requisite to the validity of resolutions.

The representatives of the congregation have the right to order that their meetings shall be public.

Their resolutions are to be furnished to the vestry in an extract from the journal, made by the president and two representatives.

III.—*Choice of the vestrymen and of the representatives of the congregation.*

§ 27. Entitled to vote are all male, independent members of the parish, of full age, who have resided therein a year; or, where there are several parishes in one place, who reside in that place, and have paid their proper church-dues. Independent are such as have a household of their own, fill a public office, or conduct a business of their own, or, as a member of a family, conduct its business.

As independent are not to be considered such as are under guardianship, or who, owing to poverty, have within the last year before the election enjoyed public relief, or have been dispensed from the payment of church-dues.

§ 28. The following are declared disqualified to vote :

1. Such as have lost civil honor.

2. Such as are awaiting trial for crime, or for such misdemeanor as may entail upon them the loss of civil honor.

3. Such as are in bankruptcy.

4. Such as are in arrears for the payment of more than one year's church-dues.

§ 29. Eligible to office are the members of the community who have completed their thirtieth year, provided they are not excluded from the right to vote by § 28.

§ 30. Priests and other church-servants are not entitled to vote or be voted for.

§ 31. No one can be at the same time a vestryman and a representative of the congregation.

§ 32. The manner of election is to be determined in conformity with the election regulations accompanying this.

§ 33. The vestrymen, after election or appointment, are to be invested with office, and faithful performance of their duties is to be enjoined upon them.

§ 34. The parties elected may only reject or resign the office of a vestryman or of a representative of the congregation in the following cases:

1. When they have completed their sixtieth year;

2. Have held the office for six years ; or

3. When there are other weighty grounds for dispensation, such as delicate health, frequent absence, or employments which are incompatible with the office.

The vestry decides as to the weight and correctness in fact of the excuses presented, and upon appeal, within two weeks of the decision, the diocesan authority, in conjunction with the government president. Whoever, without such grounds, refuses to accept or to continue to exercise the office, loses the right to vote in church matters, founded upon this law. Upon his solicitation it may be conferred upon him again by the vestry.

§ 35. The term of office of the elected vestrymen and of the representatives of the congregation is six years.

One-half go out every three years. Those going out are again eligible, and remain in any event in office until their successors qualify. The going out is decided by length of service ; the first time by lot.

§ 36. Should the office of an elected vestryman or of a representative of the congregation become vacant at another time, the representatives of the congregation elect a substitute for the remainder of the term.

IV.—*Absence of a board of representatives of the congregation.*

§ 37. In communities in which peculiar circumstances, for instance, little property, scattered dwellings, &c., seem to make the formation of a board of representatives of the congregation undesirable, or not feasible, the diocesan authority, in conjunction with the upper president, may direct that none such be formed, that is, provided, in an assembly called together for the purpose, a majority of legal voters shall not refuse to concur in such direction.

§ 38. In the case of § 37, the functions of the representatives of the congregation under §7 devolve upon the vestry.

Substitutes are chosen by the entire body of voters.

V.—*Discharge and dissolution.*

§ 39. The discharge of a vestryman or of a representative of the congregation ensues—

1. Upon the loss of the qualifications of a voter;

2. Upon gross failure to perform duty. In the latter case, the voting privilege may be withdrawn permanently or temporarily. The discharge can be made by the diocesan authority as well as by the government president, after hearing the accused and the vestry. The accused may appeal against the decision, within four weeks, to the court for church affairs. The appeal may be founded upon new facts and evidence. For the rest, the provisions of §§ 13 to 23 of the law of May 12, 1873, apply where pertinent.

§ 40. If the vestry or the representatives of the congregation obstinately neglect or refuse to perform their duties, or repeatedly make matters not within their jurisdiction the subjects of discussions and resolutions, they may be dissolved by the diocesan authority, as also by the upper president, acting in concert.

VI.—*Position of patrons and others.*

The patron who, on the ground of being such, or another who, on the ground of some particular title, has membership in the vestry, or the right to name, appoint, or present vestrymen, is henceforth entitled either to enter the vestry himself or to appoint a vestryman. Such person entering the vestry, and the vestryman appointed by him, must be eligible as prescribed in §§ 29 to 31.

§ 42. Besides the right of participation in the vestry, the patron has, where he bears the burdens of such, for church needs, the supervision of the management of the church funds.

Copies of the resolutions of the vestry and of the representatives of the congregation must be furnished the patron. If he does not within thirty days make a declaration concerning them, he is held to have concurred. If the patron refuses to concur, the vestry has a right of appeal to the circuit government; in the province of Hanover, to the Royal Catholic consistory, which can reverse and supply his concurrence. Such concurrence can, however, not be so supplied when it is a question of expenditures with which the church funds have not hitherto been charged.

In cases of documents, where it is a question of the formal establishment of the assent of the patron, and if such assent is considered as given, owing to his failing to act during the said period, the needed signature is to be supplied by the authorities named in subdivision 2.

VII.—*Provisions as to execution.*

Direction as to the conduct of business may be furnished the vestry or the representatives of the congregation, as well by the diocesan authority as by the upper president, with mutual assent.

§ 44. When the diocesan authority, in cases in which it has to make a direction or a decision in conjunction with the state authorities, does not exercise its functions, the state authority is to command it so to do. If within thirty days this command is not obeyed, the exercise of the function devolves upon the state.

In cases in which the diocesan or the state authority, with mutual understanding, however, is called upon to make a decision, the authority summoned to give its assent must, within thirty days, declare itself. If it fail so to do, it is to be regarded as assenting.

Upon objection being raised, the upper president decides on differences of opinion

between the diocesan authority and the government president; upon differences of opinion between the government president and the diocesan authority, the minister for ecclesiastical affairs.

§ 45. In the proceedings had, it is to be apparent whether an understanding was attained, whether the assent is held to have been given owing to a failure to declare during the term allowed, or whether a decision has been reached upon objections having been raised.

§ 46. If a vestryman or a representative of the congregation refuses to accept or exercise his office, a new election is to be ordered. If the newly-chosen vestryman or representative also refuses to accept or exercise his office, the government president is entitled to appoint the vestryman or the representative, if it be possible, from among the eligible members of the congregation.

§ 47. If no election at all can be had of church-heads, (vestrymen,) or if the majority of the elected vestrymen refuse to accept or exercise their office, or if it becomes necessary, after a dissolution, to dissolve the newly-elected vestry also, the government president is entitled to order a management by a commission of the church property, under pertinent application of sections 9 to 11 of the law of 20th May, 1874.

If no election of representatives of the congregation is held, or if the majority of the representatives refuse to accept or exercise their office, or if, after a dissolution, the newly-elected body must also be dissolved, the government president is entitled to appoint a commission to attend as well to the affairs of the vestry as to those of the community representation.

VIII.—*Rights of supervision.*

The legal management-forms are not affected by this act.

The rights of supervision and assent to certain acts of management which belong to the church authorities are to be exercised with the limitations contained in the provisions which follow.

§ 48*a*. If the church authority make no use of its lawful rights of supervision or of assent to certain acts of management, the state supervising authority is to command it so to do. If it fails to obey within 30 days, the exercise of the functions devolves upon the state supervising authority.

§ 49. Against dispositions of the church authority, refusing assent to certain acts of management, an appeal may be taken by the vestry to the upper president, who decides finally.

§ 49*a*. The resolutions of the vestry and of the representatives of the congregation to be valid require the assent of the state supervising authority in the following cases:

1. Upon the acquisition, alienation, or mortgaging of real estate;
2. Upon the alienation of objects which have an historical, scientific or artistic value;
3. Upon making loans in the sense of section 23, No. 3;
4. Upon erecting new buildings for divine service for priests or other church-servants;
5. Upon the establishing of new burial places, or changing the use of old ones;
6. Upon the institution or changing of dues;

6*a*. Upon the ordering or holding of collections, subscriptions, &c., for church, charitable, or school purposes, outside the church-buildings.

7. Upon the appropriation of church property for purposes which do not concern the spiritual needs of the congregation itself.

In case of "7" the assent is held to be given when the supervising authority of the state does not, within 30 days after receipt of the resolution, raise objections thereto.

8. Upon assessments upon the members of the congregation.

In the case of "8" there would be particular ground for refusing assent in view of irregularity in the imposition, unsuitableness of the rate, or inability to meet the requirement on the part of those so called upon.

As regards donations and testamentary bequests and devices, the law of February 23, 1870, obtains.

§ 49*b*. The vestry, for the institution of legal proceedings, does not require the consent of a state or church tribunal. Certificates as to the sufficiency of the vestry in matters of law, or certificates as to the existence of facts, on which a claim for immunity from costs is based, can only be validly executed by the state supervising authority.

§ 49*c*. The state supervising authority is entitled to examine the budget, and to object to such items as are contrary to law. The items so objected to shall not be carried into execution.

§ 50. Canceled.

§ 51. If the vestry or the community-representation refuses to insert in the budget, to fix or to assent to obligations properly to be met out of the church property, or devolving upon pastors and others, either the diocesan authority or the state supervising authority, with a mutual understanding, is to cause the insertion to be made, and take other necessary measures.

Under the same circumstances these authorities are empowered to order and adopt the needful measures to effect the judicial establishment of claims of the church, of the pastor, of the community, and of claims as to the property under the control of the vestry, and in particular of claims for damages arising out of the unlawful acts of priests or other church-servants.

§ 51*a*. The yearly accounts are to be furnished the state supervising authority for examination as to whether the management has been conducted according to the budget.

§ 51*b*. What state authorities are to exercise the functions of supervision mentioned in §§ 48*a* to 49*c*; 51, 51*a*, is to be determined by royal decree.

IX.—*Final provisions.*

§ 52. The provisions of this law do not apply to cathedral, military, and institution congregations.

§ 53. On and after October 1, 1875, the functions devolving under this law upon the vestry and the representatives of the congregation shall not be exercised by other persons or authorities than those mentioned in this law. Where, according to heretofore existing law, church officers have exercised other functions than those of management of property, such functions, where they have been exercised by officers directly intrusted with the management of property, devolve upon the vestry; in all other cases upon the representatives of the congregation. If none exist, the functions of the representatives of the congregation also devolve upon the vestry.

§ 53*a*. The lawful rights of diocesan authorities, with regard to the management of property in church communities, are in abeyance during such time as the diocesan authorities refuse obedience to this law, or while the respective office is not legally filled. Such refusal is to be assumed when the diocesan authority does not, upon a written demand of the upper president, within 30 days, declare itself ready to comply in all points with the provisions of this law.

The functions appertaining to diocesan authorities devolve in such cases upon the respective state authority.

§ 53*b*. During such period as state contributions to the clergy are discontinued, the vestry shall make payments to priests, as salaries or other dues, out of church-property only with the assent of the state supervising authority. Assent is only to be given when the respective priest either declares in writing to the state government his purpose of obeying the laws of the state, or else has evinced such purpose by his acts.

§ 54. All existing provisions opposed to this law, whether contained in the common-law obtaining in parts of the country, in provincial laws, in local laws or local ordinances, or founded on observance or usage, are abolished.

§ 55. The carrying out of this law devolves upon the minister for ecclesiastical affairs.

He is empowered, in view of peculiar local or other circumstances, and of peculiar arrangements for the management of property, to prolong the term for its execution fixed by section 53, subdivision 1.

In testimony whereof We have hereunto affixed Our signature, and caused Our royal seal to be affixed.

Done, &c.

No. 245.

Mr. Davis to Mr. Fish.

No. 113.] UNITED STATES LEGATION,
Berlin, May 10, 1875. (Received May 27.)

SIR: The bill for the suppression of Catholic monasteries is still pending before the Prussian Diet. It is contested at every step by the Roman Catholic members, and is made the subject of acrimonious debate, but it will undoubtedly pass by a large majority. It will be followed by a bill respecting the legal status of Old Catholics, of which I shall send you a copy by this mail, if possible; if not, by the next. This bill will give to the Old Catholics a right to share in the use of the Roman Catholic churches and cemeteries.

When the Old Catholics are in a majority, they will be assigned the chief church, if there be more than one church in the municipality; and when churches are used in common, they will have the right of selecting the time when they will occupy them. Provisions are made as to the selection of clergymen, and as to the division of revenues. This legislation follows in the track of Switzerland, where similar rights have been given to the Old Catholics. There the Romanists have refused to use the churches which have been, as they conceive, desecrated by the services of the Old Catholics. Should the same course be followed here, it would result in the abandonment of many churches to the Old Catholics.

The liberals of Germany are determined to carry on the contest with the Latin church, which they regard as an enemy of free thought and free government. By compelling it to educate its clergy under the supervision of the state, to submit the selection of its bishops to the supervision of the civil power, to admit the laity to a voice in the selection of the parochial clergy, to account to the state for the use of its eleemosynary funds, to abandon the hoarding of wealth for the use of the clergy in monastic institutions, to share its churches, its cemeteries, its properties, and its revenues with persons of the Catholic faith who do not accept the doctrine of papal infallibility, they expect to cripple it as a political engine of reaction.

The liberals of Italy also manifest uneasiness at the relations between their government and the papacy.

The inability of the Emperor of Germany to make his lately proposed visit to the King of Italy was a great disappointment to the liberals, both of Italy and of Germany. It was hoped that a personal interview between the two monarchs would harmonize the policies of the two powers against what are regarded as the aggressive pretensions of the papacy. In the sitting of the house of deputies at Rome, ten days since, the ministry was questioned respecting the relations between the church and the state. They were reminded of the guarantees, they were told that the clergy were violating the laws with impunity, and they were asked why a bill had not been brought in respecting the administration of ecclesiastical property. In their reply, the ministry denied that the clergy were violating the laws, but promised to bring in a bill for the administration of ecclesiastical property, which should protect the just rights of the laity; and they acknowledged that there is a conflict between the liberals and the church, and that the nation should avail itself of the means offered by its traditions and its laws for the protection of its interests. The discussion was renewed the following week, and, so far as we know by the telegrams, is not yet closed. Many allusions were made to Mr. Gladstone's pamphlets upon the relations of the Vatican to the state, and, judging from the meager accounts over the wires, the greatest interest was manifested in the subject.

There are also signs that France, taken up as Frenchmen are with the reconstruction of their political system, does not pass by the question which agitates Europe. An article in the last number of the *Révue des Deux Mondes* closes with these words: "Après avoir représenté la politique de la résistance, cet homme extraordinaire, [Prince Bismarck,] qui avait en lui l'étoffe pour plus d'un rôle, est devenu le tribun de l'Allemagne, et il allume dans les esprits des passions avec lesquelles nous ferons bien de compter. Assurément il nous est permis de blâmer les solutions radicales qu'il propose et d'en patronner d'autres; mais qu'on ne puisse pas nous soupçonner de conspirer secrètement avec ses enne-

mis, de vouloir défendre contre lui l'encyclique et le syllabus—l'enthousiasme qu'il excite deviendrait du fanatisme. Paul Louis Courier écrivait en 1823: Serons-nous Capucins? Ne le serons-nous pas? Voila aujourd'hui la question. 'Non cette question n'en est pas une, nous ne serons pas Caupcins.' Il y a de notre honneur autant que de notre sûreté."

In my No. 109 I stated that it is believed here that the liberal party in Belgium sympathizes with the German representations respecting the course of the Belgian bishops. The events of the week have given further proof of the correctness of the opinion. On the 4th instant, the recent notes between the two governments were made public, and formed the subject of discussion in the Belgian Chamber of Representatives. In presenting the note, Count d'Aspremont-Lynden said: "Among the facts of which the German notes treat there is one which raises a particular question of a penal law, namely, the Duchesne affair. We have published nothing about it. You will consider it right that this reserve be maintained until the conclusion of the investigation."

On the 7th the notes were again discussed. Mr. Frere Orban, while approving the course of the government, censured strongly the attacks of the Catholic press and of the episcopal pastorals upon liberal institutions. Neutrality is not a fortress, he said, in which Belgium could shut itself up and escape from its obligations. He read several newspaper articles and several passages from the pastorals, and he charges that the party to which the writers belonged impelled the country to the verge of civil war and embroiled it with foreign powers. Has the government, he said, fulfilled its duty towards Germany in the Duchesne affair? It can act without fear of being accused of subservience to superior strength.

This religious agitation throughout Europe, this resistance to the pretensions of the Vatican, explain the uneasiness and the uncertainty respecting the preservation of peace. France is arming, it is said, for a war in behalf of the Vatican, a war which is to be not only a war of revenge, but a religious war. Therefore, since war must come, it is better it should come now, while Germany is strong, before France is armed, and before Italy and Austria have been detached from the liberal alliance. The Berlin Military Weekly, a military journal of the highest authority, says:

"It is true that a French infantry regiment will henceforth include eighteen companies, instead of twenty-one as formerly; but as the twenty-one old companies were intended to supply *cadres* for three battalions of one thousand men each, while the eighteen new companies will serve as a frame-work for the formation of four battalions of one thousand each, the war strength of the French infantry is by this latest measure increased by one hundred and forty-four thousand men."

Upon this the influential and half official Cologne Gazette says:

"Our leading generals regard the French armaments as very serious; but though peace is possibly endangered by these military preparations, France can hardly be in a position to make war single-handed, while if she indulges in exaggerated armaments without finding an ally she will only exhaust her resources. Under these circumstances, it is of the utmost importance to know whether France has any chance of finding allies. France has no longer reason to count upon Russia as an ally, but she seems to hope that the Austrian alliance, nipped in the bud in 1870, might be completed in the event of another war more successfully commenced than the last. Fortunately, these hopes are sure to be disappointed as long as Count Andrassy is the leading minister of Austria. But as Austrian politics have lately passed through so many different phases, the German chancellor, no doubt with anxious solicitude, every now and then ponders upon the contingency of the revenge party coming into power in Vienna."

These ideas found a brutal and exaggerated expression lately in a

letter from Paris to the London Times, which was published in that journal under the heading, "A French scare." The letter was accompanied by a leader in the Times. Both immediately attracted great attention on the continent, especially in Paris, where they were made the subject of extensive notice. The Times again returned to the subject, and in an article on the 8th of May, speaking of the misgivings to which its correspondent had called attention, it said:

"With regard to them our readers will form their own opinion. It would be presumptuou to say that they are wholly without importance.

"The existence of a conviction in a section of German society that war is inevitable, and that it would be well to anticipate the enemy, must necessarily be a fact of some importance. And if even, as we incline to think, the expressions which disquiet France are uttered rather in bravado and irritation, and do not manifest any fixed purpose, they are still not without significance, since such things become serious by repetition, and many an act of popular infatuation has had its origin in a cry which few quite believed in. But from such a vague sentiment of hostility on the part of a section of the Germans to a settled plot of the German government there is a vast distance. * * Considering the temper of a large part, we believe a majority, of the Russian people, and the suspicions and jealousies of other continental states, it is hardly possible that the German Empire should commit itself to the tremendous enterprise of ruining France, without finding its neighbors gravitate to each other in a hostile league."

The correctness of this opinion will soon be tested. The Emperor of Russia arrives here to-day, on a visit of three days in Berlin. He is accompanied by Prince Gortchakow.

It can hardly be expected that the great questions which are agitating Europe will not be spoken of when the two Emperors, when the two chancellors meet. I have reason to believe that the Emperor of Russia comes here in the interest of peace, that his opinions will be expressed freely and earnestly, and that he will not hesitate to say that the peace of Europe must be kept.

I have, &c.,

J. C. BANCROFT DAVIS.

[Inclosure 1 in No. 113.—Translation.]

Proceedings in the Belgian Chamber, May 4, 1875.

Inasmuch as the telegraphic report which we published yesterday of the session of May 4 of the Chamber of Representatives was in several respects incomplete, as were likewise the dispatches and declarations communicated to the deputies, we think proper to publish a full report of the same session to-day:

The SPEAKER. The minister of foreign affairs has the floor.

M. D'ASPREMONT-LYNDEN, (minister of foreign affairs.) Gentlemen, during the session of April 16, I had the honor to inform the chamber that we had received a note from his excellency the minister of Germany, bearing date of the day preceding. I added that we would communicate this document to you, together with the reply of the government of the King.

Our reply was sent on the 30th of April.

(The minister here read a translation of Count Perponcher's note, which was as follows:)

"BRUSSELS, *April* 15, 1875.

"The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of Germany, King of Prussia, has received orders to address the following communication to his excellency Count d'Aspremont-Lynden, minister of foreign affairs, in reply to his note of February 26.

"The chancellor of the Emperor regrets that the government of His Majesty the King of the Belgians has thought proper to signify its unwillingness to comply with the request presented in the note of the undersigned of February 3, concerning the desired complement to the existing Belgian laws.

"Although he willingly admits that the royal Belgian government is the best judge

of its own parliamentary difficulties, yet, in the present case, difficulties of this kind are not so much concerned as is the question whether the Belgian government can become convinced, as we are, that an unfortunate state of things exists, which should be remedied.

"In all legislative questions, the first thing to be done is to find out what is really well founded, reasonable, and desirable. In the second place, it is only necessary to examine the difficulties which hamper the execution of what has been recognized as being just, and to consider how these difficulties are to be overcome.

"The question how, in practice, it is proper to fulfill the international obligation which is incumbent upon every state, of preventing its subjects from disturbing the internal peace of neighboring countries, and from impairing friendly international relations, is one which concerns not only the relations between Germany and Belgium, but all states which consider it their duty to use their best efforts for the preservation of the general peace, and for the maintenance of friendly relations with their neighbors.

"Every age has been obliged to settle this question according to the demands of the time and the possibility that existed of preventing the exertion of foreign influences against the security of a given state. In our time, it does not seem that it is still possible, in consideration of existing international requirements, for a state to take its stand, as was formerly done, exclusively upon its own sovereignty and a regard for its own isolated interests.

"The connection of material interests, the facilities of individual relations, and the exchange of ideas have produced, to an extent that was not even dreamed of a generation ago, an intimate and delicate association of all peaceful interests, and no state is secure from the influence of any disturbance of these relations.

"This same development has given facilities and means of action, formerly unknown, to those elements of the population which speculate upon disturbances of public order and peace. These phenomena call for the strengthening rather than the relaxation of mutual protection, or at least for a considerate regard for peace and public order in neighboring states.

"If the realization of this idea meets with numerous obstacles, these may be discussed and examined in a peaceful exchange of opinions. Nothing that threatens the friendly relations of nations can, in the long run, resist the pressure of public opinion in civilized countries, provided attention be directed to it and kept fixed upon it by continued discussion.

"To the great satisfaction of the imperial government, this has taken place to a great extent, and the continuation of a public discussion of the subject in question will have a constant tendency to correct preconceived opinions and inaccurate interpretations. Even in Germany, the beginning of the discussion has attracted the attention of the authorities to defects in the laws now in force, similar to those which exist in Belgium, as regards the protection of other states from the schemes of German subjects, although no complaints have yet been made by foreign governments on account of hostile machinations of German citizens, because there has been no interference on the part of German subjects in the internal affairs of other states.

"Nevertheless, the chancellor of the empire lost no time in urging the imperial authorities to examine by what legislative measures the protection of other countries and of the internal peace of neighboring states might be secured against possible disturbances by German subjects. It cannot yet be known how this request will be received in Germany, even by the various legislative powers.

"The undersigned is instructed again to express the hope that the government of His Majesty the King of the Belgians will follow this example, and endeavor to furnish a stronger guarantee of the preservation of the friendly relations to which, according to its repeated assertions, it attaches as high a value as does the German Empire; by making such an endeavor, even should it prove unsuccessful, it will contribute to the enlightenment of public opinion on this subject, and to the establishment of an understanding which interests all states in an equal degree.

"If the Belgian government, in taking this course, reaches a public discussion of the present correspondence, it will certainly eagerly avail itself of this occasion to correct the erroneous ideas which are gaining ground, and according to which Germany is seeking to strike a blow at the liberty of the press in Belgium.

"Germany has, in general, no interference in the internal affairs of Belgium in view; she complains, however, of the interference of Belgian subjects with the internal ecclesiastical policy of Germany, said interference having been occasioned by acts having no connection with the freedom of the press in Belgium. At the same time, the imperial German government still thinks that the exceptional situation in which Belgium is placed, by virtue of the privilege of neutrality, furnishes ground for expecting that country to exercise particular care in everything that concerns its international obligations, and particularly toward the powers which guarantee that neutrality.

"Taking this view of the case, the imperial government has deemed it its duty to bring about an exchange of ideas with the Belgian government, bringing the same to

the notice of the other guaranteeing powers. The Belgian government will certainly gladly infer from this that the complaints of Germany have no object in view which is in anywise calculated to alarm the guaranteeing powers.

"The undersigned, &c.,

"PERPONCHER."

The following is our reply to Count Perponcher:

"The undersigned, minister of foreign affairs of His Majesty the King of the Belgians, has the honor to reply to the note which his excellency the envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of Germany, King of Prussia, was pleased to address to him on the 15th instant.

"The chancellor of the empire has seen with regret that the government of the King declines to accede to the requests presented in the German note of February 3.

"The undersigned thinks he may remark that this conclusion goes beyond the terms of his first reply. The government of the King declares that if any powers should modify the penal common law, so as to make a mere intention or a non-accepted proposal a crime, it would examine this problem of penal law, and would probably follow the movement.

"The preliminary proceedings in the case of Duchesne (which was referred to a competent court, and which will be decided as speedily as possible) are not yet at an end, and the undersigned does not hesitate to renew the assurance which he gave in his note of February 26.

"The cabinet of Berlin, taking a more general stand-point, desires the government of the King to examine how each state is to fulfill, in practice, the obligation which is incumbent upon it to prevent its subjects from disturbing the internal peace of neighboring countries, and from impairing friendly international relations. This question applies not only to the relations between Belgium and Germany, but it concerns all nations that consider it their duty to watch for the preservation of the common peace. Inasmuch as the laws of Germany have the same defects that the chancellor points out in those of Belgium, that officer has requested the imperial authorities to supply said defects, although he is as yet unable to form an estimate of the manner in which this measure will be received by the different legislative branches of the German government, and, while he urges Belgium to follow this example, he expresses a desire to see an understanding established that may interest all countries in an equal degree.

"When the government of the King shall have been informed concerning the measures which shall have been adopted in Germany and elsewhere for the purpose of bringing about these changes in the universal system of legislation, it will examine said measures, both in their relations to the customs and traditions of Belgium and to the liberties guaranteed by its constitution, and it will perform this task with the most sincere desire to contribute to the maintenance of friendly international relations.

"The undersigned hastened, in accordance with the desire expressed by the chancellor, to inform the legislature of the reception of the note of April 15, relative to the freedom of the press.

"Belgium is fully determined to fulfill her duties as a neutral state in a friendly spirit, and to the full extent required by international law.

"The government of the King, it is hardly necessary to say, has never doubted the uprightness of the intentions of the Berlin cabinet in making the communications which it has made to the other powers which guarantee the neutrality of Belgium. The undersigned, on his part, would not be the organ of the sentiments of his country if he did not again give assurance of the high value which Belgium attaches to the excellent relations which she has always maintained with Germany, and of her sincere desire to do all in her power to insure a continuance of the same.

"The undersigned avails himself of this occasion to offer to his excellency the envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of Germany, King of Prussia, the assurances of his high consideration.

"COUNT D'ASPREMONT-LYNDEN.

"BRUSSELS, *April* 30, 1875."

You will recollect, adds the minister of foreign affairs, that the Belgian note of February 26 mentioned an *exposé* which retraced the various phases of the Duchesne affair. If that document has not been read to you, and if we have not had it inserted in the parliamentary annals, it has been exclusively on account of the existence and in the interest of the judicial proceedings which are now being held.

Gentlemen, when I promised, during the session of April 13, to reply to the interpellation addressed to the government, we had only received the notes of February 3 and 26, and my explanations would necessarily have had only those two diplomatic communications in view. Since then, further communications having been exchanged between the cabinet of Brussels and that of Berlin, it is proper that these should be considered in taking a view of the situation.

Among the matters referred to by the German notes, there is one which gives rise to a particular question of penal law; it is that which relates to Duchesne.

In addition to the details of the notes already known, we have published nothing concerning the period previous to the month of February last. It will doubtless seem proper to you that this secrecy should be observed until the termination of the judicial proceedings which are now being held. Whatever may be their result, we shall faithfully shape our conduct according to the declarations which we have made more than once to the cabinet of Berlin.

The other matters now belong to a more general question, set forth in the note of April 15. The minister of Germany, as you have seen, has laid much stress upon the interest which the various states, particularly at the present day, have in preventing their subjects from disturbing the internal peace of neighboring countries and from impairing friendly international relations.

The nature of these new measures is not indicated, and the manner in which the proposed changes will be received by the legislative authorities, cannot be known as yet We think, therefore, that we have done what the situation demanded in declaring that we would examine the measures which should be adopted in Germany and elsewhere, both in their relations to the customs and traditions of Belgium and to the liberties guaranteed by its constitution, and that we should be guided in that examination by the most sincere desire to contribute to the maintenance of friendly relations among the various nations.

The diplomatic documents are now known to you. I have stated what are the questions therein comprised, and what is the present situation of those questions.

In confidently communicating to the chamber and to the country the language used by us and the disposition which we have manifested, we once more urgently appeal to the patriotism of all. We believe that we have been the faithful interpreters of the thoughts and feelings of Belgium. These feelings, we hope, will be properly appreciated in Germany.

[Inclosure 2 in No. 113.]

A FRENCH SCARE.

[From the London Times of May 6, 1875.]

PARIS, *May* 4.

The French press is silent; the German press is chanting the blessings of peace. The Berlin Post, which launched across the world the first warlike thunder-clap, draws back and regrets the sensation produced by its peal. The other German papers criticise the unseasonable violence of their *confrère;* and, after having reprinted his article, without comment, bitterly reproach him with it. The diplomatic world is full of confidence. Princes and Emperors are traveling, taking the waters, or proposing to take them. Politically speaking, the contrast which exists between the peace which is being chanted to-day, and the war, the phantom of which was called up yesterday, reminds one of the opening scenes of Göthe's *Hermann und Dorothea.* Politics are an idyl, and people are embracing in a fraternal transport.

I had reason, therefore, for astonishment two evenings ago in a political *salon* on one of the leading representatives of foreign politics in France asking me, "Can you explain how this happens? I have been to the races; I there saw twenty persons, belonging to various circles, all in a position to reflect and judge, and I found them in the greatest anxiety as to the near future." This uneasiness which my friend remarked upon, which is the consequence neither of the Belgian note nor of the recent alarm in the press, which is now being propagated in high places before penetrating below, which people seek to dissemble without succeeding in hiding, exists in a persistent, oppressive, painful form. The most serious minds believe in an impending danger, in a latent menace, in that vague and terrible sensation which is expressed in the words "there is something brewing." It is already some time since this sensation has been haunting the best-regulated minds. People thought to get rid of it by holding their tongues; I thought so too, but I am now forced to a different conclusion. These things are circulating in the dark, and cutting out for themselves an irresistible path in people's imaginations. The best way is to bring them to the light of day, to seek their causes and show their consequences. If they are false, daylight will dissipate them; if they are true, it is better they should emerge from obscurity.

Well, the fact is that politicians coming from abroad, as well as those at home who claim to be well informed, assert that peace or war is about to depend on the interview of the German and Russian Emperors. It is said, and this no one can or does deny, that there exists in Germany a powerful party, comprising the whole military

element, which thinks Germany concluded a bad treaty; that the famous five milliards—that monstrous sum the extortion of which even in the eyes of Bismarck himself was to ruin France—have already returned into its coffers; that Belfort is, as it were, a thorn which enters the flesh of Germany; that military France is re-organizing itself, not rapidly enough to become immediately dangerous, but rapidly enough to furnish before long a formidable army to an alliance with other nations. They add that Germany is not richer than before the war, that her industry, her commerce, her finances, her social organization cannot long support her present armaments, and that she cannot, at the risk of exhaustion, undertake to defend for fifty years the conquests she made in six months; that if, on the other hand, she disarms in order to avoid ruining herself, France will be re-armed with threatening promptitude, and that the dilemma thus arises either of destroying herself in order to preserve herself, or of delivering herself up to the enemy by ceasing to remain arms in hand. They add also, and from their point of view—the point of view of their German fatherland—it is impossible to question or deny it—they add that never was there a more propitious moment than the present for securing Germany a long term of prosperity, a long era of peace. This is how they reason, and this reasoning explains both the rumors of a fortnight ago and the present silence.

The recent note addressed to Belgium, communicated to the powers, and permeating public opinion, has proved that at this moment Germany is free to do as she likes. England, the guarantor of Belgian neutrality, will not have Belgium touched. That is the limit of its resolutions, and its policy does not bind it to any other reservations. Belgium will not be touched, and England will remain quiet. Italy is behind the Alps; she is now the competitor for the religious influence of France. She did not listen fo Herr von Keudell, it is true, but it was not in order to defend the greatness of France, from whom the papal question has for a long time estranged her. Italy will do nothing. Signor Visconti Venosta, moreover, has said Italy has as much need of peace as of bread. It is not Austria which thinks itself threatened, for her policy consists in guessing and anticipating the desires of her neighbor. It is not Austria which will offer any obstacle. She will do nothing. One power only is embarrassing, and of it alone is it necessary to take account. When last February Herr von Radovicz foresaw the policy of the Russian government in the east, when he let it be known that Germany did not deem it her duty to thwart Russia in that policy, he was told that Russia was only pursuing in the east a policy of moral conquest, and could not and would not find any material compensation if it foresaw circumstances which seemed to render such compensation necessary. It is Russia alone, therefore, which must be convinced of the necessity of finishing for a long time, if not forever, the periodical uneasiness which troubles the world.

All the powers have confined themselves with regard to the notes addressed to Belgium to timid and friendly representations. Not one has shown itself menacing, resolute, or even irritated. This was a test. To finish with France now, is not only an opportunity, but a duty toward Germany and toward humanity. Europe will never be tranquil as long as the struggle is possible, and the struggle is possible as long as the blunder of the last treaty is not retrieved, which leaves France ready to revive and to enter on a struggle. Germany is troubled by the knowledge of having only half crushed her enemy, and being able to defend herself only by sleeping with one eye open. What to-day promptly executed would cost only an insignificant sacrifice, two years hence would cost oceans of blood shed for the sake of gaining uncertain victories. Those who reason thus do not limit themselves to abstract considerations; they offer a positive conclusion. The war, they say, ought to be promptly undertaken and settled, to reduce France to a condition allowing Germany to indulge in a repose necessary to the definite development of its greatness. It is necessary to enter France, march on Paris, take up a position on the sheltered plateau of Avron, whence one could destroy the capital and sign a new peace, depriving France only of the territory of Belfort, limiting its active army, and fining it ten milliards in twenty yearly installments, with interest at 5 per cent. and without the option of paying it off sooner. Paris would only be attacked in the event of France refusing to sign such a treaty.

It would be untrue to say that the argument I have just repeated and the conclusion at which it arrives are accepted even in Germany outside the party which has adopted this programme. It would be equally untrue to say that these menaces are destined to be realized. The diplomatic world, even in Germany, affirm that they cannot fight against an enemy who does not want to fight, who announces that he will not fight, who has faithfully carried out the treaty he has signed, and declares himself without defense. All honest men in Germany scout these suppositions, and declare that the honor of Germany revolts against such a theory, and it is said that the Emperor himself, his eye directed toward history and his own conscience, has exclaimed, "After all, I am a gentleman, and I have signed a treaty." But the partisans of immediate action reply that the supreme duty, paramount over all personal considerations, consists in serving and saving your country, and that it would be a woful mistake to sacrifice millions of men whose fate is confided to you to scruples as to the

judgment of history even on the highest personages in the world. "It was not the German nation," they urge, "which made the mistake, but you. The nation followed you without hesitation. It gave you its gold, its children, its blood, without haggling. It was ready for anything; and when it stopped, it was at your bidding. It was not its fault if you made mistakes and left the enterprise unfinished; if you have signed deceptive treaties, it is for you to repair them, even at the price of your own pride. You led us to war in order to insure peace; that peace we have not gained, for you only half vanquished the enemy. If France will not fight, impose on it a re-assuring treaty without shedding blood. If you have no pretext, find one. If you do not find one, do without it. Your foreign contemporaries will censure you, no doubt; but Germany, strengthened, flourishing, and tranquil, will forever bless you."

I am confident that this language is alarming to the calm and loyal minds in Germany itself. Public opinion there is opposed to such doctrines. To the easy victory thus held out to her, Germany prefers the hardest and most justifiable struggles the future may reserve for her, and in their present state courageous minds revolt against such counsels. I will go further. Here, in Paris, the entire diplomatic and political world may see in the German ambassador the type of an honorable adversary, who would never agree to play the rôle which might devolve upon him if these warlike doctrines were to be acted upon, and his presence is such a guarantee of loyalty, that whenever he is temporarily absent a kind of uneasiness pervades the political atmosphere of France.

All, however, that can be said cannot overcome the secret fears kindled in men's minds by the doctrines of which I speak, and by the party which I have indicated, whose menacing theories are repeated in a whisper. People say to themselves that France, in spite of herself, assuredly cannot at this moment be dangerous or menacing; they say that public opinion in Germany would quickly change, as all national opinions do the moment there is a desire to change them; that if the Russian Emperor should show himself simply indifferent to the enterprises of Germany against France, the Emperor William would soon be persuaded out of his resistance, as a gentleman, by irresistible consideration of state, and by the aid of these arguments the mysterious fear of men's minds is kept up. France is not, indeed, in a condition to show herself menacing or aggressive; but her constant fears, whether well founded or not, are not calculated to allow Europe the repose it needs while they frequently emanate from a source which is neither pure nor purely patriotic. Such, however, is the state of the case. It is Germany alone which can be aggressive. France assuredly wants peace, whether voluntarily or involuntarily matters little; she wants it, and without being entitled to any merit for it she must wish for it, and everybody knows the minister whom public opinion maintains in power in spite of the hatred of parties because he is known to be bent on peace. It is to Germany it belongs to re-assure the world by a clear declaration, which would not derogate from her pride or loyalty, and which would once for all impose silence on the chronic panics which disturb both France and the whole world. In order to have a right to reproach France with the constant uneasiness diffused over the world by its reviving terrors, Germany, in a fashion leaving not the slightest doubt, must disclaim the theories I have cited—theories which exist and have rallied many adherents, but against which it is necessary to re-assure, not France alone, for this might not be a cogent reason, but the civilized world; for these theories imperil all that yet remain intact of that moral force called "public right." It is this consideration which should rouse Europe from its indifference, and remind it of that not very flattering but subtle recommendation of an old peasant woman, who, on leaving her children alone at the farm, said to them, "If anything happens to you do not cry 'thieves.' Nobody would come, for you alone would be robbed. Cry 'fire' if you want to rouse the neighbors, for the whole village might be burned."

[Inclosure 3 in No. 113.]

THE FRENCH SCARE.

[From the London Times of May 6, 1875.]

We print this morning a letter from a French correspondent, which would certainly spread uneasiness throughout Europe if the apprehensions which it describes were well founded. We hasten to say that we believe these fears to be due only to the heated fancy of our French neighbors; but we give them publicity, because it would be worse than folly to hide any grave misgivings which may be disturbing Paris. Some political observers of that capital look forward with alarm, it would seem, to the meeting between the German Emperor and the Emperor of Russia. The issues of peace or war, they think, depend upon the result of that interview. The military party of Germany believe, we are told, that she committed an immense blunder when

she allowed France to escape so easily after the war. That fine of two hundred millions, which was thought at the time to be crushing, has proved to be only a light burden to a country so marvelously rich in the fertility of her soil and the industry and frugality of her people. France has lost Metz, but she retains Belfort. Nor has the annexation of Alsace and Lorraine, or immense taxes, or political disunion, prevented her from making rapid strides toward her old state of military supremacy. She is arming for a war of revenge; but it is not too late for Germany to repair the grievous blunders which she made in a spirit of miscalculating mercy. A pretext being found for another war, she could again send her armies to the gates of Paris. Then France would be commanded to surrender Belfort, to limit her active army, to pay ten milliards of francs in twenty yearly installments, which she should have no power to anticipate, and until the day of clearance to contribute 5 per cent. interest on the unredeemed balance of the debt. If the Emperor of Russia should sanction such a scheme, say the informants of our French correspondent, Germany would fear no other potentate, and France would be crushed.

We could not do a better service to the cause of international peace than by thus stating, in all the crudity of their extravagance, the fears of these Parisian politicians. Such apprehensions ought to be brought into the daylight with all possible speed. We can also best show that they are groundless by frankly confessing that the relations of France and Germany are not satisfactory. The French people would have been a race of seraphs if they had borne with resignation the tremendous disasters of the war, or if they had accepted the conditions of peace with meek thankfulness. The fact is, their vanity prompted them to believe that they had been overthrown merely because they had been taken unprepared, because the empire was only a gilded fiction, and because luck had for once gone against them. Nor could they have been expected to surrender Alsace and Lorraine without mentally registering a vow to wrench both provinces from the grasp of the victor. Nor, again, could they have paid five milliards of francs without determining that they would some day exact a stern repayment at Berlin. But there is nothing unusual or which ought to be felt as alarming in their cherishing such hopes or expressing such threats. A consummate man of the world like Prince Bismarck would be the last to grudge that dream of retribution which is the solace of the vanquished. We admit, however, that there are more tangible facts than angry or boastful anticipations. France is climbing to her old state of prosperity with a speed which may well excite the envy of her conqueror. Perhaps, indeed, she has been less changed by the war than Germany.

Since money is power in these days, we cannot expect the military party in Prussia to look with indifference to the immense wealth which the pressure of events has revealed in their rival. But the most formidable of all the facts is, that France is rapidly restoring her military strength, and we frankly admit that she is doing this with imprudent haste. She has vast resources, but in the present condition of her finances it would be far better for her to spend any surplus revenue in the redemption of debt, or to diminish her taxes, than to embarrass herself by an immense war budget. Even if her military expenditure were reduced by at least one-third, her army would be large enough to provide for her internal security and to guard her frontiers. All this may be frankly admitted; but, human nature being what it is, we can scarcely be surprised that the French should yearn to regain the military power which was their chief glory. They may do so without having any definite scheme of revenge, and, indeed, there is not the slightest reason to believe that the most warlike of their statesmen cherishes more than a vague dream of some day dictating conditions of peace. The very wildest Parisian visionaries know that, for the present at least, war is out of the question, and the tone of the National Assembly is as peaceful as the temper of the House of Commons. It is quite true that warlike possibilities may exist in the future, and we can state them without reserve. If the French army were thoroughly organized, if some political party believed its last hope to lie in a victorious compaign on the Rhine, if Germany were to lose so much of her discretion as to choose such a moment for an attack on another neighbor, and if allies were thus thrown to the side of France, then, no doubt, the prospects of Europe would be dark indeed. But such a list of contingencies recalls the predictions that England may yet have to encounter some great state at the very time when she has on her hands a disordered Ireland and mutinous colonies. It is the business of statesmanship to prevent the accumulation of critical dangers.

So much may be said on the side of France. It is easy, on the other hand, to understand the reasoning of those Germans who look at political relations solely from a military point of view. They naturally think that the best way to protect Germany is to crush France. But if they believe that they were too merciful during the late war, and that they ought to repair their neglect by picking a quarrel, in the hope of annihilating the power of France, their reasoning is as mistaken in the one case as it is detestable in the other. More rigorous conditions of peace might not have been safe, even to the victor. France was sufficiently crushed to accept the proposed terms with a sullen acquiescence; but M. Gambetta was at the head of a war party, which

might have proved too strong for the restraints of prudence if the victors had made a more wanton use of their power, and a renewal of the war at the dictate of desperation might have been embarrassing to Germany as well as to France. That consideration, however, belongs to history. Far different would be the proposal to begin the war anew, without provocation, and solely to complete an unfinished work of destruction. But we utterly disbelieve the statement that so cynical an idea has taken hold of any considerable or powerful part of the German people. Whatever may be loosely said at military mess-tables, or whispered in a spirit of bravado, it is impossible that such a statesman as Prince Bismarck could gravely suggest, or such a ruler as the Emperor sanction, or such a nation as the Germans support, a proposal to destroy a neighboring state simply because, in some unforeseen circumstances, it might again become aggressive. That plea would be more worthy of a barbarian conqueror than of a civilized state. Were it even to be seriously discussed by responsible statesmen, a deadly blow would be struck at the feeling of trust which is as necessary to the intercourse of nations as of men. The German people do not need to be informed that they would commit a flagrant breach of international morality if they were to break a treaty of peace which was recently imposed upon France and signed by their own representatives; nor do they need to be warned against so cynical an outrage as an attack on a nation which desires to remain at peace with them. It is said that the military party are trying to make the Emperor lay aside his personal feelings of honor out of regard for the interests of the nation; but we refuse to believe that he has been insulted, even by the suggestion, to blacken his own conscience at the dictate of a Machiavelian patriotism. He has given no one a right to think that he would thus play fast and loose with those moral obligations which are as binding on the rulers of great nations as on the humblest of their subjects. Nor is there any more reason to suppose that the Emperor of Russia would lend his influence to a wanton attack on a state with which he has not the slightest cause of quarrel. It is probable that, if the origin of the rumors we publish only to discredit were probed deeply enough, it would be found in the careless blustering of Prussian soldiers, in the strange recklessness of the Berlin press, and perhaps in some empty menaces let fall by statesmen who place great reliance on the diplomatic value of fear. But these explanations would be insufficient to account for any alarm in France if revolutions, wars, rumors of wars, and a chronic state of suspense, had not taken, even from intellectual Frenchmen, the faculty of political judgment. Living in an atmosphere of suspicion, they mistake the phantoms of their own imagination for realities. Otherwise, political men could not for a moment be misled by the wild idea that the German Emperor, the Emperor of Russia, Prince Bismarck, and the German people, would all combine to annihilate the power of France in order to prevent her from sending her armies across the Rhine in some distant and hypothetical future.

[Inclosure 4 in No. 113.]

FRENCH SCARE.

[From the London Times of May 8, 1875.]

PARIS, FRIDAY, *May* 7—9.30 p. m.

The letter and leading article you published yesterday are the chief topic of discussion in political circles and in the press. The official evening paper, the *Bulletin Français*, says:

"The Times published yesterday a communication addressed to it from Paris, the author of which seemed to admit the eventuality of foreign complications. The organ of the city was careful, it is true, to present this letter as a specimen of extravagant fear. This precaution was excellent, for, as the Agence Havas states in denying bourse rumors which have been circulated with regard to our foreign relations, no news has arrived and no incident has arisen which could justify such rumors and such alarms."

The *Moniteur*, alluding to the letter, says:

"There may be some exaggeration in this way of looking at things, but we ourselves remarked two days ago that the situation was wanting in clearness, and that it was very desirable it should be speedily cleared up. People continue, and with reason, to rely much on the assistance of the Emperor of Russia to put aside the dangers of war, and the hopes which are expressed on this point are wide-spread in Germany. For our own part, we believe they will be realized. It is impossible that Germany should discover in the fear of an imaginary revenge in the future the pretext for a war of aggression at the present time. Certain German publicists shamelessly agitate these terrible questions, but we do not think the Berlin cabinet encourages such controversies or adopts their conclusions."

The *Français*, the Duc de Broglie's organ, says:

"We can only advise the public to preserve, if possible, an imperturbable composure, and to display rigorous circumspection in the circumstances in which France now finds herself. These are necessary qualities, and it is urgently requisite that all Frenchmen should acquire them if they do not already possess them. We can affirm, moreover, that the most recent news in the diplomatic world tends rather to reassure public opinion. It shows that there is in Europe a settled desire to preserve peace. At St. Petersburg, and London especially, this disposition is exhibited."

The *Journal de Paris* says:

"It may be that Prussia dreams of a fresh war. It is indisputable in any case that she is urged to it by certain of her statesmen and military leaders. Nevertheless, before taking a resolution of this weight she is obliged to consult Russia. She is obliged to do so for two reasons: first, because the Russian alliance preserves her from all fear on the part of Austria; and next, because the understanding agreed upon at Berlin in 1872 would be destroyed the day when one of the three powers undertakes a war without the consent of the other two. Russia, however, has no longer the same interest to-day as in 1870 in a victory by Prussia and a defeat by France."

The *France*, after quoting the Times' leading article, says:

"Nothing could have been better expressed, and this article gives us the exact key-note of public opinion in England. The alarmists will not disarm themselves on this account, and the interview of Monday next will perhaps furnish them with a fresh pretext."

The *Presse* says:

"Let us draw attention to the fact that almost at the same moment The Times published its alarmist correspondence, a Vienna paper—the Neue Freie Presse—gave a telegram from Berlin according to which M. de Bismarck intended to convince the Czar of the pacific intentions of Germany, but also to warn him that the military measures taken in France seemed to show that the French government was not animated with the same sentiments. The intelligence of The Times and of the Neue Freie Presse contradicts one another. We would only accept so much of it as refers to the peaceful disposition which The Times' correspondent rightly attributes to France and the Berlin telegram to Germany."

The *Mémorial Diplomatique* says:

"France, far from seeking for war, remains faithful to its policy of peace and scrupuously respects the treaties concluded with Germany. As to the three northern courts, it would be libeling them to believe that they wish without any reason whatever to attack France and to trample upon, themselves, the system of political *status quo* and general peace which constitutes the bases of their agreement."

[Inclosure 5 in No. 113.]

THE FRENCH SCARE.

[From the London Times of May 8, 1875.]

Nothing can show more painfully the untoward condition of the continent than the disquiet of which a French correspondent gave intimation in our columns two days ago. The existence of the uneasiness he noticed is admitted, with more or less reserve of phrase, by the French journals which comment on his letter; but when we consider the origin of these apprehensions they appear to be rather an induction from a variety of circumstances, most of them inevitable, than to arise from anything which is even remotely the act of the German government. We are reassured when we consider that it would be wonderful if such rumors failed to come into existence. If we accept the conditions of Germany and France, the mutual suspicion of preparing for another war might be predicted with certainty. This is the legacy which the late fatal struggle has left to the two countries, and, so far as human judgment can discern, it must oppress them both for many a year.

