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United States Department of State

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T H E  
**EXECUTIVE DOCUMENTS**

OF THE  
**HOUSE OF REPRESENTATIVES**

FOR THE  
**FIRST SESSION OF THE FIFTY-SECOND CONGRESS.**

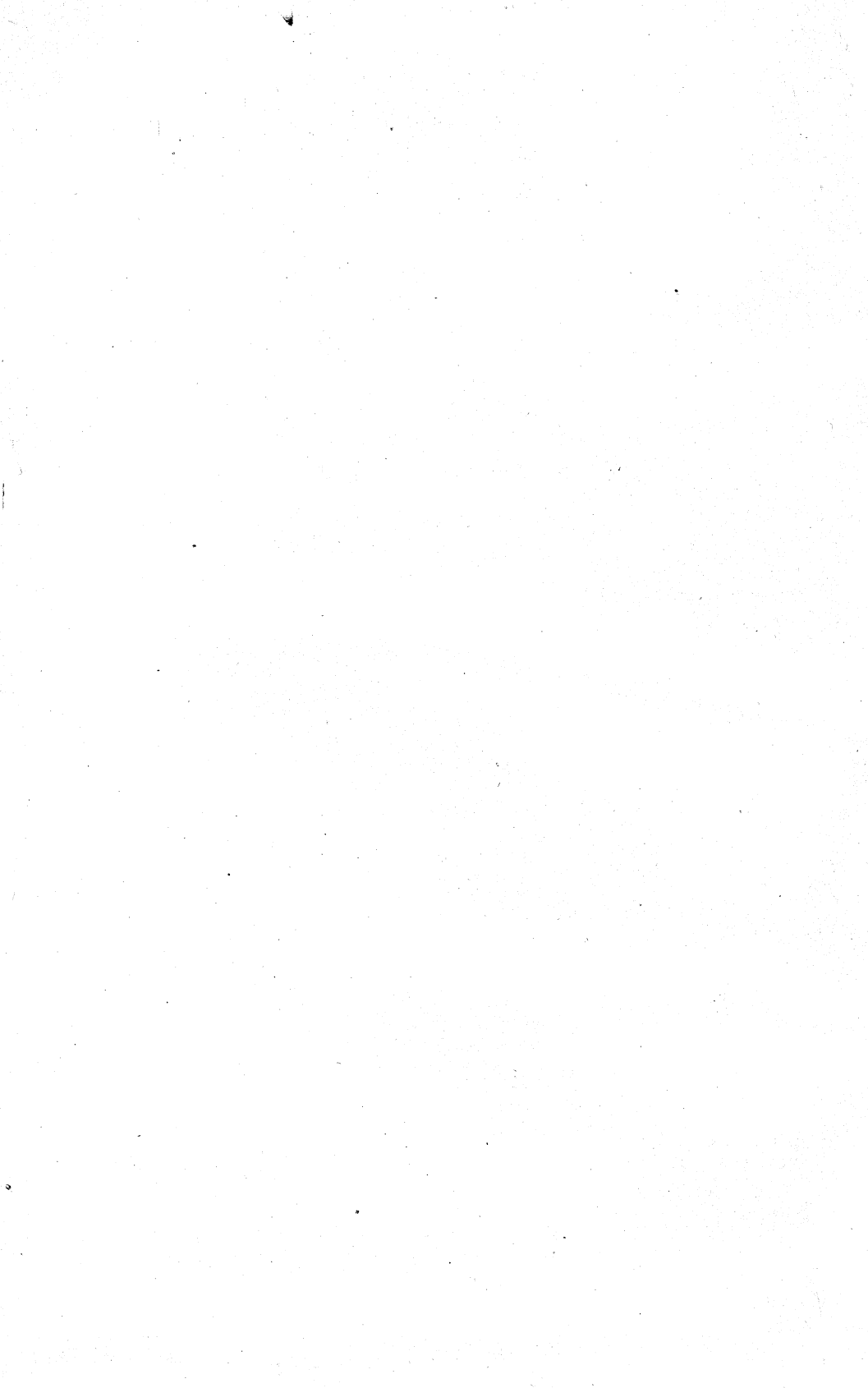
**1891-'92.**

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**IN THIRTY-EIGHT VOLUMES.**

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**WASHINGTON:  
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1892.**



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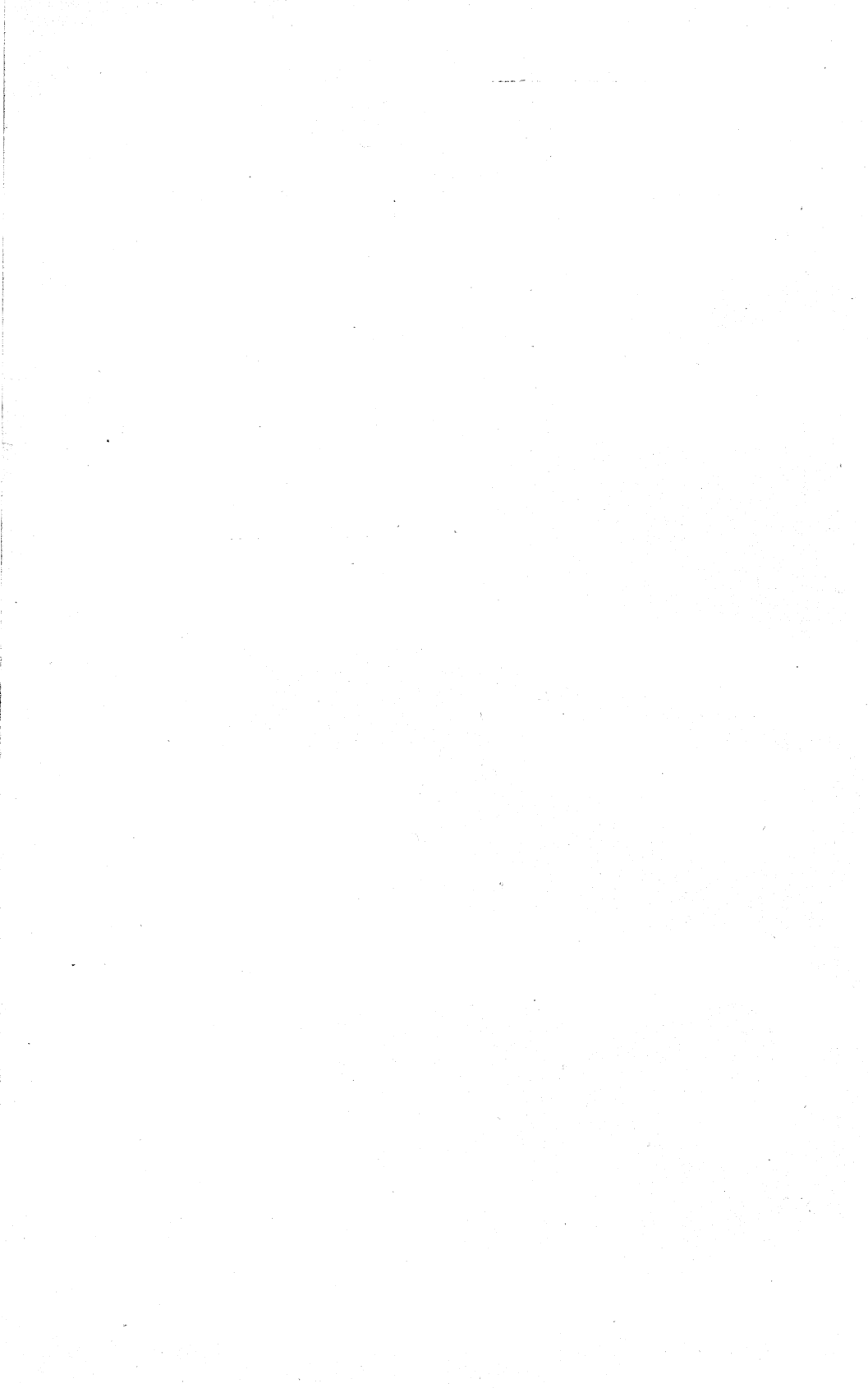
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52D CONGRESS, } HOUSE OF REPRESENTATIVES. { Ex. Doc. 1,  
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# P A P E R S

RELATING TO THE

# FOREIGN RELATIONS

OF

THE UNITED STATES,

TRANSMITTED TO CONGRESS.

WITH THE ANNUAL MESSAGE OF THE PRESIDENT,

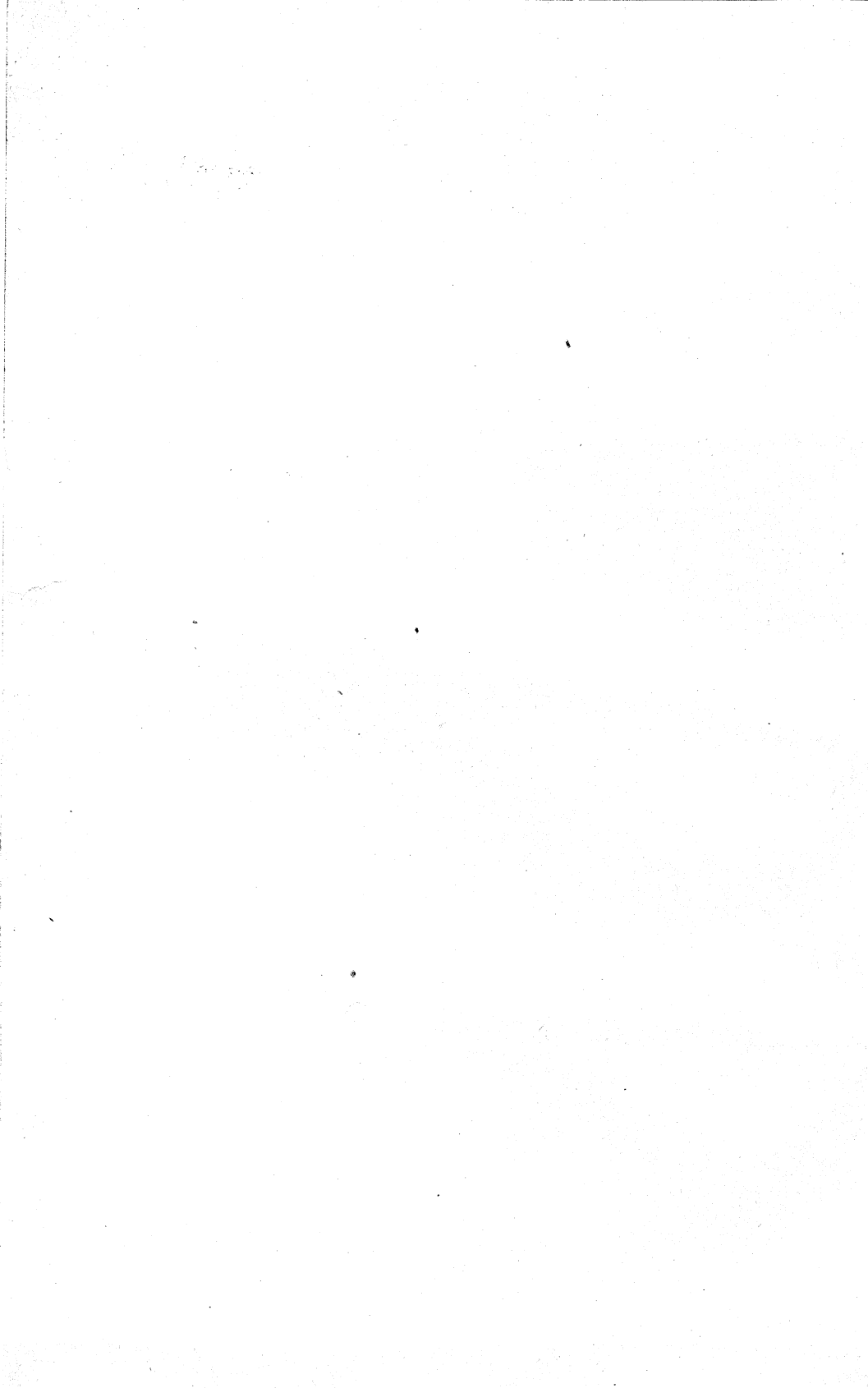
DECEMBER 9, 1891,

PRECEDED BY A

LIST OF PAPERS, WITH AN ANALYSIS OF THEIR CONTENTS, AND FOLLOWED BY AN ALPHABETICAL INDEX OF SUBJECTS.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1892.



MESSAGE.

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*To the Senate and House of Representatives:*

The reports of the heads of the several Executive Departments, required by law to be submitted to me, which are herewith transmitted, and the reports of the Secretary of the Treasury and the Attorney-General, made directly to Congress, furnish a comprehensive view of the administrative work of the last fiscal year relating to internal affairs. It would be of great advantage if these reports could have an attentive perusal by every member of Congress and by all who take an interest in public affairs. Such a perusal could not fail to excite a higher appreciation of the vast labor and conscientious effort which are given to the conduct of our civil administration.

The reports will, I believe, show that every question has been approached, considered, and decided from the standpoint of public duty and upon considerations affecting the public interests alone. Again I invite to every branch of the service the attention and scrutiny of Congress.

The work of the State Department during the last year has been characterized by an unusual number of important negotiations and by diplomatic results of a notable and highly beneficial character. Among these are the reciprocal trade arrangements which have been concluded, in the exercise of the powers conferred by section 3 of the tariff law, with the Republic of Brazil, with Spain for its West India possessions, and with San Domingo. Like negotiations with other countries have been much advanced, and it is hoped that before the close of the year further definitive trade arrangements of great value will be concluded.

In view of the reports which had been received as to the diminution of the seal herds in the Bering Sea I deemed it wise to propose to Her Majesty's Government in February last that an agreement for a closed season should be made, pending the negotiations for arbitration which then seemed to be approaching a favorable conclusion.

After much correspondence, and delays for which this Government was not responsible, an agreement was reached and signed on the 15th of June, by which Great Britain undertook, from that date and until May 1, 1892, to prohibit the killing by her subjects of seals in the Bering Sea, and the Government of the United States, during the same period, to enforce its existing prohibition against pelagic sealing and to limit the catch by the Fur Seal Company upon the islands to 7,500 skins. If this agreement could have been reached earlier, in response to the strenuous endeavors of this Government, it would have been more effective; but, coming even as late as it did, it unquestionably resulted in greatly diminishing the destruction of the seals by the Canadian sealers.

In my last annual message I stated that the basis of arbitration proposed by Her Majesty's Government for the adjustment of the long-pending controversy as to the seal fisheries was not acceptable. I am glad now to be able to announce that terms satisfactory to this Government have been agreed upon and that an agreement as to the arbitrators is all that is necessary to the completion of the convention. In view of the advanced position which this Government has taken upon the subject of international arbitration, this renewed expression of our adherence to this method for the settlement of disputes such as have arisen in the Bering Sea will, I doubt not, meet with the concurrence of Congress.

Provision should be made for a joint demarcation of the frontier line between Canada and the United States, wherever required by the increasing border settlements, and especially for the exact location of the water boundary in the straits and rivers.

I should have been glad to announce some favorable disposition of the boundary dispute between Great Britain and Venezuela, touching the western frontier of British Guiana, but the friendly efforts of the United States in that direction have thus far been unavailing. This Government will continue to express its concern at any appearance of foreign encroachment on territories long under the administrative control of American States. The determination of a disputed boundary is easily attainable by amicable arbitration, where the rights of the respective parties rest, as here, on historic facts, readily ascertainable.

The law of the last Congress providing a system of inspection for our meats intended for export and clothing the President with power to exclude foreign products from our market in case the country sending them should perpetuate unjust discriminations against any product of the United States, placed this Government

in a position to effectively urge the removal of such discriminations against our meats. It is gratifying to be able to state that Germany, Denmark, Italy, Austria, and France, in the order named, have opened their ports to inspected American pork products. The removal of these restrictions in every instance was asked for and given solely upon the ground that we had now provided a meat inspection that should be accepted as adequate to the complete removal of the dangers, real or fancied, which had been previously urged. The State Department, our ministers abroad, and the Secretary of Agriculture have coöperated with unflagging and intelligent zeal for the accomplishment of this great result. The outlines of an agreement have been reached with Germany, looking to equitable trade concessions in consideration of the continued free importation of her sugars, but the time has not yet arrived when this correspondence can be submitted to Congress.

The recent political disturbances in the Republic of Brazil have excited regret and solicitude. The information we possessed was too meager to enable us to form a satisfactory judgment of the causes leading to the temporary assumption of supreme power by President Fonseca ; but this Government did not fail to express to him its anxious solicitude for the peace of Brazil and for the maintenance of the free political institutions which had recently been established there, nor to offer our advice that great moderation should be observed in the clash of parties and the contest for leadership. These counsels were received in the most friendly spirit, and the latest information is that constitutional government has been re-established without bloodshed.

The lynching at New Orleans in March last of eleven men of Italian nativity by a mob of citizens was a most deplorable and discreditable incident. It did not, however, have its origin in any general animosity to the Italian people, nor in any disrespect to the Government of Italy, with which our relations were of the most friendly character. The fury of the mob was directed against these men as the supposed participants or accessories in the murder of a city officer. I do not allude to this as mitigating in any degree this offense against law and humanity, but only as affecting the international questions which grew out of it. It was at once represented by the Italian minister that several of those whose lives had been taken by the mob were Italian subjects, and a demand was made for the punishment of the participants and for an indemnity to the families of those who were killed. It is to be regretted that

the manner in which these claims were presented was not such as to promote a calm discussion of the questions involved; but this may well be attributed to the excitement and indignation which the crime naturally evoked. The views of this Government as to its obligations to foreigners domiciled here were fully stated in the correspondence, as well as its purpose to make an investigation of the affair with a view to determine whether there were present any circumstances that could, under such rules of duty as we had indicated, create an obligation upon the United States. The temporary absence of a Minister Plenipotentiary of Italy at this Capital has retarded the further correspondence, but it is not doubted that a friendly conclusion is attainable.

Some suggestions growing out of this unhappy incident are worthy the attention of Congress. It would, I believe, be entirely competent for Congress to make offenses against the treaty rights of foreigners domiciled in the United States cognizable in the Federal courts. This has not, however, been done, and the Federal officers and courts have no power in such cases to intervene either for the protection of a foreign citizen or for the punishment of his slayers. It seems to me to follow, in this state of the law, that the officers of the State charged with police and judicial powers in such cases must, in the consideration of international questions growing out of such incidents, be regarded in such sense as Federal agents as to make this Government answerable for their acts in cases where it would be answerable if the United States had used its constitutional power to define and punish crimes against treaty rights.

The civil war in Chile, which began in January last, was continued, but fortunately with infrequent and not important armed collisions, until August 28, when the Congressional forces landed near Valparaiso and, after a bloody engagement, captured that city. President Balmaceda at once recognized that his cause was lost, and a provisional government was speedily established by the victorious party. Our minister was promptly directed to recognize and put himself in communication with this Government so soon as it should have established its de facto character, which was done. During the pendency of this civil contest frequent indirect appeals were made to this Government to extend belligerent rights to the insurgents and to give audience to their representatives. This was declined, and that policy was pursued throughout, which this Government, when wrenched by civil war, so strenuously insisted upon on the part of European nations. The *Itata*, an armed vessel com-



manded by a naval officer of the insurgent fleet, manned by its sailors and with soldiers on board, was seized under process of the United States court at San Diego, California, for a violation of our neutrality laws. While in the custody of an officer of the court the vessel was forcibly wrested from his control and put to sea. It would have been inconsistent with the dignity and self-respect of this Government not to have insisted that the *Itata* should be returned to San Diego to abide the judgment of the court. This was so clear to the Junta of the Congressional party, established at Iquique, that, before the arrival of the *Itata* at that port, the Secretary of Foreign Relations of the Provisional Government addressed to Rear-Admiral Brown, commanding the United States naval forces, a communication, from which the following is an extract :

"The Provisional Government has learned by the cablegrams of the Associated Press that the transport *Itata*, detained in San Diego by order of the United States for taking on board munitions of war and in possession of the marshal, left the port, carrying on board this official, who was landed at a point near the coast, and then continued her voyage. \* \* \* If this news be correct, this Government would deplore the conduct of the *Itata*, and, as an evidence that it is not disposed to support or agree to the infraction of the laws of the United States, the undersigned takes advantage of the personal relations you have been good enough to maintain with him since your arrival in this port to declare to you that as soon as she is within reach of our orders his Government will put the *Itata*, with the arms and munitions she took on board in San Diego, at the disposition of the United States."

A trial in the district court of the United States for the southern district of California has recently resulted in a decision holding, among other things, that, inasmuch as the Congressional party had not been recognized as a belligerent, the acts done in its interest could not be a violation of our neutrality laws. From this judgment the United States has appealed, not that the condemnation of the vessel is a matter of importance, but that we may know what the present state of our law is ; for, if this construction of the statute is correct, there is obvious necessity for revision and amendment.

During the progress of the war in Chile this Government tendered its good offices to bring about a peaceful adjustment, and it was at one time hoped that a good result might be reached ; but in this we were disappointed.

The instructions to our naval officers and to our minister at Santiago, from the first to the last of this struggle, enjoined upon them the most impartial treatment and absolute non-interference.

I am satisfied that these instructions were observed and that our representatives were always watchful to use their influence impartially in the interest of humanity, and, on more than one occasion, did so effectively. We could not forget, however, that this Government was in diplomatic relations with the then established Government of Chile, as it is now in such relations with the successor of that Government. I am quite sure that President Montt, who has, under circumstances of promise for the peace of Chile, been installed as President of that Republic, will not desire that, in the unfortunate event of any revolt against his authority, the policy of this Government should be other than that which we have recently observed. No official complaint of the conduct of our minister or of our naval officers during the struggle has been presented to this Government; and it is a matter of regret that so many of our own people should have given ear to unofficial charges and complaints that manifestly had their origin in rival interests and in a wish to pervert the relations of the United States with Chile.

The collapse of the government of Balmaceda brought about a condition which is unfortunately too familiar in the history of the Central and South American States. With the overthrow of the Balmaceda government, he and many of his councilors and officers became at once fugitives for their lives and appealed to the commanding officers of the foreign naval vessels in the harbor of Valparaiso and to the resident foreign ministers at Santiago for asylum. This asylum was freely given, according to my information, by the naval vessels of several foreign powers and by several of the legations at Santiago. The American minister, as well as his colleagues, acting upon the impulses of humanity, extended asylum to political refugees whose lives were in peril. I have not been willing to direct the surrender of such of these persons as are still in the American legation without suitable conditions.

It is believed that the Government of Chile is not in a position, in view of the precedents with which it has been connected, to broadly deny the right of asylum, and the correspondence has not thus far presented any such denial. The treatment of our minister for a time was such as to call for a decided protest, and it was very gratifying to observe that unfriendly measures, which were undoubtedly the result of the prevailing excitement, were at once rescinded or suitably relaxed.

On the 16th of October an event occurred in Valparaiso so serious and tragic in its circumstances and results as to very justly excite the indignation of our people and to call for prompt and decided action on the part of this Government. A considerable number of the sailors

of the United States steamship *Baltimore*, then in the harbor of Valparaiso, being upon shore leave and unarmed, were assaulted by armed men nearly simultaneously in different localities in the city. One petty officer was killed outright and seven or eight seamen were seriously wounded, one of whom has since died. So savage and brutal was the assault that several of our sailors received more than two, and one as many as eighteen, stab wounds. An investigation of the affair was promptly made by a board of officers of the *Baltimore*, and their report shows that these assaults were unprovoked, that our men were conducting themselves in a peaceable and orderly manner, and that some of the police of the city took part in the assault and used their weapons with fatal effect, while a few others, with some well-disposed citizens, endeavored to protect our men. Thirty-six of our sailors were arrested, and some of them, while being taken to prison, were cruelly beaten and maltreated. The fact that they were all discharged, no criminal charge being lodged against any one of them, shows very clearly that they were innocent of any breach of the peace.

So far as I have yet been able to learn no other explanation of this bloody work has been suggested than that it had its origin in hostility to these men as sailors of the United States, wearing the uniform of their Government, and not in any individual act or personal animosity. The attention of the Chilean Government was at once called to this affair, and a statement of the facts obtained by the investigation we had conducted was submitted, accompanied by a request to be advised of any other or qualifying facts in the possession of the Chilean Government that might tend to relieve this affair of the appearance of an insult to this Government. The Chilean Government was also advised that if such qualifying facts did not exist this Government would confidently expect full and prompt reparation.

It is to be regretted that the reply of the Secretary for Foreign Affairs of the Provisional Government was couched in an offensive tone. To this no response has been made. This Government is now awaiting the result of an investigation which has been conducted by the criminal court at Valparaiso. It is reported unofficially that the investigation is about completed, and it is expected that the result will soon be communicated to this Government, together with some adequate and satisfactory response to the note by which the attention of Chile was called to this incident. If these just expectations should be disappointed or further needless delay intervene, I will, by a special message, bring this matter again to the attention of Congress for such action as may be necessary.

The entire correspondence with the Government of Chile will at an early day be submitted to Congress.

I renew the recommendation of my special message, dated January 16, 1890, for the adoption of the necessary legislation to enable this Government to apply in the case of Sweden and Norway the same rule in respect to the levying of tonnage dues as was claimed and secured to the shipping of the United States in 1828 under article 8 of the treaty of 1827.

The adjournment of the Senate without action on the pending acts for the suppression of the slave traffic in Africa and for the reform of the revenue tariff of the Independent State of the Congo left this Government unable to exchange those acts on the date fixed, July 2, 1891. A *modus vivendi* has been concluded by which the power of the Congo State to levy duties on imports is left unimpaired, and, by agreement of all the signatories to the general slave-trade act, the time for the exchange of ratifications on the part of the United States has been extended to February 2, 1892.

The late outbreak against foreigners in various parts of the Chinese Empire has been a cause of deep concern in view of the numerous establishments of our citizens in the interior of that country. This Government can do no less than insist upon a continuance of the protective and punitive measures which the Chinese Government has heretofore applied. No effort will be omitted to protect our citizens peaceably sojourning in China, but recent unofficial information indicates that what was at first regarded as an outbreak of mob violence against foreigners has assumed the larger form of an insurrection against public order.

The Chinese Government has declined to receive Mr. Blair as the Minister of the United States on the ground that, as a participant, while a Senator, in the enactment of the existing legislation against the introduction of Chinese laborers, he has become unfriendly and objectionable to China. I have felt constrained to point out to the Chinese Government the untenableness of this position, which seems to rest as much on the unacceptability of our legislation as on that of the person chosen, and which, if admitted, would practically debar the selection of any representative so long as the existing laws remain in force.

You will be called upon to consider the expediency of making special provision by law for the temporary admission of some Chinese artisans and laborers in connection with the exhibit of

Chinese industries at the approaching Columbian Exposition. I regard it as desirable that the Chinese exhibit be facilitated in every proper way.

A question has arisen with the Government of Spain touching the rights of American citizens in the Caroline Islands. Our citizens there, long prior to the confirmation of Spain's claim to the islands, had secured by settlement and purchase certain rights, to the recognition and maintenance of which the faith of Spain was pledged. I have had reason within the past year very strongly to protest against the failure to carry out this pledge on the part of His Majesty's ministers, which has resulted in great injustice and injury to the American residents.

The Government and people of Spain propose to celebrate the four hundredth anniversary of the discovery of America by holding an exposition at Madrid, which will open on the 12th of September and continue until the 31st of December, 1892. A cordial invitation has been extended to the United States to take part in this commemoration, and, as Spain was one of the first nations to express the intention to participate in the World's Columbian Exposition at Chicago, it would be very appropriate for this Government to give this invitation its friendly promotion.

Surveys for the connecting links of the projected Intercontinental Railway are in progress, not only in Mexico, but at various points along the course mapped out. Three surveying parties are now in the field under the direction of the Commission. Nearly 1,000 miles of the proposed road have been surveyed, including the most difficult part, that through Ecuador and the southern part of Colombia. The reports of the engineers are very satisfactory and show that no insurmountable obstacles have been met with.

On November 12, 1884, a treaty was concluded with Mexico reaffirming the boundary between the two countries as described in the treaties of February 2, 1848, and December 30, 1853. March 1, 1889, a further treaty was negotiated to facilitate the carrying out of the principles of the treaty of 1884 and to avoid the difficulties occasioned by reason of the changes and alterations that take place from natural causes in the Rio Grande and Colorado rivers in the portions thereof constituting the boundary line between the two Republics. The International Boundary Commission, provided for by the treaty of 1889, to have exclusive jurisdiction of any question that may arise, has been named by the Mexican Government. An

appropriation is necessary to enable the United States to fulfill its treaty obligation in this respect.

The death of King Kalakaua in the United States afforded occasion to testify our friendship for Hawaii by conveying the King's body to his own land in a naval vessel with all due honors. The Government of his successor, Queen Liliuokalani, is seeking to promote closer commercial relations with the United States. Surveys for the much-needed submarine cable from our Pacific Coast to Honolulu are in progress, and this enterprise should have the suitable promotion of the two Governments. I strongly recommend that provision be made for improving the harbor of Pearl River and equipping it as a naval station.

The arbitration treaty formulated by the International American Conference lapsed by reason of the failure to exchange ratifications fully within the limit of time provided; but several of the Governments concerned have expressed a desire to save this important result of the conference by an extension of the period. It is, in my judgment, incumbent upon the United States to conserve the influential initiative it has taken in this measure by ratifying the instrument and by advocating the proposed extension of the time for exchange. These views have been made known to the other signatories.

This Government has found occasion to express, in a friendly spirit, but with much earnestness, to the Government of the Czar, its serious concern because of the harsh measures now being enforced against the Hebrews in Russia. By the revival of antisemitic laws, long in abeyance, great numbers of those unfortunate people have been constrained to abandon their homes and leave the empire by reason of the impossibility of finding subsistence within the pale to which it is sought to confine them. The immigration of these people to the United States—many other countries being closed to them—is largely increasing and is likely to assume proportions which may make it difficult to find homes and employment for them here and to seriously affect the labor market. It is estimated that over one million will be forced from Russia within a few years. The Hebrew is never a beggar; he has always kept the law—life by toil—often under severe and oppressive civil restrictions. It is also true that no race, sect, or class has more fully cared for its own than the Hebrew race. But the sudden transfer of such a multitude, under conditions that tend to strip them of their small accumula-

tions and to depress their energies and courage, is neither good for them nor for us.

The banishment, whether by direct decree or by not less certain indirect methods, of so large a number of men and women is not a local question. A decree to leave one country is, in the nature of things, an order to enter another—some other. This consideration, as well as the suggestions of humanity, furnishes ample ground for the remonstrances which we have presented to Russia, while our historic friendship for that Government can not fail to give the assurance that our representations are those of a sincere wellwisher.

The annual report of the Maritime Canal Company of Nicaragua shows that much costly and necessary preparatory work has been done during the year in the construction of shops, railroad tracks, and harbor piers and breakwaters, and that the work of canal construction has made some progress.

I deem it to be a matter of the highest concern to the United States that this canal, connecting the waters of the Atlantic and Pacific oceans and giving to us a short water communication between our ports upon those two great seas, should be speedily constructed and at the smallest practicable limit of cost. The gain in freights to the people and the direct saving to the Government of the United States in the use of its naval vessels would pay the entire cost of this work within a short series of years. The report of the Secretary of the Navy shows the saving in our naval expenditures which would result.

The Senator from Alabama (Mr. Morgan), in his argument upon this subject before the Senate at the last session, did not overestimate the importance of this work when he said that "the canal is the most important subject now connected with the commercial growth and progress of the United States."

If this work is to be promoted by the usual financial methods and without the aid of this Government, the expenditures, in its interest-bearing securities and stocks, will probably be twice the actual cost. This will necessitate higher tolls and constitute a heavy and altogether needless burden upon our commerce and that of the world. Every dollar of the bonds and stock of the company should represent a dollar expended in the legitimate and economical prosecution of the work. This is only possible by giving to the bonds the guaranty of the United States Government. Such a guaranty would secure the ready sale at par of a 3 per cent bond, from time to time, as the money was needed. I do not doubt that, built upon these business methods, the canal would, when fully inaugu-

rated, earn its fixed charges and operating expenses. But if its bonds are to be marketed at heavy discounts and every bond sold is to be accompanied by a gift of stock, as has come to be expected by investors in such enterprises, the traffic will be seriously burdened to pay interest and dividends. I am quite willing to recommend Government promotion in the prosecution of a work which, if no other means offered for securing its completion, is of such transcendent interest that the Government should, in my opinion, secure it by direct appropriations from its Treasury.

A guaranty of the bonds of the Canal Company to an amount necessary to the completion of the canal could, I think, be so given as not to involve any serious risk of ultimate loss. The things to be carefully guarded are the completion of the work within the limits of the guaranty, the subrogation of the United States to the rights of the first-mortgage bondholders for any amounts it may have to pay, and in the meantime a control of the stock of the company as a security against mismanagement and loss. I most sincerely hope that neither party nor sectional lines will be drawn upon this great American project, so full of interest to the people of all our States and so influential in its effects upon the prestige and prosperity of our common country.

The Island of Navassa, in the West Indian group, has, under the provisions of Title 72 of the Revised Statutes, been recognized by the President as appertaining to the United States. It contains guano deposits, is owned by the Navassa Phosphate Company, and is occupied solely by its employees. In September, 1889, a revolt took place among these laborers, resulting in the killing of some of the agents of the company, caused, as the laborers claimed, by cruel treatment. These men were arrested and tried in the United States court at Baltimore, under section 5576 of the statute referred to, as if the offenses had been committed on board a merchant vessel of the United States on the high seas. There appeared on the trial, and otherwise came to me, such evidences of the bad treatment of the men that, in consideration of this and of the fact that the men had no access to any public officer or tribunal for protection or the redress of their wrongs, I commuted the death sentences that had been passed by the court upon three of them. In April last my attention was again called to this island, and to the unregulated condition of things there, by a letter from a colored laborer, who complained that he was wrongfully detained upon the island by the phosphate company after the expiration of his contract of service. A naval vessel was sent to



examine into the case of this man and generally into the condition of things on the island. It was found that the laborer referred to had been detained beyond the contract limit and that a condition of revolt again existed among the laborers. A board of naval officers reported, among other things, as follows:

"We would desire to state further that the discipline maintained on the island seems to be that of a convict establishment, without its comforts and cleanliness, and that, until more attention is paid to the shipping of laborers, by placing it under Government supervision to prevent misunderstanding and misrepresentation, and until some amelioration is shown in the treatment of the laborers, these disorders will be of constant occurrence."

I recommend legislation that shall place labor contracts upon this and other islands having the relation that Navassa has to the United States under the supervision of a court commissioner, and that shall provide, at the expense of the owners, an officer to reside upon the islands with power to judge and adjust disputes and to enforce a just and humane treatment of the employees. It is inexcusable that American laborers should be left within our own jurisdiction without access to any Government officer or tribunal for their protection and the redress of their wrongs.

International copyright has been secured, in accordance with the conditions of the act of March 3, 1891, with Belgium, France, Great Britain and the British possessions, and Switzerland, the laws of those countries permitting to our citizens the benefit of copyright on substantially the same basis as to their own citizens or subjects. With Germany a special convention has been negotiated upon this subject, which will bring that country within the reciprocal benefits of our legislation.

The general interest in the operations of the Treasury Department has been much augmented during the last year by reason of the conflicting predictions, which accompanied and followed the tariff and other legislation of the last Congress affecting the revenues, as to the results of this legislation upon the Treasury and upon the country. On the one hand it was contended that imports would so fall off as to leave the Treasury bankrupt and that the prices of articles entering into the living of the people would be so enhanced as to disastrously affect their comfort and happiness, while on the other it was argued that the loss to the revenue, largely the result of placing sugar on the free list, would be a direct gain to the people; that the prices of the necessities of life, in-

cluding those most highly protected, would not be enhanced; that labor would have a larger market and the products of the farm advanced prices; while the Treasury surplus and receipts would be adequate to meet the appropriations, including the large exceptional expenditures for the refunding to the States of the direct tax and the redemption of the  $4\frac{1}{2}$  per cent bonds.

It is not my purpose to enter at any length into a discussion of the effects of the legislation to which I have referred; but a brief examination of the statistics of the Treasury and a general glance at the state of business throughout the country will, I think, satisfy any impartial inquirer that its results have disappointed the evil prophecies of its opponents and in a large measure realized the hopeful predictions of its friends. Rarely, if ever before, in the history of the country has there been a time when the proceeds of one day's labor or the product of one farmed acre would purchase so large an amount of those things that enter into the living of the masses of the people. I believe that a full test will develop the fact that the tariff act of the Fifty-first Congress is very favorable in its average effect upon the prices of articles entering into common use.

During the twelve months from October 1, 1890, to September 30, 1891, the total value of our foreign commerce (imports and exports combined) was \$1,747,806,406, which was the largest of any year in the history of the United States. The largest in any previous year was in 1890, when our commerce amounted to \$1,647,139,093, and the last year exceeds this enormous aggregate by over one hundred millions. It is interesting, and to some will be surprising, to know that during the year ending September 30, 1891, our imports of merchandise amounted to \$824,715,270, which was an increase of more than eleven million dollars over the value of the imports of the corresponding months of the preceding year, when the imports of merchandise were unusually large in anticipation of the tariff legislation then pending. The average annual value of the imports of merchandise for the ten years from 1881 to 1890 was \$692,186,522, and during the year ending September 30, 1891, this annual average was exceeded by \$132,528,469.

The value of free imports during the twelve months ending September 30, 1891, was \$118,092,387 more than the value of free imports during the corresponding twelve months of the preceding year, and there was during the same period a decrease of \$106,846,508 in the value of imports of dutiable merchandise. The percentage of merchandise admitted free of duty during the year to which I have referred, the first under the new tariff, was 48.18, while during the preceding twelve months, under the old tariff, the percentage was

34.27, an increase of 13.91 per cent. If we take the six months ending September 30 last, which covers the time during which sugars have been admitted free of duty, the per cent of value of merchandise imported free of duty is found to be 55.37, which is a larger percentage of free imports than during any prior fiscal year in the history of the Government.

If we turn to exports of merchandise the statistics are full of gratification. The value of such exports of merchandise for the twelve months ending September 30, 1891, was \$923,091,136, while for the corresponding previous twelve months it was \$860,177,115, an increase of \$62,914,021, which is nearly three times the average annual increase of exports of merchandise for the preceding twenty years; this exceeds in amount and value the exports of merchandise during any year in the history of the Government. The increase in the value of exports of agricultural products during the year referred to over the corresponding twelve months of the prior year was \$45,846,197, while the increase in the value of exports of manufactured products was \$16,838,240.

There is certainly nothing in the condition of trade, foreign or domestic, there is certainly nothing in the condition of our people of any class, to suggest that the existing tariff and revenue legislation bears oppressively upon the people or retards the commercial development of the nation. It may be argued that our condition would be better if tariff legislation were upon a free-trade basis; but it can not be denied that all the conditions of prosperity and of general contentment are present in a larger degree than ever before in our history, and that, too, just when it was prophesied they would be in the worst state. Agitation for radical changes in tariff and financial legislation can not help, but may seriously impede, business, to the prosperity of which some degree of stability in legislation is essential.

I think there are conclusive evidences that the new tariff has created several great industries which will, within a few years, give employment to several hundred thousand American working men and women. In view of the somewhat overcrowded condition of the labor market of the United States every patriotic citizen should rejoice at such a result.

The report of the Secretary of the Treasury shows that the total receipts of the Government, from all sources, for the fiscal year ending June 30, 1891, were \$458,544,233.03, while the expenditures for the same period were \$421,304,470.46, leaving a surplus of \$37,239,762.57.

The receipts of the fiscal year ending June 30, 1892, actual and

estimated, are \$433,000,000 and the expenditures \$409,000,000. For the fiscal year ending June 30, 1893, the estimated receipts are \$455,336,350 and the expenditures \$441,300,093.

Under the law of July 14, 1890, the Secretary of the Treasury has purchased (since August 13) during the fiscal year 48,393,113 ounces of silver bullion at an average cost of \$1.045 per ounce. The highest price paid during the year was \$1.2025, and the lowest, \$0.9636. In exchange for this silver bullion there have been issued \$50,577,498 of the Treasury notes authorized by the act. The lowest price of silver reached during the fiscal year was \$0.9636 on April 22, 1891; but on November 1 the market price was only \$0.96, which would give to the silver dollar a bullion value of 74¼ cents.

Before the influence of the prospective silver legislation was felt in the market silver was worth in New York about 0.955 per ounce. The ablest advocates of free coinage in the last Congress were most confident in their predictions that the purchases by the Government required by the law would at once bring the price of silver to 1.2929 per ounce, which would make the bullion value of a dollar 100 cents and hold it there. The prophecies of the anti-silver men of disasters to result from the coinage of \$2,000,000 per month were not wider of the mark. The friends of free silver are not agreed, I think, as to the causes that brought their hopeful predictions to naught. Some facts are known. The exports of silver from London to India during the first nine months of this calendar year fell off over 50 per cent, or \$17,202,730, compared with the same months of the preceding year. The exports of domestic silver bullion from this country, which had averaged for the last ten years over \$17,000,000, fell in the last fiscal year to \$13,797,391; while, for the first time in recent years, the imports of silver into this country exceeded the exports by the sum of \$2,745,365. In the previous year the net exports of silver from the United States amounted to \$8,545,455. The production of the United States increased from 50,000,000 ounces in 1889 to 54,500,000 in 1890. The Government is now buying and putting aside annually 54,000,000 ounces, which, allowing for 7,140,000 ounces of new bullion used in the arts, is 6,640,000 more than our domestic product available for coinage.

I hope the depression in the price of silver is temporary and that a further trial of this legislation will more favorably affect it. That the increased volume of currency thus supplied for the use of the people was needed and that beneficial results upon trade and prices have followed this legislation I think must be very clear to everyone; nor should it be forgotten that for every dollar of these notes issued

a full dollar's worth of silver bullion is at the time deposited in the Treasury as a security for its redemption. Upon this subject, as upon the tariff, my recommendation is that the existing laws be given a full trial and that our business interests be spared the distressing influence which threats of radical changes always impart. Under existing legislation it is in the power of the Treasury Department to maintain that essential condition of national finance as well as of commercial prosperity—the parity in use of the coin dollars and their paper representatives. The assurance that these powers would be freely and unhesitatingly used has done much to produce and sustain the present favorable business conditions.

I am still of the opinion that the free coinage of silver under existing conditions would disastrously affect our business interests at home and abroad. We could not hope to maintain an equality in the purchasing power of the gold and silver dollar in our own markets, and in foreign trade the stamp gives no added value to the bullion contained in coins. The producers of the country, its farmers and laborers, have the highest interest that every dollar, paper or coin, issued by the Government shall be as good as any other. If there is one less valuable than another its sure and constant errand will be to pay them for their toil and for their crops. The money-lender will protect himself by stipulating for payment in gold, but the laborer has never been able to do that. To place business upon a silver basis would mean a sudden and severe contraction of the currency, by the withdrawal of gold and gold notes, and such an unsettling of all values as would produce a commercial panic. I can not believe that a people so strong and prosperous as ours will promote such a policy.

The producers of silver are entitled to just consideration, but they should not forget that the Government is now buying and putting out of the market what is the equivalent of the entire product of our silver mines. This is more than they themselves thought of asking two years ago. I believe it is the earnest desire of a great majority of the people, as it is mine, that a full coin use shall be made of silver just as soon as the coöperation of other nations can be secured and a ratio fixed that will give circulation equally to gold and silver. The business of the world requires the use of both metals; but I do not see any prospect of gain, but much of loss, by giving up the present system, in which a full use is made of gold and a large use of silver, for one in which silver alone will circulate. Such an event would be at once fatal to the further progress of the silver movement. Bimetallism is the desired end, and

the true friends of silver will be careful not to overrun the goal and bring in silver monometallism, with its necessary attendants, the loss of our gold to Europe and the relief of the pressure there for a larger currency. I have endeavored by the use of official and unofficial agencies to keep a close observation of the state of public sentiment in Europe upon this question, and have not found it to be such as to justify me in proposing an international conference. There is, however, I am sure, a growing sentiment in Europe in favor of a larger use of silver, and I know of no more effectual way of promoting this sentiment than by accumulating gold here. A scarcity of gold in the European reserves will be the most persuasive argument for the use of silver.

The exports of gold to Europe, which began in February last and continued until the close of July, aggregated over \$70,000,000. The net loss of gold during the fiscal year was nearly \$68,000,000. That no serious monetary disturbance resulted was most gratifying, and gave to Europe fresh evidence of the strength and stability of our financial institutions. With the movement of crops the outflow of gold was speedily stopped, and a return set in. Up to December 1 we had recovered of our gold loss at the port of New York \$27,854,000, and it is confidently believed that during the winter and spring this aggregate will be steadily and largely increased.

The presence of a large cash surplus in the Treasury has for many years been the subject of much unfavorable criticism and has furnished an argument to those who have desired to place the tariff upon a purely revenue basis. It was agreed by all that the withdrawal from circulation of so large an amount of money was an embarrassment to the business of the country and made necessary the intervention of the Department at frequent intervals to relieve threatened monetary panics. The surplus on March 1, 1889, was \$183,827,190.29. The policy of applying this surplus to the redemption of the interest-bearing securities of the United States was thought to be preferable to that of depositing it without interest in selected national banks. There have been redeemed since the date last mentioned of interest-bearing securities \$259,079,350, resulting in a reduction of the annual interest charge of \$11,684,675. The money which had been deposited in banks without interest has been gradually withdrawn and used in the redemption of bonds.

The result of this policy, of the silver legislation, and of the refunding of the  $4\frac{1}{2}$  per cent bonds has been a large increase of the money in circulation. At the date last named the circulation was \$1,404,205,896, or \$23.03 per capita; while on the 1st day of De-

cember, 1891, it had increased to \$1,577,262,070, or \$24.38 per capita. The offer of the Secretary of the Treasury to the holders of the 4½ per cent bonds to extend the time of redemption, at the option of the Government, at an interest of 2 per cent, was accepted by the holders of about one-half the amount, and the unextended bonds are being redeemed on presentation.

The report of the Secretary of War exhibits the results of an intelligent, progressive, and business-like administration of a Department which has been too much regarded as one of mere routine. The separation of Secretary Proctor from the Department by reason of his appointment as a Senator from the State of Vermont is a source of great regret to me and to his colleagues in the Cabinet, as I am sure it will be to all those who have had business with the Department while under his charge.

In the administration of army affairs some especially good work has been accomplished. The efforts of the Secretary to reduce the percentage of desertions by removing the causes that promoted it have been so successful as to enable him to report for the last year a lower percentage of desertion than has been before reached in the history of the Army. The resulting money saving is considerable, but the improvement in the morale of the enlisted men is the most valuable incident of the reforms which have brought about this result.

The work of securing sites for shore batteries for harbor defense and the manufacture of mortars and guns of high power to equip them have made good progress during the year. The preliminary work of tests and plans, which so long delayed a start, is now out of the way. Some guns have been completed, and with an enlarged shop and a more complete equipment at Watervliet the Army will soon be abreast of the Navy in gun construction. Whatever unavoidable causes of delay may arise, there should be none from delayed or insufficient appropriations. We shall be greatly embarrassed in the proper distribution and use of naval vessels until adequate shore defenses are provided for our harbors.

I concur in the recommendation of the Secretary that the three-battalion organization be adopted for the infantry. The adoption of a smokeless powder and of a modern rifle equal in range, precision, and rapidity of fire to the best now in use will, I hope, not be longer delayed.

The project of enlisting Indians and organizing them into separate companies upon the same basis as other soldiers was made the subject of very careful study by the Secretary and received

my approval. Seven companies have been completely organized and seven more are in process of organization. The results of six months' training have more than realized the highest anticipations. The men are readily brought under discipline, acquire the drill with facility, and show great pride in the right discharge of their duties and perfect loyalty to their officers, who declare that they would take them into action with confidence. The discipline, order, and cleanliness of the military posts will have a wholesome and elevating influence upon the men enlisted, and through them upon their tribes, while a more friendly feeling for the whites and a greater respect for the Government will certainly be promoted.

The great work done in the Record and Pension Division of the War Department by Major Ainsworth, of the Medical Corps, and the clerks under him, is entitled to honorable mention. Taking up the work with nearly 41,000 cases behind, he closed the last fiscal year without a single case left over, though the new cases had increased 52 per cent in number over the previous year by reason of the pension legislation of the last Congress.

I concur in the recommendation of the Attorney-General that the right in felony cases to a review by the Supreme Court be limited. It would seem that personal liberty would have a safe guaranty if the right of review in cases involving only fine and imprisonment were limited to the circuit court of appeals, unless a constitutional question should in some way be involved.

The judges of the Court of Private Land Claims, provided for by the act of March 3, 1891, have been appointed and the court organized. It is now possible to give early relief to communities long repressed in their development by unsettled land titles and to establish the possession and right of settlers whose lands have been rendered valueless by adverse and unfounded claims.

The act of July 9, 1888, provided for the incorporation and management of a reform school for girls in the District of Columbia; but it has remained inoperative for the reason that no appropriation has been made for construction or maintenance. The need of such an institution is very urgent. Many girls could be saved from depraved lives by the wholesome influences and restraints of such a school. I recommend that the necessary appropriation be made for a site and for construction.

The enforcement by the Treasury Department of the law prohibiting the coming of Chinese to the United States has been effective as to such as seek to land from vessels entering our ports. The result has been to divert the travel to vessels entering the ports of



British Columbia, whence passage into the United States at obscure points along the Dominion boundary is easy. A very considerable number of Chinese laborers have, during the past year, entered the United States from Canada and Mexico.

The officers of the Treasury Department and of the Department of Justice have used every means at their command to intercept this immigration ; but the impossibility of perfectly guarding our extended frontier is apparent. The Dominion Government collects a head tax of \$50 from every Chinaman entering Canada, and thus derives a considerable revenue from those who only use its ports to reach a position of advantage to evade our exclusion laws. There seems to be satisfactory evidence that the business of passing Chinamen through Canada to the United States is organized and quite active. The Department of Justice has construed the laws to require the return of any Chinaman found to be unlawfully in this country to China as the country from which he came, notwithstanding the fact that he came by way of Canada ; but several of the district courts have, in cases brought before them, overruled this view of the law and decided that such persons must be returned to Canada. This construction robs the law of all effectiveness, even if the decrees could be executed, for the men returned can the next day recross our border. But the only appropriation made is for sending them back to China, and the Canadian officials refuse to allow them to reënter Canada without the payment of the \$50 head tax. I recommend such legislation as will remedy these defects in the law.

In previous messages I have called the attention of Congress to the necessity of so extending the jurisdiction of the United States courts as to make triable therein any felony committed while in the act of violating a law of the United States. These courts can not have that independence and effectiveness which the Constitution contemplates so long as the felonious killing of court officers, jurors, and witnesses in the discharge of their duties, or by reason of their acts as such, is only cognizable in the State courts. The work done by the Attorney-General and the officers of his Department, even under the present inadequate legislation, has produced some notable results in the interest of law and order.

The Attorney-General and also the Commissioners of the District of Columbia call attention to the defectiveness and inadequacy of the laws relating to crimes against chastity in the District of Columbia. A stringent code upon this subject has been provided by Congress for Utah, and it is a matter of surprise that the needs of this District should have been so long overlooked.

In the report of the Postmaster-General some very gratifying results are exhibited and many betterments of the service suggested. A perusal of the report gives abundant evidence that the supervision and direction of the postal system have been characterized by an intelligent and conscientious desire to improve the service. The revenues of the Department show an increase of over five millions of dollars, with a deficiency for the year 1892 of less than four millions of dollars, while the estimate for the year 1893 shows a surplus of receipts over expenditures.

Ocean-mail post-offices have been established upon the steamers of the North German Lloyd and Hamburg lines, saving, by the distribution on shipboard, from two to fourteen hours' time in the delivery of mail at the port of entry and often much more than this in the delivery at interior places. So thoroughly has this system, initiated by Germany and the United States, evidenced its usefulness that it can not be long before it is installed upon all the great ocean mail-carrying steamships.

Eight thousand miles of new postal service has been established upon railroads, the car distribution to sub-stations in the great cities has been increased about 12 per cent, while the percentage of errors in distribution has, during the past year, been reduced over one-half. An appropriation was given by the last Congress for the purpose of making some experiments in free delivery in the smaller cities and towns. The results of these experiments have been so satisfactory that the Postmaster-General recommends, and I concur in the recommendation, that the free-delivery system be at once extended to towns of 5,000 population. His discussion of the inadequate facilities extended under our present system to rural communities and his suggestions with a view to give these communities a fuller participation in the benefits of the postal service are worthy of your careful consideration. It is not just that the farmer, who receives his mail at a neighboring town, should not only be compelled to send to the post-office for it, but to pay a considerable rent for a box in which to place it or to wait his turn at a general-delivery window, while the city resident has his mail brought to his door. It is stated that over 54,000 neighborhoods are, under the present system, receiving mail at post-offices where money orders and postal notes are not issued. The extension of this system to these communities is especially desirable, as the patrons of such offices are not possessed of the other facilities offered in more populous communities for the transmission of small sums of money.

I have, in a message to the preceding Congress, expressed my views

as to a modified use of the telegraph in connection with the postal service.

In pursuance of the ocean-mail law of March 3, 1891, and after a most careful study of the whole subject and frequent conferences with shipowners, boards of trade, and others, advertisements were issued by the Postmaster-General for 53 lines of ocean-mail service: 10 to Great Britain and the Continent, 27 to South America, 3 to China and Japan, 4 to Australia and the Pacific Islands, 7 to the West Indies, and 2 to Mexico. It was not, of course, expected that bids for all these lines would be received or that service upon them all would be contracted for. It was intended, in furtherance of the act, to secure as many new lines as possible, while including in the list most or all of the foreign lines now occupied by American ships. It was hoped that a line to England and perhaps one to the Continent would be secured; but the outlay required to equip such lines wholly with new ships of the first class and the difficulty of establishing new lines in competition with those already established deterred bidders whose interest had been enlisted. It is hoped that a way may yet be found of overcoming these difficulties. The Brazil Steamship Company, by reason of a miscalculation as to the speed of its vessels, was not able to bid under the terms of the advertisement. The policy of the Department was to secure from the established lines an improved service as a condition of giving to them the benefits of the law. This in all instances has been attained. The Postmaster-General estimates that an expenditure in American shipyards of about ten millions of dollars will be necessary to enable the bidders to construct the ships called for by the service which they have accepted. I do not think there is any reason for discouragement or for any turning back from the policy of this legislation. Indeed, a good beginning has been made, and, as the subject is further considered and understood by capitalists and shipping people, new lines will be ready to meet future proposals, and we may date from the passage of this law the revival of American shipping interests and the recovery of a fair share of the carrying trade of the world. We were receiving for foreign postage nearly two millions of dollars under the old system and the outlay for ocean-mail service did not exceed \$600,000 per annum. It is estimated by the Postmaster-General that, if all the contracts proposed are completed, it will require \$247,354 for this year, in addition to the appropriation for sea and inland postage already in the estimates, and that for the next fiscal year, ending June 30, 1893, there would probably be needed about \$560,000.

The report of the Secretary of the Navy shows a gratifying increase of new naval vessels in commission. The *Newark*, *Concord*, *Bennington*, and *Miantonomoh* have been added during the year, with an aggregate of something more than 11,000 tons. Twenty-four war ships of all classes are now under construction in the navy-yards and private shops, but, while the work upon them is going forward satisfactorily, the completion of the more important vessels will yet require about a year's time. Some of the vessels now under construction, it is believed, will be triumphs of naval engineering. When it is recollected that the work of building a modern navy was only initiated in the year 1883, that our naval constructors and shipbuilders were practically without experience in the construction of large iron or steel ships, that our engine shops were unfamiliar with great marine engines, and that the manufacture of steel forgings for guns and plates was almost wholly a foreign industry, the progress that has been made is not only highly satisfactory, but furnishes the assurance that the United States will before long attain, in the construction of such vessels, with their engines and armaments, the same preëminence which it attained when the best instrument of ocean commerce was the clipper ship and the most impressive exhibit of naval power the old wooden three-decker man-of-war. The officers of the Navy and the proprietors and engineers of our great private shops have responded with wonderful intelligence and professional zeal to the confidence expressed by Congress in its liberal legislation. We have now at Washington a gun shop, organized and conducted by naval officers, that in its system, economy, and product is unexcelled. Experiments with armor plate have been conducted during the year with most important results. It is now believed that a plate of higher resisting power than any in use has been found and that the tests have demonstrated that cheaper methods of manufacture than those heretofore thought necessary can be used.

I commend to your favorable consideration the recommendations of the Secretary, who has, I am sure, given to them the most conscientious study. There should be no hesitation in promptly completing a navy of the best modern type, large enough to enable this country to display its flag in all seas for the protection of its citizens and of its extending commerce. The world needs no assurance of the peaceful purposes of the United States, but we shall probably be in the future more largely a competitor in the commerce of the world, and it is essential to the dignity of this nation and to that peaceful influence which it should exercise on this hemisphere that

its navy should be adequate, both upon the shores of the Atlantic and of the Pacific.

The report of the Secretary of the Interior shows that a very gratifying progress has been made in all of the bureaus which make up that complex and difficult Department.

The work in the Bureau of Indian Affairs was perhaps never so large as now, by reason of the numerous negotiations which have been proceeding with the tribes for a reduction of the reservations, with the incident labor of making allotments, and was never more carefully conducted. The provision of adequate school facilities for Indian children and the locating of adult Indians upon farms involve the solution of the "Indian question." Everything else—rations, annuities, and tribal negotiations, with the agents, inspectors, and commissioners who distribute and conduct them—must pass away when the Indian has become a citizen, secure in the individual ownership of a farm from which he derives his subsistence by his own labor, protected by and subordinate to the laws which govern the white man, and provided by the General Government or by the local communities in which he lives with the means of educating his children. When an Indian becomes a citizen in an organized State or Territory his relation to the General Government ceases, in great measure, to be that of a ward; but the General Government ought not at once to put upon the State or Territory the burden of the education of his children. It has been my thought that the Government schools and school buildings upon the reservations would be absorbed by the school systems of the States and Territories; but, as it has been found necessary to protect the Indian against the compulsory alienation of his land by exempting him from taxation for a period of twenty-five years, it would seem to be right that the General Government, certainly where there are tribal funds in its possession, should pay to the school fund of the State what would be equivalent to the local school tax upon the property of the Indian. It will be noticed from the report of the Commissioner of Indian Affairs that already some contracts have been made with district schools for the education of Indian children. There is great advantage, I think, in bringing the Indian children into mixed schools. This process will be gradual, and in the meantime the present educational provisions and arrangements, the result of the best experience of those who have been charged with this work, should be continued. This will enable those religious bodies that have undertaken the work of Indian education with so much zeal, and with results so restraining and beneficent, to place their institu-

tions in new and useful relations to the Indian and to his white neighbors.

The outbreak among the Sioux, which occurred in December last, is as to its causes and incidents fully reported upon by the War Department and the Department of the Interior. That these Indians had some just complaints, especially in the matter of the reduction of the appropriation for rations and in the delays attending the enactment of laws to enable the Department to perform the engagements entered into with them, is probably true; but the Sioux tribes are naturally warlike and turbulent, and their warriors were excited by their medicine men and chiefs, who preached the coming of an Indian Messiah who was to give them power to destroy their enemies. In view of the alarm that prevailed among the white settlers near the reservation and of the fatal consequences that would have resulted from an Indian incursion, I placed at the disposal of General Miles, commanding the Division of the Missouri, all such forces as were thought by him to be required. He is entitled to the credit of having given thorough protection to the settlers and of bringing the hostiles into subjection with the least possible loss of life.

The appropriation of \$2,991,450 for the Choctaws and Chickasaws, contained in the general Indian appropriation bill of March 3, 1891, has not been expended, for the reason that I have not yet approved a release (to the Government) of the Indian claim to the lands mentioned. This matter will be made the subject of a special message, placing before Congress all the facts which have come to my knowledge.

The relation of the five civilized tribes now occupying the Indian Territory to the United States is not, I believe, that best calculated to promote the highest advancement of these Indians. That there should be within our borders five independent States, having no relations, except those growing out of treaties, with the Government of the United States, no representation in the National Legislature, its people not citizens, is a startling anomaly.

It seems to me to be inevitable that there shall be before long some organic changes in the relation of these people to the United States. What form these changes should take I do not think it desirable now to suggest, even if they were well defined in my own mind. They should certainly involve the acceptance of citizenship by the Indians and a representation in Congress. These Indians should have opportunity to present their claims and grievances upon the floor rather than, as now, in the lobby. If a commission could be appointed to visit these tribes to confer with them in a friendly spirit

upon this whole subject, even if no agreement were presently reached; the feeling of the tribes upon this question would be developed and discussion would prepare the way for changes which must come sooner or later.

The good work of reducing the larger Indian reservations, by allotments in severalty to the Indians and the cession of the remaining lands to the United States for disposition under the homestead law, has been prosecuted during the year with energy and success. In September last I was enabled to open to settlement in the Territory of Oklahoma 900,000 acres of land, all of which was taken up by settlers in a single day. The rush for these lands was accompanied by a great deal of excitement, but was, happily, free from incidents of violence.

It was a source of great regret that I was not able to open at the same time the surplus lands of the Cheyenne and Arapahoe Reservation, amounting to about 3,000,000 acres, by reason of the insufficiency of the appropriation for making the allotments. Deserving and impatient settlers are waiting to occupy these lands, and I urgently recommend that a special deficiency appropriation be promptly made of the small amount needed, so that the allotments may be completed and the surplus lands opened in time to permit the settlers to get upon their homesteads in the early spring.

During the past summer the Cherokee Commission have completed arrangements with the Wichita, Kickapoo, and Tonkawa tribes, whereby, if the agreements are ratified by Congress, over 800,000 additional acres will be opened to settlement in Oklahoma.

The negotiation for the release by the Cherokees of their claim to the Cherokee Strip has made no substantial progress, so far as the Department is officially advised, but it is still hoped that the cession of this large and valuable tract may be secured. The price which the Commission was authorized to offer—one dollar and a quarter per acre—is, in my judgment, when all the circumstances as to title and the character of the lands are considered, a fair and adequate one and should have been accepted by the Indians.

Since March 4, 1889, about 23,000,000 acres have been separated from Indian reservations and added to the public domain for the use of those who desired to secure free homes under our beneficent laws. It is difficult to estimate the increase of wealth which will result from the conversion of these waste lands into farms, but it is more difficult to estimate the betterment which will result to the families that have found renewed hope and courage in the ownership of a home and the assurance of a comfortable subsistence under

free and healthful conditions. It is also gratifying to be able to feel, as we may, that this work has proceeded upon lines of justice towards the Indian, and that he may now, if he will, secure to himself the good influences of a settled habitation, the fruits of industry, and the security of citizenship.

Early in this administration a special effort was begun to bring up the work of the General Land Office. By faithful work the arrearages have been rapidly reduced. At the end of the last fiscal year only 84,172 final agricultural entries remained undisposed of, and the Commissioner reports that, with the present force, the work can be fully brought up by the end of the next fiscal year.

Your attention is called to the difficulty presented by the Secretary of the Interior as to the administration of the law of March 3, 1891, establishing a Court of Private Land Claims. The small holdings intended to be protected by the law are estimated to be more than fifteen thousand in number. The claimants are a most deserving class and their titles are supported by the strongest equities. The difficulty grows out of the fact that the lands have largely been surveyed according to our methods, while the holdings, many of which have been in the same family for generations, are laid out in narrow strips a few rods wide upon a stream and running back to the hills for pasturage and timber. Provision should be made for numbering these tracts as lots and for patenting them by such numbers, and without reference to section lines.

The administration of the Pension Bureau has been characterized during the year by great diligence. The total number of pensioners upon the roll on the 30th day of June, 1891, was 676,160. There were allowed during the fiscal year ending at that time 250,565 cases. Of this number, 102,387 were allowed under the law of June 27, 1890. The issuing of certificates has been proceeding at the rate of about 30,000 per month, about 75 per cent of these being cases under the new law. The Commissioner expresses the opinion that he will be able to carefully adjudicate and allow 350,000 claims during the present fiscal year. The appropriation for the payment of pensions for the fiscal year 1890-'91 was \$127,685,793.89 and the amount expended \$118,530,649.25, leaving an unexpended surplus of \$9,155,144.64.

The Commissioner is quite confident that there will be no call this year for a deficiency appropriation, notwithstanding the rapidity with which the work is being pushed. The mistake which has been made by many in their exaggerated estimates of the cost of pensions is in not taking account of the diminished value of first



payments under the recent legislation. These payments, under the general law, have been for many years very large, as the pensions, when allowed, dated from the time of filing the claim, and most of these claims had been pending for years. The first payments under the law of June, 1890, are relatively small, and, as the per cent of these cases increases and that of the old cases diminishes, the annual aggregate of first payments is largely reduced. The Commissioner, under date of November 13, furnishes me with the statement that during the last four months 113,175 certificates were issued, 27,893 under the general law and 85,282 under the act of June 27, 1890. The average first payment during these four months was \$131.85, while the average first payment upon cases allowed during the year ending June 30, 1891, was \$239.33, being a reduction in the average first payments during these four months of \$107.48.

The estimate for pension expenditures for the fiscal year ending June 30, 1893, is \$144,956,000, which, after a careful examination of the subject, the Commissioner is of the opinion will be sufficient. While these disbursements to the disabled soldiers of the great civil war are large, they do not realize the exaggerated estimates of those who oppose this beneficent legislation. The Secretary of the Interior shows with great fullness the care that is taken to exclude fraudulent claims, and also the gratifying fact that the persons to whom these pensions are going are men who rendered, not slight, but substantial war service.

The report of the Commissioner of Railroads shows that the total debt of the subsidized railroads to the United States was, on December 31, 1890, \$112,512,613.06. A large part of this debt is now fast approaching maturity, with no adequate provision for its payment. Some policy for dealing with this debt, with a view to its ultimate collection, should be at once adopted. It is very difficult, well-nigh impossible, for so large a body as the Congress to conduct the necessary negotiations and investigations. I therefore recommend that provision be made for the appointment of a commission to agree upon and report a plan for dealing with this debt.

The work of the Census Bureau is now far in advance and the great bulk of the enormous labor involved completed. It will be more strictly a statistical exhibit and less encumbered by essays than its immediate predecessors. The methods pursued have been fair, careful, and intelligent, and have secured the approval of the statisticians, who have followed them with a scientific and non-

partisan interest. The appropriations necessary to the early completion and publication of the authorized volumes should be given in time to secure against delays, which increase the cost and at the same time diminish the value of the work.

The report of the Secretary exhibits, with interesting fullness, the condition of the Territories. They have shared with the States the great increase in farm products and are bringing yearly large areas into cultivation by extending their irrigating canals. This work is being done by individuals or local corporations and without that system which a full preliminary survey of the water supply and of the irrigable lands would enable them to adopt. The future of the Territories of New Mexico, Arizona, and Utah in their material growth and in the increase, independence, and happiness of their people is very largely dependent upon wise and timely legislation, either by Congress or their own legislatures, regulating the distribution of the water supply furnished by their streams. If this matter is much longer neglected, private corporations will have unrestricted control of one of the elements of life and the patentees of the arid lands will be tenants at will of the water companies.

The United States should part with its ownership of the water sources and the sites for reservoirs, whether to the States and Territories or to individuals or corporations, only upon conditions that will insure to the settlers their proper water supply upon equal and reasonable terms. In the Territories this whole subject is under the full control of Congress, and in the States it is practically so as long as the Government holds the title to the reservoir sites and water sources and can grant them upon such conditions as it chooses to impose. The improvident granting of franchises of enormous value, without recompense to the State or municipality from which they proceed and without proper protection of the public interests, is the most noticeable and flagrant evil of modern legislation. This fault should not be committed in dealing with a subject that will, before many years, affect so vitally thousands of our people.

The legislation of Congress for the repression of polygamy has, after years of resistance on the part of the Mormons, at last brought them to the conclusion that resistance is unprofitable and unavailing. The power of Congress over this subject should not be surrendered until we have satisfactory evidence that the people of the State to be created would exercise the exclusive power of the State over this subject in the same way. The question is not whether these people now obey the laws of Congress against polygamy, but

rather would they make, enforce, and maintain such laws themselves if absolutely free to regulate the subject? We can not afford to experiment with this subject, for when a State is once constituted the act is final and any mistake irretrievable. No compact in the enabling act could, in my opinion, be binding or effective.

I recommend that provision be made for the organization of a simple form of town government in Alaska, with power to regulate such matters as are usually in the States under municipal control. These local civil organizations will give better protection in some matters than the present skeleton Territorial organization. Proper restrictions as to the power to levy taxes and to create debt should be imposed.

If the establishment of the Department of Agriculture was regarded by anyone as a mere concession to the unenlightened demand of a worthy class of people, that impression has been most effectually removed by the great results already attained. Its home influence has been very great in disseminating agricultural and horticultural information; in stimulating and directing a further diversification of crops; in detecting and eradicating diseases of domestic animals; and, more than all, in the close and informal contact which it has established and maintains with the farmers and stock-raisers of the whole country. Every request for information has had prompt attention and every suggestion merited consideration. The scientific corps of the Department is of a high order and is pushing its investigations with method and enthusiasm.

The inspection by this Department of cattle and pork products intended for shipment abroad has been the basis of the success which has attended our efforts to secure the removal of the restrictions maintained by the European governments.

For ten years protests and petitions upon this subject from the packers and stock-raisers of the United States have been directed against these restrictions, which so seriously limited our markets and curtailed the profits of the farm. It is a source of general congratulation that success has at last been attained, for the effects of an enlarged foreign market for these meats will be felt, not only by the farmer, but in our public finances and in every branch of trade. It is particularly fortunate that the increased demand for food products, resulting from the removal of the restrictions upon our meats and from the reciprocal trade arrangements to which I have referred, should have come at a time when the agricultural surplus is so large. Without the help thus derived, lower

prices would have prevailed. The Secretary of Agriculture estimates that the restrictions upon the importation of our pork products into Europe lost us a market for \$20,000,000 worth of these products annually.

The grain crop of this year was the largest in our history, 50 per cent greater than that of last year, and yet the new markets that have been opened and the larger demand resulting from short crops in Europe have sustained prices to such an extent that the enormous surplus of meats and breadstuffs will be marketed at good prices, bringing relief and prosperity to an industry that was much depressed. The value of the grain crop of the United States is estimated by the Secretary to be this year five hundred million dollars more than last; of meats, one hundred and fifty millions more, and of all products of the farm, seven hundred millions more. It is not inappropriate, I think, here to suggest that our satisfaction in the contemplation of this marvelous addition to the national wealth is unclouded by any suspicion of the currency by which it is measured and in which the farmer is paid for the product of his fields.

The report of the Civil Service Commission should receive the careful attention of the opponents, as well as the friends, of this reform. The Commission invites a personal inspection by Senators and Representatives of its records and methods; and every fair critic will feel that such an examination should precede a judgment of condemnation, either of the system or its administration. It is not claimed that either is perfect, but I believe that the law is being executed with impartiality, and that the system is incomparably better and fairer than that of appointments upon favor. I have during the year extended the classified service to include superintendents, teachers, matrons, and physicians in the Indian service. This branch of the service is largely related to educational and philanthropic work and will obviously be the better for the change.

The heads of the several Executive Departments have been directed to establish at once an efficiency record as the basis of a comparative rating of the clerks within the classified service, with a view to placing promotions therein upon the basis of merit. I am confident that such a record, fairly kept and open to the inspection of those interested, will powerfully stimulate the work of the Departments and will be accepted by all as placing the troublesome matter of promotions upon a just basis.

I recommend that the appropriations for the Civil Service Commission be made adequate to the increased work of the next fiscal year.

I have twice before urgently called the attention of Congress to the necessity of legislation for the protection of the lives of railroad employees, but nothing has yet been done. During the year ending June 30, 1890, 369 brakemen were killed and 7,841 maimed while engaged in coupling cars. The total number of railroad employees killed during the year was 2,451, and the number injured, 22,390. This is a cruel and largely a needless sacrifice. The Government is spending nearly one million dollars annually to save the lives of shipwrecked seamen; every steam vessel is rigidly inspected and required to adopt the most approved safety appliances. All this is good; but how shall we excuse the lack of interest and effort in behalf of this army of brave young men who in our land commerce are being sacrificed every year by the continued use of antiquated and dangerous appliances? A law requiring of every railroad engaged in interstate commerce the equipment each year of a given per cent of its freight cars with automatic couplers and air brakes would compel an agreement between the roads as to the kind of brakes and couplers to be used and would very soon and very greatly reduce the present fearful death rate among railroad employees.

The method of appointment by the States of electors of President and Vice President has recently attracted renewed interest by reason of a departure by the State of Michigan from the method which had become uniform in all the States. Prior to 1832 various methods had been used by the different States and even by the same State. In some the choice was made by the legislature; in others electors were chosen by districts, but more generally by the voters of the whole State upon a general ticket. The movement towards the adoption of the last-named method had an early beginning and went steadily forward among the States, until in 1832 there remained but a single State, South Carolina, that had not adopted it. That State, until the civil war, continued to choose its electors by a vote of the legislature, but after the war changed its method and conformed to the practice of the other States. For nearly sixty years all the States save one have appointed their electors by a popular vote upon a general ticket, and for nearly thirty years this method was universal.

After a full test of other methods, without important division or dissent in any State and without any purpose of party advantage, as we must believe, but solely upon the considerations that uniformity was desirable and that a general election in territorial divisions not subject to change was most consistent with the popular character

of our institutions, best preserved the equality of the voters, and perfectly removed the choice of President from the baneful influence of the "gerrymander," the practice of all the States was brought into harmony. That this concurrence should now be broken is, I think, an unfortunate and even a threatening episode, and one that may well suggest whether the States that still give their approval to the old and prevailing method ought not to secure, by a constitutional amendment, a practice which has had the approval of all. The recent Michigan legislation provides for choosing what are popularly known as the Congressional electors for President by Congressional districts, and the two Senatorial electors by districts created for that purpose. This legislation was, of course, accompanied by a new Congressional apportionment and the two statutes bring the electoral vote of the State under the influence of the "gerrymander."

These gerrymanders for Congressional purposes are in most cases buttressed by a gerrymander of the legislative districts, thus making it impossible for a majority of the legal voters of the State to correct the apportionment and equalize the Congressional districts. A minority rule is established that only a political convulsion can overthrow. I have recently been advised that in one county of a certain State three districts for the election of members of the legislature are constituted as follows; One has 65,000 population; one, 15,000, and one, 10,000; while in another county, detached, non-contiguous sections have been united to make a legislative district. These methods have already found effective application to the choice of Senators and Representatives in Congress, and now an evil start has been made in the direction of applying them to the choice by the States of electors of President and Vice President. If this is accomplished, we shall then have the three great departments of the Government in the grasp of the "gerrymander," the legislative and executive directly and the judiciary indirectly through the power of appointment.

An election implies a body of electors having prescribed qualifications, each one of whom has an equal value and influence in determining the result. So when the Constitution provides that "each State shall appoint" (elect), "in such manner as the legislature thereof may direct, a number of electors," etc., an unrestricted power was not given to the legislatures in the selection of the methods to be used. "A republican form of government" is guaranteed by the Constitution to each State, and the power given by the same instrument to the legislatures of the States to prescribe methods for the choice, by the State, of electors must be exercised under that limitation. The essential features of such a

government are the right of the people to choose their own officers and the nearest practicable equality of value in the suffrages given in determining that choice.

It will not be claimed that the power given to the legislature would support a law providing that the persons receiving the smallest vote should be the electors or a law that all the electors should be chosen by the voters of a single Congressional district. The State is to choose, and, under the pretense of regulating methods, the legislature can neither vest the right of choice elsewhere nor adopt methods not conformable to republican institutions. It is not my purpose here to discuss the question whether a choice by the legislature or by the voters of equal single districts is a choice by the State, but only to recommend such regulation of this matter by constitutional amendment as will secure uniformity and prevent that disgraceful partisan jugglery to which such a liberty of choice, if it exists, offers a temptation.

Nothing just now is more important than to provide every guaranty for the absolutely fair and free choice by an equal suffrage, within the respective States, of all the officers of the National Government, whether that suffrage is applied directly, as in the choice of Members of the House of Representatives, or indirectly, as in the choice of Senators and electors of President. Respect for public officers and obedience to law will not cease to be the characteristics of our people until our elections cease to declare the will of majorities fairly ascertained, without fraud, suppression, or gerrymander. If I were called upon to declare wherein our chief national danger lies, I should say, without hesitation, in the overthrow of majority control by the suppression or perversion of the popular suffrage. That there is a real danger here all must agree, but the energies of those who see it have been chiefly expended in trying to fix responsibility upon the opposite party, rather than in efforts to make such practices impossible by either party.

Is it not possible now to adjourn that interminable and inconclusive debate while we take, by consent, one step in the direction of reform by eliminating the gerrymander, which has been denounced by all parties, as an influence in the selection of electors of President and members of Congress? All the States have, acting freely and separately, determined that the choice of electors by a general ticket is the wisest and safest method, and it would seem there could be no objection to a constitutional amendment making that method permanent. If a legislature chosen in one year upon purely local questions should, pending a Presidential contest, meet, rescind the law for a choice upon a general ticket, and provide for

the choice of electors by the legislature, and this trick should determine the result, it is not too much to say that the public peace might be seriously and widely endangered.

I have alluded to the "gerrymander" as affecting the method of selecting electors of President by Congressional districts, but the primary intent and effect of this form of political robbery have relation to the selection of Members of the House of Representatives. The power of Congress is ample to deal with this threatening and intolerable abuse. The unfailing test of sincerity in election reform will be found in a willingness to confer as to remedies and to put into force such measures as will most effectually preserve the right of the people to free and equal representation.

An attempt was made in the last Congress to bring to bear the constitutional powers of the General Government for the correction of frauds against the suffrage. It is important to know whether the opposition to such measures is really rested in particular features supposed to be objectionable or includes any proposition to give to the election laws of the United States adequacy to the correction of grave and acknowledged evils. I must yet entertain the hope that it is possible to secure a calm, patriotic consideration of such constitutional or statutory changes as may be necessary to secure the choice of the officers of the Government to the people by fair apportionments and free elections.

I believe it would be possible to constitute a commission, non-partisan in its membership and composed of patriotic, wise, and impartial men, to whom a consideration of the question of the evils connected with our election system and methods might be committed with a good prospect of securing unanimity in some plan for removing or mitigating those evils. The Constitution would permit the selection of the commission to be vested in the Supreme Court, if that method would give the best guaranty of impartiality.

This commission should be charged with the duty of inquiring into the whole subject of the law of elections as related to the choice of officers of the National Government, with a view to securing to every elector a free and unmolested exercise of the suffrage and as near an approach to an equality of value in each ballot cast as is attainable.

While the policies of the General Government upon the tariff, upon the restoration of our merchant marine, upon river and harbor improvements, and other such matters of grave and general concern are liable to be turned this way or that by the results of Congressional elections, and administrative policies, sometimes involving issues that tend to peace or war, to be turned this way or



that by the results of a Presidential election, there is a rightful interest in all the States and in every Congressional district that will not be deceived or silenced by the audacious pretense that the question of the right of any body of legal voters in any State or in any Congressional district to give their suffrages freely upon these general questions is a matter only of local concern or control. The demand that the limitations of suffrage shall be found in the law, and only there, is a just demand, and no just man should resent or resist it. My appeal is, and must continue to be, for a consultation that shall "proceed with candor, calmness, and patience upon the lines of justice and humanity, not of prejudice and cruelty."

To the consideration of these very grave questions I invite not only the attention of Congress, but that of all patriotic citizens. We must not entertain the delusion that our people have ceased to regard a free ballot and equal representation as the price of their allegiance to laws and to civil magistrates.

I have been greatly rejoiced to notice many evidences of the increased unification of our people and of a revived national spirit. The vista that now opens to us is wider and more glorious than ever before. Gratification and amazement struggle for supremacy as we contemplate the population, wealth, and moral strength of our country. A trust, momentous in its influence upon our people and upon the world, is for a brief time committed to us, and we must not be faithless to its first condition—the defense of the free and equal influence of the people in the choice of public officers and in the control of public affairs.

BENJ. HARRISON.

EXECUTIVE MANSION,  
*December 9, 1891.*



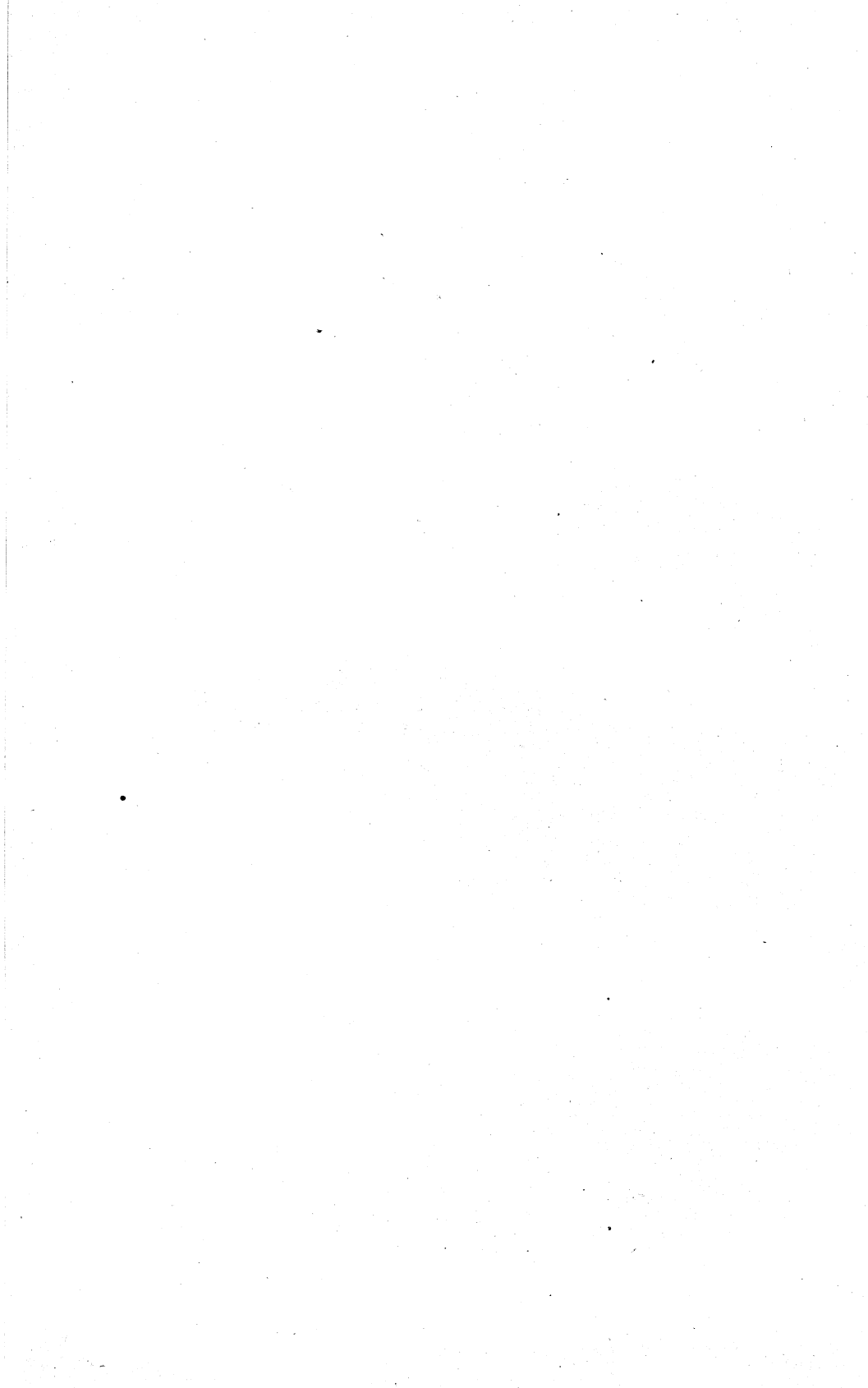
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FOREIGN RELATIONS.

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96	Mr. Blaine to Mr. Pitkin.....	Feb. 13	Port charges on vessels putting into Buenos Ayres in distress: Transmits the complaint of the National Board of Marine Underwriters and instructs to investigate and remedy.	4
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	Mr. Wharton to Mr. Pacheco (telegram).	Aug. 10	Right of asylum: Confiscation of the steamship <i>City of Panama</i> . Advises Mr. Pacheco of the intelligence received from the minister of foreign affairs of Salvador of the refusal of the captain of the steamer to surrender a passenger and of the subsequent sentence of confiscation of the vessel, and instructs him to protest against any arbitrary action.	68
	Mr. Pacheco to Mr. Blaine (telegram).	Aug. 10	Same subject: Reports the facts stated in the above telegram and announces that the <i>City of Panama</i> was declared confiscated on arrival at Libertad.	68
	Mr. Wharton to Mr. Pacheco (telegram).	Aug. 13	Same subject: Confirms preceding telegraphic instruction and calls for a full report.	68
13	Same to same.....	Aug. 13	Same subject: Incloses telegram of United States consul at San Salvador and a letter from the Pacific Mail Steamship Company referring to the case.	69
	Mr. Pacheco to Mr. Blaine (telegram).	Aug. 14	Same subject: Reports the safe arrival of the <i>City of Panama</i> at San Jose de Guatemala, where the authorities will deliver clearance papers; protest will be telegraphed at once to Salvador.	70
53	Same to same.....	Aug. 18	Same subject: Incloses a copy of his protest telegraphed to minister of foreign affairs of Salvador.	70
54	Same to same.....	Aug. 19	Same subject: Incloses detailed report of Capt. White of the <i>City of Panama</i> to the company's general agent at Panama, with its inclosures; explains that telegraphic communications with Salvador being interrupted, he has not yet received any answer to his protest.	70
21	Mr. Wharton to Mr. Pacheco.	Aug. 22	Seizure of arms on the <i>Colima</i> : Reviews the action taken by the chargé d'affaires and by himself, and expresses regret that it should have led to the misconception on the part of the Guatemalan Government of the true purport of reparation expected; instructs him to advise that Government that the question of indemnity is reserved for future consideration.	74
55	M. Pacheco to Mr. Blaine...	Aug. 26	Right of asylum: Confiscation of steamship <i>City of Panama</i> : incloses copies of two notes from the minister of foreign affairs of Guatemala relating to the confiscation, and his reply, maintaining the right of Capt. White to refuse the surrender of a political offender.	76
	Mr. Wharton to Mr. Pacheco (telegram).	Aug. 28	Same subject: Instructs him to secure assurance that the <i>City of Panama</i> will not be detained on her return trip to Salvador, and to enter strong protest against any contemplated seizure of the ship.	79
58	Mr. Pacheco to Mr. Blaine...	Aug. 31	Same subject: Incloses copy of his telegram to the foreign office of Guatemala in compliance with the above instructions.	79
	Same to same (telegram)....	Sept. 3	Same subject: The <i>City of Panama</i> will not be detained longer than permitted under the contract, and indemnity will be paid if unlawful detention be ordered; the confiscation proceedings will be continued.	80

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	Mr. Pacheco to Mr. Blaine.....	Sept. 9	Same subject: The offer of the Salvador Gov- ernment was evidently intended to apply to any case of unjust and exceptional detention.	80
	Mr. Wharton to Mr. Pacheco (telegram.)	Sept. 11	Right of asylum: Confiscation of steamship <i>City of Panama</i> ; asks what is the penalty on a vessel leaving port of Salvador without clearance papers.	81
	Same to same (telegram).....	Sept. 14	Same subject: Repeats the above instruction ..	81
	Mr. Pacheco to Mr. Blaine (telegram).	Sept. 15	Same subject: Reply to the above .....	81
	Same to same (telegram).....	Sept. 17	Same subject: No answer yet received as to time during which the steamer can be de- tained under the contract.	81
73	Same to same .....	Sept. 29	Seizure of arms on <i>Colima</i> : Instructions No. 21 have been complied with.	82
39	Mr. Wharton to Mr. Pacheco	Oct. 19	War rumors in Central America: In view of, instructs him to use his good offices for the maintenance of peace and the observance of arbitration principles.	82

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	Señor Guirola to Mr. Blaine..	1891. Feb. 3	War rumors in Central America: Adverts to preparations of Guatemala, said to be con- ducted in New York, and beseeches the friendly offices of the United States; news- paper extracts inclosed.	83
	Mr. Blaine to Señor Guirola..	Feb. 9	Same subject: In reply to the above, remarks that allegations should be first supported by affidavits.	85
	Señor Guirola to Mr. Blaine..	Feb. 10	Same subject: Affirms that Guatemala is pre- paring for war, and repeats his request of February 3.	86
	Mr. Blaine to Señor Guirola..	Feb. 18	Same subject: The United States will do all in its power to avert a conflict.	87
	Same to same .....	Feb. 27	Same subject: The collector of customs at New York has received instructions to prevent the violation of neutrality laws.	88
	Same to same .....	Apr. 23	Same subject: Upon investigation, no prepara- tions to disturb the peace in Central America have been found to be carried on in New York.	88
	Señor Galindo to Mr. Blaine (telegram.)	Aug. 8	Right of asylum: Denounces as an infringeme- nt of international law the refusal on the part of the steam ship <i>City of Panama</i> to sur- render a passenger.	88
	Same to same .....	Aug. 9	Same subject: The steamship <i>City of Panama</i> declared confiscated.	88
	Mr. Wharton to Señor Galindo	Aug. 13	Same subject: Acknowledges the above tele- grams and announces protest against any ar- bitrary action.	89

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100	Same to same .....	Oct. 17	Same subject: The cabinet formed in August resigned and a new one selected among mem- bers of the minority favorable to the Presi- dent, who summarily closed the session of Congress.	91
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123	Same to same .....	Jan. 19	Same subject: Proclamation of President Balmaceda inclosed; the Congressional forces have landed in Coquimbo, which they hold; the army is still loyal and rapidly increasing.	94
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	Same to same (telegram) ....	Mar. 8	Neutrality of the United States: Use of a war vessel of the United States requested by the Chilean Government for the transportation to Montevideo of bar silver destined to payment of interest on the national debt.	105
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147	Mr. Egan to Mr. Blaine .....	Mar. 31	Same subject: Antofagasta abandoned by the Government troops; elections took place without disturbance in all the provinces, except that of Tarapaca.	108
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	Same to same (telegram).....	Apr. 6	Revolution: Closing to commerce of certain ports by the Chilean Government announced.	108
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90	Mr. Blaine to Mr. Egan .....	Apr. 14	Same subject: The right of considering cases arising under the blockade decree is reserved.	109
152	Mr. Egan to Mr. Blaine.....	Apr. 14	Same subject: German and British legations have strongly protested against the closing of Congressionalist ports, and a German fleet is on its way to oppose its enforcement. He has not joined them, but received assurances that American vessels will not be molested.	110
	Same to same (telegram).....	Apr. 21	Neutrality of the United States: Purchase of United States war vessel is earnestly desired by the Chilean Government; previous advice confirmed.	110
153	Same to same.....	Apr. 21	Revolution: One English and one German steamer detained at Coronel; threats of British minister to release his vessel by force.	110
154	Same to same.....	Apr. 23	Same subject: A German fleet will be sent by the Imperial Government to Chilean waters from China; this measure is not looked upon favorably by Chileans.	111
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162	Same to same .....	May 13	War vessels of the United States: Movements reported.	122
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	Mr. Egan to Mr. Blaine (telegram).	May 16	Same subject: Explains and denies report of threats to the envoys; they have been given every facility to leave the country.	123
164	Same to same .....	May 18	Same subject: Reports the initiation and progress of negotiations for peace, and their abrupt termination in consequence of an attempt on the lives of members of the cabinet, and the mediators' intervention in behalf of the envoys' safety which that event had placed in jeopardy. Inclosures: Safe conduct for the envoys; acceptance of good offices by the same; bases of negotiations submitted by the same; letter of the minister of foreign affairs to the mediators; reply of Mr. Egan; letter of the mediators to the envoys, and to the minister of foreign affairs in regard to termination of negotiations and of safe conduct.	123
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	Mr. Egan to Mr. Blaine (telegram).	June 3	Revolution: Superiority in forces and resources of the Government.	132
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	Mr. Egan to Mr. Blaine (telegram).	June 9	Mediation: Peace propositions would be entertained by the Government, but the revolutionists are averse to making any.	135
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	Mr. Wharton to Mr. Egan (telegram).	June 26	Mediation: Information from the naval officers confirms the impression that the insurgents, contrary to Mr. Egan's report, would accept the good offices of the United States, and he is instructed to ascertain whether the Government would likewise accept the same.	140
175	Mr. Egan to Mr. Blaine .....	June 27	Same subject: Incloses correspondence toward restoration of peace passed between the Junta and Rear-Admiral McCann, of the U. S. Navy, accompanying it with a denial that it was carried at his request, and a statement that mediation at present can not be considered.	140
	Mr. Wharton to Mr. Egan (telegram).	June 30	Cable of the Central and South American Telegraph Co.: The company are prevented from operating it between Iquique and Valparaiso, and would open direct connection between the latter place and Peru but fear the officials at Iquique would then cut it.	144
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	Mr. Wharton to Mr. Blaine (telegram).	July 3	Neutrality: War vessel desired by Chilean Government. The Navy Department has none for sale.	144
115	Mr. Wharton to Mr. Egan....	July 9	Revolution: Closing of certain ports to commerce. In view of the assurance that American vessels will not be molested, no instruction in that respect seems necessary.	144
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	Mr. Wharton to Mr. Egan (telegram).	July 14	Cable of the Central and South American Telegraph Co. will be connected in the open sea on the 20th of July.	145
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	Mr. Egan to Mr. Blaine (telegram).	July 25	Clearance to vessels will be granted by Chilean Government only under condition that respective ministers will sign agreement to have their vessels released by force if compelled to enter insurgent ports; asks if he can give the required assurance, as the representatives of Great Britain, Germany, and France have done.	147
	Mr. Wharton to Mr. Egan (telegram).	July 25	Same subject: Declines permission requested in the above telegram, and says the United States will always take proper steps to protect vessels flying its flag.	147
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183	Same to same.....	July 28	Same subject: Bar silver which the Department declined to allow to be carried to Montevideo on a United States war vessel has been placed on board the British war ship <i>Espiegle</i> , to the destination of England.	148

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185	Same to same.....	July 30	Neutrality: Attacks on Mr. Egan for alleged nonobservance of neutrality, presented in Mr. Wharton's No. 106, are denied and refuted.	149
188	Same to same.....	Aug. 3	Same subject: Alleged partiality of British navy to the insurgents' cause. Transmits instances asserted by the Chilean Government, and incloses article from <i>la Nación</i> .	150
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191	Same to same.....	Aug. 8	Outrage on Mr. Herbert C. Stevenson, a United States citizen, by the intendante of Concepcion: Regret has been expressed and an indemnity of \$2,000 satisfactory to him, paid Mr. Stevenson. Letter of regret inclosed.	151
192	Same to same.....	Aug. 19	Revolution: Attack on the South by the insurgents anticipated; movements in sympathy with them repressed with barbarity.	152
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194	Same to same.....	Aug. 24	Revolution: Rout of the Government forces at Concon, near Valparaiso, and ensuing demoralization of the Balmaceda party; measures suggested by Mr. Egan to avert the sacking of Valparaiso, which, however, was not attacked by the victors.	153
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	Mr. McCreery to Mr. Blaine (telegram).	Aug. 28	Same subject: Defeat of the Government troops; Valparaiso, surrendered to foreign naval commanders for preservation of order, is being entered by the revolutionists.	155
	Mr. Wharton to Mr. Egan (telegram),	Aug. 28	Same subject: Communicates information contained in the above.	155
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195	Mr. Egan to Mr. Blaine.....	Aug. 31	Same subject: Resignation of Balmaceda induced by the American and French legations; Gen. Baquedano placed in charge of the city; scenes of disorder and pillage; sacking of Balmaceda's partisans' property; all legations except that of Great Britain sheltering large numbers of refugees.	155
	Mr. Wharton to Mr. Egan (telegram).	Sept. 1	Same subject: Calls for a full report of the situation.	159
	Mr. Egan to Mr. Blaine (telegram).	Sept. 1	Same subject: Revolutionists have organized the Government; asks whether he may recognize it; all tranquil.	159
	Mr. Wharton to Mr. Egan (telegram).	Sept. 4	Same subject: Instructions to recognize the new Government if formed and accepted by the people.	159
	Same to same (telegram).....	Sept. 7	Same subject: Requests telegraphic reply to the above telegram.	159
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198	Same to same.....	Sept. 7	Asylum: Refugees on board American and German war vessels. Informal feelers for their surrender are met by positive refusal of the American legation and German admiral.	161
199	Same to same.....	Sept. 10	Paper money issued by the late government will be recognized by the new one.	162
201	Same to same.....	Sept. 16	Members of the cabinet appointed.	162
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204	Same to same (telegram).....	Sept. 21	Suicide of Balmaceda .....	165
	Same to same .....	Sept. 21	Same subject: Balmaceda's letter to the Argentine minister.	165
	Same to same (telegram).....	Sept. 24	Asylum: Refugees in the legation would be tried criminally and their lives endangered if surrendered; it will not be done except under safe conduct. The legation is watched by police; two of the servants have been arrested and are in prison; firm protest has been made.	166
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	Mr. Wharton to Mr. Egan (telegram).	Sept. 26	Same subject: The question of right of asylum will be discussed later, but the United States will insist that no disrespect is shown to the legation, and prompt action from Chile is expected.	167
	Same to same (telegram).....	Sept. 26	Asylum: Information concerning the refugees requested.	167
	Mr. Egan to Mr. Blaine (telegram).	Sept. 27	Same subject: Reply to the above; names former situations, etc., of refugees given; the charge of conspiracy brought against them has been denied in a note in which safe conduct is again asked for; that favor was granted to 2 officers who had entered the British legation.	167
	Same to same (telegram).....	Sept. 28	Same subject: No answer has been made to his note referred to above.	168
205	Same to same .....	Sept. 29	Same subject: Particulars regarding the questions of asylum condensed in previous telegrams; status of the case regarding the other legations; correspondence with minister of foreign affairs relating thereto inclosed.	168
	Same to same (telegram).....	Sept. 30	Same subject: Safe conduct refused by minister of foreign affairs, who renews the charge of conspiracy against the refugees; no more arrests of visitors to the legation have been made.	177
	Mr. Wharton to Mr. Egan (telegram).	Oct. 1	Same subject: The right of asylum can not now be denied by Chile after being freely recognized; deprecates acts of disrespect to the legation, and recommends that the asylum be not abused by the refugees.	177
	Same to same (telegram).....	Oct. 1	Same subject: Instructions to keep the Department fully advised.	178
	Mr. Egan to Mr. Blaine (telegram).	Oct. 3	Same subject: The minister of foreign affairs denies any intention of disrespect to the legation, but insists upon the right of taking outside of the legation precautions against conspiracy.	178
	Mr. Wharton to Mr. Egan (telegram).	Oct. 6	Same subject: Information concerning refugees in other legations requested.	179
208	Mr. Egan to Mr. Blaine .....	Oct. 6	Disrespect to legation: Confirms in detail previous telegrams; particulars concerning several of the American and other visitors arrested on leaving the legation; the Spanish minister has agreed to act in harmony with the United States minister respecting the refugees in his legation; his correspondence and interviews with the minister of foreign affairs.	179
	Same to same (telegram).....	Oct. 8	Asylum: Number of refugees originally received and actually remaining in the several legations given; visitors to Spanish legation also arrested; no safe conduct granted in any case, but some allowed to leave under bond.	184
186	Mr. Wharton to Mr. Egan....	Oct. 9	Outrage on Mr. Stephenson: Action reported in No. 191 is approved.	184
	Mr. Egan to Mr. Blaine .....	Oct. 13	Asylum: The reply of foreign office expresses regret for disrespect shown to legation, which was in violation of orders, and that safe conducts can not be granted in consequence of decree submitting refugees to criminal trial.	184
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	Same to same (telegram).....	Oct. 18	Assault on seamen of the U. S. S. <i>Baltimore</i> : Announces the killing of one and wounding of 5 men, and the wounding of 1 Chilean.	194
211	Same to same .....	Oct. 19	Same subject: Letters of Capt. Schley, of the <i>Baltimore</i> , to the legation and to the intendente of Valparaiso.	194
	Same to same (telegram).....	Oct. 20	Asylum: Substance of the reply to request for safe conduct in which the right of Chile to decline to grant the same is maintained. Another decree provides that prisoners will not be brought before the courts or liberated even under order of the supreme courts. Victory of the Liberals at the polls.	195
	Same to same (telegram).....	Oct. 23	Same subject: substance of Mr. Egan's reply to the above suspending discussion pending decision of the United States Government, but giving reasons why the refusal of safe conduct must be interpreted as an unfriendly act.	196
	Same to same (telegram).....	Oct. 23	Assault on the seamen of the <i>Baltimore</i> : Capt. Schley reports the attack to have been unprovoked; the legation will wait for instructions.	196
	Mr. Wharton to Mr. Egan (telegram.)	Oct. 23	Same subject: In view of the participation of the police and of the delay on the part of the Government of Chile to offer any expression of regret or of purpose to punish the perpetrators, instructs him to request an explanation.	196
	Mr. Egan to Mr. Blaine (telegram.)	Oct. 26	Asylum: Persistent refusal to grant safe conduct; he thinks further exchange of notes would be useless.	197
	Same to same (telegram).....	Oct. 26	Assault on the seamen of the <i>Baltimore</i> : Asks what reparation is expected.	197
213	Same to same .....	Oct. 26	Asylum: Incloses, with comments, copies of the notes from and to the Chilean Government and decree of the Junta and of the Supreme Court relative to refugees.	198
214	Same to same .....	Oct. 26	Political: Result of the legislative elections.	202
	Mr. Blaine to Mr. Egan (telegram).	Oct. 28	Instructions to maintain his position and to draw for any amount needed.	203
	Mr. Egan to Mr. Blaine (telegram).	Oct. 28	Assault on the sailors of the <i>Baltimore</i> : Reply of the Chilean Government to Mr. Egan's note. It will recognize no authority to judge the case but that established by the nation. The American sailors were made to sign a document in Spanish, and no officer allowed to be present at the examination.	203
217	Same to same .....	Oct. 28	Same subject: Confirms with particulars the above telegram; incloses Capt. Schley's letter to the legation and report to the board of investigation, and notes exchanged with the Chilean foreign office.	204
	Same to same (telegram).....	Oct. 30	Same subject: The investigation is secret; Capt. Schley and the United States consul at Valparaiso have been invited to submit evidence and will refer it to the legation; requests instructions.	210
	Same to same (telegram).....	Oct. 31	Same subject: Reply of the minister of foreign affairs expresses no regret; says that the result will be communicated and the guilty punished, and gives the report of the intendente exonerating the police; denying any knowledge of the origin of the trouble or of Riggin's murderer, and describing the assault as a free fight among drunken sailors.	210
	Same to same (telegram).....	Oct. 31	Instructions of Oct. 28 acknowledged.....	211
	Mr. Blaine to Mr. Egan (telegram).	Nov. 1	Assault on the sailors of the <i>Baltimore</i> : Instructions to have the paper signed by the sailors shown to him and to allow no officer or man to testify except in the presence of a counsel in his own language and publicly.	211
	Mr. Egan to Mr. Blaine (telegram).	Nov. 3	Same subject: Capt. Schley has been advised to tender evidence in accordance with the above instructions; the same judge who refused to let officers of the <i>Baltimore</i> attend the examination, granted that favor to the secretary of the German consulate in a similar circumstance one month earlier.	211