It is intimated that in Paris men connected with political life, and having the means of forming a probable opinion, believe that a party exists in Germany which meditates an attack on France, and that this party may possibly acquire strength enough to control the policy of the imperial government. This is not the gossip of the boulevards, but the whisper of political *salons;* it has hardly passed as yet into the discussions of the press, but it is repeated with caution among those who have relations with Germany, and receive confidential communications from their friends beyond the Rhine. It would be useless to pretend that these people have absolutely no grounds for their apprehensions. Such a feeling as is described could never be generated without some cause; and, moreover, the cause in the present case may be discerned without much difficulty by those who have paid attention to continental politics since the war. The French tell each other that the existence and designs of a war party in Germany are

beyond a doubt. They say that it comprises generals and politicians, and loses no opportunity of pressing its advice. Its followers are numerous in the army, and a considerable body in the public; its influence is largely felt in the press. It is animated by bitter hostility to France; it dreads her restoration; it regrets that she was not more completely disabled by the last war; and its constant counsel is that the work must be taken in hand again and done more effectually. In this picture of a powerful party plotting the ruin of France we recognize partly an image conjured up by an excited imagination, and partly the distorted reflection of real incidents. We have received from Germany itself descriptions which are the very counterpart of the rumors current in France. Indeed, one need go no further than the German papers to find the origin of these alarms. As France has recovered strength, the Germans have naturally watched her progress. Since the revival has been more rapid than was anticipated, uneasiness has more rapidly increased, and, as the Germans are not disposed to reticence, the new attitude of their enemy has occasionally become the topic of angry and defiant comments. Designs very like those which our French correspondent speaks of may have been found covertly referred to in more than one German newspaper. Every phase of the reconstruction of the French army has been noticed, discussed technically in one article, popularly in another, but in each with an obvious impression that imminent danger menaced Germany, and that sooner or later this force on which rich and elastic France was spending milliards would be turned against the empire. Every now and then the irritability with regard to the alleged preparations of France shows itself, as some new step in the re-organization of the French army is reported. This is no new theory. For the last three years, and long before the army of occupation was withdrawn, Germans might be heard saying that the last war had ended too soon, that France was let off too easily, and that another and a more thorough campaign would be necessary to complete the work. Talk of this kind was naturally first heard from those voluble spirits who dominate at a convivial meeting, but are not generally supposed to have much influence in the counsels of statesmen. But, as the nation has been excited by the struggle with ultramontanism, which it persists in attributing to French instigation, and as France resumes its place as a formidable military state, the number of people in Germany who would think, and consequently speak and write, in this fashion naturally increases. It is easy to understand that in military circles, or wherever a roomful of patriotic citizens are engaged on a discussion of foreign affairs, there should be some one to say, "We must not wait to be attacked; if we find that France is preparing to strike, we must anticipate the blow, and take care that the danger shall not recur." In conversations with Frenchmen such a feeling would take the form of a boastful warning, and there is, therefore, nothing extraordinary in the belief which obtains in Paris that the country is openly menaced by the Germans.

This we believe to be the true explanation of the misgivings to which our correspondent has called attention. With regard to them our readers will form their own opinion. It would be presumption to say that they are wholly without importance. The existence of a conviction in a section of German society that war is inevitable, and that it would be well to anticipate the enemy, must necessarily be a fact of some importance. And if even, as we incline to think, the expressions which disquiet France are uttered rather in bravado and irritation, and do not manifest any fixed purpose, they are still not without significance, since such things become serious by repetition, and many an act of popular infatuation has had its origin in a cry which few quite believed in. But from such a vague sentiment of hostility on the part of a section of the Germans to a settled plot of the German government there is a vast distance. We need not repeat the reasons which make it, in our judgment, morally impossible that the Emperor and his ministers should conceive the design of breaking the treaty they themselves imposed, and attacking France without reason, on a frivolous pretext, or on none at all. They would sacrifice their own good name and the honor of their country, and they would place the empire in a relation of intolerable suspicion to its neighbors. From whatever point of view we contemplate the alleged design, we recognize its futility. The very motives are insufficient. Belfort is alleged to be a thorn in the side of Germany; but it is certain that four years ago the highest military authorities of Germany were of opinion that Belfort would be a burden to them, while, if left to France, it would be of little service to her. Its position, out of the necessary track of war, explains this. Furthermore, the design of permanently crippling the resources of France by heavy indemnities, by occupation prolonged for years, and by a permanent restriction of the numbers of the French army, is one which no statesman or economist can really think feasible. The German government would only create for itself embarrassments compared with which the present are trifling. Military weakness with regard to other powers would attend the long diversion of its forces, first in subjugating, and then in keeping down a desperate enemy; the burden on the population of Germany would be immensely increased, and, after all, unless the French people were crushed out of existence, a time must come when they must be left to meditate and prepare for a war of vengeance, as they are said to be doing now.

Besides this, who can imagine that statesmen of the caliber of Prince Bismarck and his colleagues do not reflect on the animosity which would be excited in Europe by an outrage unparalleled since the days of the first French empire? Considering the temper of a large part, we believe the majority, of the Russian people, and the suspicions and jealousies of other continental states, it is hardly possible that the German empire should commit itself to the tremendous enterprise of ruining France without finding its neighbors gravitate to each other in a hostile league. These considerations seem sufficient to dispel the belief that the German government contemplates any renewal of the war. In fact, as we pass from the circumstances which the French have noticed to the conclusions which they have drawn from them, we feel that the transition is from the real and tangible to the utterly misty and fanciful. What the French have to consider is the feeling which has been caused in Germany by their reconstruction of the army. This feeling, whether its extent be great or little, is a fact, and the French must make up their minds to take it as an element in their calculations. They have a perfect right to raise a great and well-appointed army, but, during the present relations of the two countries, it is certain that the apprehensions of a part of the German people will find vent in a good deal more of the vague defiance which the French misinterpret as the utterance of the German government.

No. 246.

Mr. Fish to Mr. Davis.

No. 98.] DEPARTMENT OF STATE,
Washington, June 8, 1875.

SIR: Your 117 has been received, and I have read with interest your correspondence with Dr. Gneist upon the question of executing commissions in Germany.

The result accords with my preconceived impressions on the subject. When Mr. Schlözer stated, as reported in my No. 74, that the real objection arose from the prohibition of German law, surprise was expressed that any positive prohibition existed.

It is possible, however, that the German system, and the authorities of Germany, may not consider that all acts are, or ought to be permitted, which are not forbidden by positive prohibition of law.

In your last communication to Dr. Gneist, under date of May 15, you state, in substance, that both Federal and State legislation is so adapted to our system of commissions that a change to that in use in Germany would call for new legislation in Congress and in every State in the Union, without which our courts cannot use the machinery provided by the laws of Germany.

While under our practice, both in the Federal and State courts, it is certainly true that a commission is the usual, perhaps the universal, means in general use of obtaining the testimony of a witness in a foreign country, it is probably too broad a statement to say that none of our courts can make use of letters rogatory. Such question may, in many cases, be regulated by statute in the States, but it is true that letters rogatory are both executed by and issued from the Federal courts from time to time, and probably also from the State courts. Letters rogatory have, I think, been actually issued from the district courts in New York in the case of Wolff, which gave rise to this question, and since the question arose. Sections 875, 4071, 4072, 4073, 4074 of the Revised Statutes contain provisions on the question.

Your general views, however, as to the inconvenience of a change, and of the great need of some adjustment of this question, are entirely concurred in, and I am in hopes that something may be accomplished in that direction.

I am, &c.,

HAMILTON FISH.

No. 247.

Mr. Fish to Mr. Davis.

No. 108.] DEPARTMENT OF STATE,
Washington, July 13, 1875.

SIR: Referring to your dispatches in reference to the case of Arthur Steinkauler, and to instruction No. 95 from the Department, I now inclose you a copy of a communication addressed to the Attorney-General, under date of June 9, requesting his opinion upon certain specific points, and of the opinion of that officer, bearing date the 26th of June, for your information.

The opinion goes somewhat further than the precise questions submitted, and refers to the matter of the duty of this Government to intervene, which would only arise after the questions submitted had been passed upon.

You are instructed to take no steps to intervene with the authorities of Germany to protect young Steinkauler from military duty, so long as the facts of his case remain unchanged and he shall be a minor residing with his father, a German subject, and in the absence of any assurance on his behalf of an intention to return to the United States, or to make an election of nationality.

I am, &c.,

HAMILTON FISH.

[Inclosure 1 in No. 108.]

Mr. Fish to Mr. Pierrepont.

DEPARTMENT OF STATE,
Washington, June 9, 1875.

SIR: I have the honor to submit the following facts for your consideration and opinion:

One A. Steinkauler, a Prussian subject by birth, emigrated to the United States in 1848, and became naturalized in this country in 1854. In 1855, a son was born to him at Saint Louis, Mo. Mr. Steinkauler returned in 1859 with this infant son, and the remainder of his family, to Germany, and became domiciled at Wiesbaden, in Nassau, where they have all continuously resided from that time. In 1866, Nassau became incorporated into the North German Confederation. In 1868, the treaty of naturalization with North Germany was concluded, article 4 of which provides as follows: "If a German, naturalized in America, renews his residence in North Germany, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. * * * The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country."

Mr. Steinkauler, having continuously resided at Wiesbaden since 1859, admits that, under the operation of article 4 of this treaty, he may be held to have abandoned his naturalization in this country.

His son, born in Saint Louis, has now reached the age of twenty years, and has lately been called upon to report for military duty by the authorities of Germany. Mr. Steinkauler thereupon invoked the intervention of the legation of the United States at Berlin, on the ground that he is a native-born American citizen.

To an inquiry by Mr. Davis, our minister at Berlin, whether the son would give an assurance of intention to return to this country, within some reasonable period to be fixed by himself, and to reside here, and assume his duties as a citizen, the father, on his behalf, declined to give any such assurance.

I have the honor to request your opinion upon this state of facts, whether this son of Mr. Steinkauler, who is still a minor, is to be deemed a citizen of the United States, entitled to the intervention of this Government on his behalf with the government of Germany, or whether, by reason of his minority, his citizenship follows that of his

father, who has now admittedly acquired the character of a German subject, or whether in any way, by reason of continued residence or absence of intent to return to the United States or otherwise, he has become expatriated or lost his character of a citizen of the United States.

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

HAMILTON FISH.

The Hon. EDWARDS PIERREPONT,
Attorney-General.

[Inclosure 2 in No. 108.]

Mr. Pierrepont to Mr. Fish.

DEPARTMENT OF JUSTICE,
Washington, June 26, 1875.

SIR: The facts upon which the Secretary of State asks the opinion of the Attorney-General are these:

Mr. A. Steinkauler, a Prussian subject by birth, emigrated to the United States in 1848, became naturalized in 1854, and in the following year had a son born in Saint Louis, Mo.

Four years after the birth of his son, Steinkauler returned to Germany, taking his family, including this infant child, and became domiciled at Wiesbaden, where they have all continuously resided. Nassau, in which Wiesbaden is situated, became incorporated into the North German Confederation in 1866. This son has now reached the age of twenty years, and the German government has called upon him to report for military duty. Mr. Steinkauler thereupon invokes the intervention of the legation of the United States at Berlin, on the ground that his son is a native-born American citizen.

"To an inquiry by Mr. Davis, our minister at Berlin, whether the son would give an assurance of intention to return to this country, within some reasonable period to be fixed by himself, and to reside here and assume his duties as a citizen, the father, on his behalf, declined to give any such assurance."

The QUESTION is, whether upon the facts stated, it is the duty of the Government of the United States to interfere in this matter?

OPINION OF THE ATTORNEY-GENERAL.

The *status* of young Steinkauler, and his right to protection from the Government of the United States, depends *primarily* upon his nationality. Nationality is either natural or acquired.

The one results from birth, the other from the operation of the laws of kingdoms or states.

Nationality by birth in some countries depends upon the place of birth, in others upon the nationality of the parents. There is no uniform rule of international law upon the subject, nor is there any treaty between the United States and North Germany, or any statute or rule of common law either in North Germany or the United States, (so far as I can find,) which solves the question submitted. In North Germany, as in the United States, the minority of the child continues until the age of twenty-one years; and minor children of naturalized parents domiciled and living with such parents in North Germany, though such minor children were born in the United States, are made German subjects with the rights of German citizens, much the same as minor children of naturalized parents (though the children are foreign-born) are rendered citizens of the United States by the naturalization of the parents of such minors.

In 1868 the naturalization treaty between North Germany and the United States was concluded. Article 4 reads as follows:

"If a German naturalized in America renews his residence in North Germany, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. * * * The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country."

Section 1999 of the Revised Statutes of the United States reads as follows:

"Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas, in the recognition of this principle, this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance

should be promptly and finally disavowed: Therefore, any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation is declared inconsistent with the fundamental principles of the Republic."

Under the treaty, and in harmony with the American doctrine, it is clear that Steinkauler the father abandoned his naturalization in America and became a German subject, (his son being yet a minor,) and that by virtue of German laws the son acquired German nationality. It is equally clear that the son, by birth, has American nationality, and hence he has two nationalities, one natural, the other acquired.

Difficulties like the one we are now considering, and which arise from double nationality, have recently been disposed of in England by Statute 33d Victoria, A. D. 1870, chapter 14, section 10, sub. 3.

"3. Where the father, being a British subject, or the mother, being a British subject and a widow, becomes an alien in pursuance of this act, every child of such father or mother who, during infancy, has become resident in the country where the father or mother is naturalized, and has, according to the laws of such country, become naturalized therein, shall be deemed to be a subject of the state of which the father or mother has become a subject, and not a British subject."

We have no such statute, and we must therefore seek some other mode of solving this somewhat difficult question. Young Steinkauler is a native-born American citizen. There is no law of the United States under which his father or any other person can deprive him of his birthright.

He can return to America at the age of twenty-one, and in due time, if the people elect, he can become President of the United States; but the father, in accordance with the treaty and the laws, has renounced his American citizenship and his American allegiance, and has acquired for himself and his son German citizenship and the rights which it carries, and he must take the burdens as well as the advantages. The son, being domiciled with the father, and subject to him under the law during his minority, and receiving the German protection where he has an acquired nationality, and declining to give any assurance of intention of ever returning to the United States and claiming his American nationality by residence here, I am of opinion that he cannot rightfully invoke the aid of the Government of the United States to relieve him from military duty in Germany during his minority. But I am of opinion that when he reaches the age of twenty-one years he can then elect whether he will return and take the nationality of his birth, with its duties and privileges, or retain the nationality acquired by the act of his father. This seems to me to be "right reason," and I think it is law. Since reaching the above conclusions, I am gratified to find a measure of support in the great authority of the present Lord Chief-Justice of England. In his work on "Nationality" he says, at page 212: "As regards the children, those born after the naturalization should, of course, follow the nationality of the father. Of those born before, a distinction should be made between those who accompany the father to the new country and those who do not. The latter should retain their nationality of origin. As regards the former, a distinction is again to be made between those who have attained their majority and those who have not. Those who are still minors, and who, as such, are still subject to the authority of the father, and form part of his family, must be taken, at all events for the time, to follow his nationality; and as it may fairly be presumed that they will, in the future, remain in the new country, and desire to become its citizens, they should be deemed to be such in the absence of any declaration to the contrary. But, inasmuch as by their birth they have acquired a right to the nationality of the country of birth, it ought not to be in the power of the parent to deprive them of it if, on arriving at full age, they desire to retain it, and a reasonable time should be allowed them to reject the nationality acquired by the father, and to claim that of the former country without being subjected to the necessity of becoming naturalized in it."

While the Government of the United States, with jealous care, will protect its humblest citizen, wherever found, yet, in the opinion of the Attorney General, it is not our duty to aid a young man of twenty years to escape from military service in a government whose protection he has enjoyed since four years old, and where he has an acquired nationality which he does not propose to give up, and when interrogated by the envoy of the American Government, declines even to suggest that he ever intends to return to the United States and reclaim the nationality and assume the duties of an American citizen.

Protection from a government involves the reciprocal duty of allegiance and service from the citizen, when needed. In the case presented I see no occasion for interference on the part of the American Government.

Which is respectfuliy submitted.

EDWARDS PIERREPONT,
Attorney-General.

The Hon. HAMILTON FISH,
Secretary of State.

No. 248.

Mr. Davis to Mr. Fish.

No. 164.] LEGATION OF THE UNITED STATES,
Berlin, August 23, 1875. (Received September 15.)

SIR: To-day closes the first year since I took charge of this legation. I have gathered together in a paper, which is inclosed herewith, a concise statement of the various military cases which have occupied our attention during the year. They present an interesting picture of the practical operation of the naturalization treaties.

I have omitted from this list the various cases in which parties have appealed to the legation for protection against their own fears, and confine myself to the cases in which the German authorities have actually set up a claim, either to the military services of a naturalized citizen, or to the recovery from him of a fine for the non-performance of military duty, or both. Including five cases in which representations were originally made to the German government by my predecessors, and which were pending on my arrival, there are thirty-five such cases in all. Eleven of these are either known to have been adjusted without the intervention of the legation, or are supposed to have been so adjusted from the fact that nothing has been heard about them for some months. In three cases I have declined to intervene.

In Starts's case I declined to do so, because at the time of his emigration he was actually on the army-rolls, and was absent on furlough; he was actually a deserter from the Bavarian army. In a parallel case in the Army of the United States, he would undoubtedly have been held to be a deserter. His offense appeared to me to be a purely military offense, not affected by the treaty. I therefore decided to report it to the Department, and to await instructions.

In Rosenthal's case I refused, because upon his own statement he procured his naturalization through a fraud. He had been but little over four years in the country when he was naturalized, and he had never served in the Army of the United States.

Steinkauler's case needs no comment. The Attorney-General has sustained my views of public law, and the Department has approved my action in this case. The remaining twenty-four cases were brought to the notice of the German government by the legation, and have been the subject of more or less correspondence.

Three cases only are still pending. In the cases of Bamberg and Ottinger, the notes were sent to the foreign office only day before yesterday. In Würst's case, Mr. von Bülow has promised me to ask his colleague ot the war office to give a speedy answer. Seven persons have been released from fines imposed upon them for not reporting for military duty, namely: Gewecke, Guth, Kater, Asch, Grubel, Valpel, and Wohlgemuth.

Eight persons have been released from the assumed obligation to perform military service in the German army, namely: Weiss, Weidel, Gerding, Weil, Karl, Trojanowski, Beckman, and Zantzen. Two have been released from military service, and have also had their fines remitted, namely, Graffenberger and Arndt.

In one case, that of Neumarche, the German government has refused to return a fine which had already been collected, on the ground that the money was originally paid by the father without protest or without making known the status of the son, and on the further ground that there was not sufficient proof of a five-years' residence in the United States.

In three cases it has refused to release parties from service in the army, namely: in the cases of Mumbour, Selbach, and Weich.

In Mumbour's case the refusal is made mainly, if not entirely, upon the ground that he had returned to Germany to reside and without an intent to return to America, and that under the treaty this operated as a renunciation of his naturalization. The proof of this fact was his own statement to that effect, made before the tribunal occupied with the investigation of his case.

In Selbach's case, it appeared that immediately after obtaining his naturalization he had returned to Germany, and had gone into business in Mannheim with his father; that the authorities had notified him shortly before the expiration of a two years' residence in Germany that should his residence be prolonged beyond the two years, he would be regarded as having forfeited his naturalization; that after the expiration of the two years he was ordered into military service, but was also again offered the opportunity to return to America, and that he declined the offer, and was then put into service. He remained in the service a short time and then deserted, pending the decision upon his application. It is perhaps not a subject for astonishment that the decision was adverse to him under such circumstances.

In the third case, Weich had been actually summoned to perform military duty in the army of Baden when he emigrated. He was, therefore, on his return, held by the military authorities to be a deserter, and the decision was adopted by the foreign office in its note to the legation. Even before the conclusion of the naturalization treaties, Mr. Cass had instructed this legation that, where a person had before emigration been actually summoned to do military duty and had disregarded the summons, he became subject to the military jurisdiction, notwithstanding subsequent naturalization. This decision, therefore, did not appear open to objection. I apprehend that this brief review of the year's work will satisfy the Department that the German government is disposed to regard the rights of our naturalized citizens as defined by the treaties.

The Almanach de Gotha of this year gives the number of citizens of the United States residing in Germany, and counted among its "population," as 10,698. There is good ground for believing that a decided majority of these are naturalized citizens. Twice a week from New York, and once a fortnight from Baltimore, German steamers are sailing for Germany, each time bringing back numbers of native-born Germans who have been naturalized in the United States. And yet, great as is the number of naturalized citizens returning to Germany, only thirty-five cases have come to the knowledge of the legation in which the military authorities have questioned the status of any of them. Three cases only have been decided adversely, and these upon principles or facts which it will be difficult to question.

Europe is now an armed camp in time of peace. The successes of Germany in the wars of 1866 and 1870 have worked and are still working a revolution in the organization of European armies. France will soon have a force which, including reserves and navy, will number, when on a full war-footing, about 1,700,000. The Almanac de Gotha gives the effective force of the Russian army in time of war at 1,520,000 men—a number which I apprehend the existing reforms are decidedly augmenting. Italy has 760,000; England 550,000; Austria about the same; and, in fine, the whole force of the armies of Europe, outside of Germany, is estimated to amount to the immense number of 7,500,000 men. The same authority which I have quoted gives the entire war force

of Germany, when on a war-footing, as 1,370,000. The army, when put on a war-footing, includes the army proper; that is to say, the men who serve for three years, commencing with the completion of their twentieth year. (As I understand the treaty, persons who are actually enrolled for this period of service, or who have actually been summoned for it, cannot emigrate without committing a military offense.) Next come the reserves, which include all who have served three years, and who are then placed for four years on the list of reserves. These are the first to be called upon in time of war, when the ordinary forces are insufficient. (I understand that the treaty leaves persons on this list free to emigrate, except when the force is called out.) The landwehr and the seawehr constitute the next class, in which all persons are enrolled for a period of five years after the termination of the reserve period. Lastly there is the landsturm, in which all who have served in the active army, in the reserves, and in the land or seawehr, are again classed until the expiration of their forty-second year. The legislation of the last session of the Reichstag increases the efficiency of these forces. With a whole male population under forty-three thus in arms, either actually or constructively, and with jealous neighbors on every side equally armed to the teeth, perhaps one ought not to wonder that when the officers charged with the care of the recruits find a native-born German residing in Germany, and claiming to be exempt from the common duty which all Germans owe to the state, they should scrutinize his claims with some strictness, and should occasionally put the claimant to the proof of them through his legation. Whenever such a challenge has been given, the legation has done its best to protect and maintain the just rights of our naturalized citizens. The German government, in the cases which I now report, appear to have been disposed to construe the last half of the fourth article of the treaty as it was construed by my predecessor, who negotiated it. "I have insisted," he wrote to the Department on the 29th June, 1874, "that the naturalized American who has the appearance of having obtained naturalization solely to escape military service, should have a right to establish his sincerity by electing to take up his residence in the United States."

This right was in fact offered both to Selbach and to Bamberg. Arndt's case was decided favorably on the ground that he had not resided two years in Germany when arrested. Hersch also reports a notice to him that after a two years' residence in Germany he would be regarded as having renounced his naturalization. In all these cases the necessity of some reasonable preliminary notice of an intent to put in force the provisions of the treaty appears to have been recognized.

The release from fine, or arrest, or both, which has followed several of the applications of the legation, has been granted, when granted at all, by the use of the royal prerogative of pardon. It has not been regarded as a right which can be asserted and enforced under German law by the injured party. In some cases the inquiries which preceded the exercise of the prerogative have been prolonged beyond the patience of the parties in interest. But on the whole the operation of the treaties during the year has been beneficial and just. Those who have deserved protection have been protected. Those who have not been protected were either seeking to use their acquired citizenship for the perpetration of a fraud, or had been guilty of a military offense against which the treaty is no protection.

I have, &c.,

J. C. BANCROFT DAVIS.

[Inclosure 1 in No. 164.]

Memorandum of military cases at the legation of the United States in Berlin from August 24, 1874, to August 23, 1875, both inclusive.

1. *Jacob Weiss.*—This case was begun in Mr. Bancroft's time. Weiss having been summoned to perform military duty, application was made for his release; and this being granted, he returned his thanks to the legation August 30, 1874.

2. *Leo Graffenberger.*—Complained September 27, 1875, to legation. He went to America in 1867, when seventeen years old; resided there more than five years; was naturalized in August, 1873; returned to Germany in August, 1874; found that he had been fined in his absence for non-performance of military duty, and that he was threatened with proceedings to compel him to perform military duty September 30. These facts were stated in a note to the foreign office, and request was made for steps to protect him from further molestation. January 28, 1875, the foreign office informed the legation that the steps had been taken against Graffenberger in ignorance of his acquired citizenship, and that they would be discontinued and that the fine would be remitted.

3. *Robert Weidel.*—This case was begun in Mr. Fish's time. He was released August 27, 1874, and expressed his thanks September 6, 1874.

4. *Robert Gewecke.*—Emigrated to the United States in January, 1869, being eighteen years old; was naturalized March 25, 1874, returned to Germany in April, 1874, and was fined for unallowed emigration. He stated his case to the legation September 13, 1874; a note was addressed to the foreign office September 17, 1874, and after several interviews with Mr. von Bülow and some correspondence with Mr. Gewecke, the legation was informed, February 9, 1875, that the fine and costs were remitted.

5. *Frederick A. Arndt.*—Was born in 1835; in 1855 he presented himself for enrollment, and being a sailor was enrolled in the navy to serve until his 39th year. From 1855 to 1868 he served by permission on several merchant vessels. In 1868 he took up his residence in New York, remained there over five years, and became naturalized. In 1874 he returned to Germany and entered into business at Danzig. He was condemned to a fine of 20 thalers, and to six years' service in the navy for unauthorized emigration, and for not responding to the call in 1870. He notified the legation September 7, 1874. The legation intervened for him verbally on the same day, and again by note September 11. On the 11th October, 1874, the foreign office informed the legation that the sentence was reversed and the fine remitted.

6. *Herman Guth.*—This case was begun by Mr. Fish July 29, 1874. He represented to the foreign office that Guth was a naturalized citizen of the United States, and that on returning to Germany he had been illegally arrested, and a fine of 50 thaler had been exacted from him. Again on the 8th of October representations were repeated by the legation in a second note, and on November 27 further verbal representations were made. On the 12th December the foreign office, by note, informed the legation of the remission of the sentence and fine.

7. *Henry Mumbour.*- Served three years in the Prussian army. His name was then placed among the reserves, and he obtained a leave of absence for a year. In April, 1869, he went to the United States. While there France declared war against Germany, and the reserves were called out. He heard of the call in Pittsburgh, and decided to remain in America, and to become naturalized. He remained five years in America, became naturalized, and, in 1874, returned to Germany. He was arrested for desertion here, convicted, and sentenced to a year's imprisonment. He appealed to the legation, and on the 8th of February a note in his behalf was addressed to the foreign office. On the 7th of March the foreign office answered that Mumbour, on examination, had admitted that he was residing in Germany without intent to return to the United States, and therefore that he had, under the treaty, renounced his naturalization, and that he could not be regarded as among the number of those who, as *bona-fide* American citizens, return here temporarily. They therefore declined to remit his sentence.

8. *Carl F. Selbach.*—Arrived in the United States in June, 1857; was naturalized June 26, 1872; arrived in Germany in July, 1872; took up his residence at Mannheim, and became assistant to his father in business; was notified in June, 1874, by the German authorities that if he should reside in Germany longer than two years from the date of his return to Mannheim he would be regarded as having renounced his naturalization. He did remain. On the 20th August, 1874, he was taken for military service; was again told by the Germans he would be discharged if he would leave for America; declined, and appealed to the legation. On the 28th September the legation asked for his discharge. On the 17th of November the foreign office replied that the circumstances would seem to indicate that Selbach had renounced his naturalization, but as he had deserted from the army the matter appeared to be settled for the present.

9. *Heinrich Kater.*—This case was begun in Mr. Bancroft's time. The legation asked for the return of a fine improperly imposed upon Kater for the non-performance of military duty. On the 17th of November the foreign office informed the legation that the money would be refunded.

10. *Wolff Herz Asch.*—This case was begun in Mr. Fish's time. The legation asked for the remission of a penalty and the return of a fine of fifty thaler. On the 7th of September the request was repeated verbally. On the 22d of November the foreign office informed the legation that the penalty and costs would be remitted and the fine paid back.

11. *Paul Weissbach.*—A naturalized citizen; wrote the legation November 26, 1874, that he had been fined for non-performance of military duty, and feared he would be enrolled as a soldier. The legation replied informing him of his rights, suggesting that he should first apply to the local authorities, and should that prove to be unsuccessful, informing him what facts he should send proof of to the legation. As nothing more was heard from the case it is supposed that it was satisfactorily adjusted.

12. *Franz Homan.*—Wrote the legation December 15, 1874, that he was a naturalized American citizen, and that he had reason to fear that he would be called upon to do military service in the German army. On the 13th of February he wrote that he was arrested and was about to be forced into service. His rights, however, were subsequently recognized, and no official action was necessary in his behalf. On the 16th of February he wrote that he had been discharged. His papers were returned to him February 18, 1875.

13. *Ferdinand Böge.*—Wrote the legation that he was a naturalized American citizen, and that on his return to Germany he had been fined fifty thaler for non-performance of military duty. The legation replied to his letter, making suggestions and asking for further information. On the 17th of February Mr. Böge wrote asking for the return of his papers. As nothing more has been heard of the case, it is supposed to have been adjusted satisfactorily.

14. *Jacob Weick.*—Was summoned in 1869 to do military duty in Baden. Instead of responding, he went to the United States, where he resided five years and became a citizen. During his absence a fine of two hundred thalers was imposed upon his estate. On his return he was arrested for desertion. Pending the examination he escaped into Switzerland, and invoked the intervention of the legation through the consul at Basle. A note was written in his behalf, to which, on the 27th of February, reply was made that he had been adjudged to be a deserter, and the sentence would be enforced should he come again within the jurisdiction.

15. *Edward Grubel.*—On the 6th of January, 1875, the legation represented to the foreign office that Grubel had emigrated to America in 1867, at the age of 17; that he had resided there over seven years and became naturalized, and that on his return to Germany, in 1874, he had been made to pay a fine of 150 marks, and committed to prison in default of immediate payment. His discharge and remission of the sentence were asked for. On the 15th of May the legation was notified that the fine was remitted and Grubel discharged.

16. *Theodore Vopel.*—On the 11th of February, 1875, made affidavit at the legation that he was born in Berlin; that he served in the German army once for a period of three years, and once for a period of three months, in each case receiving his discharge on leaving; that he emigrated to America, resided there five years, and became naturalized; that he returned to Berlin in October, 1874, and that on the 30th January, 1875, he had been summoned to pay a fine of 231.75 marks (including costs) for emigrating without permission. The legation on the same day addressed a note to the foreign office, asserting his exemption as an American citizen. On the 3d of May the foreign office said that proceedings had been stayed, and asked for further papers in the case, which were furnished. On the 14th of July the foreign office notified the legation of the remission of the fine.

17. *Charles H. A. Gerding.*—On the 19th of February, 1875, the legation received a letter from Mr. Gerding, dated the 18th, stating that he emigrated to America in 1867, when 20 years of age; that he remained there five years and two months, and became naturalized; that he had returned to his old home to sell some property which he had inherited, intending to return to America when that should be done; and that he had been arrested, and after examination before an officer had been forced into the Prussian army. On the 19th of February the legation transmitted a copy of this letter to the foreign office with a note asking for redress, and on the 18th and 20th March further notes were addressed to the foreign office in this case. On the 15th of May the foreign office notified the legation that Gerding's discharge had been ordered.

18. *Philip Humpert.*—Born in 1840; served one year in the Prussian army; emigrated to America in March, 1868; was naturalized there, and returned in December, 1874. On the 21st of January, he notified legation that he had been fined fifty thaler for non-performance of military duty. The legation acknowledged the letter, and sent him copies of the treaties, &c., to be shown to the court in his defense. On the 1st of March, acknowledging this, he said that he was a doctor of medicine, and had returned to Germany "to live for a longer or shorter time and practice his profession." The legation replied that such language implied residence in Germany without intent to return to America, and required him to state, under oath, that he intended to return to America. He has not done so, and it is to be presumed that he could not take that

oath, or that he has not been further molested, or that he has concluded to pay the fine.

19. *Simon Weil.*—Was born at Bisheim, in Alsace, in 1853; emigrated to the United States in 1868; was naturalized at Mobile, June 19, 1874; returned to Bisheim July 18, 1874, and was ordered to appear on the 12th of March for military duty in the German army. On the 3d March, Weil wrote, invoking the intervention of the legation. The letter was received on the 6th, and on the same day a note was addressed to the foreign office. Weil was shortly afterward discharged, and on the 6th of June the foreign office notified the legation that he was not regarded as a German subject. On the same day Weil wrote the legation, asking if he could not stay in Alsace "for always," and go into business there.

20. *Arthur Steinkauler.*—Father emigrated to America in 1848, and became naturalized there in 1854. Arthur was born at Saint Louis, in 1855. In 1859, the father and his wife and family, including Arthur, returned to Germany, and took up their residence at Wiesbaden, and have since resided there continuously. The father admits that he does not intend to return to America, and says, "according to the treaty of 1868, I, myself may now be considered a Prussian citizen." On the 2d April, 1875, the father laid these facts before the legation, and said that Arthur had been summoned to do military duty, and asked the intervention of the legation. The legation declined to intervene, unless the son would give a personal statement of his election to be a citizen of the United States, and an assurance of his intention to return to America at some reasonable date to be fixed by him. The father, on his behalf, declined to do so.

21. *Lewis Wohlgemuth.*—On the 28th of April, 1875, wrote the legation that he emigrated to the United States when eighteen years of age; remained there seven years; became naturalized; returned the week before the date of his letter, and had been summoned to pay 50 thaler penalty for non-appearance in 1870–'71 and 1872. On the 29th of April the legation addressed a note to the foreign office. On the 1st of June the foreign office informed the legation that it appeared on investigation that the fine had already been paid by Wohlgemuth's father, and that it would be repaid upon Wohlgemuth's proving his naturalization and residence five years in the United States.

22. *Adolph Karl.*—On the 30th of April, 1875, the legation informed the foreign office by note that Adolph Karl, a German naturalized in the United States, who had resided there six years, had, on his return to Germany, been arrested and placed in the imperial army. An immediate inquiry was asked for. On the 4th of May a further communication was made. On the 11th of August the foreign office replied that instructions had been given to restore to Mr. Karl his papers, and to throw no more obstacles in the way of his sojourn in his native place.

23. *Francis Trojanowski.*—This case was brought to the attention of the legation by telegraph and letter on the morning of the 4th of May, 1875, and on the same day the legation transmitted the original papers to the foreign office, with a request that the proper steps might be taken in the matter. It appeared that Trojanowski had resided five years in America, and been naturalized there, and on return to Germany had been forced to do military duty. Another note was addressed to the foreign office on the 18th of May, and a third on the 4th of June. On the 15th of June the foreign office informed the legation that Trojanowski had been released, and returned the original papers.

24. *B. Blumenthal.*—On the 7th of May, 1875, the legation informed the foreign office that Blumenthal, a naturalized citizen of the United States, had resided more than five years in the United States, and had returned to Germany about two months previously. He had been fined fifty thalers for not reporting himself for military duty in 1873, and had been told that in case of non-payment he would be imprisoned. The legation asked to have the case inquired into, and to have Blumenthal's rights respected. Nothing having since been heard of it, it is supposed that this fine was not enforced, and that Blumenthal's rights have been respected.

25. *Martin Beckmann.*—Emigrated to America when he was nineteen years old; resided there six years, was naturalized, became a land-owner in Nebraska, returned to visit his father at Kiel, and was forced into the German army. On the 12th of May, 1875, the legation was informed of some of these facts through the consulate-general at Berlin. Further information was desired, which was given, and on the 18th of May a note was addressed to the foreign office asking for Beckmann's discharge. On the 2d of July the legation was officially informed of his release.

26. *Morris A. Neumarch.*—Was a native Prussian, who resided more than five years in the United States, and was naturalized there. On his return to Germany he found that a fine of 150 marks for non-performance of military duty had been imposed upon him during his absence, and had been paid by his father. He informed the legation of these facts on the 18th May, 1875, and on the same day proper representations were made to the foreign office by note. On the 21st of June the foreign office declined to return the fine, on the ground that when the father paid the fine he had not protested or given notice of the acquired citizenship of the son, and on the further ground that the five years' residence in America had not been satisfactorily proved.

27. *Moses Baum.*—A native of Oldenberg, emigrated to America in 1866, became naturalized in 1872, and returned to Germany in 1875, on a visit. On the 27th of May, 1875, he informed the legation that he had been fined 50 thalers for not presenting himself for military duty, while in the United States; that he had been summoned to do military duty, and that he had escaped into Belgium in order to avoid process. The legation answered that, should he return, it would be the duty of the legation, if the facts stated were true, to protect him as far as possible. He returned, and upon a restatement of the case by his counsel, received on the 8th of June, he was informed on that day by letter that if he would transmit to the legation the evidence of his citizenship the legation would lay the matter at once before the foreign office; since then nothing has been heard from him, from which it is presumed that the case has been adjusted.

28. *Carl Johann Erwin Behrens.*—A native of Brunswick, naturalized in New York July 14, 1873, took out a passport from the Department of State August 6, 1873, returned to Brunswick September, 1873; took charge of his father's business there, but declared that he intended to return to America. He was summoned to do military duty, and he asked the intervention of the legation, through the consul at Brunswick, on the 28th of May, 1875. The legation answered, the same day, that it would intervene on receiving the proper proof of citizenship, and the oath of an intent to return to America. Nothing more heard of the case.

29. *Charles S. Rosenthal.*—Born in Prussia, March 13, 1847; went to the United States in July, 1855; was naturalized in the United States district court for the district of Massachusetts, November 16, 1869. He invoked the intervention of the legation to relieve him from a fine of fifty thalers for non-performance of military duty. This application was declined, upon the ground that his naturalization was improperly obtained, he not having resided five years in the United States, nor served in the Army of the United States.

30. *David Wurst.*—A native of Frankfort; resided in the United States six years; naturalized October 30, 1872, then returned to Germany; resided here more than two years; was then summoned to do military duty. He claimed his rights as a citizen of the United States, and was told it was too late. He expressed a desire to return to America, but permission was refused him. He then invoked the intervention of the legation through the consul-general at Frankfort. The legation addressed the foreign office July 12, 1875, asking that steps might be promptly taken for Wurst's release. No answer has, as yet, been received. On the 21st instant a verbal request was made by Mr. Davis for an answer.

31. *Mathias Bamberg.*—Emigrated to America in 1867, remained there six years, was naturalized, and returned to Germany in July, 1873. In May, 1875, he was told by the German authorities that should he remain in Germany over two years he would be regarded as a Prussian, and be made to do military duty. He said that he must remain, in order to look after an inheritance, and did remain. On the 9th of July he was enrolled in the Prussian service. On the 12th of July the legation received a letter setting forth these facts, and asking intervention, to enable him to remain in Germany until the end of November, in order to finish the business about his inheritance. The legation replied, asking the exact date of his return to Germany in 1873, the date in May on which his sojourn was called in question, the manner in which it was done, the name of the officer who notified him to leave, and he was told that these questions were asked in his own interests, and to make for himself the best case he could. An answer was received to these questions, and a note was addressed to the foreign office on his behalf on the 21st instant. There has not yet been time for an investigation and reply.

32. *C. H. F. Jantzen.*—A native of Mecklenburg; emigrated to the United States in 1868; resided there until April 27, 1875; was naturalized April 24, 1875; left for Germany in the Schiller, and in the shipwreck of that vessel lost his passport and his citizen-paper. He returned to his native place, and on the 8th July was summoned to do military duty. He made a statement of these facts to the legation in a letter dated July 13, 1875. On the 15th, the legation asked of the foreign office suspension of proceedings, to enable him to procure from America proof of his citizenship. On the 11th of August, the foreign office notified the legation that Jantzen had satisfactorily proved his citizenship, and that he was free.

33. *Charles Ottinger.*—On the 29th July, 1875, informed the legation that he had emigrated to America, resided five years in the United States, and became naturalized. During his residence there a fine had been imposed upon him, which had been paid under protest. To a letter of the legation making further inquiries, he replied that, before going to America, he had been summoned to perform military duty, had reported himself, had been examined, his physical condition unfavorably reported on, and his case had been adjourned for a year, and he had been ordered to report the following year. Instead of complying with the order, he went to America. A note in his behalf was addressed to the foreign office August 21, 1875. There has not yet been time for investigation of the case by the German government.

34. *Hilar Fresch.*—Communications about this case were received on the 30th of July,

and the 6th, 16th, and 17th of August, 1875, so illegibly written as to make it difficult to understand them. It appeared, however, that Mr. Fresch was a naturalized citizen, who had returned to Germany, and resided in Wurtemberg nearly two years, and had been notified that, should he continue to reside there more than two years, it would be considered as a renunciation of his naturalization. The legation advised him that, after the expiration of the two years, it would be much more difficult to protect him, and counseled him to go to America.

35. *Anton Stach.*—Served in the Bavarian army two years and four months; left on furlough and emigrated to America. He says that he was naturalized there, and returned here in 1875. He has been arrested for desertion. The facts were communicated to the legation on the 16th August. The legation answered that it could not intervene without instructions from the Department of State, as Stach was actually in the army when he emigrated.

No. 249.

Mr. Fish to Mr. Schlözer.

DEPARTMENT OF STATE,
Washington, December 9, 1874.

SIR: On the 16th of November last I had the honor to receive your note of the 13th* of that month, communicating an instruction which the imperial foreign office had directed to you, in reference to the objections which had been interposed by the German government to the obtaining of the testimony of certain parties resident in Germany, to be used in a suit pending in this country in behalf of the Government of the United States against the German house of S. N. Wolff & Co.

Although the instruction amounts to a courteous but practical denial to the customary practice under the legal system of the United States of the facilities whereby their courts are accustomed to seek the evidence on which they are to determine the contested rights submitted to them in the administration of justice, still I am bound to recognize the right of a sovereign state to deny such facilities, within its limits, to the courts of another state. At the same time it is hoped that, on a review of the question, it will be perceived that no invasion of the sovereign rights of a government, no harm to its dignity, and no inconvenience to its citizens or to its officers or its tribunal can result from an extension of comity that will allow to the judicial system prevailing in this country and in England the exercise of that mode of seeking the facts involved in a litigation pending in their courts, which the experience of a long series of years has shown to be the more convenient, the less expensive, and wholly free from interference with the supreme rights of a state.

The instruction, substantially but not perfectly, presents the system prevailing in this country, derived mainly from the "common-law" system of England, for the attainment of the facts and the truth of any case to be judicially decided. The Government with us lends its aid, so far as it can do it practically, to the eliciting of the facts of every case, with respect to which its courts are called upon to determine and administer justice; and believing that a full knowledge of the truth, as contested between litigants, is essential to the administration of justice, it grants as an act of courtesy as well as of justice the power to compel the attendance of witnesses, and requires them to testify, under oath, in any suit for the recovery of money or property depending in any court

* See Foreign Relations for 1874, p. 462.

in any foreign country with which the United States are at peace, and in which the government of such foreign country shall be a party, or shall have an interest.

It allows the testimony to be taken, either under a commission or letters rogatory, as the judicial procedure of such foreign country, or its policy, may dictate and prescribe, in its own forms of the administration or pursuit of justice, and in either case it affords to such friendly government the means whereby to obtain the evidence which is sought from witnesses within its limits. Its own citizens, equally with resident aliens, are made amenable to its process, in aid of such friendly power seeking to recover what it may consider to be due to it, in money or property, by the evidence which those citizens or aliens may be supposed able to furnish.

I subjoin hereto an extract from the statutes of the United States on this point.

These facilities have been voluntarily extended by the United States to the governments with which it is in amity, in full knowledge, and because of the fact so correctly and forciby presented in the dispatch of Mr. Von Bulow, that they cannot be enjoyed except under such limitations and restrictions as may be provided by treaty stipulations or (as in the case with the United States) are prescribed by the legal system in force in each country. They are a voluntary contribution on the part of the United States to the comity of nations and to the administration of justice, and toward the attainment of the rights of every other power with which they are at peace.

The facilities thus given to friendly powers, in suits in which such powers are parties, or are interested, are also, by the judicial practice of the several States, generally or largely accorded also in suits in which individuals, citizens, or subjects of such States are parties, and have been and are constantly availed of by Germans as well as individuals of other nationalities.

With regard to the proceedings in the case in which the United States were endeavoring to obtain testimony in a suit wherein it was seeking to recover a large amount supposed to have been fraudulently withheld by a German house, the commission was addressed to consuls, not in their official capacity as consuls, but because of their being known, and of the assurance of a probability of their presence at or near the points where the witnesses were residing. They had no authority to attempt the compulsory attendance of any witness. The commission was issued with the expressed assent of the consul representing the defendants in the suit; there was no attempt to extend what are termed "the exceptional privileges granted to consuls of the United States by the consular treaty between Germany and America," nor "to limit the operation of the laws" of the country in which the commission was to be executed; and the assent of the attorneys of the defendants to the issuing of the commission, and the provision for taking testimony on behalf of the defendants, and for the presence of the counsel of the parties if desired, anticipated the objection stated by Mr. Von Bulow that German law allows the parties to be represented at the examination.

I observe that Mr. Von Bülow remarks that they "objected not so much to the taking of sworn testimony by American consuls in their official capacity, as on general principles to the *actual examination of witnesses* by American commissioners within the limits of the German Empire."

I have stated that there was no desire or attempt to take testimony "by American consuls in their official capacity."

Mr. Von Bülow states that, in the present case, "now pending in the southern district court at New York, the German courts, in whose districts the persons to be examined as witnesses reside, will immediately comply with any request that may be addressed to them by the aforesaid American court and American commissioners, or any other duly-authorized representative of the parties will be at liberty to be present at all times fixed by the competent German courts, and to put to the witnesses, through the presiding judges, any questions to which an answer under oath may be important or desirable for the decision of the court at New York."

This is confined to one pending suit, whereas the previously-cited objection was "on general principles to the actual examination of witnesses by American commissioners," and makes it desirable to know whether the objection "on general principles" will be enforced in case the administration of justice in the courts of the United States shall, in some other case, find itself in need of the evidence of witnesses residing in Germany.

The intelligent minister of Germany to the United States is aware of the multitudinous cases arising from the intimate commercial and social relations happily existing between the two countries, and of the consequent frequency of cases in which the testimony of parties residing in either country is essential to the determination of rights in the other, and will therefore appreciate the importance of an understanding of the limitations which either state may impose upon the other in the attainment of legal evidence. He is aware, also, of the promptness and of the facility with which legal evidence is furnished by the United States in response to the frequent requests made therefor by all foreign powers, to determine the fact, the date, or the circumstances of the death of parties in the United States, to determine successions or other questions of interest to the citizens or subjects of such powers, or to the powers themselves. The agents and officers of the Government are freely and cheerfully employed to obtain the evidence desired, which is furnished as an act of international comity, and in no instance has the application been obstructed on the ground that it must be made through the courts of this country, or has any internal legal system been interposed as an objection to the request made.

If the German government decide that in no other form than that of "requisitions," analogous to the cumbrous forms known to the common law of England as "letters rogatory," (which are recognized by the laws of the United States because of their being known to the laws and the practice of some other countries,) will it allow the evidence of witnesses residing in the German Empire to be taken for use in suits pending in the United States, the latter do not contest the right to impose such limitation.

It seems, however, to the United States that such limitation is in restraint of the administration of justice, by a constrained subjection of the proceedings in the courts of one country to the judicial system of another, perhaps at entire variance, in its forms of procedure, and especially in its mode of examining witnesses; and that the principle so aptly stated by Mr. Von Bülow that "the courts of all countries are bound to assist each other in the execution of law and the attainment of justice," is but partially enforced when the legal system of *one country* limits and confines the search for only the truth, in the administration of justice under the judicial system of another, to the technical formalities of its own.

The experience of the United States, since its existence as an inde-

pendent power, of the practical working of the system which prevails in this country, and also in England, of affording every facility for the obtaining of the evidence of witnesses when without the actual jurisdiction of the court in which is pending the suit wherein their testimony is important, by means of commissions rather than by letters rogatory, attests the greater convenience of the former, and the entire absence of any resulting danger to the parties litigant, to the witnesses, or to the state. The evidence thus obtained is taken in the form suited to the judicial system of the court which is to pass upon it, while much expense and delay is generally avoided.

It is hoped that the German government may see fit to relax (what is recognized as within the abstract right of every government) the rigid rule of confining the courts of the United States, in search of testimony needed from witnesses in Germany, to its own tribunals, as the only channel through which it is to be obtained.

Should it, however, be desired to adhere to the course indicated by Mr. Von Bülow, the courts in the United States should be apprised of the rigidness of the rule, which will (as in the case which has given rise to this correspondence) be apt to arrest the course of justice, owing to the unadvised adoption of the system of commissions, which obtain so generally, and which has hitherto been supposed to be free from the objections of any government.

Accept, &c.,

HAMILTON FISH.

[Inclosure.]

Extract from the statutes of the United States.

* * * * *

The testimony of any witness residing within the United States, to be used in any suit for the recovery of money or property depending in any court in any foreign country with which the United States are at peace, and in which the government of such foreign country shall be a party or shall have an interest, may be obtained, to be used in such suit. If a commission or letters rogatory to take such testimony, together with specific written interrogatories, accompanying the same, and addressed to such witness, shall have been issued from the court in which such suit is pending, on producing the same before the district judge of any district where the witness resides or shall be found, and on due proof being made to such judge that the testimony of any witness is material to the party desiring the same, such judge shall issue a summons to such witness, requiring him to appear before the officer or commissioner named in such commission or letters rogatory, to testify in such suit. * * * * * If any person shall refuse or neglect to appear at the time and place mentioned in the summons issued, in accordance with section 4071, or if, upon his appearance, he shall refuse to testify, he shall be liable to the same penalties as would be incurred for a like offense on the trial of a suit in the district court of the United States

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No. 250.

Mr. Schlözer to Mr. Fish.

GERMAN LEGATION,
Washington, December 14, 1874. (Received Dec. 14.)

SIR: During the late absence of a German diplomatic representative in Peru, the United States Government had kindly authorized their legation at Lima to protect German interests in that country.

The secretary of the United States legation and chargé d'affaires *ad interim*, Mr. Brent, and afterward the minister, Mr. Thomas, have, during the said period, by very wise and energetic action, succeeded in making the Peruvian government agree on an arbitrary settlement of a number of German claims pending since 1868. The work of the mixed arbitrary committee being now complete, and the payment of the claims not far distant, my government is fully aware that a difficulty of long standing between German subjects and the government of Peru has thus been finally and effectually solved through the instrumentality of the United States legation.

Prince Bismarck has, therefore, requested me to transmit to the United States Government the very warmest thanks of the imperial government for such effective protection of German interests in Peru, and he also particularly wishes me to express the full appreciation and sincere gratitude of the German government to Minister Thomas and Mr. Brent for their successful efforts in this matter under difficult circumstances. In carrying out the chancellor's request through this note, I beg you respectfully to have the kindness to be the interpreter of the thanks of my government to Minister Thomas and Mr. Brent.