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220	Mr. Egan to Mr. Blaine.....	1891. Nov. 3	Same subject: Confirms in detail his telegrams of Oct. 31 and Nov. 3. Incloses note of minister of foreign affairs referred to in the telegram of Oct. 31; two letters of Capt. Schley giving the names of witnesses and reply thereto; correspondence between Capt. Schley and the intendente of Valparaiso, and letter of the United States consul at Valparaiso, relative to the favor mentioned in the telegram of Nov. 3 as having been granted to the secretary of the German consulate.	211
	Mr. Blaine to Mr. McCreery (telegram).	Nov. 3	Same subject: Full information requested by cable.	217
	Mr. Egan to Mr. Blaine (telegram).	Nov. 7	Outrage on fireman Shields of the steamship <i>Keweenaw</i> , reported by consul at Valparaiso; the ill treatment followed upon arrest on a charge of drunkenness.	217
	Same to same (telegram).....	Nov. 7	Asylum: Threats against the legation fomented by the press alleging a conspiracy of the refugees. Measures were taken by the authorities against hostile demonstration, resolved in a public meeting, but no denial of the charge was made previously to the meeting.	217
222	Same to same .....	Nov. 7	Assault on the sailors of the <i>Baltimore</i> : Incloses correspondence between Capt. Schley and the intendente in regard to witnesses, and second letter from the United States consul at Valparaiso relative to the attendance of secretary of the German consulate at investigation.	218
	Mr. McCreery to Mr. Blaine (telegram).	Nov. 8	Same subject: Full report transmitted as directed by Mr. Blaine's telegram of Nov. 3.	220
223	Mr. Egan to Mr. Blaine .....	Nov. 9	Outrage on Patrick Shields, of the <i>Keweenaw</i> : Incloses letter of United States consul to intendente at Valparaiso, together with medical report of injuries sustained, reply of intendente referring the matter to the judge of crime, and consul's letter reporting that Shields' name does not appear on the police records and that Shields was not brought before any court.	223
224	Same to same .....	Nov. 9	Asylum: Confirmatory of telegram of Nov. 7; incloses extract of <i>La Union</i> relating to alleged conspiracy and object of the meeting, call of said meeting, protest of Mr. Egan and Señor Matta's reply, and denial of conspiracy by the intendente.	223
	Same to same (telegram) .....	Nov. 10	Friendly sentiments expressed by the president of the provisional government at the call made officially by Mr. Egan.	226
226	Same to same .....	Nov. 10	Same subject: Confirms the above .....	226
	Same to same (telegram) .....	Nov. 11	Election of Señor Montt for President and resignation of the provisional government at the convening of Congress. New cabinet not yet formed, but better feeling is anticipated.	227
229	Same to same .....	Nov. 11	Confirms the above .....	227
230	Same to same .....	Nov. 11	Assault on the sailors of the <i>Baltimore</i> : The investigation is declared by Señor Matta to be delayed by the refusal of Capt. Schley and Consul McCreery to supply the judge with necessary information pending instructions from the legation.	228
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231	Same to same .....	Nov. 14	Confirms the above .....	229
232	Same to same .....	Nov. 16	Asylum: Refugees were received as guests at a cost of upwards of \$5,000; the Spanish legation provided shelter only.	229
	Same to same (telegram).....	Nov. 17	Disrespect to the legation: Protest has been made to the Chilean Government of the insulting conduct of spies by whom the legation is watched.	229
234	Same to same .....	Nov. 19	Attacks on Mr. Egan by Mr. Julio Foster in New York: Incloses his note to Señor Matta complaining that they were made under assumption of official character, and reply thereto denying that Mr. Foster was ever vested with any authority.	230

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236	Same to same.....	Nov. 20	Disrespect to the legation by intoxicated spies: Incloses his note of protest, the reply of Señor Matta, which, evading the question presented therein, hints at provocation on the part of the refugees, and Mr. Egan's final reply.	236
237	Same to same.....	Nov. 23	Outrage on Patrick Shields: Incloses copy of papers, which have been presented to the Chilean Government in a note, copy of which is inclosed except that relating to a claim for \$5,000, which it was thought best to withhold pending the investigation into the <i>Baltimore</i> case.	238
241	Same to same.....	Nov. 30	Assault on the sailors of the <i>Baltimore</i> : The testimony of the men was given on the 20th under the conditions approved by the Navy Department; incloses correspondence between Capt. Schley and the intendente making arrangements to that purpose.	246
242	Same to same.....	Nov. 30	Disrespect to the legation: The minister of foreign affairs again intimates that the occurrences complained of were brought on by indiscretions of the refugees or of their friends; Mr. Egan denies the charge.	248
	Mr. Blaine to Mr. Egan (telegram).	Dec. 3	Assault on the sailors of the <i>Baltimore</i> : Desires to know who asked Mr. Egan for his testimony which he is said by the Chilean minister to have declined to give.	250
	Mr. Egan to Mr. Blaine (telegram).	Dec. 3	Animosity against Americans is fostered by publication of official correspondence in the <i>Baltimore</i> case; safe-conducts are still refused, and watching of the legation by obnoxious spies continued.	250
	Same to same (telegram).....	Dec. 4	Asylum: Impeachment of refugees having been moved in Congress, the Secretary requested leave to notify them in person without using the channels of the foreign office. Mr. Egan expressed his surprise at this course. He says that unless otherwise instructed he will not receive any personal service in the legation.	250
	Same to same (telegram).....	Dec. 4	Assault on the sailors of the <i>Baltimore</i> : Reply to Mr. Blaine's telegram of December 3. His testimony was not asked. Explanations furnished.	251
243	Same to same .....	Dec. 4	Same subject: The investigation which, under Chilean law, should be secret, is published in a manner conducive to animosity against Americans. Incloses letter of Capt. Schley protesting against this and covering correspondence with the Intendente.	251
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246	Same to same .....	Dec. 5	Outrage on Patrick Shields: Submits additional facts which were requested by the Chilean Government and furnished by the consul at Valparaiso; correspondence inclosed.	256
247	Same to same .....	Dec. 7	Asylum: Confirms the telegram of December 4, and incloses the letter of the Secretary of the Chamber of Deputies, Mr. Egan's note to the foreign office, Señor Matta's reply offering explanations for the irregular course of the Secretary but maintaining the request for service of the impeachment at the legation, and Mr. Egan's note declining the same.	261
	Mr. Blaine to Mr. Egan (telegram).	Dec. 9	Assault on the sailors of the <i>Baltimore</i> : Asks whether the minister of foreign affairs requested Mr. Egan's testimony.	263
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	Same to same (telegram).....	Dec. 12	Difficulties with Chile: Offensive instructions sent by Señor Matta to the Chilean minister at Washington in reply to the President's annual message; it was read in the Senate and published in all the papers.	267
	Same to same (telegram).....	Dec. 13	Same subject: Text of his note asking whether the above as published was read by authority of the Government. The instructions have been telegraphed to all Chilean legations abroad.	269
	Same to same (telegram).....	Dec. 14	Same subject: Text of Señor Matta's reply to above note. He holds that those instructions being sent to the Chilean minister can not be discussed with the United States representative.	270
251	Same to same.....	Dec. 14	Same subject: Confirms the above telegrams, points to misstatements in the document and says that by reason of its publication and general offensiveness he will suspend intercourse with the Chilean Government until it is withdrawn or instructions sent him from Washington.	270
158	Mr. Blaine to Mr. Egan.....	Dec. 15	Outrage on Patrick Shields: Mr. Egan's dispatch No. 223 is acknowledged with approval of the action taken in the matter by the United States consul at Valparaiso.	272
	Mr. Egan to Mr. Blaine (telegram).	Dec. 17	Disrespect to legation; the legation has suspended intercourse with the foreign office; it is still submitted to offensive espionage, and violent attacks from the press, Mr. Egan's position is approved by the diplomatic corps.	272
	Same to same (telegram).....	Dec. 19	Same subject; Arrest of Mr. Egan's son reported.	273
	Same to same (telegram).....	Dec. 21	Same subject: Arrest of several visitors to the legation; the Argentine minister promises to consult with the diplomatic corps of which he is dean, and to interview the minister of foreign affairs.	273
	Same to same (telegram).....	Dec. 22	Same subject: The Argentine minister has been promised that uniformed police only will be left around the legation; the promise but partly fulfilled.	273
253	Same to same.....	Dec. 22	Same subject: Confirms previous telegrams, and incloses his invitation to the Argentine minister to call at the legation and see to what treatment it was being subjected.	273
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	Mr. Egan to Mr. Blaine (telegram).	Dec. 24	Acknowledges the above and says he has always been very careful in that respect.	275
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256	Same to same.....	Dec. 28	Same subject: Incloses the police reports mentioned in the above telegram and refutes the assertions found in those reports; confirms with details the statements of the said telegram and incloses the speech delivered by the president of the Senate at the banquet following the Presidential inauguration.	276
	Same to same (telegram).....	Dec. 30	Difficulties with Chile: Attitude of the minister of foreign affairs remains unchanged in spite of pleadings of British Minister, prompted by information received by Chilean Government as to the intention of the United States to issue an ultimatum. Better feeling may be hoped for when new ministry is formed.	284
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	Mr. Egan to Mr. Blaine (telegram).	Jan. 11	Right of asylum: This being in Valparaiso for the purpose of placing two refugees on board the <i>Yorktown</i> prevented him from seeing the minister for foreign affairs. No safe conduct has been granted, and five refugees remain in the legation.	285
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	Mr. Blaine to Mr. Egan (telegram).	Jan. 13	Assault on the sailors of the <i>Baltimore</i> : Asks whether evidence given by the <i>Baltimore</i> men or officers has been thrown out because conflicting.	286
	Mr. Egan to Mr. Blaine (telegram).	Jan. 15	Same subject: Replies to the above in the affirmative, giving particulars. Difficulties with Chile.	286
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	Mr. Egan to Mr. Blaine (telegram).	Jan. 17	Asylum: Relates the interview in which verbal guarantee was given for the safe departure of the refugees by the minister, subsequently confirmed by the under secretary, and then withdrawn by the minister.	287
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263	Same to same.....	Jan. 18	Assault on the sailors of the <i>Baltimore</i> : Incloses an arraignment of the investigation by a Chilean newspaper, and a translation by an English newspaper of the <i>Fiscal's</i> report.	289
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	Same to same (telegram).....	Jan. 21	Same subject: No answer has been received from the minister for foreign affairs, notwithstanding his promise of an early reply. Asks whether the report that the withdrawal was made in Washington is true, as rumored in Santiago.	307
	Mr. Blaine to Mr. Egan (telegram).	Jan. 21	Same subject: The President, satisfied that the assault on the sailors of the <i>Baltimore</i> was prompted by a feeling of resentment against the United States, demands the same reparation which the United States would freely concede, viz.: A suitable apology and adequate indemnity; in the matter of Mr. Matta's instructions to Minister Montt, the publicity given to it calls for an immediate withdrawal and suitable apology; if satisfaction is not given at once diplomatic relations will be terminated; the question of Mr. Egan's recall at the request of the Chilean Government will not be considered until a reply to this note has been received.	307
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	Mr. Egan to Mr. Blaine (telegram).	Jan. 22	Same subject: The instructions of January 21 will be delivered to-morrow. Assurances of friendship were given him on January 11 by Prime Minister Luco.	309

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	Señor Lazcano to Mr. Wharton.	June 22	Same subject: Mission of Señor Pedro Montt as diplomatic representative of the Junta. Urges that it be given no recognition and cites precedents set by the United States Government at the time of the civil war.	317
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	Mr. Wharton to Mr. Lazcano.	July 9	Same subject: A copy of the above note and of the telegram of May 8 from the United States Consul at Valparaiso have been sent to the Attorney-General.	322
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	Mr. Wharton to Señor Lazcano.	July 21	Same subject: Copies transmitted as above requested.	322
	Señor Pedro Montt to Mr. Blaine.	Aug. 28	Defeat of the Balmaceda forces and surrender of the city of Valparaiso.	323
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	Mr. Blaine to Sir Julian Pauncefote.	Apr. 14	Same subject: Gives six questions proposed for arbitration: The United States claim the same right to power beyond 3-mile limit as Great Britain; cites act of Parliament of 1889, attempting to control body of water on coast of Scotland 2,700 square miles in extent. Map of that body inclosed.	548
	Sir Julian Pauncefote to Mr. Blaine.	Apr. 20	Same subject: The stoppage of all sealing at sea and on land seems to be acceptable to Lord Salisbury, who wishes to know whether it would be preferred that the proposal come from the British Government.	552
	Mr. Blaine to Sir Julian Pauncefote.	May 4	Same subject: Reviews the negotiations for a <i>modus vivendi</i> pending the result of arbitration; concessions made by the President in consequence thereof; recital of the obligations imposed on the North American Company in return for the sealing privilege, which make it necessary that they should be allowed to take a limited number of seals contrary to the claim of Great Britain that sealing should be absolutely prohibited on both sides; submits terms of agreement on that basis.	552
	Sir Julian Pauncefote to Mr. Blaine.	May 5	Same subject: Acknowledges the above, of which a copy has been mailed, and precise terms telegraphed to London. Deprecates alleged delay; refers to previous interviews; mentions the exception taken at the two conditions that the right to kill a certain number of seals was reserved for the American company, and that the <i>modus vivendi</i> was not to be put in force until arbitration was agreed upon, and expresses satisfaction that the latter condition has been removed.	555
	Mr. Adee to Sir Julian Pauncefote.	May 20	Same subject: Requests a reply to proposition of the 4th.	557
	Sir Julian Pauncefote to Mr. Adee.	May 21	Same subject; Reply requested has not yet been received, but is expected to arrive in the course of a day.	557
	Mr. Adee to Sir Julian Pauncefote.	May 26	Same subject; Points to the reasons for which a prompt reply is desired; revenue cutters have been ordered to proceed to the fisheries, and the orders would be made definite by the conclusion of an agreement.	557
	Sir Julian Pauncefote to Mr. Adee.	May 27	Same subject: Regrets the delay, and makes excuse on the ground of the lateness of the proposal.	558
	Sir Julian Pauncefote .....	June 3	Same subject: Proposal for <i>modus vivendi</i> by the British Government.	558
	Do .....	do .....	Same subject: Assents to the first five questions submitted by Mr. Blaine on April 14; makes a counter proposition in respect of question 6, and of compensation for damages sustained.	559
	Mr. Wharton to Sir Julian Pauncefote.	June 4	Same subject: Proposes substitutes for subdivisions 1 and 2 of the British proposal for <i>modus vivendi</i> of June 3; takes exception to subdivision 3, relative to the appointment of consuls, and objects decidedly to condition 4 of the previous assent of Russia; suggests that the navies of both nations enforce the agreement when it is concluded; reply to proposal of June 3.	559
	Sir J. Pauncefote to Mr. Wharton.	June 6	Same subject: Submits the telegraphic reply to the above note accepting the proposals therein on condition that the British Government be allowed to supervise the execution of the agreement on the islands, and that the prohibition will be extended to the whole of the Bering Sea. Insists that the terms of arbitra-	561

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	Mr. Wharton to Sir J. Pauncefote.	June 6	Same subject: Reply to the above. Objects to the claim of supervision by British authorities of the killing on land which is already supervised by American officials whose integrity is to be upheld, but agrees to the appointment of one or two commissioners for the collection of facts to be placed before the arbitrators. Submits proposal embodying this and other conditions agreed upon.	562
	Sir J. Pauncefote to Mr. Wharton.	June 8	Same subject: Submits, in reply to the above, an agreement telegraphed from London and containing modifications of and additions to that submitted in said note.	564
	Mr. Wharton to Sir J. Pauncefote.	June 9	Same subject: Reply to the above. Protests against the presenting of new propositions at this time; proceeds to discuss them and submits a form of agreement drafted with slight modifications after that presented on June 6; insists upon the necessity of a speedy settlement.	565
	Sir J. Pauncefote to Mr. Wharton.	June 10	Same subject: Presents a defense of the motives of Lord Salisbury in introducing new propositions at this time, but says they will probably not be insisted upon except that for a joint commission of four experts to report on the necessity for international arrangements.	567
	Same to same .....	June 11	Same subject: Reply has been received by telegraph from Lord Salisbury who regrets that the suggestions in regard to Russia have been rejected, but will authorize him to sign agreement if assurance is given respecting the commission of experts.	568
	Mr. Wharton to Sir J. Pauncefote.	June 11	Same subject: Acknowledges the above and accepts, pending a fuller reply, the terms therein presented.	568
	Sir J. Pauncefote to Mr. Wharton.	June 13	Same subject: He has received telegraphic permission to sign agreement under previously understood condition as to joint commission.	569
	Mr. Wharton to Sir J. Pauncefote.	June 13	Same subject: Appointment for the formal attestation to the <i>modus vivendi</i> .	569
	The President .....	June 15	Same subject: Proclamation <i>in re modus vivendi</i> .	570
	Mr. Wharton to Sir J. Pauncefote.	June 20	Same subject: Instructions issued by the Navy Department in pursuance of the above proclamation. Sir J. Pauncefote is furnished copies thereof and asked for instructions issued by the British Government.	571
	Sir J. Pauncefote to Mr. Wharton.	June 21	Same subject: Appointment of British commissioners under the agreement announced to visit Pribilof Islands.	573
	Sir J. Pauncefote (memorandum).	June 23	Same subject: Instructions issued to British naval senior officer stated. Suggestion of indemnity for any act in execution of the <i>modus vivendi</i> submitted.	573
	Mr. Wharton to Sir J. Pauncefote.	June 25	Same subject: Objections of British Government to arbitration proposition No. 6, presented by Mr. Blaine on Dec. 17, 1890. Reply to Lord Salisbury's note of the 26th of February, 1891, and of Sir J. Pauncefote's of June 3. The objection of the reference of the question of closed time to arbitration in such words as to attribute abnormal rights to the United States is met by a new proposition avoiding that objection; submits also a final clause in the matter of indemnification by which the interests of the United States as owner of the seal fisheries are not ignored as in the suggestion made in the note of June 3. Agreement in regard to the appointment of commissioners to visit the Pribilof Islands proposed.	574
	Same to same .....	June 26	Same subject: Instructions for the reception of the British commissioners at the fisheries transmitted.	575
	Same to same .....	June 26	Same subject: Instructions issued to British navy, as per note of the 24th, have been communicated to the Navy Department.	576

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	Mr. Wharton to Sir J. Pauncefote.	July 3	Same subject: Commissioners to visit the Bering Sea. Proposes they go and act together.	577
	Sir J. Pauncefote to Mr. Wharton.	July 6	Same subject: Reply to the above. Passage for the British Commissioners has already been arranged for, but they will be instructed to co-operate as much as possible.	577
	Same to same .....	July 6	Same subject: Act of Parliament and order in council in pursuance of <i>modus vivendi</i> agreement inclosed.	577
	Same to same .....	July 7	Same subject: Instructions (in full) to the naval forces of Great Britain in the Bering Sea inclosed.	583
	Mr. Adee to Sir J. Pauncefote.	July 8	Same subject: Note of 6th instant, inclosing act of Parliament and order in council, acknowledged.	584
	Mr. Wharton to Sir J. Pauncefote.	July 9	Same subject: Note of 7th and inclosure acknowledged.	584
	Sir J. Pauncefote to Mr. Wharton.	July 13	Same subject: The proposition in regard to indemnification made in the note of June 25 appears to Lord Salisbury to prejudice the question of liability. A form is submitted by which not only the facts but the liability arising from them shall be passed upon by the arbitrators.	585
	Mr. Wharton to Sir J. Pauncefote.	July 23	Same subject: The objection presented in the above note was not anticipated. It is contended that it was made with due regard to Lord Salisbury's own language and in a spirit of entire equality presents observations in support of that position; but, with a view to removing the last point of difference, the proposition is modified so as to meet the objection made against it.	585
	Sir J. Pauncefote to Mr. Wharton.	Aug. 8	Same subject: Indemnities for acts committed by cruisers of either nation. Solicits a reply to the question relating thereto included in the memorandum transmitted with his note of June 23.	587
	Mr. Wharton to Sir J. Pauncefote.	Aug. 17	Same subject: Reply to the above. The President thinks it will be time to consider the question of indemnity when occasion has been given to claim the same.	588
	Same to same .....	Aug. 22	Same subject: Requests a reply to his note of July 23.	588
	Sir J. Pauncefote to Mr. Wharton.	Aug. 24	Same subject: Regrets his inability to furnish as yet the reply above requested.	588
	Same to same (telegram) .....	Aug. 26	Same subject: Your note of 22d. Important letter posted to-day.	589
	Same to same (unofficial) .....	Aug. 26	Same subject: The British Government can not accept proposed form in note of July 23, because implying the admission of the doctrine that governments are liable for acts of their nationals. Without leaving the question of damages entirely out, as suggested by Mr. Wharton at one time, a middle course might be adopted, and, omitting the question of liability, questions of fact might be referred to the arbitrators. Submits the wording of the clause drafted on that basis.	589
	Sir J. Pauncefote to Mr. Blaine.	Aug. 26	Same subject: The killing of seals is permitted, according to reports received from the Bering Sea Commissioners, to continue, although the number agreed upon, 7,500, is already exceeded, the excuse being that the limitation begins with the signature of the <i>modus vivendi</i> agreement. This Government is convinced the President will not countenance any such evasion of the spirit of said agreement.	590
	Mr. Wharton to Sir J. Pauncefote.	Sept. 2	Same subject: Note of August 26 (above) shall receive immediate attention.	590
	Same to same .....	Sept. 7	Same subject: The objection presented in (unofficial) note of August 26 is groundless. The President does not assume liability on the part of Great Britain, but, on the contrary, wishes to put the question of liability to the arbitrators. He can not accept the counter	591

## CORRESPONDENCE WITH THE BRITISH LEGATION AT WASHINGTON—Continued.

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	Mr. Wharton to Sir J. Pauncefote—Continued.	1891. Sept. 7	proposition to submit the question of facts only, as those are well known, and must insist that the question of liability shall go to arbitration.	
	Same to same .....	Oct. 10	Same subject: Alleged killing of seals in excess of number provided for by agreement. A reply to the note of August 26 has been delayed by the necessity of waiting for the United States agent's report. The agent's interpretation that the limitation should begin with the signing of the agreement was concurred in by the United States naval officers and the commissioners of both parties; a large number had been killed between that date and that of the receipt of instructions by the agent, leaving then but 3,029 to be taken "for the subsistence and care of the natives" from July 2, 1891, to May 1, 1892, and the agent, seeing that it would be inadequate, called upon the lessees to supply the deficiency with salt meat.	592
	Mr. Wharton to Sir J. Pauncefote.	Oct. 12	Same subject: Delay of ten weeks in replying to the proposal of July 23, for the settlement of claims for damages, is called to Sir Pauncefote's attention, together with the fact that the <i>modus vivendi</i> expires May 2, 1892. The President feels that if any effective action is to be taken in the matter before the next fishing season opens all the terms of agreement of arbitration should be disposed of immediately.	593
	Sir J. Pauncefote to Mr. Wharton.	Oct. 13	Same subject: Reply to the above. Lord Salisbury is expected in London this week; much of the period of ten weeks was taken up in informal discussions.	594
	Same to same .....	Oct. 17	Same subject: The British Government insists upon its interpretation of the damage clause as presented in his note of August 26. The same proposition is practically renewed.	594
	Mr. Wharton to Sir J. Pauncefote.	Oct. 22	Same subject: Regrets the determination reported in the above note and discusses it at some length, but with a view to induce a prompt solution submits a wording of the clause in conformity to the wish that questions of fact only shall be submitted to arbitration, the question of liability being reserved for future negotiations.	595
	Sir J. Pauncefote to Mr. Wharton.	Oct. 23	Same subject: Acceptance of the above proposition has been received by telegraph.	597
	Sir J. Pauncefote to Mr. Blaine.	Nov. 23	Same subject: States that two reservations are desired in article 6, viz, that the necessity and nature of any regulations are left to the arbitrators, and that such regulations will not become obligatory upon the United States and Great Britain until they have received the assent of the maritime powers.	598
	Mr. Blaine to Sir J. Pauncefote.	Nov. 27	Same subject: States that within a few days the minister had furnished the exact points that had been agreed upon for arbitration; that he now informs him by his note of the 23d instant that two reservations are desired in the sixth article; that all regulations should be left to the arbitrators, and that they shall be accepted by the other maritime powers before becoming obligatory upon the United States and Great Britain. Such a proposition will postpone the matter indefinitely, and it can not be taken into consideration. There is no objection to submitting it to the maritime powers for their assent, but the United States can not agree to make the adjustment with Great Britain dependent upon the action of third parties, who have no direct interest in the seal fisheries.	599
	Sir J. Pauncefote to Mr. Blaine.	Dec. 1	Same subject: States that with regard to the first reservation proposed in his note of 23d ultimo, the statement made in Department note of the 27th ultimo assures the same and it may be put aside. The object of the second reservation was to prevent the fisheries from being put at the mercy of some third power.	600



## CORRESPONDENCE WITH THE BRITISH LEGATION AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Sir J. Pauncefote to Mr. Blaine—Continued.	1891. Dec. 1	The regulation might be evaded by British and American sealers by simply hoisting the flag of a nonadhering power. Suggests that after the lapse of one year if either government complains that injury is being done to the fisheries it may give notice of a suspension of the regulations. Suggests also that if any dispute arises between the two nations the question in controversy shall be referred to an admiral of each, who may choose an umpire.	
	Mr. Blaine to Sir J. Pauncefote.	Dec. 2	Same subject: In reply to note of 1st instant, states that President is unable to see the apprehended danger of a third nation engaging in sealing; no other nation ever has. Russia will not dissent from the agreement because it will endanger her own sealing property. We may look to her to sanction and strengthen it. The two nations, however, should unite in a note to the principal powers advising them of what has been done and asking their approval. If the agreement is disturbed by a third nation Great Britain and United States can act conjointly. It is therefore hoped that arbitration may be allowed to proceed.	600
	Sir J. Pauncefote to Mr. Blaine.	Dec. 8	Same subject: States that his Government does not fear that the powers will reject the regulations, but that they will refuse to allow the arrest of their ships which may engage in sealing in violation of the regulations. It is probable that during the close season sealing will go on under other flags.	601
	Mr. Blaine to Sir J. Pauncefote.	Dec. 10	Same subject: States, in reply to note of 8th instant, that since the dispute began not a vessel of France or Germany has ever engaged in sealing; it would be unprofitable for them to sail 20,000 miles to do so. If we wait until they agree that their ships may be searched the last seal will have been taken. Russia is regarded as an ally and no American country will loan its flag. To stop now for outside nations is to indefinitely postpone the whole question. The President adheres to his ground, that we must have the arbitration as already signed.	602
	Sir J. Pauncefote to Mr. Blaine.	Dec. 11	Same subject: States that, in view of the strong opinion of the President that the danger apprehended by Lord Salisbury is too remote to justify delay, the British Government will not press the point, explained in his note of the 8th instant, but it reserves the right of raising it when the question of framing the regulations comes before the arbitrators. It is understood that they may attach such conditions to them as they may <i>a priori</i> judge to be necessary and just to the two powers. States that he is authorized to sign the text of the seven articles and of the joint commission article. Will call at Department at any time appointed.	603
	Mr. Blaine to Sir J. Pauncefote.	Dec. 14	Same subject: In reply to note of 11th instant, states that President objects to Lord Salisbury's making any reservation at all, and can not yield to him the right to appeal to the arbitrators to decide any point not embraced in the articles; to claim this right is to entirely change the arbitration. The President claims the right to have the seven points arbitrated. The matters to be arbitrated must be distinctly understood before the arbitrators are chosen. Is prepared to sign the articles without any reservation whatever, and will be glad to have him call at the Department on the 16th, at 11 a. m.	603
	Sir J. Pauncefote to Mr. Blaine.	Dec. 15	Same subject: Will transmit note of 14th instant to his Government. Pending further instructions, it is not in his power to proceed to the signature of the articles.	604

## CORRESPONDENCE WITH BRITISH LEGATION AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Sir J. Pauncefote to Mr. Blaine.	1891. Dec. 17	Same subject: States in reply to note of 14th instant that Lord Salisbury states that owing to the difficulties of telegraphic communication he has been misunderstood, and will defer discussion as to the course to be followed in case the regulations are evaded by a change of flag. States that no reservation was embodied in his note of the 11th instant, and agrees with the President that no point should be submitted to the arbitrators not embraced in the agreement. Is ready to sign the articles.	604
	Same to same.....	Dec. 30	Same subject: Declines to have the number of the arbitrators reduced from seven to five, but prefers that each country should be represented by two and the other three appointed by foreign governments.	606
	Same to same.....	1892. Jan. 16	Same subject: States that Messrs. Baden-Powell and Dawson will arrive on the 29th.	607
	Same to same.....	Jan. 21	Same subject: His Government accepts that the arbitrators shall be chosen by France, Italy, and Sweden.	607
	Same to same.....	Jan. 30	Same subject: Asks whether Department is prepared to proceed at once to the preparation and signature of the formal arbitration convention and Joint Commission.	607
	Mr. Blaine to Sir J. Pauncefote.	Feb. 4	Same subject: Inclosing arbitration convention and Joint Commission agreement and states that he is ready to proceed at once to the signature of the convention.	607
	Mr. Blaine to Sir Julian Pauncefote.	Feb. 4	Same subject: States that commissioners have been appointed to investigate and report, conjointly with British commissioners, upon facts relative to preservation of seal life; will be ready to confer informally with British colleagues at their convenience.	608
	Sir Julian Pauncefote to Mr. Blaine.	Feb. 6	Same subject: Note of February 4 acknowledged. States that Sir Baden-Powell and Prof. Dawson have been appointed commissioners in the matter of the preservation of seal life, and trusts that arrangements will be made at once for the meeting of the commission on Monday, 8th instant.	608
	Mr. Blaine to Sir Julian Pauncefote.	Feb. 6	Same subject: Regrets that the British commissioners are men who have already publicly expressed an opinion as to the merits of the question, but hopes this will not prevent a fair and impartial investigation. Supposed that before this the arbitration convention would be signed and thus have enabled the commissioners to proceed officially to a discharge of their duties, but as it became necessary to await approval of the draft of the instrument, has interposed no objection to preliminary conferences.	609
	Sir Julian Pauncefote to Mr. Blaine.	Feb. 8	Same subject: Deprecates the intimation that the British commissioners may be biased by previous public expressions of opinion; presents the defense of both of them; remarks that the same observation might be urged in the case of the American commissioners, and expresses satisfaction that the course adopted is in accord with that suggested by him in the note dated April 29, 1890.	610
	Mr. Blaine to Sir Julian Pauncefote.	Feb. 9	Same subject: The British commissioners, wishing to postpone joint conferences until arbitration convention shall have been signed, the United States commissioners have been instructed to make known their readiness to proceed without further delay, the United States Government regarding the convention as substantially agreed upon.	611
	Sir Julian Pauncefote to Mr. Blaine.	Feb. 11	Same subject: Acknowledges above; makes mention of two preliminary conferences, and says the British commissioners hope to arrange for the formal opening of their session.	612
	Mr. Blaine to Sir Julian Pauncefote.	Feb. 12	Same subject: Refusal to discuss <i>modus vivendi</i> by the British commissioners: the value of the work of the commission will be diminished thereby. What is the scope of the duties of the British commissioners?	612

## CORRESPONDENCE WITH THE BRITISH LEGATION AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1892.		
	Sir Julian Pauncefote to Mr. Blaine.	Feb. 13	Same subject: He is awaiting instructions of Lord Salisbury, to whom the draft of arbitration convention inclosed in the note of February 4 has been forwarded.	612
	Same to same.....	Feb. 13	Same subject: Expresses the opinion that British commissioners can not discuss the <i>modus vivendi</i> without special authority from their Government.	613
	Same to same.....	Feb. 19	Same subject: No opinion can be expressed by the British Government as to the <i>modus vivendi</i> question raised in the interview of the 2d instant, until they know what is proposed.	613
	Mr. Blaine to Sir Julian Pauncefote.	Feb. 24	Same subject: Urges the necessity of a <i>modus vivendi</i> . The terms should be similar to those of last year, but better executed; asks that the contents of this note be transmitted by telegraph, every day of delay involving great trouble to both Governments.	614
	Same to same.....	Feb. 26	Same subject: Sealing schooners are reported by United States consul at Victoria to have cleared to the number of forty-six, with six or seven more to go, as against thirty same date last year. The need of an agreement will soon be over if it is not arrived at soon.	614
	Same to same.....	Feb. 27	Same subject: Fixes the 29th as the day, on which to sign the treaty of arbitration.	615
	.....	Feb. 29	Same subject: Agreement between the United States and Great Britain to arbitrate the questions arising out of the seal fisheries in Bering Sea.	615
	Sir Julian Pauncefote to Mr. Blaine.	Feb. 29	Same subject: Reply to the note of the 24th. Lord Salisbury does not admit that the delays have been greater on the part of Great Britain. The British commissioners have reported that there is no danger of a serious diminution of the seals, and therefore the necessity of a <i>modus vivendi</i> is not apparent. Still he would not object to the prohibition limited to a zone not more than 30 miles around the Pribyloff Islands, provided the catch on the islands be limited to 30,000. The simile of trees would be more appropriate if applied to grass, which, like the seals, will be reproduced next year if cut this year, pending the result of arbitration.	619
	Same to same.....	Mar. 7	Same subject: Presents arguments in support of Lord Salisbury's refusal to accede to another <i>modus vivendi</i> . The first was agreed to (as per note of June 6, 1891) under stipulation that the measure could not be repeated. There is no apparent danger to the seal species. The zone proposed is more extensive than that mentioned by Mr. Blaine on March 16, 1891. The anticipation of conflicts, considered in the note of May 4, 1891, has been met by the provisions of the Bering Sea act of Parliament and order in council.	620
	Mr. Wharton to Sir Julian Pauncefote.	Mar. 8	Same subject: The President regrets that Great Britain should decline to agree to an effective mode of protecting a property, the title to which is being submitted to arbitration, a course demanded by common equity. The simile of grass cutting refuted. If Great Britain declines, as shown by quotations from previous correspondence, to assume responsibility for acts of her subjects she should restrain the same from committing such acts. The prohibition of seal killing was a matter of comity before arbitration was agreed upon. It is now a matter of obligation. The killing under the restrictions of last year was four times that made on land. It would become enormous in the absence of any restriction. The impracticability of a 30-mile zone, now proposed by Lord Salisbury, was pointed out by himself when the proposal came from this Government. The United States can not be expected to forego protecting its property while the arbitration is proceeding.	621

## CORRESPONDENCE WITH BRITISH LEGATION AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Sir Julian Pauncefote to Mr. Wharton.	1892. Mar. 19	Same subject: The disinclination of the British Government to agree to the <i>modus vivendi</i> is due to its belief that it is not necessary to prevent an undue diminution of the seal herds and to the fact that a prolonged sitting of the arbitration tribunal would entail heavy losses to the British sealers.	625
	Mr. Wharton to Sir Julian Pauncefote.	Mar. 22	Same subject: Urges the necessity for a prompt acceptance of a renewal of the last <i>modus vivendi</i> , the only one which the United States will accept, giving reasons therefor, and declares that the President is not willing to be found in any degree responsible for the results that may follow the insistence by either Government upon the extreme rights claimed by it.	625
	Sir Julian Pauncefote to Mr. Wharton.	Mar. 26	Same subject: His Government will agree to the <i>modus vivendi</i> if the tribunal of arbitration is permitted to assess the damages which may have been inflicted to either party in favor of which the decision will be rendered, or, if vessels giving security for such damages are excepted from the prohibition, no restriction being imposed on the sealing on the islands in the latter case.	628
	Same to same.....	Mar. 26	Same subject: Submits reference proposed by the British Government on the point of damages to be assessed by the arbitrators.	629
	Mr. Blaine to Sir Julian Pauncefote.	Apr. 7	Same subject: Submits draft of <i>modus vivendi</i> and expresses the willingness of the President to submit the question of damages to the arbitrators.	629
	Same to same.....	Apr. 14	Same subject: Delay of the British Government in replying is a matter of surprise and chagrin to the President, who made his comments on the objections of Lord Salisbury within one hour and a half. The responsibility for serious results can not be charged to the United States.	631
	Sir Julian Pauncefote to Mr. Blaine.	Apr. 14	Same subject: Delay is mainly due to rejection of offered amendments and alteration in one of the articles. The text can not be admitted to be mutually and fully established until the reply of Lord Salisbury, who is absent on the continent, is received.	632
	Same to same.....	Apr. 16	Same subject: Incloses, with explanations of the changes proposed, an amended draft of the <i>modus vivendi</i> which he is authorized to sign.	632
	.....	Apr. 18	Same subject: Text of the convention between the United States of America and Great Britain for the renewal of the existing <i>modus vivendi</i> in Bering Sea.	635
	Mr. Blaine to Sir Julian Pauncefote.	Apr. 20	Same subject: Notice of the advice and consent of the Senate to the ratification of the above convention.	637
	Same to same.....	Apr. 20	Same subject: Notice of the amendments accompanying the advice and consent of the Senate to the arbitration convention.	637
	Lord Salisbury to Sir Julian Pauncefote (telegram).	Apr. 23	Same subject: Instructions have been issued to Canadian authorities and naval forces in the Pacific Ocean concerning the renewal of the <i>modus vivendi</i> ; the order in council will be issued upon the Queen's return to England.	638
	Mr. Blaine to Sir Julian Pauncefote.	Apr. 28	Same subject: Instructions issued by the Navy Department relative to the <i>modus vivendi</i> ; requests copies of instructions issued by the British Government.	638
	Same to same.....	Apr. 29	Same subject: Acknowledges the receipt of Lord Salisbury's telegram of April 23.	639
	Sir Julian Pauncefote to Mr. Blaine.	May 11	Same subject: Suggests that United States naval officers be allowed the same discretion as the British officers to merely give warning to sealing vessels when found to be acting in ignorance.	639
	Mr. Blaine to Sir Julian Pauncefote.	May 12	Same subject: The instructions already issued can not be modified; sealing vessels, when seized will be turned over to the British naval officer at Unalaska, with whom the responsibility of releasing them will rest.	640

## CORRESPONDENCE WITH THE BRITISH LEGATION AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Wharton to Sir Julian Poncefote.	1892. May 21	Same subject: The release adverted to in the above note is not to be understood to be with the approval of the Government of the United States, which holds that all vessels seized should undergo trial. Adverts to the fact that all the seizures last year were by United States cruisers, and that the vessels seized were eventually released without action.	640
	Sir Julian Poncefote to Mr. Blaine.	June 2	Same subject: Instructions issued to British naval officers in regard to the enforcement of the <i>modus vivendi</i> .	641
	Mr. Wharton to Sir Julian Poncefote.	June 6	Same subject: Acknowledges the above .....	642
	Mr. Herbert to Mr. Wharton.	June 15	Same subject: Submits form of identic note to be presented to the Government of France, Italy, and Sweden for the appointment of arbitrators.	642
	Mr. Adee to Mr. Herbert ....	June 16	Same subject: Accepts the form of the identic note submitted above.	643

## HAWAII.

16	Mr. Stevens to Mr. Blaine ...	1891. Feb. 5	Death of King Kalakaua: Honors paid to the remains; accession of Queen Liliuokalani to the throne.	644
18	Same to same.....	Feb. 9	Same subject: Resolutions adopted by a meeting of Hawaiian citizens expressing gratitude for the courtesy of the Government and people of the United States, and reply of the United States minister.	645
19	Same to same.....	Feb. 16	Same subject: Resolutions passed by the Honolulu Chamber of Commerce.	646
15	Mr. Blaine to Mr. Stevens....	Feb. 28	Same subject: Acknowledges the receipt of Nos. 16 and 18 and pays tribute to the memory of the late King.	647
21	Mr. Stevens to Mr. Blaine....	Mar. 26	Same subject: Incloses acknowledgment of the Hawaiian minister for foreign affairs.	648

## CORRESPONDENCE WITH THE HAWAIIAN LEGATION AT WASHINGTON.

	Mr. Carter to Mr. Blaine.....	1891. Jan. 6	Visit of King Kalakaua: Transmits the thanks of His Majesty for the attentions paid him.	648
	Same to same.....	Jan. 21	Death of King Kalakaua: Gives notice of the, at San Francisco, on January 20.	649
	Mr. Blaine to Mr. Carter ....	Jan. 21	Same subject: Conveys the heartfelt sympathy of the President.	649

## HAITI.

89	Mr. Blaine to Mr. Douglass..	1891. Jan. 9	Detention of sailing vessels after their cargoes are discharged until the duties are paid: Incloses complaint of Messrs. G. A. Brett, Son & Co., of New York, and directs the legation to obtain the removal or modification of such restrictions.	650
120	Mr. Douglass to Mr. Blaine ..	Jan. 26	Same subject: Reports his interview with the minister for foreign affairs and his promise to give the matter due consideration.	651
127	Same to same.....	Feb. 9	Same subject: Reports further interview with the minister for foreign affairs in company with Rear-Admiral Gherardi, U. S. Navy.	651
97	Mr. Blaine to Mr. Douglass ..	Feb. 13	Same subject: Directs him to keep the matter in view.	652
99	Same to same.....	Feb. 27	Same subject: Acknowledges No. 127, above, and approves his insistence.	653
105	Same to same.....	Mar. 11	Same subject: Incloses a letter from Messrs. G. A. Brett, Son & Co., giving details as to one case as an example of the hardships imposed. Discusses the subject, which should receive instant attention.	653

## HAITI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
151	Mr. Douglass to Mr. Blaine...	1891. Apr. 17	Same subject: The matter will be made the subject of a special recommendation to Congress in President Hippolyte's forthcoming message.	654
157	Same to same .....	Apr. 27	Same subject: Transmits notes exchanged with the minister for foreign affairs and the expectation that the law or decree, the cause of complaint, will shortly be satisfactorily modified.	655
116	Mr. Wharton to Mr. Douglass	May 16	Same subject: Acknowledges, with gratification, the receipt of dispatch No. 157, above.	656
179	Mr. Douglass to Mr. Blaine ..	June 27	Same subject: Transmits passage of President Hippolyte's message referred to in dispatch No. 151, above.	656
128	Mr. Wharton to Mr. Terres ..	July 14	Same subject: Expresses the hope that the question will be speedily and satisfactorily settled, as indicated in dispatch No. 179.	657

## ITALY.

*Correspondence in relation to the killing of prisoners in New Orleans, March 14, 1891.*

Mr. Blaine to Governor Nicholls (telegram).	1890. Oct. 21	Representations of the Italian minister at Washington against the action of the mayor of New Orleans upon the murder of the chief of police transmitted.	658
Governor Nicholls to Mr. Blaine (telegram).	Oct. 28	Reply to the above: No trouble apprehended..	658
Mr. Adee to Baron Fava .....	Oct. 29	Transmits the above. ....	658
Baron Fava to Mr. Blaine.....	Nov. 18	Incloses the letter of the Italian consul at New Orleans to the grand jury of New Orleans in regard to the ill treatment and extortions suffered by the Italian subjects arrested on the charge of murdering the chief of police, and requests the intervention of the United States Government.	659
Mr. Blaine to Governor Nicholls.	Nov. 21	Transmits for his consideration the letter of the Italian consul.	660
Baron Fava to Mr. Blaine....	Nov. 29	Instructions received by the legation from the Italian Government in relation to the right of Italian residents to protection and to the reported action of the mayor of New Orleans.	661
Governor Nicholls to Mr. Blaine.	Dec. 2	Reports that indictments have been brought in against two prison officials for acts of brutality against prisoners, in consequence of the investigation made upon the letter of the Italian consul to the grand jury.	662
Mr. Wharton to Mr. Miller...	Dec. 4	Inquiry as to citizenship of the persons under indictment at New Orleans.	662
Mr. Blaine to Baron Fava....	Dec. 9	Transmits the substance of Governor Nicholls's letter of December 2, above.	662
Mr. Blaine to Governor Nicholls.	Dec. 9	Acknowledges the receipt of his letter of December 2.	663
Mr. Miller to Mr. Blaine .....	Dec. 20	List (1) of prisoners registered as voters, and (2) of those whose status is unknown, transmitted.	663
Consul Corte to Baron Fava (telegram).	1891, Mar. 14	Killing of the prisoners reported .....	665
Marquis Rudini to Baron Fava (telegram).	Mar. 14	Instructions to request immediate steps to protect the Italian colony and to punish the guilty.	665
Same to same (telegram).....	Mar. 15	Instructions to present formal protest in the event of the slightest agitation.	665
Baron Fava to Mr. Blaine....	Mar. 15	Formal protest in conformity to the two telegrams above.	666
Mr. Blaine to Governor Nicholls (telegram).	Mar. 15	Requests his cooperation in maintaining treaty obligations and bringing the offenders to justice. Expresses the President's regret that a question which should have been adjudged by settled rules of law was transferred to the passionate judgment of a mob.	666
Mr. Blaine to Baron Fava....	Mar. 15	Transmits a copy of the above .....	667
Mr. Whitehouse to Mr. Blaine (telegram).	Mar. 15	Reports the effects of the news from New Orleans,	667

## ITALY—Continued.

*Correspondence in relation to the killing of prisoners in New Orleans—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
175	Mr. Blaine to Mr. Porter (telegram).	1891. Mar. 15	Instructions to deliver to the foreign office a copy of the telegram to Governor Nicholls of March 15.	667
	Governor Nicholls to Mr. Blaine (telegram).	Mar. 16	Promises a reply by mail to the telegram of March 15; no further trouble to be anticipated; the nationality of the victims no factor in the disturbance.	668
	Mr. Porter to Mr. Blaine.....	Mar. 16	Confirms Mr. Whitehouse's telegram of March 15, which was sent at the request of the foreign office; reports his visit to Minister di Rudini on the occasion of the killing.	668
	Baron Fava to Mr. Blaine ...	Mar. 18	Incloses report of the occurrence by the Italian consul, which, in his opinion, shows the conduct of the local authorities to be censurable.	668
	Marquis Imperiali to Mr. Blaine.	Mar. 19	Incloses telegram from the Italian Government demanding official notice of the killing and reparation therefor.	670
	Baron Fava to Mr. Blaine ..	Mar. 21	Urges that satisfaction may be given before he is called upon to write an official note covering the reparation looked to in an inclosed telegram from the Italian minister for foreign affairs.	671
	Mr. Blaine to Baron Fava ...	Mar. 21	Repeats the request, previously made verbally, for information concerning the three victims alleged to be Italian subjects, asserting that the others are not entitled to the protection of the Italian Government.	671
	Baron Fava to Mr. Blaine ...	Mar. 21	Expects to receive the information above called for on the following day.	672
	Governor Nicholls to Mr. Blaine.	Mar. 21	In reply to the telegram of March 15, states that the trouble is terminated and that the grand jury has been charged in regard to the matter.	672
	Marquis Rudini to Baron Fava (telegram).	Mar. 24	Satisfaction expected consists in the punishment of the murderers and indemnity for the victims; if not granted, the minister will be recalled.	673
	Baron Fava to Mr. Blaine ...	Mar. 25	Incloses telegram from Marquis Rudini demanding immediate solution.	673
	Same to same .....	Mar. 25	Report of the Italian consul furnishing information as to four of the victims who are claimed to be Italian subjects, and five others who are not believed to be American citizens under the Constitution.	673
	Same to same .....	Mar. 26	Requests an immediate answer to Marquis Rudini's telegram of March 24.	674
	Mr. Blaine to Mr. Porter (telegram).	Mar. 29	Instructions to explain to the Italian Government the dual character of the Government of the United States, as well as the necessity of a previous thorough investigation.	675
	Baron Fava to Mr. Blaine ...	Mar. 31	Notice of his departure from the legation in consequence of the refusal of the United States Government to take the demands of the Italian Government into consideration. Marquis Imperiali, secretary of the legation, to be left in charge of the current business of the same.	675
	Mr. Blaine to Marquis Imperiali.	Apr. 1	Regrets the departure of Baron Fava; disputes the reasons assigned, pointing to a change of language used in his last note, and contending, first, that no assurance of punishment could be given even if the National Government had entire jurisdiction, and denying that an indemnity has been refused; a thorough investigation only was insisted upon.	676
	Mr. Porter to Mr. Blaine (telegram).	Apr. 1	The Italian Government insists upon being given an assurance that every effort would be made without delay to bring the offenders to justice.	677
180	Same to same .....	Apr. 1	Report of his interview with the under secretary, referred to above.	678
	Marquis Imperiali to Mr. Blaine.	Apr. 2	The Italian Government merely claimed the prompt institution of criminal proceedings against the offenders, but will not consider the incident closed until a formal declaration is received that such proceedings shall be promptly begun.	679

## ITALY—Continued.

*Correspondence in relation to the killing of prisoners in New Orleans—Continued.*

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Blaine to Governor Nichols (telegram).	1891. Apr. 3	Requests names of the four Italians claimed as subjects of the King, and their history previous to their arrival in the United States.	679
	Governor Nichols to Mr. Blaine.	Apr. 3	Only three, in his opinion, are Italian subjects; names and information given.	680
	Same to same .....	Apr. 3	Certificate from the registrar of voters concerning the men charged with the murder of the chief of police; list of all the accused.	680
181	Mr. Porter to Mr. Blaine .....	Apr. 3	Interview with the minister of foreign affairs, Marquis de Rudini.	681
	Mr. Blaine to Marquis Imperiali.	Apr. 14	Brings the original demand for punishment in contrast with the terms of the note of April 2, above, denies that it has been recognized that an indemnity was due, quotes and discusses the precedent of the demand of indemnity made by Spain in 1851, under the administration of Secretary of State, Daniel Webster, and maps out the contemplated action of the Government of the United States in the present instance.	682
	Mr. Miller to Mr. Blaine .....	Apr. 28	Report of the district attorney at New Orleans touching citizenship of the victims, inclosing indictments by the grand jury, affidavits of residents of Louisiana, exhibits of threats by the "Mafia," etc.	686
	Marquis Rudini to Marquis Imperiali (telegram published in the newspapers May 4, 1891).	.....	There is no statute under which the mobbing can be prosecuted in the Federal courts. Presents to the Italian chargé d'affaires exclusively the views of his Government on the note of Mr. Blaine of April 14, and instructs him to restrict himself to dealing with current business.	712
	Mr. Blaine to Mr. Porter (telegram).	May 4	With reference to a statement in the above incloses fac-similes of the original telegram of Marquis Rudini to the legation, in which punishment of the guilty was demanded.	713
	Mr. Adee to Mr. Miller .....	May 18	Requests, for publication, the report of the grand jury upon the question of indicting the persons charged with the killing of the prisoners.	713
	Mr. Miller to Mr. Adee .....	May 19	Report of the grand jury, reviewing the unlawful tampering with the jury and other circumstances attending the trial of the murderers of the chief of police, and finding no reasons for presenting indictments in the matter of the killing of the prisoners, accompanied by the report of the committee of fifty citizens on the existence of secret societies in New Orleans.	714
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## CORRESPONDENCE.

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### ARGENTINE REPUBLIC.

*Mr. Blaine to Mr. Pitkin.*

[Telegram.]

WASHINGTON, *January 5, 1891.*

Protest against levying exceptionally large tax on foreign life-insurance companies doing business in the Argentine.

BLAINE.

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*Mr. Blaine to Mr. Pitkin.*

No. 88.]

DEPARTMENT OF STATE,  
*Washington, January 8, 1891.*

SIR: I append on the over leaf, for the completion of your files, copy of my telegram of the 5th instant directing you to protest against the proposed law levying an exceptionally large tax on foreign life-insurance companies doing business in the Argentine Republic.

I also inclose copy of the letter from Mr. George B. Williams, representing the Equitable Life Assurance Society of New York, on which my telegram was based.

The tax is stated in the letter to be—

A license fee of \$10,000 with a deposit of \$100,000, a tax of 7 per cent on premiums, 7 per cent on dividends or profits, and, in the absence of dividends, of 7 per cent on the amount destined for the reserve fund.

The tax seems excessive, and if, as alleged, the local companies are untaxed, would appear intended to drive the foreign companies out of business.

I am, etc.,

JAMES G. BLAINE.

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[Inclosure in No. 88.]

*Mr. Williams to Mr. Blaine.*

700 FOURTEENTH STREET,  
*Washington, D. C., December 22, 1890. (Received January 6, 1891.)*

SIR: On behalf of the Equitable Life Assurance Society of New York, I would state that information has been received "that it is proposed by the Congress of Buenos Ayres to impose a license fee of \$10,000 upon foreign life-insurance companies, to require a deposit of \$100,000, to levy a tax of 7 per cent on premiums, besides 7 per

cent on dividends or profits, and, in the absence of dividends, 7 per cent on the amount destined for the reserve fund."

I am requested to call your attention to this proposed legislation, and to state that such an act would destroy the business of American life insurance in Buenos Ayres—a business that has reached large proportions.

I submit this matter to you for such action, if any, as you may deem proper.

Very respectfully,

GEO. B. WILLIAMS.

[Telegram.]

NEW YORK, *December 31, 1890.*

TO GEORGE B. WILLIAMS,  
*700 Fourteenth Street, Washington.*

We have just received following cable from Buenos Ayres: "The legislature will probably pass the bill. Am advised by my lawyer that if you resist success is probable, because, according to the constitution, taxes must be equal to taxes of local companies. The latter are untaxed. Please telegraph instructions." We have replied to employ best counsel to defeat the bill. Can our Government be induced to cable instructions to our minister there at our expense? This is the bill about which I telegraphed and wrote to you on the 20th.

J. STAHEL.

*Mr. Pitkin to Mr. Blaine.*

No. 94.]

LEGATION OF THE UNITED STATES,  
*Buenos Ayres, February 5, 1891. (Received March 27.)*

SIR: I have the honor to report, in respect of the cabled instruction of the 5th ultimo to this legation to protest against the levy of an exceptionally large tax on foreign life-insurance companies doing business in this Republic, that Mr. Secretary Fishback, then, and till my arrival from the United States on the 25th ultimo, in charge, advises me that said telegram did not reach his hand till the 10th ultimo, whereupon he punctually obeyed the instruction by addressing the minister of foreign affairs a pertinent communication, and that on the 30th ultimo, five days after my return, I took prompt occasion, when advised that the acts obnoxious in the particular direction had just been promulgated by the Executive, to transmit to said minister a further and more explicit protest, to which no reply has thus far been received, but is confidently expected at an early hour. Meantime the branches here of the Equitable and New York life-insurance companies have been constrained to close their doors.

I have, etc.,

JOHN R. G. PITKIN.

[Inclosure 1 in No. 94.]

*Mr. Fishback to Señor Costa.*

LEGATION OF THE UNITED STATES,  
*Buenos Ayres, January 10, 1891.*

EXCELLENCY: I have the honor to address and to inform your excellency that I have received from Washington, from Mr. Blaine, Secretary of State, a cablegram instructing me to protest to your excellency's Government against the levy of an exceptionally large tax on foreign life-insurance companies doing business in the Argentine Republic. I herewith do so with the greatest respect, and I have the honor to remain, etc.,

GEO. W. FISHBACK.

[Inclosure 2 in No. 94.]

*Mr. Pitkin to Señor Costa.*LEGATION OF THE UNITED STATES,  
*Buenos Ayres, January 30, 1891.*

I have the honor to remind your excellency that before my return to this legation from the United States, Mr. Secretary Fishback, then in charge, addressed on the 10th instant, and under instructions from my Government, a protest to your excellency against the levy of taxes and a patent charge, each esteemed onerous, upon and in discrimination against branches, resident here, of life-insurance companies established in the United States. These levies and charge are by virtue of enactments just promulgated by His Excellency the President of this Republic. These companies—the Equitable and New York life-insurance companies—through said branches and under the declaration in the Argentine constitution (article 16) that “equality is the basis of taxation and public charges,” entered the Republic; acquired by charter a character coequal with native companies in the same sort of enterprise as juridical persons; entered into solemn covenants alike as to the Government and citizens here; and reposed faith in the further warrants presented in article 20 of said constitution assuring to foreigners in this territory all the civil rights of its citizens, the pursuit of their avocations, and exemption from extraordinary forced contributions, in article 4 of said instrument in guaranty of equitable and proportional levies upon the population, and in article 9 of the treaty concluded between our respective powers on the 27th day of July, 1853, whereby, “in whatever relates to the acquiring and disposing of property of every sort and denomination in any manner whatsoever, as also in the administration of justice, the citizens of the two contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens, and they shall not be charged in any of those respects with any higher imposts or duties than those which are paid or may be paid by native citizens, submitting, of course, to the local laws and regulations of each country respectively.” In so far as the new enactments of the Argentine Congress relate to life-insurance companies of the United States acting under registered right of domicile in this Republic and appear to be in consonance neither with the recited treaty stipulation nor with the constitutional pledges of equality in levy enforced, I deem it proper to renew to your excellency the respectful protest communicated by Mr. Secretary Fishback, of this legation. No charge appears to have been alleged, nor, I venture to assert, could be maintained, that these companies have during their tenure here been guilty of any act in prejudice either of their charters or of the rights of Argentine citizens and thus merited a penalty such as the enacted discrimination might import. Were the burden imposed upon all companies of kindred character, the particular companies mentioned might forbear to participate in a remonstrance against its equal while oppressive weight; but, having earned a foothold here in strict compliance with the Argentine laws, having sufficed every requirement common to all similar resident companies in discharge of federal and provincial patents and other annual public obligations, having contracted with Argentine citizens that have numerously chosen to repose especial confidence in them as companies whose probity and solvency are everywhere unchallenged, and having relied upon as exact a good faith in the prescripts of this Government as they inflexibly exhibit in the payment of their policies, they are now menaced with exactions the enforcement whereof they allege will dismiss them from the Argentine field. His excellency the minister of hacienda stated in his communication of the 18th ultimo to the Argentine Congress in relation to the tax bill in question that the tax of 2 per cent on gold and paper deposits in the private banks is explained by the necessity and advisability of driving all this local capital into the National Bank and the Provincial Bank of Buenos Ayres. The same discrimination against the insurance companies of my country represented in branches here will, I am persuaded, result in their being constrained to do forthwith for themselves what your excellency's Government is empowered to do in terminating their business in this country. I find upon due inquiry that the companies in whose behalf I speak would entertain no objection whatever to the penalties prescribed against a dishonest or evasive compliance with the requirements in relation to periodical exhibits of their annual business, because their invariably correct conduct would never subject them to such hazard, nor an urgent objection to a deposit in guaranty, which, under the executive classification, would by reason of the world-wide rank of these companies be doubtless rated at the highest figure recited in the law (\$100,000); but the same classification would, it may be presumed, logically fix their annual national patent at \$10,000, a tax not only excessive in itself, but the more inequitable, not only because levied solely upon other than native companies, but also because superadded thereto and with like discrimination are a national tax of 7 per cent levied upon their premi-

ums and 4 per cent upon additions from premiums received to surplus and reserve funds, and yet again the patents imposed by the provinces, which also may at any moment assess premiums. The gravity of the new provisions furthermore appears in the fact that the aggregated tax paid by the Equitable and New York life-insurance companies in home taxes on buildings and in taxes on premiums, patents, licenses, fines, and fees in all other parts of the world to which they have extended their agencies averages less than 1 per cent of their income in premiums. Up to the date of the recent enactments they were paying 1 per cent, or more than said average rate, on premiums received at this capital, as also their respective patents of \$1,500 and \$1,000.

The new legislation not only appears to retain the old tax of 1 per cent under the stamp act, but in the particulars mentioned exacts not less than 11 additional per cent on premiums, and also a patent, which, measured by the premiums of said companies here in 1890, would subtract a further tax of 5 per cent—a total of 17 per cent, which, I submit, will prove in effect prohibitory.

If this presentment be, as it seeks to be, correct, the law enacted will work instant and irreparable injury to said companies now in occupation of numerous offices established at great expense throughout the Republic; disband a considerable force of agents diligent in serving Argentines who seek or hold the policies of said companies; seriously interrupt the proper discharge of existing contracts as to the payment of premiums and sums assured at maturity; forbid an extension of the present advantage secured by these companies under their mutual system to policy holders, in marked contradiction, as I am advised, to the especial profit derived by shareholders under the system maintained by native companies; and arrest an equal participation in honorable and practical service to the general prosperity of a Republic whose hospitality has been not only proverbial but hitherto illustrated in its laws, and with whose people those of the United States desire the heartiest fellowship.

With these views, I tender, etc.,

JOHN R. G. PITKIN.

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*Mr. Blaine to Mr. Pitkin.*

No. 96.]

DEPARTMENT OF STATE,  
*Washington, February 13, 1891.*

SIR: I inclose copy of a letter from the Secretary of the National Board of Marine Underwriters of New York complaining of the heavy charges imposed on vessels putting into the port of Buenos Ayres in distress.

You will investigate the complaint and, if you find it well grounded, endeavor to induce the Argentine Government to remedy it.

I am, etc.,

JAMES G. BLAINE.

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[Inclosure in No. 96.]

*Mr. Smith to the Bureau of American Republics.*

THE NATIONAL BOARD OF MARINE UNDERWRITERS,  
25 WILLIAM STREET,  
*New York, February 3, 1891. (Received February 5.)*

BUREAU OF AMERICAN REPUBLICS,  
*Department of State, Washington, D. C.:*

DEAR SIRS: I am directed to inform you that the question of heavy charges incurred by vessels putting into the ports of Buenos Ayres and Montevideo in distress has of late attracted the serious attention of underwriters and others interested in marine insurance in this country. As any governmental action tending towards the abolishment, or even the modification, of the objectionable charges would encourage commercial relations between the merchants of this and the Argentine and Uruguayan Republics, and, as we are not fully aware of the express objects of your Bureau, we shall feel obliged if you will kindly furnish us with the information as to whether or not matters of this nature come under your jurisdiction.

Yours, truly,

J. RAYMOND SMITH,  
*Secretary.*

*Mr. Pitkin to Mr. Blaine.*

No. 100.]

LEGATION OF THE UNITED STATES,  
Buenos Ayres, February 23, 1891. (Received April 10.)

SIR: I cabled you on the night of the 20th instant in effect that the condition of affairs was critical; that there was expectation of a revolution; that a state of siege was declared by the President's proclamation; and that an attempt had been made to assassinate Prime Minister Roca.

The proclamation and an account of the attempted assassination are inclosed. The state of siege was by later decree suspended during Sunday, the 22d instant, in order that municipal elections might then take place at this capital.

Two journals at this capital, *La Defensa del Pueblo* and *El Argentino*, were, on the 21st instant, forbidden further issue, and others, it is expected, will be subjected to the same rigor. I called promptly on General and ex-President Roca, now minister of the interior, to congratulate him upon his escape on the 19th instant. This attention was not only appreciated by him, but seemed especially commended both by the action of the Argentine Congress in adjourning for three days in tribute to the memory of the slain Lincoln and by the fact of a large procession of Argentine citizens passing with bared heads under our legation flag soon after tidings arrived of President Garfield's death. This latter incident was during General Roca's administrative term, who referred feelingly to both victims during my interview. It is impossible to forecast how soon and by what expedients tranquillity may be assured.

I have, etc.,

JOHN R. G. PITKIN.

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[Inclosure 1 in No. 100.—From the Buenos Ayres Standard of February 21, 1891.]

*Proclamation declaring a state of siege.*

As was anticipated, in view of the recent turn of events, the following decree was issued last evening by the Government, proclaiming the city of Buenos Ayres under a state of siege:

"BUENOS AYRES, February 20, 1891.

"Whereas the capital of the Republic is now passing through a period of excitement and of alarm which injuriously affects both social interests and the national credit;

"Whereas various manifestations have already taken place, and the situation may be aggravated unless the measures authorized by the constitution for forestalling and repressing acts likely to cause profound confusion in the community be adopted;

"Whereas it is still more necessary to proceed in this manner because the nation has to surmount financial difficulties which can not be conquered unless public order and the action of the public authorities be put upon a firm basis;

"Whereas this dangerous state of things constitutes precisely the case of internal commotion referred to in Article 23 of the national constitution, in which the exercise of the constitution and of the authority thereby created may be considered in danger;

"Whereas the executive is bound to watch over the public peace and to repress all excesses to which the excitement of evil passions may give rise;

"For all these reasons and in the face of the dastardly attack that took place yesterday evening on the person of the minister of the interior, the President of the Republic considers and decrees:

"ARTICLE 1. In accordance with the provisions of article 23 of the national constitution, a state of siege is hereby declared in the capital of the Republic.

"ART. 2. Let this decree be duly reported to the national Congress.

"ART. 3. Let this be communicated, etc.

"PELLEGRINI.

"V. S. LOPEZ.

"EDUARDO COSTA.

"JUAN CARBALLIDO.

"NICOLAS LEVALLE.

"JULIO A. ROCA."

Article 23 of the constitution decrees:

"In case of internal commotion or of foreign attack which may endanger the exercise of the constitution, or of the authority created by it, the province or territory in which the commotion exists shall be declared in a state of siege, all constitutional guaranties being suspended; but during this suspension the President of the Republic shall not condemn or inflict punishment on his own responsibility. His power in such case shall be limited in regard to persons to arresting them or sending them from one part of the country to another, should such persons not decide to leave Argentine territory."

[Inclosure 2 in No. 100.—From the Buenos Ayres Standard of February 21, 1891.]

#### *Attempt to assassinate Gen. Roca.*

As Gen. Roca was returning from a cabinet council in the Government house in his carriage with Mr. Gregorio Soler on Thursday evening a revolver was fired into the carriage from behind, and the ball, piercing the cushions, just grazed his spine. The news spread quickly through the city. The full particulars are as follows:

Three days ago President Pellegrini received an anonymous letter warning him that attempts would be made on his life, on Gen. Roca's, and on Gen. Levalle's, as these three gentlemen were considered to be the cause of the difficulties of the situation. Gen. Roca likewise received similar anonymous warnings. At the same time the presence of suspicious groups of men in front of the Government house and in Adrogué, where the President resides, was observed, and this was one of the reasons of the extraordinary military precautions taken within the last few days.

On Thursday a cabinet council was held in the Government house on the question of the London negotiations. The council lasted till half-past 5, when Gen. Roca imparted some orders in the home office, and, accompanied by his friend, Don Gregorio Soler, took his carriage, which was waiting for him outside the terrace of the Government house. The carriages drove down Calle 25 de Mayo, and on passing Calle Cangallo Mr. Soler turned round to the general and said, "I think I heard the report of a revolver." The general heard nothing, but soon after stopped the driver and said to Mr. Soler, "I feel I am wounded." They got out of the carriage and found there was a great commotion in the street; policemen whistling, people running about in every direction, calling out "Assassin!" and soldiers from the Government house mingling with the crowd. In a moment the general understood that an attempt had been made on his life, and seeing two men holding a boy a little distance off, he rushed in that direction. He asked the boy who had told him to commit the crime, but the boy could not speak with fright. The criminal was handed to a policeman and conducted to the police station of the first section, where he was identified.

His name is Tomas Sambrice, an Argentine by birth, but of Italian extraction. He is 12 years of age. He declared that he was out of employment, and, being convinced that Gen. Roca was the cause of the ruin of the country, he had decided to kill him. He told his brothers and some comrades of his intention, and had practiced at target shooting in Palermo. On Monday last he followed the general with the intention of killing him, but seeing him accompanied by an officer he desisted from his intention and decided to await a more favorable opportunity. The boy seems to be a very intelligent lad and does not look over 12 years of age. The officer with Gen. Roca remarked that the boy had followed the carriage. On Thursday young Sambrice took up his position in Calle 25 de Mayo, at the corner of Cangallo. He was observed with one hand inside his coat and shivering violently from time to time. Suddenly the carriage appeared. The boy was so completely taken by surprise that he hesitated, and the carriage dashed past. He then rushed after the carriage and fired, the bullet piercing the hood and cushions and grazing the general's



back, leaving the black mark of a bruise. The general felt great pain, but the injury is very slight.

President Pellegrini, happening to hear of the attempt on Gen. Roca's life, did not take the train to Adrogué, but went straight to the police station, where he personally questioned the youthful criminal. In the course of his cross-examination the boy stated that three nights ago he wrote to Dr. Alem, announcing his intention of killing Gen. Roca, but as Dr. Alem is in the habit of receiving such missives every day, he attached no importance to the letter.

The police have arrested the parents of the criminal, his brothers and comrades.

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*Mr. Pitkin to Mr. Blaine.*

No. 102.]

LEGATION OF THE UNITED STATES,  
Buenos Ayres, February 26, 1891. (Received April 3.)

SIR: I have the honor to report that on the night of the 14th instant I received from the foreign office an answer, herewith transmitted in copy and translation, to the protest made against partial and oppressive levies by recent Argentine enactments upon foreign life-insurance companies, which protest, relating to companies resident in the United States and by branch here, Mr. Secretary Fishback made on the 10th ultimo and I renewed on the 30th ultimo, five days after my return from the United States. Twenty days having then elapsed without an expression upon the question from the foreign office, I conceived it to be proper to discharge the Department's cabled instruction of the 5th ultimo in more extended terms, a copy whereof accompanied dispatch No. 94. It will be seen by the inclosures that the minister of foreign affairs commended recourse by said companies to the federal supreme court of the Republic as the only authority competent to consider the alleged grievance, and declared a discussion of the question to be inefficacious and unnecessary prior to a determination by that tribunal. The term "reglamentar" in the common legislative instruction to the President, "El poder ejecutivo reglamentara esta ley," so often seems to import more, or to be more elastic, than our own term "execute," that I indulged a hope that, by reason of the protest, the laws in question might receive a more favorable interpretation. A copy of an executive decree of the 24th instant, herewith inclosed, will show that the 7 per cent tax on profits and 1 per cent on premiums received at this federal capital, are not to be imposed in the execution of the recent provisions.

Furthermore, I am advised by the manager of the Equitable Life Insurance Company, Mr. T. T. Watson, that it has been invited, by the assent of the minister of finance, to file an application to be admitted to the same footing as native companies when it shall invest \$100,000 in the Republic and constitute a local board. This application has been exhibited to me, and is framed under direction of the Equitable management in expectation of an early and favorable administrative decree thereon. Recourse to the federal supreme court will probably be wholly unnecessary in order that the companies may reopen their doors here. The Equitable manager expresses much satisfaction with results, which he ascribes largely to the protest made.

I have, etc.,

JOHN R. G. PITKIN.

[Inclosure 1 in No. 102.—Translation.]

*Señor Costa to Mr. Pitkin.*

ARGENTINE REPUBLIC,  
 MINISTRY OF FOREIGN AFFAIRS,  
*Buenos Ayres, February 13, 1891.*

MR. MINISTER: The note dated January 30 last has been received, wherein the minister renews the protest framed in his absence by the secretary of the legation, Mr. Fishback, by reason of the laws originated in the National Congress imposing certain duties on life-insurance companies established in the United States with branches existing in Argentine territory. The minister states that these insurance companies have established their agencies in the Republic under the declarations of the constitution, wherein its article 16 states that equality is the basis of taxation and of public charges, and article 20 assures strangers all the civil rights of its citizens, freedom in pursuits, and immunity from forced contributions. Moreover, the minister considers that the taxes in question are in contravention of article 9 of the treaty of July 27, 1853, in force between the respective Governments, by which it is arranged that "in whatever relates to the acquiring and disposing of property of every sort and denomination in any manner whatsoever, as also in the administration of justice, the citizens of the two contracting parties should reciprocally enjoy the same privileges, liberties, and rights as native citizens, and they shall not be charged in any of those respects with any higher imposts or duties than those which are paid or may be paid by native citizens, submitting, of course, to the local laws and regulations of each country respectively."

By reason of the foregoing the minister considers that the taxes in question are not in consonance, either with the cited treaty or with the constitutional pledges of equality, and renews the protest made by Mr. Fishback. If the minister will permit me, it does not enter the discussion whether the laws of Congress were or were not accommodated to the constitutional principles which are lodged in the organic letter, still less whether the taxes which have been thought convenient to enact are just or excessive.

It is an incontrovertible principle that the entire nation is the sole and exclusive interpreter of its internal laws, and to establish taxes upon existing property in its territory Congress has done no other thing than to exercise a right inherent in the sovereignty of the State. And no one more than the North American Congress has given unimpeachable evidence of the amplitude of this right, establishing duties which are calculated to disturb secular pursuits. The protest of the minister could be admitted and examined only under the point of view of existing treaties.

By chance, however, our constitution, after the example of that of the United States, removes this discussion from the restraint of the public powers. The federal supreme court, among ourselves as in the American Union, is the authority charged to determine whether a law is contrary to existing treaties, in the constitution or in the laws of Congress.

Whether, then, the taxes to which the minister refers contravene the declarations and premises of the constitution or the stipulations of treaty, the American insurance companies should repair to the federal supreme court, persuaded that in that tribunal they will meet the justice to which they assert a right. While this high and supreme body has not pronounced its definitive opinion, I permit myself to say to your excellency that all discussion is futile and unnecessary. Having thus answered the communication of the minister, it is pleasing to present to him the expression of my much distinguished consideration.

EDUARDO COSTA.

[Inclosure 2 in No. 102.—From the Buenos Ayres Standard, February 25, 1891.]

*Decree of the President.*

The President of the Republic issued the following decree to-day:

"ARTICLE 1. The tax of 7 per cent on the policies of insurance companies, established by article 6 of law 2714, shall be understood as a special form of collecting from said companies the tax to the same amount imposed by article 5 of the same law on all joint-stock companies, and, consequently, insurance companies, whether joint stock or not, are not included in the provisions of article 5.

ART. 2. The tax of 7 per cent on the policies of insurance companies imposed by article 6 of the law is virtually the increase of 1 per cent in the tax established by article 27 of the general stamp law voted for 1890, and which remains in force for the present year; consequently the said 1 per cent shall be considered suppressed from the moment that the 7 per cent tax comes into force.

PELLEGRINI.  
 V. F. LOPEZ.

*Mr. Blaine to Mr. Pitkin.*

No. 111.]

DEPARTMENT OF STATE,  
*Washington, March 30, 1891.*

SIR: I have received your No. 94, of the 5th ultimo, inclosing copy of your protest to the Argentine Government against the law discriminating against foreign life-insurance companies in the Argentine Republic.

Your very thorough presentation of the case is approved by the Department.

I am, etc.,

JAMES G. BLAINE.

*Mr. Pitkin to Mr. Blaine.*

[Extract.]

No. 124]

LEGATION OF THE UNITED STATES,  
*Buenos Ayres, May 13, 1891. (Received June 27.)*

SIR: On the 9th instant the President opened the Argentine Congress with an address wherein occur several statements that challenge attention.

The President announces harmonious relations between the national and all the provincial governments, the appearance of no serious revolt since his accession to power last August, the concord of hostile parties, then in arms, the wholesome result of the amnesty by him declared on the 30th day of August, 1890, for all who had engaged in the four-day revolution at the close of the previous month; and that the one exceptional measure thus far adopted during his executive occupation was his declaration on the 20th day of February last of a state of siege, which he deemed necessary by reason of public disquiets due to the financial prostration and to an assault upon the premier of the cabinet, and during which state he had recourse to no severer expedient than the suppression of several incendiary journals.

He states that Mexico and Venezuela have for the first time accredited plenipotentiaries to the Republic; that the question with Chile in respect of boundary awaits the termination of her civil war; and that, in maintenance of neutrality, he answered the request of the Chilean minister that a Chilean corps d'armée be permitted to cross Argentine territory with an assent to such passage by private individuals but not by troops in marching order.

He derives comfortable assurance from Argentine trade returns for the year that show a notable decline in imports, whereof \$34,035,342 was for railway material paid for by foreign capital, and a still larger increase in exports, parts of which were 305,904 tons of wheat and 274,691 tons of maize; from an arrest in the tide of immigration by reason of a cessation in assisted passages; from the return hence to Europe of thousands of people who proved comparatively useless in a new country; and from the progress begun in local industries.

He exposes the failure of all attempts to colonize national lands, pronounces against the enormous and wasteful land concessions during recent years to private speculators, and states that many of these grants, where the conditions have not been observed in the establishment of colonies, have already been declared forfeit to the extent of

30,000 square miles, and that he proposes to reclaim as a valuable asset much more of the national domain thus squandered.

He states that the total length of railway in actual traffic in March of the present year was 7,190 miles, representing an outlay of £60,000,000, and of new railway in actual traffic since January, 1890, 2,100 miles, an outlay of £13,000,000; that thirty lines are in process of construction or survey, with an aggregate length of 7,870 miles; that seventeen concessions of a total length of 4,770 miles have been canceled within a year for failure to comply with prescribed conditions; that many of the companies in traffic have caused heavy loss in products, by reason of inadequate rolling stock—a neglect which he claims (and has exercised) a right to correct in view of an annual payment by the Government of \$4,500,000 gold in railway guaranties; that Congress should refuse further concessions till a proper railway system be devised for the whole Republic; and that the national railways, sold to meet the foreign debt, yield no profit and draw from the Government in guaranty payments almost as much as it previously paid for service in its loans.

He adverts to numerous retrenchments in the abandonment of important works, among others the Buenos Ayres port works upon which \$16,481,419 gold have already been expended; presents a brief but interesting statement of the educational and naval interests, and reviews at considerable length the question of finance; declares the total Argentine debt to be about £61,000,000; estimates the foreign capital employed in the Republic at £100,000,000, to which the recent decline in securities has dealt a loss of £20,000,000; recites the monetary measures thus far adopted and why he was compelled to close the two banks—the National and Provincial—at this capital, by which within twelve months the Government has lost \$97,000,000 in currency and £2,600,000 in gold; ascribes the existing demoralization largely to reckless loans and paper emissions by State banks and a speculative fever; animadvert upon the wasteful sale in the market of gold paid by guarantied banks in purchase of bonds and deposits in the National Bank to be applied, two years after such deposit, toward a reduction of the foreign debt; opposes further issues of paper; calls for a parliamentary commission to ascertain the true condition of the State banks which, when shown, will determine the measure of correction to be applied to these institutions, which he conceives should be retained, though under new restraints; and concludes that a silver standard affords a sound metallic basis, the exception in Europe thereto having no weight in this Republic, and will be commended for local adoption by an executive bill to be transmitted to Congress.

I have, etc.,

JOHN R. G. PITKIN.

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*Mr. Pitkin to Mr. Blaine.*

No. 129.]

LEGATION OF THE UNITED STATES,  
Buenos Ayres, May 27, 1891. (Received July 6.)

SIR: Touching an instruction (No. 96), under date of February 13, 1891, to investigate a complaint preferred by the marine underwriters of New York to the effect that heavy charges have been imposed upon vessels putting into this port in distress, and to seek a remedy under warrant of the facts, I have the honor to report that, promptly upon receipt of said instructions and after an oral conference at the foreign

office, I thought proper to initiate an inquiry at the ministry of finance, whence an instruction went the same hour to said prefect and to the custom-house for a report. To-day I have been advised at the ministry that the reports have been made and deny the imposition of the alleged charges; that if they be shown in any case to have been exacted, the sum will be reimbursed; and that an executive decree inhibiting such a levy upon vessels seeking Argentine ports in distress is about to be issued. I hasten to anticipate by outward-bound steamer the promulgation of the decree, by reason of the delay to which the inquiry has been subjected, and will transmit it in copy as early as possible.

I have, etc.,

JOHN R. G. PITKIN.

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*Mr. Pitkin to Mr. Blaine.*

No. 137.]

LEGATION OF THE UNITED STATES,  
Buenos Ayres, June 17, 1891. (Received July 29.)

SIR: In dispatches Nos. 94 and 102, under the respective dates of February 5 and 26, 1891, I had the honor to report my action in respect of the two United States insurance companies, resident here by branches and discriminated against in recent legislation, and in the latter number to state a result accomplished in the dismissal of two of the taxes levied upon such foreign enterprises.

Herewith is submitted a copy, in translation, of a decree in favor of the United States Equitable Insurance Company and a copy of a personal communication which its local director-general has thought proper to send to the legation. It should be added that the local manager of the New York Life Insurance Company attached himself to a native insurance company soon after the adverse enactments reported received executive sanction, and that the former company does not thus far appear to have shared in the Equitable's effort to maintain a foothold here. All other foreign insurance enterprises have retired from the field, and the Equitable is assured not only less competition, but, as related to native companies, a firmer status. In fact, the whole issue inures to the signal advantage of that company, which has recently bought a costly corner on a leading thoroughfare of this capital in forecast of a large business.

I have, etc.,

JOHN R. G. PITKIN.

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[Inclosure 1 in No. 137.—Translation.]

*Executive decree.*

BUENOS AYRES, May 2, 1891.

Upon examination of the preceding opinions of the attorney-general of the nation, and considering that the statements made by the Equitable Life Assurance Society are in conformity with the legal prescriptions, it is

*Resolved*, The Equitable Life Assurance Society may continue its operations on the conditions of the national companies, upon proofs of its having radicated in the country at least 50 per cent of its paid-up capital and appointed a directory with residence in the Republic.

Give the legalized copies which may be solicited. Publish and file.

VICENTE F. LOPEZ.

## FOREIGN RELATIONS.

[Inclosure 2 in No. 137.]

*Mr. Watson to Mr. Pitkin.*

BUENOS AYRES, June 6, 1891.

MY DEAR JUDGE PITKIN: In sending you a copy of the decree issued in favor of our society, I wish to express my gratitude to you for the very able exposition which you made to the Argentine Government in our behalf, and to say that in my opinion it has had its effect in removing to a great extent the prejudice which appeared to exist against the American life-insurance companies, and thus aided in securing the decree in our favor.

With assurances, etc.,

T. T. WATSON.

*Mr. Pitkin to Mr. Blaine.*

No. 141.]

LEGATION OF THE UNITED STATES,  
*Buenos Ayres, July 7, 1891. (Received August 19.)*

SIR: Referring to dispatch No. 129, I have the honor to transmit a translation of a communication from the foreign office, embodying a note thereto from the ministry of the hacienda, in relation to the question of port charges levied upon vessels entering this port in distress, and to invite attention to a suggestion in said dispatch No. 129, and renewed in said note, that specific cases of undue charges be exhibited in order to assist the authorities here to the end of discovery and redress.

I have to add that the Government has reconsidered the policy of issuing an executive decree inhibiting such charges, but that personal interviews at the hacienda department satisfy me of an earnest official purpose to forbid further inequitable exactions in the case of distressed vessels.

I have, etc.,

JOHN R. G. PITKIN.

[Inclosure in No. 141—Translation.]

*The minister of foreign affairs to Mr. Pitkin.*ARGENTINE REPUBLIC,  
*Ministry of Foreign Affairs.*

The minister of foreign affairs has the honor of saluting Mr. R. G. Pitkin, envoy extraordinary and minister plenipotentiary of the United States, and to transmit to him with reference to former communications of his excellency the following documents which the minister of hacienda has just sent to him. They say the following:

"MINISTRY OF HACIENDA,

*"Buenos Ayres, June 25, 1891.*

"MR. MINISTER: I have the honor to address myself to you, inclosing a copy of the information furnished by the collector of customs of the capital concerning the supposed imposition of taxes upon vessels of forced entry which impels the request of the minister of the United States communicated by your excellency to this ministry by note of the 4th of last May.

"The information of the management is conclusive in that no such taxes have been imposed except in the case of ships loading or unloading in the ordinary conditions. In addition to this, the ordinances of the custom-house in force have foreseen the case and prescribed especially that ships of forced entry should be exempt from all port charges, except in case they discharge with this market as their destination, in which case the special nature of the situation ceases and they are left equipped for ordinary navigation. Meanwhile, as the note of the minister of the United States indicates

that it has been alleged that port charges have been imposed upon vessels of forced entry, and this ministry is interested in ventilating every charge of an abuse, I ask your excellency to indicate to the said minister that I should be pleased to have him indicate the precise case or cases in which such charges have been imposed and collected, in order to institute a fit inquiry.

"I salute your excellency, etc.,

"VICENTE F. LOPEZ."

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"Mr. COLLECTOR: Ships anchoring in the roads can remain three days without being subject to any charge (article 53) and are likewise exempt from the payment of port and dock charges, according to article 4 of the same law, when they enter the Riachuelo by reason of bad weather, and remain in the bay during the course of the tempest. But if the minister did not refer to any of these cases, as it is to be supposed, there is then a decree of the 14th of October, 1890, by which it is established that vessels entering merchandise through the custom-house of the capital, whether they enter the docks, the Riachuelo, or drop anchor because of the deep water in the outside anchorings of the river, shall pay a daily tax of 2 cents in form prescribed by the decree of the 24th of May of the current year. In addition to this stipulation, the collector of customs, under whose control the collection of these taxes is placed, has exacted the payment of the said charge as well from ships that effect an entrance to discharge on the docks as from those remaining outside and using lighters. Upon these last, which are the fewest, because there can only be counted among them those of heavy draft and those placed in quarantine, there has not been imposed in the light of a port charge a greater tax than the 2 cents stipulated in in that decree, and only while in active operation; that is, that it shall not be collected except for the days when the ship is discharging or receiving a cargo. This is as much as I think should be explained in this regard.

"June 17, 1891.

"R. IGARZABAL."

## AUSTRIA-HUNGARY.

*Mr. Grant to Mr. Blaine.*

No. 125.]

LEGATION OF THE UNITED STATES,  
*Vienna, December 21, 1890. (Received January 16, 1891.)*

SIR: I have the honor to place before you, at the request of Mr. Rudolph Nejedly, his application for a passport. I have declined to issue a passport to Mr. Nejedly until I receive instruction from you upon the subject, for the reason that it does not appear certain that he is entitled to the protection of the Government of the United States of America as a citizen of that country.

Mr. Nejedly was born in New York city on the 18th day of July, 1854; his father became a naturalized citizen of the United States on the 10th day of October, 1860, but in the following year abandoned his adopted home, when our country most needed the support of its citizens, and returned to Europe with his family, where he has resided ever since, and where, as far I can learn, he has done nothing to retain his American citizenship. It is true that the present applicant, Rudolph Nejedly, obtained a passport from Mr. Jay, United States minister to Austria in 1872, when he, Mr. Nejedly, was about 18 years old and likely to be conscripted in the imperial army here. Since then the applicant has done nothing that would indicate a desire on his part to maintain his American citizenship. He is employed in the Savings Bank of the City of Vienna, and I gather from his own statements that he has no intention of ever returning to the United States to reside there.

In the case of all applications for passports similar to the above, I have held and will continue to hold to the opinion, unless instructed to change my course by the proper authorities—

First. That a child born in the United States of foreign parents is not necessarily a citizen of the United States, but he may become a citizen of that country if at the age of 21 he will go before one of the courts having jurisdiction in the matter and take the oath of allegiance to the Constitution of the United States.

Second. That the allegiance of the child follows that of his parents, and in case of the parents having become naturalized citizens of the United States, and having afterwards forfeited that citizenship by leaving their adopted country, then the child would lose with his parents his rights of protection from that country; but the child of the same parents may again revive his rights of protection as a citizen of the United States if at the age of 21 years he appears before a United States consul and takes the oath of allegiance to the United States and reënters upon the duties of a citizen of that country.

Although, as before stated, the present applicant for a passport, Mr. Nejedly, did take the oath of allegiance to the United States when he was about 18 years old, he had not then arrived at the age of maturity



according to law, and, inasmuch as he has since then taken no action towards renewing his claims to American citizenship, and does not appear to have the least intention of returning to the United States in the future, I have declined to issue to him the desired passport unless instructed to do so.

It may be proper for me to add here, Mr. Secretary, that I have obtained, indirectly, information to the effect that the several European governments which demand universal military duty from their male subjects have recently agreed that each country would furnish to the others a list of the names of the subjects of their several governments who are residing within its own boundaries at the time the census is taken. The census of Austria-Hungary is now being taken, for which reason there is a great pressure upon this legation coming from persons applying for passports.

Having placed before you, at his own request, Mr. Rudolph Nejedly's application for a passport,

I have, etc.,

F. D. GRANT.

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*Mr. Blaine to Mr. Grant.*

No. 110.]

DEPARTMENT OF STATE,

*Washington, February 26, 1891.*

SIR: I have received your dispatch No. 125, of the 21st ultimo, in relation to the application of Mr. Rudolph Nejedly for a passport as a citizen of the United States.

The facts of the case appear as follows: The applicant was born in New York July 18, 1854, of a father whose national origin is not stated, but who, having emigrated to the United States in 1852, was naturalized October 10, 1860. The father returned to Europe in 1861, and has since resided there, doing, as far as you can learn, nothing to retain his American citizenship. It is to be inferred that Rudolph Nejedly, being then 6 years old, was taken to Europe with his father, and he declares that he has since 1861 resided in Vienna. When 18 years old, in 1872—and liable to conscription—a passport was granted to him by your predecessor, Mr. Jay. Since then the applicant has done nothing until now that would indicate a desire on his part to maintain his American citizenship. He is employed in the Savings Bank of Vienna, and you gather from his statements that he has no intention of ever returning to this country to reside. His sworn declaration is that he intends to return to the United States "when circumstances will permit."

This declaration, when considered in connection with the circumstances detailed in your dispatch, is far from constituting an expression of a purpose ever to return to the United States, and is altogether unsatisfactory.

Moreover, as Mr. Nejedly was born in the United States of a foreign father, it is probable that the most that could under any circumstances be claimed for him is that he was born with a double allegiance. But double allegiance does not always continue when the person so endowed reaches his majority; he must make an election by taking up his residence and performing the duties of citizenship in the one country or the other. This requirement would apply with peculiar force to Mr. Nejedly, who is living in Austria, the country of which at the time of his birth his father is supposed to have been a subject.

This supposition the Department bases upon your statement that the circumstances indicate that Mr. Nejedly has sought the protection of the United States only for the purpose of evading the performance of the duties of citizenship in Austria and without any intention to assume the duties of citizenship in this country. However this may be, birth in this country of a foreign father, a residence of six or seven years thereafter, followed by departure with the father (who abandons the country immediately after his naturalization) and by a continuous residence abroad up to the thirty-seventh year without having returned to this country, without any identification with its interests, and without any apparent intention to come hither and assume the duties of citizenship, must be held to constitute a very slender basis for a claim to the protection of the United States. For a government, without any explanation of circumstances, to sustain a claim to protection might seem to indicate a readiness to submit to imposition upon itself, practiced for the purpose of imposition upon another government.

The Department can not, as at present advised, direct the issuance of a passport to Mr. Nejedly.

I am, etc.,

JAMES G. BLAINE.

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*Mr. Grant to Mr. Blaine.*

No. 155.]

LEGATION OF THE UNITED STATES,

*Vienna, May 25, 1891.* (Received June 13.)

SIR: In pursuance of telegraphic instructions from the Department of State, the United States legation at Berlin has furnished me with a copy of your instruction No. 245,\* of May 1, and of its inclosures, relative to the alleged assisted emigration to the United States by the authorities at Stauzach of one Nikolaus Bader, belonging to the criminal or imbecile classes of Austria-Hungary. It having been discovered, after the instruction in question was written, that Stauzach is a town in the Austrian Tyrol, and that there is no such place in Germany, I have concluded that the Department's purpose in causing the case to be sent to me was that I should proceed in the matter as if the instruction had been originally addressed to me, and I have accordingly brought the subject to the attention of the minister for foreign affairs in a note dated the 22d instant, a copy of which is inclosed, in such a manner as I trust will meet with the Department's approval.

I have, etc.,

F. D. GRANT.

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[Inclosure in No. 155.]

*Mr. Grant to Count Kalnoky.*

LEGATION OF THE UNITED STATES,

*Vienna, May 22, 1891.*

YOUR EXCELLENCY: I have the honor to inform your excellency that I have received an instruction from the honorable the Secretary of State at Washington, directing my attention to a letter addressed to him by the Secretary of the Treasury, accompanied by the affidavit of one Nikolaus Bader, an alien, who was upon his arrival at New York on the steamship *Waesland*, on the 23d of April last, refused permission to land by the Superintendent of Immigration at that port.

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\* See instructions to United States Minister to Germany.

Upon examination of the affidavit aforesaid it appears that Bader is a native of Stauzach (supposed to be in the Austrian Tyrol), and that his passage to the United States was paid by the authorities of Stauzach. Bader states that in 1864 he committed a murder, for which he was imprisoned and served one year, when he was declared insane and confined in an insane asylum, where he has been twenty-four years, and from which he was discharged somewhat over a year ago; that he requested to be sent to America, and that the authorities then sent him there.

This sworn declaration of Nikolaus Bader, if true, presents a case in which an attempt has been made, as it is thought your excellency will be ready to admit, to perpetrate a great wrong upon the Government and people of the United States. Serious as the incident is in itself, it attains additional significance in so far as it suggests a possible condition of affairs with respect to certain emigration from this Empire to the United States which could not fail to be injurious to the institutions and good government of that country, and which therefore demands a prompt investigation with a view to its suppression. It is not to be entertained for a moment that an act so unfriendly to my Government could have been committed with the knowledge of the Imperial and Royal Government of Austria-Hungary. Bearing in mind the cordial relations so happily existing between the two Governments, this legation must assume that the emigration to the United States of a person belonging to the imbecile or criminal classes of this Empire, if assisted by the authorities of any city or province in Austria-Hungary, must have been the work of subordinate officials. I have therefore the honor most respectfully to request, in pursuance of instructions on the subject, that your excellency will be pleased to cause inquiry to be made in the matter to the end that the authorities at Stauzach may be rebuked if Bader's accusation against them be found true, and that steps may be taken to prevent any repetition of the offense which forms the subject of this complaint.

I avail myself, etc.,

F. D. GRANT.

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*Mr. Wharton to Mr. Grant.*

No. 124.]

DEPARTMENT OF STATE,  
Washington, June 16, 1891.

SIR: Acknowledging the receipt of your dispatch No. 155, of the 25th ultimo, concerning the case of Nikolaus Bader, alleged to have been assisted to emigrate to the United States, I have to inform you that the Department heartily approves your note to the foreign office on the subject.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Mr. Grant to Mr. Blaine.*

No. 168.]

LEGATION OF THE UNITED STATES,  
Vienna, July 15, 1891. (Received July 31.)

SIR: With reference to my dispatch No. 155, of the 25th of May last, and to your reply of the 16th ultimo, No. 124, relative to the alleged assisted emigration to the United States by the authorities at Stauzach, Austrian Tyrol, of one Nikolaus Bader, belonging to the criminal or imbecile classes of Austria-Hungary, I have now the honor to transmit, for your information, a translation of a note dated the 9th instant from Count Welsersheimb, chief of section of the imperial and royal ministry of foreign affairs, communicating to me the result of the investigation which he had caused to be instituted in this case.

H. Ex. 1, pt. 1—2

My first impulse was to forward to you the count's note without comment, to the end that the Department might form its own impression as to the sufficiency of the answer of this Government to the complaint of the United States uninfluenced by any observations coming from me on the subject. Upon reflection, however, it has seemed to me not improper that I should give expression at once to my dissatisfaction with the explanation given in this case by the Imperial and Royal Government.

The complaint of the United States, founded on the affidavit of Nikolaus Bader, was that he, a murderer, subsequently found to be of unsound mind and confined in an insane asylum for a period of twenty-four years, was, upon his discharge somewhat over a year ago, sent at his request to the United States by the authorities at Stauzach, Austria. Such act, if proven, could scarcely be regarded in any other light than as distinctly unfriendly, and should meet with the prompt disavowal of the National Government, coupled with the assurance that the subordinate authorities directly responsible would be severely reprimanded. The investigation of the circumstances of the case instituted at the instance of this legation appears to have developed the fact that Bader committed the murder in question, but that it was shown at the trial, upon the testimony of medical men, that he was irresponsible, and that he was accordingly acquitted and afterwards confined in an insane asylum for twenty-four years. It would seem, therefore, that Bader's own statements of his criminality and imbecility are substantially verified; and the only mitigating circumstances connected with his shipment to the United States are that he was finally discharged from the asylum as cured, and that upon his request he was assisted by his community to go to America, the "assistance" referred to consisting in the payment of the expenses of his journey. It is not doubted that the Department will be struck with the fact that reasonable precautions could not have been taken looking to the determination of Bader's permanent restoration to sound mind, inasmuch as he was allowed, if not assisted, to attempt to take up his residence among a foreign but a friendly people in less than a year after his discharge from an insane asylum in which he had been confined for twenty-four years.

Moreover, the effort on the part of the authorities at Stauzach to evade responsibility for the assisted emigration of this imbecile criminal by the statement that Bader's desire to go to America was assisted "by the community" impresses me as worthy of but little consideration. It is not my experience that "communities" are active to the extent of contributing money for such purposes unless they are incited by other motives than those of humanity, and it is usually some one in authority who is chiefly instrumental in bringing about such a result. Count Welsersheimb does not enter into details as to how the contributions were raised; he gives no explanation as to the reasons of the "community" for using its individual and private resources for such a purpose; he expresses no regret that the incident should have happened; he gives no assurance that measures will be taken to prevent a similar occurrence in the future; and, in short, I can not help entertaining the opinion that the Imperial and Royal Government has failed to accord to the subject the importance its gravity deserves.