Accept, &c.,

SCHLÖZER.

No. 251.

Mr. Fish to Mr. Schlözer.

DEPARTMENT OF STATE,
Washington, December 15, 1874.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, in which you state that you have been directed by your government to express its thanks for aid afforded, in the absence of a diplomatic representative of Germany, by Mr. Brent, chargé d'affaires, and Mr. Thomas, envoy extraordinary and minister plenipotentiary of the United States at Lima, in the adjustment of claims of German subjects on the government of Peru.

In reply, I have to express my satisfaction that those gentlemen have been serviceable to a friendly power held in such high esteem as Germany is by the United States. The view which the German government takes of those services shall at once be made known to Mr. Thomas.

Accept, &c.,

HAMILTON FISH.

No. 252.

Mr. Fish to Mr. Schlözer.

DEPARTMENT OF STATE,
Washington, January 8, 1875.

SIR: I have the honor to acknowledge the receipt of your note of the 31st ultimo, inclosing—*sub petitione remissionis*—the certificates of naturalization as citizens of the United States of Jacob Kastellan and Herman Kastellan, former subjects of Prussia.

The certificates bear date, respectively, the 12th of January and the

13th of February, 1871, and your note conveys the information that in the same year, 1871, the Messrs. Kastellan returned to Prussia and settled at Koshmin, in the province of Posen, their native place.

It appears, also, that after the return of the brothers Kastellan to Koshmin, certain inquiries were instituted by the local authorities of that place in relation to their citizenship, and that in response to the inquiries Jacob Kastellan stated that he received his discharge as a Prussian citizen from the government of Posen in 1866, and left for the United States in the month of May of that year; that Herman declared that he received his discharge from the same authority in 1867, and that he left for the United States in the same year; and you further state that official inquiry made at the government of Posen verified the correctness of these statements as to the date of the respective discharges, Jacob Kastellan having, as it is alleged, received his on the 20th of February, 1866, and that of Herman having been granted on the 6th of May, 1867.

These subsequent statements and facts appearing to be incompatible with the declaration of the certificates to the effect that each of the parties in question had resided in the United States five years previous to his naturalization, you desire to be informed, first, whether the certificates are valid before the laws of the United States; and second, whether on the strength of these documents Jacob and Herman Kastellan are recognized by this Government as American citizens.

These inquiries involve a question of the gravest judicial character. The two papers which I had the honor to receive with your note are certificates of regular decrees purporting to have been rendered by courts of general jurisdiction, and are accompanied with the ordinary evidence recognized by the laws of the United States as attesting the genuineness of solemn documents emanating from such tribunals; they are received as verities in all other courts of the United States and of the several States, and accepted with like credit by the executive branch of the Government.

It appears, moreover, that these certificates expressly state that the fact of the required previous residence was proved to the satisfaction of the court; and it will be remembered that the law requires proof to be furnished in such cases by the oath of the party and other sworn testimony in corroboration thereof.

What the precise evidence submitted in the case under consideration may have been, this Department is not informed; but the presumption of correctness and regularity which obtains in relation to proceedings in judicial tribunals, under the laws of the United States, is equally applicable to naturalization proceedings, and applies to them with full force.

By the decree, therefore, of a competent court, after a hearing upon sworn testimony and with the parties before the court, it has been adjudged that these applicants for citizenship had complied with the law, as to residence and otherwise, and that they were legally admitted to citizenship.

Such an adjudication affects the rights and property of individuals and their children, and may seriously affect a change in the rights or interest of third parties.

To assume to question the legality or binding force of such a decree upon statements afterward made by the parties or obtained from other sources, would practically amount to the annulling of such decree affecting all these classes of persons, upon statements not under oath, taken *ex parte*, and without a hearing on the question.

If the political department of the Government may, from time to time, pass upon such questions according to the apparent credibility of the particular evidence offered to impeach the decree, or the varying statement of an interested party, no uniformity of decision or security for acquired rights could exist.

In view of all these considerations, I have the honor to inform you that under the circumstances, and in the case you state, certificates of naturalization, valid on their face and founded on the decree of a competent court, cannot be questioned except through judicial proceedings instituted for the purpose, or in which the correctness of the facts formerly passed upon may properly be adjudicated, and that it is not within the province of the political department of the Government to anticipate what would be the result of a judicial inquiry into the question.

In pursuance of your request, I have the honor to return, herewith, the two certificates in question.

Accept, &c.,

HAMILTON FISH.

GREAT BRITAIN.

No. 253.

Mr. Fish to General Schenck.

No. 616.] DEPARTMENT OF STATE,
Washington, October 3, 1874.

SIR: I herewith inclose a copy of a letter from the Acting Secretary of the Navy, dated October 2, inclosing a copy of a letter addressed to that Department by Rear-Admiral Charles H. Davis, United States Navy, president of the Transit of Venus Commission, dated August 27, 1874, in which Admiral Davis requests that application may be made in the proper quarter, through this Department, to procure the free use of the telegraph-lines from Melbourne to Port Darwin, in Australia, controlled by the colonial government of South Australia, and between the ports of Batavia and Banjuezangi, upon the island of Java, controlled by the authority of that island, to assist the astronomical parties sent out by this Government to observe the transit of Venus, in determining the difference in longitude between the northern and southern stations, and in which the co-operation of the astronomers of Australia and Java is requested.

It will be remembered that the Government of the United States has taken a lively interest in the matter, and I will, therefore, thank you to make application in the proper quarter that the request of Rear-Admiral Davis may be granted if possible, and that the astronomers in Australia and Java may be apprised of this desire upon the part of the head of the commission to co-operate with them in the work.

Owing to the shortness of time remaining, you will, if possible, cause the necessary orders to be forwarded without delay, or cause the application to be properly forwarded to the colonial authorities for their action if necessary.

A like instruction has been forwarded to Mr. Gorham.

I am, &c.,

HAMILTON FISH.

[Inclosure in No. 616.]

Commodore Reynolds to Mr. Fish.

NAVY DEPARTMENT,
Washington, October 2, 1874.

SIR: I have the honor to transmit herewith a communication dated the 27th of August last, addressed to this Department by Rear-Admiral C. H. Davis, president of the Transit of Venus Commission, on the subject of determining, by means of the telegraph-lines, the difference of longitude between the northern and southern states occupied for observing the transit, and asking the co-operation of the governments controlling the lines, and the free use of the lines in the undertaking.

Through inadvertence, action on the application of Rear-Admiral Davis has been neglected until now; and I have to request that the Department of State will take such steps, as early as possible, as will further the wishes and purpose of the commodore.

Very respectfully, your obedient servant,

WILLIAM REYNOLDS,
Acting Secretary of the Navy.

Hon. HAMILTON FISH,
Secretary of State.

[Subinclosure in No. 616.]

Commodore Davis to Mr. Robeson.

UNITED STATES NAVAL OBSERVATORY,
August 27, 1874.

SIR: I have the honor to inform the Department that this commission, acting with its knowledge and approval, has made arrangements for determining, by means of the telegraphic lines, the difference in longitude between the northern and southern stations occupied for observing the transit of Venus.

Since some of the lines are under the control of foreign governments, I respectfully request that application may be made through the honorable Secretary of State for the free use of these lines for the purpose mentioned, at such time and in such manner as will best suit the convenience of the authorities controlling them.

The lines in question are, first, the land-telegraph from Melbourne to Port Darwin, in Australia, belonging to or controlled by the colonial government of South Australia; and, secondly, the line in the island of Java, between the ports of Batavia and Banjuezangi, controlled by the government of the island.

I would also respectfully request that the authorities referred to may be informed of the desire of the American commission that their astronomers should be authorized to take part in the work, and to that end should place themselves in direct communication with the American parties with whom they can co-operate.

I respectfully suggest that the Java astronomers should communicate with the chief of the American party at Nagasaki, and the astronomers of Australia with the chief of the American party at Hobart Town, and with the board which has already been appointed by the Department to convene in Melbourne for the purpose of executing this important work.

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

C. H. DAVIS,
Rear-Admiral, Supt. Pres. Com. Tr. of Venus.

Hon. GEORGE M. ROBESON,
Secretary of the Navy.

No. 254.

General Schenck to Mr. Fish.

No. 620.] LEGATION OF THE UNITED STATES,
London, October 9, 1874. (Received October 24.)

SIR: Lord Derby having been out of town continuously since the prorogation of Parliament, and during much of that time with the Queen in Scotland, as minister in attendance, it was only yesterday that I could arrange for and have an interview with him as instructed by your No.

603,* in relation to the question of exterritoriality in Japan. After referring his lordship to your instructions to me on the 21st of June, 1873, and my report to you of my interview and conversation with Lord Granville on the 19th of July following, (published in Part I of the Diplomatic Correspondence for 1873, pages 382–400,) and expressing to him the impressions of the President, still entertained, as to the importance of continued concert between the treaty powers, and of their keeping each other informed of their mutual determination to adhere to the policy of co-operation, I read to him those parts of your instructions, Nos. 35 and 65, to Mr. Bingham, which you authorized me in this manner to communicate.

* * * * * * *

Lord Derby took some notes of the substance of these extracts of instructions to Mr. Bingham, and said he regarded your views as "exceedingly satisfactory." He expressed entire and cordial concurrence on the part of Her Majesty's government in the policy you indicate as proper to be pursued. He seemed to distinguish clearly between that common general policy and course to be observed by the treaty powers, and any question or doubt that might arise as to its applicability to a specific case, like that of the servant of the translating secretary of the British legation. Of course I did not enter into any discussion of the point involved in the claim of immunity for that person under the circumstances.

* * * * * * *

His lordship was evidently gratified by the communication of instructions which I thus made to him; and, as we parted, he remarked to me that it "came very opportunely," for he had just appointed an interview with the Japanese minister at this court, who had requested a conference as soon as might be convenient after his return to town.

I am, &c.,

ROBERT C. SCHENCK.

No. 255.

General Schenck to Mr. Fish.

No. 633.] LEGATION OF THE UNITED STATES,
London, November 3, 1874. (Received November 19.)

SIR: Referring to my No. 629, and my correspondence with Lord Derby in relation to the request in behalf of Admiral Davis and the astronomers of the United States engaged in observing the transit of Venus for a free use of telegraph-wires in certain of the British colonies, I have now to transmit to you a copy of another note on the subject from his lordship, received yesterday.

In this note I am informed that the secretary of state for the colonies, (Lord Caernarvon,) considering that it is too late to communicate by writing, has addressed a telegram to the governments of Victoria and South Australia, expressing the hope of Her Majesty's government that, on the application of the gentlemen employed in the work under the authority of our Navy Department, the facilities requested will be granted them by the colonial authorities.

I am, &c.,

ROBT. C. SCHENCK.

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* Similar to the instruction to the legation in Germany, No. 703. Foreign Relations, 1874, page 460.

[Inclosure in No. 633.]

Lord Derby to General Schenck.

FOREIGN OFFICE, *October* 31, 1874.

SIR: With reference to my note of the 23d instant, I have now the honor to state to you that Her Majesty's secretary of state for the colonies has informed me that, in accordance with the wish expressed in your note of the 21st instant, his lordship has addressed a telegram, it being now too late to write to the colonies, to the governments of Victoria and South Australia to the effect that the United States Government has requested to be allowed the free use of the telegraph between Melbourne, Adelaide, and Port Darwin for the American astronomers engaged in observing the transit of Venus, and expressing the hope of Her Majesty's government that facilities will be granted to those gentlemen on their applying to the colonial governments.

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

DERBY.

General R. C. SCHENCK, *&c.*

No. 256.

General Schenck to Mr. Fish.

No. 634.] LEGATION OF THE UNITED STATES,
London, November 7, 1874. (Received November 19.)

SIR: Referring to my last dispatch preceding this, I have now to report that I had a note last evening from Lord Derby, informing me that a telegram has been received by Her Majesty's secretary of state for the colonies, stating that the free use of their telegraphs has been granted by the governments of Victoria and South Australia to the American astronomers engaged in observing the transit of Venus. I have just sent an acknowledgment to his lordship, expressing my thanks to Her Majesty's government for their promptness in forwarding my application, and to the colonial authorities for their liberal compliance with the request of my Government.

I inclose herewith copies of Lord Derby's note and my answer.

You will probably think proper to inform the Secretary of the Navy that the arrangement of the matter is accomplished as he desired.

I am, &c.,

ROBT. C. SCHENCK.

[Inclosure 1 in No. 634.]

Lord Derby to General Schenck.

FOREIGN OFFICE, *November* 6, 1874. (Received November 6.)

SIR: With reference to my note of the 31st ultimo, I have now the honor to inform you that Her Majesty's secretary of state for the colonies has received a telegram from the governor of Victoria, stating that the free use of their telegraphs has been granted by the governments of Victoria and South Australia to the American astronomers engaged in observing the transit of Venus.

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

(In the absence of the Earl of Derby,)
TENTERDEN.

General R. C. SCHENCK,
&c., &c., &c.

[Inclosure 2 in No. 634.]

General Schenck to Lord Derby.

LEGATION OF THE UNITED STATES,
London, November 7, 1874.

MY LORD: Referring to your two notes, of the 31st ultimo and the 6th instant, on the subject of granting the astronomers of the United States engaged in observing the transit of Venus the free use of the telegraphic wires in Victoria and South Australia, I beg now to gratefully acknowledge the promptness of Her Majesty's government in forwarding my application; and I have also to ask your lordship to convey to the secretary of state for the colonies my cordial thanks to the governments of Victoria and South Australia for their ready and cordial compliance with the request of my Government.

I have the honor to be, with the highest consideration, my lord, your lordship's most obedient servant,

ROBT. C. SCHENCK.

To the Right Honorable the EARL OF DERBY,
&c., &c., &c.

No. 257.

Mr. Fish to General Schenck.

No. 641.] DEPARTMENT OF STATE,
Washington, December 1, 1874.

SIR: Referring to instruction No. 603, bearing date September 2, with which was inclosed a copy of an instruction to Mr. Bingham, No. 65,* dated August 26, and which you were requested to read to the minister of foreign affairs, * * * I now inclose you a copy of an extract from a dispatch, No. 131, from Mr. Bingham in reply to that instruction No. 65. It appeared that Sir Harry Parkes, Her Britannic Majesty's representative in Japan, had stated that the decision of the foreign representatives on the occasion of their intervention upon the arrest of a servant of the translating secretary was reached at a meeting at which all of them were present, with the exception of the United States minister. Mr. Bingham now informs the Department that the first intimation of the existence of the note in question was conveyed by the instruction from this Department, No. 65, and that he was not consulted in the matter, or aware of the joint action referred to. It seems just to Mr. Bingham that the same course should be taken, with reference to his explanation, as was taken in regard to the instruction, and you are therefore instructed to read to Lord Derby the extract herewith inclosed.

As Mr. Bingham was not aware of any joint action by the representatives of the foreign powers on the question, there appears to be no ground for remark arising from the absence of his name from the joint note.

I am, &c.,

HAMILTON FISH.

* See Foreign Relations for 1874, page 697.

[Inclosure in No. 641.]

Mr. Bingham to Mr. Fish.

No. 131.] UNITED STATES LEGATION, JAPAN,
Tokei, October 6, 1874. (Received November 16.)

SIR: * * * * * *

Touching the absence of my name from the joint note in relation to the arrest of a Japanese servant of the translating secretary of the British legation, and the inquiry of the British chargé d'affaires whether I had communicated the occurrence to the Department, I have the honor to say that, so far as I know or can learn from my secretary, the information of the existence of such a joint note first reached this legation through your instruction No. 65, and that I was not consulted in relation thereto, either by the British minister or by any of my colleagues. Had this joint note been submitted to me, as is usually done when a collective note is proposed, I should have responded, either by signing it, or by respectfully declining to sign it, for precisely the reasons stated in your instruction.

* * * * * * *

You call my attention especially to the statement of Sir Harry S. Parkes, in relation to the assault upon the servant of the translating secretary, that the decision of the foreign representatives was reached at a meeting at which all of them were present, "with the exception of the United States minister." It would have been satisfactory to me, as I have no doubt it would have been to you, to have been informed by Sir Harry whether the meeting referred to was a regular or a special meeting, and, if the latter, whether I was notified of it or its object, and, if so, when, how, and by whom. Permit me to add that I was not always able to be present at the regular meetings, generally held at Sir Harry's house at Yokohama; and, to repeat what I have heretofore said, that I was never notified of his desire to make the arrest of his translating secretary's servant the subject either of consideration at a meeting of the foreign representatives or of a joint note.

* * * * * * * *

I am, sir, your obedient servant,

JNO. A. BINGHAM.

Hon. HAMILTON FISH,
Secretary of State.

No. 258.

General Schenck to Mr. Fish.

No. 669.] LEGATION OF UNITED STATES,
London, December 19, 1874. (Received January 4, 1875.)

SIR: On the receipt of your No. 641, Lord Derby being out of town, I waited three or four days without an opportunity to comply with your instruction to read to him Mr. Bingham's No. 131. Yesterday, however, on ascertaining that his lordship would not probably be at the foreign office until after the Christmas holidays, I called on Lord Tenterden, who is in charge. I found that he was informed as to the conversation I had had with Lord Derby, and the communication I had made, as reported to you in my No. 620, and that it would be all the same if I read to Lord Tenterden this last inclosure from Mr. Bingham, setting himself right as to his absence from the meeting of the foreign representatives, and his not having signed the joint note to the Japanese government.

I read it, therefore, but left no copy. Lord Tenterden made a note of the substance of Mr. Bingham's statement, with a view, I suppose, to asking some explanation from Sir Harry Parkes.

I am, &c.,

ROBT. C. SCHENCK.

No. 259.

General Schenck to Mr. Fish.

No. 674. LEGATION OF THE UNITED STATES,
London, December 29, 1874. (Received January 26, 1875.)

SIR: Inclosed with this I transmit an original communication addressed to you by the special delegates of the British and Foreign Antislavery Society and the Universal Alliance, who are constituted in London the international antislavery committee, calling your attention to an accompanying "memorandum," and inviting an appointment, on the part of the United States, of a delegate *ad audiendum et ad referendum* to a conference proposed to be held in London on the 1st of February, 1875, "with the view of renewing, by a diplomatic act participated in by all the civilized powers, the declaration of the congress of Vienna, dated February 8, 1815, relative to the slave-trade, and the resolutions adopted by the diplomatic conference of Verona, dated November 28, 1822."

The signers of this paper are gentlemen of such position and character, the organization which they represent so respectable, and the cause in which they are engaged one of such universal benevolence, that I cannot hesitate to forward at once their invitation, although you may not deem it necessary to depute any one to take part in their deliberation.

I transmit also a copy of the note of the delegates of the committee to me and a copy of my reply. Their note, although dated the 12th instant, was not received till yesterday.

I have, &c.,

ROBT. C. SCHENCK.

[Inclosure 1 in No. 674.]

Delegates of the Anti-Slavery Committee to Mr. Fish.

UNIVERSAL ALLIANCE, ENGLISH BRANCH,
41 *Pall Mall, London, December* 12, 1874.

SIR: We have the honor to inform you that the international antislavery committee, constituted in London by special delegates of the British and Foreign Antislavery Society and the Universal Alliance, have charged us to call your attention to the inclosed "memorandum," and to express the hope that you will appoint a delegate *ad audiendum et ad referendum* to the conference which it is proposed to hold in London on the 1st of February, 1875, with the view of renewing, by a diplomatic act, participated in by all the civilized powers, the declaration of the congress of Vienna, dated February 8, 1815, relative to the slave-trade, and the resolutions adopted by the diplomatic conference of Verona, dated November 28, 1822. The overtures already made, in accordance with the mission confided to us, to the other governments, signatories of the said treaties, having been favorably received, the conference will have to take into consideration the best means to be adopted in order to renew a declaration so conformable to ideas of civilization and humanity.

Accept, sir, the assurances of respect, with which we have the honor to subscribe ourselves, &c.,

The delegates of the said committee,

EDMD. STURGE,
Chairman.
BENJ. MILLARD.
BARON DE LINDEN,
Honorable General Secretary.
ELIHU RICH,
English Secretary.
HENRY DUNANT,
Originator of the Diplomatic Geneva Convention, and founder of the Red Cross in Europe, Honorable International Secretary

To His Excellency the SECRETARY FOR FOREIGN AFFAIRS
Of the United States of North America, at the Foreign Office, Washington.

[Inclosure 2 in No. 674.]

Memorandum of the international antislavery committee, formed by the British and Foreign Antislavery Society and the various committees of the Universal Alliance.

The international antislavery committee, formed by the British and Foreign Antislavery Society and the various committees of the Universal Alliance in Europe, respectfully submits to the governments of all the civilized states the subjoined memorandum, to which it is desirous of drawing the benevolent attention of the powers.

At the congress of Vienna a diplomatic declaration against the traffic in negroes and the slave-trade generally was signed in that city on the 8th of February, 1815, by the plenipotentiaries of the great European powers, under the title of "Declaration of the eight courts relative to the universal abolition of the slave-trade," the said signatories being the celebrated diplomatists Castlereagh, General Stewart, Wellington, Nesselrode, Lowenhielm, Gomez-Labrador, Palmella Saldanha, Lobo, Humboldt, Metternich, and Talleyrand, representing Great Britain, Russia, Austria, Prussia, France, Spain, Sweden, and Portugal.

The said declaration of the eight courts was affirmed anew on the 28th of November, 1822, by the resolution adopted in the diplomatic conference of Verona, by the plenipotentiaries of Austria, France, Great Britain, Prussia, and Russia, under the title of "Resolutions relative to the abolition of the slave-trade adopted at the conference of the 28th November, 1822."

The efforts that have been made in pursuance of the declaration of Vienna and of the resolutions of Verona by the powers signatory of the said treaties have received the approval of all civilized nations, some of whom, though not participating as signatories of the protocols of the congress of Vienna and the resolutions of Verona, have nevertheless, since that time, suppressed slavery in their states.

The principles recognized by the governments represented at Vienna in 1815 and at Verona in 1822 have, even in their spirit, been carried much beyond the question, then dominant, of the traffic in negroes, and have been happily applied to other men of different races and conditions.

The international antislavery committee, appointed by the British and Foreign Antislavery Society and the various branches of the Universal Alliance in Europe, encouraged by the said declaration and resolutions of the above-named contracting powers, who declared in conclusion that "their obligation would not be considered as accomplished until complete success had crowned their efforts," respectfully submits to all the civilized powers certain facts to which they pray the said powers to deign to give their benevolent consideration. These facts are as follows:

The slave-trade is still carried on by land and sea in the greater part of Africa, and principally on the eastern coast of that continent.

The slave-trade is notoriously carried on in the southern basin of the Nile and on the shores of the Red Sea. In the district of Lake Tchad great numbers of negroes are carried into slavery by the caravans, which sell them to the Mussulman population of the north of Africa, perticularly in the Fezzan, and at Tripoli, in Barbary, from which places many of them are re-exported to Turkey. The kidnaping of negroes is also quite unopposed in other parts of the interior of Africa.

The exportation of slaves continues from the coast of Mozambique to the isle of Madagascar.

In Egypt slavery and slave-markets are still tolerated. The annexation of certain territories, which to the present hour are used by the slave-traders as their hunting-grounds, who dispose of the slaves in Egypt and elsewhere, has actually served to extend slavery and the slave-traffic in that country.

Many countries subject to Turkey still retain the institution of slavery, whereby great encouragement is given to the slave-trade throughout the greater part of the Ottoman Empire.

Slavery and the trade in slaves of various races still exist in Central Asia, notably in Afghanistan and the neighboring Khanates.

The slave-trade by land and by sea is also openly carried on in the states of the Shah of Persia.

The international antislavery committee, representing the British and Foreign Antislavery Society and the various committees of the Universal Alliance in Europe, has thought it right to limit itself to these few instances; but it is very far from having exhausted the subject, whether regarded as to its extent or as to the various forms in which slavery and the slave-trade exist. It is not presumed to indicate the means of action which the civilized governments may adopt to arrive at the end which the powers so nobly proposed at the congresses of Vienna and Verona.

With a view, however, to the realization of that end, the joint international committee has decided to propose, respectfully, to all the civilized states that they consent to the convocation in London, on the first Monday in February, 1875, of a semi-diplomatic conference, composed of delegates *ad audiendum et ad referendum* of the various

governments; and that the object of the said conference be to study and take into consideration the measures to be adopted to carry into effect the engagements contracted by the signatory powers of the declaration of Vienna and the resolutions of Verona.

On behalf of the international antislavery committee.

EDMUND STURGE,
President.
BARON DE LINDEN,
Honorable General Secretary.

LONDON, 41 PALL MALL,
November 25, 1874.

[Inclosure 3 in No. 674.]

Delegates of the Anti-Slavery Committee to General Schenck.

UNIVERSAL ALLIANCE, ENGLISH BRANCH,
41 *Pall Mall, London, December* 12, 1874. (Received Dec. 28.)

SIR: We have the honor to request your excellency to have the kindness to transmit to the Government of the United States of America the inclosed memorandum, of the international antislavery committee, sitting at London. We hope that the Government of the United States will condescend to entertain the respectful request of the international antislavery committee, for the sake of humanity, which is its only motive. We are happy to be able to add that the committee has great hopes of seeing at the conference mentioned in the memorandum delegates *ad audiendum et ad referendum* of the powers who were signers of the declaration of the congress of Vienna relative to the abolition of the slave-trade, which it would be so desirable to see reiterated with the participation therein of all civilized states.

Accept, sir, the assurance of profound respect with which we have the honor to be,

Your excellency's most humble and obedient servants, the delegates of the executive committee,

EDMUND STURGE,
Chairman.
BENJ. MILLARD.
P. BROIS,
Honorable Treasurer.
BARON DE LINDEN,
Honorable General Secretary.
JOSEPH COOPER.
J. O. WHITEHOUSE.
ELIHU RICH.
HENRY DUNANT,
Originator of the Geneva Convention, Honorable International Secretary.

His Excellency General SCHENCK,
Envoy Extraordinary and Plenipotentiary
of the United States of America at London.

[Inclosure 4 in No. 674.]

General Schenck to Baron de Linden, general secretary of the international anti-slavery committee.

LEGATION OF THE UNITED STATES,
London, December 29, 1874.

MONSIEUR LE BARON: Yesterday I received your note of the 12th instant, with an enclosed communication addressed to the Secretary of State for foreign affairs of the United States, calling his attention to an accompanying "memorandum," and inviting an appointment, on the part of my Government, of a delegate *ad audiendum et ad referendum* to a conference of the delegates of the international antislavery committee, to be held in London on the 1st February, 1875.

In view of the high position and character of the gentlemen who are the signers of

this address, the respectability of their organization, and the great benevolent cause in which they are engaged, I have hastened to forward it to Mr. Fish, the Secretary of State, at Washington, for such attention and action as it may seem to the Government of the United States to require.

I have the honor to be, Monsieur le Baron, with sentiments of high respect, your obedient servant,

ROBT. C. SCHENCK.

Baron DE LINDEN,
General Secretary to the Delegates of the International Antislavery Committee, London.

[Inclosure 5 in No. 674.—Translation.]

Declaration of the eight courts, relative to the universal abolition of the slave-trade.

[Congress of Vienna, protocol of the 8th February, 1815.]

The plenipotentiaries of the powers who signed the treaty of Paris the 30th May, 1814, assembled in conference, having taken into consideration—

That the commerce known under the name of African slave-trade has been regarded, by the just and enlightened men of all ages, as repugnant to the principles of humanity and universal morality.

That the particular circumstances to which this commerce owed its birth, and the difficulty of suddenly interrupting its course, have been able to hide up to a certain point whatever there was odious in its conservation, but that at last the public voice has made itself heard in all civilized countries, requesting that it might be suppressed as soon as possible.

That, since the character and details of this commerce have been better known, and the evils of every description which accompany it completely unveiled, several of the European governments have in fact resolved to cause its cessation, and that all the powers in rotation, possessing colonies in different parts of the world, have recognized, whether by legislative acts or by treaties and other formal engagements, the obligation and necessity of abolishing it.

That, by a separate article of the last treaty of Paris, Great Britain and France agreed to unite their efforts to cause to be pronounced at the Congress of Vienna, by all the powers of christendom, the universal and positive abolition of the slave-trade.

That the plenipotentiaries, re-assembled in that congress, could not better honor their mission, fulfill their duty, and manifest the principles which guide their august sovereigns, than in laboring to realize that engagement, and in proclaiming, in the name of their sovereigns, the wish to put an end to a scourge which has so long desolated Africa, degraded Europe, and afflicted humanity.

The said plenipotentiaries agreed to open their deliberations as to the means of accomplishing a so salutary object by a solemn declaration of the principles which guided them in their work.

In consequence, and duly authorized to this act by the unanimous adhesion of their respective courts to the principle set forth in the said separate article of the treaty of Paris, they declare in the face of Europe, that regarding the universal abolition of the slave-trade as a measure particularly worthy of their attention, conformable to the spirit of the age and the generous principles of their august sovereigns, they are animated by the sincere desire of concurring in the promptest and most efficacious execution of this measure, by all the means at their disposal, and of acting, in the employment of these means, with all the zeal and perseverance which such a great and noble cause demands.

Too well aware, however, of the sentiments of their sovereigns not to foresee that, however honorable their object may be, they will not pursue it without just arrangements for the interests, habits, and prejudices of their subjects, the said plenipotentiaries recognize, at the same time, that this general declaration cannot prejudge the term that each power in particular may regard as the most proper for the definite abolition of the slave-trade. Consequently, the determination of the epoch in which this commerce ought to cease universally will be an object of negotiation among the powers; it being well understood that no means fit to assure and hasten its march will be neglected, and that the reciprocal engagement, contracted by the present declaration between the sovereigns who have taken part in it, will be considered as deferred only to the moment when complete success will have crowned their united efforts.

In acquainting Europe and all the civilized nations of the earth with this declaration, the said plenipotentiaries flatter themselves with the hope of engaging all the other governments, and notably those which in abolishing the slave-trade have already

manifested the same sentiments, to support them by their approbation in a cause the triumph of which will be one of the most beautiful monuments of the century which has embraced it and which will have gloriously terminated it.

Vienna, the 8th February, 1815.

CASTLEREAGH.
WELLINGTON.
C. LOWENHEILM.
PALMELLA.
LOBO.
METTERNICH.
STEWART, *Lieut. Genl.*
NESSELRODE.
GOMEZ LABRADOR.
SALDANHA.
HUMBOLDT.
TALLEYRAND.

[Inclosure 6 in No. 674.—Translation.]

Resolutions relative to the abolition of the slave-trade, adopted by the Conference of Verona, 28th November, 1822.

The plenipotentiaries of Austria, France, Great Britain, Prussia, and Russia, assembled in congress at Verona—

Considering that their august sovereigns have taken part in the declaration of the 8th February, 1815, by which the powers assembled in congress at Vienna have proclaimed, in the face of Europe, their invariable resolution to cause the cessation of the commerce known under the name of the African slave-trade;

Considering, further, that in spite of this declaration and the legislative measures by which it has been followed in several countries, and the different treaties concluded since the said epoch between the maritime powers, this commerce, solemnly proscribed, has continued to this day; that it has gained in intensity what it may have lost in extent; that it has taken a more odious and unhappy character by the nature of the means to which those who practice it are forced to have recourse;

That the causes of an abuse so revolting exist principally in fraudulent practices, by means of which the projectors of these despicable speculations elude the laws of their countries, evade the surveillance of the vessels employed to put a stop to the course of their iniquities, and conceal criminal operations, of which thousands of human beings become from year to year the innocent victims;

That the powers of Europe are called upon by their former engagements, as well as by a sacred duty, to seek the most efficacious means of ending a traffic which the laws of almost every civilized country have declared illicit and culpable, and to punish rigorously those who pursue it in manifest opposition to these laws—have recognized the necessity of devoting the most serious attention to an object of such great importance to the welfare and honor of humanity, and declare in consequence, in the name of their august sovereigns, that they persist irrevocably in the principles and sentiments that these sovereigns have manifested by the declaration of 8th February, 1815;

That they have not ceased and will never cease to regard the slave-trade as "a scourge which has too long desolated Africa, degraded Europe, and afflicted humanity;"

That they are ready to concur in all that can assure and accelerate the complete and definite abolition of this commerce;

That, finally, to give effect to this renewed declaration, their respective cabinets will give themselves over heartily to the examination of every measure, compatible with the rights and interests of their subjects, to bring about a result establishing in the eyes of the world the sincerity of their wishes and efforts in favor of a cause worthy of their common solicitude.

No. 260.

Mr. Fish to General Schenck.

No. 672.] DEPARTMENT OF STATE,
Washington, January 28, 1875.

SIR: Your No. 674, under date of December 29, 1874, has been received. It forwards a communication addressed to me by the special delegates of the British Foreign Antislavery Society and the Universal Alliance, constituting an international antislavery committee, calling my attention to an accompanying memorandum, inviting an appoint-

ment on the part of this Government of a delegate to a conference to be held in London on the 1st of February, with a view of renewing, by a diplomatic act, the declaration of the Congress of Vienna, dated February 8, 1815, in reference to the slave-trade, and the resolutions of the Conference of Verona, dated November 28, 1822. You also transmit a copy of a note addressed by the delegates to you, and of your reply.

This Government has at all times evinced a strong interest in the purposes which this conference proposes to advance; but the date of the receipt of the invitation (January 26) makes it impossible to take part in the conference, were it the practice of this Government to participate in international conferences of the nature proposed. It is understood to be one convened on the suggestion of either private individuals or of associations of private persons.

You will, therefore, notify the parties forwarding the inclosures to you of the date of their reception by this Government, and assure them of the strong desire of this Government that their efforts to prevent the traffic in slaves may meet with all success.

Your action in forwarding the requests is approved.

I am, &c.,

HAMILTON FISH.

No. 261.

General Schenck to Mr. Fish.

No. 693.] LEGATION OF THE UNITED STATES,
London, February 5, 1875. (Received Feb. 20.)

SIR. Parliament assembled to-day, the session being opened, not by the Queen in person, but, as has been done for many years, by royal commission. I send herewith a copy of Her Majesty's speech on the occasion, which shadows out no new or extraordinary policy, domestic or foreign. But in one clause we may come to have an interest, as referring to something which is intended probably to affect the terms on which certain relations may be hereafter arranged between Great Britain and the United States. Among the measures to be laid by the present government before Parliament is mentioned "a bill for the amendment of the merchants' shipping acts." * * *

I have, &c.,

ROBT. C. SCHENCK.

[Inclosure 1 in No. 693.]

THE QUEEN'S SPEECH.

My Lords and Gentlemen, it is with great satisfaction that I again meet you and resort to the advice and assistance of my Parliament. I continue to receive assurances of friendship from all foreign powers. The peace of Europe has remained, and I trust will remain, unbroken. To preserve and consolidate it will ever be the main object of my endeavors.

The conference held at Brussels on the laws and usages of war has concluded its sittings. My government have carefully examined the reports of its proceedings; but bearing in mind, on the one hand, the importance of the principles involved, and, on the other, the widely divergent opinions which were there expressed, and the improbability of their being reconciled, I have not thought it right to accede to pro-

posals which have been made for further negotiations on the subject. The correspondence which has passed will be presented to you.

The government of Spain, presided over by Marshal Serrano, has ceased to exist, and the Prince of Asturias has been called to the throne under the title of King Alfonso XII. The question of formally recognizing, in concert with other powers, the newly-restored monarchy, is at this moment before my government, and its decision will not long be delayed. It is my earnest hope that internal peace may be speedily restored to a great but unfortunate country.

The exertions of my naval and consular servants in the repression of the East African slave-trade have not been relaxed, and I confidently trust that they will bring about the complete extinction of a traffic equally repugnant to humanity and injurious to legitimate commerce.

The differences which had arisen between China and Japan, and which at one time threatened to lead to war between those states, have been happily adjusted. I have learned with pleasure that the good offices of my minister at Peking have been largely instrumental in bringing about this result.

The past year has been one of general prosperity and progress throughout my colonial empire.

On the Gold Coast a steady advance has been made in the establishment of civil government, peace has been maintained, and I have procured the assent of the protected tribes to the abolition of slavery. Henceforward, I trust, freedom will exist there as in every part of my dominions.

In Natal, I have found myself under the necessity of reviewing the sentence which had been passed upon a native chief, and of considering the condition of the tribes and their relations to the European settlers and my government. I doubt not that I shall have your concurrence in any measures which it may become my duty to adopt for insuring a wise and humane system of native administration in that part of South Africa. Papers will be laid before you on these several matters.

The King and chiefs of Fiji having made a new offer of their islands, unfettered by conditions, I have thought it right to accept the cession of a territory which, independently of its large natural resources, offers important maritime advantages to my fleets in the Pacific.

An ample harvest has restored prosperity to the provinces of my eastern empire which, last year, were visited with famine. By the blessing of Providence, my Indian government has been able entirely to avert the loss of life which I had reason to apprehend from that great calamity.

Gentlemen of the House of Commons, I have directed the estimates of the year to be prepared and presented to you without delay.

My Lords and Gentlemen, the condition of the finances is satisfactory. The trade of the country in the past year has somewhat fallen short of that of the year before, but the general prosperity of the people, supported as it has been by an excellent harvest, as well as by the great reductions lately made in taxation, has led to a steady increase in the consumption of all the necessaries of life, and of those articles which contribute to the revenue.

The various statutes of an exceptional or temporary nature now in force for the preservation of peace in Ireland will be brought to your notice with a view to determine whether some of them may not be dispensed with. Several measures which were unavoidably postponed at the end of last session will be again introduced. Among the most important are those for simplifying the transfer of land and completing the reconstruction of the judicature. Bills will also be laid before you for facilitating the improvement of the dwellings of the working classes in large towns; for the consolidation and amendment of the sanitary laws, and for the prevention of the pollution of rivers.

A measure has been prepared for consolidating and amending the laws relating to friendly societies. Its object will be to assist, without unnecessarily interfering with, the laudable efforts of my people to make provision for themselves against some of the calamities of life.

A bill for the amendment of the merchants' shipping acts will be laid before you.

Your attention will be moreover directed to legislation for the better security of my subjects from personal violence, and for more effectually providing for the trial of offenses, by establishing the office of a public prosecutor.

Although the report of the commission issued by me to inquire into the state and working of the law as to offenses connected with trade has not yet been made to me, I trust that any legislation on this subject which may be found to be expedient may take place in the present session.

You will also be invited to consider a measure for improving the law as to agricultural tenancies.

I commend to your careful consideration these and other measures which may be submitted to you, and I pray that your deliberations may, under the divine blessing, result in the happiness and contentment of my people.

No. 262.

Mr. Fish to General Schenck.

No. 697.] DEPARTMENT OF STATE,
Washington, March 12, 1875.

SIR: Referring to my instruction of the 8th of November, 1873, (No. 476,*) in relation to jurisdiction assumed by the local common-law courts of Great Britain, in cases of disputes arising between the masters and crews of merchant vessels of the United States, I now transmit to you a copy of a dispatch recently received by the Department from the United States vice-consul at Hong-kong, together with a copy of its inclosures, relating to a case between Joseph D. Ellis, the steward of the American ship "Lathley Rich," and Thomas Mitchell, the master of that vessel, in which the jurisdiction complained of, was assumed and exercised by the local courts of that colony. Complaints have also recently reached the Department from Melbourne and Singapore of a similar assumption of jurisdiction by the local courts of these colonies.

The laws of the United States make ample provision for the regulation and protection of the seamen of the United States, and for the settlement of all disputes which may arise between the masters and crews of American vessels before the consuls of the United States resident in the ports of foreign countries, carefully reserving, at the same time, to the parties all the rights and remedies that are secured to them by law through the courts of the United States.

Regulations similar in character for the government and police of their merchant marine are established by the government of Great Britain, and, indeed, by the governments of most, if not all, commercial nations, and this Government has never failed to recognize the effective beneficence of such domestic regulations in promoting discipline, order, and good government on vessels engaged in the merchant service. They rest upon principles of convenience, international comity, and well-settled rules of public law. The claim of jurisdiction made by the local common-law courts of Great Britain, and particularly by the colonial tribunals, is conceived to be in contravention of those principles; and the exercise of it, moreover, calculated to work serious injury to the commerce of the United States, in those ports where it obtains, and to the interests of the vessels which, from time to time, become the subjects of such unauthorized interference.

Acting in the spirit of these views, this Government has on several occasions, when interference of a similar character by local courts or magistrates of this country, in the case of British vessels, has been brought to its notice by Her Majesty's government, promptly made such complaints the subject of inquiry and correction.

On the 19th of February, 1873, Her Majesty's minister at this capital brought to the attention of the Department a case, occurring at Galveston, Texas, in which the master of the British ship "Bucephalus" had been arraigned before a local State magistrate, who happened, also, to be a United States commissioner, upon the complaint of one Thomas Moffit, a seaman of that vessel, for an alleged assault, commenced while the ship was at sea and continued after her arrival at that port. The case was referred by this Department to the Attorney-General, and that officer instituted an immediate investigation. It was found, upon inquiry, that the magistrate in question had instituted the proceedings

* See Foreign Relations for 1874, page 490.

in his capacity of justice of the peace, an office which he held under the laws of the State of Texas, and not as United States commissioner, and that upon being advised by the United States district attorney for that district that it was not a matter of which either the authorities of the United States or of the State should take cognizance, the master being amenable to the laws of the nation to which his vessel belonged, the complaint was at once dismissed by the magistrate. In the same note the British minister complained of certain proceedings of two United States commissioners at New Orleans with reference to the discharge of seamen from a British vessel at that port, the seamen in question being citizens of the United States and claiming the interposition of the local authorities on that ground. These officers were also instructed that such interference with the police regulations established by Great Britain for the government of their merchant-vessels was contrary to the policy of this Government, and that even in cases where the right of the local magistrates to assert the jurisdiction was undoubted, its exercise should be avoided. These instructions have been adhered to, and there has since been no recurrence at that port of the interference then complained of.

In another case, which occurred at Charleston, S. C., and which was brought to the attention of the Department by Sir Edward Thornton in a note of the 6th of May, 1874, in which it appeared that John Bogan, a seaman of the British ship "Amelie," complained before a United States commissioner of ill treatment received at the hands of the captain of that vessel. It turned out, upon inquiry, that the commissioner was not advised of the nationality of the vessel when he issued his warrant of arrest, and, that as soon as the fact was disclosed to him that the occurrences complained of took place upon a British vessel, he promptly advised the United States district attorney of that circumstance, and, upon the advice of the latter officer, immediately dismissed the complaint.

In these several cases, occurring in the United States, it must also be noticed that the proceedings were taken by petty or inferior magistrates, who may not reasonably be supposed to be learned in the law, while in the case of the "Lathley Rich," at Hong-kong, the proceedings were commenced before a *nisi prius* court, and ultimately heard and determined on appeal before the supreme court of the colony, and the same is true of some cases which occurred at Melbourne.

The instances thus given, taken in connection with the practice and doctrine laid down by Mr. Justice Betts in the United States court for New York, sitting in admiralty, to which I adverted in my No. 476 to you, serves to show the uniform regard in which these principles of international comity and convenience have been held by the Government of the United States.

It is therefore with regret that I notice the absence of a reciprocal respect for these principles in the administration of the local courts of Great Britain, and particularly in Her Majesty's colonies, in their proceedings towards American merchant-vessels.

Bearing in mind the views expressed in my former instruction, (No. 476,) it is desired that you will take the earliest favorable opportunity of bringing to the attention of Her Majesty's government the case of the "Lathley Rich," now transmitted in connection with the general question of the jurisdiction referred to, and you will represent to Earl Derby the interest felt by this Government in the adoption of such measures by that of Great Britain as will prevent a recurrence of such cases, and be effective, especially as regards the colonial courts, in putting a stop

to this exercise of jurisdiction, at once injurious to the interests of the vessels which may be the subjects of it, and the possible cause of international inconvenience to two nations so largely interested in the commerce of the world as are those of the United States and Great Britain.

I am, &c.,

HAMILTON FISH.

[Inclosure in No. 697.]

Mr. Loring to Mr. Cadwalader.

No. 272.] UNITED STATES CONSULATE,
Hong-kong, December 14, 1874. (Received Feb. 24, 1875.)

SIR: I have the honor to call the attention of the Department to the evidence herewith submitted in a certain case that came before me as the consular officer in charge of the United States consulate at this port, marked "inclosure 1," in which it appears that a complaint was made before me by Captain Thomas Mitchell, master of the American ship "Lathley Rich" of Boston, as against his steward, Joseph D. Ellis, for incompetency, filthy and untidy habits, and general misconduct in his capacity as steward of said vessel.

After a careful investigation of the case, I decided that the complaint was fully sustained, and in view of the fact that the man Ellis (notwithstanding he had shipped on the "Lathley Rich" in a foreign port) could at once reship on an American vessel bound to the United States, I discharged him with loss of extra pay, under the provisions of the act of Congress approved March 3, 1873, Department Circular No. 41, bearing date May 16, 1873.

The man Ellis apparently submitted to this decision—made no remonstrance or demand for extra pay whatever; his account of wages earned was submitted to him by myself, and approved of in every particular; but the moment he obtained possession of his certificate of discharge he declined to reship. I then informed him that under the regulations of the port he must enter either the sailors' home or a licensed boarding-house before I could give him the balance of wages due and in my hands, thereby relieving my Government of the danger of his coming on this consulate for relief in a few days, his money being gone.

This he declined to do, and at once brought an action in the summary-jurisdiction court of this colony to recover not only the amount of wages due and in my hands at the date of his discharge, but also a further claim for two months' extra wages, for an alleged wrongful dismissal or illegal discharge.

At the request of Captain Mitchell, I attended and stated the case to the court, pointed out the law under which I had acted, and, in fact, at the request of the judge, gave my reasons for my decision, although I intimated to the court that in doing so I was prompted simply by a desire to be courteous, and that the fact of my having acted in accordance with law might be fully established, and not for a moment that I conceded them the right to inquire into my official conduct in matters relating to the discharge of American seamen from American vessels, in accordance with law and the instructions of my Government. My statements were, however, of no avail, the court overruled my decision as regards the extra pay (there being no dispute as regards wages) and awarded the man Ellis two months' pay over and above the amount of wages earned, as shown by the account submitted by the master and approved by the steward.

The conduct of the court was so plain during the hearing of the case that one could not fail to see that there was a fixed determination on the part of the presiding judge, not only to go into the case, notwithstanding my action, but to overrule my decision if possible. In view of this conviction, I at once addressed a communication to the local government, a copy of which I inclose herewith, marked inclosure 2.

Before I received the reply of the Government to the same, the court rendered judgment in the case in favor of the plaintiff, and an appeal was at once taken to the supreme court of the colony. A day or two after this appeal had been taken, I received a reply to my communication from the colonial secretary, a copy of which I inclose herewith, marked inclosure 3.

The case came on, after a delay of some weeks, and was postponed; finally a hearing was had and judgment reserved until after the departure of the vessel for New York; the master having entered into bonds for the payment of costs, &c. Forty-eight hours after the vessel had cleared from this port, the court rendered judgment

fully sustaining the action of the lower court, and the attorney was compelled, by threats of immediate process, as against the surety, to pay the two months' extra pay into court on behalf of Captain Mitchell; this was done, however, under protest.

I then addressed the local government a second communication, a copy of which I inclose, marked number 4; a copy of the reply to the same, I also inclose herewith, marked inclosure number 5.

As the full court decided not to make the judgment rendered by them sustaining the action of the lower court public, I instructed the defendant's attorney to apply for an official copy of the same, the result of which was that on December 1, nearly four months from the date of the steward's discharge by myself, the final decision was given in full from the bench, a copy of which I inclose herewith, marked Inclosure number 6.

I also inclose, for the information of the Department, an article on this case from a copy of the China Mail, a leading journal published in this colony; it is marked inclosure number 7.

I refrain from expressing an opinion in regard to this case, further than, perhaps, an error was made by Captain Mitchell (acting, however, under the advice of his attorneys) in relying too much upon the idea that the court would dismiss the case upon its being brought to the knowledge of the justice that the matter had been adjudicated upon in accordance with American law before the consul. This was the opinion, however, of the entire legal fraternity, as well as myself; and in fact, a leading legal firm here, no less than the crown solicitors, had been applied to by the steward to conduct his case, and had declined to do so, on the grounds that he had no case, that the courts here would not entertain an appeal from a consular decision in matters appertaining to the discharge of seamen from foreign ships in this port before their respective consular officers. The whole case, then, for the defense rested upon the ground of want of jurisdiction, the defendant evidently failing to show cause for my action (other than by the statements made by myself) simply because he did not call as witnesses the parties that I had called in my examination at the consulate.

The question of jurisdiction, then, in the opinion of the courts of this colony, is now fully determined, and consular officers cannot fail to see that any course they may take, as regards carrying out the instructions of their respective governments relating to the discharge, wages, and disputes, as between masters and seamen, is liable to be received here, and their action in the matter reversed, so long as the decision in this case stands.

With this statement and inclosures before you, then, I consider my duty done, and I await such action as may be deemed expedient by the Department in view of the facts submitted. In the mean time, rest assured that I shall continue to carry out my instructions, to the letter and spirit of same, to the best of my ability, avoiding all issues with local authority possible; each and every act, although tempered with moderation, still strictly in accordance with law, and in compliance with the views of the Department as expressed in existing regulations.

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

H. SELDEN LORING,
United States Vice-Consul.

Hon. JOHN L. CADWALADER,
Assistant Secretary of State, Washington, D. C.

[Subinclosure 1 in No. 697.]

Depositions of Captain Mitchell and others of the Lathley Rich.

UNITED STATES CONSULATE,
Hong-kong, August 6, 1874.

In the matter of the complaint of Capt. Thomas Mitchell, master of the American ship "Lathley Rich," against Joseph D. Ellis, steward of said ship.

Capt. THOMAS MITCHELL, being first duly sworn, deposeth and saith: I am master of the American ship "Lathley Rich," of Boston. I have to complain of the untidy and filthy habits of the said steward about his pantry and table. Many times he has brought the dishes onto the table in a disgustingly filthy condition—very dirty, indeed. I have frequently spoken to him about this; and almost daily during the passage from Cardiff have been obliged to send the dishes away, owing to their dirty condition.