Should the Department approve, I might address a dignified but decided note to the ministry of foreign affairs somewhat in the spirit of this dispatch. It may be, however, that you will consider that sufficient prominence has been given to the position of the United States with

respect to this subject in the note which I wrote to Count Kalnoky on the 22d of May last, and that we may accept the statement now furnished by Count Welsersheimb as relieving this Government of opprobrium in the matter, inasmuch as the emigration of Bader appears to have been brought about by private rather than official influence.

I have, etc.,

F. D. GRANT.

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[Inclosure in No. 168—Translation.]

*Count Welsersheimb to Mr. Grant.*

MINISTRY OF FOREIGN AFFAIRS,  
Vienna, July 9, 1891.

The imperial and royal ministry of foreign affairs has not neglected to make inquiry into the subject mentioned in the esteemed note of May 22, No. 79, and has found that:

Nikolaus Bader, now 59 years old, by trade a mason, inflicted a mortal wound upon Anna Maria Kürle on May 27, 1864, for which offense he was tried, but found, on examination by medical men, to be irresponsible, and was therefore acquitted.

He was sent to the insane asylum in Hall, Tyrol, to be cured, where he remained until the end of June, 1889.

From this institute he was discharged as cured, whereupon he expressed a desire to go to America, which desire his community at Stauzach assisted him to realize in furnishing him with the necessary means of travel, amounting to 100 florins; of this 76 florins was given to a third person to defray Bader's expenses from Innsbruck to New York, and the balance of 26 (*sic*) florins was handed over to Bader himself.

This shows that Bader was not a condemned criminal; that at the time he went to America he was not insane; and that he went there at his own request, in which he was assisted by his community only to the extent of furnishing him with the necessary means.

While the undersigned brings the foregoing to the knowledge of the honorable envoy of the United States, he begs, etc.,

WELSERSHEIMB,  
*For the Minister of Foreign Affairs.*

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*Mr. Grant to Mr. Blaine.*

No. 173.]

LEGATION OF THE UNITED STATES,  
Vienna, July 27, 1891. (Received August 6.)

SIR: I have the honor to request information upon the following subject:

On the 17th of September, 1869, in Washington, D. C., there was born to Mr. and Mrs. Mazel a son. Mr. Mazel was at the time the minister of the Netherlands to the United States. His wife was an American citizen. After the birth of the son in question the Mazel family continued to reside in the United States until the middle of July, 1871, when they came abroad, and have subsequently lived at Stockholm, St. Petersburg, and Vienna, at each of which capitals Mr. Mazel represented his Government, and is now the minister of the Netherlands to the court of Austria-Hungary.

During all this time young Mr. Mazel has been either with his parents or has been placed by them at institutions of learning in different cities. He is now 21 years of age, and, while he has never committed any overt act—by paying taxes or by exercising the right of suffrage—tending to confirm his allegiance to the Kingdom of the Netherlands, to which he

was born a subject, he has also never since 1871 returned to the United States.

It is now young Mr. Mazel's wish, in which he has the cordial acquiescence of his parents, to go to the United States and to become a citizen thereof, and the question arises, therefore, what formalities will be necessary for him to observe in order to acquire the said desired citizenship. Will the law and the regulations governing such matters be satisfied and complied with if young Mr. Mazel appears before a competent court in the United States, renounces his allegiance to his sovereign, the Queen of the Netherlands, declares it to be his wish and purpose to be admitted to citizenship in the United States, and gives evidence of his birth in Washington, D. C., and that he is 21 years of age? In other words, would he, under the circumstances, be at once admitted to citizenship of the United States, or would it be necessary for him to comply with the statute governing naturalization?

I have not been able to find for my guidance a case in Wharton's International Law Digest (sections 183-185) exactly covering the circumstances herein set forth, and therefore would be glad to have the Department's ruling in the matter.

I have, etc.,

F. D. GRANT.

*Mr. Grant to Mr. Blaine.*

[Extract.]

No. 180.]

LEGATION OF THE UNITED STATES,  
Vienna, August 1, 1891. (Received August 20.)

SIR: It is a matter of history that the port of Trieste, which became a part of the Austrian dominion in the year 1332, was declared free by the Emperor Karl VI, father of the illustrious Empress Maria Theresa, in the year 1719, and that goods arriving at the said port have been entered without the payment of customs duties from that date to the 1st day of July last, a period of more than one hundred and seventy-one years. This action on the part of the Emperor Karl VI is supposed to have been taken with a view to imparting activity to trade and to enable the inhabitants of the district in which Trieste is situated to enter into competition with the flourishing city of Venice in commercial importance.

By an act passed by the Reichsrath at its present session the port of Trieste has been closed and placed on the same footing, in regard to customs duties, as other cities of this Empire from and after the 1st day of July, 1891.

I have, etc.,

F. D. GRANT.

*Mr. Wharton to Mr. Grant.*

No. 133.]

DEPARTMENT OF STATE,  
Washington, August 6, 1891.

SIR: In reply to your dispatch No. 168, of the 15th ultimo, in relation to the case of Nikolaus Bader, the assisted emigrant, you may address a dignified note to the foreign office in the sense you suggest, saying,

in conclusion, that, as Bader has been returned, pursuant to the statutes of the United States, to the country whence he was assisted to emigrate, the incident may be regarded as terminated.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Mr. Wharton to Mr. Grant.*

No. 134.]

DEPARTMENT OF STATE,  
*Washington, August 10, 1891.*

SIR: I have to acknowledge the receipt of your No. 173, of the 27th ultimo, in relation to the case of Mr. Mazel, who was born in this city on September 17, 1869, and who is consequently now nearly 22 years of age. At the time of his birth his father was the minister of the Netherlands at this capital and had married an American woman. In 1871 the family removed to Europe, and they have successively resided in Stockholm, St. Petersburg, and Vienna, at each of which places Mr. Mazel, senior, has served his Government in a diplomatic capacity. You state that it is now young Mr. Mazel's wish to come to this country and be a citizen thereof, and you inquire whether, in view of his birth in the United States, he can claim citizenship here without awaiting the lapse of a period of five years and performing the ordinary conditions of naturalization.

The Department is of opinion that Mr. Mazel can enjoy the privileges of citizenship in the United States only after naturalization in the ordinary way. Section 1992 of the Revised Statutes of the United States reads as follows:

All persons born in the United States and not subject to any foreign power, \* \* \* are declared to be citizens of the United States.

There has been not a little diversity of opinion as to the scope to be given to the words "not subject to any foreign power" in the section just quoted, but it does not appear ever to have been doubted that the child of a diplomatic officer came within the class whose birth in the United States did not warrant a claim to citizenship. In this relation it is proper to refer to the case of *McKay v. Campbell*, 2 Sawyer, 118, in which it is stated that the "children of ambassadors" form an exception to the rule as to persons being born in the allegiance of a sovereign who are born on his soil.

It is not thought that the fact of Mr. Mazel having married an American woman affects the case, since legitimate children follow the status of their father.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Mr. Grant to Mr. Blaine.*

No. 183.]

LEGATION OF THE UNITED STATES,  
*Vienna, August 18, 1891. (Received September 3.)*

SIR: I have the honor to report the case of Alfred Janowitz, a naturalized citizen of the United States, who has been summoned to appear before a military commission in his native village, Lublo, Hungary,

but who has since been released from the liability of being called upon for military duty in this country and has, I understand, returned to America.

Mr. Janowitz called at this legation upon June 30 last, and stated that he was desirous of returning to Lublo for a short time to pay a visit to his parents, and that he wished to ascertain whether or not he could make the visit to his native place without danger of molestation or being forced into the army of this Monarchy.

By questioning Mr. Janowitz I learned from him that he was born at Lublo, Hungary, August 9, 1865; that he arrived in New York July 7, 1883; was naturalized before the superior court of New York city July 18, 1888; that he was bearer of passport No. 26022, issued by the State Department at Washington on April 29, 1891; that he left New York May 19, 1891, to make a short visit to his parents at Lublo, where he intended to stay during the summer and then to return to America in September.

After gaining the above information I told Mr. Janowitz that, while I was unable to promise him immunity from molestation by the local authorities of his native district, I could assure him that this legation would, in case of his being interfered with, protect him in every way possible, and I advised him, should he be troubled in any way by anyone, to telegraph the fact to this legation, and that he would receive immediately the proper protection.

Mr. Janowitz, seeming to be satisfied with these assurances of protection, took his leave, and I heard nothing further from him until the morning of July 4, when I received his dispatch (inclosure No. 1), which contained the statement that he had been summoned to appear before the military commission at Lublo and he begged for the interference of this legation in his behalf. I telegraphed to Mr. Janowitz in reply (inclosure No. 2), to appear before the commission, produce his passport, and to frankly state his case. Upon the 5th of July I received a letter from Mr. Janowitz (inclosure No. 3), in which he said that the time of his reappearance before the military commission had been postponed until the 20th of July. I, therefore, at my leisure, wrote a note on the 8th of July (inclosure No. 5) to the minister of foreign affairs, which I delivered in person to Count Welsersheimb at the foreign office. The count, after reading my note and listening to my personal explanation of the case of Mr. Janowitz, assured me that he would telegraph immediately to Lublo, and upon the following day, the 9th of July, I received a note from the foreign office (inclosure No. 6) which stated that the ministry of foreign affairs had taken steps, in conformity with article No. 11 of the treaty of September 20, 1870, to insure Mr. Janowitz such treatment from the Hungarian authorities as to relieve him from military duty. A copy of this note was immediately forwarded to Mr. Janowitz (inclosure 7). Later I understand that Mr. Janowitz returned to the United States.

Connected, I inclose herewith copies of all the correspondence in this case, and venture to hope that the Department of State will approve of the action of this legation in the matter.

I have, etc.,

F. D. GRANT.

[Inclosure 1 in No. 183.—Telegram.]

*Mr. Janowitz to Mr. Grant.*

As you advised me, I beg leave to inform you that I was officially requested to appear before the military commission July 6. Kindly assist and inform me and oblige,  
ALFRED JANOWITZ.



[Inclosure 2 in No. 183.—Telegram.]

*Mr. Grant to Mr. Janowitz.*

Appear before the military commission as requested, show your passport, and frankly state your case. If you are arrested or further disturbed, let me know all the particulars.

GRANT,  
United States Minister.

[Inclosure 3 in No. 183.]

*Mr. Janowitz to Mr. Grant.*

LUBLO, July 3, 1891.

In pursuance to my dispatch of this morning, in which I stated that I have been officially ordered to appear before the military commission in Leutschau, the capital city of this comitat, on July 6, I take leave to inform your excellency that I have postponed this matter to the 20th of July and was obliged to give bail to the amount of 1,000 florins. All my efforts to explain to the mayor of this city that, according to article 43 of the agreement of 1871 between the United States and Austria-Hungary, they have no authority to proceed against me were in vain. Allow me to state that the officials of this community are not aware of the existence of this agreement, and have consequently sent this matter to a higher authority.

I therefore, upon your own advice, ask for your aid and protection, as well as your kind information what I am to do.

I do not wish to impose upon your excellency, but would beg you to act in this matter at your earliest convenience, for I would like to return to New York as soon as possible, and while in trouble here would be prevented from going there. By doing so you will confer a great favor upon a faithful American citizen.

Very respectfully, yours,

ALFRED JANOWITZ.

[Inclosure 4 in No. 183.]

*Mr. Janowitz to Mr. Grant.*

LUBLO, July 5, 1891.

Allow me, your excellency, to thank you for your prompt and kind information, and at the same time allow me to state that I will act accordingly, unless your excellency should find it possible to avoid my going before the military commission on July 20, for the simple reason that when once in the hands of those authorities it is troublesome to get a speedy relief.

Should your excellency, however, find it possible to aid me in that respect also without having any extra trouble, you will oblige me very much by keeping me informed on this subject.

Your obedient servant,

ALFRED JANOWITZ.

[Inclosure 5 in No. 183.]

*Mr. Grant to Count Kalnoky.*

LEGATION OF THE UNITED STATES,  
Vienna, July 8, 1891.

YOUR EXCELLENCY: I have the honor to place before your excellency the following case of a naturalized American citizen of Austrian birth, Mr. Alfred Janowitz, who at present is visiting his native town of Lublo, Hungary. Mr. Janowitz informs me in a letter, dated July 3, that he has been ordered to appear before the military commission at Leutschau, Hungary, upon July 6. The authorities, however, have postponed the time for his appearance before the commission to July 20. In the meantime Janowitz says he is obliged to give bail in the sum of 1,000 florins.

For your excellency's information, I respectfully state that Mr. Janowitz was born

## FOREIGN RELATIONS.

at Lublo, Hungary, on the 19th of August, 1865; he emigrated to the United States in 1883, arriving in New York upon the 7th of July of that year; he became a naturalized citizen upon the 18th of July, 1888, at New York city; and is now bearer of passport No. 26022, issued by the Department of State at Washington, and dated April 29, 1891. Mr. Janowitz left the United States on the 19th of May, 1891, to pay a short visit to his old home and to see his parents; he informs me that he intends to return to America next September.

Having respectfully placed the facts in this case before your excellency, I earnestly request that your excellency will cause such steps to be taken as to relieve Mr. Janowitz from further interference by the local authorities of Lublo.

I am, etc.,

F. D. GRANT.

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[Inclosure 6 in No. 183.—Translation.]

*Count Welsersheimb to Mr. Grant.*

MINISTRY OF FOREIGN AFFAIRS,  
*Vienna, July 9, 1891.*

In reply to the esteemed note of the 8th instant, No. 81, the imperial and royal ministry of foreign affairs has the honor of informing the honorable envoy of the United States, Col. F. D. Grant, that immediate steps have been taken in order that the naturalized citizen of the United States, Alfred Janowitz, be accorded such treatment on the part of the Hungarian authorities, as not to render him liable to military service in conformity with article 2 of the treaty of September 20, 1870.

To this end it will be necessary, however, for Mr. Janowitz to produce the documents (passport, naturalization certificate) upon which his claim is based to be treated according to the provisions of said treaty.

While the undersigned leaves it to his excellency the United States minister to acquaint Mr. Janowitz of this communication, he avails himself at the same time of the occasion to renew the expression of his most distinguished consideration.

WELSERSHEIMB,  
*For the Minister of Foreign Affairs.*

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[Inclosure 7 in No. 183.]

*Mr. Grant to Mr. Janowitz.*

LEGATION OF THE UNITED STATES,  
*Vienna, July 9, 1891.*

SIR: Yesterday I called at the ministry of foreign affairs here and placed a written statement of your case in the hands of the minister, who promised me that he would make inquiries into your case by writing to the authorities at Lublo.

Yours, respectfully,

F. D. GRANT.

P. S.—Before I had time to send the foregoing letter to the post-office I received a note from the ministry of foreign affairs, which, translated, reads as follows: [Here follows a copy of inclosure No. 6.]

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[Inclosure 8 in No. 183.]

*Count Welsersheimb to Mr. Grant.*

MINISTRY OF FOREIGN AFFAIRS,  
*Vienna, July 18, 1891.*

SIR: In pursuance of the note of July 9, the imperial and royal ministry of foreign affairs has the honor to inform the honorable envoy of the United States, Col. F. D. Grant, that the competent authorities of Hungary have been instructed to discontinue further steps, for the present, leading to the performance of military duty of Alfred Janowitz, a naturalized citizen of the United States.

A final decision in this case, however, can not be given until the documents are produced of which mention was made in the note of July 9.

Anticipating an early receipt of these papers, the undersigned has the honor of renewing at the same time the expression of his most distinguished consideration.

WELSERSEHEIMB,  
For the Minister of Foreign Affairs.

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[Inclosure 9 in No. 183.]

*Mr. Grant to Mr. Janowitz.*

LEGATION OF THE UNITED STATES,  
Vienna, July 21, 1891.

SIR: With reference to my letter of the 9th instant, I have to inform you that I have received a note from the ministry of foreign affairs stating that the competent authorities of Hungary have been instructed not to call upon you for the present to fulfill your military duty, but that a final decision of your case can not be given until you present to the authorities your passport and naturalization certificate, upon which your claim is based, to be treated according to the provision of article 2 of the treaty of September 20, 1870, between the United States and Austria-Hungary.

You should accordingly, without delay, appear before the proper authorities at Lublo and submit evidence in question.

Very respectfully,

F. D. GRANT.

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[Inclosure 10 in No. 183.]

*Mr. Janowitz to Mr. Grant.*

LUBLO, July 21, 1891.

With these lines I intend nothing else, but thank your excellency for your prompt and able defense and protection in my case, and would only beg to be excused for not doing so any sooner as I have been absent for the past two weeks and only arrived here this morning.

At this occasion I take liberty to state that instructions have reached the authorities here (undoubtedly through your action) as to which I am not obliged to show my passport, etc., also that the bail which I was compelled to furnish be returned to me; but being that said bail was not furnished in cash, and merely a bond signed by a property-owner (my father), and myself also, this document had to be sent to higher authority, as I was told.

I further take leave to state that I will depart from here to New York on the 4th of August, and would naturally not like to leave here before this affair is entirely settled; in short, before I have this bond out of the hands of these authorities.

Likely through your excellency's intervention I will be greatly benefited, and if so possible, you will confer a great favor upon your excellency's obedient servant,

ALFRED JANOWITZ.

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[Inclosure 11 in No. 183.]

*Mr. Janowitz to Mr. Grant.*

LUBLO, July 24, 1891.

In reply to your favor of the 21st instant, I beg leave to state that, according to your instruction, I have called at the city captain's office this morning, this being the proper authority for military affairs here, showing him my passport, etc., but he declared that his inspection of these documents is insufficient and furthermore not necessary unless he is called upon to do so.

He also informed me that the whole affair is presently suspended, and will be settled in diplomatic ways, but, however, thinks that I will shortly be requested to show my documents at higher authority.

Allow me, your excellency, to draw your attention once more to the fact that I can not postpone my departure for New York, and will therefore leave here on the 4th of August, and hope that I can do so without delay and trouble.

Your obedient servant,

ALFRED JANOWITZ.

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[Inclosure 12 in No. 183.]

*Mr. Grant to Mr. Janowitz.*

LEGATION OF THE UNITED STATES,  
Vienna, July 26, 1891.

SIR: Your letter of the 24th instant is received. I do not believe that you will have any trouble when you wish to leave this Monarchy; the difficulty has been to prevent the authorities from expelling you before you wished to go.

Yours, very truly,

F. D. GRANT.

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*Mr. Grant to Mr. Blaine.*

No. 184.]

LEGATION OF THE UNITED STATES,  
Vienna, August 20, 1891. (Received September 4.)

SIR: I have the honor to forward herewith, for the information of the Department of State at Washington, the inclosed correspondence relating to the case of Mr. Julius Kranz, a naturalized citizen of the United States, of Galician birth, who, while making a visit to his native town, Wicliczka, was deprived by the local authorities there of his naturalization certificate and passport, and who was ordered to appear on August 4 before the board of enrollment for examination for military duty in this Monarchy.

The case of Mr. Julius Kranz resembles very much that of Mr. Alfred Janowitz, which was reported in my dispatch No. 183, under date of August 18 last. Through the interference of this legation in behalf of Mr. Kranz by calling the attention of the minister of foreign affairs to his case, he has been relieved from all liability to military duty, his papers returned to him, and he has been permitted peacefully to continue his visit to his parents.

Trusting that my action in this case may meet with your approval, I have, etc.,

F. D. GRANT.

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[Inclosure 1 in No. 184.]

*Mr. Kranz to Mr. Grant.*

[Telegram.]

Julius Kranz, United States citizen, passport No. 30838, of June 30, 1891, was arrested by gens d'armes on the occasion of a visit he paid to his parents residing here, his documents taken from him, and he was not set free before he had given bail and agreed to appear before a board of examination on August 4, 1891. Requests speedy and active assistance and telegraphic orders for return of documents and bail, as well as revokement of order to appear before the board of enrollment on August 4.

JULIUS KRANZ.

[Inclosure 2 in No. 184.]

*Mr. Grant to Mr. Kranz.*

[Telegram.]

Comply with order to appear before enrollment board. Will move in your interest at once with Government. Send me written particulars of your case, with passport and naturalization paper.

GRANT,  
*American Minister.*

[Inclosure 3 in No. 184.—Translation.]

*Mr. Kranz to Mr. Grant.*

WICLICZKA, July 29, 1891.

I acknowledge with many thanks the receipt of a telegram addressed to my son, from the contents of which I infer that you have acted in my son's behalf. He himself is prevented from writing because the irritation produced by his arrest and the long examination of the authorities have so affected his health that he followed the advice of a physician and went to a watering place in Germany. The shock to his system was the greater, as he was accustomed, as a free citizen of the United States, to meet with a more conciliatory and affable treatment on the part of the authorities.

I inclose herewith my son's American passport, obtained from the district captaincy after repeated requests, which, after examination, I would beg you to return to me.

I must finally beg your pardon for writing this letter in German, as I am unable to express myself in English, and my son has been absolutely forbidden by his physician to expose himself to any excitement.

I hope that you will grant the request made by the afflicted parents, who, after a separation of nineteen years, were only allowed to see their son for a few hours, and to intercede with well-known energy, in order that justice may be done.

I am, etc.,

SALOMON KRANZ.

[Inclosure 4 in No. 184.]

*Mr. Grant to Mr. Kranz.*

LEGATION OF THE UNITED STATES,  
Vienna, July 30, 1891.

SIR: Your letter dated 29th instant, inclosing passport of your son Julius is received. I have made notes of the passport and return it herewith. It is desirable that you forward to me immediately your son's naturalization certificate, and also inform me of the place and date of his birth, date of emigration to the United States, date of return to his native country, and the object he had in returning, as well as the date of his intended return to the United States.

I have called at the imperial and royal ministry of foreign affairs, and one of the officers there promised to telegraph to Wicliczka and inquire of the authorities there their reasons for detaining your son.

Trusting that you will communicate the foregoing to your son at your earliest convenience,

I am, etc.,

F. D. GRANT.

[Inclosure 5 in No. 184.—Translation.]

*Mr. Kranz to Mr. Grant.*

WICLICZKA, August 2, 1891.

It is not until to-day that my repeated requests made at the district captaincy here for my son's naturalization certificate have been granted, and I herewith inclose it, in conformity with the contents of your note, in which you also inform me of the intervention of the ministry of foreign affairs.

## FOREIGN RELATIONS.

The bail deposited by me has been returned to me. I would ask to have the naturalization certificate returned to me after you have examined it.

After having recovered his health my son intends to stay here two weeks and then return home to New Orleans.

Rendering to you my sincerest thanks for the prompt and kind protection offered, and assuring you of my highest respect,

I am, etc.,

SALOMON KRANZ.

[Inclosure 6 in No. 184.]

*Mr. Grant to Mr. Kranz.*

LEGATION OF THE UNITED STATES,  
*Vienna, August 7, 1891.*

SIR: Your letter dated 4th instant, inclosing your son's naturalization certificate, was duly received, and I return the same herewith after having taken the notes necessary for a proper understanding of the case should further action be required.

Very respectfully, yours,

F. D. GRANT.

[Inclosure 7 in No. 184.—Translation.]

*Count Welsersheimb to Mr. Grant.*

MINISTRY OF FOREIGN AFFAIRS,  
*Vienna, August 9, 1891.*

Acting upon the verbal representations recently made by the envoy of the United States, Hon. F. D. Grant, relative to Julius Kranz, in Wieliczka, a citizen of the United States, and the summons he had received to appear before a military board of enrollment, the imperial and royal ministry of foreign affairs has placed itself in communication with the competent authorities and is now in a position to report that, in view of the fact that the above named has produced evidence of American citizenship, he is restored to full liberty.

The undersigned avails himself, etc.,

WELSERSHEIMB,  
*For the Minister of Foreign Affairs.*

[Inclosure 8 in No. 184.]

*Mr. Grant to Mr. Kranz.*

LEGATION OF THE UNITED STATES,  
*Vienna, August 12, 1891.*

SIR: I take pleasure in informing you that I received this morning a communication from the imperial and royal ministry of foreign affairs in this city, saying in substance that, acting upon the representations made by the United States minister, the foreign office had made inquiries of the competent authorities relative to the summons sent to Julius Kranz to appear before a military board, and that it is now in a position to report that, in view of the fact that the above named has produced evidence of American citizenship, he is restored to full liberty.

With the assurance of my sincere satisfaction of the final result of my intervention,

I am, etc.,

F. D. GRANT.

[Inclosure 9 in No. 184.]

*Mr. Kranz to Mr. Grant.*

WIELICZKA, *August 13, 1891.*

MY DEAR SIR: Your kind favor of the 12th instant duly received, for which accept my sincere thanks for your immediate action in my case.

I remain, etc.,

J. KRANZ.

*Mr. Grant to Mr. Blaine.*

No. 188.]

LEGATION OF THE UNITED STATES,  
*Vienna, September 11, 1891.* (Received October 2.)

SIR: I have the honor to forward herewith a translated copy of a note from Count Welsersheimb, second chief of section of the ministry of foreign affairs. Count Welsersheimb's note is in reply to one (copy inclosed), which was addressed by this legation to Count Kalnoky, minister of foreign affairs, in compliance with your letter of instruction No. 133, dated the 6th of August last.

Trusting that the Department will find that my note to Count Kalnoky covers the ground contemplated by its instruction,

I have, etc.,

F. D. GRANT.

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[Inclosure 1 in No. 188.]

*Mr. Grant to Count Kalnoky.*

LEGATION OF THE UNITED STATES,  
*Vienna, August 25, 1891.*

SIR: Referring to my note No. 79, dated May 22, 1891, and also to the esteemed favor under date of July 9, 1891, received from the imperial and royal ministry of foreign affairs in reply to my note, I have the honor to say that the object of my writing was to place before the Imperial and Royal Government the statements of one Nikolaus Bader, who claimed that he had been "assisted" to emigrate to the United States by the community at Stauzach, Tyrol, in which he lived, after having been confined in an insane asylum for years, in consequence of a murder which he had committed. It was assumed that the assisting of an imbecile criminal to emigrate to a foreign country, where he would of necessity become a charge, not to say a dangerous one, to that country, could scarcely be regarded in any other light than as an unfriendly act on the part of the community which gave to this imbecile the assistance.

The investigation into the circumstances of Bader's case, as related in the esteemed note above referred to, appears to have developed the fact that Bader had committed the murder mentioned, for which offense he was tried, but found, upon examination by medical men, to be irresponsible, and was therefore sent to an insane asylum, where he remained in duress until 1889. Upon being discharged as cured from this insane asylum Bader expressed the wish to go to America, and the community at Stauzach furnished him with the "necessary means of travel," amounting to 100 guildens, 76 of which were given to a third party to pay Bader's passage to New York, and 26 (*sic*) of the guildens were given to Bader himself, the latter amount not being enough to defray the expenses of his return to Austria after a visit to America, nor enough, after deducting the cost of food during the journey, to support him in America a reasonable length of time for a stranger to search for and obtain employment. It would seem, therefore, that while at the time of his "assisted" emigration Bader was not a "condemned criminal," nor in duress as an "insane person," still it is substantially proven that he was both a "criminal" and an "imbecile."

The effort on the part of the local authorities at Stauzach to evade responsibility for the "assisted" emigration of this imbecile criminal by the statement that Bader was assisted in his desire to go to America by the "community" seems unworthy, under the circumstances, of consideration. In observing the traits of human nature it is not found that "communities" are active to the extent of contributing money to gratify the desires of individuals for foreign travel, unless actuated by other motives than those of pure charity, and when such contributions are made there can be usually found some one in authority who is chiefly instrumental in bringing about the result.

In the esteemed note from the imperial and royal foreign office upon this subject the details are not given as to how the contributions were raised, nor an explanation as to why the community used its individual and private resources for Bader's pleasure. There seems to be also no assurance given that measures will be taken to reprimand the local authorities who are directly responsible in the case and to prevent a

similar occurrence in the future. Briefly, it appears that the Imperial and Royal Government has not accorded to the subject of Bader's assisted emigration the importance which its gravity seems to demand. In conclusion, however, I am instructed by the Department of State at Washington to say "that, inasmuch as Bader has been returned, pursuant to the statutes of the United States, to the country whence he was assisted to emigrate, the incident may be regarded as terminated."

I take this occasion, etc.,

F. D. GRANT.

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[Inclosure 2 in No. 188.—Translation.]

*Count Welsersheimb to Mr. Grant.*

MINISTRY OF FOREIGN AFFAIRS,  
*Vienna, September 5, 1891.*

SIR: The imperial and royal ministry of foreign affairs has learned with gratification, from the esteemed note of the 25th ultimo, No. 86, that the Government of the United States considers the incident of Nikolaus Bader's emigration to America as disposed of by his return.

While the ministry of foreign affairs takes cognizance of this fact, it thinks proper to revert to certain observations made in the above-quoted esteemed note, without, in doing so, wishing to renew the discussion on a subject now to be regarded as settled.

In the first place, the ministry of foreign affairs thinks proper to maintain that Bader, after having been acquitted of the charge of murder by reason of imbecility, and having been discharged as cured from the insane asylum, was to be considered neither as a criminal nor as an imbecile at the time of his emigration, and that the theories advanced, therefore, by the United States Government, in order that the community at Stauzach be reprimanded for their course, fail to be veracious.

Moreover, it must be remembered that, except in cases where liability to military duty is concerned, the authorities of this Monarchy have no means to prevent the emigration of any of its subjects or to hinder a community from extending aid to a person to enable him to emigrate.

Aside from this, every state has at its command sufficient power to exclude individuals whose stay within its limits, for some reason or other, appears not to be desirable, and this power, in the present instance, has been exercised by the United States Government.

The ministry of foreign affairs has considered it to be its duty to state its views fully on this subject, the more so as the case of Nikolaus Bader may, in the future, be quoted as a precedent.

The undersigned, etc.,

WELSERSHEIMB,  
*For the Minister of Foreign Affairs.*

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*Mr. Wharton to Mr. Grant.*

No. 149.]

DEPARTMENT OF STATE,  
*Washington, October 5, 1891.*

SIR: Your dispatch No. 188 of the 11th ultimo, inclosing copies of correspondence relative to the case of Nikolaus Bader, has been received. The Department fully approves your note to the foreign office in regard to the matter.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*



*Mr. Grant to Mr Blaine.*

[Extract.]

No. 213.]

LEGATION OF THE UNITED STATES,  
*Vienna, December 5, 1891.* (Received December 23).

SIR: Upon November 10 last I had the honor to report to you, by telegram, that I had received official information to the effect that the cabinets of both Austria and Hungary had agreed to repeal the ordinance which prohibited the admission of American hog products into this Monarchy.

Since sending to you my telegram of November 10 I have made it my special duty to visit the foreign office as frequently as possible, where I used earnestly whatever influence could be brought to bear to hasten the promulgation of the rescinding decree. During each interview, when I was always received with the greatest cordiality at the foreign office, I had arguments more or less extended upon this subject with the ministers, the general purport of which I have already reported to the Department; and yesterday I had the honor and gratification to telegraph you, Mr. Secretary, that the decree had been officially promulgated which admits American pork products into the Monarchy of Austria-Hungary; and I herewith inclose a translated copy of this decree and the note with which it was transmitted to this legation (Nos. 1 and 2).

The promulgation of this decree admitting American pork products into Austria-Hungary may justly be considered as a great triumph for the United States Government.

I congratulate the President and you, Mr. Secretary, upon the success which you both have gained in this decree from Austria-Hungary, which opens a market to the value of \$25,000,000 a year for one of America's staple products, not an insignificant "Christmas greeting" from the administration at Washington to the seven millions of farmers in the United States.

Trusting that my actions in the negotiation for this decree may meet with your approval,

I have, etc.,

F. D. GRANT.

[Inclosure No. 1 in No. 213.—Translation.]

*Mr. Glauz to Mr. Grant.*

MINISTRY OF FOREIGN AFFAIRS,  
*Vienna, December 3, 1891.*

SIR: In the esteemed note of the 17th of October last (No. 96), the honorable envoy of the United States of America was pleased to convey the desire, expressed by his Government, that the ordinance of 1881, against the importation of hogs, hogs' meat of all kinds, bacon, and sausages, into Austria-Hungary be repealed.

After the honorable envoy of the United States had already been informed verbally and confidentially that the respective ministers had given their moral support to the repeal of the prohibitory ordinance in question, the imperial and royal ministry of foreign affairs now has the honor to transmit to the honorable envoy of the United States a copy of the ordinance by which the measure taken for sanitary reasons against the importation of pork products is repealed after December 4, 1891.

The undersigned avails himself of this occasion to renew to the honorable envoy of the United States the assurance of his most distinguished consideration.

GLAUZ,  
*For the Minister of Foreign Affairs.*

[Inclosure No. 2 in No. 213.—Translation.]

*Ordinance.*

The ministries of the interior, of commerce, of finances, and of agriculture, under date of the 4th of December, 1891, concerning the importation of hogs, hogs' meat, bacon, and of sausages from the United States of America.

After consultation with the Royal Hungarian Government, the ordinance of March 10, 1881, R. G. B., No. 18, is repealed, and the importation of hogs, hogs' meat of all kinds, of bacon, and of sausages of every description from the United States of America into the Austro-Hungarian Monarchy is permitted, provided that an official certificate is produced setting forth the fact that the examination prescribed by the laws of the United States shows that they are of healthy and perfectly sound condition.

The laws and regulations relating to the supervision of the traffic in the above-mentioned articles remain intact.

The ordinance will take effect on the day of its publication.

TAAFFE.  
FALKENHAYN.  
BACQUEHEM.  
STEINBACH.

## BELGIUM.

*Mr. Wharton to Mr. Terrell.*

No. 134.]

DEPARTMENT OF STATE,  
*Washington, May 11, 1891.*

SIR: I inclose herewith for your information a copy of a letter from the Secretary of Agriculture concerning the requirement of the Belgian Government that carcasses of dressed beef imported into Belgium from the United States of America shall be accompanied by the lungs of the animals attached to said carcasses.

As this requirement is, in the opinion of the Department of Agriculture, a virtual prohibition of the importation of dressed beef into Belgium from this country, you are instructed to make appropriate representation to the Belgian Government on the subject and to report the result to this Department.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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[Inclosure in No. 134.]

*Mr. Rusk to Mr. Blaine.*

DEPARTMENT OF AGRICULTURE,  
*Washington, April 25, 1891. (Received May 7.)*

SIR: I have the honor to inform you that I am advised that the Government of Belgium requires that carcasses of dressed beef imported into that country from the United States shall be accompanied by the lungs of the animals, attached to said carcasses.

This requirement is a virtual prohibition of the importation into Belgium of dressed beef from this country. The object which Belgium had in requiring the lungs to accompany the animal was no doubt a sanitary measure, to enable the officers of that Government to determine, upon the arrival of the carcass, whether the animal had been affected with any disease of the lung.

The enactment by the Congress of the United States of the act of March 3, 1891, which provides for the inspection of all animals slaughtered for export to foreign countries and requires both an ante-mortem and a post-mortem examination, the carcasses of the animals to be accompanied by a certificate of healthfulness by inspectors of the United States and said carcasses to be properly labeled for purposes of identification, should be sufficient grounds for an application to the Government of Belgium to remove this restriction.

I have to advise you that the work of inspection of meat products has been commenced by this Department under the regulations prescribed of date March 25, 1891, and that the carcasses of all dressed beef now being exported to foreign countries from the United States will be accompanied by a certificate of healthfulness and be properly tagged for purposes of identification.

In view of this, I have to request that the attention of our minister at Brussels be called to the matter, and that he be directed to present these facts to the Government of Belgium with a view of securing the removal of the restriction referred to above.

I have, etc.,

J. M. RUSK,  
*Secretary.*

*Mr. Terrell to Mr. Blaine.*

No. 225.]

LEGATION OF THE UNITED STATES,  
*Brussels, September 10, 1891.* (Received September 22.)

SIR: Referring to your despatch No. 134, of May 11 last, I have the honor to state that, in accordance with the instructions therein contained, I addressed a communication on the 23d of May to his excellency the Prince de Chimay, minister of foreign affairs, calling his attention to the requirement enforced in Belgium that carcasses of dressed beef imported into Belgium shall be accompanied by the lungs of the animals thereto attached, respectively, and especially directing the prince's consideration to the prohibitory character of this regulation.

I beg to inclose herewith a copy of my communication.

On the 5th of August I received a reply from the Prince de Chimay, informing me that it was not within the power of the King's Government to modify the regulation in question, it being enforced in accordance with the law of June 18, 1887.

As indicating, however, a desire on the part of the Government to concede something to the United States, the prince further informed me that the duration of the quarantine on American live stock, a reduction of which from forty-five days to five days I had obtained last fall, had been further reduced to three days. I inclose a copy of the Prince de Chimay's communication, together with a translation.

On the 7th of August I again addressed the prince on the subject, expressing my regret that the King's Government, in view of our efficient inspection of all dressed beef exported from the United States, had not decided to recommend to the legislature an amendment to the law, permitting an exception to be made in favor of the products of any country whose sanitary inspection laws as to dressed beef intended for exportation should be found satisfactory to the minister of agriculture, industry, and public works.

I also begged his excellency to send me a copy of the law of June 18, 1887, referred to in his communication. I have the honor to inclose herewith a copy of my said note.

August 12 I received a note from the prince, inclosing a copy of the decree reducing the quarantine on live stock imported by sea from five to three days. I beg to inclose herewith a copy of the decree, with a translation into English.

September 2 I received a further communication from the prince, a copy of which I inclose herewith accompanied by a translation. In sending me the copy of the law which I had requested, the prince informs me of an opinion which the minister of agriculture, industry, and public works has given to the minister of finance, to the effect that it is necessary to regard as prepared meats pork meats imported from America after subjection to brine and borax treatment; and that therefore they are not to be assimilated to the fresh meats whose importation is subject to the provisions of the law of June 18, 1887.

I beg to inclose a copy of the law of June 18, 1887, together with a translation.

I have, etc.,

EDWIN H. TERRELL.

[Inclosure 1 in No. 225.]

*Mr. Terrell to the Prince de Chimay.*LEGATION OF THE UNITED STATES,  
*Brussels, May 23, 1891.*

PRINCE: Under special instructions which I have just received from my Government, I am requested to call the attention of your excellency's Government to a restrictive measure now being enforced in Belgium in connection with the importation of carcasses of dressed beef into the latter country, which not only operates seriously upon commerce in this article as to its importation from the United States into Belgium, but is virtually prohibitory of all importation of dressed beef from the ports of the United States to this country.

I refer to that provision enforced by the Government of Belgium requiring that carcasses of dressed beef imported shall be accompanied by the lungs of the animals attached to the said carcasses, respectively. It is presumed by my Government that the object had in view by Belgium in establishing this regulation was simply to provide a sanitary measure which would enable its officers to determine whether the animals whose carcasses were to be imported had been affected with any disease of the lungs.

As I have had the honor to inform your excellency in previous correspondence, the Congress of the United States, by the act of March 3, 1891, has provided for the most rigid inspection of all animals slaughtered with a view to foreign exportation.

By virtue of this act, ante-mortem and post-mortem examinations of the most thorough character are required, and the carcasses of the animals which are to be shipped to foreign countries are required to be accompanied by health certificates issued by the United States inspectors, and are to be properly labeled for purposes of identification.

These measures of sanitary precaution are now being carried out in the most efficient manner possible by the Department of Agriculture of the United States under the regulation prescribed March 25, 1891, a copy of which I have already had the honor to transmit to your excellency.

It is the opinion of the United States Government that the efficient means it is thus taking to secure the exportation from its ports of dressed beef carcasses of undoubted healthfulness only warrant its asking from the courtesy of your excellency's Government the removal, so far at least as the United States is concerned, of these restrictive measures, which are practically prohibitory of importations of this particular article of commerce.

Hoping that it may be possible for the Belgian Government to do away with this regulation where applied to importations from a country enforcing rigid inspection laws assuring the healthfulness of beef carcasses shipped from its ports, I profit by this occasion to renew, etc.,

EDWIN H. TERRELL.

[Inclosure 2 in No. 225.—Translation.]

*The Prince de Chimay to Mr. Terrell.*MINISTRY OF FOREIGN AFFAIRS,  
*Brussels, August 5, 1891.*

MR. MINISTER: I have the honor to acknowledge the reception of the communication bearing date May 23 last, by which your excellency has wished to express to me, in the name of your Government, the desire to see modified the measure now applied in Belgium concerning the importation of fresh beef.

While highly appreciating the sanitary regulations which have been promulgated by the Government at Washington with a view of assuring the shipment from the United States of perfectly sound meat, the Government of the King is obliged to declare that it is not in its power to give favorable action to the request which has been addressed to it by your excellency.

As a matter of fact, Mr. Minister, the provisions which oblige the importers of beef meats to bring them in the condition of entire carcasses, half carcasses, or fore quarters, and with lungs adhering, have been decreed by the laws of June 18, 1887.

I will add, Mr. Minister that, desirous of giving to the Government of the United States a new proof of his good will, the minister of agriculture, industry, and public works has just reduced from five to three days the duration of the quarantine imposed on American cattle imported into Belgium.

I seize this occasion, etc.,

LE PRINCE DE CHIMAY.

[Inclosure 3 in No. 225.]

*Mr. Terrell to the Prince de Chimay.*LEGATION OF THE UNITED STATES,  
*Brussels, August 7, 1891.*

PRINCE: I have the honor to acknowledge the receipt of your excellency's esteemed communication of the 5th instant, on the subject of the sanitary regulations enforced in Belgium as to dressed beef carcasses imported from the United States. I deeply regret being under the necessity of reporting to my Government the conclusion reached by your excellency's Government on this subject. The regulations now enforced requiring that the carcasses of dressed beef imported from the United States into Belgium shall be accompanied by the lungs of the animals respectively, are practically prohibitory of all importation of this important article of American commerce.

I greatly regret that your excellency's Government has not seen fit to recommend to the legislature a simple amendment of the law, providing that it should not be applicable to the products of those countries whose sanitary regulations on the subject of the exportation of dressed beef should be found satisfactory to the ministry of agriculture, industry, and public works.

Just at the time when other European powers are showing every disposition to modify restrictive measures heretofore enforced against American beef and pork products, it seems to me as greatly to be regretted that Belgium should take so inflexible a position; especially in view of the vigorous and effective efforts now being made by the United States Government to insure beyond all question the wholesome character of these products exported from its ports.

I should be deeply indebted if your excellency would kindly furnish me with a copy of the law of June 18, 1887, referred to in the communication which I have had the honor to receive, for the purpose of transmitting the same to my Government.

I desire, on the part of my Government, to express the pleasure with which I have learned, by your esteemed communication, of the further reduction of the quarantine on American cattle imported into Belgium from five days to three. I am sure this important and advantageous modification of the quarantine law will be highly appreciated by my Government.

Please receive, etc.

EDWIN H. TERRELL.

[Inclosure 4 in No. 225—Translation.]

*Decree modifying quarantine laws.*

BRUSSELS, July 21, 1891.

The ministry of agriculture, industry, and public works, considering the royal decree of October 13, 1890 modifying article 49 of the law of general administration of September 25, 1883, relative to the sanitary police of domestic animals, and also considering the ministerial decree of December 15, 1890, modifying ministerial decree No. 3, of September 25, 1883, decrees:

ARTICLE 1. Animals of the bovine, ovine, and porcine species imported through the ports of Antwerp, Gand, and Ostend shall be held there in quarantine for three days. Exception to this regulation may be made in the case of animals intended for raising.

ART. 2. The ministerial decree of December 15, 1890, is repealed.

LEON DE BRUYN.

[Inclosure 5 in No. 225.—Translation.]

*The Prince de Chimay to Mr. Terrell.*MINISTRY OF FOREIGN AFFAIRS,  
*Brussels, September 2, 1891.*

MR. MINISTER: In order to satisfy the desire which your excellency has expressed, I hasten to forward a copy of the law of June 18, 1887, establishing an import duty on cattle and meats. This law was published in the *Moniteur* of July 1, 1887.

The minister of agriculture, industry, and public works, to whom I communicated the note which your excellency sent me the 7th of August last, begs me to cause you

to be informed of an opinion which he has given recently to the minister of finance, touching a question which interests American commerce.

Mr. De Bruyn considers that, in view of the results of an inquiry which two inspectors of his department have made, it is necessary to regard as prepared meats pork meats imported from America after having been subjected to brine and borax treatment; they are not then to be, according to him, assimilated to the fresh meats whose importation is subject to the régime of the law of the 18th of June, 1887.

I seize this occasion, etc.,

THE PRINCE DE CHIMAY.

[Inclosure 6 in No. 225.—Translation.]

*Law of June 18, 1887.*

Leopold II, etc.

The chambers have adopted and we sanction the following:

ARTICLE 1. The import duties upon cattle and meats are established as follows:

*Bovine species.*—Bulls and young bulls, 4 centimes per kilogram live weight; beeves, young beeves, calves, and calves not having milk teeth razed, 5 centimes per kilogram live weight; cows and heifers, 3 centimes per kilogram live weight.

*Ovine species.*—Rams, sheep, and wethers, 2.50 francs per head; lambs, 1 franc per head.

*Fresh meats.*—Entire animals, halves, 15 centimes per kilogram; other animals and game, 30 centimes per kilogram.

Beginning with January 1, 1888, fresh butchered meats will not be admitted to entry except as entire carcasses, half carcasses, or forequarters, and on condition that the lungs be adhering.

ART. 2. The Government is authorized to permit, under the conditions which a royal decree will determine, the admission in provisional franchise of duties cattle of foreign origin sent to fairs and markets in Belgium and destined for reexportation.

ART. 3. The Government is authorized to prescribe by royal decree, in the radius reserved from custom-house, the measures which it will judge necessary for the prevention of the fraudulent importation of cattle.

We promulgate, etc.

*Mr. Wharton to Mr. Terrell.*

No. 160.]

DEPARTMENT OF STATE,

*Washington, October 5, 1891.*

SIR: Referring to your dispatch No. 225, of the 10th ultimo, relative to the regulations enforced in Belgium as to imported carcasses of dressed beef, I transmit to you herewith a copy of a letter from the Secretary of Agriculture on the subject.

You will use your own discretion as to the best manner of presenting the matter to the Belgian Government with a view to securing the removal of the restrictions complained of.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

[Inclosure in No. 160.]

*Mr. Rusk to Mr. Blaine.*

DEPARTMENT OF AGRICULTURE,

*Washington, October 1, 1891.*

SIR: I have the honor to acknowledge the receipt of your esteemed favor of the 25th ultimo, inclosing a dispatch from the American minister at Brussels relative to his efforts to obtain a modification of the regulations of the Government of Belgium which prohibit the introduction of American fresh beef.

I would very respectfully request that our minister to Belgium be again directed to urgently insist upon the repeal by the Government of that country of that provision of its laws which requires carcasses of dressed beef imported from America to be accompanied by the lung adherent thereto.

This regulation practically prohibits all exportation of dressed beef from the United States to Belgium, as our shipments of beeves are made in quarters, the lung being removed at time of slaughter, and it is therefore not practicable to ship them adherent to the carcasses. The inspection laws of this country provide for both an ante and postmortem examination of all animals killed for exportation, and an official certification by officers of this Government as to the healthfulness of the animal at time of slaughter. The continuance by Belgium of this law is therefore not only an unjust discrimination against our dressed-beef products, but is a reflection on the character of our inspection.

Trusting that such reasons will be given to the Government of Belgium as will induce it to modify this unwarranted provision of law maintained against the fresh-meat products of this country,

I have, etc.,

J. M. RUSK,  
Secretary.

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*Mr. Terrell to Mr. Blaine.*

[Extract.]

No. 231.]

LEGATION OF THE UNITED STATES,  
*Brussels, October 31, 1891.* (Received November 12.)

SIR: Referring to your No. 160, of October 5, on the subject of the regulations enforced in Belgium as to the carcasses of dressed beef imported from the United States, I have the honor to state that I have addressed another communication on the subject to the Prince de Chimay, minister of foreign affairs, a copy of which I beg to inclose herewith for your information.

Referring to the letter of the honorable the Secretary of Agriculture, inclosed with your instruction, it would seem that the Secretary regards the Belgian regulation requiring dressed beef carcasses to be accompanied by the lungs of the animals respectively as applied solely to these products coming from the United States, and as thus plainly discriminating against our interests. The law, however, is a general one, applicable to the dressed beef imported from Germany, Holland, and other countries, as well as from the United States.

It is claimed by the Belgian Government that the law under which the regulation is made, and a copy of which accompanied my dispatch No. 225, was passed solely as a sanitary measure.

It is for the reason that the law is general in its application and applicable to the dressed-beef products of all foreign countries that I have suggested that it be so amended as to permit of its being dispensed with in favor of the products of any country whose sanitary inspection laws are found to be satisfactory by the Belgian minister of agriculture.

I have, etc.,

EDWIN H. TERRELL.

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[Inclosure in No. 231.]

*Mr. Terrell to the Prince de Chimay.*

LEGATION OF THE UNITED STATES,  
*Brussels, October 29, 1891.*

PRINCE: I have the honor to inform your excellency that some six weeks ago I duly forwarded to my Government copies of the correspondence exchanged between the Belgian Government and this legation on the subject of the regulations enforced in



Belgium as to dressed beef imported from the United States, requiring that such beef carcasses should be accompanied by the lungs of the animals attached thereto, respectively.

The United States Government has thoroughly considered the entire subject in the light of the replies of your excellency to my communications, and I am now in receipt of further instructions directly relating to this matter.

My Government regards these regulations of Belgium as entirely prohibitive of all importations of dressed beef carcasses into Belgium from the United States, and as in their effect essentially discriminating against one of the most important products of our country.

Your excellency has been pleased to inform me heretofore that these regulations are enforced under a law which it is not possible for the Government of the King to change. From the language of the law it is to be presumed that the law in question was enacted with a view to establishing certain sanitary measures as to beef products imported into the country. Since the passage of that law the United States has put into force the most thorough and searching inspection regulations as to its beef and pork products designed for exportation to foreign countries ever instituted, I venture to say, by any government on earth. Since these regulations were first established additional and even more stringent requirements have been imposed by the Department of Agriculture, so that to-day they constitute a most efficient and entirely satisfactory body of sanitary measures, absolutely assuring beyond question the quality of the products thus intended for exportation. These inspection laws provide for an ante-mortem and post-mortem examination of all animals killed for exportation, and for official certification by Government officers as to the healthfulness of the animal at time of slaughter, all of which is evidenced by marks attached to the carcasses. The shipments of these beef products are made in quarters, the lungs being removed at the time of slaughter, and it is therefore not practicable nor possible to ship them adherent to the carcasses.