The bread that he served for the cabin-table was frequently sour and unfit to eat, owing to his negligent and lazy habits, allowing the yeast to stand too long. He would not wash the table-cloths, which is a part of his duty to do. At one time he let three table-cloths stand in the water three days; said he would not wash them; and Mrs. Mitchell was obliged to have the cabin-boy wash them, in order to prevent their being

ruined. All this time the table-cloth in use was not any too clean, and his attention was frequently called to the fact, but to no purpose. He kept his pantry in anything but a clean and neat condition—drawers, barrels, cans, &c., &c., very dirty. He kept his pipe and tobacco in one of the drawers in use for keeping spices. I spoke to him about this, and told him to take them out; he did not do so, and I afterward took them and threw them out of the pantry myself. He kept his cloths for cleaning lamps, and made it a practice to clean and fill his lamps in the pantry. He did this, although we had an oil-room expressly for the trimming of lamps, filling them, &c. Yet he would do all this dirty work in the pantry, and keep all his dirty fixings in the drawers used for the purpose of keeping things necessary for the cooking of the food for the cabin.

I have to complain that he neglected his duty, and made the cabin-boy I have on board do his duty for him. He would not turn out in the morning and get the coffee, but make the boy do it for him; he would lay in his bunk all the time; often did not make his appearance for duty until after 6 o'clock in the morning, when he should have been out at 5 a. m., ready for duty, get coffee for the mates, &c., &c. When spoken to regarding these matters he was sulky, and did not try to do better; in fact, continued the same in his conduct as before.

I have to complain that in his capacity as steward he has had charge of the stores of the ship, and he has abused the trust, not being at all careful of them, and has been very extravagant in the issuing of them. The tea gave out long before we arrived at our destination, owing simply to the fact of his wasteful and negligent, lazy habits. The sugar was made away with in a most wonderful manner, having issued and used up; besides all the molasses used, two barrels of sugar on the voyage from Cardiff to Hong-Kong. Since I have been master of a ship I have never known of the stores of a ship generally to be wasted in such a shameful manner as this steward has done, to the loss of the captain and owners of the ship.

I consider this man is a very bad man, indeed, one liable to breed trouble on any ship between the master and the crew. I have to request that he may be removed from the ship at once, for fear of further trouble; his presence on the ship is prejudicial to good order and discipline, every moment he stays there, and I shall not take him on the ship, if I can help it, again.

Regarding his conduct further during the voyage, I have to call the chief officer, sail-maker, and cabin-boy, and, if necessary, my wife, who is on the ship with me, and can state more fully than I regarding some things that have occurred on the voyage.

THOMAS MITCHELL.

CHARLES PERA, chief officer, being first duly sworn, deposeth and saith: I have to say that the steward, Ellis, has been an awful dirty man; he has been very dirty, indeed; not a meal was passed but that the captain or the madam has been obliged to send plates back to the galley from the cabin-table, on account of their being dirty. I have seen dishes come on the table with the marks of his dirty fingers on them; and very often the bread has been sour, not fit to eat. I have also at times been obliged to set two of the boys on the ship at work to clean the dirt out of the pantry. The flour that he used in cooking he was in the habit of keeping behind the stove, in an unfit place, when he had a proper place to keep it. The fact of the matter is, he has not attended to his duty at all as steward, but the cabin-boy has been compelled to do his work for him. On several occasions he has ill used the boy, whipped him most severely. While the ship has been lying in port he has been out of the ship about every night, without leave, never returning until the next morning. When Captain Mitchell spoke to him about the neglect of his work, I heard him say he "would do less in future." I have to say, also, that he has used a large amount of tea; enough for the whole voyage was used up in a very short time; did not take proper care of the stores of the ship; allowed the cook to take what he liked. I consider that he was not a steward in any sense of the word; did not know his duty, and was dirty and filthy in the extreme. The table-cloths were dirty all the time, and he said he would not wash them, although it was his duty to do so. I consider that a man of this kind is very apt to bring about difficulty between a master and crew, through his neglect of his duty in the care of the stores of the ship; that he is a very bad man for any ship. Temper very bad. I have seen him fling the dishes about in the pantry, and exhibit, in various ways, a very bad temper indeed.

CHARLES PERA.

CHARLES PARKER, sail-maker and third mate, being first duly sworn, deposeth and saith: I have to say, regarding the steward, Ellis, that he neglected his duties; did not keep things clean; aside from this, he has frequently abused and ill-treated the cabin-boy on the ship. I have seen him strike him in the forward cabin very often, ill-use him, and use very bad language to him; the boy all the time doing his duty for him, on account of his being too lazy to do his own work. He kept his pantry and store-room in a filthy condition; would not keep anything clean. The chief officer

has often set the boy to work to clean the pantry out for him, it having got in so filthy a condition. He did not pretend to do a single thing, in fact, that properly belonged to him to do, but would lay in his state-room and make the cabin-boy do the work for him. I don't consider him a good man for a ship; he makes a great deal of talk—a kind of sea-lawyer, and one that would make trouble, at the first opportunity, between the crew of the ship and the master; he has a very bad temper indeed.

CHARLES PARKER.

GEORGE ABRAHAM, cabin-boy, being first duly sworn, deposeth and saith: I am eighteen years of age; I shipped on this ship as cabin-boy. Regarding this matter, I have to say that the steward, Ellis, has brought the plates on the table in the cabin, day after day, in a dirty and filthy condition; so bad, that the captain and Mrs. Mitchell have been obliged, again and again, to send them off the table. He kept the flour, used for food for the cabin, back of the stove in the pantry, instead of putting it in the flour-bin. He would hang his clothes up over it, and let them drain down on it. He trimmed and cleaned his lamps in the pantry, setting the oil-lamps on the bread-board. I have often, after he got through, gone and wiped the oil up myself. I think him a beastly, lazy man, very dirty and slovenly in his habits, more like a beast than a human being. On the voyage out he often, without any provocation whatever, would beat and ill-use me because I would not do all of his work, and he would want to go in the galley and smoke. I have done about all his work during the last part of the voyage, while he would go and have what he called his evening sleep. The only times he misused me was when the captain was not about. I have often had to go to work with one of the boys on the ship, by order of the mate, and clean out the pantry, it would be so dirty and stinking. In one of the drawers he left his pipe, cigars, and tobacco, where the food was. In the store-room he kept his stinking oil-rags, socks, &c., &c., in drawers used to keep the spices, &c.; used to prepare the food for the cabin. At one time, in the galley, he caught hold of me, tore my shirt, and struck me in the face and on the head until I bled at the nose and ears; this was because I was in the galley, doing something for the captain instead of waiting on him. At another time I had been up and attending his duty in the morning, getting the coffee for the mate; when I came back to the state-room to turn in for a moment or two, he got after me again because I did not bring him coffee while he was in his bunk; said he would fix me, and a short time after he caught me in the galley, and, putting my head between his legs, he beat me with a boot, and then threw me against the partition and struck me in the face with his fist when he heard the mate coming. At another time one of the men brought a keg of butter to the cabin-door. The steward was too lazy to bring it in, and I told him I was busy waiting on the madam; he then threw a large carving-knife at me, cutting my leg about one inch, (witness showed the scar;) the knife then struck the door and stuck there; the knife was a large one, used in the galley by the cook. I have complained to the madam about my treatment, and to the captain the last part of the voyage, and the captain told the steward not to have anything to do with me, that I was his servant, and he did not intend that I should be abused. Many times on the passage he has threatened my life, and has caught me by the throat and neck, and slapped my face with his hand. I occupied the same state-room with him, and always had to clean it up after him. He was a very dirty and filthy man about his duty, and imposed on me and most cruelly treated me throughout the voyage. I have often scrubbed the room out. The place where he lay was all of an inch thick with dirt, and he often went with his work in the pantry without washing his hands. If the steward stays in the ship I must leave; I can't stay; I am afraid that he will kill me. I shipped as a cabin-boy, and my duty was to attend to the captain and the madam. The steward had no right to order me about or to make me do his work.

Many times he has made water in the wash-pan and made me empty it for him. This was in the state-room where we slept. He kept a bottle of poison in the pantry with the food all the time—that is, it was marked poison. He also kept his dirty stockings, combs, and brushes in the pantry with the food. I have nothing further to say, only that often at night he would drive me out, and take the whole state-room to himself, although there were two bunks in it, one for me and one for him. I forgot, one time I went to the galley for the madam, and the steward and cook both pitched on me, the cook striking me with a belaying-pin.

When we left Cardiff it was cold, and we had a fire in the cabin, and the steward used to keep a can of kerosene-oil behind the stove, and would frequently pour the oil on to make the fire burn faster, or to light it. One time it caught fire, and blew the top of the can off. I wonder that he did not set the ship on fire many times. He was very wasteful in the handling of the stores. Tea I have seen him spill on the floor when he would go to the store-room to fill the tea-caddy. I called his attention to the fact. Sometimes he would spill all of one or two pounds. I have said it was a waste. He said, "Waste be damned," and ordered me to throw it in the scrap-tub. He was very wasteful, indeed, in the handling of the stores.

GEORGE ABRAHAM.

Captain MITCHELL recalled:

As soon as I knew of the fact of the steward's ill-treating the boy Abraham, I spoke to him about it, and told him not to let me hear of any more of it; told him that the boy was to tend only myself and wife, in the cabin, and that he should have nothing to do with him. Before this I had allowed the steward to make use of him about his work, when not wanted in the cabin, but finding that he not only made him do all the work while he lay around doing nothing, but also abused him, I would not let him have anything to do with the boy at all. I was afraid he would set the ship on fire, all the time, by his careless handling of the kerosene-oil; had to watch him all the time. I remember, one time, when I caught him pouring the oil on the fire from a can—a large can, holding at least two gallons. He said his mother was burned up and lost her life in the same way—putting kerosene-oil on the fire to make it burn. It is a wonder he did not set the ship on fire and burn her up, for his careless handling of the oil had been going on for some time before any one knew anything about it. The morning I speak of catching him pouring the oil on, I do not think I should have known anything about it, but that the oil in the can, or the gas, did take fire and blow the top of the can off. The noise attracted my attention.

I do not consider that the ship is safe a moment with that man on board, and, in the interest of the owners, I have to request that this man be at once taken out of the ship. I can't keep him on the ship. Every night he goes on shore without leave, stays all night, and comes back late for duty in the morning. I can't have such work. It is a bad example for the men forward, and already it begins to have its effects. I can call Mrs. Mitchell, my wife, to testify, if you wish, regarding the steward's conduct during the voyage.

Defense.

The defendant, Ellis, declined to make any statement, other than that the captain promised him a whole state-room to himself, and had not given it to him, but had put the cabin-boy in with him; said that either he or the cabin-boy must leave the ship. (Addressing himself to the captain,) "I deny all the charges made."

Decision.

In view of the filthy habits of the steward, his careless handling of material like kerosene-oil, his wasteful handling of the stores of the ship, and ill-treatment of the boy Abraham, I have decided to discharge the man Ellis, with the loss of extra wages, under the provisions of the act of Congress approved March 3, 1873, but that all wages due to date of discharge shall be paid in full; and he shall be shipped on the American bark "Menschikoff," Captain Bannister commanding, now about leaving this port for San Francisco.

Given under my hand and seal of this consulate the 8th day of August, 1874.

[SEAL.] H. SELDEN LORING,
United States Consul in Charge.

[Subinclosure 2 in No. 697.]

Mr. Loring to Mr. Austin.

No. 285.] UNITED STATES CONSULATE,
Hong-Kong, August 28, 1874.

SIR: I have the honor to call the attention of his excellency the governor to the following facts:

On the 7th instant, as the consular officer of the United States in charge of the United States consulate at this port, I, in my official capacity as consul, discharged from the articles of the American ship "Lathley Rich" the steward, Joseph D. Ellis, in accordance with law; that, at my request, the account of wages of the said Ellis was submitted to me by the master of the said ship, and by me to the man Ellis; that the same was duly approved and pronounced correct by him in my presence; that I then collected from the master the balance due, and issued to the man Ellis the certificate of discharge, as provided by instructions from my Government.

I then called the attention of the man discharged to the fact that under the harbor regulations of Hong-Kong, he would be obliged to lodge at either the Sailors' Home or a licensed boarding-house, and that, until he complied with said regulations, I could not, under my instructions, pay over to him the balance of wages due, as I should then have no security that he would not come upon the consulate in a few days (his money being gone) for relief. That the man Ellis thereupon declined to comply with said regulations, and at once brought an action in the supreme court of this colony, in summary jurisdiction, against the master of the late ship the "Lathley Rich," that this action was not only for the balance of wages rendered and in my hands, but for the sum of two months' additional pay, as damages for an alleged

wrongful dismissal, or, in other words, illegal discharge; that the plea of defense to this was as follows: First, the man Ellis, late steward of the American ship "Lathley Rich" was discharged at Hong-Kong, by the consul of the United States, in accordance with law; second, that, the consul having discharged the man Ellis in accordance with law, and given him his certificate of discharge under his signature and the consular seal of the United States, it was not competent for the court to review the case, having no jurisdiction.

Against all precedent, the court entertained the case, thereby constituting itself a court of appeal from the decisions of the United States consul at this port in matters concerning the discharge of American seamen from American vessels, rendering nugatory all instructions of my Government, or laws of the United States, made and provided for the guidance of its consuls at a foreign port, in matters relating to the discharge of American seamen from American vessels, and the manner of their discharge.

The statements of his lordship, in the judgment rendered by him, that, by the ordinances of the colony which regulate the merchant-service, (1 of 1850, 6 of 1852, 1 of 1862,) consular officers are permitted to discharge seamen, has but little worth, if the officer has not the right, in accordance with the instructions from his government, to determine in what manner the seamen shall be so discharged, and the precedent be established, as in this case, that an appeal can be taken from his action in the matter. Of what value is the right of discharge granted by the ordinance referred to, if this construction is to be placed upon it? Which amounts to little more or less than this: a seaman, being discharged by his consul on what to him appears to be sufficient grounds for such action, and in accordance with law, can defy his consul by an appeal to a local court, and can not only set aside his official acts, but can obtain damages for same; as in this case my official act, as the consular officer of the United States, in that I did discharge the man Ellis, with loss of extra wages, in accordance with law, has been set aside by this court, and the ship mulcted for damages to the same amount I had denied the man under my official action.

I contend, with all due respect, that if, as a consular officer, I had the right to discharge the man at all, I certainly had the right to determine the basis of his discharge, whether with or without extra wages, in accordance with the law of the United States regulating the same, and that, having once determined this fact, and discharged the man, he had no redress as against such decision other than that provided by the laws of the United States.

However, without entering upon a further discussion of the matter at this time, I deem it my duty herewith to enter a most solemn protest in behalf of my Government as against the action of the court in this case, as by its decision I am rendered utterly powerless to carry out the instructions of my Government regulating cases like the one in point. I claim, furthermore, that there is no precedent for this action; that the customs and usages of this port have established my right, as the consular officer of the United States, to discharge seamen from American ships in accordance with law, and that as such consular officer I have sole jurisdiction as regards the basis of such discharge; that having decided a seaman shall be discharged, and the basis upon which such discharge shall be granted, there can be no appeal from the decision to any court in this colony.

In conclusion, permit me to state that in making this claim I am only urging that the consular officer of the United States at this port may have the same privileges and courtesies extended to him, in his official capacity, as is now, and has been for years, extended to like officials in England and the colonies, and that my Government may not be denied the reciprocal right here which is claimed and practiced by the government of Great Britain in the United States.

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

H. SELDEN LORING,
United States Vice-Consul.

Hon. J. GARDINER AUSTIN,
Colonial Secretary.

[Subinclosure 3 in No. 697.]

Mr. Austin to Mr. Loring.

No. 397.] COLONIAL SECRETARY'S OFFICE,
Hong-Kong, September 2, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th ultimo, and to acquaint you in reply that inasmuch as the case of Joseph D. Ellis has been submitted to the decision of the full court, and the first step in the appeal has already been taken, it would, at present, be premature to express any opinion in the matter.

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

J. GARDINER AUSTIN,
Colonial Secretary.

H. S. LORING, Esq.,
Vice-Consul for the United States, Hong-Kong.

[Subinclosure 4 in No. 697.]

Mr. Loring to Mr. Austin.

No. 303.] UNITED STATES CONSULATE,
Hong-Kong, November 12, 1874.

SIR: With reference to your dispatch No. 397, bearing date September 2, 1874, regarding the case of Ellis *vs.* Mitchell, as brought to the attention of the government by my No. 285, bearing date August 28, 1874, I have the honor to request, as the objection stated by you to the expression of an opinion is now removed, that my dispatch on the subject may be laid before his excellency the governor, and that I may be favored with an opinion on the point at issue, in order that I may be enabled to lay the whole matter before my Government at an early date, in obedience to my instructions.

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

H. SELDEN LORING,
United States Vice-Consul.

Hon. J. GARDINER AUSTIN,
Colonial Secretary.

[Subinclosure 5 in No. 697.]

Mr. Austin to Mr. Loring.

No. 589.] COLONIAL SECRETARY'S OFFICE,
Hong-Kong, November 25, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, requesting that your dispatch on the subject of the recent case of Ellis *vs.* Mitchell may be laid before his excellency the governor, and that you may be favored with an opinion on the point at issue, in order that you may be enabled to lay the whole matter before your Government. In reply, I am directed to inform you that the decision of the full court is a formal statement of the law of the matter, and must be taken by his excellency to be in all respects correct until reversed on appeal by the privy council in England. I am also to observe that it cannot be expected, nor would it be right, that his excellency should express an opinion upon any such decision.

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

J. GARDINER AUSTIN,
Colonial Secretary.

H. S. LORING, Esq.,
Vice-Consul of the United States, Hong-Kong.

[Subinclosure 6 in No. 697.]

DECISION OF THE SUPREME COURT.

[From the Daily Press.]

Supreme court, 1st December, in admiralty, before the honorable chief-justice (Sir John Smale) and Mr. Justice Snowden. Ellis *v.* Mitchell—appeal case.

In this case, the chief-justice now read the following judgment:

"Our decision in this appeal having been for some time come to, we handed to the registrar our concluded judgment, and by our direction he gave it out on the 7th of November last. That decision was in the following terms: 'We have fully considered all the facts in this case and the very able arguments which, on the part of the appellant, Mr. Kingsmill submitted to us. The respondent did not appear. We are of opinion that the appellant has failed to show that the decision in the summary branch of this court is wrong. It is our duty, therefore, to dismiss this appeal.' The respondent has incurred no costs; we say nothing as to costs. Some questions as to the duties and jurisdiction of consuls have arisen in this case to which we should wish to advert, but as these questions arise out of this case, rather than lead up to our decision, we purpose at a more convenient opportunity to refer to them. It seems to us that a somewhat exaggerated notion as to the duties and jurisdiction of consuls in this colony is prevalent. The grounds and reasons for the decision in this case were very

carefully considered and conferred on between us. We were agreed in the conclusion that the appeal must be dismissed. In order that the parties might not be kept longer in suspense, we directed the decision which I have just read to be given out by the registrar on the 7th day of November, as I have already said. There seems to have been a grave misapprehension that this case came before Mr. Justice Snowden as an appeal from the decision of the consul of the United States. It was not so. From the first it was treated by the learned judge as being untouched by decision, and, indeed, as a matter entirely *ultra vires* the consul of the United States. True it is that a discharge of the plaintiff from the ship, and an account taken in the presence of the consul of wages earned, were produced and relied on by the defendant, the master of the ship, as an answer to the plaintiff's claim; but it was held in the summary branch of this court, upon the evidence before it, that in no way was the consul acting or intervening judicially, either as to the discharge, or as to the account. No claim for unlawful dismissal had been raised before the consul. It might have been properly raised before the proper judicial tribunal of and within the United States; but no evidence was adduced to show that that authority was vested by the law of the United States in the consul here. Even if it had been so vested by any such law of the Union, it required the force of a treaty, and an act of Parliament, or local ordinance, to enable the consul to exercise any extraterritorial judicial power within British territory. Although some instructions to the consul were produced to the court, no act of Congress was produced, nor was there any evidence that there was any such act, or common-law power in a consul. According to Chancellor Kent's Commentaries, vol. 1, p. 50, and *seq.*, 'consuls are commercial agents. * * * In some places they have been invested with judicial powers over disputes between their own merchants in foreign ports; but in the commercial treaties made by Great Britain there is rarely any stipulation for clothing them with judicial authority, except in treaties with the Barbary powers. And in England it has been held that a consul is not strictly a judicial officer, and they have there no judicial power.' He cites Waldron *vs.* Coombe, 3 Taunton, 162. The words of the Chief-Justice Mansfield there are, 'The vice-consul is no judicial officer.' At page 51, the very learned chancellor proceeds: 'No government can invest its consuls with judicial power over their own subjects in a foreign country without the consent of the foreign government, founded on treaty.' At page 52 he says: 'It is likewise made their duty, (*i. e.* of consuls,) where the laws of the country permit, to administer on the personal estates of American citizens dying within their consulates,' &c. And in note (6) he says, 'American consuls cannot take cognizance of the offenses of seamen in foreign ports, nor exempt the master from his own responsibility.' He cites Ware's Reports, (American,) 367. And to conclude all, he says, at page 53: 'The consular convention between France and this country (*i. e.* the United States) in 1778 allowed consuls to exercise police over all vessels of their respective nations within the interior of the vessels, and to exercise a species of civil jurisdiction by determining disputes concerning wages, and between the masters and crews of vessels belonging to their own country. The jurisdiction claimed under the consular convention with France was merely voluntary, and altogether exclusive of any coercive authority, and we (*i. e.* the United States) have no treaty at present which concedes even such consular functions.' We quote the 9th edition of Kent's Commentaries, (1858.) We have before us the valuable work of Judge Bouvier, the Law-Dictionary, the 4th edition of 1872, and in it we find nothing to vary all that Chancellor Kent asserts. Parsons's Law of Shipping, published in 1869, is to the same effect. One quotation from Parsons, vol. 2, p. 56. He there says, 'A discharge, (*i. e.* of a seaman,) when made in a foreign port, is required to be made before the consul; but the payment of wages already due is not.' And this to such an extent that the learned author adds, 'And the consul has no right to charge a commission for witnessing the settlement;' in other words, he has nothing to do with the settlement of the wages due; *a fortiori* he has no authority in reference to damages for breach of contract, or otherwise, between the master and the seaman. Now, if the consul has no such authority, the authority must be somewhere, and it cannot be contended, upon any grounds of which we are aware, that this court has not the fullest authority over all such disputes. It is quite clear that the legislature of this country can, by statute or ordinance, give extraterritorial powers to consuls, but as all such powers are in derogation of the royal prerogative, all such laws must be construed strictly. It appears to us that ordinance No. 4, of 1850, has no bearing on the question before us. It relates to cases of desertion from ships, and to nothing else. Ordinance No. 6. of 1862, is prohibitory. It says that no British seaman shall be discharged elsewhere than at the harbor-master's office, and that every seaman discharged from a foreign ship, represented by a consul here, 'shall, within twenty-four hours of being discharged at the office of his consul, or vice-consul, produce at the harbor-master's office a certificate of his discharge.' Now, this is not an enabling statute, and it gives no power to any consul which he had not before. All it does is to assume that every discharge of a foreign seaman will have been given at the office of the consulate of his country. But for legislation the discharge of a seaman is a matter between master and seaman only.

No treaty has been produced, no act of Parliament or ordinance, other than those above cited, has been brought to the notice of this court. In the absence of any such we are driven back to the international law, as laid down by Chancellor Kent, page 51, that the consul of the United States is not a judicial officer, 'that they have no judicial power,' and, page 53, that there is no treaty with the United States which authorizes consuls to exercise a species of jurisdiction by determining disputes concerning wages between masters and crews of vessels belonging to their own country in this colony. We conclude, therefore, that the consul of the United States has no judicial powers or authority whatever in this colony as to wages or damages for wrongs, between United States masters and seamen, which the judicial authorities here can recognize, but that this court must decide such questions when brought before it.

"What we have said as to the consul of the United States applies to consuls from all other foreign states. No such claim is, we believe, set up in any other part of the British dominions. In China, every consul of every foreign power has judicial authority over its own subjects; but this extraterritorial jurisdiction is the result of express treaty, and is conferred on them by the enactments of the legislative authority of each foreign state. The exaggerated notion as to consular authority here has probably arisen from the powers conceded to them in China, but which are not conceded here. In a colony so distant as Hong-kong is from London, convenience has rendered direct communication between the colonial government and consuls here on many subjects properly diplomatic, convenient for all parties. This has probably tended to induce an overestimate of the position of consuls here in reference to judicial authority. We feel great respect for the consuls in this colony, both officially and personally, but we must see that the authority of this court is not curtailed beyond what the law permits. If circumstances render it proper or convenient that judicial authority should in this colony vest in consuls, it must be obtained by treaty and legislation. This court has no power to concede it."

His honor, Mr. Justice Snowden, said:

"I quite concur in the views which have just been expressed by the chief-justice, and the reasons given are precisely those on which I held, in the court of summary jurisdiction, that the discharge of the respondent, Ellis, before the vice-consul of the United States, was not *per se* a bar to an action for damages for a wrongful dismissal. The jurisdiction of consuls in dealing with matters connected with the discharge of seamen has been so fully discussed by his lordship, that I need say nothing on that head. I wish, however, to state my opinion on other points which arise in the case, and to which our judgment must also be directed. Some confusion seems to have arisen from the fact that the damages awarded by me, on the summary side of the supreme court, were assessed at the rate of two months' wages; two months' wages, or more correctly speaking, compensation at the rate of wages for two months, is the amount which by an act of Congress of 1873, an American consul is directed to collect at his discretion for the personal benefit of a discharged seaman, one month's wages in addition being collected and retained for the use of a fund for seamen, without any exercise of discretion on the part of the consul. The damages might possibly have been larger, but the sum awarded was that mentioned in the summons, and seemed to meet the merits of the case; but the damages I gave and the two months' wages to be collected by the consul, if he thought right to do so, are entirely distinct. The claim for the compensation I declined to entertain for the following reasons: 1st. That the respondent being an American citizen, signing articles to sail in an American ship sailing under the national flag, must be considered to be bound by American municipal regulations respecting the discharge of seamen. 2d. That with the municipal regulations of a foreign country a British court will not interfere, in accordance with the decision of Sir W. Scott in the case of the Courtney, reported in Edwardes, Ad. Rep., Vol. 1. And, moreover, that the respondent had accepted his certificate without any protest, and had by his conduct generally acquiesced in the consul's decision to refrain from collecting the two months' wages as compensation, and had waived his claim, even if it could have been entertained by the court. But a suit for damages for a wrong dismissal is a totally different matter, and I am strongly of opinion that the court had jurisdiction to entertain an action for breach of contract, as well as for wages due, if the consul had disallowed them. The cases of the Courtney and the Golubchut are instructive on the subject of the authority of foreign representatives. In the case of the Courtney, it was laid down by Sir W. Scott that the consent of the ambassador, or consul, or accredited agent of a foreign country would be requisite to give jurisdiction to the court of admiralty to entertain a suit for wages earned, promoted by foreign seamen against a foreign vessel; but Dr. Lushington, in the case of the Golubchut, 1 W. Robinson, Ad. Rep., page 143, modifies the rule so laid down, and decides that while consent of a foreign representative is not essential, notice of the intended proceedings should be given to him out of convenience and courtesy. In the case of the Courtney and the Golubchut, the proceedings were *in rem* in the court of admiralty; but Dr. Lushington says, in his judgment in the latter case: 'In the other courts of this country, I have no doubt that the mariners might have instituted an action *in personam*, without

reference to any consent at all.' Upon such high authority, can there be any doubt that the respondent in this case might have recovered for wages earned and due to him in the courts of this colony, in defiance of any consular decision to the contrary? Moreover, the reports of American courts of law teem with cases in which, after a discharge in due form, seamen have recovered damages against the masters of their vessels. An American writer of great authority, Parsons, in his work on Shipping and Admiralty, has collected a large number of these cases. In page 50, under the heading 'Wages,' he says, 'If a master discharges a seaman *without his consent*, and without good cause, in a foreign port, he is liable to a fine of $100, or six months' imprisonment.' I lay stress on the words *without his consent*, because the acquiescence of the respondent to part of the proceedings before the consul formed the basis of one of the arguments addressed to the court on the hearing of the appeal by the learned counsel for the appellant, to which I must shortly advert by and by. Nor is a proper discharge an answer to an action in the courts of the United States. The learned author goes on to say, 'and the seaman may recover besides full indemnity for his time lost or expense incurred by reason of such discharge.' The case referred to is Crape *vs.* Allen, 1 Sprague, 184; but not having access to the authorized report of the case, I am obliged to content myself with the quotations from a text-book. In note 3, the author, referring to apparent contradictions in various cases there cited, adds: 'In all the cases a compensation is intended to be allowed, which shall be a complete indemnity for the illegal discharge.' Now, in every case it may be assumed that the formalities required by the rules of the foreign ports in discharge of seamen had been complied with; the illegality, therefore, would consist in a discharge without due cause, for which the captain is liable to fine or imprisonment as before mentioned. The argument I referred to above was, that after the discharge of the respondent, inasmuch as the court had found that he had acquiesced in the proceedings before the consul, no contract for service remained for the breach of which an action would lie. This argument seems to me to be based on a mistaken notion of what the so-called consent was, and of what the nature of a discharge is, and of the functions of the consul in giving the necessary certificate. A discharge is the dissolution of a contract for service between a seaman and the master of a ship, put into formal shape by a commercial agent appointed for the purpose, generally a consul in the case of foreign seamen.

"Were there no American consul or other commercial agent, as required by act 1840, U. S. Statutes, in Hong-kong, the discharge of the respondent must have been effected before the English harbor-master. Now, a certificate which is only the formal evidence of the dissolution of such a contract, the consul is bound to give by the laws of the United States, and he must set forth in it certain particulars mentioned in Parsons on Shipping, page 85, note 5. It would seem (note 5) that under the act 1840, U. S. Statutes, chap. 48, sec. 5, which regulates the shipment and discharge of seamen, on the application of any master and mariner, the consul may discharge such mariner. His certificate that the mariner was discharged, with his own consent, is conclusive of the fact unless fraud is shown. But that contemplates a joint application, and it was never, in this case, pretended that the respondent applied for his discharge. A discharge may be voluntary by mutual consent, or it may be involuntary, on the part of the seaman, when it becomes practically a dismissal, wrongful or not, according to the circumstances. Under any circumstances a certificate must be given by the consul; on the one hand, to protect the master on his return to America; on the other hand, to save the discharged seaman from the penalties of fine or imprisonment to which he would be liable in Hong-kong, under ordinance 1 of 1862, sec. 8, were he to remain in the colony twenty-four hours after the departure of his ship without a certificate. In a certain sense, the respondent voluntarily submitted to the only process by which he could escape the penalties alluded to. In other words, he voluntarily submitted to a necessity imposed on him by the master, through the consul's agency. The evidence in the court on the summary trial proved beyond a doubt that there was no adequate reason for the dismissal of the respondent. There was then a breach of contract, for which damages can be awarded; and I cannot conceive that the jurisdiction of the courts of this colony can be ousted because a consul has—with reference to the proceedings which form the ground of complaint—performed a preliminary and purely ministerial act, which, by the laws of the country he represents, he was bound to do. The danger suggested by the learned counsel for the appellant, that the confirmation of the judgment will be a death-blow to all consular authority, is more imaginary than real. Each case will stand on its own merits, and a good legal reason for discharging a seaman will supply the master with an excellent defense to any action brought against him vexatiously. I will only add that the words 'duly discharged,' which appear in the case, on which some stress has been laid, mean nothing more than 'discharged according to the forms prescribed by the laws of the colony,' viz, to use the words of the ordinance, (1 of 1862,) 'on a certificate from the harbor-master, or other person appointed to grant the same, which person, by ordinance 6 of 1852, sec. 5, is supposed to be the consul or vice-consul in the case of foreign seamen.'"

[Subinclosure 7 in No. 967.]

CONSULAR JURISDICTION IN HONG-KONG.

[From the China Mail.]

Most of our readers will remember the important point raised in the recently-tried case of Ellis *vs.* Mitchell. The plaintiff, a steward on board the defendant's ship, brought suit in the summary court to recover a certain sum to which he maintained that, on being discharged, he was entitled under American law, but which had been withheld on the order of the United States acting consul. A decision was given in his favor, and the defendant appealed to the full court, which sustained the previous ruling. As regards the plaintiff and defendant, therefore, the case has in all probability closed. But inasmuch as the real point at issue was the validity of the United States consul's act, in authorizing Captain Mitchell to withhold the sum at issue, that official has, we learn, called upon the court for the full text of its judgment. We can quite agree with Colonel Loring as to the importance of the principle which the judgment lays down. It is neither more nor less than that the courts of this colony can by their action practically reverse the decision of a consul in matters purely affecting his own nationals, serving on board American merchant-vessels, over whom he has always been supposed to exercise undisputed authority. The point is one of great importance, not merely to the American consul, but to every official other than British in the colony; and the matter having passed beyond its condition *sub judice* calls for some expression of opinion.

The actual case which has given rise to the reference is of course sufficiently unimportant to all but those immediately concerned. The point demanding attention is, how far does the independent authority of a consul accredited to a British colony extend? There is nothing that we are aware of to render Hong-kong in any way different from another colony or home possession in such matters, and what is good or bad law here must be good or bad law everywhere else. The case under notice so far differed from others which might arise, inasmuch as the plaintiff pleaded that it had not been "heard" before a consular court at all. His protest was against the personal dictum of the consul. But the decision did not turn upon this accident, and both the puisne judge and the chief-justice would have similarly decided, even had the man's complaint or protest been heard in a duly-constituted "consular court." And such being the case, the principle is established that a consular decision (in its fullest sense) is of no effect if contrary to a decision of the courts of the colony. We can see much to make this satisfactory. In theory the citizen or subject of any nation can appeal against the decision of his consul to his authorities at home; but the absurdity of a common sailor carrying such an appeal home for a matter of some fifty dollars, when the time which must elapse and the cost which must be incurred are alike prohibitory, is too obvious to need demonstration. And this strengthens the reason which, from an equitable point of view, renders it highly desirable that a consular judgment should be entirely ignored by local courts The total absence of all publicity attending the best-organized consular court is a powerful argument, in the absence of any special international agreement to the contrary, for some local check being placed upon its decisions. As regards the consuls themselves, they cannot complain of the status internationally accorded to them by our own and other governments.

In China and other Asiatic countries there are good and weighty reasons why a consular decision, whether just or unjust, should not be liable to practical reversal by the act of the local authorities. We in fact insert exterritorial clauses in treaties with them, in order to draw a distinction between the powers inherent in their officials and those inherent in our own. And this tends to show that we have always tacitly, if not actively, assumed that, as regards western nations, a local government has supreme jurisdiction. We know it, for instance, to be a fact as regards every-day matters of crime, and we are unable to find any precedent in which our officials have neglected to exercise those powers as to civil suits. As regards the case which has given rise to these remarks, we should deem it to stand in this way: "The United States consul has given a certain decision which, under American law, stands good. But, inasmuch as our civil courts have the power of deciding all disputes which may arise between residents beneath our own flag, (the affairs of persons under martial law alone excepted,) the plaintiff has recovered his claim irrespective altogether of the consular decision. Our judges, therefore, have not *reversed* the finding of the United States consul, but have passed it by. If the plaintiff, for instance, were to revisit the United States, he would again be liable to make good the original decision against him. So long as he continues under British protection he can claim the benefit of that given in his favor by British judges. Such is the true state of the case, as regards all alien plaintiffs and defendants; and the position forced upon the United States or any other consul here is that which, we suspect, a British consul would have to take in any civilized foreign country. It is, however, most desirable that this be definitely under-

stood. The hardship to consuls is not so great as it might seem, because their decisions hold good the instant both plaintiff and defendant are beyond our jurisdiction, and only therefore in exceptional cases would their authority be ignored. Should the matter become a subject of reference home, it is to be hoped that the correspondence will be made public.

No. 263.

Mr. Fish to General Schenck.

No. 699.] DEPARTMENT OF STATE,
Washington, March 15, 1875.

SIR: By the instruction No. 375 of the 26th of April, 1873, you were informed at length of the relations between certain of the Central American states and Great Britain, occasioned more particularly by a complaint of Guatemala of international delay in constructing a road to the Atlantic coast, as stipulated in a treaty between Great Britain and her.

From the dispatch and its accompaniments of the 16th ultimo, a copy of which is inclosed, addressed to this Department by Mr. Williamson,* the minister of the United States in Central America, a violation might be inferred of the clause of article 1 in the treaty between Great Britain and Nicaragua of the 28th of January, 1860, which stipulated that "the British protectorate of that part of the Mosquito territory shall cease within three months after the exchange of the ratifications of the present treaty."

You will make inquiry upon this subject at the foreign office. We were, for many years, urgent that the protectorate referred to should be relinquished, and that the Mosquito Indians within the limits of Nicaragua should be placed on the same footing, in respect to the government of that republic, as the aborigines in this country stand with reference to the Government here. It was hoped that these objects had been secured by the treaty adverted to.

I am, &c.,

HAMILTON FISH,

No. 264.

General Schenck to Mr. Fish.

No. 731.] LEGATION OF THE UNITED STATES,
London, April 10, 1875. (Received April 21.)

SIR: I understand that our consul at Liverpool has already reported for your information all the facts attending the case of the American vessel "G. C. Trufant," which arrived at that port on the 7th of February last, and which, in violation of the law and shipping regulations of the United States, and with defiant refusal on the part of the master and owner to recognize the consul's authority, has been transferred to the British flag, and been cleared, and sailed on another voyage as a British vessel.

This matter was brought to my attention through the consul-general of the United States at London, and has been the subject of a somewhat voluminous correspondence between Lord Derby and me.

* See under Central America, dispatch No. 315.

I append hereto copies of all the notes and their inclosures which have passed between us. I do not recapitulate the statement of the affair, nor the points which I presented, because those are fully and specifically set forth in one of my communications to his lordship, under date of the 11th of March, (inclosure No. 9,) and to that I refer you without repetition.

The request which I urged on Her Majesty's government, was, that inasmuch as the wrong done to the United States Government and to our consular authority appeared to be remediless, under the provisions of British law, the vessel in question should be denied registration in Great Britain until there was a compliance with the consul's just demands. I represented that a failure to afford this aid would result in allowing the British flag to be used as a protection for outrage and acknowledged fraud on the part of the master and owner of the vessel. But the decision of Her Majesty's government that, with an anxious disposition to help the Government of the United States in the matter, it was yet not in their power to intervene, or give any aid, will be found finally conveyed to me in Lord Derby's note of the 19th of March, (inclosure No. 13.) I ask your attention to my answer, sent yesterday, to that last note of his lordship. You will observe that, in replying to his suggestion that Her Majesty's government would be pleased to have the concurrence of the United States in such legislation by the two countries as would prevent evasion and wrong, such as I have complained of, I have referred him to the act of Congress of March 3, 1817, (Revised Statutes, sections 4209 and 4210,) to show that in the United States protection, in this particular, has been amply provided for foreign consuls in our ports for at least sixty years. I have at the same time taken the occasion to inform his lordship that I must attract the notice of my Government to the fact that under the existing law in Great Britain it seems a like protection is not extended to our consuls in her ports. This may require an application of the rules of reciprocity, on the observance of which depends the enjoyment of the benefit and aid which our law intends to extend to other governments.

Before leaving this matter, I would call your attention especially to an admission which appears to have been made by the owner of the "G. C. Trufant" that she was falsely represented to belong to an American owner in order to enable her builders to obtain a drawback of about six hundred dollars on foreign materials used in her construction. Perhaps if Mr. Trufant is out of judicial reach the builders of the vessel at Newburyport may be found, and subjected to punishment for that fraud.

I have, &c.,

ROBT. C. SCHENCK.

[Inclosure 1 in No. 731.]

General Schenck to Lord Derby.

LEGATION OF THE UNITED STATES,
London, February 11, 1875.

MY LORD: I have the honor to communicate to you, herewith, copies of certain papers, received at this legation, which go to show that an American vessel, the "G. C. Trufant," of Newburyport, Massachusetts, in the United States, arrived on the 7th instant at the port of Liverpool, and that on that same day the master raised the British flag, changed the marks on the stern, and claimed that the vessel was transferred to British ownership. It appears that the crew were shipped at New Orleans December 31, 1874, for a voyage to Liverpool and back to the United States, for a term of eighteen calendar months, ending in the United States. The engagement of service of this ship's company would not expire, therefore, until the 30th of June, 1876.

It is admitted by the master that the vessel was under and arrived with an American register, and was entered at the custom-house in Liverpool as an American vessel. Among other things incident to the arrival of a vessel of the United States at a foreign port, it is provided by the laws and consular regulations of my Government, that she shall deposit her papers with the consul of the United States, shall pay certain hospital dues, and in case of a sale and transfer the crew are entitled to claim to be discharged, and to be paid their wages, and extra wages with a view to their protection and return to their country, and the papers ought to be surrendered to the consul. But in the case of the "G. C. Trufant," the master and agent of the owner, as I am informed, have refused to deposit or even show the vessel's papers to the consul—have refused to recognize his authority—and have altogether set at defiance the laws and consular regulations of the United States applicable to such cases—leaving that officer and the crew without remedy, and the crew without protection or provision for their sustenance in case of their being thrown adrift in this country and destitute. To this may be added a consideration of the possibilities of fraud and danger in permitting a vessel to retain papers of her former nationality after she may have obtained protection and license under another flag. The owner of the vessel in question, by whose orders it is understood such irregular proceedings have been authorized, is reported to be Mr. Gilbert Carr Trufant, a native-born citizen of the United States, residing in London, and who has been in business for many years in this city, as a member of the firm of Randall & Trufant, 144 Minories. Under the circumstances of the case, which I have thus detailed, I have now, my lord, to protest against this outrage and disregard of the obligations by an American master and an American ship-owner, being permitted to proceed within British jurisdiction; and I confidently appeal to Her Majesty's government, with a request that an investigation may be made of the case, and that a British registration of this vessel may be refused by the proper authority, or if the same has been made, that it be canceled or suspended, until the master and owner of the "G. C. Trufant" shall have complied in good faith with rules and regulations which are for the benefit of the shipping and seamen, and for the protection of the commercial intetest of both countries.

I have the honor to be, with the highest consideration, my lord, your lordship's most obedient servant,

ROBT. C. SCHENCK.

[Inclosure 1 in 1 in No. 731.]

Mr. Badeau to General Schenck.

CONSULATE-GENERAL OF THE UNITED STATES,
London, February 11, 1875.

SIR: I have the honor to forward herewith a copy of a communication addressed to me by the United States consul at Liverpool, in reference to the illegal change of nationality attempted in regard to the American vessel "G. C. Trufant," the importance of which will be at once apparent. I beg to suggest whether a representation of the facts made by yourself to the British government would not insure a refusal of the registry by British authorities. The case is so clear that such a refusal seems to me almost a matter of course.

I hope to be pardoned for suggesting, but prompt action may prevent the consummation of this illegality.

I am, very respectfully, &c.,

ADAM BADEAU,
Consul General.

His Excellency Major-General SCHENCK.
&c., &c., &c.

[Inclosure 2 in 1 in No. 731.]

Mr. Fairchild to Mr. Badeau.

UNITED STATES CONSULATE,
Liverpool, February 9, 1875.

GENERAL: On the 7th instant the American vessel "G. C. Trufant," G. Thomas, master, of Newburyport, arrived in this port. On the afternoon of that day the master raised the British flag on said vessel. On the 8th instant the master caused the word "Newburyport" to be erased from off the stern of said vessel, and caused the word "London" to be painted thereon. I was informed of this by a portion of the crew, who came to me to protest against being transferred to a British vessel. They further informed me that the master had told them that the vessel was now under the British flag. I

yesterday sent a written request to the master to deposit in this consulate his ship's papers, as required by the laws of the United States. He has this day called at the consulate and, verbally, declined to deposit his papers. He also declined to comply with my request that the crew should be discharged according to law, and all hospital dues paid upon the transfer of the vessel to another flag. He declines to recognize the authority of the consul at this port over him, as master, or over the vessel, and asserts that he is acting under instructions from the owner of the vessel, a Mr. Trufant, who, I am informed, now resides in London, and I am informed by a gentleman who called here with the master, and who appears to be an agent of the owner, that the owner especially instructed that no papers should be deposited at this consulate. The crew were shipped in New Orleans December 31, 1874, for a voyage to Liverpool and back to the United States for the term of eighteen calendar months, ending in the United States. The master declines to let me even look at his register, but admits that she came here with an American register, and that she had entered as an American vessel on her arrival here in the Liverpool custom-house. I make this report to you, because this is a most unusual case of defiance of the laws, and in hopes that there may be some way, by proper representations to the British authorities, to prevent such a wrong. If this ship becomes or has become a British vessel, can the consul sue for and recover the penalty named in par. 118, Consular Regulations? I do not know of any way to compel the payment of extra wages to the crew after the vessel has been transferred to another flag. If a vessel can be transferred without reference to the obligations to the United States law, and such transfer will be received by the British authorities, you see how helpless the United States authorities are to enforce the United States laws. I am informed that this same owner once, several years ago, transferred a vessel to the British flag in this same manner; with or without the knowledge of the consul at this port, I did not learn. There ought to be some protection for the United States in such a case as this, and I hope it may prove that the transfer will not be allowed by the British authorities until the just laws of the United States have been complied with. If anything is to be done in that direction, it is my excuse for troubling you with this long dispatch, as such representations as may be proper, if any, must be made by some officer higher in authority than myself..

I am, &c.,

LUCIUS FAIRCHILD,
United States Consul.

General BADEAU,
Consul-General, London.

[Inclosure 3 in 1 in No. 731.]

Mr. Nunn to General Schenck.

CONSULATE-GENERAL OF THE UNITED STATES,
London, February 12, 1875.

SIR: I have the honor to inform you in reference to the consul-general's letter of yesterday's date respecting the ship "G. C. Trufant," of Newburyport, that the owner, or supposed owner, Mr. Gilbert Carr Trufant, is a native-born citizen of the United States, and has been in business in London for many years, the firm being Messrs. Randall & Trufant, 144 Minories. I am not aware that Mr. Trufant has become a subject of Great Britain.

I have the honor to be, &c.,

J. NUNN,
Vice and Deputy Consul-General.

His Excellency Gen. ROBERT C. SCHENCK,
United States Minister, London.

[Inclosure 2 in No. 731.]

Lord Derby to General Schenck.

FOREIGN OFFICE, *February* 15, 1875. (Received Feb. 16.)

SIR: I have the honor to acknowledge the receipt of your note, with its inclosure, of the 11th instant, relative to the circumstances under which the American vessel "G. C. Trufant" has been irregulary transferred to British ownership at Liverpool; and I beg, in reply, to inform you that I have caused this matter to be referred to the board of trade.

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

DERBY.

Gen. SCHENCK, *&c., &c.*

[Inclosure 3 in No. 731.]

General Schenck to Lord Derby.

LEGATION OF THE UNITED STATES,
London, February 15, 1875.

MY LORD: With reference to my note of the 11th instant, in the matter of the "G. C. Trufant," I have the honor to forward to your lordship, herewith, a copy of an additional communication from the United States consul at Liverpool upon this subject.

I have the honor to be, with the highest consideration, my lord, your lordship's most obedient servant,

ROBT. C. SCHENCK.

To th Right Hon. the EARL OF DERBY,
&c., &c., &c.

[Inclosure 1 in 3 in No. 731.]

Mr. Fairchild to Mr. Badeau.

UNITED STATES CONSULATE,
Liverpool, February 12, 1875.

GENERAL: Referring to my former letter regarding the refusal of the master of the American vessel "G. C. Trufant" to deposit the ship's papers at this consulate, &c., I have now the honor to inform you that I sent to the said master a letter yesterday, a copy of which I herewith inclose. In response to that letter, the master called this day at this consulate, and verbally declined to comply with my demands. The master was accompanied by the owner of the said vessel, Mr. G. C. Trufant, of London, England, and the said owner, for himself, verbally declined to in any way recognize the authority of the consul at this port over the vessel or the master, and declared that he would take all the responsibility, and protect the master. He also informed me that he had once before transferred a vessel to the English flag in the same manner, in spite of the United States consul.

Chapter 40, act of March 3, 1817, volume 3 United States Statutes, page 362, assumes certain control over foreign vessels entering a port in the United States. I do not know of any English law of like nature. If there is no remedy in such a case as this for the Government of the United States, I shall be surprised. The ship is not yet transferred, but the necessary steps are being taken.

I have seen the record of her entry at the custom-house here. She entered as an American vessel.

I am, &c.,

LUCIUS FAIRCHILD,
United States Consul.

General ADAM BADEAU,
United States Consul-General, London.

[Inclosure 2 in 3 in No. 731.]

Mr. Fairchild to Captain Thomas.

UNITED STATES CONSULATE,
Liverpool, February 11, 1875.

DEAR SIR: It becomes my official duty to request that you immediately deposit with me at this consulate the register, shipping and crew list, of the vessel under your charge as master, and though you have heretofore verbally declined to comply with this lawful request, I respectfully ask for a reply to this. I deem it my duty, in view of the fact that you acknowledged to me verbally that you had caused the word "Newburyport" to be erased from the stern of your vessel and had painted the word "London," to inform you that the owners of said vessel are, by the laws of the United States, subject to a penalty of fifty dollars for not having printed on the stern thereof the name of the port to which she belongs. The said vessel belongs to the port of "Newburyport," I am informed. I also deem it my duty to inform you that upon refusal by you to produce before me, as consul, your articles and crew-list, you render

yourself liable to a penalty of one hundred dollars. Also, that you render yourself liable to a penalty of five hundred dollars by your refusal, or neglect, to immediately deposit the register of said vessel with me as consul.

I am, &c.,

LUCIUS FAIRCHILD,
United States Consul at Liverpool.

Capt. G. THOMAS,
Master of the American Vessel "G. C. Trufant," Liverpool.

[Inclosure 4 in No. 731.]

General Schenck to Lord Derby.

LEGATION OF THE UNITED STATES,
London, February 16, 1875.

MY LORD: Referring to my two notes addressed to you on the 11th and 15th instant, with inclosures, in relation to the case of the American vessel "G. C. Trufant," I have now to lay before you in that connection further communications received to-day from the consul-general of the United States at London and the consul of the United States at Liverpool on the same subject.

I have the honor to be, with the highest consideration, my lord, &c.,

ROBT. C. SCHENCK.

To the Right Hon. the EARL OF DERBY,
&c., &c., &c.

[Inclosure 1 in 4 in No. 731.]

Mr. Badeau to General Schenck.

CONSULATE-GENERAL OF THE UNITED STATES,
London, February 15, 1875.

SIR: Referring to the previous correspondence on the subject of the attempted transfer of nationality of the American vessel "G. C. Trufant," I have the honor now to forward a communication from the American consul at Liverpool, of the 13th instant, on the same subject, establishing the fact, by his own admission, that the owner of the vessel is a British subject.

I am, very respectfully, your obedient servant,

ADAM BADEAU,
Consul-General.