It seems to my Government that the continuance by Belgium of its strange requirement is not only a discrimination against an important product of our country, but a serious reflection upon the character of our inspection laws.

The Governments of Germany, Denmark, and Italy, after prohibiting absolutely for some years—on what has turned out to be groundless objections—the importation of beef and pork products from the United States, have, through thorough examination made by special expert commissions respectively, become entirely satisfied with the efficient sanitary inspection laws and regulations now so rigidly enforced in the United States, and have promptly and in the most liberal spirit rescinded their restrictive measures and opened their ports to the admission of these articles of commerce.

France, through her Chamber of Deputies, has already taken the same action, which will undoubtedly be ratified by her Senate.

Thus from now on shipments of American cattle, beef and pork carcasses, and meat products can be made to any country in Europe, without discriminating or prohibitive measures being applied to them, except in Belgium.

Surely the friendly spirit which has always been shown to the Government of Belgium by the United States would seem to suggest a prompt removal of the restrictive regulations under discussion.

Your excellency has observed that the regulation can not be modified because it is enforced under a law, but surely a law can be amended. As I had the honor to suggest in a former communication to your excellency, the law could be amended so as to provide that the requirement that the carcasses imported should have the lungs of the animals adherent could be dispensed with by the minister of agriculture as to the products of any country whose sanitary inspection laws should be deemed satisfactory by him.

My Government trusts that on a careful reconsideration of this matter the Belgian Government may see that it is decidedly to the interest of its people and of its commerce, and at the same time fair to a friendly government, to bring about the removal of this regulation.

Stringent measures of this character, producing in effect unjust discriminations against the products of another country and practically prohibiting their importation frequently lead to retaliatory measures, which are always deeply to be regretted.

I profit, etc.,

EDWIN H. TERRELL.

## BRAZIL.

*Mr. Conger to Mr. Blaine.*

[Extract.]

No. 31.]

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, March 6, 1891. (Received April 10.)*

SIR: I have the honor to report that the constitutional congress met on the 15th day of November last, and after having considered the constitution submitted by the Provisional Government adopted it with but few amendments.

In addition to the election of Gen. Deodora as President, of which I informed you by cable, Gen. Floriana Peixoto was elected Vice-President, and the day after the election the President was inaugurated, taking the oath of office in the presence of the members of Congress and a large number of citizens.

There were no special ceremonies attendant upon the inauguration, and, as no invitation was extended to the diplomatic corps, I was not present.

I have, etc.,

E. H. CONGER.

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*Mr. Wharton to Mr. Conger.*

No. 62.]

DEPARTMENT OF STATE,  
*Washington, June 23, 1891.*

SIR: I inclose for your information a copy of a letter from Messrs. Charles Ahrenfeldt & Son, of New York, in which they complain that the government of the State of Amazonas imposes a tax of 5 per cent on rubber from Peru in transit for New York down the Amazon River. As no entry of the rubber is made at Manaos, it is claimed that the tax is unreasonable and in violation of the practice of commercial nations. You will inquire into the matter, and if the facts appear as stated make proper representations against this tax.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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[Inclosure in No. 62.]

*Charles Ahrenfeldt & Son to Mr Blaine.*

NEW YORK, May 29, 1891.

DEAR SIR: We are interested in a house in Peru, South America, which ships to us as remittances crude rubber. This rubber is shipped to Para via the Amazon River and then to New York, and passes in transit through the Brazilian State Amazonas (formerly the Brazilian province of Amazonas). The governor of this State has recently issued a notice compelling a tax of 5 per cent to be paid on all such shipments passing through his State.

The Amazon, we believe, is considered free to all vessels of any flag, and the question arises if the governor of Amazonas has a right to levy a tax on our goods in transit, particularly when no entry whatever is made at Manaos nor any trouble given the authorities.

The Amazon River being free, and vessels as a rule not sailing without cargoes of some kind, their cargoes, being in transit, should likewise be free. We have already been compelled to pay over \$5,000, and we beg your honorable decision in this matter.

Yours, very respectfully,

CHARLES AHRENFELDT & SON,  
Per E. J. CONRAD.

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*Mr. Conger to Mr. Blaine.*

No. 90.]

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, July 18, 1891.* (Received August 20.)

SIR: I am glad to be able to report that the work of organizing the various States of the Republic of Brazil is progressing rapidly and, upon the whole, very satisfactorily.

In some of the States, notably Amazonas and Rio Grande do Sul, there has arisen some little trouble over alleged unwarranted interference on the part of the Federal Government, and some threatenings and demonstrations of revolution have transpired; but all is now quiet in Amazonas, and nothing serious seems to be anticipated from Rio Grande do Sul.

The following States have already adopted and promulgated their constitutions and elected permanent governors or presidents: Amazonas, Para, Maranhão, Piahy, Ceará, Rio Grande do Norte, Pernambuco, Alagoas, Sergipe, Bahia, Espirito Santo, Rio de Janeiro, São Paulo, Parana, Santa Catharina, and Minas Geraes.

In the others constitutional conventions are now in session, and it is expected that the autonomy of all will soon be completed and the "United States of Brazil" become an accomplished fact.

I have, etc.,

E. H. CONGER.

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*Mr. Conger to Mr. Blaine.*

No. 101.]

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, July 27, 1891.* (Received September 3.)

SIR: Referring to your No. 62, of June 23, with inclosed complaint of Messrs. Charles Ahrenfeldt & Co., that a tax of 5 per cent was imposed by the State of Amazonas, Brazil, on rubber from Peru passing through that State in transit to New York, I have written our consular agent at Manaos for more definite information as to the facts, and in the meantime have learned from my colleague, the minister from Peru, that the same complaint had some time since been made to him by citizens of Peru, and that upon asking information from the Peruvian consul at Manaos he had received reply, dated June 25, that the requirement demanding 5 per cent tax on rubber in transit had been rescinded and the tax already collected ordered refunded.

I am also informed by the foreign office here that they have as yet no information on the subject whatever.

I have therefore thought best to let the matter rest until I hear from our consular agent at Manaos, for it is quite probable that upon reference to the provisions of the new federal constitution, which positively prohibits such a levy, the governor of Amazonas has already ordered the refunding of all this tax.

Article 7 of the constitution reserves exclusively to the General Government the power to levy foreign imposts, and article 11 denies both to the States and to the General Government the right to levy imposts for the transit through the territory of one State or in the passage from one to another upon the products of other States, or upon foreign products, as well as upon the vessels or vehicles which transport them.

I have, etc.,

E. H. CONGER.

*Mr. Conger to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, November 4, 1891.*

Mr. Conger reports that, owing to fear of plots for the restoration of the monarchy, the President had on this date by decrees dissolved Congress and declared martial law.

*Mr. Blaine to Mr. Conger.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, November 9, 1891.*

Mr. Blaine instructs Mr. Conger to convey to the Brazilian President the friendly solicitude of the United States in behalf of the Republic of Brazil, and the fervent hope of its people that the free political institutions so recently and so happily established in Brazil may not be impaired. This Government's counsel would favor a wise moderation; for retaliation too certainly follows bloodshed, while enemies will be made friends by a firm yet merciful defense of the just prerogatives of a free government.

*Mr. Conger to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, November 23, 1891.*

Mr. Conger reports that Mr. Peixoto, the vice-president, was peacefully installed in lieu of President Deodora, whose resignation was demanded by the navy, and that no disturbance has followed.

*Mr. Conger to Mr. Blaine.*

[Extract.]

No. 167.]

LEGATION OF THE UNITED STATES,

*Rio de Janeiro, December 4, 1891. (Received January 7, 1892.)*

SIR: In my dispatch No. 101, of July 27 last, I stated that I had written our consular agent at Manaus for definite information in regard to the levying by the State of Amazonas of 5 per cent duty on transit shipments of rubber through that port, and that I had received information later from the minister from Peru that said tax was abolished and amounts already paid ordered refunded.

I have, etc.,

E. H. CONGER.

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CORRESPONDENCE WITH THE LEGATION OF BRAZIL AT  
WASHINGTON.

*Mr. Blaine to Senhor Mendonça.*

DEPARTMENT OF STATE,

*Washington, November 3, 1890.*

SIR: The Congress of the United States of America, at its late session, enacted a new tariff law, in the third section of which provision was made for the admission into the ports of the United States, free of all duty, whether national, state, or municipal, of the following articles:

Sugars—all not above number 16 Dutch standard in color, all tank bottoms, all sugar drainings and sugar sweepings, sirups of cane juice, melada, concentrated melada, and concrete and concentrated molasses.

Molasses.

Coffee.

Hides—raw or uncured, whether dry, salted, or pickled. Angora goat skins, raw, without the wool, unmanufactured. Asses' skins, raw or unmanufactured, and skins, except sheep skins with the wool on.

In the law providing for the free admission of the foregoing articles, Congress added a section declaring that these remissions of duty were made "with a view to secure reciprocal trade with countries producing those articles;" and that, whenever the President should become satisfied that reciprocal favors were not granted to the products of the United States in the countries referred to, it was made his duty to impose upon the articles above enumerated the rates of duty set forth in the section of the law above cited, of which I have heretofore transmitted you a copy.

The Government of the United States of America being desirous of maintaining with the United States of Brazil such trade relations as shall be reciprocally equal, I should be glad to receive from you an assurance that the Government of Brazil will meet the Government of the United States in a spirit of sincere friendship, and that it may prove to be the happy fortune of you, Mr. Minister, and myself to be instrumental in establishing commercial relations between the two Republics on a permanent basis of reciprocity, profitable alike to both.

To this end I should be glad if you could advise me of the changes which Brazil would be willing to make in her system of tariff duties, in response to the changes proposed in the tariff of the United States which are favorable to your country.

In case the Government of Brazil should see proper to provide for the free admission into its ports of any of the products or manufactures of the United States, or at a specified reduction of the existing rates of duty, your Government may be assured that no export tax, whether national, state, or municipal, will be imposed upon such products and manufactures in the United States.

It may be further understood that while the Government of the United States of America would reserve the right to adopt such laws and regulations as should be found necessary to protect the revenue and prevent fraud in the declarations and proof that the articles herein enumerated, and whose free admission is provided for by the tariff law above cited, are the product or manufacture of Brazil, the laws and regulations to be adopted to that end would place no undue restrictions on the importer, nor impose any additional charges or fees upon the articles imported.

In the happy event of an agreement between the two Governments, the same can be notified to each other and to the world by an official announcement simultaneously issued by the executive departments of the United States of America and the United States of Brazil; and such an agreement can remain in force so long as neither Government shall definitely inform the other of its intention and decision to consider it at an end.

Accept, Mr. Minister, the renewed assurances of my highest consideration.

JAMES G. BLAINE.

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*Senhor Mendonça to Mr. Blaine.*

LEGATION OF THE UNITED STATES OF BRAZIL,  
Washington, January 31, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 3d of November, 1890, in which you inform me of the action of the Congress of the United States of America, at its late session, in the enactment of a new tariff law, in which provision was made for the admission into the ports of the United States, free of all duty, whether national, state, or municipal, of the articles enumerated in your note; that said action was taken "with a view to secure reciprocal trade with countries producing those articles;" and that, as the Government of the United States of America is desirous of maintaining with the United States of Brazil such trade relations as shall be reciprocally equal, you express the hope that you may receive from me the assurance that the Government of the United States of Brazil will meet the Government of the United States of America in a spirit of sincere friendship.

I am pleased to be able to inform you, in reply, that the United States of Brazil are equally animated by a desire to strengthen and perpetuate the friendly relations which happily exist between them and the United States of America, and to establish the commercial intercourse of the two countries upon a basis of reciprocity and equality; and I heartily participate in the hope which you express, that it may prove to be the happy fortune of you, Mr. Secretary, and myself to be instrumental in establishing commercial relations between the two Republics on a permanent basis of mutual profit.

It is therefore a matter of great gratification to me to be able to communicate to you the fact that the Government of the United States of

Brazil, in due reciprocity for and in consideration of the admission into the ports of the United States of America, free of all duty, whether national, State, or municipal, of the articles enumerated in your note of the 3d of November, 1890, has by legal enactment authorized the admission into all the established ports of entry of Brazil, on and after the 1st of April, 1891, free of all duty, whether national, state, or municipal, of the articles or merchandise named in the following schedule, provided that the same be the product or manufacture of the United States of America:

SCHEDULE OF ARTICLES TO BE ADMITTED FREE INTO BRAZIL.

Wheat;  
 Wheat flour;  
 Corn or maize, and the manufactures thereof, including corn meal and starch;  
 Rye, rye flour, buckwheat, buckwheat flour, and barley;  
 Potatoes, beans, and peas;  
 Hay and oats;  
 Pork, salted, including pickled pork and bacon, except hams;  
 Fish, salted, dried, or pickled;  
 Cotton-seed oil;  
 Coal, anthracite and bituminous;  
 Rosin, tar, pitch, and turpentine;  
 Agricultural tools, implements, and machinery;  
 Mining and mechanical tools, implements, and machinery, including stationary and portable engines, and all machinery for manufacturing and industrial purposes, except sewing machines;  
 Instruments and books for the arts and sciences;  
 Railway construction material and equipment.

And the Government of the United States of Brazil has, by legal enactment, further authorized the admission into all the established ports of entry of Brazil with a reduction of 25 per cent of the duty designated on the respective article in the tariff now in force or which may hereafter be adopted in the United States of Brazil, whether national, state, or municipal, of the articles or merchandise named in the following schedule, provided that the same be the product or manufacture of the United States of America.

SCHEDULE OF ARTICLES TO BE ADMITTED INTO BRAZIL WITH A REDUCTION OF DUTY OF 25 PER CENT.

Lard and substitutes therefor;  
 Bacon hams;  
 Butter and cheese;  
 Canned and preserved meats, fish, fruits, and vegetables;  
 Manufactures of cotton, including cotton clothing;  
 Manufactures of iron and steel, single or mixed, not included in the foregoing free schedule;  
 Leather and manufactures thereof, except boots and shoes;  
 Lumber, timber, and the manufactures of wood, including cooperage, furniture of all kinds, wagons, carts, and carriages;  
 Manufactures of rubber.

I inclose herewith tables compiled from the latest published statistics, showing the state of trade of Brazil in the articles enumerated in the foregoing schedules.

The Government of the United States of Brazil has also provided that no increase shall be made in the export tax now in force, whether national, state, or municipal, on the articles enumerated in your note of the 3d of November, 1890, nor upon any article, the product of Brazil, now on the free list of the tariff of the United States of America so long as such article continues to be admitted free of duty; and it has further provided that if any reduction is made by Brazil in the export duty on any of its products, such reduction shall immediately apply to said products when exported to the United States of America.

The Government of Brazil reserves the right to adopt the necessary laws and regulations to protect its revenue and prevent fraud in the declarations and proof that the articles enumerated in the foregoing schedules are the product or manufacture of the United States of America; but the laws and regulations to be adopted shall place no undue restrictions upon the importer, nor impose any additional charges or fees therefor upon the articles imported.

I confidently hope that the foregoing action of my Government will satisfy the President of the United States of America that the United States of Brazil have met the liberal legislation of the Congress of the United States in a spirit of sincere friendship and reciprocity; and, in that happy event, I shall hold myself ready to agree with you upon a time when an official announcement of this legislation may be simultaneously issued by the executive departments of the two Governments, with the understanding that the commercial arrangement thus put in operation shall remain in force so long as neither Government shall definitely, at least three months in advance, inform the other of its intention and decision to consider it at an end at the expiration of the time indicated; provided, however, that the termination of the commercial arrangement shall begin to take effect either on the 1st day of January or on the 1st day of July.

I improve the opportunity to renew the assurance of my highest consideration.

SALVADOR DE MENDONÇA.

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*Mr. Blaine to Senhor Mendonça.*

DEPARTMENT OF STATE,  
*Washington, January 31, 1891.*

SIR: I have great pleasure in acknowledging the receipt of your note of this date, in which you inform me that the Government of the United States of Brazil, in due reciprocity for, and in consideration of, the free admission into the ports of the United States of the products of Brazil enumerated in my note of November 3, 1890, has by legal enactment authorized the free or privileged admission, on and after the 1st of April, 1891, of the articles, the product or manufacture of the United States of America, named in your note; that your Government has further provided that no increase shall be made in the export tax on the articles admitted free into the United States, and that all future reduction in the export tax shall immediately apply to such articles when sent to the United States, and that the laws and regulations adopted by Brazil to prevent fraud shall not impose any additional charges or fees therefor on the articles named in your note imported from the United States.



I am directed by the President to state to you that he accepts this action of the Government of Brazil, in granting exemption of duties to the products of the United States, as a due reciprocity for the action of the Congress of the United States, as set forth in my note to you of November 3, 1890, it being noted that the date fixed by Congress for the free admission of sugars is the 1st day of April, 1891.

I shall be pleased to meet you at the Department of State at your early convenience to agree upon the time and manner of making public announcement of this commercial arrangement, which it is understood shall remain in force so long as neither Government shall definitely, at least three months in advance, inform the other of its intention and decision to consider it at an end at the expiration of the time indicated; provided, however, that the termination of the commercial arrangement shall begin to take effect either on the 1st day of January or the 1st day of July.

Congratulating you, Mr. Minister, on the valuable service which you have rendered in bringing about this important and satisfactory result, I renew to you the assurance of my highest consideration.

JAMES G. BLAINE.

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*By the President of the United States of America.*

A PROCLAMATION.

Whereas pursuant to section 3 of the act of Congress approved October 1, 1890, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," the Secretary of State of the United States of America communicated to the Government of the United States of Brazil the action of the Congress of the United States of America, with a view to secure reciprocal trade, in declaring the articles enumerated in said section 3, to wit, sugars, molasses, coffee, and hides, to be exempt from duty upon their importation into the United States of America;

And whereas the envoy extraordinary and minister plenipotentiary of Brazil at Washington has communicated to the Secretary of State the fact that, in due reciprocity for and consideration of the admission into the United States of America free of all duty of the articles enumerated in section 3 of said act, the Government of Brazil has, by legal enactment, authorized the admission, from and after April 1, 1891, into all the established ports of entry of Brazil, free of all duty, whether national, state, or municipal, of the articles or merchandise named in the following schedule, provided that the same be the product and manufacture of the United States of America:

1.—SCHEDULE OF ARTICLES TO BE ADMITTED FREE INTO BRAZIL.

Wheat;  
Wheat-flour;  
Corn or maize, and the manufactures thereof, including corn meal and starch;  
Rye, rye-flour, buckwheat, buckwheat-flour, and barley;  
Potatoes, beans, and peas;  
Hay and oats;  
Pork, salted, including pickled pork and bacon, except hams;  
Fish, salted, dried, or pickled;

Cotton-seed oil;  
 Coal, anthracite and bituminous;  
 Rosin, tar, pitch, and turpentine;  
 Agricultural tools, implements, and machinery;  
 Mining and mechanical tools, implements, and machinery, including stationary and portable engines, and all machinery for manufacturing and industrial purposes, except sewing-machines;  
 Instruments and books for the arts and sciences;  
 Railway construction material and equipment.

And that the Government of Brazil has, by legal enactment, further authorized the admission into all the established ports of entry of Brazil, with a reduction of twenty-five per centum of the duty designated on the respective article in the tariff now in force or which may hereafter be adopted in the United States of Brazil, whether national, state, or municipal, of the articles or merchandise named in the following schedule, provided that the same be the product or manufacture of the United States of America:

2.—SCHEDULE OF ARTICLES TO BE ADMITTED INTO BRAZIL WITH A  
 REDUCTION OF DUTY OF TWENTY-FIVE PER CENTUM.

Lard and substitutes therefor;  
 Bacon hams;  
 Butter and cheese;  
 Canned and preserved meats, fish, fruits, and vegetables;  
 Manufactures of cotton, including cotton clothing;  
 Manufactures of iron and steel, single or mixed, not included in the foregoing free schedule;  
 Leather and the manufactures thereof, except boots and shoes;  
 Lumber, timber, and the manufactures of wood, including cooperage, furniture of all kinds, wagons, carts, and carriages;  
 Manufactures of rubber.

And that the Government of Brazil has further provided that the laws and regulations, adopted to protect its revenue and prevent fraud in the declarations and proof that the articles named in the foregoing schedules are the product or manufacture of the United States of America, shall place no undue restrictions on the importer, nor impose any additional charges or fees therefor on the articles imported.

And whereas the Secretary of State has, by my direction, given assurance to the envoy extraordinary and minister plenipotentiary of Brazil at Washington that this action of the Government of Brazil in granting exemption of duties to the products and manufactures of the United States of America is accepted as a due reciprocity for the action of Congress, as set forth in section 3 of said act:

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the above stated modifications of the tariff law of Brazil to be made public for the information of the citizens of the United States of America.

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

Done at the city of Washington, this fifth day of February, one thousand eight hundred and ninety-one, and of the independence of the United States of America the one hundred and fiftieth.

[SEAL.]

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,  
*Secretary of State.*

*Mr. Blaine to the President.*

DEPARTMENT OF STATE,  
Washington, February 7, 1891.

To the PRESIDENT:

In response to your direction, I herewith submit two tables, A and B, which clearly exhibit the facts of the commercial arrangement between the United States of America and the United States of Brazil, completed on the 5th of this month.

Table A will show the articles from the United States which will be entitled to free admission into all the ports of Brazil after the 1st of April next.

It will also show the average annual value, as compiled from the Brazilian statistical reports for the last three years, of the imports of said articles into Brazil from the United States, and the average annual value, during the same period, of the imports of said articles into Brazil from other countries, and the rates now charged thereon.

TABLE A.—Imports into Brazil, in dollars, to become free of duty when exported from the United States.

Articles.	From the United States.	From all other countries.	Total imports.	Rate of duty.
				<i>Per cent.</i>
Wheat.....	\$150	\$547, 845. 84	\$547, 995. 84	*5
Wheat flour.....	2, 778, 353	914, 329. 24	3, 692, 682. 24	15
Corn or maize and the manufactures thereof, including corn meal and starch.....	21, 369	695, 285. 57	716, 654. 57	15
Rye and rye flour.....		555, 737. 60	555, 737. 60	15
Barley and buckwheat and buckwheat flour.....		193, 286. 08	193, 286. 08	15
Hay and oats.....	531	541, 693. 80	542, 224. 80	20
Beans and peas.....	478	1, 039, 522. 00	1, 040, 000. 00	20
Potatoes.....	36	905, 053. 12	905, 089. 12	15
Pork, salted and pickled, and bacon, except hams.....	44, 809	751. 00	45, 560. 00	20
Cotton-seed oil.....	4, 376	331. 20	4, 707. 20	48
Fish, salted, dried, or pickled.....	23, 278	1, 629, 724. 00	1, 653, 002. 00	20 to 48
Coal, anthracite and bituminous.....		6, 067, 380. 80	6, 067, 380. 80	*5
Rosin, tar, pitch, and turpentine.....	98, 310	69, 653. 33	167, 963. 33	15
Agricultural implements, tools, and machinery.....				*5
Mining and mechanical machinery, tools, and implements, including stationary and portable engines, and all machinery for manufacturing and industrial purposes, except sewing machines.....	184, 652	2, 320, 627. 92	2, 505, 279. 92	15 to 48
Instruments and books for arts and sciences.....	82, 752	492, 904. 50	575, 656. 50	15
Railroad material and equipment.....	155, 539	635, 180. 76	790, 719. 76	5 to 15
Total.....	3, 394, 633	16, 609, 306. 76	20, 003, 939. 76	.....

\* Port and provincial charges, equivalent to 5 per cent duty.

From this table (A) of articles to be admitted free, it will be seen that of the total annual average importations into Brazil of \$20,003,939.76 of the said articles, the United States have heretofore only furnished articles to the value of \$3,394,633, while other countries have furnished articles to the value of \$16,609,306.76.

Table B will make a similar exhibit of the articles from the United States entitled to admission into all the ports of Brazil, after the 1st of April next, at a reduction of 25 per cent of the duty designated on the respective articles in the tariff now in force in Brazil, or which may hereafter be adopted in Brazil.

It will also show the average annual value, taken from the Brazilian reports for the last three years, of the imports of said articles into Brazil from the United States; and also the average annual value, during the same period, of the imports into Brazil from other countries, and the rates now charged thereon.

TABLE B.—Imports into Brazil, in dollars, the duties on which will be reduced 25 per cent when exported from the United States.

Articles.	From the United States.	From all other countries.	Total imports.	Rate of duty.
				<i>Per cent.</i>
Lard and substitutes of lard .....	\$371,399.00	\$348,166.60	\$719,565.60	15 to 30
Bacon hams .....	553.00	103,610.66	104,166.66	48
Butter and cheese .....	12,941.00	2,000,597.91	2,013,448.91	48
Canned and preserved meats, fish, fruits, and vegetables .....	13,894.00	606,197.89	620,091.89	20 and 48
Manufactures of cotton, including cotton clothing .....	665,986.00	26,571,138.50	27,237,124.50	15 to 48
Manufactures of iron and steel, single or mixed, not included in the foregoing schedule .....	522,096.00	2,361,211.00	2,883,307.00	15, 30, and 48
Leather and the manufactures of leather, except boots and shoes .....	20,196.00	3,195,185.62	3,215,381.62	30 to 50
Lumber, timber, and the manufactures of wood, including cooperage, furniture of all kinds, wagons, carts, and carriages .....	417,761.00	1,098,927.02	1,516,688.02	30 to 60
Manufactures of rubber .....	11,070.00	310,398.50	321,268.50	48
Total .....	2,035,899.00	36,535,343.70	38,631,242.70	.....

From this table (B) it will be seen that, of the total average importations into Brazil of \$38,631,242.70 of said articles, the United States have hitherto furnished articles to the value only of \$2,035,899, while other countries have furnished articles to the value of \$36,595,343.70.

Taking the two schedules together, it is shown that, of a total annual importation into Brazil of \$58,635,182.46 of all these articles, only \$5,430,532 came from the United States, as against \$53,204,650.46 from other countries.

In return for these concessions the United States admits into its markets free of duty the sugar, molasses, coffee, and hides, the growth and product of Brazil.

Respectfully submitted.

JAMES G. BLAINE.

*Senhor Mendonça to Mr. Blainé.*

LEGATION OF THE UNITED STATES OF BRAZIL,  
Washington, March 10, 1891.

SIR: It affords me great pleasure to have the honor of transmitting to your excellency the inclosed original and translation of the message of the Congress of the United States of Brazil to the Congress of the United States of America, voted and approved January 21, 1891.

This expression of the friendly and grateful feeling of the Brazilian nation toward her sister Republic, which it is my agreeable duty to convey through your excellency to the Government and people of the United States of America, is a confirmation of the desire of the Government and people of Brazil of cultivating the closest relations with this great Republic.

I renew, etc.,

SALVADOR DE MENDONÇA.

[Inclosure.—Translation.]

*Message from Brazilian Congress.*

The constitutional Congress of the United States of Brazil in its first session, opened and held in the city of Rio de Janeiro, on the 15th of November, 1890, first anniversary of the proclamation of the Brazilian Republic.

## JOINT RESOLUTION.

The Senate and Chamber of Deputies of the United States of Brazil in constitutional Congress assembled,

*Resolve*, That they express by this message, in the name of the Brazilian nation, to the people of the United States of America their sincere gratitude for the honorable and friendly expressions contained in the message of congratulation adopted by the Congress of that country.

That they take this means of reaffirming the sentiment of union which binds this nation to the American people in the endeavor to maintain and honor the institution of republican government, looking to the well-being of the national brotherhood, and to prosperity and peace for all the nations.

That this resolution be communicated to the chief of the Provisional Government, to be by him brought to the knowledge of the Government and people of the United States of America.

National Constitutional Congress, January 21, 1891.

PRUDENTE J. DE MORAES BARROS,  
*President of the Congress.*

Dr. JOÃS DA MATTA MACHADO,  
*First Secretary.*

Dr. JOSÉ RAES DE CARVALHO,  
*Second Secretary.*

JOÃS SOARES NEIVA,  
*Third Secretary.*

EDUARDO MENDES GONÇALVES,  
*Fourth Secretary.*

*Mr. Blaine to Senhor Mendonça.*

DEPARTMENT OF STATE,  
*Washington, March 17, 1891.*

SIR: I have the honor to acknowledge with great gratification the receipt of your note of the 10th instant, inclosing original and translated copies of the message of Congress of the United States of Brazil to the Congress of the United States of America, voted and approved January 21, 1891.

The cordial expression of friendly sentiments entertained by the Brazilian nation for the people of this country is most sincerely and gladly appreciated and reciprocated; and it affords me much pleasure to express to you, on behalf of this Government and people, the earnest hope that the amicable relations now existing between the two countries may be long maintained and closely cemented by similarity and sympathy in political establishments, and by the interchanges and amenities of near neighborhood.

With renewed assurances, etc.,

JAMES G. BLAINE.

*Senhor Chermont to Senhor Mendonça.*

[Left by Senhor Mendonça November 27, 1891.—Translation.]

MINISTRY OF FOREIGN AFFAIRS,  
*Rio de Janeiro, November 15, 1891.*

Transmit to the President of the United States of America the expressions of gratefulness of the President of the United States of Brazil for the deep interest manifested for the new political institutions of this country. The moderation that he would advise is born in the character of the Brazilian people, in the sentiment and in the policy of its President, and has been practiced by his Government. The President acknowledges with great satisfaction that in this instance, as in so many others, the two Republics find themselves in perfect accord. And you may add that the friendly advice would be cherished with the feelings worthy such a friend.

CHERMONT.

## CENTRAL AMERICA.

*Mr. Kimberly to Mr. Blaine.*

No. 238.]

LEGATION OF THE UNITED STATES  
IN CENTRAL AMERICA,

*Guatemala, January 24, 1891.* (Received February 13.)

SIR: Referring to your instruction,\* No. 7, of December 22, 1890, I have the honor to report that, 1 o'clock to-day being the hour set for my interview with the minister of foreign affairs regarding the Colima arms matter, I promptly appeared at the hour named, and after a discussion of probably one hour, in which his excellency displayed much courtesy, he informed me that neither he nor his Government should be censured; that the responsibility of noncompliance lay with Mr. Mizner; that at the conference referred to it was understood that Col. Toriello, the commandant who committed these faults, was to report to Mr. Mizner, under instructions of his Government, to arrange the manner and time in which the formalities agreed upon were to take place, and that Mr. Mizner would inform this Government of the arrangement and time, which the minister alleges he neglected to do, assuring me of his sincere desire that these formalities should take place, and acknowledging his Government to be at fault, and expressing the wish that I should intimate what action be taken under the circumstances, not deeming it prudent or necessary, at this late date, to depart from the terms set forth in the conference referred to. I courteously requested that the formalities already mentioned and agreed upon should be forthcoming immediately, and named Monday, the 26th instant, and not later, that Col. Toriello, the same commandant, appear at this legation to confer with me regarding the time and manner in which they are to take place, and I shall instruct our United States consular agent at San José to observe if they do occur, and will in connection therewith notify Capt. Johnston, of the steamer *City of New York* (Pacific Mail Steamship Company's line), who commanded the steamer *San Blas* at the time the arms were so unceremoniously returned, to inform me if the strict compliance of the terms therein mentioned was made to him, a copy of which letter I herewith inclose.

I have, etc.,

SAMUEL KIMBERLY,  
*Chargé d'Affaires ad int.*

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[Inclosure.]

*Mr. Kimberly to Capt. Johnston.*

LEGATION OF THE UNITED STATES  
IN CENTRAL AMERICA,  
*Guatemala, January 28, 1891.*

SIR: I take pleasure in informing you that on to-morrow, Thursday, the 29th day of January, in the afternoon, Col. Toriello, the commandant of the port of San José, will, in full-dress uniform, including his sword, proceed to visit your ship and

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\* Erroneously printed in For. Rel., 1890, p. 142, as No. 225.

seeking you will then and there make such explanation and offer such apology as may in your judgment be satisfactory to you and most meet to the honor of our flag. This action is taken as the result of an interview I had with the minister of foreign affairs of this Republic, and in expiation of the manner in which the arms and ammunition were removed by this commandant from the Pacific Mail steamer *Colima* last July, and the very unceremonious way in which they were returned to the steamer *San Blas* during the period you were in command.

You will extend to the commandant during these formalities such courtesy as the occasion calls for.

I have, etc.,

SAMUEL KIMBERLY,  
*Chargé d'Affaires ad int.*

*Mr. Kimberly to Mr. Blaine.*

No. 239.]

LEGATION OF THE UNITED STATES  
IN CENTRAL AMERICA,  
*Guatemala, January 26, 1891. (Received February 13.)*

SIR: Learning a new minister for our Government is to presently appear here, I have the honor to suggest that while peace and tranquillity are at present reigning that he be advised to arrange, if possible, a better and safer system of telegraphic communication with our home Government at Washington. These telegraphic lines being under the ownership and surveillance of this Government should make them all the more amenable under our treaty laws for the safe conduct, prompt and easy access to and from your agents here.

I have, etc.,

SAMUEL KIMBERLY,  
*Chargé d'Affaires ad int.*

*Mr. Kimberly to Mr. Blaine.*

No. 243.]

LEGATION OF THE UNITED STATES  
IN CENTRAL AMERICA,  
*Guatemala, January 31, 1891. (Received February 20.)*

SIR: Referring to your instruction, No. 7, of December 22, 1890, and to my No. 238, of January 24, 1891, I have the honor to report that on Thursday, the 29th instant, between the hours of 4 p. m. and sundown, the formalities prescribed in my interview with Señor Don Anguiano, the minister for foreign affairs, in expiation of the *Colima* arms matter, occurred on board of the Pacific Mail steamship *City of New York*, in command of Capt. Frank H. Johnston. I transmit a copy of the captain's detailed report of all the circumstances.

I have, etc.,

SAMUEL KIMBERLY,  
*Chargé d'Affaires ad int.*

[Inclosure in No. 243.]

*Capt. Johnston to Mr. Kimberly.*

PACIFIC MAIL STEAMSHIP CITY OF NEW YORK,  
*Off San José de Guatemala, January 29, 1891.*

SIR: I have the honor to acknowledge the receipt of your letter bearing date of January 28, 1891, in which you inform me that on to-morrow (Thursday, the 29th instant) Col. Toriello, commandant of the port of San José, would, in full-dress uni-



form, visit this ship for the purpose of making such explanations and apologies as would in my judgment be satisfactory to me and most meet to the honor of our flag.

I have the honor to inform you that at 4 o'clock this afternoon Col. Toriello, accompanied by his aid-de-camp, Capt. Calderon, of the Guatemalan army made an official visit to this ship and was received with all the honors that could possibly be paid by a ship of the United States merchant marine.

Col. Toriello and I agreed upon the proper form in which the necessary apology to our Government and flag should be carried out.

The officers and crew were ordered to be mustered to starboard, and the passengers arranged themselves on the port side.

Accompanied by Col. Toriello, I then took position on the bridge, and in presence of those assembled read to them first your communication of yesterday, after which I explained in detail the unwarranted seizure and unceremonious return of the arms and ammunition taken from the Pacific Mail ship *Colima* on July 18 last and returned to steamship *San Blas* on August 31, 1890, while I was in command of the latter ship.

I then read to those assembled the order of Mr. J. H. Leverich, our special agent in Guatemala, in which order I was instructed that, in accordance with an understanding with the American minister, I was to receive on board the *San Blas* the arms and ammunition seized on the steamship *Colima* in the preceding month, they being delivered to me in proper condition by an official of the Guatemalan Government, but that the spirit of this agreement being in no way complied with, and certain arms and ammunition being delivered to me in a manner that I could not consider other than contemptuous, I made formal protest to our company's special agent at Guatemala.

Col. Toriello then explained that at the date of seizure war with Salvador was by his Government deemed inevitable, and an "excess of zeal" prompted him to an act that, on mature consideration, his Government refused to indorse.

Col. Toriello further stated that by reason of the fact that a subordinate officer (who here shall be nameless) disobeyed a positive order, the arms and ammunition were not delivered befitting the occasion.

Appealing to those present, I then proposed three cheers for our national flag, which were promptly responded to, the colonel and his aid-de-camp joining heartily, after which a uniformed officer of my command hoisted the flag of Guatemala at the fore, to which a similar salute was paid.

The hospitalities of the Pacific Mail Steamship Company were then partaken of by all, and Col. Toriello left the ship at 7 o'clock p. m., expressing the warmest regard for our countrymen at home and abroad.

In conclusion, I wish to say that during this occasion an American ensign, 40 feet in length, was flying from the main truck in addition to the national colors daily worn at the after flagstaff by all ships of the Pacific Mail Steamship Company's fleet.

I have, etc.,

FRANK H. JOHNSTON,  
Captain Pacific Mail Steamship Company,  
Commanding Steamship *City of New York*.

Mr. Kimberly to Mr. Blaine.

No. 246.]

LEGATION OF THE UNITED STATES  
IN CENTRAL AMERICA,

Guatemala, February 4, 1891. (Received February 20).

SIR: Referring to my No. 243, of January 31, I have the honor to report that to-day Señor Prado, acting minister of foreign relations, in Señor Don F. Anguiano's absence, called at this legation, and, calling my attention to the instructions to Capt. Johnston, of Pacific Mail steamship *City of New York*, sent to him from me, asked that the word "expiation" be stricken out and the word "explanation" substituted. After a polite discussion I refused to comply with his request, stating that the word "expiation" conveyed the precise meaning and literal sense intended by me, and that it could not be changed without authority from my Government.

I have, etc.,

SAMUEL KIMBERLY,  
Chargé d'Affaires ad int.

*Mr. Blaine to Mr. Pacheco.*

No. 27.]

DEPARTMENT OF STATE,

*Washington, February 13, 1891.*

SIR: I am constrained to instruct you to express to the Governments of Guatemala and Honduras the concern which the Government of the United States can not but feel because of the disquieting reports which reach it in regard to the prospects of continued peace and good-will among the republics of Central America, and especially in regard to the relations of Guatemala and Honduras, on one hand, with Salvador on the other.

The conclusion of an honorable peace between Guatemala and Salvador, after the unfortunate hostilities of last year, gave gratifying promise of an era of stability and good-will in Central America, wherein the several States could pursue the paths of domestic well-being and cultivate relations of common benefit among themselves, besides fulfilling the orderly obligations of good neighborhood to the countries around them with which their commerce and friendly interchanges are carried on.

Guatemala, Honduras, and Salvador have been among the foremost of the states of the American continent to recognize the duties of good neighborhood and the higher obligations of peace, by joining in the signature of the treaty of arbitration, which was the first and most conspicuous result of the International Conference held in this capital. By that step, and pending the formal ratification of the compact, the measure of Guatemala's moral responsibility to her neighbors is established.

It is not conceivable that, in the light of that great reform in the relations of the countries of America among themselves, any of the signatory Central American States can in truth contemplate an act or course of action tending to annul the principle which they have so lately accepted and defended before the world.

The Government of the United States is credibly informed that the Government of Guatemala is moving military forces to the Salvadorian frontier; and circumstantial reports are current that Guatemala and Honduras are in accord, if not actually in secret alliance, as to their united course with respect to Salvador. These statements have gained publicity in the press, and have attracted attention to the extent of being deemed worthy of correction, through the same channel, by the publication of the following telegrams addressed by the Presidents of Guatemala and Salvador to the consul-general of those Republics in New York:

*GUATEMALA, February 9, 1891.*BAIZ, *New York:*

The rumors about the revolution in Honduras and Central America are untrue. All Central America is at peace and busily engaged in gathering the coffee crop, which will be the largest Guatemala has yet produced.

BARRILLAS.

*HONDURAS, February 9, 1891.*BAIZ, *New York:*

Complete peace reigns in Central America. Reports to the contrary are false. Honduras is all right.

BOGRAN.

It is therefore proper to expect that even more definite assurances will be tendered to you by the Governments of those countries when it

is learned that the reports in question have caused deep anxiety to the Government of the United States.

The impartial friendship of the United States toward the Republics of Central America has been too often and too evidently shown in the past to render renewed assurance necessary. On several occasions the good offices of this Government have been exerted to compose actual differences between the Central American States, and notably so in the recent unhappy conflict of Guatemala and Salvador.

Not only are the good offices of the United States equally ready toward averting possible causes of difference, but it is deemed the friendly duty of this Government to do all that it can to prevent strife among its neighbors. The interests of humanity and peace are paramount, and scarcely less so are the interests of undisturbed interchanges between Central America and the United States.

A condition of hostilities at our doors checks the peaceful operations of commerce in its natural channels, closes avenues of international communication, and tends to spread disorder in other States of the Central American group, besides entailing upon the neighboring communities responsibilities in direct proportion to the magnitude of the general interests affected.

You will seek from the Governments of Guatemala and Honduras frank and positive assurances of their peaceful intent toward their Central American neighbors, coupling your request with expression of the confidence felt by the Government of the United States that nothing in the conduct of those Governments will tend to derange the good relations which happily exist in Central America.

You will further say that this Government trusts, in the light of the moral obligations created by the accords of the International American Conference, that nothing will occur to precipitate disorder in Central America or which may constrain the United States to friendly action for the preservation of peace or to the adoption of positive steps to protect the vast interests of this Government and its citizens in that region.

I am, etc.,

JAMES G. BLAINE.

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*Mr. Blaine to Mr. Pacheco.*

No. 32.]

DEPARTMENT OF STATE,

Washington, February 20, 1891.

SIR: Mr. Kimberly's dispatch numbered 239, of the 26th ultimo, makes the suggestion that upon your arrival at your post you may find the time propitious for some positive arrangement among the Central American Governments by which the safety and uninterrupted transmission of telegraphic correspondence may be secured in time of disturbance in that quarter. This suggestion has my cordial approval.

On several recent occasions this Government has had good ground to complain of the insecurity of its official correspondence by telegraph with your legation.

In the early part of 1885, during Gen. Barrios's movement, the difficulties in the way of communication were very great, and inexplicable delays and even suppressions occurred, greatly to the detriment of the interests of this Government. An attempt to cut the coastwise cable,

an American enterprise, appeared to be so imminent as to call for urgent remonstrance and precautionary measures toward the protection of the property of citizens of the United States then threatened. Again, in July and August of last year the legation at Guatemala City was almost cut off from communication with this Government during the hostilities between Guatemala and Salvador, although the disturbances and alleged interruption only existed on the common frontier of those States.

Efforts to ascertain the cause of such interruptions and to suggest a remedy have been comparatively fruitless, little having resulted beyond mutual recriminations on the part of the States within whose territories the interruptions occurred, each throwing responsibility upon the other. This outcome was, naturally, quite contrary to the policy and wish of the United States, which, seeking only the effective means of interposing its good offices and showing its friendship to both contestants alike, could not purpose to cast further causes of contention and ill will among them.

It appears to be unquestioned that the coastwise cables touching at Central American points are entitled to protection from interference. The land lines connecting with those cables are under the responsible control of the government in each of the States. While it may not be possible to prevent their injury during actual war, their willful interruption should be guarded against, and their use, when in working order, should be opened to the diplomatic and consular officers of the United States for official communications with their Government, or with each other, without hinderance or censorship of any kind.

You will endeavor to come to a friendly understanding in this regard with the governments of the several Central American States, none of which, it is supposed, will question the justice or necessity of settling in advance the important question of inviolability of official diplomatic correspondence which is involved.

I am, etc.,

JAMES G. BLAINE.

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*Mr. Kimberly to Mr. Blaine.*

No. 253.]

LEGATION OF THE UNITED STATES  
IN CENTRAL AMERICA,

*Guatemala, February 23, 1891. (Received March 13.)*

SIR: Respectfully referring to my No. 239, of January 26, I have the honor to inclose herewith a letter addressed to me by Consul Peterson, at Tegucigalpa, Honduras, bearing upon the subject mentioned in my above-named number.

I have, etc.,

SAMUEL KIMBERLY.  
*Chargé d'Affaires ad int.*

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*Mr. Peterson to Mr. Kimberly.*

[Inclosure in No. 253.]

CONSULATE OF THE UNITED STATES,  
*Tegucigalpa, February 12, 1891.*

SIR: I desire to call your attention to a matter of much importance to the business interests of American citizens in this Republic, and one which has caused a good deal of annoyance and delay in the transaction of business with the United States.

It is the bad condition of the cable service, and the trouble appears to be in Salvador.

On numerous occasions cable messages have been delayed in transmission both ways, and the repetition of a word, in order to render the message intelligible, has been frequently not only delayed but sometimes impossible to secure. For example, I am informed by Capt. H. M. Payne, who is doing business in this Republic, that he sent a cable to New Orleans on January 7 which reached its destination January 20, and then it went forward after he had made inquiry through the telegraph office in this city. He was informed by the office in Salvador that the message "had been delayed." A delay of thirteen days seems to be rather a long time.

Another case: Henry Wüchner, of this city, has been waiting for days for the repetition of a word.

I am informed by Capt. Frank Imboden that he has had similar experiences.

These things are not only annoying, but the parties interested suffer loss to their business and to their reputations.

The cable line is not the property of Salvador, and, whether in peace or war, messages between business men of the United States and of the Central American Republics should be promptly and correctly transmitted.

As I said above, the fault appears to be in Salvador, though it may be elsewhere.

I do not write this in the nature of a formal complaint, but simply wish to call your attention to the facts as they exist.

If you can do anything—and it is believed you can—to secure the inviolability of international cable communication, you will render a service to the business interests of American citizens as well as others residing and transacting business in Honduras.

You will do me a favor to keep me informed as to developments.

Further, I wish to report the arrival at this capital of special ambassadors from Nicaragua and from Salvador.

The particular business in hand seems to be negotiations concerning the union of the Central American Republics.

I am, etc.,

J. PETERSON,  
Consul.

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*Mr. Blaine to Mr. Pacheco.*

No. 35.]

DEPARTMENT OF STATE,

*Washington, February 28, 1891.*

SIR: Mr. Kimberly's dispatch No. 238, of the 24th ultimo, has been received. He therein reports the steps taken by him in execution of the Department's instruction No. 7, of December 22, 1890, in relation to the arms taken from the Pacific Mail steamship *Colima* in the port of San José in July of last year and subsequently put on board the steamship *San Blas* of the same line.

It seems that in an interview with the Guatemalan minister for foreign affairs held on January 24, 1891, the matter was discussed at some length. The minister admitted that his Government was at fault in regard to the unceremonious manner in which the arms were put on board the *San Blas*, but alleged that the blame lay not with the Guatemalan authorities, but with Mr. Mizner, who, he asserted, had failed to make with Col. Toriello, the military commandant of San José, the arrangements for the ceremonial return of the arms, which the minister understood was to be effected. Assuring Mr. Kimberly of his sincere desire that these formalities should take place, the minister asked him to suggest what action should be taken under the circumstances.

Mr. Kimberly requested "that the formalities already mentioned and agreed upon should be forthcoming immediately," and fixed Monday, the 26th of January, for a conference at the legation between him and Col. Toriello regarding the time and manner in which the formalities should take place.

This conference with Col. Toriello, so arranged for the 24th, is not reported in Mr. Kimberly's dispatch, which is dated January 22, but it would seem to have been held before that dispatch was mailed, and the conclusions reached would seem to have been embodied in a letter dated January 28, addressed by Mr. Kimberly to Capt. Johnston, commanding the Pacific Mail steamship *City of New York*, of which a copy is annexed to Mr. Kimberly's dispatch.

It reads as follows:

GUATEMALA, January 28, 1891.

Capt. FRANK H. JOHNSTON,  
Commanding Pacific Mail Steamship *City of New York*,  
San José de Guatemala:

SIR: I take pleasure in informing you that on to-morrow, Thursday, the 29th day of January, in the afternoon, Col. Toriello, the commandant of the port of San José, will, in full-dress uniform, including his sword, proceed to visit your ship, and, seeking you, will then and there make such explanations and offer such apology as may in your judgment be satisfactory to you and most meet to the honor of our flag. This action is taken as the result of an interview I had with the minister of foreign affairs of this Republic, and in expiation of the manner in which the arms and ammunition were removed by this commandant from the Pacific Mail steamship *Colima* last July, and the very unceremonious way in which they were returned to the steamer *San Blas* during the period you were in command.

You will extend to the commandant during these formalities such courtesy as the occasion calls for.

I have the honor to be your obedient servant,

SAMUEL KIMBERLY,  
United States Chargé d'Affaires ad interim.

The statements of this letter suggest that Mr. Kimberly may not have entirely apprehended the scope and purport of my instruction No. 7, of December 22, 1890. The grounds for complaint therein were the wrongful seizure of the arms and the threats against and indignity shown to an American ship, while the unceremonious character of the only act done by the Guatemalan Government in disavowal was an incident only. Keeping these separately in view, I concluded my instruction thus:

Without going into details or further considering at this time the extent of the wrong committed, this Government considers that it is clearly entitled to some satisfactory apology or reparation from the Government of Guatemala for the indignity thus offered to an American ship. It would prefer, however, that some suggestion to that end should come from the latter Government itself.

While thus presenting to the Guatemalan Government the desire and expectation of the Government of the United States that satisfactory apology or reparation for the whole wrongdoing would be made, I courteously refrained from formulating a demand, but left it to that Government to tender adequate redress of its own volition. If so tendered, its sufficiency would remain to be determined in a spirit of frankness and friendship.

Mr. Kimberly, however, concentrating his attention, not on the wrongful seizure of the arms—on which our just complaint rests—but on the comparatively trivial incident of the discourtesy in returning them which was shown to the United States Government by a subordinate officer of the Guatemalan Government, responded to the minister's request that he intimate the expected measure of reparation in the case by suggesting the fulfillment at this late day of the formalities which, it was understood, should have attended the replacement of the arms on one of the company's steamers; and this notwithstanding that the arms had long passed out of Guatemalan control, and neither the vessel from which they were seized nor that upon which they were placed was in a

Guatemalan port. A belated ceremony was arranged to take place upon another vessel of the Pacific Mail Company, apparently for no other reason than that it was commanded by the same individual who was formerly master of the *San Blas* at the time the *Colima's* arms were put on board. Furthermore, the formality is, in terms, an apology of the local military commandant to the captain of the *City of New York*, and this captain is made by Mr. Kimberly the sole judge of the sufficiency of such apology.