His Excellency GENERAL SCHENCK,
United States Minister.

[Inclosure 2 in 4 in No. 731.]

Mr. Fairchild to General Badeau.

UNITED STATES CONSULATE,
Liverpool, February 12, 1875.

GENERAL: I regret troubling you with another letter regarding the case of the "G. C. Trufant," but it seems best that I should tell you that the Mr. G. C. Trufant who says he is the owner of said vessel, yesterday, while conferring with me on this subject, told me that the vessel was built for him (whether for him alone or not I did not understand, but he called himself the owner) in the United States; that he himself desired her to be put under a British register when launched, for which he says the United States laws provide when a vessel is built for a foreigner; that the builders of the vessel begged permission to have her put under an American register, so that they (the builders) could take advantage of the United States revenue laws providing for the refunding of certain United States customs duties paid by him or them on foreign material entering into the construction of the said vessel; that such refunded duties, or drawbacks, amounted to about $600; that the American register was only

taken out for the purpose of taking advantage of the said law, and thereby evading finally the payment of said (about) $600; that the vessel could lawfully have been put under a British register, and that if she had been put under a British register the said sum of money could not have been received from the United States by the builder as a drawback.

(If the vessel was entitled to a British register, was she at the same time entitled to an American one? And if not entitled to the latter, was it not obtained fraudulently for a fraudulent purpose, to wit, to obtain the $600 aforesaid?)

If the foregoing statement of the case is true, and I give it, in substance, just as Mr. Trufant stated it to me, did not the foreign owner or owners who consented to have the vessel receive an American register, for the sole purpose of allowing the builders to receive a drawback, collude with such builders to defraud the United to the British flag without complying with the laws of the United States by the pay- States, the American register having been used for the admitted purpose of evading the payment of United States customs duties, and as long as the owners deemed it to their advantage, and the vessel having arrived here, they now seek to transfer her ment of the United States consular fees and the lawful payments to the crew? On one side of the Atlantic they take advantage of the United States law to evade payment of customs dues; on the other side (this) they defy the laws of the United States to evade the lawful payments due on transfer of a vessel to a foreign flag.

This case presents to my mind features which warrant rigorous action by the United States authorities, and it is to be hoped that there is some way of preventing this wrong being done.

Mr. G. C. Trufant tells me that he is now a subject of Great Britain.

I am, general, respectfully, your obedient servant,

LUCIUS FAIRCHILD,
United States Consul.

General ADAM BADEAU,
United States Consul-General, London.

[Inclosure 5 in No. 731.]

Lord Derby to General Schenck.

FOREIGN OFFICE, *February* 18, 1875.

SIR: I have the honor to acknowledge the receipt of your further notes, with their inclosures, of the 15th instant and 16th instant, relative to the case of the vessel "G. C. Trufant," and I beg to inform you that I have referred the same to the proper department of Her Majesty's government.

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

DERBY.

General SCHENCK, *&c., &c., &c.*

[Inclosure 6 in No. 731]

Lord Derby to General Schenck.

FOREIGN OFFICE, *March* 5, 1875.

SIR: With reference to my note of the 18th ultimo I have the honor to acquaint you that Her Majesty's government have carefully considered the case of the alleged transfer from American to British nationality of the steamer "G. C. Trufant," to which their attention was directed in your notes of the 11th, 15th, and 16th ultimo.

I now beg to inform you that as at present advised it does not appear to Her Majesty's government that this case is one in which legal proceedings could be successfully instituted in this country against the owner or master of the vessel in question. It is providedby part I, of section 103, of the merchant shipping act of 1854, thatwhere any person uses the British flag, and assumes the British national character on board any ship owned in whole or in part by any persons not entitled by law to own British ships, such ships shall be forfeited, &c.

In order, however, to convict under this section, the master must have used the British flag, and himself assumed the British national character, which he does not appear in this case to have done; and even if he had used such flag, and assumed such national character, it was on board a ship owned (although not registered in this country) by a naturalized Englishman, who was, therefore, by British law, entitled to be its owner.

Her Majesty's government are, nevertheless, of opinion that the vessel is still as

much a foreign vessel as when she entered the port of Liverpool as such, and that she is not entitled to the privileges of a British vessel.

It seems, moreover, to Her Majesty's government that the letter from the United States consul, which you have had the goodness to communicate to them, discloses the real motive for the suspicious character of the proceedings of the master and owner of this vessel; and it would appear to be a question for the consideration of the United States Government whether any steps should be taken to detect and punish or prevent similar evasions of the United States customs law.

I would beg, in conclusion, to observe that the main point raised by this correspondence, namely, the liability of vessels transferred from one flag to another, is receiving the attention of Her Majesty's government.

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

DERBY.

General SCHENCK, *&c., &c., &c.*

[Inclosure 7 in No. 731.]

General Schenck to Lord Derby.

LEGATION OF THE UNITED STATES,
London, March 5, 1875.

MY LORD: Referring to my several communications made to you on the 11th, 15th, and 16th of February last, in relation to the case of the American vessel "G. C. Trufant" and the paper exhibits inclosed therewith, I have now to call your attention to another letter on the subject from the consul of the United States at Liverpool, received to-day through the consul-general at London, and of which I send herewith a copy. I am surprised to learn from this that the vessel in question is being treated, it seems, at the surveyor's office of the custom-house at Liverpool, as a British vessel, and that it is understood she is being loaded and prepared for sea, and is about to sail for Calcutta, and all this without answer to my question whether she is to be allowed a British registration, notwithstanding the irregularity of procedure on the part of the master and owner, and their defiance of the laws and the shipping regulations of the United States.

In this connection I beg leave to invite the attention of Her Majesty's government not only again to the statement in the case of the vessel, which was submitted in my note of the 11th February, but particularly also to the document which accompanied my letter of the 16th of February, from which it appears that the owner of the vessel has confessed that in obtaining for the ship an American register, he was combining with the builders to defraud the revenue of the United States. But on this I have, at the same time, to remark, that if that shameless statement made by way of excuse be true, then, also, a further fraud was committed against both Great Britain and the United States by the clearance of the vessel under the American flag and with American papers, and not through the British consul at the port of the United States from which she sailed. I am unwilling for a moment to believe that any of the authorities of Her Majesty will allow the forms of law of this realm to be used to sanction or permit such wrong as is thus attempted, not only against the laws and official authorities of a friendly power, but against a crew of seamen manifestly enlisted into service under false pretenses, and who are entitled to be discharged with such payments as the law of the United States provides.

I have the honor to be, with the highest consideration, my lord, your lordship's most obedient servant,

ROBT. C. SCHENCK.

To the Right Hon. the EARL OF DERBY,
&c., &c., &c.

[Inclosure 1 in 7 in No. 731.]

Mr. Fairchild to General Badeau.

UNITED STATES CONSULATE,
Liverpool, March 3, 1875.

GENERAL: I have just learned at the surveyor's office of the custom-house here that the ship "G. C. Trufant" has been entered for measurement, resurvey, &c. She is entered in the book of *British* vessels, and after the entry are written remarks to the effect that she was previously American, built at Newburyport. Can I be immediately informed of the official reception of this ship as a British vessel, provided a register is granted to her? The crew which came here in her will have the right then to dis-

charge, and lawful payments which may possibly be enforced in the courts here. To make the effort, proceedings must be commenced before the vessel sails, hence my desire, in the interest of justice, for information as to transfer, if it is made at all, which I very much doubt.

Respectfully, your obedient servant,

LUCIUS FAIRCHILD,
United States Consul.

General BADEAU,
United States Consul-General, London.

[Inclosure 2 in 7 in No. 731.]

Mr. Fairchild to General Badeau.

UNITED STATES CONSULATE,
Liverpool, March 3, 1875.

GENERAL: I am informed by members of the crew of the "G. C. Trufant" that the ship is nearly ready for sea, being partly loaded now, and is to sail to Culcutta. The master refuses to grant their discharge, but will take them as seamen if they will go. They decline to sail in her under the British flag, and demand their discharge, with lawful payments.

I am, general, respectfully, your obedient servant,

LUCIUS FAIRCHILD,
United States Consul.

General BADEAU,
United States Consul-General, London.

[Inclosure 8 in No. 731.]

Lord Derby to General Schenck.

FOREIGN OFFICE, *March* 8, 1875.

SIR: I have the honor to acknowledge the receipt of your note, with its inclosure, of the 5th instant, containing further particulars with respect to the vessel "G. C. Trufant," and I beg in reply to inform you that I have referred the same to the proper department of Her Majesty's government.

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

DERBY.

General SCHENCK, *&c., &c., &c.*

[Inclosure 9 in No. 731.]

General Schenck to Lord Derby.

LEGATION OF THE UNITED STATES, *March* 11, 1875.

MY LORD: I have the honor to acknowledge the receipt of your note of the 8th instant, informing me that you had received and referred to the proper department of Her Majesty's government mine of the 5th instant, with an inclosure, communicating particulars with respect to the vessel "G. C. Trufant."

I have to acknowledge also your lordship's note to me of the 5th instant, relating to the case of that vessel, which had not reached me when I sent to you mine of the same date. Referring now to your lordship's note of the 5th, and in view of our former correspondence on this subject and the papers submitted, I have to express my satisfaction with the assurance you give that Her Majesty's government are of opinion that the "G. C. Trufaut" is still as much a foreign vessel as when she entered the port of Liverpool, and that she is not entitled to the privileges of a British vessel. I learn also from your lordship that the question of the liability of vessels transferred from one flag to another is receiving the attention of Her Majesty's government.

On this point I beg to call attention to the fact, brought to your lordship's notice by my communication made on the 5th instant, that the owner of the "G. C. Trufant," notwithstanding this opinion of Her Majesty's government, and notwithstanding any inquiry or investigation that may be going on as to her national character, is assuming that the vessel has already been transferred from the American to the British flag, and I may add that since my then writing I have ascertained through private advices from Liverpool that she is still being made ready to sail from that port as a British vessel, and is expected to get to sea within a day or two from this time. I notice that your lordship writes as to Her Majesty's government being at present advised that it does not appear that this case is one in which legal proceedings could be successfully insti-

tuted in this country against the owner or master of the vessel in question. But I beg to recall to your lordship's mind that it is because the Government of the United States, and the United States consul, and the American crew of the vessel may be remediless under the circumstances, under British law, and in British courts of justice, I have been constrained to make the representation I have to Her Majesty's government. It is not a complaint made on account of "an alleged transfer from American to British nationality," but it is a protest I make against any change of registration or flag being permitted in furtherance of an outrage against, and defiance of, the laws and authority of the country from which the "G. C. Trufant" comes.

I beg now to recapitulate some of the leading points presented in the history of this affair.

1. This vessel, with an American register and shipping papers, and under the American flag, came into the British port of Liverpool.

2. The master, on his arrival, was bound, under the laws of the United States, to deposit the ship's papers with the United States consul at that port, and to pay certain fees and assessments of hospital-money.

3. If the vessel were sold or in any way regularly transferred from her American to a foreign nationality, that act entitled the crew to their discharge and to payment of wages and extra wages under the order and direction of the United States consul.

4. But the master has defied the consul of the United States and refused to comply with any of the regulations to which he was bound, and is upheld in this by the owner.

5. The excuse the owner gives for such act is that he was sailing falsely under the American flag, had represented his vessel of that nationality for a dishonest purpose, and obtained her papers therefore by fraud.

6. The owner claims, moreover, now to be a naturalized British subject, although a native-born citizen of the United States, but has exhibited, as far as is known, no evidence of British naturalization except his own unsupported assertion, and of his character for truthfulness we know nothing except a shameless admission that he falsely and dishonestly conspired with the builders of his vessel to defraud the United States of about six hundred dollars.

7. If the owner be in fact a British subject and a British owner, he has not only been guilty of a fraudulent violation of the law of the United States, but it is submitted must have also violated British law by having the master of his vessel evade the consul of Great Britain at the American port from which she sailed, and by not having his clearance taken as a British vessel.

8. It is not claimed that there is any present and immediate remedy for the United States and her citizens in English courts for the wrong thus committed, but, on the contrary, the very complaint is that the Government of the United States is ignored, her official agent defied, and the seamen of the vessel denied their just claims, and all left remediless within this jurisdiction unless Her Majesty's government shall intervene.

9. It is for these reasons and in these circumstances that I have protested against the owner of the "G. C. Trufant" being permitted to register her as a British vessel, and I feel confident that, until she be purged of her wrong, Her Majesty's government will not allow her to sail under the British flag from a British port, using that flag for a protection in the commission of fraud.

10. By what judicial processes the owner, the master, the vessel, or the builders, may be pursued and punished hereafter, either in this country or in the United States, will be, if necessary, for the future consideration of my Government and of the parties wronged.

I have, &c.,

ROBT. C. SCHENCK.

EARL OF DERBY.

[Inclosure 10 in No. 731.]

General Schenck to Lord Derby.

LEGATION, *March* 12, 1875.

MY LORD: Referring to our correspondence in relation to the American vessel "G. C. Trufant," I beg leave to state to your lordship that I have this moment received a telegram sent by the United States consul at Liverpool to-day to the consul-general of the United States at London in these words: "I have positive information that the "G. C. Trufant" has been granted a British register previous to the 10th of this month. She will probably sail to-morrow."

I have the honor to be, &c.,

ROBT. C. SCHENCK.

EARL OF DERBY.

[Inclosure 11 in No. 731.]

General Schenck to Lord Derby.

LEGATION OF THE UNITED STATES,
London, March 15, 1875.

MY LORD: With reference again to the case of the "G. C. Trufant," I think it proper to inform you that I have just received a dispatch, by telegraph, from the United States consul at Liverpool, dated to-day and in the following terms:

"Trufant did not sail Saturday; am informed that her crew could not be obtained in time. Her crew is to go on board this morning, and she is to sail this day."

I have, &c.,

ROBT C. SCHENCK.

EARL OF DERBY.

[Inclosure 12 in No. 731.]

Lord Derby to General Schenck.

FOREIGN OFFICE,
March 15, 1875. (Received March 16.)

SIR: I have the honor to acknowledge the receipt of your notes of the 11th and 13th instant, as well as that of to-day's date, relative to the case of the "G. C. Trufant," and I beg in reply to assure you that this matter continues to receive the attention of Her Majesty's government.

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

DERBY.

GENERAL SCHENCK, *&c., &c., &c.*

[Inclosure 13 in No. 731.]

Lord Derby to General Schenck.

FOREIGN OFFICE, *March* 19, 1875.

SIR: With reference to my note of the 15th instant, I have the honor to state to you that Her Majesty's government have not failed to give their careful attention to the further representations which were contained in your notes of the 6th and 11th instant, relative to the case of the "G. C. Trufant," and I beg to acquaint you that orders were issued by the commissioners of customs to the effect that all lawful means should be employed for the detention of the vessel in question. With this object, instructions were addressed to the collector at Liverpool that, in case the ship had not sailed, care should be taken to enforce rigidly every requirement of the law, the observance of which might legitimately retard the departure of the ship, so as to afford as much time as possible for the consideration of the questions which had arisen in connection with this case. A telegram has, however, been received from the collector in reply, informing the board of customs that, all the provisions of British law having been duly complied with, the ship cleared out from Liverpool for Calcutta on the 13th instant.

It remains for me to assure you of the anxiety which has been experienced by Her Majesty's goyernment to help the United States government in this case. I need not, however, point out to you that Her Majesty's government could only act in the matter within the limits of British law. The question, therefore, to be considered was whether the master or owner of the ship had committed any breach of that law.

Her Majesty's government are advised that what was done in America and on the high seas did not amount to a breach of that law, much less a breach which would have justified them in stopping the ship.

If Mr. Trufant had not been a British subject, and had made a false declaration to that effect, he would have been liable to punishment, and his ship to seizure, under section 103 of the merchant-shipping act of 1854. This, however, has not been proved; on the contrary, Her Majesty's government have ascertained that Mr. Trufant obtained a certificate of naturalization on the 10th of August, 1867. I beg, in conclusion, to assure you that so far from being in any way disposed to aid Mr. Trufant in his successful attempt to evade the liabilities of the United States law, Her Majesty's government are themselves suffering under similar evasions practiced by owners of British vessels, who transfer them to foreign flags for the purpose of escaping the obligations

of British law, and Her Majesty's government are consequently considering the propriety of so altering the law in this country as to prevent such evasions, and they will be glad to have the assistance of the United States government in the matter.

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

DERBY.

General SCHENCK, &c., &c.

[Inclosure 14 in No. 731.]

General Schenck to Lord Derby.

LEGATION OF THE UNITED STATES,
London, April 9, 1875.

MY LORD: I received and have duly considered your note of the 19th ultimo, conveying a final answer in the matter of the vessel "G. C. Trufant."

I regret exceedingly that Her Majesty's government have felt constrained to decide that, under the law of Great Britain, they had no power to intervene in the case of an American ship which has, in such extraordinary manner, in violation of the shipping-regulations of a friendly power, and in defiance of our consul, been transferred to the British flag. But I appreciate your lordship's cordial assurance of the desire of Her Majesty's government to help protect the interests of the United States had it been legally possible. I have prepared all the documents and our correspondence, presenting the full history of the affair, to be submitted to my Government, and shall transmit the papers to Mr. Fish by the next mail.

Your lordship, in connection with the explanation given of the reasons why they have been unable to lend any aid to prevent such an evasion of duties and obligations on the part of a master or owner of a vessel transferred to another flag, informs me that Her Majesty's government are now considering the propriety of so altering the law in this country as to prevent such evasions; and your lordship is pleased to suggest that they will be glad to have the assistance of the United States in the matter. This friendly suggestion of co-operation between our two governments by similar statutory provisions for the protection of mutual interests induces me to call your attention to the existing law of the United States concerning the point which has been in question. For your lordship's convenience of reference, I inclose a copy of sections* 4209, 4210 of our Revised Statutes, and these clauses are but a re-enactment of an act of Congress passed in the year 1817, which has been in force since that date. It will by this be seen that such evasion and defiance as were practiced by the master of the "G. C. Trufaut" towards the consul of the country to which that vessel belonged, on her arrival at Liverpool, would not have been permitted to pass without remedy or punishment in the United States, but would have subjected the offender to a fine of from five hundred dollars to two thousand dollars. Such is the protection which has been extended, by special statute, in the United States, for nearly sixty years, to the vessels and consuls of those foreign nations which have been understood as reciprocating in this particular. I shall now have to attract the notice of the Government at Washington to the fact that, unfortunately, under the existing provisions of law in Great Britain, a like protection is not extended to the consuls of the United States in her ports.

In conclusion, my lord, I cannot refrain from suggesting that this case of the "G. C. Trufant" affords—as I am sure your lordship will agree with me—another proof of the grave importance of concluding, at as early a day as possible, a judicious and fair adjustment, by means of a consular convention, of questions and difficulties which ought not to continue to disturb the commercial relations of our two countries.

I have the honor, &c.,

ROBT. C. SCHENCK.

Earl of DERBY, &c., &c.

No. 265.

General Schenck to Mr. Fish.

No. 733.] LEGATION OF THE UNITED STATES,
London, April 15, 1875. (Received April 26.)

SIR: On the 13th instant a debate of much interest took place in the House of Commons, in relation to the declaration of Paris.

* Copy of sections 4209 and 4210, United States Revised Statutes.

I send you a full report of it, extracted from the London Times of yesterday. The discussion came up on a resolution offered by Mr. Baillie Cochrane, a conservative member sitting for the Isle of Wight. The proposition, after earnest argument, was disposed of by a vote refusing the previous question—261 yeas to 36 nays. This is, however, by no means to be taken as indicating the relative division of opinion in Parliament on the subject. There is a strong party in England in favor of withdrawing entirely from committal to that extended doctrine of neutrality, and, if a vote could have been forced directly on the merits of the matter, the result would have shown a very much larger number in favor of abrogation. The resolution, as you will observe, did not take the ground of immediate abrogation, but was limited to declaring that the proposed international conference at St. Petersburg would afford a favorable occasion for Great Britain to re-assert her maritime rights by withdrawal from what she assented to at Paris. As indicating the views and temper prevailing in certain quarters of the kingdom on this subject, I also append a copy of a petition presented yesterday by Mr. Foster from his Bradford constituency, which I find printed in the newspapers of this morning. Mr. Foster, you know, is a leading and influential liberal, who was in Mr. Gladstone's ministry. The difference of opinion among public men here on this subject is by no means marked by present party lines,

I have, &c.,

ROBT. C. SCHENCK.

[Inclosure 1 in No. 733.]

THE DECLARATION OF PARIS.

From the Times, Wednesday, April 14, 1875.]

HOUSE OF COMMONS,
Tuesday, April 13, 1875.

Mr. B. COCHRANE, in rising to move a resolution in favor of withdrawing from the declaration of the treaty of Paris, said that the question was last brought before the house by the honorable member for Whitehaven, [Mr. C. Bentinck,] and he regretted that the circumstances of his honorable friend's official position precluded him from recurring to the subject. It had previously been brought before the house in 1866 and 1867. The general feeling of the house then was in favor of withdrawing from the declaration of Paris, yet, as no particular question of international law was then before Europe, it was not thought desirable that the house should come to any resolution against the declaration of Paris. Last year a conference of international law met at Brussels, and this year another conference was to be held at St. Petersburg, and now when attention was directed to the subject of international law was the time, if ever, for that house to say whether the country should be bound for all time by the declaration of Paris of 1856.

The Brussels conference was convened with the professed object of ameliorating the condition of prisoners of war. The conference, however, went further, and considered the whole question of military warfare by land. The great object of this conference, which Lord Derby, with his usual sagacity, discovered, was to entangle this country into a confirmation of the declaration of Paris. This was clear from all the documents, and when Lord Derby appointed General Sir A. Horsford to go to the conference and watch its proceedings, he said:

"The powers must give the most positive assurance that the delegates shall not entertain in any shape, direct or indirect, anything relating to maritime operations or naval warfare;" and again, "It will be your duty to guard carefully against being led into any discussions which may affect, however remotely, the subject of maritime warfare." In the last dispatch of Prince Gortchakoff, in reply to Lord Derby's declining to recognize any future conference, the Russian minister, after saying there does not exist, strictly speaking, any positive international law, proceeds to say: "In the last century the rights of maritime neutrality had no legal existence, until the Empress

Catherine had proclaimed them, and made them the object of treaties with other governments. England for a long time contested these rights as being derogatory to existing laws and customs. At the present time they are generally admitted, but have the force of obligatory laws only by the treaties that sanction them;" and in conclusion of the dispatch, "If the English government says it will keep to the principles of international law, and that it will impose the same on its allies, it would have been desirable that its meaning should have been rendered complete by stating what these principles are." He proposed that the House of Commons should say to-night what were those principles of international law. He would not complain of the atrocities and calamities of war, for they were the best safeguards for the preservation of peace. You could not make war with kid gloves and rose-water. Peace congresses were not of modern origin. In one of Æsops fables a peace congress of animals was held, of bears, and wolves, and bulls, to discuss the laws of war. The wolves and bears proposed that the only weapon used for fighting should be the teeth. The bulls, however, replied, "You may do what you please, but nature has given us two horns, and we intend to use them." The two horns of England were her power of issuing letters of marque and the right of search. What was that right? From the earliest days of England's greatness and maritime power the right had been claimed and exercised of seizing an enemy's goods in whatever ship they might be, and whether under a neutral or any other flag. That right among ourselves had never been questioned. Lord Mansfield, when appealed to by the government of the day, distinctly laid down the following principles:

1. The goods of an enemy on board the ships of a friend may be taken.
2. The lawful goods of a friend on board the ships of an enemy ought to be restored; and
3. Contraband goods going to an enemy, although the property of a friend, may be taken as prize.

The principle was held by the English government of that day that they would not waive the right of seizing an enemy's goods under whatever flag they might be found. The next occasion on which this principle was questioned was in 1780, when the famous armed neutrality was formed; but England declined to give way, and the whole question was again settled for the time being. Again, in 1801, an armed neutrality was entered into, but England, laying an embargo upon the property of the countries which had formed the league, issued letters of marque, and in six months the armed neutrality came to an end. He would not go back so far as Vattel or the other great authorities of days long past, but would quote a few of the authorities of later times on the subject. Lord Eldon, for instance, held that the right of searching neutral vessels originated in the rights of nature, and no convention or treaty could destroy the right. The opinion of Lord Stowell was conveyed in the following words: "A war and a commercial peace is a state of things not yet seen in the world; there is no such thing as a war for arms and a peace for commerce, and the right of visiting and searching merchantmen on the high seas, whatever be the cargoes, whatever the destination, is an incontestable right of the lawfully commissioned cruisers of a belligerent state." Lord Nelson, again, expressed not only the opinion of his own time, but foreshadowed the views of the great naval officers of the present day, when, in the House of Lords in 1800, he described the proposition that free ships should make free goods, as—

"A proposition so monstrous, so contrary to the law of nations, so injurious to the maritime interests of this country, that if it had been insisted on it would have been our duty never to have ceased war with these powers while a single man, a single shilling, or a single drop of blood remained in this country."

Napoleon, again, speaking on the same question, said: "The greatest blow that could be given to England would be to compel her to give up her maritime rights."

Such was the state of opinion in England down to the year 1854, when, as we were drifting into a war with Russia, by what was to him a perfectly inconceivable act on the part of a public man, the following order in council was issued: "In order to preserve the commerce of neutrals from all unnecessary destruction, Her Majesty consents to suspend a portion of the belligerent rights that belong to her by the law of nations; Her Majesty will suspend the right of seizing enemies' property on board neutral vessels unless contraband of war." The result of this extraordinary order was to afford perfect safety to Russian commerce which sailed under neutral flags. (Hear, hear.) Coming on to 1856, they found occurring an event which was not to be paralleled in the diplomatic and political annals of England. Representatives of the great powers assembled in Paris to conclude a treaty of peace, and after the treaty was concluded, Count Walewski proposed to the congress to conclude its work by a declaration which would constitute a remarkable advance in international law, and which would be received by the whole world with a sentiment of lively gratitude. It would, he said, be truly worthy of the Congress of Paris to lay down the basis of a uniform maritime law in time of war as regards neutrals. The four following principles would completely effect that object: (1) The abolition of privateering; (2) the neutral flag

covers enemy's goods, except contraband of war; (3) neutral goods, except contraband of war, are not liable to capture even under an enemy's flag; and (4) blockades are not binding except in so far as they are effective. The Earl of Clarendon observed that, like France, England at the commencement of the war sought by every means to mitigate its effects, and that with this view she renounced, for the benefit of neutrals, during the struggle which had then come to an end, principles which up to that time she had invariably maintained. If the whole of the congress were to adopt the propositions of Count Walewski it should be well understood that it would only be binding in regard to the powers who might accede to it, and it could not be appealed to by governments who might refuse their accession. Count Orloff observed that the powers with which he was furnished having for their sole object the restoration of peace, he did not consider himself authorized to take part in a discussion which his instructions had not provided for. On the same occasion Count Buol declared that he appreciated the spirit and beauty of the principles of maritime law which Count Walewski had proposed for adoption, but that, not being authorized by his instructions to express an opinion upon a matter of such importance, he must for the time confine himself to announcing to the congress that he is prepared to request the orders of his sovereign. This treaty, or declaration, was not ratified by Parliament, and, as far as he could see, was in no way binding upon this country. It was simply a declaration consented to in an evil moment of weak philanthropy by the late Lord Clarendon. He should not quote opinions on this question which had been expressed by any politicians who were now responsible for the foreign policy of this country, but he should like to lay before the house the opinion of Lord Russell concerning it. In 1857 the noble earl said:

"The rule that free ships make free goods, and the goods of a belligerent are safe in neutral vessels, has always been regarded as injurious to the supremacy of maritime countries, and especially to the maritime power of England. I hope no minister will set his seal to a treaty containing any stipulations of this kind without the most cautious deliberation."

What said Mr. Stuart Mill?

"Sir, I venture to call the renunciation of the right to seize enemy's property at sea a national blunder, and unless, by resuming our natural and indispensable weapon, we place ourselves again on an equality with our possible enemies, we shall be burdened with these enormous establishments and these onerous budgets for a permanency; and in spite of it all, we shall be forever in danger, forever in alarm, cowed before any power or combination of powers capable of invading any of our widely-spread possessions. Happily, the blunder is not an irretrievable one; the declaration of 1856 is not a treaty; it has not been ratified. The authority on which it was entered was the private letter of a minister. How war is to be humanized by shooting at men's bodies instead of taking their property, I own, surprises me." [Hear, hear.]

Mr. Cobden said:

"The congress declared that the neutral flag covered enemy's goods. The resolution reverses the most venerated judgments of our admiralty courts, and for the first time imparts the force of maritime law to principles which were resisted by England against the world in arms until the close of 1815. The practical effect would be, in case of war with a naval power, to transfer the trade of even our own ports to the neutral powers."

Mr. Mitchell, once his colleague, said: "I believe there is no man who is acquainted with Russia who would not be of opinion that the greatest means of coercion that could be made against Russia would be the closing of her ports and the stopping of her export trade; and that the best means of hostility against Russia at the beginning of a war would have been to take steps to stop the whole of her export trade."

The authorities he had quoted were most eminent men on both sides of the house. He could refer to several other men in support of his view, but to none more important than these. This was not a party question. It was a question concerning the interests and the maritime greatness of this country. [Hear.] If we accepted the principle that a neutral flag covered enemy's property all the neutral countries would take possession of our place, and the name that Napoleon gave to our volunteers of the sea in time of war—viz, *les loups de mèr*—would be swept away. If we were to have volunteers for the defense of our shores, we were equally justified in making use of our great commercial marine in case of war to defend this country.

There were some who said that the sea was the highway of all countries, and that in the case even of a ship carrying contraband of war she should not be searched, but he could not conceive anything more fatal, he might almost say more ridiculous, than such an idea as that. There were persons who said, "*Silent leges inter arma;* your declaration of Paris is nothing, and when war comes we will tear it up," but that was not an honorable view. [Hear, hear.] It would not be honorable to us to follow the bad example set in 1870. It had been well said that England did not so much support the right of search as the right of search supported England. The extent and variety of our commerce was so great that we more than any other nation were bound over to

keep the peace in Europe, but for that very reason we ought to have at our command every means of hostility in case we were dragged into war. No fortifications, no torpedoes, no iron-clads, no increase of our army or navy, could give us the power that we should derive from the right of seizing enemy's goods at sea in time of war. He denied that we might be called upon by military powers to discuss that right. We were a great maritime power. [Hear.] Of all the commercial navies of the world put together, what was the proportion of ships which belonged to England? Thirty-seven per cent. And of the steam navies of the world, 58 per cent. of the steamers belonged to England. Surely that placed us in an exceptional position.

If we armed those great ocean steamers in case of war, and allowed them to defend themselves, what a force we should have! He knew that Lord Clarendon said he was going to inaugurate an era of peace. That prophecy was not fulfilled at all. He [Mr. Baillie Cochrane] was not there to prophesy disaster, but he could not be blind to facts. Twenty years ago the Russian frontier was 1,000 miles from our Indian possessions; now it was not much more than 80; and that was owing to the apathy with which we had viewed these matters. He contended that unless we were to adopt forever a principle of selfish isolation, we should do everything to maintain the maritime greatness of this country. [Hear.] We had heard a great deal, and he thought we had heard too much, about the silver streak that protected us. As long as we insisted on having our maritime rights we should have command of the seas of the world. As Lord Nelson said: "We should lose our last shilling and the last drop of blood of our last man sooner than give up those maritime rights." In 1870 Prince Gortchakoff wrote to Count Brunow: "The Emperor commands you to declare that His Imperial Majesty cannot any longer be bound by the stipulations of the treaty of Paris, as they restrict His Majesty's rights in the Black Sea." If, then, he [Mr. Baillie Cochrane] should be told that he was doing wrong in proposing that this country should withdraw from the declaration of Paris, his reply would be that the treaty of Paris was at an end when the Emperor of Russia disregarded the greatest stipulation in it, and for the insertion of which stipulation we had expended a great deal of money and blood. He trusted that by their vote that night the house would declare that we should go back to the former days of our naval supremacy. [Cheers.] The honorable gentleman concluded by moving the following resolution:

"That, in consequence of a conference having been held at Brussels in 1874 on international law, and the proposed renewal of the conference at St. Petersburg this year, a favorable opportunity is afforded to the country of withdrawing from the declaration of Paris of 1856, and thus maintaining our maritime rights, so essential to the power, prosperity, and independence of the empire."

Mr. HERMON in seconding the motion thanked his honorable friend, to whom he thought the house and the country were indebted, for having brought forward this important question. His honorable friend said that in case this country were involved in war, the treaty of Paris ought to be rescinded, and that was a declaration which he hoped would find acceptance in the House of Commons. For his part he hated and detested war, and he might be asked why then did he support the motion. His object in doing so was that war might be made as disagreeable as possible, so that it might become hateful in the eyes of all civilized nations, and they mignt be induced to recoil from it. He was aware that the proposition before the house would not be pleasant to the representatives of those nations who took part in the declaration agreed to at Paris, but they were not there to make things pleasant, but rather to make war odious. [Hear, hear.] It ought to be thoroughly understood by other nations that England was prepared to exercise in time of war her great maritime power in her own defense, and that, he thought, was one of the things which would prevent us drifting into war. He could not but remember the great amount of sympathy which had been exhibited in this country for the sick and wounded during the Franco-German war, and the large fund which had been raised for their relief. He must say he regretted that he had contributed to that fund, for he now believed that it was false philanthropy to do so. The horrors war entailed ought to be forced upon the attention of the nations that went to war, and it ought to be shown them that it was as much their duty to provide food and medicine for their soldiers as it was to provide powder and shot for them to fight with. [Hear, hear.] With respect to the question of the neutral flag, Mr. Pitt said in that house, in the face of a powerful opposition, that although he was anxious for peace, yet upon the question of the neutral flag covering the cargo of the enemy, sooner than give it up he would wind it around him, and find his glory in his grave.

On the 22d of May, 1856, Lord Colchester brought forward a motion in the House of Lords to the effect that the right to capture an enemy's goods on board a neutral vessel was an inherent right, the abandonment of which was a serious injury to our naval power; and the late Lord Derby declared that "in signing that declaration"—that of Paris—"you have sacrificed the maritime independence of England on the shrine of Russia," while Lord Hardwick said that it had struck down the maritime supremacy of England. And what said Lord Clarendon himself on that occasion? He intimated that

he had not acted within the strict limit of his attributions, by which he supposed the noble earl meant his instructions. He would remind the house that the United States had declared that in the event of war they would not renounce the use of their mercantile marine. Under such circumstances what position would we be in if we were at war with the United States or with any country of which the United States was an ally? Surely England would not allow herself to be placed at so great and serious disadvantage? On such a subject the house ought to take a decided view, and express themselves as those who had gone before them had done—in a manner which could not be mistaken. The opinion expressed by Mr. John Stuart Mill on this question had been already quoted by his honorable friend, and in that patriotic opinion he fully concurred. The right honorable gentleman at the head of the government had expressed himself strongly on this subject. He said: "The stipulations of the declaration of Paris were impolitic, and tended to weaken and cripple the strength of this country; but, so far as we are concerned, we must emancipate ourselves from those trammels in a regular manner." There could not, then, be a more regular or constitutional manner of doing so than by means of the action of Parliament. [Hear, hear.] It having been declared that by the declaration in the treaty of Paris we had given up the cardinal principle of our maritime power, and that in consequence of that treaty never having been ratified by Parliament or by the Queen it was not binding on us, he thought the present moment, when peace was universal, was the best that could be selected for repudiating our obligations under it. He further suggested that Her Majesty's government should take this opportunity of sweeping away many other obsolete treaties which trammeled us, and which, at some future date, might be productive of inconvenience if not danger to this country. Mr. Cartwright, who was indistinctly heard, assured the honorable member for the Isle of Wight that it was not from any underrating of the importance of the subject, or from any desire to restrict the maritime force which this country command in time of war, that he rose to move the previous question. It had seemed to him from the first that the resolution which had just been submitted was extremely inopportune; that there was no practical reason for bringing it forward, and this impression had been fully confirmed by the speech of the honorable member. The substance of the charge brought against the declaration of Paris appeared to be that it involved an apostasy from principles which had hitherto governed the policy of this country. He believed it could be shown conclusively by a reference to the acts of English statesmen of undoubted patriotism that that argument was not founded in fact. The Lord Protector Cromwell, who in a peculiar degree sought to establish British ascendency at sea, put his hand to a treaty by which the principle of a neutral flag covering an enemy's goods was recognized. Sir William Temple, no mean exponent of British feeling, took part in carrying out a similar policy. The principle was acknowledged in the treaty of Utrecht, and in 1786 it was embodied by Mr. Pitt in a celebrated treaty of commerce. In one respect the declaration of Paris was an improvement on preceding instruments, for it did not renew a preferential bonus in favor of French shipping, which had previously been allowed. On no occasion, he would observe, was the declaration of Paris condemned, although it had been reviewed and discussed in that house, not only in heat and passion, but also at subsequent periods. In 1860, he might add, a select committee had been appointed on merchant shipping, composed, among others, of such able men as Mr. Milner Gibson, Mr. T. Baring, and Mr. Horsfall. By that committee the question of belligerent rights was discussed, and they stated in their report that, while aware that grave objections had been urged by high authorities against the declaration of Paris, they could not refrain from expressing the hope that in the interests of humanity and civilization all private property not being contraband of war should be exempt from seizure. The committee went on to say that Great Britain was deeply interested in the adoption of such a course, inasmuch as she had at all times a greater amount of property afloat than any other nation. On that recommendation he would not venture to pronounce any opinion, beyond remarking that it showed the declaration of Paris had not been subjected to all the censure which some supposed. But it was contended that the declaration might be acted upon unjustly. In contradiction, however, to that he would point out that when hostilities had occurred between the republic of Chili, which was a party to the declaration, and Spain, which was not a party to it, all the facilities and advantages for war, the loss of which was deplored by those who were opposed to the declaration, were brought into requisition with the assent of all by the republic of Chili. No argument had, therefore, he maintained, been adduced by the honorable member for the Isle of Wight to justify the course which he asked the house to adopt, and he would appeal to honorable members not by a chance vote to reverse that which was a very solemn agreement, made after mature consideration, and the spirit and substance of which had been ratified by public opinion, as expressed by those who represented it in Parliament. He begged to conclude by moving the previous question.

Sir JOHN HAY said the argument of the honorable member who had just sat down was rather in support of maintaining the principles of the declaration of Paris

untouched than the postponement of its consideration to some more convenient time. He would, therefore, endeavor to show that it was an entire mistake, and would go far to sap the naval power of this country in the event of our being engaged in war. The neutralization of the Black Sea constituted one of the principal articles of the treaty of Paris, and was considered one of the securities for the peace of the East, although the late government thought it right to give up that stipulation. The declaration of Paris, which succeeded that treaty, was not a treaty in any sense of the term. In his opinion the first two articles of that treaty were calculated to impair the naval supremacy of England. One abolished privateering; the other, which was now under the consideration of the house, provided that a neutral flag should cover an enemy's goods, with the exception of contraband of war. Now, in all treatises on international law, the fact that a neutral flag did not cover an enemy's goods had been held to conduce in no small degree to the peace of the world. The right of belligerent cruisers to search suspected vessels was distinctly recognized in international law, and neutral goods found in an enemy's possession were specifically exempted from seizure and capture. These principles were laid down in a book which was put into the hands of naval officers for their guidance. As a general principle it seemed to him that this right of seizing an enemy's goods wherever they might be found ought to be maintained. [Cheers.] There was no doubt that unless our navy had that power the enemy would obtain an advantage over us. In this view he was borne out by the experience of Lord Nelson, who in 1803 found that a large number of French vessels which he had at his mercy in the Black Sea escaped capture by changing their flag. If Nelson had not had the power to search those vessels as neutrals, the change of flag would have enabled them entirely to elude his vigilance. [Hear, hear.] All experience, he maintained, went to show that this power of searching neutral vessels and seizing an enemy's goods on board was one of the highest importance. In respect to privateering, also, he thought we should do well to denounce the declaration of Paris. Even if this country kept up a very large naval force, the only means by which we could effectually destroy an enemy's commerce would be the hiring or commissioning of merchant-ships; and he contended that since Russia declined to be bound by the portion of the treaty which related to the Black Sea, the best course for us to pursue was to declare that we would no longer abide by declarations which were framed, not in our interest, but in that of others. [Cheers.]

Mr. SERGEANT SIMON concurred entirely in the views expressed by the mover of the resolution. The honorable member for the Isle of Wight [Mr. Baillie Cochrane] had made the important question before them depend on what he called the opportunity arising out of the Brussels conference. Now, the course adopted by the government with respect to that conference was one for which the country had great reason to be thankful. [Hear, hear.] But what opportunity, with regard to the present question, did that conference present? Surely the honorable member did not mean that we ought to reverse our policy and accept the rules laid down by the second conference about to be held at St. Petersburg? With regard to our withdrawal from the declaration of Paris, he had merely to remark that if there was an engagement we could not withdraw from it without committing a breach of faith, and that if it was not an engagement, there was nothing to withdraw from. A minister of the Crown had pledged this country—which he had no right to do—to a declaration, the principle of which, in his judgment, involved the honor and safety of England in time of war. In that opinion he might be wrong, but, if so, he was wrong in company, not only with the present prime minister, and several of his colleagues, but also with Earl Russell, the late Mr. John Stuart Mill, and other most distinguished statesmen and practical philosophers. He regretted the course adopted at the time of the declaration of Paris, and he regretted, also, that this country should have slept on the matter so long. Considering the circumstances under which that declaration was entered into, we had at the time a right to renounce and denounce it altogether. That was what England should have done, and what the Parliament of England ought to have required the government of the day to do. But having slept on their rights for nineteen years, they were not now in a position to call upon the government to take the course indicated by that resolution. Still, in his opinion, that declaration was so disastrous that the time would come when, for the safety and even for the national existence of this country, Parliament would call upon the government of the day to do that which it was now an unfitting time to do, namely, to relieve them from that engagement. The honorable member for Oxfordshire had referred to various treaties which had been entered into between England and other countries, but by those treaties England had stipulated for corresponding advantages; and, moreover, those treaties did not apply to a time of war, because, either by express stipulation or by the operation of a general principle of international law, on the outbreak of war between the two contracting powers the treaties were at an end. Therefore the treaties we had been in the habit of making with other nations were of no force to show that the general sentiment of Europe was in favor of the abolition of the right of search. The treaty made by Sir W. Temple with Holland was one of the most unfortunate instances that the honor-

able member for Oxfordshire could have cited, because after it had been concluded this country went to war with France, and when the Dutch assisted the French to carry on their trade with their colonies, England issued an order in council stopping the Dutch trade; and thus in time of war we were under the necessity of annulling the treaty. As to the principle of taking the enemy's goods wherever we found them, it did not originate in barbarous times, but at a period when commerce had sprung into life, and they had trade with foreign countries throughout the Mediterranean, up the North Sea and the Baltic, and when the republics of Venice and Genoa existed. That principle formed part of a maritime code which had received the sanction of every civilized nation and every great philosophic writer on the subject; it was confirmed by Grotius, Chancellor Kent, and every eminent jurist down to the time when Frederick the Great disputed the claim of Englishmen for injuries done them in Silesia. Then it was put forward for the first time that "free ships make free goods" ought to be a general principle of international law. Eminent writers in this country contradicted that doctrine, and then came "the armed neutrality" when the Empress Catherine sought to give effect to those new principles. France, in 1793, by a decree of the national convention, declared that enemy's goods in neutral ships were good prize; while Russia also declared that until the restoration of order in France—that was, until the French acknowledged the divine right of kings—the stipulation, which was the main object of the "armed neutrality," should be no longer obligatory. The great grievance was always the right of search, and especially with regard to the United States of America in 1812. But how did the declaration of Paris meet that? The principle was confined to contraband of war, but how could you ascertain that a vessel carried contraband of war unless you went on board? There was no stipulation that the sight of a ship's papers was sufficient, and according to the declaration of Paris you might go on board a ship in time of war and satisfy yourself whether she carried contraband of war. It was said you must not interfere with trade, and the demoralizing effect of bringing up the maritime population in the idea that they might become rovers on the ocean to carry away the spoil of the enemy was often pointed out. But was it not more demoralizing that one part of the nation should be at peace and the other part at war; that while merchants were carrying on a roaring trade and strengthening the resources of the enemy the government were sending their soldiers and sailors out to do battle with the enemy? [Hear.] By pursuing such a policy they might, in the eloquent language of the right honorable gentleman opposite, "produce a rich state, but a weak one." According to the new idea, you must spare the enemy's property and take his life, but he contended that the best way to cripple an enemy was to destroy his resources. If Russia, who was now not far from India, crossed our frontier, what army could they send to resist her? How else could they oppose her except by crippling her trade and annihilating her commerce? [Cheers.] If a war were to arise—and God forbid it—between England and the United States—if Canada were seized, what resistance could England make, except upon the ocean? These were considerations which outweighed the supposed notions of humanity. Every nation had a mission to fulfill. Rome taught the world science of law and government. England taught the world how to combine freedom with social order; and looking upon this country as one of the great civilizing influences, he deplored any act which would render England unable to fulfill her mission. [Cheers.]

Sir H. D. Wolff said he could not see what great services the navy could render if they maintained the stipulations of the declaration of Paris. Were they to confine the operations of men-of-war to attacking fortresses situated on the sea, or to attacking the vessels of war of other nations? They were debarred from attacking the fortresses on the sea by torpedoes, and from attacking the vessels by their remaining under the protection of the fortresses. The whole functions of their war-ships would be to defend the shores of England and capture merchant vessels if they ventured to come forth. He pointed out how Russia had, after the treaty of Paris, apparently evaded the treaty by subsidizing a company to keep ships built which might be converted readily into ships of war. This seemed to be an evasion of the treaty, and the point now was how far they would be justified in withdrawing from the declaration of Paris.

He did not allude to the conduct of Russia in 1870 in withdrawing from the stipulation of the treaty of Paris with regard to the neutrality of the Black Sea. But there were certain other declarations from which other nations had withdrawn. In the first place, the principalities were to be governed by two princes. The principalities evaded that by each electing the same man, Prince Couza, and when he was driven away, Prince Charles took his place.

And now Austria, Germany, and Russia insisted on making a commercial treaty with the principalities, which was a third evasion. Then there was another arrangement at the time of the congress at Paris, not so solemn as those with regard to privateering and the immunity from seizure of foreign goods in neutral bottoms, but it came next, as it was solemnly made in the protocol. At that time Lord Clarendon proposed,

and the proposal was agreed to and signed by the plenipotentiaries, that in case of any difference arising between the powers they would have recourse to arbitration instead of going to war. Almost every foreign government gave its adhesion to that declaration, but how many governments had stuck to it? England was the only one which had done so in the case of that celebrated episode in our history, the Alabama claims. Having shown that it would be necessary to resume the rights abandoned in 1856, and that there was full margin for doing so, he would recommend his honorable friend not to press his motion to a division. An almost unanimous opinion had been expressed by the house that we were not bound. He hoped his honorable friend would rest satisfied with that, and allow the motion of the honorable member for Oxfordshire to be adopted. [Hear.]

Mr. ASHLEY said that honorable members seemed to have treated the matter as if Lord Clarendon at Paris had suddenly abandoned rights which England claimed, and which were essential to her prosperity. But it should be remembered that at the commencement of the Crimean war this concession to neutral nations was deliberately adopted by Lord Palmerston. And it was adopted not only with a view to maintain the peace of the world, and not to drag neutral nations unnecessarily into the war, but, above all, as a concession to the progress of commerce and civilization which undoubtedly had marked the space which had elapsed from the times of Nelson. [Hear.] No doubt we were very far removed from the times, though not from the spirit, of Nelson. But when honorable members called on us to practice those excessive acts of power and tyranny which were exercised in Nelson's time, they seemed, as the honorable member for the Isle of Wight seemed, like another Rip Van Winkle, who, awaking from a fifty years' slumber, rushed into the house, and exclaimed, "Good heavens! what has happened since I was last among you?" It was well known that at the commencement of the Crimean war the Russian government was going to commission privateers from the United States, and it was only the declaration in question which saved the world from a horde of pirates issuing from the United States under the Russian flag. When, therefore, honorable members discussed this question of the declaration of Paris he must ask them to discuss it as a whole. [Hear, hear.] Let it be taken in connection with that very important article of the declaration of Paris—very important for us as a maritime power—that blockades to be effective must be real; that there must be no such thing as paper blockades. [Hear, hear.] Let it be taken in connection also with the article which abolished privateering, and he could not believe that any honorable member could be in earnest when he expressed a desire to see us go back to times gone by, when the practice of piracy and privateering pervailed. [Hear, hear.]

Mr. BOURKE said the house would agree with him that the subject which had been so ably brought before it by his honorable friend, the member for the Isle of Wight, was one well deserving consideration. Her Majesty's government was well aware that it was a question in which not only many members of this house, but many people out of doors, took the deepest interest. [Hear.] The form of the motion before the house was one of considerable ambiguity; but after the speech of his honorable friend, it might be divided into two different propositions: the first, that Her Majesty's government ought to have taken advantage of the conference of Brussels to bring the subject of the declaration before it; and the second, that Her Majesty's government was not bound by the declaration. As to the first proposition, if Her Majesty's government had been ever so willing to bring the subject before the conference it would have been impossible to do so for this reason, that the powers who were signatories to the declaration of Paris were not the same as those which met at Brussels. Because, although the declaration of Paris was signed only by Turkey, Russia, Austria, Prussia, Italy, and England, yet upon the invitation of those powers, various other powers of the world subsequently sent in their adhesion to that arrangement. That might be looked upon by many as a technical reason for not going into the subject at the conference of Brussels. But there was a stronger reason which must suggest itself to every man's mind, and that was that the object of the conference at Brussels was entirely foreign to the subject of the declaration of Paris. [Hear, hear.] The subject to be brought before the congress of Brussels was an inquiry into the rules of military warfare for the purpose of mitigating the horrors and calamities of war, and the object of Her Majesty's government was to limit that inquiry as much as possible. If the course suggested by his honorable friend behind him [Mr. Baillie Cochrane] had been adopted by the government, the various theories of maritime warfare would have been discussed; the immunity of all private property at sea and the most delicate questions of international law would have been debated in the congress, and our declared intention to depart from the declaration of Paris would no doubt have been made the pretext by others for getting rid of engagements which, for some reason, they thought themselves entitled to get rid of. Therefore he said the course taken by the government was to limit as much as possible the subjects to be considered by the congress at Brussels. That course was clear and decided. It was laid down in the papers before the house. They were perfectly determined not

to enter into any discussion of the rules of international law by which the relations of belligerents are guided, or undertake any new obligations or engagements of any kind in regard to general principles, and they required, before sending a delegate to the conference, the most positive and distinct assurances from every power taking part in the congress that they agreed to the course proposed by the government, and would not entertain in any shape, directly or indirectly, anything relating to maritime operations or naval warfare. Such were the instructions given to General Horsford, and that officer had carried out his instructions to the entire satisfaction of the government. Having laid down that rule for their own conduct, he thought they should have been very much to blame if they had adopted the course proposed by the honorable member for the Isle of Wight. He need not advert to the reasons for not going further. It was said there was some secret reason for asking us to go to that conference. He was not aware what that secret reason could be; but if there was a secret reason it was all the more necessary for the government to take the course they did on that occasion. That course had been supported by Parliament, by the unanimous voice of the press and the country. The declaration of Paris embraced four points, but, after all, there was only one to which any very serious exception could be taken. That was the article of "free ships, free goods." In conceding that, there could be no doubt the country gave up a belligerent right she had from very ancient times, and which she considered a powerful arm of maritime warfare. [Hear, hear.] That right had been sanctioned by the highest authorities, ancient and modern—by Grotius, Vattel, Hubner, Chief-Justice Marshall, Kent, Story, and Wheaton.

Under these circumstances we could not be surprised that there were living statesmen among us who had the greatest doubt as to the wisdom of the course taken in 1856, and that we ought to leave ourselves to act as in 1854, not binding ourselves by any new declaration, but acting on the principle of what was most expedient for us to adopt. But that was not the question of the present day. The question now was, having found this declaration as part and parcel of an international agreement by which we believed ourselves bound, if it was our duty to denounce that declaration as if we were not bound by it. Those who recommended that course seemed to forget that we should then be met face to face with another declaration of a more recent date than that of Paris—he meant the conference of 1871, which was to this effect: "That it is an essential principle of the law of nations that no power can liberate itself from the engagements of a treaty, nor modify the stipulations thereof, unless with the consent of the contracting powers by means of an amicable arrangement." Both houses of Parliament had refused to denounce the declaration of Paris when the subject had been brought before them. They had refused to alter the terms of the declaration of Paris, and he was a little surprised to hear some honorable gentlemen say that, because that instrument was not ratified, we were not bound by it. He hoped he should never hear a minister of the Crown say that we ought to repudiate an engagement because it lacked certain formalities. [Hear, hear.] The plenipotentiary had full power to sign the declaration, and that went a great way to show that the declaration was binding upon us. He must say that he thought his honorable friends who were in favor of doing away with the declaration of Paris seemed to have forgotten that in the last century the principle which had been acted upon for nearly seventy or eighty years of peace between France, Portugal, and England was that free ships made free goods, although no doubt in time of war every one of those powers did not act upon that principle. He need not, however, remind the house that we had entered into treaties with various powers acknowledging the principle, but that other powers had done so to even a greater extent than ourselves. And when the effect of the rule was taken into consideration we could not be surprised that such was the case, because everybody must admit that if the right of taking enemies' goods out of neutral ships did to a great extent allow a belligerent to injure his adversary, yet it must be admitted that it had at the same time the result of irritating one's friends. [Hear.]

It had a tendency in times of war to involve belligerents with their allies and to excite the most rancorous disputes between neutrals, while it also served to produce litigation between individuals, for it was always most difficult to prove that the goods seized were the property of the belligerents. He could not, therefore, help thinking that no one could well doubt that circumstances might arise when the advantage we had gained, and which we certainly did sometimes gain, by capturing enemies' goods in neutral vessels would be more than counterbalanced by the very great evils which might be caused by the irritation of our friends. Should we, he would ask, be likely to bear with equanimity to see our neutral vessels stopped on the high seas and brought into port on the ground that there were enemies' goods on board? Yet, if we withdraw from the declaration of Paris, that was a result which we must expect, because by withdrawing from that declaration we should be asserting in the strongest terms our refusal to recognize the doctrine that the neutral flag covered an enemy's goods. He had heard it stated in the course of the discussion that neutrals gained very little by the concession which had been made, but that was, he confessed, to him a somewhat

novel statement, for he had always understood that it had been admitted that, whatever effect might have been produced by the declaration of Paris on belligerents, there had been no doubt whatever entertained of its advantages in the case of neutral powers. His honorable friend, the member for the Isle of Wight, did not seem to be quite satisfied with the position of neutrals, but he could not quite follow his arguments with respect to the taking of tallow during the Russian war, nor could he concur with what had been said by many honorable gentlemen with respect to the abolition of privateers. Whenever he had occasion to speak on that subject he had always stated that this part of the declaration of Paris, at all events, admitted of no doubt. He could not understand how honorable gentlemen could justify privateering in a point of view which had been called by almost every person the curse of commerce. [Hear, hear.] Even those by whom it had been upheld as the last resource of war had admitted that it was most desirable it should, if possible, be got rid of.

Of one thing he was quite sure, and that was that this country would gain more by its abolition than any other if we could only get the rest of the world to act in that direction.

No nation was more open to privateers in proportion to the strength of our commercial marine compared with a belligerent. Let him suppose that one of the nations, not ourselves, were to be engaged in war with a country at the other end of the world. If either of those countries sent out privateers, there was no doubt our commerce would suffer, because in all probability those privateers would not be very particular as to the ships which they took, and in all likelihood a great many of those ships would have on board English goods.

One honorable gentleman had spoken of privateering, indeed, as carried on by a commissioned officer belonging to Her Majesty's navy. That was, however, not privateering in the sense in which it was ever carried on, and in point of fact there was a provision in the declaration of Paris to prevent that being done. There was the greatest difference, he would beg to remind his honorable friend the member for the Isle of Wight, between volunteer seamen acting under a commissioned officer in a regular manner, and privateers who could do whatever they chose, bound by no rule whatsoever except those which they made themselves, waging war for their own profit. [Hear, hear.] If, again, we became belligerents, there was no doubt we should lose a certain portion of our carrying trade; but we should also recollect that we should be able to carry on our commerce in neutral vessels. He trusted, however, that if unfortunately we should be at war, we should be able to protect our commerce with our navy, so that as long as we continued to be a powerful maritime nation the fancied evil which would result to our carrying-trade seemed to him to be very much exaggerated. For his own part, he did not think anything would be more impolitic than that we should declare beforehand that we were about to sacrifice the declaration of Paris by stopping the neutral ships of our allies and searching for belligerent goods. Such a course would, in his opinion, be very likely to turn neutrals into enemies. If we were to re-abandon the right of capturing belligerent goods in neutral ships we should have to take what we could not help thinking would not be a very dignified course, after saying that we would not be bound by the declaration, while, if we held ourselves bound by it, we should inevitably run the risk of turning neutrals into enemies, as he had just observed. We must also bear in mind that although neutral rights were now more generally recognized than in more remote times, yet the declaration did not infringe on the right of search or on the law of contraband, and so long as those two laws remained we need not, in his opinion, apprehend any of those evil results which some honorable gentlemen seemed to imagine. In consequence of the progress of science in the present day the tendency was to increase the number of articles declared to be contraband of war, and such articles would, of course, be liable to seizure if carried in neutral vessels. In the few remarks he had made he had endeavored to look at this question in a candid spirit. [Hear, hear.] He did not think that the declaration of Paris was open to all the grave objections that had been urged against it. He could not concur with those who wished to go further and to give immunity to all private property at sea, because he believed that by so doing we should be sweeping away the most valuable belligerent rights the great maritime powers possessed. [Hear, hear.] There was a cardinal difference between such a principle and anything that was contained in the declaration of Paris, which put forward stipulations that were to be carried out by neutral powers, whereas the abandonment of the right of capture of all private property at sea would concern those powers who might be belligerent; and there was, therefore, no use in laying down a principle which would be swept aside the moment the two powers interested went to war with each other. On the whole, therefore, it would not, in his opinion, be prudent or expedient to attempt to get rid of the declaration of Paris, and Her Majesty's government could not be blind to the grave results that would arise from disturbing that arrangement. A course of that kind could not be taken without arousing a great difference of opinion not only among the powers who were the original signatories to the treaty, but also among the other powers who had since signed it, and it could not be taken without infringing the great principle of fidelity

to international engagements which this country had always endeavored to uphold. He therefore did not agree with the honorable gentleman that the occasion of the conference at Brussels or of the proposed conference at St. Petersburg was one on which it was desirable that this question should be discussed. Entertaining as he did the views he had endeavored to lay before the house, he should, in the event of the house being called upon to to divide on the subject, vote with the honorable member for Oxfordshire in support of the previous question. [Hear, hear.]

Sir W. HARCOURT had heard with satisfaction—and he was certain the country would hear with satisfaction—the prudent, moderate, and sagacious statement of the under-secretary of state for foreign affairs. It was a statement worthy of himself, and of the high position which he occupied as one of the responsible ministers of the Crown. [Hear, hear.] He could assure the honorable member for the Isle of Wight that he would not find in him an advocate of the selfish isolation, nor had he addicted himself to the new-fangled doctrines of international maritime law which had long prevailed on the continent of Europe, and which had been largely disseminated in this country. The little he had learned on the subject of maritime law had been acquired as a disciple in the school of the great masters, of Lord Stowell, Chief-Justice Marshall, Kent, and Story, those great publicists who had established upon unshakable foundations the great principles which governed the maritime relations of states. He entirely agreed with the under-secretary for foreign affairs that to have introduced a discussion on this subject at the conference at Brussels, would have been entirely impertinent to the matters with which that conference dealt, and would have been extremely imprudent and unwise on the part of Great Britain. When the honorable member for the Isle of Wight said that by the declaration of Paris two great blows were struck at the maritime supremacy of England—by the abolition of letters of marque and by the abandonment of the right of search—he confessed that he heard him with some surprise. Every one knew that letters of marque were the powerful instruments of weak maritime states, and that they were a thorn in the side of states possessing great navies, and that if any nation was interested in getting rid of privateering, it was the one that expended ten or eleven millions a year in supporting the greatest and most powerful navy in the world. **The nation that raised the strongest objections to the abolition of privateering was the United States, which possessed no considerable navy, but which, from the enterprise of its sailors, and the extent of its mercantile marine, would, in the event of war, be able to send forth hordes of privateers all over the world. The very fact of the United States objecting to the abolition of privateering, therefore, was the strongest argument to show that privateering was injurious to England.**

It must have been by inadvertence that the honorable member had suggested that the right of search had been surrendered by the declaration of Paris, because the right of search existed at the present time, otherwise the right to seize contraband of war, and blockade could not be enforced. The honorable member had made another extraordinary statement to the effect that he did not believe that the system of exempting enemies' goods on board neutral ships from capture existed until the date of the Silesian loan, the history of which was not very creditable to England. He had often heard the prime minister refer with warm approbation to the great tory administration which concluded the treaty of Utrecht, and, although he had never been an admirer of the political principles of that administration, he frankly admitted that they had one title to fame in the history of this country as the founders of our present commercial policy, that free ships make free goods as between the parties to that engagement—a principle that was settled by the treaty of Utrecht as one of its cardinal points. He rather envied the tory party for being the originators of that principle, which was consecrated in 1856, in the treaty of Paris. That principle was maintained by Mr. Pitt in the commercial treaty with France in 1786. His honorable friend, the member for the Isle of Wight, had referred to the history of the armed neutrality, but the declaration of armed neutrality was made in 1780, at the period of the great weakness of England, when, owing to the unfortunate policy of the war with America, the greatness which Chatham achieved for her had been almost annulled in Europe. England, it was true, accepted the principles of the armed neutrality, but she was not in a situation to resist them, and therefore, in 1780, although she protested against these principles, she was practically compelled to acquiesce in them. It was perfectly true that in the second armed neutrality, in 1800, she stood in a different position. She was then, by the genius of Nelson and the valor of her sailors, mistress of the sea, and in a situation to dictate to the world, as she did, in the attack on Copenhagen; and then followed the great maritime treaty of 1801. Well, from 1815 this question slept. It slept in the policy of cabinets, but it did not sleep in the literature of international law. There were continental writers who were unanimous upon this subject, and unanimous against the claimer of capture. It was perfectly true that England had never conceded that right, but she was not bound to concede it. But when, unhappily, as he should always think, the great peace, which had lasted forty years, was broken up by the Crimean war, England had to consider what she ought to do upon this matter. She was engaged in a war with Russia, one of the parties to, indeed, the principal

promoter of, the doctrine of the armed neutrality. She was looking for allies, and her ally was France, and France was as deeply pledged to this principle as Russia, her opponent, was. She could not have found in Europe or this side of the Atlantic a single maritime ally who would have joined her upon the principles she desired to maintain. She could not have found such an ally on the other side of the Atlantic. If she had gone into that war maintaining the right of capture of enemies' goods in neutral vessels she would have found herself not only without an ally, but with every neutral power in the world her enemy. [Hear, hear.] It was under these circumstances that the government of England waived—only in the first instance waived—this principle at the outset of the Crimean war. Then came the peace and the conference of Paris. He had often had the advantage of conversing with Lord Clarendon, and he regretted, from the reverence he bore his name, the manner in which his honorable friend, the member for the Isle of Wight, had spoken of him. But he had heard Lord Clarendon say that this declaration would have been made in Paris whether England had joined in it or not—that the declaration of all the powers of Europe upon the subject was so pronounced and unanimous that in that great conference, which was in some sense a re-adjustment of Europe, that declaration would inevitably have been made; and Lord Palmerston had also made that statement. Now, a very strong proof that the concession then made was irresistible was to be found in this, that the American Government declined to be bound, and was not under any obligation to observe it. But what happened? When they went to war with the Southern States, in 1861, they were compelled to adopt the principles of the declaration of Paris, and did adopt them. Both sides in that war, in fact, adhered to the abrogation of privateering, to the principle that the goods of an enemy are not to be taken in a neutral vessel, and acted in every sense as if they were signatories of the treaty of Paris. That, he thought, was a sufficient proof that the course that was taken was necessary. [Hear, hear.]

He had always regarded the declaration of Paris as a compromise, and not an unfair compromise, between the rival pretensions, on the one hand, of the neutral claims of the armed neutrality, and, on the other hand, of the belligerent claims which had been previously maintained by England. The document should be looked upon as a whole. While his honorable friend had only referred to two points of the declaration, his resolution would abrogate the whole of it. He would first point out what was gained by the declaration of Paris, and then allude to what was lost by it. We gained the abolition of privateering, and he agreed with the under-secretary of state that to a great maritime power that was an infinite gain. It was more; it was a gain to the civilized world.

According to the French name for the word a privateer was a corsair, and that thoroughly expressed the meaning. Privateers were not bound by the sentiments which belonged to officers in the naval service, or by the discipline which was to be found among regular soldiers. His honorable friend compared them to volunteers, but they were more like franctireurs, and volunteers did not go out for gain as they did. That was not the spirit by which they were actuated.

The second gain was a practical regulation of the claim of the second armed neutrality on the subject of convoy—a claim set up in the great Swedish case decided by Lord Stowell, namely, that a single armed ship might exempt a fleet of merchantmen from search, although they might be laden with contraband of war. The declaration practically repudiated that claim. The third thing England gained was a definition of blockade; and since that declaration the war with the United States had established the doctrine of blockade on a sounder footing, and had guarded it with greater stringency with regard to belligerents than before. Now that was a most valuable right to a maritime power. It was shown to be in the war with the South, as it was by the stress of the blockade that the great superiority of the Northern States reduced the South to submission. The declaration of Paris had strengthened rather than weakened a right which was most valuable to a maritime power. One other right had practically been confirmed, and that was the right of search. There had been put forward by writers on behalf of neutrals, all sorts of claims to limit the right of search, but these were practically repudiated by the declaration, and in the war with the United States the right of search was more rigorously exercised than ever before. That was what England had gained. What had she lost? She had conceded the principle—for unquestionably it was a concession—of free ships, free goods. When we are a belligerent we lose the right to seize an enemy's goods on board a neutral vessel. But England had found herself unable to exercise that right, and she could not at present exercise it in Europe or in America, unless she was prepared to fight the whole world, and no other statesman in his senses would maintain that the declaration should be repudiated on such terms. [Hear, hear.] His honorable friend the member for the Isle of Wight laughed, but did he expect that we should be at war longer than at peace? Since 1815, happily, we had been very little at war, and he hoped our policy might be long of that character. [Hear, hear.] But what had been the result? Since the declartion of Paris, Europe had been at war and America had been

at war, and England had monopolized the carrying trade of the world. In time of war what would happen? It might be thought that we should carry our own trade in our own vessels. Since the declaration of Paris, however, there has been war in the United States, and a single Alabama drove the whole trade of the States into neutral bottoms. A merchant's goods would always be safer in a neutral bottom, and the mere difference of the insurance would induce the merchants of a belligerent state to ship them in neutral bottoms. What would be the result of a withdrawal on our part from the declaration of Paris? That our enormous foreign trade, which was thirty times as great as in the days of Nelson, would be at the mercy of every South American republic. [Oh.] Yes, England could not monopolize the principle, and if two American States went to war, they would have a right to search the whole merchant shipping of England in search of contraband of war. Was it for our advantage that hostilities, whether in Spain or elsewhere, should expose us to the exercise of the right of search by other powers? No doubt the declaration of Paris operated as a premium in favor of neutral powers, and he was glad of it. It was a reward upon those who remained at peace, and a fine upon those who went to war. Railway communication had made great changes in Europe, and goods which used to go by sea now went by land, where none of these principles of capture applied. The honorable member for the Isle of Wight did not deny that the declaration of Paris was advantageous to England in time of peace. For twenty years we had derived advantages from it and had become the carriers of the world, and yet the honorable member wished now to repudiate this obligation. England derived great advantages from her maritime superiority and the courage of her seamen, but she derived still greater advantages from the moral strength belonging to a country that knew how to observe its engagements and maintain the stability of its policy. The honorable member for Preston had referred to the late Lord Derby. He would, on the other hand, refer to the present Lord Derby, who now represented the Queen in her relations with foreign states. He occupied the same high position in 1867, when this question was brought before the house by the late J. S. Mill. Lord Derby answered Mr. Mill; and what would be the position of the House of Commons and the country if, after declarations such as he was about to quote had been made by minister after minister belonging to both parties in the state, the House of Commons should now attempt to evade engagements of this character? Lord Derby, then Lord Stanley, told the house in 1867 that if the declaration of Paris had prevented us from mixing ourselves up in continental complications with which we have nothing to do, that was one of the best arguments in its defense. He added that we were bound either to repudiate the declaration of Paris at once or to act upon it when the occasion arose. We must look upon it as a matter of good fath and consistency, and we had given a pledge to the whole civilized world from which we could not now withdraw, because, Lord Derby added, the forty states which had adopted this principle, did so mainly at the instance of Great Britain. Some honorable members thought that as this declaration of Paris was not a treaty we need not be bound by it. Our present foreign minister had, however, pointed out that this declaration was not the act of the executive alone, but had been repeatedly brought before Parliament, and on every occasion Parliament had refused to interfere and had practically given its adhesion to the declaration of Paris. He would not think so meanly of one bearing the name of Stanley as to suppose that the foreign secretary, after holding that language in the presence of the House of Commons and in the face of Europe, could consent to repudiate that which he had declared England was morally bound to maintain. If the motion of the honorable member for the Isle of Wight was carried, Lord Derby, he was sure, would rather resign than give effect to it. He would detain the house no longer. The language he had read was far more deserving of attention than any he could command. It was worthy of the man, worthy of the office he held, and expressed the spirit which he ventured to think would influence the House of Commons in the decision at which they would arrive. [Cheers.]

Mr. FORSYTH, who rose amid cries of "divide," regretted that he could not say, with the honorable and learned member from Oxford, that he had listened with satisfaction to the speech of the under secretary for foreign affairs. It would have been different if the under secretary had merely maintained that we had been right in not taking part in the conference at Brussels, and that the present time was inopportune for a withdrawal of the declaration of Paris; but he had gone much further than that, for he had defended categorically every one of the propositions involved in the declaration.

It remained to be seen whether other members of the government concurred in that speech; but the present first lord of the treasury, in March, 1862, pointed out how seriously the declaration of Paris affected the maritime strength of England, and suggested that the ministers of the day ought to consider by what means it might be altered. It was right that the goods of neutrals should be respected wherever found, but in assenting to the proposition that the goods of an enemy ought not to be seized on board neutral ships they give up a cardinal principle of England's power and greatness. The principle for which he contended had, except in certain peculiar cases and

for exceptionable purposes, been steadily adhered to from the earliest times down to 1856. It had been said that we ought not at present to withdraw from the declaration. That was a most dangerous argument, for, as time went on, we should find ourselves more and more bound to abide by it. If we deferred withdrawal till the outbreak of a war, it would be natural for foreign nations to say to us, "You have lulled us with a false security, and you have no right to take this step now." Now was the time, a time of profound peace, when we had a right to say to foreign nations, "We made a mistake some years ago; we are not now going to war; but we are determined to assert the old principle which England always maintained, namely, that we have a right to seize the goods of the enemy wherever they are found." If it was not right to seize the goods of the enemy in neutral ships, he did not see on what principle the seizure of the merchant-ships of the enemy could be justified. Whatever might be the result of the division, he trusted there would be no misapprehension on the part of other nations as to the fact that the great body of opinion in that house was in favor of the proposition that free ships did not make free goods.

Lord C. BERESFORD pointed out that if the declaration of Paris remained unaltered, the effect upon the merchant-fleet might be very serious. Of course, if we went to war there would be many crusiers of the Alabama class belonging to the enemy, and after a few of our vessels had been destroyed by them merchants would naturally put their goods in the vessels of other nations, and ship-owners would either have to lock up their ships in harbors at home or sell them to foreigners, as has been done in America. The result in the case of the United States was that they had now a very small fleet. [Hear, hear.] It might happen under these circumstances that the country would be even more affected after the war than during it. There was a consideration also as to prize-money. [Laughter.] He did not say that naval officers joined the service for the sake of prize-money, but probably most gentlemen would agree with him that a large bag of prize-money was not at all to be despised. [Laughter.]

Mr. BAILLIE COCHRANE, in reply, said he had not spoken disrespectfully of Lord Clarendon. What he said was that he could not comprehend how Lord Clarendon took the step he did of signing the declaration of Paris. Under the circumstances, he was unwilling to press his motion to a division. It was well known that a division did not always represent the opinion of the house.

There being some cries of "No" to the question that the amendment be withdrawn, the house then divided, and the numbers were:

For the previous question	261
Against	36
Majority	225

The motion of Mr. Baillie Cochrane was, therefore, not put.

[Inclosure 2 in No. 733.]

Petition in favor of the abrogation of the declaration of Paris.

Mr. Foster has presented the following petition to the House of Commons from certain inhabitants of Bradford, in favor of the abrogation of the declaration of Paris, which states "that in 1668 the Dutch, being a trading power, concluded a treaty with England, which contained a clause which secured a free passage to her merchant-vessels between belligerents in time of war. The full effects of that treaty were not felt by England before 1758, when, England and France being at war, the Dutch undertook to carry on the West India trade for the French. The result proved so injurious to England, that she declared the agreement null and void. When England was at war with her American colonies, in 1780, Russia, under the Empress Catharine, founded a league, called the armed neutrality, between herself, Sweden, Denmark, France, Spain, Portugal, Holland, and Naples, to force upon England the doctrine that free ships make free goods; but, great and powerful as the combination was, it was of no avail. England declared her right to search for and to seize enemies' goods in neutral bottoms, issued letters of marque, and by the vigorous use of her maritime power, maintained her honor and position throughout the world.

"The armed neutrality was revived by Russia in the year 1800, with the same object in view; but England again resisted and defeated the maritime forces brought against her. On the maintaining of that right, which is now placed in abeyance, has depended the success of Great Britain. This was strikingly exemplified in the war with Russia of 1801, when Russia succumbed in less than five months to the operations of the cruisers of England, without their being assisted by any naval or military expedition against her.

"In July, 1807, the treaty of Tilsit was made between Napoleon and Alexander of Russia. The Czar issued a proclamation, in which he declared anew the principles of the armed neutrality, and engaged never to depart from them. At this time England stood isolated in Europe; Napoleon had the nations at his feet. There could not be imagined a position of greater danger than that of England, yet her invincible spirit did not quail, for she knew the strength of her arm. The King declared 'that it was his right and his duty to maintain those principles, (of the right of search,) and against every confederacy he was determined, under the blessings of divine Providence, to maintain them.' Again the stoppage of her trade by our privateers and cruisers reduced her (Russia) to such straits as to imperil the existence of her empire. We still remember with shame the Crimean war, during which the right of search was suspended. That war caused England to lament the sacrifice of 40,000 brave men and of nearly a hundred millions of money, and at the same time supplied Russia with gold for the war by her trade carried on simultaneously with England. Thus Russia was enabled to dispense altogether with the employment of her navy, and finally the British plenipotentiaries at Paris were compelled to ask permission of the Emperor of Russia to use the harbor of Sebastopol to expedite the departure of our troops from the Crimea.

"On the 16th of April, 1856, a paper entitled a declaration respecting maritime law was signed by the British plenipotentiaries at Paris, in which it is declared that, 'First, privateering is and remains abolished. Second, the neutral flag covers enemies' goods, with the exception of contraband of war.'

"That the late Lord Dundonald said 'the true fortification of England is always to be in a position to strike the first blow at sea the moment it may become necessary; to wait for it would, under any circumstances, be folly; to be unprepared for it, national suicide.' The United States and Spain have not agreed to the declaration of Paris, and if England were unfortunately engaged in a war with either of those powers, England would be unable to seize their goods in neutral ships, while they would be able to seize English goods where they could find them.

"That by placing us in this equivocal position the declaration of Paris has made it impossible for England to go to war, and has thus rendered us powerless to resist any aggression either on ourselves or on our allies.

"That the declaration of Paris is void of all legal validity, because it was signed by Lord Clarendon without the consent of Parliament.

"That it has never been ratified by Her Majesty the Queen.

"That Her Majesty has been pleased to call to her council as first lord of the treasury the right honorable Benjamin Disraeli.

"That on the 17th of March, 1862, Mr. Disraeli said 'By the declaration of Paris, we have given up the cardinal principles of our maritime power; we might be at war with the United States, and the United States might at the same time, by virtue of the new principle that the flag covers the cargo, carry on the whole of their trade in neutral vessels, while they poured forth thousands of privateers to prey upon our merchant-shipping. In giving up this cardinal point, therefore, for a, to a certain degree, visionary apprehension which could not be put to a practical test, we have, without having effected our object, placed ourselves absolutely at the mercy of the United States. If, which God forbid, a war should ever take place between the two countries, I would suggest to Her Majesty's minister for their next subject of meeting the consideration of the means, to use the language of the secretary of state, how the declaration of the treaty of Paris may be altered.'

"Your petitioners therefore pray that your honorable house will address Her Majesty the Queen, praying her to acquaint foreign states that the declaration of Paris, which has been made and signed without her authority or consent, is not binding upon the country.

"And your petitioners, as in duty bound, will ever pray."

No. 226.

General Schenck to Mr. Fish.

No. 737.] LEGATION OF THE UNITED STATES,
London, April 17, 1875. (Received May 1.)

SIR: Yesterday, in accordance with the instruction contained in your No. 699, in an interview with Lord Derby, I informed him that the United States had some reason to apprehend, or at least to infer, a possible

disposition on the part of Her Majesty's government not to observe strictly the clause in their treaty made with Nicaragua, in 1860, by which it was stipulated that the British protectorate over the Mosquito territory should be relinquished; and I inquired if there was any purpose to resume or re-assert, in any way, a claim to interfere with the affairs of that territory. I expressed the desire of my Government to be assured that no such intention was entertained by Great Britain; and I referred, in a general way, to the condition of the Mosquito chief and his surroundings, the British influence supposed to be brought to bear on him, the visit of Her Majesty's sloop of war Eclipse last November, and an investigation of matters and probable report to be made by Captain Erskine, as affording grounds for my inquiry. Mr. Freer's communication to Mr. Williamson, a copy of which accompanied your dispatch, furnished me the information which enabled me to present the subject fully. Lord Derby answered me freely and without reserve. He disclaimed entirely any intention or desire on the part of Great Britain in any way, or to any extent, to revive the protectorate, or to interfere with the affairs of the Mosquito coast. He stated quite emphatically that they were "glad to have their hands washed of anything like a protectorate there; that it was a trouble only and no good; that they would be glad when Nicaragua should have paid all the installments of the ten years' annuity promised to the Mosquitos, for then Her Majesty's government would no longer feel bound to good offices between them." His lordship said, there had been no report, that he knew of, forwarded from Captain Erskine, nor did he know of any cause now for intervention. As to the United States, it was his understanding that there was perfect good accord between our official representatives on that coast and theirs. His Lordship, however, while thus giving the most earnest assurance that it was neither the wish nor intention of Her Majesty's government to interfere, still held to the idea that they were so committed by the treaties which had been made with both Honduras and Nicaragua, that if those states should refuse to complete the payments stipulated to be made to the Mosquitos, it might become necessary for Great Britain to see that they were held to the execution of their engagements.

After our conversation closed, Lord Derby, at my request, reduced to writing and sent me a note of the substance of what he said; and of that memorandum I send you, herewith, a copy.

I have, &c.,

ROBT. C. SCHENCK.

[Inclosure in No. 737.]

Memorandum of statement made by Lord Derby to General Schenck in interview at the foreign office, 16th April, 1875.

By the treaty of Comayagua between Great Britain and Honduras of November 28, 1859, the former gave up the protectorate of the Mosquito territory, situated within the boundary claimed by Honduras, and the latter agreed to pay the Mosquitos $5,000 a year for ten years, in half-yearly payments of $2,500, secured on a mortgage of the woods, &c., of the Bay Islands.

(Article II.) By the treaty of Manequa between Great Britain and Nicaragua of January 28, 1860, (Articles II, III, IV, V,) a district was assigned to the Mosquitos, within which they were to be at liberty to exercise the right of self-government in a manner "not inconsistent with the sovereign rights of the republic of Nicaragua," (Art. III,) and with a provision that they were free to incorporate themselves with Nicaragua, but not to alienate the territory to any foreigh state; and Nicaragua

further agreed to pay an annual sum for ten years of $5,000, to be secured by a duty on imports into the republic.

By Article VI, Great Britain engaged to use her good offices with the Chief of the Mosquitos, "so that he shall accept the stipulations" of the treaty. Honduras has only paid one installment of the subsidy. Nicaragua has also failed to keep up the payment.

In 1872, Mr. Corbett, the British representative in Central America, was instructed to press the two governments to fulfill their treaty engagements, and the Nicaragua government promised to submit the matter to Congress, after having previously demurred to making the payments on the pretext of the youth of the Chief, and the irregularity of his election. Nothing came of this, and the closing papers of the correspondence on the subject in the archives of the foreign office was a note of remonstrance from Mr. Corbett to the Nicaragua government in April, 1873. Since that time, no action has been taken by the British government, and Mr. Locock (our present representative) has been told that we do not intend to take any at present.

There is no intention, and never has been, of reviving the protectorate; and no desire, on our part, to interfere in the affairs of the Mosquito coast.

But the two governments of Nicaragua and Honduras are bound by treaty to make certain payments to the Mosquitos, which have not as yet been made in full; and we retain, and should be prepared to exercise, if necessary, the right of holding them to the execution of their engagements.

FOREIGN OFFICE, *April* 16, 1875.

No. 267.

General Schenck to Mr. Fish.

No. 738.] LEGATION OF THE UNITED STATES,
London, April 19, 1875. (Received May 6.)

SIR: On the 13th instant, and again on the 16th, I had full conversations with Lord Derby in relation to the claim of local magistrates and the higher court in Great Britain and her colonies to the exercise of jurisdiction in cases arising between masters and seamen on board vessels of the United States. I began by bringing to his lordship's notice, as instructed by your No. 697, the case of the "Lathley Rich"; and to enable him to have accurate information of all its circumstances I submitted to him and allowed him to take note of the papers forwarded by the vice-consul at Hong-kong.

I brought forward again also the case of Albert Allen Gardner, of the ship "Anna Camp," tried in the county court at Liverpool, in May, 1873.

Referring to and repeating your views on this subject of maritime jurisdiction, as set forth in your Nos. 476 and 597, I pressed them earnestly upon Lord Derby's attention, and enforced them by examples of the very different and more liberal course pursued by the authorities and judges of the United States toward foreign vessels. I cited as examples the cases you furnished me, which had occurred in regard to British vessels at Galveston, Charleston, New Orleans, and New York, and asked him to look at the correspondence of Sir Edward Thornton, to see with what prompt attention his requests for the intervention of our national Government had been met in all such instances. As to the accustomed decisions and practice of our local and higher courts, I suggested that it seemed as if the rules of comity between nations and the principles of international law laid down by Sir Robert Phillimore and other eminent authorities of Great Britain as applicable to such cases, were better recognized and observed in the United States than in the country of those jurists.

Pursuing the discussion of these points, I recurred to the action of Her Majesty's government, or rather refusal to interfere as I requested them to do, in the recent case of the "G. C. Trufant," of which I gave you full account in my No. 731; and I also made incidental mention of the case of George B. Austin, the master of the American vessel "Ironsides," who was so wrongfully prosecuted and imprisoned last winter on a charge of manslaughter, occasioned, as it was claimed, by a collision on the high seas, but who was liberated after much loss and injury to him by the discovery that the pretense of British jurisdiction was wholly untenable. In that last instance, I informed Lord Derby, the aggrieved party had been remitted with his complaint to the State Department at Washington, and the treatment he had received might perhaps come up hereafter in the shape of some demand for reclamation.

His lordship entered with interest into the consideration of the whole subject. He said he was free to confess, that, as I presented the matter, it seemed as if the courts of the United States had dealt more liberally in such cases with British vessels than some of the courts of Great Britain and her colonies appeared to have done toward ours. To use Lord Derby's own phrase, "the American courts had taken a more elastic view of the law." He assented heartily to the importance of measures being taken to prevent a recurrence of what was the cause of so much inconvenience to the commerce of our two nations; but was not prepared, at present, to see how this could be effectively and satisfactorily done, except under further authority from Parliament. He stated that legislation was now being prepared which he felt confident would nearly cover all such cases and difficulties as I had brought to his attention, and would clear the way for a comprehensive consular convention.

I have, &c.,

ROBERT C. SCHENCK.

No. 268.

General Schenck to Mr. Fish.

No. 739.] LEGATION OF THE UNITED STATES,
London, April 21, 1875. (Received May 6.)

SIR: Referring to my No. 731, in which I gave, with accompanying papers and correspondence, a report of the case of the "G. C. Trufant," and to my note of the 9th instant, to Lord Derby, which closed that correspondence on my part, I have now to add the copy of a note which I received from his lordship last night.

You will observe that in this answer Lord Derby does not recur to any of the facts or arguments connected with the affair of the vessel in question, but confines himself to a notice of the suggestion I made at the close of my note to him in regard to the necessity of a consular convention as a comprehensive and effective remedy for all these differences. He simply makes the case an occasion for repeating the familiar assurance that "the question is receiving the attentive consideration of Her Majesty's government."

I have, &c.,

ROBERT C. SCHENCK.

[Inclosure in No. 739.]

Lord Derby to General Schenck.

FOREIGN OFFICE, *April* 19, 1875.

SIR: I have the honor to acknowledge the receipt of your note, with its inclosure, of the 9th instant, referring to the case of the G. C. Trufant, and suggesting the expediency of a reciprocal understanding being arrived at with regard to the future treatment of such cases by means of a consular convention between the governments of Great Britain and the United States, and I beg in reply to assure you that this question is receiving the attentive consideration of Her Majesty's government.

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

DERBY.

General SCHENCK,
&c., &c., &c.

No. 269.

General Schenck to Mr. Fish.

No. 740.] LEGATION OF THE UNITED STATES,
London, April 24, 1875. (Received May 7.)

SIR: In conformity with the instruction in your No. 711, I yesterday, in a personal interview with Lord Derby, brought to his notice the 5th section of the recent act of Congress in relation to immigration. Also I left with his lordship the printed copy of the act which you inclosed to me. In explaining the object and necessity of this legislation, I called his lordship's attention to some of the correspondence on the subject of the deportation of convicts to the United States, which has been published by our Government, and particularly to my dispatches to and from you, and my notes to Lord Granville, relating to the matter in 1873. I did not pretend that any part of the act which provided against the importation of lewd women for purposes of prostitution had reference to or was founded on any complaint against Great Britain. Lord Derby thought that Her Majesty's government were giving no aid or countenance to the sending of convicts whose terms of imprisonment had not expired, or who were released on condition of their emigration. I referred him to what I had already written to you on that point on the 12th of August, 1873:

> That the practice of sending to our shores, under any direct or official sanction of the British government, such disreputable additions to our population does not now, I believe, exist; but that, while Her Majesty's government may not be disposed to forget, in this particular, what is due to our country by the comity of nations, some of the local authorities in England and Ireland are not disinclined, if an opportunity occurs, to make of the United States a cheap place of banishment for the inmates of their jails.

His lordship, while not prepared to admit that there was any occasion now for the new act of Congress, so far as persons emigrating from this kingdom were concerned, yet assented readily to the soundness of the principle on which such legislation was founded, and said he would bring the law and the penalties it prescribed to the notice of Her Majesty's home department.

I have, &c.,

ROBT. C. SCHENCK.

No. 270.

General Schenck to Mr. Fish.

No. 758.] LEGATION OF THE UNITED STATES,
London, June 1, 1875. (Received June 14.)

SIR: A very interesting discussion took place yesterday in the House of Lords in relation to the part recently enacted by Great Britain in maintaining the peace of Europe by friendly intervention between Germany and France. I send you, in shape to be preserved, a full report of the debate, taken from the "London Times" of this morning. You can infer from the language used by both Lord Derby and Lord Russell on this occasion how general has been the excitement in British political circles, and how deep the uneasiness, from an apprehension that Germany and France might possibly rush again into war. Her Majesty's government have declined to disclose, in answer to Lord Russell's motion for the production of papers, to what extent there has been negotiation or correspondence directed toward a restoration of good understanding, or at least a removal of misunderstanding between the two powers. In doing this, the secretary for foreign affairs has also done something of much more general interest, and something worth recording and remembering. He has announced, not very boldly, but yet with some distinct significance, what is to be the attitude and policy of Great Britain, under the present administration, in regard to interposing in future continental disputes. "A policy of non-intervention does not mean a policy of isolation and indifference, and it does not mean that England either is or can be indifferent to the maintenance of European peace." This is obviously meant for answer as well to those who claim that Great Britain no longer has any weight, or can exercise any influence among the great European powers, as to those who are of opinion that Her Majesty's government should hold entirely aloof from, and not intermeddle, even as a peacemaker, with the disturbed relations of neighboring nations.

I have, &c.,

ROBT. C. SCHENCK.

[Inclosure in No. 758.]

THE PEACE OF EUROPE.

[From the Times, Tuesday, June 1, 1875.]

HOUSE OF LORDS, *Monday, May* 31.

Earl RUSSELL. My lords, I rise to move an address to Her Majesty for papers connected with the present state of Europe. It is fit that I should say at the commencement that I do not wish to unduly press upon the noble earl the secretary of state for foreign affairs whether Her Majesty's government will produce the correspondence or a part of it, or whether they will deny to Parliament any such communication, I rise rather with the view of calling the attention of your lordships' house to the present state of foreign affairs, because I think it necessary that your lordships' attention should be directed to it under existing circumstances. My lords, I cannot forget that on the 30th of May, 1814, a treaty was concluded between Great Britain and Russia and Prussia on the one side, and France on the other, by which treaty the boundaries of France were reduced to what they had been previously to 1792. I must say that on a comparison between the policy of that time and the policy which we have seen in more recent times, I have been struck with the great wisdom and circumspection and care shown when that treaty was made to preserve the position of Great Britain, and place her in a situation of considerable power and influence. Whether owing to any change which

may have occurred in the public mind in regard to foreign affairs or for some other reason, it seems to me that, while in 1814 great circumspection and great vigilance were displayed in securing the position of Great Britain in Europe, there has been some carelessness in recent times, and that we run the danger of losing what the policy of 1814 achieved. In 1814, as I have said, care was taken, by the making of the treaty of the 30th of May at Paris, that the boundaries of France were reduced to what they had been in the month of January, 1792. I cannot help comparing the situation in 1814 and the position taken up by the English government of that day with what occurred five years ago—in 1870. In 1870, so far from the government of France being willing to remain divested of all territory beyond the limits of the boundaries of 1792, the Emperor of the French declared, and had no scruple in declaring, that he did not regard as binding the treaties of 1815, by which Great Britain and France had bound themselves. He announced that he intended to restore to France territory which she had lost on the Rhine, and to retake those fortresses which by the treaty of 1814 France had yielded to Germany. That was the demand of the sovereign of France; and just consider what would have happened if, instead of having been defeated and overwhelmed by the Germans, the French had been successful in the war of 1870-'71. If the French army, instead of the German, had been successful in that war, we should have been called upon to vindicate the faith of treaties and uphold what we had taken a prominent part in establishing. I do not say that at the present moment there is any danger of war, but I will recall to the recollection of your lordships what happened in May or June, 1870. At that time my noble friend near me, (Earl Granville,) who was secretary for foreign affairs, assured this house and assured Parliament and the country that all the documents which came to the foreign office were documents attesting to a desire for the continuance of peace, and to the peaceful disposition of the government of France among the other European governments. That was the declaration made in June, 1870, and yet in July one of the most violent, the most purposeless and wanton wars ever waged in Europe broke out between France and Prussia. [Hear, hear.] It appears to me, my lords, that, with such a warning in remembrance, we ought at present to take means which would afford some security for the peace of Europe. In 1814 it was thought necessary to make a treaty with Great Britain, Prussia, and Russia on the one side and France on the other, in order to secure peace, and I cannot think that this country is safe or the peace of Europe is secure unless we have treaties, and see that our power in respect of treaties is fully maintained. The result of the late war was favorable to Germany, and territory which had belonged to France for two hundred years was wrested from her. But, my lords, it is impossible that there should not exist great resentment and great humiliation on the part of France in consequence of her having had to make these large concessions; and when France has again a great army, and when she has effected what she desires on all those points in connection with the reconstruction of her army to which she has been so closely attending—when she has a formidable army of perhaps 780,000 men, it is not unlikely that France may make use of that army to regain what she has lost. On the other hand, we see to what a standard of strength Germany keeps up her military forces, and, further, that she wishes to maintain a fleet. My lords, I do not say that either on the part of France or that of Germany there is a desire for war; but when we see the things to which I have been referring, I ask whether, in 1875, we have obtained any better security for peace than we had when my noble friend spoke in June, 1870. My noble friend made the statement to which I have alluded, and in a few weeks—I may say in a few days—there burst out a violent war, in which the interests of this country were greatly concerned. I hope, therefore, that we shall not only receive the same assurances of peace which we did in June, 1870, but that the policy of Great Britain in 1814 will be revived, that we shall see something of the spirit which was then displayed, and that this country will combine with other nations for the maintenance of the peace of Europe. I observe that Her Majesty's government have been in communication on this subject with the governments of other countries; and my object in asking for this correspondence, or any part of it which may be produced without damage to the public interest, is to see whether the old spirit which used to prevail and did prevail in 1814 has been revived. I think that if Great Britain and Russia and Austria and other powers interested in peace were to declare not only that they were favorable to it, but that they would use their means to preserve it, as England, Russia, and Prussia did in 1814, we should have a security for peace. I for one cannot rely on assurances such as those which we had in June, 1870, and I move for these papers in the hope that an English policy—a British policy—may be declared by the government, and that we shall no longer exhibit that indifference, that carelessness of foreign policy which I regret we have in recent times allowed to prevail. [Hear, hear.] The noble earl concluded by moving "that an humble address be presented to Her Majesty, praying Her Majesty to communicate to this house so much of the correspondence between Her Majesty's government and the governments of France, Germany, Russia, Italy, Belgium, the Netherlands, Spain, and Portugal relating to the

peace of Europe which has taken place since the commencement of the present year as can be made known to Parliament without injury to the public service."

The Earl of DERBY. My lords, with regard to the motion which the noble earl has made for the production of the correspondence relating to the late European crisis, I think that the noble earl himself—of whom and to whom I wish to speak with the greatest possible respect—has by anticipation indicated the answer which I shall feel myself reluctantly comeplled to give him, because the noble earl more than once said it was not his intention to press for any correspondence the production of which might be injurious to the public service. I can quite understand and sympathize with the curiosity—the natural curiosity—and the deep interest with which your lordships and the country must have been watching the course of foreign affairs during the last few weeks, and I can quite appreciate the desire for information with respect to the details of what was passed. And, my lords, as far as Her Majesty's government are concerned, there is nothing we have said or done which we have the slightest desire to keep from the knowledge of this house or the other house of Parliament, or the public. [Hear, hear.] But there is this objection to the production of those documents: that it would be impossible to give anything like such an account of these matters as Parliament and the country would expect without making use of confidential communications as to the opinions and policy of other governments, and those other governments would object in the strongest manner to our disclosing this confidential information. We could not in fairness disclose it without their consent; but even if we could, I do not think that in good policy we ought to do so, because the result would be to give other governments reason to conclude that whatever passed into the hands of the British diplomatists would be sure to be published. The consequence of that conviction would be that British diplomatists would receive very little confidential information in future. [Hear hear.] Therefore, my lords, the production of the whole of the correspondence is impossible; and I do not think the production of the correspondence mutilated or severely edited would answer any useful purpose. If published in full, its publication would be unfair to other governments; if published in a mutilated form, it would be useless.

But, my lords, there is another consideration, which is that the points of difference were of such a nature that they are likely to re-occur—though I hope they will not—and, therefore, looking at it from that point, I do not think it would be in the interest of European peace to give wider publicity and a larger circulation to all the details of the negotiations. [Hear, hear.] Indeed, I cannot conceive anything more calculated to revive and exasperate those feelings of irritation and mutual uneasiness which we know did unfortunately exist, and therefore I believe your lordships will have anticipated the answer I feel called upon to give when I say I think that on every ground it would be undesirable to produce those papers. [Hear, hear.] As to the action taken by the British government in the course of the negotiations, I feel that Parliament and the country have a right to know what we have been doing, in order that they may not seem to favor any policy which they do not approve; but while I say that, I am bound to confess that I can give your lordships very little information of which you are not, in substance at least, if not in detail, already in possession. Every one knows that great uneasiness existed a few weeks ago in respect of the relations of the governments of France and Germany. Language had been held by persons of the highest authority and position—statements had been made by the semi-official press of Germany—to the effect that the French army was being increased to a degree which was dangerous to Germany and exceeded the requirements of France, and that the course being pursued in respect of that army manifested a determination on the part of France to renew the war of 1870-'71 at the earliest period at which she would be in a position to do so. It was further said that if such was to be taken as the object which France had in view, it might not be the duty of the German government to wait until France had made her preparations, but that government might feel itself called upon to take the initiative. It was said that Germany did not desire war, but that if war was to be avoided, it seemed necessary that the French armaments should be discontinued. My lords, those statements were, as I have observed, made by persons in high position in Germany, and they were repeated in other countries. In France, of course, they caused great uneasiness, and the French government disclaimed all such intentions as those which were thus attributed to them. I am bound to say that I accepted, and I still accept, that disclaimer as one made in all sincerity. I do not believe that any public man in France contemplated a renewal of the war of 1870-'71. After the misfortunes which they have undergone and the humiliations which they have endured, the French very naturally desire to keep up such an army as shall not only give them security at home, but shall give them such power and influence in Europe as they feel their importance as a great nation entitles them to. The existence of such a feeling on the part of the French cannot be disputed, nor is there any reason why it should not exist. [Hear, hear.] But it is one thing to desire to be safe and even strong at home, and it is another to be arming with ulterior motives. We believe that the apprehensions that have been entertained on this point have

been unfounded. [Cheers.] One of the greatest difficulties that we had to encounter in the matter was that the French on their side seemed hardly able to understand or to conceive that these apprehensions, which were felt on the part of the German government, were genuine or sincere, and that they—I won't say the French government—but the French people, undoubtedly looked upon these apprehensions as being put forward by Germany as a mere pretext for a fresh attack. Now, that was the situation with which we had to deal, and it appeared to Her Majesty's government that in such a state of things a mutual misunderstanding existed which might lead to the very gravest consequences. On the one hand, if the German government continued to entertain these apprehensions of the designs of France which they expressed, the next step on their part might be a formal request to France to discontinue arming. Had such a request been made it would have been very difficult to preserve peace, and the cause of quarrel between the two nations might have been revived. On the other hand, it will be obvious to your lordships that if the French statesmen believed that the apprehensions entertained by Germany were not genuine and were merely put forward as a pretext for war, such a belief on their part was not unlikely to lead to most undesirable complications. Under these circumstances, therefore, it appeared to Her Majesty's government that much good might be done by their endeavoring, quietly and unostentatiously, to calm down these feelings of mutual suspicion and distrust entertained by the two countries. [Cheers.] It appeared to Her Majesty's government that when two great nations are determined upon going to war with each other it is of very little use for their neighbors to attempt to interpose in the cause of peace; but that when the feeling between them is not so much one of violent irritation as of extreme mutual suspicion and distrust, there is room for the friendly offices of their neighbors. We did not think that France was contemplating a renewal of the war, neither did we believe that the German government were contemplating an act so entirely repugnant to the moral sense of Europe as that of running into an unprovoked war with the intention of completing the destruction of her former foe. [Cheers.] We found that the Russian government were determined to use their best efforts in the interests of peace, and the late visit of the Emperor of Russia to Berlin furnished us with a convenient opportunity of supporting, as far as support appeared necessary, the representations in favor of peace which we were led to believe the Emperor of Russia intended to make in the course of his visit to the German capital. That is substantially what has occurred in reference to this question as far as we are concerned. I can assure the house that I did not in any way wish to exaggerate the part Her Majesty's government have played in the matter, neither do I wish to claim any particular merit for them. We have only done what it seems to me it was our obvious duty to do, and what we could not have avoided doing in the interest of peace and in the interest of justice. [Hear, hear.] My lords, it has been asked in some quarters whether the results which I am happy to say have been brought about were secured by any sacrifice on our part of our freedom of action, either present or prospective, and whether we had entered into any engagements which may bind us in future. I am glad to have this opportunity of stating that such is not the case. [Cheers.] We have used no language, we have entered into no engagement, and we have given no pledges that will fetter our freedom of action in the future, and if we were to quit office to-morrow we should leave our successors neither embarrassed nor committed by anything said or done by us in reference to this matter. I will not enter into the wide and deep-rooted question as to the rule which the noble earl said ought to guide our foreign policy. I do not believe that it is possible for us to lay down any formula or any general rule which shall bind us in our foreign policy for all time and on all occasions. We must deal with the circumstances of each case as it arises. I believe that the policy of non-intervention in general in continental disputes is the one which finds most favor with the people of this country; but a policy of non-intervention does not mean a policy of isolation and indifference, and it does not mean that England either is or can be indifferent to the maintenance of European peace. [Cheers.] I will not enlarge on this subject, and I can only end as I began, by expressing my conviction that it is not desirable that we should lay the correspondence which has been asked for before the house. [Cheers.]