In this Mr. Kimberly has perpetuated Mr. Mizner's error of regarding the *Colima* arms seizure as a question between the Guatemalan Government and a common carrier doing business in Guatemalan waters under a contract with that Government.

The apology and reparation, so far as they go, are effected solely with the steamship company. The expectation that this Government will receive from that of Guatemala some satisfactory apology or reparation for the indignity offered to an American ship by the seizure of the arms is as yet unrealized.

So far as concerns the minor incident of Col. Toriello's discourteous action in the return of the arms, his apology, thus indirectly tendered by him in person, may be accepted as amply disposing of that branch of the matter, because sanctioned by the Government of Guatemala, which has made its acquiescence therein known to the acting diplomatic agent of the United States. It may therefore disappear from consideration.

It is learned, through a personal letter from Mr. Kimberly, that the original of my instruction of December 22 has, unfortunately, been lost or stolen. A duplicate thereof is herewith inclosed for your necessary information and to complete your files.

In the assumption that Mr. Kimberly may have duly executed his instructions by reading my No. 7 to the minister for foreign affairs and leaving with him a copy of it, should he have so desired, the response of the Guatemalan Government is awaited in order that the status of the main question pending between the two Governments may be intelligently defined. The instruction has not been so read and left in copy, you will remedy the omission.

It is not reasonable to suppose, as Mr. Kimberly seems to have done, that Col. Toriello's expression of regret and apology to Capt. Johnston, of the merchant steamer *City of New York*, can of itself constitute, so far as the Government of the United States is concerned, an "expiation of the manner in which the arms and ammunition were removed by this commandant from the Pacific Mail steamer *Colima* last July."

You will duly report such steps as you may take to remove any misapprehension which you may find to have grown out of Mr. Kimberly's singular action in this matter.

I am, etc.,

JAMES G. BLAINE.

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*Mr. Blaine to Mr. Pacheco.*

No. 38.]

DEPARTMENT OF STATE,  
Washington, March 2, 1891.

SIR: Mr. Kimberly's dispatches numbered 243 and 246, and dated, respectively, January 31 and February 4, 1891, have been received. The former communicates Capt. F. H. Johnston's report of the ceremonial visit of Col. Toriello to his steamer, the *City of New York*, on

the 29th of January and the explanation and apology made by him in regard to his connection with the seizure and return of the *Colima's* cargo of arms and munitions. In the latter, Mr. Kimberly reports his refusal to comply with the request of the acting minister of foreign relations that the word "expiation" be changed to "explanation" in Mr. Kimberly's letter of January 28 to Capt. Johnston instructing him as to the intended visit of Col. Toriello to the *City of New York*.

Capt. Johnston and Col. Toriello appear to have taken a rational view of the embarrassing parts they were called upon to play. With his frank and honorable expressions of regret and apology, Col. Toriello's personal connection with the *Colima* arms incident drops out of sight, and with it any implication of accountability on the part of the Guatemalan Government for the omission to observe due courtesy in the return of the arms to the steamship company.

My instruction No. 35, of the 28th ultimo, will have already suggested to you the Department's views upon the singular use of the word "expiation" in Mr. Kimberly's letter to the captain.

It implies a completeness of satisfaction and reparation for all the wrongs involved in the *Colima* incident quite at variance with the facts, and which Col. Toriello was not competent to offer, nor did Capt. Johnston in fact assume to accept, in settlement of the distinct questions between the Governments of the United States and Guatemala growing out of the seizure of the arms and the treatment of an American ship. It is gratifying to see that the Guatemalan Government takes the same view and limits the apology and disclaimer of Col. Toriello to an "explanation" of his part in the incident.

No necessity is seen for retaining Mr. Kimberly's letter to the captain upon record as between the two Governments. If, however, it can not conveniently be expunged, it might be amended in consonance with the facts.

I am, etc.,

JAMES G. BLAINE.

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*Mr. Pacheco to Mr. Blaine.*

No. 10.]

LEGATION OF THE UNITED STATES  
IN CENTRAL AMERICA,

*Guatemala, March 11, 1891. (Received March 27.)*

SIR: I have the honor to acknowledge the receipt of your instructions No. 27, of February 13, and in reply would state that I had a long interview with Mr. Anguiano, minister of foreign affairs, and, in accordance with your instructions, I read to him your communication in regard to rumors of war between Guatemala and Salvador. I am happy to inform you that the secretary gave me positive assurances that his Government is sincere in their desire and efforts for the maintenance of peace.

I likewise had an interview with the President regarding the subject, who reiterated most emphatically the assurances given me by the secretary for foreign affairs, Mr. Anguiano, who made a personal request that I should express his thanks for the interest the United States Government has manifested in the internal affairs of Central America, and takes pleasure in explaining in a confidential manner the condition of affairs of his Government, thus evincing his friendliness.



He requests me also to say to you that the rumors published and spread by the American press regarding war in Central America are inexact, at least in regard to Guatemala; that this Republic is now at peace with its neighbors, and he believes that no motives exist at present to change said condition of affairs.

A new law concerning the reorganization of the army and the purchase of arms were points which were satisfactorily explained between the Governments of Guatemala and Salvador. Guatemala ordered the purchase of arms, but without any hostile intentions, and only because the new organization of the army required it, coupled with the necessity of replacing part of the armament.

The secretary said to me that he did not believe that the peace of Central America is threatened. Should it so happen through some unfortunate condition which would injure Guatemala's interests he would willingly give any assurance that in any case, whether in its exercise of its rights or complying with its duties (rights and duties which belong to it as a sovereign and independent nation), Guatemala will ever keep within the bounds of the law of nations. He deemed it hardly necessary to make this last explanation were it not that rumors have been spread regarding some aggression of Guatemala against Salvador.

I have the honor to transmit herewith a copy of the President's message to the Congress of Guatemala that convened on Sunday, the 1st day of March.

I have, etc.,

R. PACHECO.

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[Inclosure 1 in No. 10.—Translation.]

*Extract from the message of President Barillas.*

Guatemala has cultivated and continues to cultivate frank, cordial, and intimate relations with the friendly nations of both continents.

In a deplorable moment the fraternal ties that bind us to the neighboring Republic of Salvador were interrupted to some extent, but peace having been happily restored our communications with that Republic, and with the others of Central America, have been continuous and sincere as befits peoples who in their origin and aims are in all things identified.

The conferences of the Pan-American Congress, in which Guatemala was represented, having come to an end, its conclusions have been received. The secretaries of the respective departments will give you an account thereof separately, that you may consider them and come to such decision in regard thereto as you may deem most adapted to the interests of the country.

In referring to our relations with the great Republic of the north, I can do no less than deplore the unfortunate results which followed the capture of Gen. J. Martin Barrundia on board an American merchant steamer, the details of which occurrence you will learn by a report of the department of foreign relations.

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[Inclosure 2 in No. 10.—Translation from *El Guatemalteco*, February 7, 1891.]

*Peace in Central America.*

Alarming rumors have been in circulation for some days past with respect to an approaching rupture between Guatemala and Salvador, and these rumors have spread even to Europe, where they do us much harm by destroying our credit, discouraging immigration, and casting discredit upon our institutions.

Efforts have been made by the enemies of the peace of Central America to arouse distrust between the governments of the two countries. Reports unfavorable to

them have been propagated in both countries, in order to excite public opinion and disturb the progress of our country in the interest of distorted and unpatriotic schemes.

In Guatemala the originators of these rumors base them on the military movement which for a few days past has been noticed throughout the Republic.

If this movement be a cause of alarm, it ought to be explained, and that is the object of this editorial.

In conformity with the new military organization which has been decreed in Guatemala, and which has already begun to take effect, all Guatemalans between 21 and 41 years are to be enrolled for service, and the organized corps are required to receive the indispensable instruction (drill) so far as may be compatible with the agricultural needs of the country.

In view of this, steps have been taken since the 20th of last month (January, 1891) to effect the general enrollment throughout the country and to organize the proper corps in order that their instruction in the drill may be forthwith begun.

Hence the military activity now noticed in this Republic; hence the organization of several battalions in the departments, and the departure from the city of certain officers who are to drill the new troops; and hence, also, the dispatch of certain batteries, under escort, intended for target practice, which must be daily performed by the troops in training.

This has been and is all. It is seen, therefore, that there is no real ground to think that any warlike purpose exists, and that only bad faith can have misrepresented the steps now in progress, in time of peace, for the noble object of improving our militia, as far as possible, in accordance with the demands of the social needs and progress of our time.

As for the relations of the Guatemalan and Salvadorian Governments, those at present maintained could not be better. Both of them are earnest in conserving the peace of the peoples whose destinies are confided to their care, and it is their firm purpose to maintain peace at any cost, because they are convinced that it is the greatest good they can confer on those whom they govern.

We have inspected the official and private correspondence of the two Governments, and find therein proof of our assertions.

In a telegram dated the 3d instant, President Ezeta gives assurances to Gen. Barillas that his highest aim is the maintenance of peace, and that from the line of conduct so mapped out nothing and nobody can swerve him. Gen. Barillas entertains, in his turn, the same sentiments and, with loyalty and frankness, has expressed them to Gen. Ezeta.

Under later date, the latter has addressed the former, communicating to him the rumors on foot in London, which we have alluded to, and asking his consent to their official denial in the name of the two Governments. The President of Guatemala has thereupon expressed his concurrence in contradicting a report so injurious to both countries and to the good name and well-being of Central America.

We can therefore give assurance that good harmony prevails in the relations of the two countries, and that the official circles of both of them are controlled by the steadfast purpose to preserve it, in order to avoid for the future any misunderstanding which might more or less disturb the public tranquillity.

Not in vain was signed, a few months ago, a treaty of peace in which past dissensions and painful resentments were consigned to oblivion, thus confirming upon solid bases the order and repose of the two Republics, and establishing the civilized and fraternal resort of arbitration for the adjustment of any disputes which may unfortunately arise between them.

It behooves us, therefore, to proclaim this aloud, in order that public confidence may be restored, for it has this time as on many other occasions been deluded by false rumors and evil-minded comments.

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*Mr. Blaine to Mr. Pacheco.*

No. 44.]

DEPARTMENT OF STATE,  
Washington, March 16, 1891.

SIR: The Department's instruction No. 197, of October 21, 1890, communicated to Mr. Mizner copies of two dispatches from the United States vice-consul at Tegucigalpa in relation to the interruptions alleged to affect mercantile correspondence by telegraph between Honduras and the United States even after the close of the late conflict in Central

America, and Mr. Mizner was directed to make earnest representations against the prolongation of a state of things so injurious to friendly commercial relations. No further complaint on that score reaching us, it was hoped that the cause had disappeared.

I now transmit copy of a dispatch (No. 27, of the 12th ultimo) from Mr. Peterson, consul at Tegucigalpa, from which it appears that the delays and obstructions to telegraphic communication by way of the Salvador land lines and the cable touching at La Libertad still continue. The letter of the same date, therein referred to, addressed to your legation by Mr. Peterson, has been in turn transmitted to the Department by Mr. Kimberly with his dispatch No. 253, of February 23. The instances of delay so reported suggest the need of some very positive corrective.

The kindly attitude of this Government in favor of all that may aid speedy and certain communication between this country and its nearest neighbors, to their common benefit, warrants the expression of warm solicitude that the necessary freedom of intercourse be not injuriously hampered by such causeless and vexatious neglect as appears to be frequent with respect to telegraphic management in Salvador. The fact that the lines in that country are under the control of its Government, and the earnest stand taken by the Salvadorian authorities last summer in favor of untrammelled correspondence, justifies the hope that the Government of Salvador will speedily devise and apply a remedy in furtherance of Central American interests no less than of those of the United States.

I am, etc.,

JAMES G. BLAINE.

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[Inclosure in No. 44.]

*Mr. Peterson to Mr. Wharton.*

No. 27.]

CONSULATE OF THE UNITED STATES,  
*Tegucigalpa, February 12, 1891.*

SIR: I inclose a copy of a letter,\* which I have forwarded to Mr. Kimberly at Guatemala, concerning the bad state of the cable communication between this Republic and the United States.

This trouble has existed for some time, and the fault, as stated in the inclosed letter, seems to be with Salvador.

It seems that the authorities there permit messages to go through when they see fit, and the state of affairs is very detrimental to the business interests of American citizens in Honduras and the commercial relations between the United States and this Republic, especially as all business of that kind must go through the Salvador office.

If relief can be had in the shape of the entire inviolability of business communication by cable between this Republic and the United States, it will redound not only to the personal benefit of American citizens here, but to the extension of commercial relations with the United States.

I am, etc.,

JAMES J. PETERSON.

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*Mr. Pacheco to Mr. Blaine.*

No. 28.]

LEGATION OF THE UNITED STATES  
IN CENTRAL AMERICA,  
*Guatemala, June 9, 1891. (Received June 25.)*

SIR: I have the honor to acknowledge the receipt of your instructions numbered 32, of February 20, and 44, of March 16, 1891, relative to a

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\*For this inclosure see inclosure in No. 253, of February 23, 1891, from Mr. Kimberly.

system of cable communication between Washington and this legation, and to report that I have addressed a letter to the minister of foreign affairs of Salvador requesting a thorough investigation of the matter with a view to prevent a recurrence of the interference with cable communication in the hope that the Government of Salvador will speedily apply a remedy in furtherance of Central American interests no less than of those of the United States.

I have, etc.,

R. PACHECO.

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*Mr. Pacheco to Mr. Blaine.*

No. 42.]

LEGATION OF THE UNITED STATES  
IN GUATEMALA AND HONDURAS,\*  
*Guatemala, July 22, 1891. (Received August 8.)*

SIR: Referring to your instructions No. 35, of February 28 last, and, in accordance with directions therein contained, I have the honor to report that I formulated a demand on this Government, as per inclosure No. 1, the translated answer to which is embodied in inclosure No. 2, dated July 15.

The secretary for foreign affairs has from the beginning in all of our interviews maintained that the ceremonial apology was not to the Pacific Mail Company, and would not have been made had his Government not been led to believe by the chargé d'affaires that it would be accepted as complete reparation on the part of his Government.

Notwithstanding the many interviews with Minister De Leon, the case stands as per inclosure, and I have preferred to await further instructions in this matter.

I have, etc.,

R. PACHECO.

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[Inclosure 1 in No. 42.]

*Mr. Pacheco to Señor De Leon.*

LEGATION OF THE UNITED STATES  
IN GUATEMALA AND HONDURAS,  
*Guatemala, June 18, 1891.*

MR. MINISTER: I have the honor very respectfully to call the attention of your excellency's Government to the matter of the arms seized and taken by the Guatemalan authorities from the Pacific Mail Steamship Company's steamer *Colima* at San José de Guatemala, July 18, 1890, and subsequently put on board the steamship *San Blas*, of the same line.

It seems that in an interview with the Guatemalan minister for foreign affairs, held on January 24, 1891, the matter was discussed at some length.

The minister admitted that his Government was at fault in regard to the way in which the arms were put on board of the vessel, and expressed his willingness that reparation should be made.

On the 29th day of January, Col. Toriello offered and made an apology to the captain of the Pacific Mail steamship *City of New York* for the unceremonious manner in which the arms were returned to the steamer *San Blas*.

The apology and reparation, so far as they go, affected solely the steamship company.

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\*The act of March 3, 1891, making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1892, provided for an envoy extraordinary and minister plenipotentiary to Nicaragua, Costa Rica, and Salvador, and one to Guatemala and Honduras.

It is not reasonable to suppose that Col. Toriello's expressions of regret and apology to Capt. Johnston, of the merchant steamer *City of New York*, can of itself constitute, so far as the Government of the United State is concerned, an expiation for the manner in which the arms were taken by the said colonel from the Pacific Mail steamer *Colima*.

The expectation that my Government would receive from that of Guatemala some satisfactory apology or reparation is as yet unrealized.

The ground for complaint of my Government was the wrongful seizure of the arms and the threats against and indignity shown to an American ship, while the unceremonious character of the only act done by the Guatemalan Government in disavowal was an incident only.

While thus presenting to the Government of Guatemala the desire and expectation of the Government of the United States that satisfactory apology or reparation for the whole wrongdoing would be made, I courteously refrain from formulating a demand, but leave it to your excellency's Government to tender adequate redress of its own volition.

If so tendered, its sufficiency would remain to be determined in a spirit of frankness and friendship.

Availing myself, etc.,

R. PACHECO.

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[Inclosure 2 in No. 42.—Translation.]

*Señor De Leon to Mr. Pacheco.*

NATIONAL PALACE,  
Guatemala, July 15, 1891.

MOST EXCELLENT SIR: I had the honor to receive the estimable communication of your excellency dated June 18 ultimo, in which you are pleased to inform me that, by instruction from the Department at Washington, you call the attention of my Government to the incident that took place on July 18 of last year respecting the arms carried by the *Colima*, also what occurred with reference to the manner in which the return of said arms was made.

Your excellency is pleased to observe that the ceremony which on that account took place between the commandant at the port, Col. Toriello, and Capt. Johnston, of the *City of New York*, was simply an apology or satisfaction on the part of the commandant to the said Capt. Johnston, and the reparation, so far as it went, referred only to the Pacific Mail Company by reason of certain formalities having been omitted in the act of delivering the arms on board the steamer *San Blas*.

Your excellency will allow me to say, that the ceremony agreed upon at the conferences held on the 26th and 27th of January of this year between the Hon. Mr. Kimberly, then chargé d'affaires, Señor Anguiano, at that time minister of foreign relations, and Mr. Leverich could not refer only to the steamship company, because the Government of Guatemala, very far from having any reasons for making apologies to the company, had, on the contrary, grounds to feel surprised at that proceeding, not very impartial at the time, and during the emergency of the Republic with the neighboring one of Salvador, on account of the violation of article 17 of their respective contract. The aim, then, at which the purposes of the Guatemalan Government were directed, was that of giving satisfaction to the Government of your excellency, thereby adding one more proof of the desire which it cherishes that the relations between both countries shall be maintained unalterable.

In conformity, then, with what was settled upon at those conferences, the commandant at the port of San José, as per agreement with the Hon. Mr. Kimberly, presented himself on the 31st of January, 1891, dressed in full uniform, to Capt. Johnston, of the *City of New York*, and made his apology. The ceremony was performed with the formalities requisite in such a case, and the flags of Guatemala and the United States were saluted by all present.

This ceremony, then, can not be taken as an apology to the steamship company, since it was invested with the high dignity in all its character, and, as at the conferences held to that effect with the honorable representative of the United States, it was the basis in point for which apologies should be given, not only for the omission of formalities, but also for what happened on the 18th of July, 1890, and with the understanding that, such a ceremony once celebrated, the incident would remain settled to the satisfaction of both Republics.

Only in this view, Mr. Minister, can the fact be understood of Señor Anguiano having given his acquiescence to the celebration of such a ceremony, when it is only

appropriate to apologize to a government with which mine endeavors, and has always endeavored, to cultivate the friendly and cordial relations that bind both.

I believe it to the purpose, on this occasion, Mr. Minister, to remind you that even the newspapers of the United States have judged generally from the same point of view the subject which occasions this note.

I cherish the hope, Mr. Minister, that with these explanations given your honorable legation will be satisfied, and that the matter in question may be considered terminated.

I am, etc.,

EMILIO DE LEON,  
*Minister Foreign Relations of Guatemala.*

*Mr. Wharton to Mr. Pacheco.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, August 10, 1891.*

Mr. Wharton advises Mr. Pacheco that the Department is in receipt of two telegrams from the minister of foreign affairs of Salvador, dated the 8th and 9th instant, respectively, the first complaining of the refusal of the *City of Panama* to surrender Lisandro Letona, said to be charged with common crimes, the second informing the Department that sentence of confiscation had been pronounced against the steamer because of its leaving port without the permission of the captain of the port and pending trial. Mr. Pacheco is informed that the confiscation of the steamer appears to the Department, from the meager facts reported to it, to be unwarranted, and is instructed to protest by telegraph immediately against any arbitrary action. He is also informed that the United States consul at San Salvador has telegraphed the Department that the Salvadorian authorities proposed to seize the steamer when it arrived at Acajutla.

*Mr. Pacheco to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES  
IN GUATEMALA AND HONDURAS,  
*Guatemala, August 10, 1891.*

Mr. Pacheco informs the Department that the steamer *City of Panama*, being refused clearance papers at La Union on account of refusing to give up political refugees on board, left that place without clearance papers, and, upon reaching Libertad, was detained and declared confiscated.

*Mr. Wharton to Mr. Pacheco.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, August 13, 1891.*

Mr. Wharton acknowledges Mr. Pacheco's telegram of the 10th instant and calls his attention to Department's telegram of the same date. He is

instructed to protest against any arbitrary actions by the authorities of Salvador toward the steamship *City of Panama*, even if vessel has been seized, which would not affect instructions previously sent him. A full report of the facts is asked for.

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*Mr. Wharton to Mr. Pacheco.*

No. 13.]

DEPARTMENT OF STATE,  
Washington, August 13, 1891.

SIR: I inclose copies of communications in reference to the demands of Salvador on the Pacific Mail steamer *City of Panama*, named below.

I am, etc.,

WILLIAM F. WHARTON,  
Acting Secretary.

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[Inclosure 3\* in No. 13.—Telegram.]

*Mr. Love to Mr. Blaine.*

SAN SALVADOR, August 9.

Special police force ordered to take possession of ship *City of Panama*, at Acajutla, to-morrow. I go there at once, at request.

LOVE, Consul.

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[Inclosure 4 in No. 13.]

*Mr. Houston to Mr. Adee.*

PACIFIC MAIL STEAMSHIP COMPANY'S EXECUTIVE OFFICES,  
MILLS BUILDING, 35 WALL STREET,  
New York, August 10, 1891.

DEAR SIR: Referring to our dispatch of this morning, I beg to advise the Department of the fact that we have received the following cablegram to-day from Capt. John M. Dow, general agent of this company on the Isthmus of Panama and in general charge of our Central American business:

"TO PACIFIC STEAMSHIP COMPANY, New York:

"The following dispatch has been received here (Panama), 4 p. m., from Capt. F. P. White, of the *City of Panama*, dated La Libertad, Salvador: 'Authorities refuse to clear ship here, saying ship confiscated by order of Government. Gen. Letona, passenger, Corinto, Nicaragua, to San José, Guatemala. Commandant at La Union, Salvador, with armed force, demanded surrender, saying political criminal; refused to dispatch ship unless request complied with; request refused. After twenty-seven hours in port sailed without clearance. Agents here advise going to San José direct, there to land passengers, apprehending serious difficulties from Ezeta at Acajutla with armed force determined to arrest five political refugees on board. I await advice.'

"We have telegraphed Trigueros (our agent at La Libertad) as follows: 'Please communicate the following to Capt. White, *City of Panama*, referring to your dispatch of August 9: Proceed to San José de Guatemala direct. Keep your passengers on board until you communicate with United States minister.'

"Dow."

We desire to communicate this information to the Department of State, as we fear the authorities of Salvador may take some action detrimental to our property interests in the ports of that country in consequence of the refusal of Capt. White to give up these political refugees.

Hoping that the Department will take prompt action, I remain, etc.,

J. B. HOUSTON,  
Vice-President.

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\* For inclosures 1 and 2 see correspondence with legation of Salvador at Washington.

*Mr. Pacheco to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES  
IN GUATEMALA AND HONDURAS,  
*Guatemala, August 14, 1891.*

Mr. Pacheco states that after Capt. White was served notice of confiscation, on the morning of the 10th instant, he weighed anchor and arrived the same evening safely at San José de Guatemala, where all passengers have been landed and cargo is being discharged; that the Guatemalan authorities will give stayed clearance papers; and that protest will at once be telegraphed to Salvador, as per Department's cable instructions.

*Mr. Pacheco to Mr. Blaine.*

[Extract.]

No. 53.]

LEGATION OF THE UNITED STATES  
IN GUATEMALA AND HONDURAS,  
*Guatemala, August 18, 1891. (Received September 3.)*

SIR: In accordance with telegraphic instructions of the 10th and 13th instants, I immediately addressed a telegram to the minister of foreign affairs of Salvador, a copy of which I transmit herewith.

I have, etc.,

R. PACHECO.

[Inclosure in No. 53.—Telegram.]

*Mr. Pacheco to Señor Galindo.*

LEGATION OF THE UNITED STATES  
IN GUATEMALA AND HONDURAS,  
*Guatemala, August 12, 1891.*

I am informed of your excellency's telegram of the 9th instant to the Department of State at Washington, notifying my Government that sentence of confiscation has been pronounced on the Pacific Mail steamship *City of Panama* for the reason that she left La Union without permission from captain of the port.

Capt. F. P. White reports having laid at anchor at La Union for over twenty-four hours. Also that the commandant, with armed force, visited the ship and made formal demand for one Gen. Letona, a passenger, on the ground that he is a political criminal, and, further, that he would not clear or dispatch the steamer unless the said Letona was put in his charge. Now I must say, from the above information, Mr. Minister, that the procedure of your excellency's Government in pronouncing sentence of confiscation of steamer *City of Panama* appears to be unwarranted, and must, in the name of my Government, enter my earnest protest against any such arbitrary action.

R. PACHECO.

*Mr. Pacheco to Mr. Blaine.*

No. 54.]

LEGATION OF THE UNITED STATES  
IN GUATEMALA AND HONDURAS,  
*Guatemala, August 19, 1891. (Received September 3.)*

SIR: I have the honor to transmit herewith the report of Capt. F. P. White, of the Pacific Mail steamship *City of Panama*, giving full account of what transpired during the recent occurrences at La Union and La Libertad, in Salvador.



The wires connecting the two Republics have been down for over 10 days, and I have not been able to obtain any response to my telegram of the 12th instant.

The Pacific Mail Company's manager for Central America, who makes his headquarters at this capital, is likewise unable to get further particulars from his agents in San Salvador.

I will promptly report any information that comes to us.

I have, etc.,

R. PACHECO.

[Inclosure in No. 54.]

*Capt. White to Capt. Dow.*

STEAMSHIP CITY OF PANAMA, VOY. 55.

*La Libertad, Salvador, August 8, 1891.*

SIR: Herewith I beg to advise you as follows: We received on board at Corinto as passengers for San José the following-named persons: Gen. L. Letona, Don M. Rivas, Dr. Don R. Ayala, Gen. L. Hernandez, and Mr. P. J. Brannon.

At 5:20 p. m. the 6th instant I arrived at La Union, and the ship was visited by the usual officials, who, after receiving the customary documents, demanded to see the list of passengers on board who were in transit and destined for San José. This request was complied with, and the officials went on shore.

At 10:30 p. m. the ship was visited by the commandant and four officials, who stated that we had on board five political refugees from Salvador, mentioning the above-named persons, and said that he had orders from the Salvador Government not to allow these people to land, and requested me to prevent them doing so.

I assured the commandant that I would do everything in my power to comply with his request, and he went on shore apparently satisfied.

At 2 p. m. the 7th instant the ship was again visited by the commandant and four officials. He then stated that he could not dispatch the ship before 5:30 p. m., as he was awaiting instructions from Salvador. At 5 p. m. the same day he again visited the ship, accompanied by six officials and a launch containing one officer and 12 men, all heavily armed, and said he had an order from the Salvador Government to arrest Gen. Letona as a political criminal, and made formal demand of me that I surrender him into his custody. This I positively refused to do, saying that Gen. Letona was a passenger who had embarked from Corinto for San José, and that I knew nothing of his being a political offender. After making the demand again, and which I again refused to comply with, he went on shore with the officials who accompanied him, but left the launch, containing 13 men, on guard close by the ship. Before leaving he positively stated that he would not dispatch the ship unless I gave Gen. Letona into his charge.

At 5:45 p. m., having been in the port of La Union over twenty-four hours, and the work of loading and unloading the cargo being completed, I blew three whistles to signify that I wished to be dispatched, and at 8:10 p. m., no attention having been paid to my signal, I left for La Libertad without my dispatch.

At 8:25 a. m. on the 8th instant I anchored off La Libertad and was at once visited by the commandant, who stated that, as I had not been properly dispatched from La Union, he could not receive the ship until he had communicated with the Government. At 12 noon, same day, the ship was again visited by the commandant, accompanied by the company's agent, who brought the following communication from the minister of war:

[Telegram dated San Salvador, August 8 1891.]

"To the COMMANDER OF THE PORT:

"By an official letter you will notify Messrs. Blanco & Trigueros, agents of the Pacific Mail Steamship Company in this port, that the captain of the port will not receive the steamship *City of Panama's* cargo nor passengers, and will only receive her mail; this due to the contract existing between the Supreme Government and the company referred to and as a special favor granted her. The above-mentioned steamer will remain uncommunicated with regarding the embarking or disembarking of passengers or cargo.

"Yours,

"V. AMYA."

To this communication I sent the following reply in explanation why I had left La Union without my dispatch:

"STEAMSHIP CITY OF PANAMA, VOY. 55,  
"La Libertad, August 8, 1891.

"To Messrs. BLANCO & TRIGUEROS,  
"Agents Pacific Mail Steamship Company:

"SIRS: Please communicate the following to the commandant in reply to his communication of to-day:

"I arrived at La Union on the 7th instant, at 5:20 p. m., and during my lay there the ship was visited by the commandant, accompanied by six officials and the launch containing one officer and twelve men, who demanded the surrender of Gen. Letona, a passenger from Corinto to San José, saying he was a political criminal, and that the Salvador Government had ordered his arrest. This I positively refused to do. The commandant then left the ship, saying he would not dispatch me unless I gave General Letona into his charge. At 5:45 p. m. I blew three whistles to signify that I wished to be dispatched, and at 8:10 p. m., having been in the port of La Union twenty-six hours and fifty minutes, I left for La Libertad without my clearance.

"I am, etc.,

"FRED. P. WHITE,  
"Commander."

At 1:30 p. m. I received the herewith attached copy of a letter from the company's agent, which explains itself, and the work of discharging the cargo commenced at once.

At 4:30 p. m. the launches stopped work for the day, and the following day, August the 9th, at 6 a. m., the work was again resumed, and at 10 a. m. the cargo was all discharged and one launch load of cargo for Oco's received. At 10:30 a. m. the 9th instant the ship was visited by the company's agent and his clerk, who brought the following communication from the commandant:

"LA LIBERTAD, August 9, 1891.

"Messrs. BLANCO & TRIGUEROS,  
"Agents Pacific Mail Steamship Company:

"SIRS: I have the honor to inform you that, by sentence dictated yesterday by the captain of the port of La Union, the steamship *City of Panama* has been confiscated on account of having left La Union without the necessary license which is prescribed in article 253 of the laws of navigation and marine. I communicate this to you by order of the minister of this branch of the marine department, so that you may notify Capt. White.

"Yours, etc.,

"CARBELLO,  
"Commandant."

To this communication, and by request of the agents, I sent the following reply:

"STEAMSHIP CITY OF PANAMA, VOY. 55,  
"La Libertad, August 9, 1891.

"To Messrs. BLANCO & TRIGUEROS,  
"Agents Pacific Mail Steamship Company:

"SIRS: Herewith I beg to inform you that the communication from the commandant of this port has been received and contents duly noted.

"I am, etc.,

"F. P. WHITE,  
"Commander."

I also wrote the agents, saying I would like to be dispatched as soon as possible, the cargo being all discharged, and to send me word as soon as convenient whether the authorities would dispatch me or not. At 12 noon the agent came on board, again bringing the herewith attached copy of a letter which explains itself, being a letter to the authorities asking for my dispatch and their reply; I was also informed by our agents that Gen. Ezeta had left Santa Ana, where he had been stationed, for Acajutla, and that he would probably make a determined attempt to arrest Gen. Letona and four other political refugees with an armed force.

I thereupon decided to communicate the situation to yourself and await instructions from Panama, for I have every reason to believe that the safety of the ship and passengers would be involved in my going into the port of Acajutla with the before-mentioned persons on board, and judging from the situation at the present time.

Herewith I hand you a copy of the cable message sent this day at 2 p. m:

"TYPAC, *Panama*:

"Authorities refuse clear ship here, saying ship confiscated; orders Government. Gen. Letona, passenger Corinto to San José; commandant La Union, armed force, demanded surrender, saying political criminal; refused dispatch unless request complied with; request refused. After twenty-seven hours in port, sailed without dispatch. Agents here advise going San José direct, land passengers, apprehending serious difficulty; Ezeta at Acajutla, armed force, determined to arrest five political refugees aboard. I await advice.

"WHITE."

As I was handing this message to the agent the commandant sent his representative on board to inform me verbally that the minister of war had given orders for the commandant to come on board and take charge of the ship, and that I was to place myself under his orders.

I politely informed the representative of the commandant that I recognized no one's authority regarding the direction of the *City of Panama*, and if his remaining on board was to be evidence of the surrender of my command to him, he would oblige me by going on shore at once, which he did.

At 12 midnight I was again visited by the representative of the commandant, who brought me the herewith attached copy of a letter and telegram from the United States consular agent which explains itself, and to which I replied as follows:

"LA LIBERTAD, SALVADOR, August 9, 1891.

"To E. COURTADE, *United States Consular Agent*:

"SIR: Your letter, containing a telegram, has just come to hand at 12 o'clock, midnight, and contents noted. I particularly request that any cable messages or telegrams that may come addressed to me will be delivered promptly.

Yours, respectfully,

"FRED. P. WHITE,  
"Captain."

At 8 o'clock a. m. the 10th instant the ship was again visited by our agent, accompanied by his clerk, who brought your cable, a copy of which and translation is herewith attached to this letter, having been restrained from doing so by the authorities on shore at 6 p. m. the day previous, at which time it was received by themselves.

After receiving this cable I made preparations for going to San José direct, and before doing so I sent the following letter to Mr. E. Courtade, the United States consular agent, which read as follows:

"LA LIBERTAD, August 10, 1891.

"To E. COURTADE, *United States Consular Agent*:

"SIR: I am in receipt of my orders from our general agent at Panama, and you will kindly inform Mr. J. J. Love, in San Salvador, that any further communication from him will be received through the American minister at Guatemala.

"I am yours, respectfully,

"FRED. P. WHITE,  
"Commander."

At 8:25 a. m. I left La Libertad for San José direct, in accordance with your instructions.

I arrived at San José de Guatemala at 5:30 p. m. the 10th instant, and was at once received by the authorities.

Yours, respectfully,

F. P. WHITE,  
Commander.

[Inclosure A.]

*Copy of letter from agents received at 1:30 p. m.*

LA LIBERTAD, August 8, 1891.

Mr. F. P. WHITE,

*Commander of the Steamship City of Panama:*

DEAR SIR: We have the pleasure to inform you that we have just been notified that the Government has allowed the work of embarking and disembarking passengers and freight with the *City of Panama*, and that we therefore have ordered all our lighters to proceed to the work, so that it may be done in the shortest time possible.

We are, etc.,

BLANCO & TRIGUEROS.

## FOREIGN RELATIONS.

[Inclosure B.—Translation.]

*Blanco & Trigueros to the commandant of La Libertad.*

LA LIBERTAD, August, 1891.

*To the Commandant of this Port:*

As the North American steamer *City of Panama*, Capt. White, from Panama, is prepared to continue her voyage to Acapulco, we request you to grant the permit required by law.

BLANCO &amp; TRIGUEROS.

[Inclosure C.—Translation.]

*The commandant of La Libertad to Blanco & Trigueros.*

LA LIBERTAD, August 9, 1891.

As the steamer *City of Panama* has been confiscated, it is hereby declared that there is no ground for the foregoing application.

CARBALLO.

[Inclosure D.]

*Consular Agent Courtade to Capt. White.*

CONSULAR AGENCY OF THE UNITED STATES,  
*La Libertad, Salvador, August 9, 1891.*

To Capt. F. P. WHITE,

*Commanding Steamship City of Panama, off La Libertad:*

DEAR SIR: I have just received a telegram from the United States consul at San Salvador, which reads as follows:

"SAN SALVADOR, 10:25 p. m.

"Please deliver at once the following to captain of the ship *City of Panama*:"Captain of the Pacific Mail Ship *City of Panama*, at *La Libertad*:

"Permit no one to come aboard or leave your ship, and remain there until further orders from me or the Department.

"J. W. LOVE,  
"Consul."

I beg to transmit the same, and inclose the original telegram for your guidance.

Yours, truly,

E. COURTADE,  
Consular Agent.

[Inclosure E.]

*Copy of cable from Panama.*TRIGUEROS, *Libertad*:

Please communicate to Capt. White, steamship *City of Panama*: "Referring to your dispatch August 9, proceed to San José direct. Keep your passengers on board until you communicate with the minister of the United States."

DOW.

*Mr. Wharton to Mr. Pacheco.*

No. 21.]

DEPARTMENT OF STATE,  
*Washington, August 22, 1891.*

SIR: Your No. 42, of the 22d ultimo, has been received. You therein communicate a copy of correspondence between your legation and the Guatemalan foreign office in further relation to the affair of the seizure

of the arms carried on board the Pacific Mail steamship *Colima* at the port of San José in July of last year.

Your execution of the Department's instruction No. 35 of February 28 last does not appear to have been as explicit as may have been desirable. The purport of that instruction was to remove the comparatively unimportant ceremonial incident connected with the return of the arms from the field of discussion by accepting Col. Toriello's performance on board the *City of New York* and his statements to Capt. Johnston as sufficient to do away with the charge of discourtesy on his part in the restoration of the property seized. As to the main questions, the improper interference with a vessel under our flag and the injury to property rights growing out of the act of the Guatemalan Government in making the original seizure, it was pointed out that no reparation whatever, although clearly due and reasonably expected, had been tendered by Guatemala to the Government of the United States.

It would seem from Mr. De Leon's note to you of July 15 that he regarded your presentation of the matter on the 18th of last June as expressing dissatisfaction with Col. Toriello's apology, because tendered to the steamship company rather than to this Government, and his reply is confined to alleging that the ceremonial performance of Col. Toriello was, under the agreement between Mr. Kimberly and Señor Anguiano, a sufficient reparation to the Government of the United States for the discourteous feature of the incident.

A careful perusal of your note to the minister of June 15, 1891, constrains me to admit that, in placing this limited construction upon your demand, Mr. De Leon found good warrant in your own language. You do not seem to have clearly conveyed to him Mr. Blaine's conclusion that—

So far as concerns the minor incident of Col. Toriello's discourteous action in the return of the arms, his apology, thus indirectly tendered by him in person, may be accepted as amply disposing of that branch of the matter, because sanctioned by the Government of Guatemala, which has made its acquiescence therein known to the acting diplomatic agent of the United States. It may therefore disappear from consideration.

So far as concerns the original indignity and injury involved in the act of the Guatemalan Government in detaining the *Colima* and in seizing the arms which it diverted to its own use, the course of Mr. Kimberly does not appear to have left the question in as satisfactory a posture as this Government would desire, or as is desirable in the relations of the two Governments. The misconception on the part of Guatemala does not rest alone on Mr. Kimberly's oral statements to Señor Anguiano in the interview of January 24, 1891. Mr. Kimberly's letter to Capt. Johnston, dated January 28, has become a part of the diplomatic record, and he therein distinctly stated that the ceremonial to be performed by Col. Toriello was to be taken "in expiation of the manner in which the arms and ammunition were removed by this commandant from the Pacific Mail steamer *Colima* last July."

Nothing in Mr. Kimberly's instructions gave him authority to make so sweeping a declaration. The Guatemalan foreign office seems to have appreciated the situation at the time, for on the 4th of February, after Col. Toriello's apology had been made as agreed upon, Señor Prado, acting minister of foreign relations in Señor Anguiano's absence, called upon Mr. Kimberly and asked that the word "expiation" in the letter to Capt. Johnston be stricken out and the word "explanation" substituted. This Mr. Kimberly refused to do, stating that the word

"expiation" conveyed the precise meaning and literal sense intended by him, and that it could not be changed without authority from his Government. (See Mr. Kimberly's No. 246, of February 4, 1891.)

You will take early and appropriate occasion to inform the Government of Guatemala that this Government regards the secondary and comparatively trivial incident of the unceremonious return of the arms as disposed of by Col. Toriello's apology, consenting if need be to the substitution of the word "explanation" for "expiation," in order that the record may be cleared of an unfortunate ambiguity. You will at the same time inform the minister of foreign relations that the question of indemnity for the wrongful act committed in the seizure of the arms and for any injury resulting therefrom (which it was hoped would have been met by a friendly and spontaneous tender of reparation by the Government of Guatemala to that of the United States) is reserved for future consideration. •

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Mr. Pacheco to Mr. Blaine.*

No. 55.]

LEGATION OF THE UNITED STATES  
IN GUATEMALA AND HONDURAS,  
*Guatemala, August 26, 1891. (Received September 11.)*

SIR: I have the honor to transmit herewith translation of communications received from the minister of foreign relations of Salvador, bearing date respectively August 9 and 14, also copy of my response to the same.

These communications from the minister reached me through the hands of Col. Victor M. Sandoval, who was special bearer of dispatches from that Government.

The wires between this Republic and Salvador have been interrupted for nearly three weeks, and am daily awaiting to hear of the late occurrences relating to the *City of Panama* (as they are pleased to call it), and will keep you advised of any new development.

I have, etc.,

R. PACHECO.

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[Inclosure 1 in No. 55.—Translation.]

*Señor Galindo to Mr. Pacheco.*

NATIONAL PALACE,  
*San Salvador, August 9, 1891.*

MR. MINISTER: This morning at 9 o'clock I wrote to your excellency with reference to the incident which occurred with the steamship *City of Panama*, of the merchant navy of the United States of America.

It is now 4 in the afternoon. The captain of the steamer mentioned, anchored in the waters of La Libertad, has refused to receive on board the second in command of the captaincy of that port, who went by order of the minister of marine to navigate in the steamer till further orders to prove her occupation (or her having been taken possession of) in the name of the Republic by virtue of the sentence of confiscation pronounced (fulminated) by the captain of the port of La Unión.

This sentence was notified to the agent of the Pacific Mail in this port, and up to this moment I have received no advice of any appeal having been interposed.

According to the latest telegrams, the *City of Panama* is now on the point of leaving for Acajutla.

My Government, convinced of its right, has commanded the governor of the department of Sonsonate to go to Acajutla accompanied by a body of police and there take from on the *City of Panama* the offender Lisandro Letona, avoiding as much as possible the use of arms.

If, as is to be expected, the capture takes place, the Salvadorian Government will have had another occasion to prove before the world that if it is firm in the maintenance of its rights it is civilized (enough) to respect the lives, dignity, and rights of offenders coming under the jurisdiction of its judges and the protection of its laws.

I am, etc.,

FRANCISCO E. GALINDO.

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[Inclosure 2 in No. 55.—Translation.]

*Señor Galindo to Mr. Pacheco.*

NATIONAL PALACE,

*San Salvador, August 14, 1891.*

MR. MINISTER: Herewith you will find a copy of No. 186, vol. 31, of the *Diario Oficial* of this Republic, wherein all the late occurrences relating to the *City of Panama* are narrated.

I have only to add that the United States consul in this capital has instituted a careful inquiry into all that has happened in the port of La Libertad, and that yesterday he had the amiability to declare to me that he is much satisfied with the measured and prudent conduct of my Government in the incident occasioned by the captain of the aforementioned steamer, and that he recognized (acknowledged) that all the acts of the Salvadorian authorities were based on the laws in force.

In the afternoon I received a cablegram from the Department of State in Washington indicating that your excellency had orders to protest energetically against all arbitrary proceedings against the *City of Panama* on the part of the Salvadorian Government.

Your excellency's silence authorizes me to think that he has found nothing in the conduct of my Government that could serve as a basis for the protest.

I am much pleased at this, for it is the desire (purpose) of the Salvadorian Government to take advantage of all circumstances (opportunities), even adverse ones, of proving its friendly disposition toward the Government and the United States of America.

I am, etc.,

FRANCISCO E. GALINDO.

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[Inclosure 3 in No. 55.]

*Mr. Pacheco to Señor Galindo.*

LEGATION OF THE UNITED STATES

IN GUATEMALA AND HONDURAS,

*Guatemala, August 22, 1891.*

MR. MINISTER: Through the kindness of Lieut. Col. Don Victor Manuel Sandoval, now a guest at the legation, I had the honor of receiving your excellency's communications, dated, respectively, 9th and 14th, and copy of letter addressed to the American consul on the 8th instant.

I have carefully noted contents, and in answer permit me to state that it appears from Capt. F. P. White's report that the Pacific Mail steamship *City of Panama* arrived on time at the port of La Union on the evening of the 6th instant, and on the morning of the 7th commenced the work of loading and unloading cargo without interruption. At 5 p. m. of the same day the commandant of the port, accompanied by six officials, and a launch containing an officer and 12 men, all heavily armed, visited the ship and informed the captain that he had an order of the Salvadorian Government for the arrest of Gen. Letona, who had been declared a political criminal.

He then made formal demand for his surrender and custody. The captain's answer was to the effect that he did not recognize the order to be legal, and therefore refused to comply with this demand of the commandant; that Gen. Letona was a passenger on his ship who embarked at Corinto, Nicaragua, for San José de Guatemala; and that he (the captain) did not know anything concerning political offenders,

The commandant then stated, in a very clear and determined manner, that he would not dispatch the vessel, whereupon at 8:10 p. m., after being in port over twenty-four hours, the steamer left without her regular clearance. On her arrival at La Libertad, on the 8th instant, the captain was notified through an official from shore that by sentence dictated at La Union the captain of the port had declared the steamship *City of Panama* confiscated for having left without the necessary license, and also that he was designated by his Government to take command of the ship.

This officer was politely requested to return on shore. Having delayed over twenty-four hours, the steamer then left for San José de Guatemala.

Freely reviewing the facts in this case, Mr. Minister, as per report of Capt. White and his officers, it is now proper for me to say that in acting as he did the captain strictly remained within the requirements under the terms of contract between your excellency's Government and the Pacific Mail Company. The demand of the commandant at La Union for the surrender of Gen. Letona was made on telegraphic order merely, no warrant of arrest or legal power to take the accused into custody having been exhibited or presented to the captain.

With regard to the departure of the *City of Panama* without regular clearance, I beg to draw your excellency's attention to the fact that the steamer remained in each port the regular limit of time according to her contract, and that the captain could not further postpone the departure of his vessel without being wanting in his duty towards his employers. In view of the captain's refusal to surrender the person named, the commandant had it in his power to protest in the manner best suited to the country's dignity and his own, under the assurance that any illegal proceeding on the part of the company's officers would meet with due attention and reprehension; but he had no legal right to refuse to clear the ship, thereby placing the captain in the extreme necessity of departing without the regular formalities.

I can recall several comparatively recent instances of the arrest of alleged offenders on American vessels in Spanish American ports. In these cases the consular or diplomatic officer has invariably been applied to for his consent, and proof has been furnished in authentic legal form of the crime alleged. Where there has been ground for the suspicion that the application bore a political complexion, ample proof has been adduced that the offenses charged were ordinary in their character. This fact has been made the basis of the request for the consent of the foreign representatives to the arrest, and I am not informed of any case in which the arrest has been made where the representative of the United States withheld his consent or the demand wore a political aspect. Ample evidence can be shown that in respect to political offenders a very considerable and important exception has in practice been made in Spanish American countries to the general rule as to the exercise of jurisdiction over foreign vessels.

The same exception is also found to exist in the case of asylum in foreign legations. It is a general principle that an ambassador or other public minister is not permitted to grant an asylum to offenders in the country in which his legation is established. But an exception to the rule has been made in respect to political offenders, and nowhere has it more generally prevailed than in these countries of Spanish America. It is proper to say that the Government of the United States has never encouraged an extension of this exception, for the reason that it is likely to lead to abuse. But at the same time it has on grounds of humanity frequently found itself obliged to maintain it. That it has done so with regret is due not more to its indisposition to exercise exceptional privileges than to the deplorable fact of the recurrent disorders which have so often caused those in power suddenly to seek a place of refuge from the pursuit of others who have been able to drive them from their positions. It is to this unfortunate and unsettled political condition that the extension of asylum to political offenders is attributable, and it is believed that the considerations of self-interest arising from a sense of insecurity have not infrequently permitted the exercise of the privilege to pass without strenuous objection. Under these circumstances especially, no nation could acquiesce in the sudden disregard or heed a demand for the peremptory abandonment of a privilege sanctioned by so general usage. The causes that have operated to foster the maintenance of an asylum for political offenders in legations have contributed perhaps even more powerfully to secure a place of refuge for them on foreign vessels. The principal means of communication between the countries of Spanish America is by water, and it has been a matter of common interest to permit such communication to be undisturbed by political events. These considerations peculiarly apply to the vessels of the Pacific Mail Steamship Company, which for many years have been the principal vehicles of transportation, especially for passengers between several of these countries. Flying between San Francisco and Panama as terminal points, they call at various Central American ports, halting as long as may be necessary to unship and ship cargo, and lying at anchor for that purpose some distance from the shore. While it is true that, being in the ports of the country, the mere circumstance that they are not fastened to a wharf or brought close inshore does not exempt them from the local jurisdic-



tion, yet it is proper to be taken into account, as an explanation of the fact in these countries, that considerations of convenience and interest have ever been most actual and important. It is not doubted that in the many years during which the vessels of the Pacific Mail Steamship Company have plied between San Francisco and Panama they have carried scores and hundreds of persons who have been concerned in political broils and insurrectionary movements in the countries at whose ports they call, yet I am informed of but a single instance in which the peace of the vessel has been disturbed by the seizure of a person on board for any political cause. So far as I am able to ascertain, it is the common opinion that such a right of seizure is not asserted or supposed to exist. This is the common opinion, of which Chief Justice Marshall spoke as evidence of that common usage which determines the law.

No better evidence of that opinion could be adduced than the instance which has been disclosed of political fugitives who have gone on board of these vessels, knowing that they would call at points in which their lives might be sacrificed if they went on shore.