Earl GRANVILLE. I wish to observe, in the first place, that I have no distinct recollection of the statement which the noble earl says I made in May or June, 1870, to the effect that all the dispatches which we had received were of the most pacific character. I have no recollection of having given any assurance of that kind. The noble earl has suggested that in making that statement I was not expressing my own views, but that I was quoting the language of my noble friend, who, all parties agree, has discharged the duties of under secretary of state for foreign affairs with such eminent success. Since I can find no record of my statement in Hansard, it would be indiscreet of me to say positively what that statement conveyed. What I believe, however, I stated on the occasion was, that I had been informed that I should find much less work in the office then than I had found 20 years previously. I have nothing to find fault with in the announcement of the noble earl opposite with reference to the papers

asked for. I think that the production of such papers should be left to the discretion of Her Majesty's government. On the one hand, it is their duty, and very much to their interest, to keep the country informed as to what they are doing with regard to political affairs abroad; and, on the other hand, were they to produce confidential correspondence they would destroy the sources of information for the future. If you hastily publish what you have yourself done in influencing foreign politics, you will be very apt to weaken the influence you hope to exercise over foreign governments in the future. I know nothing about the papers asked for nor about what the government have done in the matter, and therefore I can express no opinion on the determination at which they have arrived on the point; but if, as has just been stated by the noble earl, Her Majesty's government have without ostentation usefully put themselves forward in a spirit of complete neutrality to endeavor to remove misconceptions on each side, I think that they have pursued a right course. [Hear.] I am glad that the noble earl did not assume on behalf of Her Majesty's government any extraordinary credit for the course which they have taken in this matter, because there is rather too much of that sort of thing done in other places, where it is said that this country has obtained something like a diplomatic victory by having brought matters to a successful and peaceful termination. I believe that any assumption of that sort is calculated to weaken our influence in the future. On the whole, however, it seems to me that Her Majesty's government have acted in a wise and judicious manner.

Earl RUSSELL did not desire that any confidential papers should be produced, but merely that the country should be fully informed with regard to our foreign policy.

The motion was negatived.

No. 271.

Mr. Hoffman to Mr. Fish.

No. 25.] LEGATION OF THE UNITED STATES,
London, August 28, 1875. (Received September 9.)

SIR: Referring to your dispatch No. 766, in reference to the assistance and courtesies extended to the American transit-of-Venus party in New Zealand, I have the honor to inclose to you herewith copies of the correspondence which has passed between Lord Derby and myself upon this subject.

I have, &c.,

WICKHAM HOFFMAN.

[Inclosure 1 in No. 25.]

Mr. Hoffman to Lord Derby.

LEGATION OF THE UNITED STATES,
London, August 24, 1875.

MY LORD: I have the honor to transmit to you, herewith, a copy of a letter from the Navy Department of the United States, and of its inclosures, to Mr. Fish, expressing the feeling with which that Department regards the courteous and hospitable reception given the expedition sent to New Zealand to observe the transit of Venus.

I am instructed by Mr. Fish to convey to Her Majesty's government the thanks of the Government of the United States for the courtesies and aid extended by the authorities and people of New Zealand to the American expedition, and to express the high appreciation entertained of the valuable services rendered.

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

WICKHAM HOFFMAN.

To the Right Hon. the EARL OF DERBY, *&c., &c.*

[Inclosure 2 in No. 25.]

Lord Derby to Mr. Hoffman.

FOREIGN OFFICE, *August* 26, 1875.

SIR: I have the honor to acknowledge the receipt of your note of the 24th instant, together with its inclosures, conveying the thanks of your Government, through that of Her Majesty, to the authorities and people of New Zealand, for the courteous and hospitable reception accorded by them to the American expedition sent to that colony to observe the transit of Venus, and I have to state to you, in reply, that I have referred your note to the proper department of Her Majesty's government.

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

DERBY.

Colonel HOFFMAN, *&c., &c.*

No. 272.

Mr. Watson to Mr. Cadwalader.

WASHINGTON, *October* 17, 1874. (Received October 19.)

SIR: In accordance with the instructions of Her Majesty's principal secretary of state for foreign affairs, I do myself the honor to transmit to you, herewith, copy of a dispatch which has been addressed to me by his lordship, respecting the limits within which maritime jurisdiction is claimed by the government of Spain.

I am desired by Lord Derby to state to you that Her Majesty's government would be glad to be made acquainted with the views of the United States Government as to the extent of maritime jurisdiction that, in their opinion, can properly be claimed by any power; and further, to be informed whether the United States Government have ever recognized the claim of Spain to a six-mile limit, or have ever protested against such a claim.

I have, &c.,

R. G. WATSON.

[Inclosure.]

Lord Derby to Mr. Watson.

No. 304.] FOREIGN OFFICE, *September* 25, 1874.

SIR: For many years past questions have, from time to time, arisen between the governments of Great Britain and Spain with regard to the limit of the maritime jurisdiction of the last-named power.

The Spanish government claim the right to exercise such jurisdiction at a distance of two leagues, or six nautical miles, from the Spanish coast, and they found this claim upon a royal "cedula" issued on December 17, 1780, confirmed by a royal decision of May 1, 1775, (*sic,*) and by article 15 of the royal decree of May 3, 1830, the present Spanish minister for foreign affairs asserting, in a note addressed to Her Majesty's chargé d'affaires at Madrid, on the 4th ultimo, that no protest or reclamation whatever has been presented against those orders, all maritime powers having acquiesced therein.

As regards the government of Great Britain, this assertion of Señor Ulloa is entirely contrary to fact, and Her Majesty's government can only suppose that it was made through inadvertence. The British government have always uniformly and strenuously resisted the pretensions of the Spanish government to exercise jurisdiction at a greater distance than one league, or three nautical miles, from the Spanish coast seawards or within bays of the Spanish shore.

This distance the British government have always held to be the proper limit of maritime jurisdiction, and Her Majesty's present government, after consulting the law-officers of the Crown, entirely concur in that view, which they are advised is supported by the authority of all writers upon international law, and by the decisions of the tribunals of various countries.

It appears to Her Majesty's government to be manifest that some limit to maritime jurisdiction must be fixed by general consent among the different nations, and that no nation can have the right to assume, by a decree of its own government, a jurisdiction more extended than that sanctioned by such general assent; otherwise some nations might claim an unlimited jurisdiction, and assume the right to stop and search vessels sailing under a foreign flag on any part of the high seas.

In accordance with these views, Her Majesty's government have recently intimated to the Spanish government that their pretensions will not be submitted to by Great Britain, and that any attempt to carry out those pretensions will lead to very serious consequences. Her Majesty's government are, however, most anxious to avoid any risk of a collision with Spain, and it has occurred to them that if the views which they have expressed to the Spanish government were supported by the concurrence of other maritime powers, the Spanish government might be the more readily convinced of the untenability of the pretensions they have hitherto put forward, and might see the necessity of withdrawing them. I have, therefore, to instruct you to communicate a copy of this dispatch to the United States minister of foreign affairs, and to state to him that Her Majesty's government would be glad to be made acquainted with the views of the United States Government as to the extent of maritime jurisdiction that, in their opinion, can properly be claimed by any power; and, further, to be informed whether the United States Government have ever recognized the claim of Spain to a six-mile limit, or have ever protested against such claim.

I am, &c.,

DERBY.

R. G. WATSON, Esq.

No. 273.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, *November* 23, 1874. (Received November 23.)

SIR: Since the signature of the treaty of May 8, 1871, between the United States and Great Britain, you have on several occasions been good enough to inform me that, in conformity with the engagement contained in the 27th article of that treaty, the President had made a representation to the governor of the State of New York, urging that the use of the canals in that State should be allowed to the subjects of Her Britannic Majesty on term of equality with the inhabitants of the United States.

You also communicated to me the nature of his excellency's reply, to the effect that he believed that there were no laws of the State of New York which prohibited the equal use of the canals by British subjects and American citizens, and subsequently, in compliance with my wish, you had the kindness, on the 27th of April last, to forward me a copy of the letter which the President had received upon the subject referred to from his excellency Governor Hoffman.

I had much pleasure in transmitting a copy of his excellency's letter to Her Majesty's government and to the governor-general of Canada.

But I have just received a dispatch from the Earl of Dufferin, transmitting copy of a report of a committee of the privy council of the Dominion, of the 12th instant, in which it is stated that whilst all the Canadian canals have been freely opened to vessels of the United States on payment of the same tolls and charges as are exacted from British or Canadian vessels, the latter are entirely excluded from the use of any and all of the canals within United States territory except the Sault Ste. Marie

Canal, and that thus, while United States barges and other vessels, with or without cargo, clearing from ports upon the Hudson River, are allowed to pass through the Chambly Canal to the St. Lawrence, and thence from Montreal, through the Lachine Canal, and through the canals on the Ottawa to the city of Ottawa, or any other destination, British or Canadian vessels, loading at Ottawa or at any other Canadian port, or even in ballast, are prohibited from passing Whitehall through the Champlain Canal to the Hudson River, in the State of New York. The same prohibitory policy, as the report further states, obtains generally in reference to the use of the Erie and other canals connecting navigable waters within the territory of the United States.

As this policy seems to be entirely at variance with the opinion expressed by the governor of the State of New York in his letter to the President of December 4, 1871, and considering that over three years have passed, during which the Canadian government has been faithfully acting upon the spirit of the treaty, permitting the use of their numerous canals in as full and unrestricted a manner as that accorded to their own vessels, whilst the latter have enjoyed no reciprocity with regard to the canals in the United States, I have the honor to request that inquiries may be made as to the prohibition complained of, which seems so contrary to the spirit of the above-mentioned letter of the governor of the State of New York, and to suggest that further representations may be made with a view to the enjoyment by British and Canadian vessels of the use of the canals in accordance with the 27th article of the treaty of Washington.

I have, &c.,

EDW'D THORNTON.

No. 274.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, *November* 23, 1874. (Received November 23.)

SIR: With reference to my note of the 26th ultimo, I have the honor to inclose copies of a dispatch and of its inclosures which I have received from the governor-general of Canada, giving more precise details as to the boundary between Labrador and the Dominion of Canada, and the position of the former possession in relation to the latter or to the colony of Newfoundland.

A map showing the exact boundary on the coast, and the assumed boundary in the interior, is also inclosed.

I have, &c.,

EDW'D THORNTON.

[Inclosure.]

Lord Dufferin to Sir Edward Thornton.

CANADA, GOVERNMENT HOUSE, OTTAWA,
November 16, 1874.

SIR: With reference to your dispatch, No. 20, of June 20, and to subsequent correspondence making an inquiry on the part of the United States Government as to the

position of Labrador in relation to the Dominion of Canada or Newfoundland, I have the honor to inclose, for the information of Mr. Fish, a copy of an order of the privy council, which contains the views of my government on the subject.

Appended to the minute are extracts from the imperial statutes bearing on the question, and a map showing the exact boundary on the coast and the assumed boundary in the interior.

I have, &c., &c.,

DUFFERIN.

Sir EDWARD THORNTON,
K. C. B., &c., &c.

[Subinclosure 1.]

Copy of a report of a committee of the honorable the privy council, approved by his excellency the governor-general, in council, on the 12th day of November, 1874.

In a dispatch dated 20th June, 1874, from Sir Edward Thornton to your excellency, inclosing a communication from the Hon. Hamilton Fish, Secretary of State at Washington, desiring to be informed whether any part of Labrador is separated from the jurisdiction of either the Dominion of Canada or that of Newfoundland.

The honorable the secretary of state, to whom this dispatch, with inclosures, has been referred, reports that the boundary-line between the Dominion of Canada and Labrador is a line drawn due north and south from the bay or harbor of Ance au Blanc Sablon, near the straits of Belle Isle, as far as the fifty-second degree of north latitude; that Labrador extends eastward and northward from that point to Hudson's Straits.

That the division-line in the interior separating Labrador from the Dominion of Canada has only been defined as far north as the fifty-second degree of north latitude, but it has been assumed that the boundary-line in the interior would have taken the direction laid down on the accompanying map, which follows the height of land.

That Labrador, with the islands adjacent thereto, is annexed to Newfoundland, and under the government of that island.

Attached to the report of the secretary of state are extracts from the imperial statute bearing on the question, and a map showing the exact boundary on the coast and the assumed boundary in the interior.

The committee recommend that a copy of this minute, with map and extracts from the imperial statutes above alluded to, be transmitted to Sir Edward Thornton for the information of the United States Government.

Certified:

W. A. HIMSWORTH,
Clerk Privy Council, Canada.

[Subinclosure 2.]

Imperial statute 49, George III, Cap. 27, Section XIV.

And whereas His Majesty, by his proclamation of the 7th day of October, 1763, was pleased to declare that he had put the coast of Labrador from the river St. John to Hudson's Straits, with the islands of Anticosti and Madelaine, and all other smaller islands lying on the said coast under the care and inspection of the governor of Newfoundland; and whereas, by an act passed in the 14th year of the reign of His present Majesty, entitled "An act for making more effectual provision for the government of the province of Quebec in North America," all such territories, islands, and countries as since the 10th day of February, 1763, had been made part of the government of Newfoundland, were, during His Majesty's pleasure, annexed to and made part of the province of Quebec, as created by the said proclamation; and whereas, in pursuance of an act passed in the 31st year of His present Majesty's reign, entitled "An act to repeal certain parts of an act passed in the 14th year of His Majesty's reign, entitled 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" the said province of Quebec was divided into two provinces of Upper and Lower Canada, the latter including the parts of the coast of Labrador and the said islands so formerly annexed to the government of Newfoundland; and whereas it is expedient that the said coast of Labrador and the adjacent islands (except the islands of Madelaine) should be re-annexed to the government of Newfoundland:

Be it therefore enacted, that such parts of the coast of Labrador from the river St. John to Hudson's Straits, and the said island of Anticosti, and all other smaller islands so annexed to the government of Newfoundland by the said proclamation of the 7th day of October, 1763, (except the said islands of Madelaine,) shall be separated from the said government of Lower Canada, and be again re-annexed to the government of Newfoundland. Anything in the said act passed in the 31st year of his present Majesty's reign or any other act to the contrary notwithstanding.

[Subinclosure 3.]

Imperial act 6, George IV, Chapter 59, A. D. 1825.

IX. And whereas, under and by virtue of a certain act passed in the forty-ninth year of the reign of His late Majesty King George the Third, entitled "An act for establishing courts of judicature in the island of Newfoundland and in the islands adjacent, and for re-annexing part of Labrador and the islands lying on the said coast to the government of Newfoundland;" and of the act passed in the fifth year of the reign of His present Majesty, entitled "An act for the better administration of justice in Newfoundland, and for other purposes," the coast of Labrador, from the river St. John to Hudson's Straits, and the island of Anticosti, and all the islands adjacent to the said coast, except the islands of Madelaine, are annexed to and form part of the government of Newfoundland, and it is expedient that certain parts of the said coast of Labrador should be re-annexed to and form part of the province of Lower Canada:

Be it therefore enacted, that so much of the said coast as lies westward of a line to be drawn due north and south from the bay or harbor of Ance Sablon, inclusive, as far as the fifty-second degree of north latitude, with the island of Anticosti, and all other islands adjacent to such part as last aforesaid, of the coast of Labrador, shall be, and the same are hereby, re-annexed to and made a part of the said province of Lower Canada, and shall henceforward be subject to the laws of the said province, and to none other; and so much of the said recited acts passed in the forty-ninth year of the reign of His late Majesty King George the Third, and in the fifth year of the reign of His present Majesty, as relates to such part of the coast of Labrador as last aforesaid, and the said island of Anticosti, and other adjacent islands shall be, and the same is hereby, repealed.

No. 275.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, November 24, 1874.

SIR: I have the honor to acknowledge the receipt of your note of the 23d instant, in reference to the engagement of the United States to urge upon the several State governments to secure to subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes, and in which you state that you are in receipt of a dispatch from the Earl of Dufferin, transmitting a copy of a report of a committee of the privy council of the Dominion of Canada, in which it is stated that whilst all the Canadian canals have been opened to vessels of the United States, that British subjects are entirely excluded from the use of any and all canals in the United States except the Sault Ste. Marie Canal.

I am somewhat surprised at this general statement in the report of the committee, and it would perhaps be more satisfactory had some special instance of exclusion been reported, that the facts might have been represented. I have, however, transmitted a copy of your dispatch to the governor of the State of New York, and have requested information upon the question.

Although the report of the committee of the privy council states

that all the canals of the United States are so closed, except the Sault Ste. Marie Canal, I beg to inform you that the resolution of the legislature of the State of Michigan, of March 23, 1872, opening the Sault Ste. Marie Canal, applied also to any canal connected with the great lakes, or contiguous to the boundary-line between the United States and the Dominion of Canada.

I have, &c.,

HAMILTON FISH.

No. 276.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, *November* 30, 1874. (Received December 1.)

SIR: With reference to Mr. Cadwalader's note of the 5th instant, I have the honor to transmit herewith copy of a report made by the department of public works in Canada, relative to the removal of certain obstructions to safe navigation which exist in the channel of the river Detroit.

This report has been forwarded to me by the governor-general of Canada for your information.

I have, &c.,

EDW'D THORNTON.

[Inclosure.]

Report of the department of public works in Canada.

DEPARTMENT OF PUBLIC WORKS,
Ottawa, November 20, 1874.

SIR: I am instructed to ackowledge dispatch No. 25, dated Washington, 7th November, 1874, from Sir E. Thornton, K. C. B., to his excellency the governor-general, the Earl of Dufferin, &c., inclosing copies of a note received from Mr. Cadwalader, Acting Secretary of State of the United States, relative to the removal of certain obstructions to safe navigation which exist in the channel of the river Detroit, the whole having been referred to the department of public works.

I have the honor to inform you, for the information of the honorable the privy council, that one of the superior engineers of the department, Mr. Kingsford, was instructed to examine this work during the season, and that he has reported that an elaborate survey has been made of the obstruction to the north of Amherstburgh, complained of, and of the shoals at the discharge of the river Detroit, in Lake Erie.

The surveying parties have been kept in the field so late this season, owing to multiplicity of work, that this examination has not been specially reported upon, but in a few weeks the maps will be prepared and report made, by the engineer in charge, of the whole question embraced in the matter to which the dispatch alludes; and without loss of time the above report and maps will be submitted to the honorable the privy council.

I have, &c.,

F. BRANN, *Secretary.*

To the CLERK OF THE PRIVY COUNCIL.

No. 277.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, December 8, 1874.

SIR: In your note of the 23d of November last, you informed me that you had received a dispatch from the Earl of Dufferin, transmitting a

copy of a report of a committee of the privy council of the Dominion of Canada, in which it is stated that whilst all the Canadian canals have been opened to vessels of the United States, Canadian vessels are entirely excluded from all the canals of the United States, and particular reference was made to the canals of New York. A copy of your note was transmitted to the governor of the State of New York, and his attention called to the complaint.

I herewith inclose you a copy of the reply of the governor of New York, and of the reports and correspondence which accompanied it.

I have, &c.,

HAMILTON FISH.

[Inclosure.]

Governor Dix to Mr. Fish.

STATE OF NEW YORK, EXECUTIVE CHAMBER,
Albany, December 4, 1874.

SIR: On the receipt of your communication of the 24th ultimo, I referred it, with the accompanying documents, to the auditor of the canal department for a report. I inclose a copy of his letter to me, a copy of the letter from him to the canal collector at Whitehall, and the reply (original) of the latter; also, a copy of a telegraphic dispatch of the auditor to the collector, and an original telegraphic dispatch from the latter in reply. It appears by these paper that British subjects are allowed to navigate on canals on terms of equality with citizens of the United States, and that the Canadian authorities have been misinformed in regard to the exclusion of British or Canadian vessels from the Champlain Canal at Whitehall.

In his annual message, in January, 1872, Governor Hoffman called the attention of the legislature to the subject, in pursuance of the request of the President of the United States, and submitted the 27th article of the treaty of the 8th of May, 1871, between the United States and Great Britain, recommending the prompt passage of any laws which might be necessary for the fulfillment of the agreement on the part of the Federal Government. No laws were passed for the reason that there were no restrictions to be removed.

I have the honor to be, your obedient servant,

JOHN A. DIX.

Hon. HAMILTON FISH,
Secretary of State.

[Subinclosure 1.]

Mr. Thayer to Governor Dix.

STATE OF NEW YORK, CANAL DEPARTMENT,
Albany, November 30, 1874.

MY DEAR SIR: I am in receipt, through you, of communications from the Department of State at Washington, referring our State government to alleged violations of article 27 of the treaty of Washington.

The laws of the State and canal regulations give to American citizens and British subjects equal rights and privileges in navigating all our canals, and this department has not, to my knowledge, before been advised of any violation of said article. The charges made are general, and for this reason difficult of investigation; hence, I beg leave to suggest that the Canadian government be respectfully asked to cite some particular case of grievance, giving date, name of boat, master, &c., &c., and should the matter again be referred to this department, I assure your excellency that it will receive prompt and faithful attention.

With great respect, I am, your obedient servant,

FRANCIS S. THAYER,
Auditor of the Canal Department.

To his excellency JOHN A. DIX,
Governor, &c.

[Subinclosure 2.]

Mr Thayer to Mr. Wilkins.

STATE OF NEW YORK, CANAL DEPARTMENT,
Albany, November 30, 1874.

DEAR SIR: It is alleged by authorities of Canada that since the spring of 1871 the citizens of the Dominion have been denied the right to navigate the Champlain Canal with their boats. There never has been a statute or regulation of this State which would exclude the citizens of Canada, or any other state or government, from the use of our canals upon equal terms with our own citizens, and no specific complaint has been made to this department by any citizen of Canada that they have been denied the use of our canals. But the government of Canada complain to our Government at Washington that boats owned and loaded in Canada, upon arrival at Whitehall, and desiring to proceed through the Champlain Canal, have been refused a clearance. Has any such case occurred during your term of office? If so, under what authority were such boats excluded? Washington I. Smith and Samuel L. Dwight were collectors in 1871, 1872, and 1873. I wish you would consult with them and ascertain whether any Canada boats were denied clearances during their terms, and, if so, upon what grounds, and by what authority. Please reply promptly and fully.

Yours, truly,

FRANCIS S. THAYER, *Auditor.*

W. A. WILKINS, Esq.,
Canal Collector, Whitehall, N. Y.

[Subinclosure 3.]

Mr. Wilkins to Mr. Thayer.

WHITEHALL, N. Y., *December* 1, 1874.

DEAR SIR: In reply to yours of November 30, I would say that, during my term of office, no Canada boat has made application for a clearance.

Mr. Dwight, my predecessor, informs me that no boat ever applied for a clearance during his term hailing from Canada.

W. I. Smith, who preceded Mr. Dwight, is at Saint Louis, but his head clerk has no recollection of any Canada boat ever making application for a clearance.

Had any applied we should have granted them a clearance, if they had conformed with the law.

Very respectfully, yours,

W. A. WILKINS, *Collector.*

Hon. FRANCIS S. THAYER.

[Subinclosure 4.]

Mr. Thayer to Mr. Wilkins.

[Telegram.]

ALBANY, *November* 30, 1874.

Have British or Canadian boats, loading at any Canadian port or in ballast, ever been prohibited by you from passing Whitehall through the Champlain Canal to the Hudson River?

FRANCIS S. THAYER, *Auditor.*

COLLECTOR CANAL-TOLLS,
Whitehall.

[Subinclosure 5.]

Mr. Ingalls to Mr. Thayer.

[Telegram.]

WHITEHALL, *November* 30, 1874. (Received at Albany, November 30.)

No, sir.

J. W. INGALLS,
First Clerk. (Collector absent.)

FRANCIS S. THAYER, *Auditor.*

No. 278.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, *December* 26, 1874. (Received December 28.)

SIR: In compliance with an instruction which I have received from the Earl of Derby, in consequence of a request made to his lordship by the lords commissioners of the admiralty, I have the honor to ask whether any of the stores or provisions which were sent out by the Government of the United States for the relief of the Polaris expedition are still in the depot on the west coast of Greenland; and, if so, whether the polar expedition, to be dispatched by Her Majesty's government in 1875, may consider them available for use on giving proper receipts.

In case the Government of the United States should be able, and should consent to place the stores at the depot at the disposal of the expedition, Her Majesty's government would be glad to be furnished with a list of all such stores, provisions, &c.

I have, &c.,

EDW'D THORNTON.

No. 279.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, January 22, 1875.

SIR: The instruction from the foreign office to Mr. Watson, of the 25th of September last, a copy of which was communicated by that gentleman to this Department, in his note of the 17th of October, directs him to ascertain the views of this Government in regard to the extent of maritime jurisdiction which can properly be claimed by any power, and whether we have ever recognized the claim of Spain to a six-mile limit or have ever protested against such claim.

In reply I have the honor to inform you that this Government has uniformly, under every administration which has had occasion to consider the subject, objected to the pretension of Spain adverted to, upon the same ground and in similar terms to those contained in the instruction of the Earl of Derby.

We have always understood and asserted that, pursuant to public law, no nation can rightfully claim jurisdiction at sea beyond a marine league from its coast.

This opinion on our part has sometimes been said to be inconsistent with the facts that, by the laws of the United States, revenue-cutters are authorized to board vessels anywhere within four leagues of their coasts, and that by the treaty of Guadalupe Hidalgo, so called, between the United States and Mexico, of the second of Februrry, 1848, the boundary line between the dominions of the parties begins in the Gulf of Mexico, three leagues from land.

It is believed, however, that in carrying into effect the authority conferred by the act of Congress referred to, no vessel is boarded, if boarded at all, except such a one as, upon being hailed, may have answered that she was bound to a port of the United States. At all events, although the act of Congress was passed in the infancy of this Government, there is

no known instance of any complaint on the part of a foreign government of the trespass by a commander of a revenue-cutter upon the rights of its flag under the law of nations.

In respect to the provision in the treaty with Mexico, it may be remarked that it was probably suggested by the passage in the act of Congress referred to, and designed for the same purpose, that of preventing smuggling. By turning to the files of your legation, you will find that Mr. Bankhead, in a note to Mr. Buchanan of the 30th of April, 1848, objected on behalf of Her Majesty's government, to the provision in question. Mr. Buchanan, however, replied in a note of the 19th of August, in that year, that the stipulation could only affect the rights of Mexico and the United States, and was never intended to trench upon the rights of Great Britain, or of any other power under the law of nations.

I have, &c.,

HAMILTON FISH.

No. 280.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, *January* 23, 1875. (Received January 25.)

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, informing me of the views of the Government of the United States relative to the extent of maritime jurisdiction which can properly be claimed by any power.

In thanking you for your note, I beg to say that I shall forward a copy of it to the Earl of Derby by the first opportunity.

I have, &c.,

EDW'D THORNTON.

No. 281.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, January 23, 1875.

SIR: I had the honor to inform you, in my note of the 29th ultimo, that I had referred to the Secretary of the Navy a copy of your note of the 26th ultimo, in which, under instructions from the Earl of Derby, you made inquiries concerning the condition and location of stores or provisions sent to Greenland by this Government for the relief of the Polaris expedition, and whether the polar expedition to be dispatched by Her Majesty's government in 1875 may consider them available for use, and requesting in that event to be furnished with a list of all such stores and provisions.

I have now the honor to inclose, in reply to your inquiries and in compliance with your request, a copy of a letter of the 19th instant, and of its accompaniments, from the Secretary of the Navy on the subject.

Accept, &c.,

HAMILTON FISH.

[Inclosure.]

Mr. Robeson to Mr. Fish.

NAVY DEPARTMENT,
Washington, 19th January, 1875.

SIR: I have the honor to acknowledge the receipt of your communication of the 29th of December last, and the copy of the note of the 26th of December from the British minister, making certain inquiries concerning the stores or provisions which were sent out by the United States Government for the relief of the Polaris expedition.

I beg leave to state that it is not practicable to furnish an exact inventory of stores, &c., left by the Polaris expedition on the west coast of Greenland, but I inclose such information as is in the possession of this Department, with an approximate list of articles *cachéd* or otherwise secured or deposited, and a description of the localities in which they were left.

All or any of these stores are at the service of the polar expedition to be dispatched in 1875 by Her Majesty's government; and in the event of their use, the Department will accept such inventory and appraisement as may be made by the order of the commander of the expedition. If the pendulum should be recovered at Life-Boat Cove, the Department hopes that it may be practicable to use it in connection with such observations as may be made by the British expedition with its own instrument. On the return of the expedition the Department will be gratified to receive the pendulum, and also any other instruments, and such arms, implements, and books as may have been recovered.

The Department takes this occasion to express its most cordial wishes for the success of the British expedition of 1875 towards the North Pole by way of Smith's Sound.

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

GEO. M. ROBESON,
Secretary of the Navy.

The Honorable HAMILTON FISH,
Secretary of State.

[Subinclosure 1.]

Dr. Bessels to Admiral Reynolds.

SMITHSONIAN INSTITUTION,
Washington, D. C., January 13, 1875.

SIR: I have the honor to submit herewith a report, in accordance with instructions received, upon the stores deposited near Smith's Sound during the late United States North Polar expedition.

I understand that the Department is in possession of an invoice enumerating these stores, and therefore I beg leave merely to offer a few remarks with regard thereto.

The depot left on the south shore of Newman's Bay cannot be relied upon, as it only consists of a very limited number of cans containing preserved meat, some hard bread, &c., &c., stowed in a whale-boat. The latter might be found useful in case of emergency, though her bows are stove in, but as there are a package of tacks and some sheet-lead contained in her lockers, the damage can easily be repaired.

As far as I can remember the following instruments are contained in the boat: 1 spirit boat-compass, 1 patent log, 1 box-chronometer, (Negus,) and 2 Gambey sextants.

Near the whale-boat our canvas boat will be found under a pile of stones, but most likely it will not be of any value, as it was already useless some three years ago. A small sledge leaning against the stone pile can be used to mount the whale-boat.

Most likely the stores left at Thank-God Harbor will be found in good condition, as it is not probable that they have been disturbed by bears, for we never saw any of these animals in the immediate vicinity of our first winter-quarters.

Some of the stores could not be *cachéd* properly, as the beach consists of shingle only, which could not be penetrated to a greater depth than about two feet, owing to the frozen condition of the subsoil. The observatory, however, contains such stores as would have been injured by exposure to atmospheric influence. These will probably be found serviceable, as this building was carefully closed and fastened to the soil by means of the diverging arms of the transit-stand, whereby the danger of its being blown over would be, to a great extent, obviated.

No provisions were left at Life-Boat Cove, but a *caché* will be found at that locality (highest point of Littletown Island north 343° east, and north 120° 5′ east, tangent to Cape Naryaling) containing several boxes of books and instruments, among the latter a pendulum which served to make our determinations of force of gravity.

I would respectfully suggest that, in case the English expedition should land at Life-Boat Cove, they take with them, if possible, this pendulum, for the following reasons:

1. A simultaneous comparison of this instrument with that which will be employed by them would greatly enhance the value of their own as well as of our observations.

2. They would then be able to compare, probably at one point, two pendulums that have both been used extensively in different latitudes.

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

EMIL BESSELS,
Chief of the Scientific Department of the late Arctic Expedition.

Admiral WILLIAM REYNOLDS.

[Subinclosure 2.]

Memorandum showing at what localities articles were deposited by the Polaris expedition.

At Cape Sumner.—At the southern entrance of Newman's Bay, in latitude 81° 51′ N. One whale-boat 24 feet long; one "Heggleman" canvas-boat; some stores, arms, ammunition, instruments, and implements were left in the boats, as the men could not carry much weight in returning to the ship, but an exact list of these articles cannot be furnished.

In Thank-God Harbor.—Latitude 81° 37′ N., longitude 61° 37′ W.: The observatory was left standing, covered with a sail. In it was deposited those articles on the following list which would be affected by the weather, and the remainder were deposited in a pile on the ground about one hundred feet to the northward:

3 barrels clear pork; 25 barrels Graham bread; 1 barrel molasses; 1 barrel vinegar; ½ barrel brown sugar; 1 barrel lime-juice; 1 barrel pea-beans; 1 barrel southern wheat; 1 barrel rice; 2 tierces hams; 4 or 5 cases pemmican, (1,500 lbs.;) 12 cases preserved meats; 1 chest black tea; 1 bag coffee, (100 lbs.;) 2 cases wheaten grits; 1 case alcohol, (10 galls.;) 1 case brandy, (1 doz.;) 4 cases whisky; 2 cases oil clothing; 1 case men's stoga boots; ½ case men's kip shoes; ½ case leather gaiters; 1 case pea-coats; 2 dozen blue flannel overshirts; 2 dozen drawers; 1 dozen gray, heavy, undershirts; 1 dozen drawers; 2 dozen black silk handkerchiefs; 1 dozen blue Navy trowsers; 2 dozen long woolen stockings; 2 dozen short socks; 2 dozen blue flannel undershirts; 2 dozen woolen mittens; 1 dozen woolen comforters; 1 dozen Russian caps; ½ dozen tarpaulin hats; 2 dozen white-linen frocks; 3 half-boxes Navy chewing tobacco; 1 box Danish tobacco; 2 boxes salt-water soap; ½ box Navy shaving-soap; 3 pounds black linen thread; 3 pounds white linen thread; 1½ pound black sewing-silk; — papers needles; 5 pounds woolen yarn; 1 case clay pipes; 3 dozen brier pipes; 3 dozen assorted knives; 1 dozen tin pots; 1 dozen assorted tin pans; 2 bolts No. 1 cotton canvas; 1 bolt Raven's duck; 1 section main-deck awning; 4 sewing and roping palms; 3 pounds flax sewing-twine; 3 pounds cotton; 2 pounds bees-wax; 50 assorted sail-needles.

Ordnance stores.

4 shot-guns, with appurtenances complete; 4 Sharp's rifles; 4 Remington rifles; 6 Navy pistols; 1 dozen leather belts; ½ dozen frogs; ½ dozen cartridge-boxes; ½ dozen caps; 10 bags shot, (250 lbs.;) 20 pounds musket-powder; 50 pounds bar-lead; ½ dozen powder-flasks; ½ dozen shot-belts; 10,000 gun-caps; 10,000 cartridges, (Sharp's rifle;) 1,000 cartridges, (Remington rifle;) 1,000 cartridges, (ball and buck-shot;) 100 cartridges, (Navy pistols.)

Six shovels; 2 pick-axes and hoe combined; 1 dozen assorted files; 3 claw-hammers; 1 broad-ax; 2 wood-axes; — feet lumber; 1 barrel tar; ¼ gross assorted fishing-hooks; 6 cod-lines, (60 fathoms each;) 3 coils halibut lines.

Near Life-Boat Cove.—No provisions were left at Life-Boat Cove, but in a *caché* about ¼ mile east-southeast from the house, in latitude 78° 23′ 30″ N., longitude 73° 21′ W., were placed the pendulum, the transit instrument, (without its glasses,) 3 box-chronometers, two or three trunks containing the Arctic library of the late Captain C. F. Hall.

The Esquimaux at Life-Boat Cove were aware of this deposit and its locality.

No. 282.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, February 11, 1875.

SIR: Referring to our conversation of to-day, in reference to the proposed treaty for reciprocal trade between the United States and the Dominion of Canada, which was submitted to the consideration of the Senate of the United States at the last session of Congress, I have the honor to inform you that the Senate, upon the 3d instant, resolved that it was not deemed expedient to recommend the negotiation of the treaty.

I have, &c.,

HAMILTON FISH.

No. 283.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, *February* 22, 1875. (Received February 23.)

SIR: In compliance with an instruction which I have received from the Earl of Derby, I have the honor to inform you that Her Majesty's government has had under its serious consideration the subject of the prevention of the use of unseaworthy ships, and that the merchant shipping acts of 1871 and 1873 were passed with the view to carry into effect the decision come to in the matter.

There is, however, a constant and increasing danger that any law to prevent the use of this class of vessels in the United Kingdom will be evaded as long as such ships can easily be transferred to a foreign flag. Her Majesty's government has therefore determined to appeal to maritime powers to assist it in a matter which is of the greatest importance for the safety of life and property, no less than for the credit of the mercantile navy of different states.

I am therefore instructed to address to you a communication upon the subject, and to propose that the consular officers of the United States in Great Britain should be instructed to communicate with the board of trade whenever a British vessel is about to be transferred to the flag of their country, in order that a survey of such vessel may be made by the government surveyor, any special expenses thereby incurred being defrayed by the ship.

Her Majesty's government trusts that the course of action thus suggested will meet with the concurrence of the Government of the United States, and that it will find no difficulty in furnishing to its consular officers in Great Britain instructions to that effect.

I have, &c.,

EDW'D THORNTON.

No. 284.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, March 1, 1875.

SIR: I have the honor to acknowledge the receipt of your note of the 22d ultimo, in which, in compliance with an instruction of the Earl of

Derby, you inform me that Her Majesty's government has had under its serious consideration the subject of the prevention of the use of unseaworthy ships; that the merchant shipping acts of 1871 and 1873 were passed with the view to carry into effect the decision come to in the matter; that there is, however, a constant and increasing danger that any law to prevent the use of this class of vessels in the United Kingdom will be evaded as long as such ships can easily be transferred to a foreign flag; that Her Majesty's government has therefore determined to appeal to the maritime powers to assist it in a matter which is of the greatest importance; and that you are instructed to communicate with this Government and to propose that the consular officers of the United States in Great Britain should be instructed to communicate with the board of trade whenever a British vessel is about to be transferred to the flag of their country, in order that a survey of such vessel may be made by the government surveyor, any special expenses thereby incurred being defrayed by the ship.

The statutes of the United States have not given the privilege of carrying the American flag to any ships except those duly registered or enrolled. It is understood that foreign-built vessels (except under circumstances rarely occurring) are not entitled to registry or enrollment, and the consuls of the United States in Great Britain, as well as elsewhere, are already instructed that no register, enrollment, license, or any other marine document prescribed by the laws of the United States, can be lawfully issued by a consular officer to vessels which are sold and purchased at a foreign port, whether such vessels are American or foreign built.

While this Government appreciates the importance of the prevention of the use of unseaworthy ships, the necessity of instructions such as are requested is not apparent.

Should there, however, be reasons not now presenting themselves for further instructions, the subject will be considered with interest. But in this case it might require some reciprocal engagements which, perhaps, could best be considered in connection with negotiations for a consular treaty.

I have, &c.,

HAMILTON FISH.

No. 285.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, *March* 5, 1875. (Received March 6.)

SIR: In obedience to instructions from the Earl of Derby, I have the honor to inclose to you a copy of a list of Her Majesty's ships which are provided with warrants for the suppression of the slave-trade, together with the number of their guns, the names of their commanders, and the stations on which they are severally employed.

I have, &c.,

EDW'D THORNTON.

[Inclosure.]

List of British ships employed in the suppression of the slave-trade.

CAPE OF GOOD HOPE AND WEST AFRICA STATION.

Ships.	Name and rank of commanding officer.	Number of guns.
Spiteful	Commander B. Medlycott	6
Merlin	Lieutenant Woollaston C. Rarslake	4
Decoy*	Lieutenant John Hayes	4
Ariel	Lieutenant Oxford Churchill	4
Foam	Lieutenant Henry C. Walker	4

* This ship has gone to the North American and West India station.

NORTH AMERICAN AND WEST INDIA STATION.

Niobe*	Commander David Boyle	----
Spartan	Captain Richard Carter	8
Dovis†	Captain W. H. Edge	24
Druid	Captain Arthur G. R. Roe	10
Bullfinch	Commander R N. Lloyd	3
Decoy‡	Lieutenant John Hayes	4
Argus	Commander E. I. Jermain	5
Dryad	Commander Compton Dimcols	9

* Lost.
† This ship was recalled from the North American station, and the warranty was not issued to her.
‡ Transferred from the Cape of Good Hope and West Coast of Africa station.

EAST INDIA STATION.

Magpie	Commander Henry Salmond	3
Thetis	Commander T. I. H. Ward	13
Rifleman	Commander Stratford Take	4
London*	Captain George L. Sulivan	2
Flying Fish	Commander N. F. Crohan	4

* Stationed at Zanzibar.

No. 286.

Sir Edward Thornton to Mr. Cadwalader.

WASHINGTON, *April* 5, 1875. (Received April 6.)

SIR: I have the honor to inform you that Mr. Howard, Her Majesty's agent, and I, have now received from the Treasury Department of the United States the entire amount of the indemnity which was awarded to certain British subjects by the mixed commission established under the twenty-second article of the treaty of May 8, 1871, and of which, for the convenience of Her Majesty's government, that Department had consented to take charge during several months past.

I shall feel much obliged if you will convey to your honorable colleague, the Secretary of the Treasury, our sincere and cordial thanks for the great courtesy which has been shown in this matter to Her Majesty's government and to ourselves, and for the facilities always afforded by his Department, by which we have been materially aided in carrying out the wishes and instructions of our government.

I have, &c.,

EDW'D THORNTON.

No. 287.

Sir Edward Thornton to Mr. Cadwalader.

WASHINGTON, *May* 14, 1875. (Received May 15.)

SIR: In compliance with an instruction which I have received from the Earl of Derby, I have the honor to state that the lords commissioners of the admiralty have informed his lordship that their attention has been called, with reference to the revision now being made of the "Queen's Regulations and Admiralty Instruction," to the fact that it is a general, although not the invariable, rule that the salute to a diplomatic, naval, military, or other authority visiting the ship of war of another nation is not returned or acknowledged from any ship of his own nation present, as such salutes are considered as personal.

Their lordships have therefore suggested that it would be very desirable if the various maritime powers could be brought to a common understanding on this subject, and that the question should be so placed beyond a doubt in all instances.

With this view the lords of the admiralty propose that the following general arrangement in regard to salutes should be submitted for the consideration of the various maritime powers:

1. Salutes not to be returned:

(a) To royal personages, the chief of a state, and to members of royal families, whether on arrival at or departure from any port, or upon visiting a ship of war.

(b) To diplomatic, naval, military, or consular authorities, or to a governor when visiting a ship of war.

(c) Salutes upon occasions of national festivals.

2. Salutes which are not considered as personal, and should therefore be returned, gun for gun:

(a) To the national flag on arrival at a port.

(b) To flag-officers when meeting.

I have accordingly the honor to bring this matter to the notice of the Government of the United States, and to state that Her Majesty's government will be glad to be informed whether it concurs in the proposed arrangement.

I have, &c.,

EDW'D THORNTON.

No. 288.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, June 30, 1875.

SIR: Referring to your note of the 14th of May, submitting, under instructions from the Earl of Derby, a set of rules in regard to certain naval salutes, prepared by the lords of the admiralty with a view to their adoption by the various maritime nations, a copy of which you were informed in my reply of the 17th May had been sent to the Secretary of the Navy for his consideration, I have now the honor to transmit to you a copy of a letter received from the Secretary of the Navy upon the subject, dated June 26.

I have, &c.,

HAMILTON FISH.

[Inclosure.]

Mr. Robeson to Mr. Fish.

NAVY DEPARTMENT, *Washington, June* 26, 1875.

SIR: I have the honor to acknowledge the receipt of your communication of the 17th May last, inclosing a copy of a note from the British minister, submitting, under instruction from the Earl of Derby, a set of rules in regard to certain naval salutes prepared by the lords of admiralty with a view to their adoption by the various maritime powers.

The Navy Department concurs in the proposed arrangement, as stated within, and it will issue accordingly the necessary instructions upon notification that the arrangement referred to has been adopted by the principal maritime nations.

The arrangement is as follows:

1. Salutes not to be returned:
   (*a*) To royal personages, the chief of a state, and to members of royal families, whether on arrival at or departure from any port, or upon visiting a ship of war.
   (*b*) To diplomatic, naval, military, or consular authorities, or to a governor, when visiting a ship of war.
   (*c*) Salutes upon occasions of national festivals.
2. Salutes which are not considered as personal, and should therefore be returned, gun for gun:
   (*a*) To the national flag on arrival at port.
   (*b*) To flag-officers when meeting.

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

GEO. M. ROBESON,
Secretary of the Navy.

No. 289.

Mr. Cadwalader to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, August 18, 1875.

SIR: Referring to your note of the 21st of April last, relating to an arrangement proposed by the lords commissioners of the admiralty, governing the interchange of visits by the officers of the naval vessels belonging to the maritime powers, a copy of which was promptly submitted for the consideration of the Secretary of the Navy, I have now the honor to inform you that a letter dated the 17th instant has been received from the Acting Secretary of the Navy, in which it is stated that the proposition has the full concurrence of the Navy Department, and that it will be embodied in a new edition of Regulations for the United States Navy, which is now in course of preparation.

I have, &c.,

JOHN L. CADWALADER,
Acting Secretary.

GREECE.

No. 290.

Mr. Read to Mr. Fish.

No. 39.] LEGATION OF THE UNITED STATES,
Athens, March 8, 1875. (Received April 5.)

SIR: A magnificent ball took place at the palace on the 3rd instant. On that occasion the American minister had the honor to be selected to lead a contra-dance with the Queen.

The spacious salons were filled at half past nine, and the festivities continued until half past five in the morning. The arrangements throughout were of the most admirable character. An elaborate supper for eight hundred guests was laid in the royal *salle á manger* and in the two large adjoining rooms, while the ministers of state and the diplomatic corps were entertained by the King and Queen in the beautiful private apartments of their majesties.

The palace is well adapted for social assemblages upon a grand scale. The ample entrances and stately corridors are adorned with rare plants and flowers. The crimson carpets bring into brilliant relief the white marble floors. On either hand a double row of attendants display the splendors of the national costume. The two principal ball-rooms are of vast size. Their highly decorated walls and lofty ceilings stand revealed in the soft rays of two thousand wax-candles. The hall of Greek portraits and historic pictures is likewise invested with a special interest, when one sees walking therein not only the descendants of heroes, but sometimes even a hero himself, like the venerable and illustrious Admiral Kanaris.

The names of Mavrocordato, Kolokotronis, Botzaris, Capo d'Istria, and many more which long ago became household words in America, have now in Greece living illustrations in the second and third generations. These representatives of a glorious past pace to-day beneath the paintings which tell in graphic ways their ancestors' heroic story.

Truly, the near and the remote history of this nation teem with such examples of lofty patriotism and enduring courage as may well beget confidence in their present condition and inspire hope for their future progress.

I have, &c.,

JOHN MEREDITH READ.

No. 29.

Mr. Read to Mr. Fish.

No. 47.] LEGATION OF THE UNITED STATES,
Athens, April 10, 1875. (Received May 7.)

SIR: Referring to my No. 20 and No. 25, I have the honor to continue my report upon the political situation in Greece during the last year.

After the resignation of Mr. Deligeorges, on the 21st of February, 1874, Mr. Bulgaris formed a ministry composed as follows:

Mr. Bulgaris, president and minister of the interior; Mr. N. Papamichalopoulos, minister of finance; Colonel Tringhetta, minister of war; Mr. J. Balassapoulos, minister of ecclesiastical affairs and public instruction; Mr. B. Nicolopoulos, (son-in-law of Mr. Bulgaris,) minister of justice and *ad interim* of foreign affairs.

On the 23d of March, however, the portfolio of foreign affairs was confided definitely to Mr. Jean Delyanni, while Colonel Tringhetta was transferred to the ministry of marine, and Colonel Grivas became minister of war. On the 23d of October, Mr. Papamichalopoulos resigned, and Mr. Nicolopoulos, minister of justice, assumed charge of the department of finance, which he still continues to direct.

The parliamentary elections began on the 5th of July, and ended four days afterwards, in accordance with the constitutional provisions.

The deputies returned to the legislative body were, almost without exception, friendly to the Bulgaris ministry, although some of them, at a later day, fell away from the government.

In the island of Zante, Mr. Lombardos, the radical candidate, was defeated by a large majority; and in Missolonghi, Mr. Deligeorges, president of the late ministry, was equally unfortunate. The friends of each of these gentlemen did not hesitate to attribute their non-election to active military interference at the polls.

The Chamber met on the 6th of August, but the attendance was extremely limited, this being the month in which the currant-crop is gathered in Greece.

The usual speech from the throne was omitted; and the session was opened by merely the reading of a royal decree.

For the want of a quorum, no business was transacted until the 15th of October. At that date the House entered upon an examination of the validity of the elections, and shortly afterwards it declared vacant the seats of several deputies opposed to the ministry. Among the persons thrown out was Mr. Philemon, one of the deputies of Attica, and editor of the *Aion*, (the Age,) the most vigorous organ of Mr. Coumoundouros.

The Chamber next proceeded to the choice of its presiding officer, and Mr. Zarcos, the government candidate, having received ninety-five out of one hundred and forty votes cast, was declared duly elected.

On the 30th of November, the president, accompanied by the vice-presidents and secretaries, presented himself in due form to the King, and announced to His Majesty the organization of the Chamber.

The following day the debate upon the budget of 1874 commenced. After a prolonged discussion of more than a week, at the very moment when the decisive vote was expected, on the 12th of December, the opposition, with few exceptions, failed to appear in the Chamber.

The government, however, proceeded to business, on the plea that at the beginning of the sitting there were one hundred and three deputies present, whereas only ninety-six are required to form a quorum; that is to say, a majority of the whole number, the whole number being one hundred and ninety.

It is said that the few opposition deputies who were present went out without notice, when they saw that their departure would destroy the chance of a quorum. They left one of their number however, behind, who protested against further action, and repeatedly told the president that there was not a quorum in the Chamber. The latter dignitary paid not the slightest attention to these observations, which were couched in language more energetic, perhaps, than parliamentary.

The deputies who remained being, with the one exception above noted, supporters of the ministry, proceeded with the debate, and finally passed the budget by a decisive vote.

In the next sitting, which took place on the 14th of December, the 13th being Sunday, the opposition were present, and proposed the annulment of what had been done on the preceding occasion.

The ministry, however, maintained that the Chamber had had a quorum in the beginning; that the president was not obliged to order the calling of the roll a second time, and that, moreover, the original remonstrance had not been supported, in accordance with the rules, by ten members.

The debate thus opened lasted two days; and on the 15th of December the proposition of the opposition was rejected by a majority of twenty out of one hundred and forty voices—the ministers also voting.

Upon the subsequent day the opposition withdrew in a body from the Chamber, having previously declared their intention to take this step if their proposition to annul the proceedings of the 12th of December was defeated.

They also presented to the King a protest against the ministry, dated the 16th of December. I have the honor to inclose a copy and translation of this document.

After the retirement of the opposition, the ministerial party endeavored in vain to obtain a quorum.

The public business was in consequence entirely suspended. The finance measures, on which the credit of the country depends, could not be passed, and the spectacle presented to the friends and well-wishers of Greece was indeed a most melancholy one.

In the light of this event, it seems a sad misfortune that no clause exists similar to that in section 5 of Article I of the Constitution of the United States, by which less than a majority of the Chamber might be authorized to compel the attendance of absent members.

In the midst of the difficulties arising out of the want of such a provision, the Christmas holidays arrived; the various deputies departed to their respective homes, and the session of 1874 was finally declared to be at an end by a royal decree of the 1st of February of the current year. On the 24th of the same month, however, the many important questions pressing for solution, and above all the evident necessity of considering the budget of 1875, induced the King, upon the representation of the ministry, to call an extraordinary session of the Chamber, to begin on the 17th of March.

At two o'clock in the afternoon of the day last mentioned, only a small number of deputies were present in the Chamber. After the usual religious ceremonies, Mr. Bulgaris ascended the tribune, and in the name of the King proclaimed the opening of the special session. The reading of the royal decree was followed by cheers from all the audience for His Majesty.

The senior deputy, Mr. Reveliotis, following the organic rules of the House, acted as provisional president, and informed his colleagues that there was not a quorum present. He declared, however, that he would call them together again upon the arrival of a sufficient number of deputies from the provinces.

The government now put forth every effort to obtain a working majority. On the 31st of March it is said that there were ninety-one ministerial deputies in their seats, besides one belonging to the opposition. After the calling of the roll, the president announced that there was a quorum.

He proceeded to say, in substance:

It is true that the number of deputies is ordinarily one hundred and ninety. A majority would, therefore, appear to consist of ninety-six. At the present time, however, this cannot be the case; for six of these deputies—those from Attica—have not yet been elected; and the elections of seventeen others have not yet been verified. Consequently, according to the spirit of the constitution, and particularly according to the interpretation given to the question by the National Assembly, in one of its sittings in 1864, viz, that the majority must be taken from the number of existing deputies—the dead, the not yet elected, and the not yet verified not being counted—it is entirely clear that the actual members of the Chamber at this time are *only one hundred and sixty-seven*, and therefore that the half of that number, *namely, eighty-five, form a quorum.*

The opposition denied, with warmth, the accuracy of the president's definition of a quorum. They insisted that the National Assembly was totally unlike the present Chamber. The former body possessed the power to organize and give a form of government to the country. The moment, however, that it had framed and adopted a constitution, its mission was at an end. The measures which were eminently proper in that convention, endowed with unlimited privileges, were entirely inapplicable to the present case, and cannot be extended to a house utterly different in origin, character, and purpose.

In consequence of the declaration of the president, ten deputies retired, amid great noise and confusion, and were received with cheers by various groups awaiting them on the outside.

At the same moment another deputy mounted the tribune, crying out, in violent excitement, and with passionate gesticulations, that a man who had reached such a venerable age ought to be ashamed of such conduct; that the president was destroying the liberties of the country; and that he was a traitor!

Only eighty-two deputies now remained—being three less than a quorum, even according to the opinion expressed by the president a few moments earlier, and fourteen less than a quorum, according to the opposition. Nevertheless, the work of the Chamber was continued.

The president administered the oath to nine persons, whose elections were also examined and verified. The induction of these deputies into office carried the total number (according to the president's doctrine) to one hundred and seventy-six, and the quorum (according to the same authority) to eighty-nine.

On the 1st of April four of the deputies who had retired returned to the Chamber. Ninety-one members altogether answered to their names; being two more than the government deemed necessary for a quorum, and five less than the opposition considered essential. Dr. S. J. Cassimati (deputy from Cerigo, but a resident of the island of Syra) was chosen president, receiving eighty-nine votes. Three vice-presidents and four secretaries were also elected.

* * * * * * *

Upon the same day, the proceedings of the sitting of the 12th of December, the day when the opposition withdrew, were declared valid.

April 2d, ninety-two deputies being present, Mr. Nicolopoulos, minister of justice and finance, submitted the budget of 1875. April 3d, Dr. Cassimati, president, read to the Chamber his address, informing the King of the organization of the House, together with His Majesty's reply.

I have the honor to inclose copies of these documents, marked II.

On the 4th of April the Chamber passed the budget of 1875 by a decided vote. Only eighty-five deputies were present the following day, but several bills of importance were disposed of without difficulty. The 6th was a holiday, the anniversary of Greek independence. No sitting took place on the 7th; but on the 8th, ninety deputies appeared. In the mean time various causes had combined to increase the political excitement, and to augment the irritation of contending parties. On the 3d of April, as the president of the Chamber was returning with the other officers of the House, from an official interview with the King, he was violently hissed by a number of persons sitting outside of a café on Constitution Square. A ministerial deputy, Mr. Staïcos, * * * was in the café at the time. Upon hearing the noise, this gentleman rushed out of the door, exclaiming that it was a cowardly and rascally thing to insult the president and the Chamber.

Thereupon Mr. C. Coïdas, ex-deputy attorney-general, attacked Mr. Staïcos, and gave him a terrible beating, crying, "You are the rascals who vote in the Chamber, without a quorum, in direct violation of the constitution of our country."

At the earliest moment possible Mr. Staïcos called for the police, who came speedily to his aid, and lodged Mr. Coïdas in jail, where he remained twenty-four hours.

The next day Mr. Staïcos challenged Mr. Coïdas. A duel was fought with pistols at twenty paces. Neither party being wounded, at the third fire the distance was reduced to fifteen paces, and Mr. Coïdas received a ball through the lungs, which placed his life in imminent danger.

* * * * * * *

Subscriptions were immediately opened by three of the morning papers of Athens opposed to the ministry. Similar movements were organized in the provinces to provide a dower for the daughter of the wounded man. The sums collected in this city from the 7th to the 9th instant reached five thousand four hundred drachmas, and exaggerated rumors were current concerning the amounts contributed in the provinces.

* * * * * * *

The special session of the Chamber was closed yesterday by a royal decree. Parliament will not resume its ordinary sittings until November.

The present condition of the political situation is one of suspense.

I have, &c.,

JOHN MEREDITH READ.

No. 292.

Mr. Read to Mr. Fish.

No. 49.] LEGATION OF THE UNITED STATES,
Athens, April 25th, 1875. (Received May 27.)

SIR: The King and the Queen attended the imposing ceremonies at the cathedral last evening, the Greek Easter eve. They arrived in a state carriage, preceded by outriders, and followed by a strong escort of cavalry.

The scene was a most impressive one, as they ascended the steps of the broad platform before the cathedral, accompanied by the various members of their court in brilliant dress, and were received with appropriate solemnities by the Metropolitan and his clergy. The King was in the uniform of a general officer, with the ribbon of his royal order on his breast. The white satin robes of the Queen seemed to steal the color from her cheek. The dignitaries of the church were clad in magnificent embroidered garments. The Archbishop wore, moreover, his mitre, and carried the staff of office in his hand. Golden banners and richly decorated religious emblems glistened on all sides, reflecting countless torches in the hands of the assembled multitude. From the latticed balconies of an ancient Venetian building, on the opposite side of the square, streamed fitfully the many-hued glare of chemical fires. But far above the splendors of the present shone the majestic outlines of the Acropolis and its immortal ruins, illumined by the calm, silvery rays of the same fair moon which looked down upon the labors, cere-

monies, and sacrifices of Phidias and Pericles two thousand years ago. In the vicinity of the cathedral, from an early hour, every available space was packed with a living mass. Yet not a murmur arose from the vast crowd, and no disturbance, not even the most trivial, took place.

At the close of the rites their majesties returned to the palace, while their subjects retired to their homes to celebrate with feasting and joyous songs the arrival of Easter, after many weeks of rigid fasting.

I have, &c.,

JOHN MEREDITH READ.

No. 293.

Mr. Read to Mr. Fish.

No. 61.] LEGATION OF THE UNITED STATES,
Athens, June 18, 1875. (Received July 28.)

Sir: The French Mediterranean squadron, under the command of Vice-Admiral the Baron de la Roncière le Noury, arrived from Toulon and anchored at the Piraeus on the 11th instant.

The fleet is composed of the following iron-clads: The flag-ship, the Magenta, of 24 guns and 752 men, one of the two largest vessels in the French navy, built sixteen years ago, and now somewhat out of date; the Armide, of 6 guns and 385 men; the Alma, of 6 guns and 340 men; the Jeanne d'Arc, of 6 guns and 340 men; the Reine Blanche, of 10 guns and 300 men; the Thétis, of 10 guns and 340 men; and the dispatch-boat Forfait, of 6 guns and 150 men; Rear-Admiral de Jonquière is the vice-admiral's chief of staff, and Rear-Admiral Bonie commands the second division.

Admiral de la Roncière le Noury having called upon me, I returned his visit on board of the flag ship, where I was received in the most cordial manner and with the customary honors. I had known the admiral at Paris during the German siege, and afterward as president of the Geographical Society of France, and member of the National Assembly, and I found him as vigorous and as well informed as ever. In the course of conversation he alluded to the unsatisfactory political situation in Greece, and he remarked that he had come hither with the most powerful fleet which has anchored in these waters during the last twenty years, for the purpose of manifesting and emphasizing the friendship and sympathy of France for the King in the midst of the difficulties with which he is surrounded.

The admiral, moreover, said that he would visit Constantinople and Smyrna, but that he must return to Toulon in time to reach Paris to preside over the International Geographical Congress, which opens at the Tuileries on the 1st of August.

On the 15th instant the King and Queen, with their respective suites, were entertained at dinner on board of the Magenta. All the vessels in the harbor were illuminated, and the scene was one of unusual brilliancy.

Two days later the admiral and higher officers of the fleet dined at the palace and took leave of their majesties.

The squadron departed the following morning at five o'clock.

I have, &c.,

JOHN MEREDITH READ.

No. 294.

Mr. Read to Mr. Fish.

No. 64.] LEGATION OF THE UNITED STATES,
Athens, July 5, 1875. (Received August 28.)

Sir: I propose to examine the present conditon of Greece in a series of dispatches. I hope to ascertain her immediate resources, and to in dicate the probabilities of her future prosperity.

Heathen Greece was great. Christian Greece may become greater. But to-day three radical defects impede the nation's march and check its healthy growth.

1st. The lack of proper means of transit within the kingdom, and the absence of easy daily lines of communication with the outer world. 2d. The land-tax. 3d. The instability arising from the constant change of ministers.

As the greater includes the less, it seems to me that the cure of the first evil might eventually lead to the abolition of the others.

In America we are taught to regard Greece as a part of Europe. The truth is that she is nominally in it without being of it. She has nothing in common with the European system, nor does she come into immediate contact with the rest of mankind. She does not possess even the advantages of an island, for an island can be approached from all sides. The busy currents of life and trade sweep past her interesting shores, touching them only incidentally at two or three widely-separated spots.

Athens is an exclamation-point for every traveler arriving from the farther East, including even Constantinople, for each new comer finds at the Grecian capital abundant evidences of European taste and culture, which present a remarkable contrast to the ruder life of the remoter Orient.

But Athens is an exceptional indication of the future possibilities of Greece. She enables one to believe in the hereafter of the territory over which she reigns. She is not, however, a fair specimen of the present condition of the country at large. Whoever attempts to judge Greece by her capital will be guilty of egregious folly. Let the ardent investigator, who desires to form an accurate idea of the actual situation throughout the greater portion of modern Greece, turn his back upon the city of Minerva and plunge boldly into the intricacies of the interior. Within twenty miles of the Acropolis and the Parthenon, modern civilization vanishes like a dream, carrying with it all modern improvements, and even those smaller comforts which, in the nineteenth century of the Christian era, have become the merest necessaries of life. All rules have their exceptions, and this has many very pleasant ones. Still, speaking generally, it is entirely safe to say that the agricultural life, which engages more than one-half of the entire population, is an existence of primitive simplicity. It is an existence compatible with honor and honesty, frugality and economy, hospitality and kindest dealings with strangers. But it is lacking in many of the elements which to-day seem absolutely necessary for the welfare of mankind.

Many persons contend that certain national peculiarities will forever prevent the development of Greece. I am not inclined to adopt this view. In spite of many difficulties and many delays, it seems to me that the signs are encouraging for those who will take the trouble to investigate the possibilities. The faults of Greece are the faults of a child deprived of ordinary nineteenth-century advantages. They are faults that may be outgrown and conquered. But nations are like individuals; they must

be properly nurtured. Much depends upon their surroundings. They must have air, light, water, good food, proper lodgings, free exercise of limb, kind and encouraging words, and ready access to the best thoughts of the time. Given these, they will reach a station among their fellows which can neither be ignored nor denied.

I am continually saying to those who despair of Greece, why not apply a remedy which has never been tried? Neither ancient, nor mediæval, nor modern Greece have possessed adequate means of internal and external communication. Open, therefore, roadways and railways, and let this Homeric population come into contact with the ideas of progress and civilization which belong to the age in which we live. Break up the system of isolated communities.

* * * * * * *

I believe that the unwholesome political agitation in Greece grows out of the detached condition of each handful of people and out of the want of variety and extent of industrial and commercial pursuits. Break down the barriers of centuries. Let in the sunshine of modern thought. Open new avenues for employment, for, even in high quarters, it is sometimes a question of daily bread. Patriotism would then be substituted for personal contests for place; and new trades and new professions would absorb the mass of men who now look to office for support. It is a mistake to imagine that even the most highly-educated Greeks are unwilling to engage in other than public employments. That this is not the fact is clearly proved since the establishment of banks and other financial institutions, for the greatest eagerness is manifested to obtain positions therein. So much is this the case that a person holding a public office worth 400 drachmas per month will readily relinquish it to take a clerkship in a bank at only 200 drachmas per month.

At present, as I have already remarked, the feeble means of communication weigh like a hideous nightmare upon Greece.

* * * * * * *

What the human body is without blood and without circulation, a nation is without roads and inland traffic. In both instances a corpse is before us. Health in either case is in proportion to the strength of the arterial system.

The whole Hellenic kingdom, counting even her roughest routes, possesses scarcely one-half of the length of thoroughfares which the city of Paris enjoys; and the circular railway within the Parisian capital is exactly three times longer than the total extent of railways in Greece, the latter amounting to precisely seven miles. Donkeys take the place of steam, and produce reaches the market on their backs. Travelers and natives journey in a similar manner, occasionally on horseback, skirting here a yawning precipice, and crossing there an undulating plain. Inns do not exist except in the larger towns. Shade-trees are few and far between. The mountains frequently are denuded of forests by the large population of wandering shepherds, who burn the trees for the purpose of getting grass, and cut them to give food to their goats. The existence of the latter animal in vast numbers to the exclusion of other cattle is a sign of barbarism, says the distinguished Professor Orphanides. If goat-raising could be stopped, the living in tents and the rambling habits which now so largely prevail would entirely disappear. The nomads consist principally of irresponsible foreigners, coming, in many instances, from Turkey, who hire for a season, sometimes for several years, the mountain-pastures, paying the rent, a merely nominal sum, in advance, and

leaving whenever the weather compels them. The same shepherds do not always return to the same places, and from the ranks of these fugitive strangers, says Monsieur Burnouf, the brigands were formerly recruited.

Nomadic pasturage has discouraged agriculture, rendered the interior at times insecure, and entirely changed the climate by the destruction of woods.

"If a tourist, passing through Greece," said the committee of the Olympian National Exhibition of 1870, "will observe the anihilation of the trees by fire and other means, and the consequent change of the country into a desert, he will justly suppose that we are a tribe living in tents, who rushed into an enemy's country and are ready to leave it at a moment's warning."

The physiologist Mommsen observes that vegetation now commences and ends one month earlier than in ancient times. "It lasts two months. After that, until autumn, one may imagine himself in some part of Africa, and not in the former temperate climate of Greece. In this period of complete drought no sign of grass appears, and nature seems dead."

The destructive habits of the nomads have cost Greece the distinction between the four seasons. The severe cold of winter is now immediately followed by the insupportable heat of summer. We have noted the pernicious effect of this abrupt change upon the vegetable kingdom. What must be its influence upon man? But how can this state of things be altered? By encouraging stable and responsible agriculture, through the development of internal improvements, and the removal of the crushing land-tax, a barbarous relic of Turkish rule, which, with all its modifications, drags to-day from the unhappy farmer forty per cent. of his earnings.

As, in my opinion, this tax is one of the three great evils under which Greece is staggering, I deem it essential to describe the intricate method in which it is levied and the oppressive details connected with its collection. This is the more necessary as the subject seems never to have been alluded to in the reports from this legation.

Reserving this part of the subject for another dispatch, I have, &c.,

JOHN MEREDITH READ.

No. 295.

No. 69.] *Mr. Read to Mr. Fish.*

LEGATION OF THE UNITED STATES,
Athens, August 7, 1875. (Received September 2.)

SIR: In a previous dispatch, No. 64, which I had the honor to address to you, I referred to the land-tax as one of the three great evils which afflict modern Greece.

Mr. Sotiropoulos, former minister of finance, in his able brochure, entitled *Εχθεσις περὶ μεταβολῆς τοῦ φορολογικοῦ δυστήματος*, or Statement of Change in the Taxation System, (now, unfortunately, out of print,) says that the system of tithing, or taking the tenth part of the gross revenue, was long since abandoned by the civilized world for the following reasons:

1st. Because it is lacking in justice and equality. In order that a tax

may be equal and just it must take from every citizen an analogous part of the revenue which he derives from his property. Revenue is the net and not the gross production. In the latter, productive capital is comprised, that is to say, work and pecuniary disbursements, which is not equal for all kinds of crops and all sorts of lands.

2d. Because by taking a tax from the disbursed capital the disbursement of that capital is discouraged, and improvements are consequently discouraged.

3d. Because the system of the tenth part is very expensive and oppressive to the taxpayer.

This system, having as a basis the gross revenue produced each year, gives rise to the necessity of ascertaining that revenue annually. At this point, however, the taxpayer is tempted to conceal the products subject to taxation. The government, on the other hand, to avoid being defrauded in that quarter, as well as to escape from the excessive expenses required for the maintenance of a large force of officials to collect the tax, sells its rights in many instances to speculators. These greedy locators, as they are called, dog the unhappy taxpayers throughout his labors, to his infinite inconvenience and positive pecuniary loss, for the purpose of finding out the exact amount of his crops.

In describing the manner in which taxes are verified, according to the system of the tenth part, we may begin with cattle.

In civilized countries, usually, remarks Mr. Sotiropoulos, cattle are not subject to a separate tax, for, being fed from the product of the soil, they contribute by their manure to the advancement of that production, thus paying a part of the land-tax.

But in Greece cattle are separately taxed. In the month of March the taxpayer is obliged to go to the office of the mayor. There he is compelled to present a declaration in duplicate, containing an accurate account of the kinds and number of his cattle, except pigs. For the latter animal a separate declaration is necessary at another period of the year. One copy of the declaration is returned to the taxpayer; the other is entered in a book. This book of declarations is sent at the end of March to the financial superintendent, who calculates the tax to be paid, and immediately afterwards forwards to the treasurer a catalogue of the amounts due from each person. The latter official thereupon orders the gathering of the tax. Before the payment of the tax neither the exportation of cattle nor their transferment from one province to another is permitted.

If the financial superintendent suspects that any of the cattle-raisers have not truly declared their cattle, he orders, in conjunction with the subprefect, an enumeration. This is either done under his own direction, or it is taken by a person appointed by him, who is accompanied by an escort of two armed men and by a clerk of the mayor. Each enumeration is prepared in duplicate, and is considered by the law the final standard, in accordance with which the tax is to be imposed. When these documents have reached the bureau of the financial superintendent, a statement is prepared by the latter, which includes the number of animals discovered, with the names of the individuals concealing them. One copy of this paper is addressed to the treasurer, and a second is sent to the royal prosecutor, who at once takes legal steps against the offenders.

If the discovered tax does not exceed twenty drachmas, (about $3,) the affair is referred to the police court. If it is of greater value, suit is brought before the court for the trial of misdemeanors.

In either case a tip-staff is sent to summon the taxpayer, who, aban-

doning his work, runs up to the seat of justice, (it may be miles away,) and, finding a lawyer, pays him to assume his defense and prove his innocence. He also calls witnesses, all of whose expenses he likewise defrays. As, however, the enumeration statements above referred to are legally considered full proof, he usually loses his suit with costs, and is besides condemned to pay three times the amount of the tax.

After the termination of the action against him in one of the courts previously mentioned, the taxpayer may resort to the civil courts, and attack the document as false. This course involves great loss of time, labor, and money, and renders the taxpayer liable to a heavy pecuniary penalty in case of failure.

In referring to this unjust and burdensome system, the minister of finance, in 1856, declared that the work of the enumerators had been generally blamed. Indeed, on account of the appointment of incompetent and unscrupulous persons, the greater part of the enumerations had been attacked as false by individuals of exceptional spirit and resources. Some of them even had been annulled by the courts upon the ground of the incapacity of the agents employed to take them.

From the official statements it appears that men drawn from the dregs of the populace have been invested with the authority of enumerators. These creatures have in some cases received money for giving warning to cattle-owners of their coming, so that the latter might conceal their stock. More frequently, however, they have sought to ingratiate themselves with the mayors by favoring in a similar way their political friends, or by punishing in an opposite manner their political enemies. They have been sued, says the minister, both for aiding to conceal cattle and for ascribing to individuals animals which never exitsed.

In like fashion, but at other seasons of the year, the tax is ascertained and collected upon bees, pigs, mulberry and fig trees, and all products taxed so much per strema. The declaration of grass is made in March; of vineyards, in April; of kitchen-gardens, in May; of potatoes, onions, garlic, mulberry and fig trees, in June; of gardens, bees, and tobacco-leaf, in July; of cotton, in August; and of pigs, in September. For each of these things the tax-payer must furnish a separate declaration; so that he who has the misfortune to possess all of these products is obliged to prepare perhaps fifteen separate documents in duplicate. This must be repeated annually, with the exception of the statements relative to vineyards, gardens, mulberry and fig trees. The examinations of declarations must take place within one month after they are sent to the bureau of the financial superintendent. The inspection of vineyard-papers, however, may be delayed five months. Special enumerators, experts, or geometricians are appointed to compare, and, if necessary, to revise, the declarations of the tax-payer. The latter is compelled to receive these various officials at the different periods of the year already referred to, and to allow them to make such examinations in detail as they may choose.

Whether the persons selected understand their duties, or whether they fulfill them conscientiously, are more than doubtful questions, as I am informed.

The classification of the lands according to their qualities must be made, in conformity with the law, immediately after the end of the delay of the revisement.

The committee charged with the accomplishment of this work, composed of the financial superintendent, the subprefect, the mayor, and three or five of the largest tax-payers, assemble many times during the

year at the capital of the province, their expenses being paid by the treasury of the commune or by the tax-payers.

It is easy to understand in what manner the classification of lands is performed by this committee, the majority of whom have never seen the properties upon which they sit in judgment. The fertility of the soil and the atmospheric influences are frequently taken into consideration. But these gentlemen do not inquire whether the farmer's crop has been properly cultivated; and, what is still more vital, whether it has failed, or has been utterly destroyed at the time of the harvest.

Consequently, it often happens that the entire income is not sufficient to pay the tax.

Reserving the further discussion of this important question for another dispatch,

I have, &c.

JOHN MEREDITH READ.

HAWAIIAN ISLANDS.

No. 296.

Mr. Peirce to Mr. Fish.

No. 279.] LEGATION OF THE UNITED STATES OF AMERICA,
Honolulu, August 20, 1874. (Received Sept. 7.)

SIR: By the bark D. C. Murry, that sailed hence on the 10th instant for San Francisco, I had the honor to forward dispatches of this legation, numbered 275 to 278, inclusive.

As it is probable this may reach you some days sooner than the above-mentioned dispatches, I repeat in substance that of No. 277 as being of some importance, namely, that King Kalakaua, with a suite of four or five persons, including two to be commissioned as diplomatic agents of this government to that of the United States, intends to leave here for San Francisco and Washington, via the Pacific Railroad, some time during the month of October next, probably the early part thereof. The object prompting the King's visit to the United States is to make an endeavor to re-open negotiations for a reciprocity treaty, and to inform himself in regard to our country, people, and institutions. In view of our peculiar relations with this kingdom, and of the latter's present political and pecuniary condition, I beg leave to suggest and most earnestly recommend to the United States Government to extend to King Kalakaua and party similar courtesies, attentions, and hospitalities to those provided by the United States Government for the late King Kamehameha V on the occasion of his proposed visit to the United States in 1872, and which his sudden decease prevented from being carried into effect.

The political and moral effect of such action on the part of the United States will be to strengthen every American interest connected with these islands.

If Rear-Admiral Almy, commanding the United States North Pacific fleet, should be absent on a cruise, I would suggest that Rear-Admiral Reynolds, be detailed for the special duty indicated, and to take any

United States vessel for the purpose that may be found immediately available at San Francisco or Honolulu.

The interval between this and the time named for the King's departure for San Francisco being brief, I have transmitted by telegraph to the State Department a message conveying the intelligence of the main fact contained in this dispatch.

I respectfully request that the same mode be adopted for informing me of the determination arrived at in regard to the subject-matter.

With great respect, &c.,

HENRY A. PEIRCE.

No. 297.

Mr. Peirce to Mr. Fish.

No. 283.] LEGATION OF THE UNITED STATES OF AMERICA,
Honolulu, September 10, 1874. (Received October 5.)

SIR: The United States steamer Benicia, Captain Hopkins, left this port yesterday at 6½ a. m. for a cruise in the vicinity of this and the island of the Maui, and to return here in about ten days, the object being to promote the health and discipline of the ship's company.

Rear-Admiral Almy, commanding United States North Pacific squadron, in recent letters adressed respectively to Captain Hopkins and myself, recommended that the ship make occasional trips to sea, provided the same could be done without apparent detriment to American interests here.

Captain Hopkins consulted with me as to the safety and propriety of the trip named, and the measure met with my cordial approbation and assent as being beneficial to his ship's company, and her absence from port would allow the question to be tested whether the disaffected portion of the native population would avail of the opportunity to create disturbance of the public peace or otherwise; and events might prove the fact or not of there being a proper government over this kingdom; one able to sustain itself and protect persons and property without the assistance of a foreign vessel of war—a question important at this time in view of the King's contemplated departure for the United States in October ensuing.

* * * * * * *

The real ground of their opposition is an apprehension felt that the United States will derive some substantial benefit from the King's visit, and the way be paved for the cession of Pearl Bay or the annexation of the islands to our country.

The King, however, is at present firm in his purpose to take the trip.

Twelve hours after the departure of the Benicia, Her Britannic Majesty's ship Scout, Captain Cator, arrived here from South America, having on board a large number of scientists for observing the transit of Venus in December next.

The arrival of the Scout cuts short the effect of the experiment which I hoped the absence of the Benicia, or absence of any national vessel in port, would have in regard to the designs of the malcontents of Honolulu.

With great respect, &c.,

HENRY A. PEIRCE.

No. 298.

Mr. Peirce to Mr. Fish.

No. 288.] LEGATION OF THE UNITED STATES,
Honolulu, October 5, 1874. (Received Nov. 13.)

SIR: I have the honor to inclose herewith copy of a note received from the minister of foreign affairs, of date of 3d instant, informing that His Majesty the King had designated the 14th or 15th of next month (November) as the time for his departure for San Francisco, in the United States steamer Benicia, and to be accompanied by the respective governors of Oahu and Maui, and probably by his private secretary, and also a native servant. I addressed a note in reply, acknowledging receipt of the minister's note, and informed him I had communicated its contents to Captain Hopkins, of the Benicia, who would make arrangements for the voyage comporting with the King's expressed desire.

The Hawaiian envoys to the United States, Messrs. Allen and Carter, will leave here some time previous to the departure of the King. The present programme for the journey has been adopted by the King, by advice of his council, and is somewhat different from that stated in my No. 286. It is to be regretted that so late a period has been fixed for the King's departure, on account of inclement weather to be expected in crossing the Rocky Mountains.

Respectfully, &c.,

HENRY A. PEIRCE.

[Inclosure in No. 288.]

Mr. Green to Mr. Peirce.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, October 3, 1874.

SIR: Referring to my communication of the 22d ultimo, I have now the honor to inform your excellency that His Majesty has named the 14th or 15th of next month for the time of his departure for San Francisco, in the United States steamer Benicia, which vessel the President of the United States, through yourself and Captain Hopkins, has so generously placed at His Majesty's disposal.

His Majesty desires to take with him his excellency the governer of Oahu, the honorable J. M. Kapena, governor of Maui, and probably His Majesty's private secretary. Also one native Hawaiian servant.

I take this opportunity to renew the assurance of the very distinguished respect and consideration with which I have the honor to be, sir, your most obedient servant,

WM. L. GREEN,
Minister of Foreign Affairs ad interim.

His Excellency HENRY A. PEIRCE,
United States Minsiter Resident.

No. 299.

Mr. Scott to Mr. Fish.

No. 300.] LEGATION OF THE UNITED STATES,
Honolulu, November 24, 1874. (Received December 29.)

SIR: I have the honor to inform you that His Majesty King Kalakaua, his suite, and Hon. H. A. Peirce, our minister resident, left this

port Tuesday morning last, in the United States steamer Benicia, for San Francisco, on their way to Washington. * * *

The King is evidently growing in the affections of his people. Some persons thought there might be an effort at a revolt by the disaffected in the kingdom on the departure of the King, but peace and quiet reign everywhere throughout the kingdom.

I am, &c.,

J. SCOTT.

No. 300.

Mr. Peirce to Mr. Fish.

Separate.] GRAND HOTEL, SAN FRANCISCO,
November 29, 1874. (Received December 7.)

SIR: I have the honor to advise the safe arrival of His Hawaiian Majesty, King Kalakaua and suite from Honolulu, after a pleasant and agreeable passage of eleven days.

Every attention has been shown His Majesty by the officers of the United States ship Benicia, with which the King was much pleased and has expressed suitable thanks.

We anchored below the city last evening and landed to-day under military and naval escorts, and were received by Major-General Schofield and the mayor of the city. The proper salutes were given.

His Majesty is desirous of proceeding on to Washington as early as possible, but has relied upon supplying himself here with an outfit of thick clothing suitable for crossing the continent in winter, which cannot be got ready before Friday next.

We shall leave here on Saturday morning next for Washington direct.

Very respectfully, &c.,

HENRY A. PEIRCE.

No. 301.

Mr. Peirce to Mr. Fish.

No. 315.] LEGATION OF THE UNITED STATES,
Honolulu, February 25, 1875. (Received March 29.)

SIR: I have the honor to transmit herewith copy of recent correspondence between the Hawaiian minister and the legation indicated in the following list of inclosures:

1. Note from Mr. Green to Mr. Peirce, dated February 17, presenting the thanks of His Majesty King Kalakaua to the President of the United States, for the very hospitable, kind, and courteous reception he received in that country, as well as for the attention of the United States Government in placing at His Majesty's disposal the United States ship Pensacola, in which to return to his kingdom, &c.

2. Note, Mr. Peirce to Mr. Green, in reply to above, dated February 20, 1875.

3. Note, Mr. Green to Mr. Peirce, dated February 17, 1875, conveying His Majesty's thanks to myself for giving him my company, counsel, and assistance during his recent visit to the United States, &c.

4. Note, Mr. Peirce to Mr. Green, in reply thereto, dated February 20, 1875.

With great respect, &c.,

HENRY A. PEIRCE.

[Inclosure 1 in No. 315.]

Mr. Green to Mr. Peirce.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, February 17, 1875.

SIR: I have the honor to address your excellency at the request of His Majesty the King, to express through you to the President of the United States of America His Majesty's sincere thanks for the very hospitable, kind, and courteous reception he has received in that country, as well as for the further attention of the United States Government in placing at His Majesty's disposal the splendid United States ship Pensacola, in which to return to his kingdom.

His Majesty can never forget the generous manner in which the Government and people of the United States received him, and his visit there will always be remembered by him as one of the pleasantest periods of his life.

His Majesty trusts, also, that, apart from the great pleasure which his sojourn in the United States has afforded him personally, it may be the means of still further cementing the friendship which has always existed between the two countries, and lead to closer commercial relations between them, which may be the means of developing the resources of this kingdom, and at the same time of benefiting the foreign commerce of the United States.

I take this opportunity of renewing the assurance of the high respect and most distinguished consideration with which I have the honor to be, sir, your excellency's most obedient servant,

W. L. GREEN.

His Excellency HENRY A. PEIRCE,
United States Minister-Resident.

[Inclosure 2 in No. 315.]

Mr. Peirce to Mr. Green.

No. 88.]

LEGATION OF THE UNITED STATES,
HONOLULU, HAWAIIAN ISLANDS,
February 20, 1875.

SIR: I have great pleasure in acknowledging the receipt of your excellency's note of the 17th instant, tendering, through this legation, to the President of the United States, His Majesty's sincere thanks for the very hospitable, kind, and courteous reception which he received on his recent visit to that country, and also for the act of my Government in conveying His Majesty on his return to this kingdom in the United States ship Pensacola; and you are further pleased to say that His Majesty trusts that his recent sojourn in the United States may be the means of still further cementing the friendship which has always existed between the two countries, thereby leading to closer commercial relations with both, to the end of developing the resources of these islands, as well as benefiting the commerce of the United States.

These noble sentiments, Mr. Minister, with others you have expressed, are fully appreciated and reciprocated by the Government and people of the United States, and I will avail myself of the first opportunity that presents itself to transmit a copy of your note to the Hon. Secretary of State for the information of the President.

I have the honor to be, with high respect and most distinguished consideration, your excellency's obedient servant,

HENRY A. PEIRCE,
United States Minister-Resident.

His Excellency W. L. GREEN,
His Hawaiian Majesty's Minister for Foreign Affairs.

[Inclosure 3 in No. 315.]

Mr. Green to Mr. Peirce.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, February 17, 1875.

SIR: It is with very great pleasure that I have now the honor to address your excellency to convey to you the sincere thanks of His Majesty, as well as of this government, for your valuable company, counsel, and assistance vouchsafed to him during his visit to the United States. As your excellency is aware, the visit of His Majesty has not been with the object of recreation solely, but the considerable risk of leaving his tropical islands and traveling across the North American Continent in the depth of winter was encountered with a view to cultivate friendly relations with a great and powerful people, our nearest neighbors, and which might redound to the benefit of his kingdom and people. His Majesty is aware that similar motives and the good of Hawaii were uppermost in your mind in making the exertions and sacrifices in accompanying him, and His Majesty, his government and people will always feel indebted to you for having made them.

Sincerely trusting that the efforts of His Majesty, so warmly and ably seconded by you, may bear good fruit, I have the honor to be, with the highest respect and consideration, sir, your most obedient servant,

W. L. GREEN.

His Excellency HENRY A. PEIRCE,
United States Minister Resident.

[Inclosure 4 in No. 315.]

Mr. Peirce to Mr. Green.

No. 89.] LEGATION OF THE UNITED STATES,
HONOLULU, HAWAIIAN ISLANDS,
February 20, 1875.

SIR: I have the honor to acknowledge the receipt of your excellency's note of the 17th instant, in which you convey to me His Majesty's thanks, and those of his government, for having accompanied and given my counsel and assistance to him on the occasion of his visit to the United States.

It is with lively gratitude and satisfaction that I receive these manifestations of His Majesty's and the government's kindly estimation of my services, which I confess are hardly deserving of so high and honorable a mention as that now offered to me.

I am cognizant of the fact that His Majesty's journey to the United States was undertaken at considerable risk to himself, owing to the severity of the winter climate of the continent; and that he was impelled so to do by a high and patriotic desire to benefit his people by cultivating more friendly relations with his nearest neighbors and best friends.

I am gratified to think that the near future may give him full reward for the undertaking.

I have the honor to be, with high respect and most distinguished consideration, your excellency's obedient servant,

HENRY A. PEIRCE,
United States Minister Resident.

His Excellency W. L. GREEN,
His Hawaiian Majesty's Minister for Foreign Affairs.

No. 302.

Mr. Peirce to Mr. Fish.

No. 317.] LEGATION OF THE UNITED STATES,
Honolulu, February 26, 1875. (Received March 29.)

SIR: On Saturday the 20th instant, His Majesty the King addressed the people, who filled to repletion the large Congregational church in

Honolulu, and gave a brief narrative of the incidents of his late tour to the United States, and it was spoken in both the English and Hawaiian languages.

A printed copy of the address, published in the Hawaiian Gazette of the 24th instant, is herewith inclosed. It is desirable that you should give it an attentive perusal, particularly as the address was composed by His Majesty, and presents the impressions and observations derived from his visit to the United States.

The resolution of thanks to the Government of the United States, which was unanimously passed by the people assembled on the above occasion, was ordered by the King to be printed on satin and forwarded to the President of the United States.

With great respect, &c.,

HENRY A. PEIRCE.

[Inclosure in No. 317.]

HAWAII AND AMERICA.

[From the Hawaiian Gazette of February 24, 1875.]

Saturday last, at 12 o'clock noon, was the time which had been fixed for His Majesty the King to address the people. There was great desire to hear what he had to say regarding his foreign tour, and, long before the hour arrived, the Stone Church was filled with an expectant audience. The building had been gaily decorated with flags, evergreens, and bouquets of flowers, while Mr. Berger's brass band and a full choir of vocal performers were in attendance. At ten minutes past 12 o'clock the arrival of His Majesty was announced, and the audience rose while the band played "God save the King." He entered accompanied with Queen Kapiolani, and following them were the prince royal, William P. Leleiohoku, walking with H. R. Highness, Luka Keelikolani; Governor Dominis and his wife, the Princess Liliu; Hon. A. S. Cleghorn and his wife, the Princess Miriam Likelike, Hon. C. R. Bishop and Mrs. Bishop, H. R. Highness Chas. Kanaina, the King's ministers, his staff, and other officers of the government. Most of these took seats on the rostrum, on either side of the King, the Queen sitting at his right.

The audience comprised chiefly natives, though there must have been several hundred foreigners present, including the diplomatic and consular corps, officers of war-vessels, and many ladies and citizens.

Rev. H. H. Barker was called on to open the exercises with prayer, which was in the Hawaiian language. The choir followed with the Kamehameha hymn, after which His Majesty rose and read the following address, first in Hawaiian and then in English:

HIS MAJESTY'S ADDRESS.

"Only three months have passed away since we last met in this place, and during that time I have journeyed nearly 5,000 miles on the ocean and 6,000 miles on the land, or about 10,000 miles in all, through the perils of the deep and amid and over the snow and frosts of mountains.

"On the arrival of myself and suite on the western shore of America, at the city of San Francisco, we were received with salutes from the forts and vessels of war, and with every demonstration of high honor by the officials of the Government. General Schofield met us on behalf of the American Government. The general was at these islands in 1870, during the reign of Lunalilo, at which time I made his acquaintance, and our meeting again was cordial.

"On landing we were received by Mr. Otis, the mayor of San Francisco, and by the military were escorted to our hotel. The city assumed the payment of all the expenses incurred during our stay, and this was but one of many instances in our experience of the generous feeling of that nation toward ours. I remained in San Francisco one week, and then we took up our long journey of 6,000 miles across the continent by railway. Through the kind courtesy of the road officials we were provided with three magnificent cars for our especial use.

"We were seven in the party that arrived at Washington. The members of the President's Cabinet came out on the road to meet us—a high mark of respect on the part of the Government—and we were escorted to the hotel, where rooms had been prepared for us, by the military and bands of music.

"As soon as I was sufficiently recovered from an attack of illness, I called upon the President, who gave me a friendly and cordial reception.

"I visited the Government buildings and the Capitol, in which Congress meets. The Speaker of the House of Representatives addressed me with words of hearty welcome and friendly greeting.

"In regard to the proposed treaty of reciprocity—a subject in which we all feel deeply interested—the people and the Government of America are favorable to it, and the work of negotiation is in the hands of our commissioners. The latest advices which I have received give the information that the treaty has been signed by President Grant, and sent to the Senate for ratification.

"We remained in Washington eight days, proceeding thence to New York. In that city also we were received with distinguished honor and entertained with the most marked hospitality. After a stay of seven days, we went to New Bedford, the place from which in former years so many whaling-vessels have been sent out. But latterly that business has greatly decreased, and manufactures have taken its place. Here also we were received with demonstrations of high respect, a military escort, and every polite attention. At New Haven I visited the church where the Rev. Mr. Bingham and the other pioneer missionaries to these islands were consecrated for their work.

"We reached Boston on the evening of January 1, and were received cordially. Here, at the house of Hon. Alpheus Hardy, I met the Rev. Dr. Anderson, a distinguished member of the American Board, who visited Honolulu in the year 1864. I attended service in the Park street church, in which Mr. Bingham preached before he sailed for these islands. I spent some time in Boston visiting the schools for youths of both sexes.

"I did not have an opportunity to visit the buildings and grounds that are being prepared at Philadelphia for the grand Centennial of 1876, but I am indebted to the courtesy of Lieut. Col. Forney, of the Pensacola, for an engraving of the same.

"In those buildings a separate department is reserved for every nation to be represented at the exhibition, and a place is reserved for Hawaii. While it is true that we have sent specimens of our products to England, France, and Austria, our displays of this description have been but meager, and it is therefore hoped that the opportunity which now offers will be zealously and industriously improved, and that all our merchantable articles of product will be fully represented at Philadelphia, whereby we may become better known to the world's commerce. There are numerous varieties of cabinet-woods in our forests, and a vast number of other resources of wealth on our islands, now unproductive and but little thought of, which may yet be made available and be sought after, when once brought to notice, in this practical and ingenious age.

"From Boston we visited Lowell, the manufacturing city, and Waltham, where watches are made. After seeing the celebrated Falls of Niagara we at length arrived at Chicago, where we remained four days, being handsomely received and entertained by the citizens. We saw all the sights of novelty and interest. The burnt district, of which we read some time ago, has been rebuilt. The dispatch with which those great losses have been repaired, in a remarkably short space of time after the fire, indicates in a striking manner the wealth and enterprise of Chicago.

"From this city we went to Saint Louis, where again we were hospitably received, and where I met the renowned General Sherman. This city is full of wealth, with busy manufactories of iron and silver, and the product of coal-mines. At Jefferson City we were introduced to the legislature of the State. From thence we went to Omaha, where we were received and entertained with distinguished honor by the masonic body of Knights Templar. We remained but one night in Omaha, and from thence came direct to California, where, embarking on the Pensacola, we sailed for Honolulu.

"I am much indebted for the kindness and courtesy which I have invariably experienced at the hands of the gentlemen detailed by the Government of the United States to attend me on my journeys. These were—Colonel Wherry, of the staff of General Schofield; Lieutenant-Commander Whiting, U. S. N.; Captain Temple, U. S. N.; Lieutenant Totten, U. S. N.; Lieutenant Palmer, U. S. A.; Lieutenant Palmer, U. S. N.; Lieutenant Hooker and Lieutenant Emory, U. S. N.

"Throughout all these various journeyings, and at every stopping-place, the Government and the people of America have placed us under weighty obligations by the unvarying kindness, respect, and good feeling which they have exhibited toward our nation through myself. Therein has that great and powerful Government evinced that it is in truth a friend to our small nation.

"As I observed the vast wealth and prosperity of that nation, I was impressed with the reflection that it was a result of the industrious habits of the people. They are never idle day or night. The wealth and greatness of nations is created by the cultivators of the soil and by the men who toil with their hands; and thus has it ever been since forms of governments were first instituted on earth. To these considerations let us of Hawaii Nei earnestly direct our attention, to the end that by our industries we may be enabled to attract foreign commerce to our ports, and freight it with the products of our country.

"If we take a retrospect of the past, we shall plainly perceive that a failure to put

our hands and our faculties to a proper use has been one of the causes of the decline of our nation. Indolence, while it degrades the individual, saps the life of the entire nation. And therefore there is a vast difference to-day in the numbers and in the habits of industry of the people from what was to be seen in the days of Kamehameha I.

"Our position is a most favorable one: In the midst of the Pacific Ocean, on the highway of the world's commerce, California on the east, Australia on the west, Chili on the south, Japan and China on the north. All these countries are progressing, and it will be impossible for us to remain stationary.

"Colonel Steinberger, who came in the same ship with us to Honolulu, is United States Commissioner to Samoa. We do not know the precise nature of his mission, but we do know that it is humanitarian in effect, and that this officer has already displayed his devotion to a remarkable people whom we are proud to call kiusmen.

"The Pacific Ocean with its productive islands now attracts the attention of the world. Our commerce will now enter upon a newer and grander course, and we are proud of the elevated view and modest action of the United States in Samoa.

"Let us therefore wisely take care of ourselves; and the best way to do this is to endeavor to make such material and social progress that the powerful governments whose friendship we now fortunately possess shall be convinced that we deserve their aid and support. Let us, in short, prove to the world that Hawaii is worthy of her position among the independent nations of the world."

The delivery of the address in Hawaiian and English occupied just twenty-six minutes, and His Majesty was listened to with the utmost attention to the close. The choir then sang the popular national air of "Ka Lahui Hawaii," composed by Mrs. Dominis.

At this stage of the proceedings, Mr. C. Kalauli stepped out into the aisle and said that it might be very appropriate at this time and in this place to pass some resolutions thanking King Kalakaua for his visit to America, and thanking the American Government for having so cordially entertained him while there. Hawaiians are proverbially grateful for favors shown to them, and this occasion should not be allowed to pass without some expression of the kind. The reading of the Hawaiian version of the resolutions was received by the large audience with the most enthusiastic demonstrations of cheering and clapping of hands. Their introduction was exceedingly opportune, and appears to have struck the key-note of the feelings of the assemblage. Mr. H. M. Whitney then rose and read the English version of the resolutions to the audience. Mr. Z. P. Poli made another motion, that the resolutions be printed and sent to the American Government. The presiding officer, Hon. J. Moanauli, then read them singly, and they were passed by acclamation. They are as follows:

"*Resolved*, That the thanks of the Hawaiian people be tendered to our beloved sovereign, King Kalakaua, for his mission to the United States, and for the favorable impression which he has made in that country regarding Hawaii.

"*Resolved*, That the thanks of the Hawaiian people are hereby tendered to the American Government and people, for the courteous manner in which they entertained our sovereign, and for the kindly service of a national war-vessel to convey him to and from San Francisco.

"*Resolved*, That these resolutions be printed in the Hawaiian and English newspapers, and that a copy of them be sent to the American Government through its minister resident."

At the close of the proceedings their Majesties retired, and the audience dispersed. It was not generally known that the King would speak in English, or there would have been a much larger representation of the foreign element. It was one of the finest and most orderly assemblages that we have ever seen in that church on a similar occasion. The King and prince were dressed in plain citizen's clothes, with royal badges; while the queen, who was tastefully attired in black silk with white lace shawl, looked very attractive. The whole proceedings went off very creditably to those who took part in them.

His Majesty has ordered that the resolutions be printed on white satin, and they will be in this shape forwarded to the President of the United States.

No. 303.

Mr. Peirce to Mr. Fish.

No. 318.] LEGATION OF THE UNITED STATES,
Honolulu, March 6, 1875. (Received March 29.)

SIR: I have the honor to inclose herewith extract from the Pacific Commercial Advertiser, of this date, giving an interesting account of

a ceremony and addresses at the legation on yesterday, on the occasion of the formal presentation, through me, to the United States Government, of two copies, printed on silk, and herewith transmitted, of the resolutions adopted by the Hawaiian people, at a mass meeting held by them on the 20th ultimo, and of which I informed you in a previous dispatch, No. 317.*

The committee for the presentation consisted of three members of the assembly, namely, the honorable Messrs. Moanauli, Kawainui, and Z. Poli, accompanied by the cabinet ministers, four in number. It is presumed that the Department of State may transmit a proper reply to the resolutions, and to the minister's note of the 17th February, conveying His Majesty's thanks to the Government and people of the United States, referred to in my No. 315.

With great respect, &c.,

HENRY A. PEIRCE.

[Inclosure in No. 318.]

PRESENTATION OF RESOLUTIONS.

[From the Pacific Commercial Advertiser, March 6.]

Yesterday, at 11 a. m., his excellency Henry A. Peirce, United States minister resident, at his villa in Nuuanu avenue, received their excellencies W. L. Green, W. L. Moehonua, J. S. Walker and R. H. Stanley, the King's ministers, and the honorable Messrs. J. Moanaouli and J. U. Kawainui and Mr. Z. P. Poli, which last were committee of the citizens of Honolulu deputed to present to Mr. Peirce a copy of resolutions unanimously adopted at a mass meeting held at Kawaiahao church, on the 20th ultimo. (The resolutions appeared in our last issue.) After the introduction of the committee to Mr. Peirce, the Hon. Mr. Moanaouli addressed him as follows, in Hawaiian, which was read in English by the minister of foreign relations:

"Mr. MINISTER: On behalf of the citizens who assembled in mass meeting at Kawaiahao church, Honolulu, on the 20th of February last, I have the honor to present you the following resolutions, which were unanimously adopted on that occasion. It was the wish of the citizens that you transmit the same to the President of the United States of America, as an humble testimonial of their appreciation of the courteous reception and generous treatment of our beloved sovereign on the occasion of his visit to that country."

His excellency was pleased to reply as follows:

"YOUR EXCELLENCIES AND GENTLEMEN OF THE COMMITTEE: It is with much pleasure that the legation receives from your hands copies of the resolutions unanimously adopted by the Hawaiian people, assembled at a mass meeting held on the 20th of February last; and wherein they tendered thanks to the Government and people of the United States for the courteous manner they entertained His Majesty, their sovereign, while in the United States; and, moreover, for having conveyed him in a national war-vessel to and from San Francisco."

"The resolutions, in the form now presented, beautifully imprinted on white satin, will be transmitted to my Government by the next outgoing mail, and I feel confidently sure will be received with that sensibility of true feeling due for so worthy a tribute of the generous and grateful appreciation entertained by the Hawaiian people for those of the United States."

No. 304.

Mr. Peirce to Mr. Fish.

No. 324.] LEGATION OF THE UNITED STATES,
Honolulu, April 29, 1875. (Received May 21.)

SIR: Mr. Carter, Hawaiian commissioner to Washington, returned on the 8th instant, bringing the treaty of reciprocity between the United States and this kingdom, as ratified by the United States Senate.

* For resolutions see inclosure to No. 317.

The King and his government and the Hawaiian people, and foreigners generally, received the news with intense delight.

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It is reported that the King has also ratified the treaty, and that it will be transmitted to Washington, by special messenger, in course of a few days.

With great respect, &c.,

HENRY A. PEIRCE.

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