I will now, with your kind permission, Mr. Minister, allude to the unfortunate performance of confiscation of the steamship *City of Panama*. I can not but feel and express my regrets at the course taken by the authorities at La Union, and can find no warrant, or excuse even, for the arbitrary proceeding of the commandant of that port. The foregoing exposition of the generally accepted views with regard to the right of asylum, which are also those recognized by my Government, will, I doubt not, induce your excellency's Government to reconsider by a terminant disapproval of the proceedings of the captain of the port at La Union, restoring the mutual relations of sincere friendship and good will that for a moment might have been disturbed by this untoward occurrence.

I am sure your excellency's Government must be aware that it is the sincere desire and wish of the American people to adjust all differences, should any arise between it and the sister republics, in a most liberal and friendly spirit. Likewise, it may not be superfluous to indicate that my Government is not prepared to sacrifice any of the recognized principles of international law and justice, of which the right of asylum for political offenders on board of merchant vessels flying the American flag is a most important one.

I am, etc.,

R. PACHECO.

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*Mr. Wharton to Mr. Pacheco.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, August 28, 1891.

Mr. Wharton informs Mr. Pacheco that the President desires assurance that the steamship *City of Panama* will not be detained when she makes her return trip, and expects from the Government of Salvador time for full inquiry, and that the sovereignty of Salvador will at the same time be shown due respect. Mr. Pacheco is instructed to enter decided protest if there is a purpose on the part of Salvador to make a vexatious and wrongful seizure of the steamship, and to report his action.

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*Mr. Pacheco to Mr. Blaine.*

[Extract.]

No. 58.]

LEGATION OF THE UNITED STATES  
IN GUATEMALA AND HONDURAS,  
Guatemala, August 31, 1891. (Received September 17.)

SIR: I have the honor to acknowledge the receipt of your telegram of August 28, and to report that I immediately sent a dispatch, a copy of which I transmit herewith,

I have, etc.,

R. PACHECO.

## FOREIGN RELATIONS.

[Inclosure in No. 58.—Telegram.]

*Mr. Pacheco to Señor Galindo.*

LEGATION OF THE UNITED STATES  
IN GUATEMALA AND HONDURAS,  
*Guatemala, August 30, 1891.*

I have the honor of communicating to your excellency that steamship *City of Panama* will make regular trip to your ports, and my Government desires assurance that the steamer will not be detained over usual limit as per contract, and expects that time will be had for full inquiry into this affair, giving at same time assurance that due respect shall be shown to the sovereignty of your excellency's Government.

R. PACHECO.

*Mr. Pacheco to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES  
IN GUATEMALA AND HONDURAS,  
*Guatemala, September 3, 1891.*

Mr. Pacheco telegraphs that he is informed by the minister of foreign affairs of Salvador that the steamship *City of Panama* will not be detained longer than usual as per contract, and that, should it result that unlawful detention was ordered, his Government would indemnify it; that he is also informed by the minister that the confiscation proceedings will continue to a termination and the United States Government be informed of the decision when reached.

*Mr. Wharton to Mr. Pacheco.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, September 4, 1891.*

Mr. Wharton inquires as to the length of time for which, under the contract, the Salvadorian Government claims it can detain the *City of Panama* and asks the meaning of the offer of indemnity for unlawful detention if the vessel is not to be detained longer than the contract permits.

*Mr. Pacheco to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES  
IN GUATEMALA AND HONDURAS,  
*Guatemala, September 9, 1891.*

Mr. Pacheco states that the allusion of Salvadorian minister was evidently in general terms that the Salvadorian Government would indemnify any vessel that might be unjustly and exceptionally detained in Salvadorian ports,

*Mr. Wharton to Mr. Pacheco.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, September 11, 1891.

Mr. Wharton asks to be informed by telegraph of the penalty imposed by the law of Salvador on a vessel leaving a port without clearance papers.

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*Mr. Wharton to Mr. Pacheco.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, September 14, 1891.

Mr. Wharton telegraphs that he is awaiting specific answer to his telegram of the 11th and first part of his telegram of the 4th, and that Mr. Pacheco's telegram of the 9th is unsatisfactory.

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*Mr. Pacheco to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES  
IN GUATEMALA AND HONDURAS,  
Guatemala, September 15, 1891.

Mr. Pacheco telegraphs text of articles 253 and 257 of the navigation and marine law of Salvador, which fixes penalty on vessels leaving port without clearance papers as follows:

ART. 253. No vessel ought to set sail without the license of the commandant of the port under penalty of confiscation.

ART. 257. Every infraction of the articles contained in this paragraph shall be punishable by fine not exceeding \$200, at discretion of the commandant of the port.

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*Mr. Pacheco to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES  
IN GUATEMALA AND HONDURAS.

Guatemala, September 17, 1891. (Received September 19.)

Mr. Pacheco states that under the law of Salvador a vessel leaving port without clearance papers is subject to confiscation; that the Salvadorian minister for foreign affairs had been asked by telegraph how long the *City of Panama* can be detained under the contract, but no answer has been received; and that this may be due to the continual interruption of the wires.

*Mr. Pacheco to Mr. Blaine.*

No. 73.]

LEGATION OF THE UNITED STATES  
IN GUATEMALA AND HONDURAS,  
*Guatemala, September 29, 1891. (Received October 17.)*

SIR: I have the honor to acknowledge the receipt of your instruction No. 21, of August 22, and to report that I have addressed a communication to the minister of foreign relations on the subject of the *Colima* arms, strictly in accordance with your instructions.

I have, etc.,

R. PACHECO.

*Mr. Wharton to Mr. Pacheco.*

No. 39.]

DEPARTMENT OF STATE,  
*Washington, October 19, 1891.*

SIR: Rumors are again being given publicity in the press of increased unfriendliness between Guatemala and Salvador, and also between Honduras and Nicaragua, with reported preparations on the part of some of these powers looking towards contemplated hostilities. It is possible these rumors have no substantial foundation; but it is deemed advisable, in view of them, to recall to your attention the instruction of the Department, No. 27, of February 13 last, and to direct you to keep yourself fully informed as to the political situation, and, in case the facts call for such action on your part, to again impress the views and wishes of the United States upon the governments to which you are accredited.

The report of the manner in which you executed the instructions of the Department above cited, as contained in your No. 10, of March 11 last, is fully approved, and the assurances given by the President and minister of foreign affairs of Guatemala were highly gratifying to this Government. It is noted, however, that in these assurances no recognition is made of the moral obligation which attaches to Guatemala to observe the principle of arbitration in international disputes, as set forth in the pending treaty of arbitration, in which that Government has so heartily joined. Should circumstances make it necessary for you to again bring the subject to the attention of the minister of foreign affairs, it would be well for you to secure from him an explicit recognition of that principle.

It does not appear that you have as yet brought the subject of instruction No. 27 to the attention of the Government of Honduras. If you find that the situation of affairs in that Republic calls for action on your part, you will lose no time in laying before that Government the views of the United States as set forth in that instruction, and if the danger of the disturbance of international peace seems at all imminent, you will go in person to the capital and communicate the remonstrance of this Government. And, in any event, it is desired that at some convenient and early opportunity you will make known to the minister of foreign affairs of Honduras the views of this Government as set forth in that instruction.

The President is deeply impressed with the duty which is incumbent upon the United States to use its good offices to preserve peace among the republics of Central America, and he expects you to be vigilant and

prompt in the execution of the instructions of the Department, and to keep it advised of any indication of hostile intentions on the part of any of those governments.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

## CORRESPONDENCE WITH THE LEGATION OF SALVADOR AT WASHINGTON.

*Señor Guirola to Mr. Blaine.*

[Translation.]

LEGATION OF THE REPUBLIC OF SALVADOR,  
*Washington, February 3, 1891. (Received February 4.)*

SIR: The subject that I am about to state is to my mind of such grave importance that I can do no less than beg you to give it your distinguished attention. It concerns the precious possession of peace by nations which the United States regards as brothers, since they likewise are Americans.

Have the kindness, in the first place, Mr. Minister, to accept my apologies, and to believe that in penning these lines I am inspired by those same sentiments only, hoping that you will receive them with the same kindness with which you have hitherto deigned to honor my communications.

The Tribune, of New York, of the 29th ultimo, publishes and comments upon a letter which you will see in the clipping which I take the liberty of inclosing to you, and which Capt. Dick Falkenberg addresses to the President of Honduras, through a supposed agent of that country, there called Aguilera, but whom I believe to be the same Aguilar to whom I shall subsequently refer, who is engaged in that city—as gathered from the same letter—in making enlistments with a view of disturbing the peace between Guatemala and Honduras with Salvador. Other newspapers of the same origin declare that Gen. Reina Barrios and certain Messrs. Melgarejo and Aguilar (this must be the same Aguilera) are buying and embarking munitions of war on the part of Guatemala, attributing to said country the design of again making war upon Salvador. On the other hand, the ex-minister of this country to Central America, Mr. Mizner, in talking with a reporter in San Francisco, Cal., said that the treaty of peace which had been signed since the last war, to which Salvador was provoked by the Government of Guatemala and its ally, the Government of Honduras, is nothing but a truce, etc., which is all the more strange because that official exerted his offices in behalf of that peace in the name of the United States.

It is clear that that is not the authorized opinion of either of the Governments of the three Central American countries alluded to, nor of their agents clothed with official capacity, and still less when it is observed that no other statement, so far as I know, has caused even a suspicion that the peace between them was not adjusted with the firm and honorable purpose of making it lasting; but it is very obvious that malcontents, who exist under every political rule, good or bad, may be interested in interrupting that harmony at the cost of a new and bloody struggle, in which, undoubtedly, the other two neighboring and sister republics, Costa Rica and Nicaragua, will be involved; all of which

States, by reason of ignoble passions and wicked ambitions, would be again further arrested in the path of progress, with the failure likewise of the colossal enterprise of the Inter-oceanic Canal across the latter State, in which the Government of the United States took the initiative.

The interest with which the Government of this country regards whatever has reference to the common good of all the governments of America, of which the proofs that might be adduced are not few, especially under the administration of which your excellency so worthily forms an important part, leads me to hope that the mischievous intention with which that letter was written will not pass unperceived, of whose opinions it is proper here to state that I speak hypothetically, inasmuch as no authenticity is given. The letter, well considered, is a disguised call for recruits, as for that purpose its author offers himself, a punishable act which the wise laws of this country condemn, and which ought to alarm its commerce, which has interests linked with that of Salvador, whose tranquillity it is desirable, for this reason, should not be disturbed.

With this understanding, your excellency fully appreciating the intensity of my just fears and examining the reasons for their origin with your excellent and acknowledged judgment, any overthrow of the order established under favor of the peace and tranquillity which the other States of Central America enjoy would conduce to the injury and deterioration of the works so happily initiated by the Department of State since under your charge, tending to fraternize more every day the American republics, procuring the greatest possible extension of the commerce conducted between them; but apart from the consideration of economy, the other being more noble and generous, ought assuredly to particularly interest you; and in which sense and with such motives the Government of the United States has interposed its powerful influence in their case. And how often have we seen quiet reëstablished between contending sister states on hearing the disinterested exhortations of the North American Government towards reconciliation. These dissensions, as you well know, have been and might continue to be an obstacle to the republics of Central America in fully entering upon the career of prosperity to which they are destined by their advantageous geographical position; and it would be as grievous as unjustifiable to come again to another disastrous struggle, which Salvador, being challenged, could do no less than accept to its sorrow, no doubt, were said provocation from Guatemala or directed by it to its ally, the Republic of Honduras. But the affair so far seems only a matter of supposition, both what the press has said about the purchases of arms, munitions, etc., that Guatemala is making and the letter which I have mentioned; but, admitting the possibility of the accusation made being unhappily confirmed, and without claiming that the author of the said letter should be brought to trial, I nevertheless indulge the hope that you will find means to put a stop to the prosecution of so criminal a purpose and, if you think proper, to give seasonable orders of a preventive character only.

I ought not to conclude this communication without observing to you that, fearing to disturb the rest which has duly prevailed in all the departments of your Government on occasion of the sad death of the Hon. Mr. Windom, I desired to delay it until to-day, and in doing so I take pleasure in renewing to your excellency the assurances of the high esteem and respect with which I have the honor to subscribe myself, etc.,

B. MOLINA GUIROLA.

[Inclosure.]

*Extract from the New York Tribune of January 29, 1891.*

Gen. Luis Bogran is now President of the plucky little Central American Republic of Honduras. Honduras was once a province of Guatemala, but secured its independence in 1823. Since 1859 it has been an ally of Guatemala. The inhabitants are chiefly of Aztec descent, belonging to the tribes of Xicaques and Poyas. Out of a population of 400,000 about 7,000 only are whites.

Honduras is so situated that whenever there is a war between Guatemala on one side of it and Salvador on the other it is drawn into the fight, and is invariably an ally of the former State. Both Guatemala and Salvador are now busily preparing for the hostilities which it is expected will be resumed within six weeks, and consequently Honduras is forced to make ready to take a hand in the trouble, as many of the battles between the hostile forces will be fought on her ground.

To do this it is necessary to secure arms, ammunition, and other munitions of war, and therefore Col. M. L. Aguilera, of the regular army, was sent to this city. The colonel has established his headquarters in the Equitable Building, and is busy making contracts and forwarding merchandise to Tegucigalpa, the capital of Honduras, where President Bogran is now recruiting and remodeling his army.

That Col. Aguilera does not intend in any way to violate international law is taken for granted at present, but it must now become a question to be decided only by the proper authorities as to whether or not he has done so.

The following letter was mailed yesterday by Capt. Richard Falkenberg, who has for many years been known as a scout and Indian fighter, both in the Riel rebellion in Canada and in our own far West:

"President Gen. DON LUIS BOGRAN, *Honduras*.

"SIR: Regarding the difficulties in the near future between your ally, Guatemala, and the hostile State of Salvador, allow me to offer my services to your Government as an officer.

"The necessity of establishing a corps of scouts in time of war has been proved. A corps composed of selected American scouts will no doubt be a most important help and acquisition to your regular army and a pernicious enemy to the hostile State.

"I am open to your conditions and hope to receive a favorable reply in the immediate future.

"Please state in your answer if you want me to recruit a small corps of superior American scouts, and how many.

"CAPT. DICK FALKENBERG."

This letter was indorsed in Spanish as follows by Col. Aguilera:

"On the request of the interested party I must say that I know personally Capt. Falkenberg, and that I trust him entirely in regard to his capacity to render the services he proposes."

Col. Aguilera, by indorsing the application of Capt. Falkenberg, is liable to place himself in a position of which the hostile Government of Salvador will take advantage, possibly to secure his arrest, on the ground that it is a crime against the State. At least it is expected that agents of this Government will be instructed to keep a close watch on the movements of Col. Aguilera to prevent him recruiting any men in this country through any agent or in other ways.

The colonel refuses to talk to reporters.

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*Mr. Blaine to Señor Guirola.*

DEPARTMENT OF STATE,  
Washington, February 9, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 3d instant, in which you inclose an extract from the New York Tribune of the 29th ultimo, suggesting, at least, that one or more persons in New York may be engaged in an attempt to disturb the peace in portions of Central America.

It is proper to suggest to you that due complaint should be made under oath in such a case by some one having knowledge or belief of the acts alleged, in order to set on foot the necessary proceedings.

I have apprised the Attorney-General and the Secretary of the Treasury of the contents of your note, and have invoked the issuance of such instructions to their officers as appear to be called for in the premises, and have particularly asked that the consul of Salvador at New York or other person concerned may be assisted in respect of preparing the desired affidavit.

Accept, etc.,

JAMES G. BLAINE.

*Señor Guirola to Mr. Blaine.*

[Translation.]

LEGATION OF THE REPUBLIC OF SALVADOR,  
Washington, February 10, 1891. (Received February 11.)

MOST EXCELLENT SIR: I have to thank your excellency for the kind reply which you were pleased to make on the 9th instant to my communication of the 3d.

I now have to inform your excellency that my fears with regard to a disturbance of the peace in Central America have been confirmed. I am credibly informed that the Government of Guatemala is massing its forces near our frontier, and is recruiting a large force of men in addition, and, as this can not be on account of any domestic affairs, I must presume that, as has been the case on previous occasions, Salvador is to be invaded by Guatemala without any declaration of war, notwithstanding the fact that such a declaration is required by the law of nations. This act seems all the more arbitrary when it is considered that there are no justifiable reasons for it, since there has not yet been time to submit to ratification the treaty of peace whose bases were drawn up by the resident diplomatic corps and gladly accepted by both the contending parties in the late war. The Salvadorians placed confidence in that document, which had already been virtually ratified, and had returned to their customary occupations, laying aside their arms in strict accord with what had been agreed upon and again taking up the implements of labor, which ennobles mankind and enhances the greatness of nations.

There is so much room, Mr. Minister, for entering upon a statement of the many considerations for which material is furnished by the course pursued by a Government that is so far from seeking to maintain peace and harmony with its neighbors, as would be most natural according to the principles of modern civilization, that I will not dwell on that point, but will leave it to your excellency's perspicacity to judge of the supposed case to which I refer. And feeling certain, as I do, of the conciliatory policy of your Government, I must feel equally certain that it would regret to see a state of things which would drench with human blood those very fields that are still reeking with that which was shed in July and August last, at which the world was horrified, and for which the people of Salvador had given no cause.

In view of these facts, and considering that what is done in behalf of nations or of mankind never comes too late and is never superfluous, which opinion I do not suppose to be entertained, but which I recognize as being entertained, by your enlightened Government, and by your excellency in particular, I cherish the hope that your authoritative word will be more efficient than force would be in bringing about a satisfactory and harmonious condition of things, instead of that which now prevails.



Before concluding, I must state, Mr. Minister, how much I regret to occupy your time; I am induced to do so, however, by the sentiments to which I have given expression, and I avail, etc.,

B. MOLINA GUIROLA.

*Mr. Blaine to Soñor Guirola.*

DEPARTMENT OF STATE,

*Washington, February 18, 1891.*

SIR: I have had the honor to receive your note of the 10th instant, in which you recur to the subject of an anticipated disturbance of the peace of Central America, and inform me upon credible intelligence possessed by you that the Government of Guatemala is moving forces to the Salvadorian frontier, whence it is inferred that the intention exists to invade Salvador without previous declaration of hostilities. To the end of preventing a renewal of the unhappy conflict which took place between Salvador and Guatemala last summer, you invoke such good offices as the Government of the United States may find it discreet and proper to employ.

The Government of the United States would indeed view with deep concern and anxiety any recurrence of the dissensions to which the Central American States have of late years been subject, and, in fulfillment of its high mission of impartial friendship towards all of those neighboring Republics, it is still ready, as it has always been, to do what it may toward averting a condition of affairs as disastrous to the internal well-being of Central America as it is embarrassing and destructive to the interchanges of the Central American States with neighboring communities.

The President of the United States thinks that Salvador and Guatemala are not only bound to keep peace with each other by the terms of the conventions which concluded their recent hostilities, but that they are, each of them, morally bound, as signatories of the treaty of arbitration, which was so auspicious a result of the conference of Washington, to do no act and to commit no aggression which will violate the solemn compact into which they have entered, or fall short of the high principles they have announced and defended before the civilized world. To abandon the advanced position so assumed would not only be a step for which no justification exists, but would arouse legitimate concern when it is remembered that the interests of the five Central American States are intimately bound together, and that disturbance between any two of them is a menace to the peace of all. Relations of peace and good will among them are essential to their common welfare, and the avoidance of troubles which must react injuriously on the interests of other countries maintaining intimate association with Central America is an obligation of orderly neighborhood weighing equally upon them all.

I can not believe that any Central American State resting under these manifold obligations will do an act tending to disrupt the ties of amity and good will which should bind them to one another, and I am sure that the frank expression of the keen and impartial solicitude with which the Government of the United States receives the disquieting reports from Central America will draw from the several Republics adequate assurances of their peaceful intentions. I accept your note as a positive pledge in this regard on the part of the Government of Salvador.

Accept, etc.,

JAMES G. BLAINE.

## FOREIGN RELATIONS.

*Mr. Blaine to Señor Guirola.*DEPARTMENT OF STATE,  
*Washington, February 27, 1891.*

SIR: I have the honor to say, in further reply to your note of the 3d instant, relative to a presumed scheme to disturb the peace in parts of Central America, that the collector of customs at New York has been instructed "to take all proper measures to prevent the violation of the neutrality laws at that port."

Accept, etc.,

JAMES G. BLAINE.

*Mr. Blaine to Señor Guirola.*DEPARTMENT OF STATE,  
*Washington, April 23, 1891.*

SIR: I have the honor to apprise you, in connection with the Department's note of the 9th of February last, of the receipt of a letter from the Secretary of the Treasury, of the 21st instant, in relation to the threatened violation of the neutrality laws of the United States. The statement is made by Mr. Foster, after due investigation by an officer of his Department, that up to the present time no preparations have been made at New York to disturb the peace in Central America, and there is no likelihood of any such preparations.

Accept, etc.,

JAMES G. BLAINE.

*Señor Galindo to Mr. Blaine.*

[Telegram.]

MINISTRY OF FOREIGN AFFAIRS,  
*San Salvador, August 8, 1891. (Received August 8.)*

Mr. White, captain of the United States merchant steamer *City of Panama*, of the Pacific Mail Steamship Company, anchored in the Union, in the territorial waters of Salvador, has to-day refused to surrender Lisandro Letona, who is on board, and who is guilty of common crimes, and for whose surrender application has been made to him by the judge having jurisdiction in the case. This action on the part of the captain is an infringement of international law.

Your obedient servant,

FRANCISCO E. GALINDO.

*Señor Galindo to Mr. Blaine.*

[Telegram.]

MINISTRY OF FOREIGN AFFAIRS,  
*San Salvador. (Received August 9, 1891.)*

*City of Panama* has sailed from the territory of the Union without permission from captain of port, and, pending a trial, sentence was yesterday pronounced by the court of first instance declaring her confiscated.

Your obedient servant,

GALINDO,  
*Minister of Foreign Relations.*

*Mr. Wharton to Señor Galindo..*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, August 13, 1891.*

MINISTER FOR FOREIGN RELATIONS,  
*Salvador.*

Your telegrams regarding steamship *City of Panama* have been received. United States minister at Guatemala has been instructed to make instant and explicit protest against any arbitrary action towards mail steamship under friendly flag.

WILLIAM F. WHARTON,  
*Acting Secretary.*

## CHILE.

*Mr. Egan to Mr. Blaine.*

No. 88.]

LEGATION OF THE UNITED STATES,  
*Santiago, August 15, 1890. (Received September 25.)*

SIR: I have the honor to inform you that His Excellency the President of Chile has accepted the resignation of the ministry in which Señor Don Enrique S. Sanfuentes held the post of minister of the interior and Don Juan E. MacKenna that of foreign relations, and has appointed in its stead a new ministry, of which the following is the personnel: Don Belisario Prats, minister of interior; Don Gregorio Donoso Vergara, of justice and public instruction; Don Manuel Salustio Fernandez, of treasury; Don Federico Errazuriz Echaurren, of war and marine; Don Macario Vial, of industry and public works; and Don José Tocornal, of foreign relations and culture.

For some months past a very serious struggle has been in progress between the executive and legislative powers here, arising in the first instance from the belief on the part of the opposition that the influence of the Executive, which is very great, was being exercised in favor of a candidate for the Presidency who was not acceptable to the majority in Congress.

Under the constitution of Chile, adopted in 1833, the President has the power to appoint and remove, at his own will, the ministers of state and most of the public officials; but, as a check upon this power, Congress may, should the ministers not have its confidence, censure them; and such action on the part of Congress has heretofore been followed by the resignation of the ministers. In more extreme cases Congress can refuse to vote supplies.

In January last the President, without reference to the opinion of the majority in Congress, appointed a new ministry, and later on the fullest assurances were given that all idea of an official indorsement of any Presidential candidate had been abandoned. Upon the meeting of Congress, on the 1st of June last, the first step taken was to pass a vote of censure upon the ministry, without even according them a hearing. The ministers declared that this action of Congress was hasty and unjustifiable, and upon those grounds determined, with the approval of the President, to continue to hold their offices; whereupon both houses of Congress resolved that they should not vote the "contribuciones," or supplies, and, as the law empowering such collection lapsed on the 30th of June, this action left the Executive without power to collect import or export duties or revenues after that date.

During all of last month political party feeling ran very high, and for some time it looked as if the more extreme adherents of one party

or the other might resort to violence; but the good sense and patriotism which have always so strongly marked the Chilean character prevailed, an honorable compromise between the contending parties has been arrived at, and with the appointment of the present ministry by the President and the voting of supplies by Congress—which latter has just taken place—entire harmony has been restored.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 100.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 17, 1890.* (Received November 25.)

SIR: I have to inform you that the ministry, of the organization and personnel of which I conveyed the information in my No. 88, of the 15th of August last, has resigned, in consequence of alleged interference on the part of the Executive in the selection of a candidate for the Presidency, and that on yesterday there was appointed by His Excellency the President a new cabinet, of which the following is the composition: Minister of the interior, Don Claudio Vicuña; of justice and public instruction, Don Rafael Casanova; of the treasury, Don Lauro Barros; of war and marine, Gen. Don José Francisco Goma; of public works, Don Euljio Allendes; and of foreign relations and culture, Don Domingo Godoy.

Since the resignation of the late ministry, which took place on the 7th instant, the President appears to have made repeated efforts to come to terms with the leaders of the radical section of his party (the Liberals), but without avail. He has therefore appointed the present ministry entirely from his own section of the party, which is in the minority in Congress, and he has taken the step of summarily closing the extraordinary session of Congress, which he had called for the 1st of the present month, and which was expected to continue until the end of December.

This action has caused intense feeling, and will lead to a very active agitation on the part of the opposition, which in all probability will continue until the election of members of Congress in March next. Then, however, the President's party will, so far as I can now judge, secure a majority.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, January 12, 1891.* (Received January 14.)

On night of 6th instant six ships of Chilean navy, at instance of congressional majority, revolted and still lie inactive off shore; are now declared outlawed. Large number of opposition leaders on board. Army seems solid for President. The Government so far maintains perfect order throughout country.

*Mr. Egan to Mr. Blaine.*

No. 120.]

LEGATION OF THE UNITED STATES,  
*Santiago, January 12, 1891.* (Received March 9.)

SIR: In my dispatch No. 100 of October 17 last, I had the honor to inform you of the resignation of the ministry of August 15, known as the Prats ministry; of the appointment by the President of a new ministry, elected entirely from his own section of the Liberal party; of the summary closing of the extraordinary session of Congress, and of the fact that those steps had caused intense feeling and would lead to very active agitation on the part of the opposition. This latter prediction has been more than verified. The feeling has intensified and the agitation has gone on increasing until it has at length broken out in an attempt at revolution.

The action of the President in closing Congress, as above stated, resulted from the fact having come to his knowledge that the opposition had prepared, and were about, as a matter of political strategy, to place upon the files of the House an impeachment of the ministry which held office from January to August; and, as Señor Don Enrique Sanfuentes, who was supposed to be the candidate favored by the Executive for the presidency, had been the chief of that cabinet from June to August, this impeachment would have made him ineligible for election. The President met this move by summarily closing the extraordinary session of Congress, as he was entitled under the constitution to do.

At the time that Congress was so closed it had not yet voted the estimates for the succeeding term, nor passed the bill fixing the number and providing for the maintenance of the army and navy, and the opposition claimed that after the last day of December the President, without such congressional authority, would stand in the position of a dictator; while the Executive maintained that it was the duty of Congress to have passed those laws within the term of the regular session, and that, having failed in doing so, it had become the duty of the President to do all that might be necessary for the preservation of order at home and the security of the national interests abroad.

Meantime the political struggle was carried on throughout the country between the opposition on the one side, composed of a coalition of the most divergent elements, including the conservative or church party, some groups of dissenting Liberals, and the extreme radical or antichurch party, and on the other the presidential Liberals; and, as it became more evident that under existing conditions the presidential party would secure a large majority in the coming Congress, the opposition, which is rich and powerful, prepared for revolution.

On the 1st instant the President issued, through the medium of the *Diario Oficial*, a very able exposition of the causes which have led up to the present deplorable situation and of the position which he proposes to maintain. I will forward copy of this manifesto, together with a translation, by next mail.

On the night of the 6th instant a number of the leaders of the opposition, including the vice-president of the Senate, Señor Don Waldo Silva, and the president of the Chamber of Deputies, Don Ramon Barros Luco, proceeded on board the Chilean fleet lying in the harbor of Valparaíso, and, in the name of the national Congress, proclaimed the revolution. The ships taking part in this movement are the *Blanco Encalada*, the *Cochrane*, the *Esmeralda*, the *Huascar*, the *O'Higgins*, and the *Magellanes*, all of which are now under the command of Señor Don Jorge Montt. There are on board about 800 officers and crew;

about 200 soldiers, deserters from the regular army; about 300 to 400 boatmen and others picked up along the shore, and some 400 to 500 citizens.

There are three other ships now on the way from Europe, but steps have been taken by the Government to prevent them from falling into the hands of the revolutionists.

Immediately upon the leaders going on board on the night of the 6th instant the fleet stood out to sea, but returned to the bay in the course of the 7th, and fired a number of guns and made other signals, evidently anticipating friendly responses from the artillery and other branches of the army on shore, but none were returned. Since then, with the exception of occasional cruises alongshore by one or two of the ships, the fleet has remained inactive.

Meantime the President and his cabinet have taken the most active steps to organize the army, which from the best information I can gather appears to me to be entirely loyal, and to increase its strength, and up to the present the most complete order has been maintained everywhere throughout the country. I forwarded to-day, by way of Buenos Ayres, the west-coast cable being cut, a cable message summarizing the foregoing information.

An interesting feature of the struggle is the contention on the part of the President for a popular representative status similar to that occupied by the President of the United States, with the additional power to appoint and remove his ministers at pleasure, which right is given him under the constitution, while the opposition battles for a strictly parliamentary system and the removal of ministers whenever they cease to have the support of a majority in Congress.

I have, etc.,

PATRICK EGAN.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, January 17, 1891.* (Received January 19.)

Revolted fleet about to blockade Valparaiso, Iquique, and other ports. I have advised consuls to make strong protests. Squadron urgently needed for protection of United States interests.

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*Mr. Egan to Mr. Blaine.*

No. 122.]

LEGATION OF THE UNITED STATES,  
*Santiago, January 17, 1891.* (Received March 9.)

SIR: In compliance with a request from Señor Don Domingo Godoy, minister of foreign relations, I called yesterday at the ministry and there met the diplomatic representatives of Germany, England, and France. Señor Godoy informed us of the intended blockade of Iquique and other ports by the portion of the fleet in revolt, and requested to be informed as to what action would be taken, under the circumstances, by the diplomatic representatives of the several nations interested in the commerce of those ports. The members of the diplomatic body present agreed

that, in order to avoid coming into direct relations with the chiefs of the revolutionary squadron, a course which might in some measure imply recognition, they should confine themselves to advising the consuls at the several ports threatened to make strong protests against the blockade, and to convey such protests to the chiefs of the fleet and also to the intendentes. Since then I have received information of the intended blockade of Valparaiso, to take effect from 12 o'clock to-morrow. I have accordingly dispatched telegrams to the consuls at Valparaiso and Iquique advising them to make such protests, and have forwarded to you to-day by transandean route a cable message.

In the present condition of things here it would be of very greatest importance to have a United States squadron on this coast for the protection of United States interests; and I have so stated in my telegram.

I have, etc.,

PATRICK EGAN.

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*Mr. Egan to Mr. Blaine.*

No. 123.]

LEGATION OF THE UNITED STATES,  
*Santiago, January 19, 1891.* (Received March 9.)

SIR: I have the honor to refer to my No. 120, of the 12th instant, and now inclose copy of the President's proclamation of January 1, from the *Diario Oficial* therein referred to, and translation of same from the *Chilean Times*, of Valparaiso, of the 17th instant. In it you will find a very full and interesting exposition of the causes which have led up to the present attempt at revolution and of the position which the President of the Republic has taken up.

Up to the present there has been no encounter between the contending forces beyond some slight brushes between the military and some boats of the squadron taking off refugees or recruits from the shore, and a few shots between one of the forts at Valparaiso and the ironclad *Blanco Encalada*. In the latter instance there were 6 of the crew of the *Blanco Encalada* killed and 8 wounded. The army seems to be entirely loyal to the Executive, and it is being rapidly increased. By the end of the month its number will reach 25,000 men.

So far the only foothold which the maritime forces have succeeded in gaining on shore is at Coquimbo, where they landed a few hundred men; but an effective force of Government troops is now on the way there to dislodge them.

The most entire order is maintained throughout the country.

I have, etc.,

PATRICK EGAN.

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[Inclosure in No. 123.—Translated from the *Diario Oficial*.]

*Proclamation of President Balmaceda.*

*To the Nation:*

To-day, January 1, 1891, I find myself governing Chile under the same conditions as during all the month of January and part of February in 1887, without a budget and without a renewal of the law providing for the strength of the land and sea forces.

All the Presidents since 1833 up to this date, with the exception of one only, have governed the Republic during years, months, and days, but always for some time, without a budget and without the law providing for the strength of the land and sea forces.



Up to this moment nobody has believed that the Presidents of this cultured and laborious nation have converted themselves into tyrants and dictators, because in cases of voluntary omission, negligence, or any other cause on the part of Congress to comply with the constitutional and ineludible duty of opportunely assisting in the passage of the budget and of the law providing for the strength of the land and sea forces they have continued, in obedience to a fundamental and express mandate of the constitution, to govern the State and to extend their authority to everything having for its object the preservation of public order at home and the security of the Republic abroad.

Articles 50 and 72 of the constitution say as follows:

"Art. 50. A citizen with the title of President of the Republic of Chile shall govern the State, and he is supreme chief of the nation.

"Art. 72. To the President of the Republic is confided the administration and government of the State, and his authority extends to everything having for its object the preservation of order at home and the security of the Republic abroad, observing and causing to be observed the constitution and the law."

By these prescriptions there is radiated in the President of the Republic all the sum of constant and necessary authority to insure public tranquillity, the preservation of order, and the security of the Republic abroad.

Article 28 of the constitution says:

"Only by virtue of a law is it permissible—

"2. To fix annually the expenses of public government.

"3. To fix also annually the strength of the land and sea forces in time of peace or of war.

"The act to authorize the recovery of taxes is for eighteen months only, and the act providing for the strength of the land and sea forces is only for an equal period of time."

The President of the Republic, Congress, and the council of state must take part in the formation of the budget and of the bill providing for the strength of the land and sea forces. These laws are not the exclusive attributes of Congress, and consequently this body can not, without being wanting in its most elementary duties, frustrate a constitutional mandate which affects the very foundations upon which rest the public powers. Neither can Congress frustrate the fulfillment of this duty by the President of the Republic, because in the formation of the laws which affect the security and government of the State each power must opportunely fulfill the obligations imposed upon it for the regular march of all the branches of Government.

This is the spirit and this is the letter of the fundamental law.

The constitution of 1833 was the definite triumph of the Conservative party, which sanctioned it, over the Liberal party, which promulgated the constitution of 1828. Under the sway of this constitution the Republic was unhinged, forasmuch as it anticipated, through an excess of decentralization and of liberty, the progress and the social and political situation of the period.

The adopters of the constitution of 1833 never thought that, in order to dominate the President of the Republic or to absorb the direction and government of the State, a majority of Congress might frustrate the opportune passage of constitutional laws, and thus perturb public order, excite political passion, and engender anarchy.

President Pinto, in a proclamation to the people, stated the intentions of the framers of the constitution of 1833 to be as follows:

"Despising theories as fascinating as impracticable, they have fixed their attention solely on the means of insuring forever order and public tranquillity against the risks to which they have been exposed through the ups and downs of political parties. The reform is nothing more than the method of putting an end to the revolutions and disturbances to which the derangement of the political system in which the triumph of the war of independence placed us gave rise. This is the means of making national liberty effective, which we should never obtain in its true state so long as the powers of the Government were not defined with exactitude and license was not opposed by restraints."

If the capital object of the constitution of 1833 was to vigorously strengthen the principle of authority and concentrate in the Executive the necessary sum of power to annihilate revolutions and license, it can not be conceived why it is pretended to convert the President of the Republic from an active into a passive power, subject to the will of an irresponsible power and with the right to refuse to pass the laws upon which repose the life, the credit, and the stability of our institutions.

Laws can not be dictated without the assent of the chief of state, because by virtue of articles 35, 36, and 37 of the constitution he has the power to veto them wholly or in part. It can not, therefore, be maintained by Congress that in the exercise of its legislative attributions it can impose upon the President the direction and the government of Chile, because this pretension is irreconcilable with the prerogatives of the chief of the nation and incompatible with the liberty, the independence, and the responsibility of the constitutional powers of Chile.

The attributions of Congress over the executive power are merely inquisitorial and critical, or the impeachment of ministers during their term of office and for six months afterwards, or the impeachment of the President of the Republic when he has completed his term of office.

These are the weapons which the constitution has placed in the hands of Congress for the purpose of resisting the abuses of the President and his ministers. But there can not be deduced from this the extraordinary pretension of paralyzing the constitutional regimen, of attacking the army and navy, or the public administration, because the President will not abdicate the right freely to name his ministers, or because he will not submit to the desires of a legislative majority.

Neither in the ordinary session, nor in the September prorogation, nor in the October extra session were the budget and the laws providing for the strength of the land and sea forces passed.

Congress was closed in October, it is true, but for reasons that I will state in the relation of the ideas and circumstances which I propose to set forth.

I have not convoked Congress subsequently, because in the discretionary exercise of my purely personal attributions I could convoke it or not according to the opinion or criterion that I might form with respect to the attitude the parliamentary majority would assume.

Everybody is acquainted with this attitude.

In the name of a pretended parliamentary regimen, incompatible with the Republic and the popular representative regimen laid down in the Constitution, it has been sought for purely electoral causes to obtain possession of the Government through ministers in the confidence of a majority in Congress.

In the press and in the official acts of the coalition it has been declared in the most peremptory terms that the majority of Congress has the right not to comply with the constitutional duty of opportunely passing the laws which affect the very existence of the State, and which may precipitate Chile into revolution and anarchy if the President does not deliver up to it through ministers in its confidence the direction and the government of the nation.

Neither as a Chilean, nor as the chief of state, nor as a man of conviction could I accept the political rôle the parliamentary coalition wished to impose upon me.

The majority of Congress has thought fit to infringe the constitution by not passing the budget and the law providing for the strength of the land and sea forces; it has thought fit to excite the army to disobey its chiefs and to stimulate the indifferent or disdainful populace to begin a revolution to extricate it from the moral and political situation into which it has been precipitated by its errors; it has stated that the President of the Republic is assuming a dictatorship, and because he has not delivered up the reins of government to those who vituperate him and distort his acts and purposes; and it has in its aberrations proclaimed revolution in the palace of the law. But neither its voluntary omissions, nor the aggressions which have covered the precincts of its sessions with opprobrium, nor the irregularities caused to the public service relieve me from complying inexorably with the constitutional duty imposed in my mandate by articles 50 and 72 of the constitution.

I can not for one single instant neglect to govern the State and preserve public order and the external security of Chile.

It is my duty to observe and cause to be observed the constitution. Because I am disposed to observe it, I will not deliver up my citizens to anarchy; and because it is my duty to cause it to be observed, I will never submit to Congress disowning my attributions, or to its arrogating sovereignty, or to its taking the title of representative of the people, because this would be an intraction of article 150 of the constitution, which the said article styles sedition.

The majority in Congress has not complied, nor has it desired to comply, with the constitutional duty of passing the budget and the land and sea forces bill. It has exposed our institutions to the dangers of a situation excited by personal circles divided among themselves, holding opposing doctrines, having different leaders and different ambitions, and in every case without responsibility.

If, in the opinion of the majority of Congress, its deliberate determination not to pass the laws affecting the life of the nation creates an irregular state of affairs for the President of the Republic, nobody in Chile, not even the public powers, have on that account the right to make a revolution.

Even in the supposition that the aberrations of the majority in Congress are imputable to the chief of the nation a revolution can not be proclaimed on that account. The constitution has provided for the event of the President of the Republic or his ministers infringing the constitution and the laws, and in view of this eventuality it prescribes, in articles 74, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92, the only order and form in which the President and his ministers can be made responsible.

All other procedure is contrary to the prescribed order and form and is revolutionary.

In obedience to the constitution it is my duty to govern the State and maintain internal order and the external security of my country; and therefore I shall maintain the army and navy and shall pay the services that constitute the social life and the very existence of the Republic.

## II.

It will be advisable to consider the antecedents, in their most general and comprehensive features, of this truly historical hour.

Elected President in 1886, I procured the patriotic agreement of all the members of the divided Liberal family upon the basis of a sole political direction, a sole creed, and one and the same procedure. The most perfect respect towards the Conservative party formed part of the basis of this policy.

Never had more persevering efforts been made for the unification of the Liberal party. I forgot the violence of past struggles, and I called to assist in the task of governing all the Liberals who had helped to give me the supreme command. The Nationals publicly declared, through their representatives in the Government, that they joined the ranks of the party on the same conditions as all other members. The Dissident Liberals also accepted the policy of unification and declared that in future they should consider themselves as members of the Liberal party.

After the elections in 1888, and when Congress was constituted, there occurred in the ministry, owing to a partial crisis, a stormy disagreement between the Nationals and Dissident Liberals. After the election of the chambers it resulted that the Nationals had remained Nationals and a portion of the Dissident Liberals again became what they before had been.

From that moment it was not possible to organize a ministry that would insure the quietude of the Liberal party. The Nationals declined to form part of the ministry which succeeded that which resigned in April, 1888, and on this account the quarrels and jealousies of personal circles began anew. All the work of unification of 1886 and 1887 was finally compromised by the personal sympathies or antipathies of the different parliamentary groups. During a year and a half the Liberal groups fought among themselves like natural and irreconcilable enemies.

With the object of correcting these errors and of procuring the union of all the Liberals, my condescension carried me to the length of organizing the ministry of October, 1889. In it I gave representation to five liberal parties, each with different leaders and direction, one of these parties having consisted of four deputies and four senators only.

Nevertheless, this did not bring about any agreement in the October ministry, nor in the congressional groups which they represented. Some of the liberal parties agreed, in January of the year just closed, upon the basis of a convention to designate the candidate of the Liberal party for the Presidency of the Republic, disregarding altogether the party which had the greatest numerical representation in Congress and the leading provincial Liberals, and without departmental delegates, in order by this means to give to Santiago circles the solution of the electoral problem, with manifest forgetfulness of the principles maintained by the party and of the respect due to the general opinion of the country.

The rupture of the Liberal parties was made public, and odious manifestations took place in the Chamber of Deputies, the crisis of last January resulting from this cause.

Never, in speeches and in the press, was such violent and opprobrious language made use of. It was desired to conclude with the respect due to the authorities, and to raise the parliamentary majority to the sole sovereignty as the only one worthy of the adhesion of Chileans.

At the opening of Congress on June 1 last Don Enrique S. Sanfuentes, performing an act of chivalry and patriotism, accepted the position of minister of the interior and declared in and out of Congress that his supposed candidature to the Presidency was irrevocably eliminated. He called everybody to a generous and honorable agreement, as the only cause assigned for the disunion of the Liberal party was his supposed official candidature.

But they who refused to listen heard nothing.

The ministry of Señor Sanfuentes was violently censured before being heard in both chambers. There was no respect, no liberty of defense, nor even the courtesy which the Chamber of Deputies had always shown to the representatives of the Executive. It was necessary for the ministry to abandon the precincts of Congress, lamenting the errors which undermine the prestige and the authority of the constituted powers.

In July the parliamentary coalition suspended the recovery of taxes, and this law of national existence was converted into an offensive weapon, which was wielded in such a manner as it never has been by any congress in the world.

The conflict being terminated by the resignation of the Sanfuentes ministry and the organization of that presided over by Señor Prats, the latter raised over the combatants the banner of political neutrality, which favored all alike.

The policy of neutrality was faithfully observed.

Political parties were organized and they commenced work with the view of enlisting adherents. But the policy of neutrality involved a serious danger for a considerable part of the parliamentary coalition, which had no adherents to speak of except in a few towns. It was without support among the people, and, no matter how numerous it might have been in Congress, there was no possibility of its maintaining the situation it aspired to under the regimen of the neutrality which had been proclaimed.

It was owing to this circumstance that the majority in Congress obstructed the passage of the bill providing for the strength of the land and sea forces; and it was on this account it was stated in public and even to members of the Government that supplies would be voted month by month only, and that the want of confidence would be maintained in all its vigor until such time as they possessed more direct influence in the direction of the Government.

The Prats ministry did not fight, nor did it desire to fight, and, being undermined finally by the suspicions of the parliamentary majority, which it could not satisfy without breaking the neutrality in detriment of the Liberal party which had all along supported the Government in difficult times, it resigned.

Acting on the patriotic suggestion of this ministry and on my own very lively desire to make a last effort for the pacification of Congress and the union of all the Liberals, I proposed, through the medium of the respectable and well-known gentlemen Messrs. Enrique S. Sanfuentes, Anibal Zanartu, and José Tocornal, a sole convention for the designation of a candidate for the Presidency of the Republic.

I proposed that the conditions of the convention should be discussed and agreed upon by all parties; but I expressed to everybody the desire that the programme of the convention should be framed in such a manner as to prevent the Conservatives attending, inasmuch as they were intimately united by friendship and partnership with Nationals, Radicals, and Dissentients; and I asked, in fine, that the number of votes required for the proclamation of a candidate should be two-thirds, three-fourths, four-fifths, or as many as they chose, provided that it could be proved by the required number of votes that the President of the Republic would be powerless to influence the designation of a candidate.

I could do no more.

If the ostensible cause of the political disagreement was the gratuitous supposition that I supported and assisted an official candidate, that cause disappeared absolutely from the moment in which I offered to the coalition, with the consent of the Liberal party that was giving me its support, that it should fix the quota of votes required to designate a candidate, accepting beforehand the number they should judge to be necessary to destroy all official influence, and that should assure me by this means a quiet government for the remainder of my term of office. I can not conceive what more efficacious method nor what more conclusive proof I could have given of my respect for the opinion of all, and of my willingness to accept the resolution of political parties, and of my wish to conclude my term in peace.

But the sole convention suggested by the Prats ministry, and accepted and supported by me in a form so advantageous for the coalition, was accepted for a moment and rejected on the day following.

Did vacillation supervene among the numerous aspirants to the Presidency in the ranks of the coalition, or did they comprehend the anarchy to which they might be dragged by the ambitions of their own leaders? Were the sole convention and the designation of a candidate without official interference subordinate questions, because the principal, if not the sole and only, question was to obtain possession of the official influences which were so loudly impugned?

The facts speak for themselves.

The sole convention was rejected and a ministerial organization was demanded.

If the sole convention had been accepted, it would have been followed by the organization, free from odious suggestions, of a ministry of all parties, which in its official position should be a guaranty to all of my impartiality and electoral nonintervention. But neither a tranquil and respectful solution between the public powers nor the electoral nonintervention of the Government were desired, but the unconditional and absolute dominion over Congress.

Nevertheless, I acceded to the desires of the coalition, and I formed a ministerial combination in which there figured Don Zorobabel Rodríguez for the Conservatives; Don Manuel Amunátegui, closely allied with Dissentients and Radicals; Don Darío Zanartu, as intimate a friend of the Nationals as of their Liberal adherents; and Messrs. Claudio Vicuña, Lauro Barros, and Fernando Lazcano, all most honorable persons, whose antecedents and uprightness were a pledge of peace for friends and adversaries.

This combination was rejected by the coalition, just as the sole convention had been.

The situation was clearly defined.

They wished me to abdicate or submit to the parliamentary coalition.

And, in order to arrive more rapidly at these extreme results, the respective committees of the Chamber of Deputies and the coalition had agreed to demand the annulment of the privileges of the councillor of state, Don Gabriel Vidal. It was also agreed to reform the rules of the Chamber of Deputies, with the object of fixing certain invariable periods for granting fixed sums in the public expenditure and leaving the variable items to the uncertain result of indefinite discussions. Finally, it was resolved to impeach the ministry of May, notwithstanding that the proposal to impeach had been rejected in August. Neither a sole convention nor a ministry in accord with the Executive and legislature was desired; it was desired to make government an impossibility, and to hurl me from the position to which my fellow-citizens elected me by the very men who said they were elected senators and deputies through my official intervention in 1888, and many of whom I had covered with honors and benefits.

For honor, for duty, for a profound conviction of what the Government of Chile is and ought to be, and because I was provoked to an irrevocable conflict, I closed Congress and took upon myself the entire responsibility of events.

It was to have been expected that the coalition would have taken a moment's repose, in order to give room to more equitable inspirations and to the reflection and tact by which politicians who have legitimate and reasonable ambitions ought to be governed. But the coalition found a home in the Comision Conservadora.

It was agreed to break the constitution and the law by permitting persons not belonging to the comision to take part in its debates. Electoral intervention committees were appointed to visit the country and towns, and these committees were formed by persons interested in the electoral contest, and by persons without any right to figure in the Comision Conservadora. It was resolved to sit without a legal quorum. Arbitrary resolutions opposed to the doctrines maintained officially and publicly by the members of the comision have been dictated. Every kind of weapon has been employed, and the palace of Congress has been converted into an arena of the most deplorable political aberrations.

This political decadence has authorized personal and selfish alliances, in which the ideas and the very affiliation of parties have been wrecked.

The exigencies of the moment drew the Liberals to the diminutive Conservative fraction in Congress, and before it they hauled down their banner and maintained, by the side of the Conservative leaders, ideas entirely opposite to those which, as Liberals, they had maintained on electoral matters and, above all, on municipal matters. The very persons who had combatted Conservative leaders and ideas united themselves with the Conservative party and hotly maintained the opposite of what, as Liberals, they had maintained a few months previously in the Government and Congress.

The electoral law which the opposition Liberals and Conservatives prepared last autumn was passed in a most unconstitutional manner.

Many substitute senators whose term expired in this year had it prorogued for three years more, they themselves voting for the change and taking advantage of the political difficulties of the moment. It was resolved to accumulate departments for the election of deputies, against the constant interpretation given to the fundamental principle by Chilean politicians during fifty-seven years. Provinces were accumulated for the election of senators, the Congress of 1890 resolving exactly the contrary to what the Congress which made the reform in the constitution agreed to by a special vote on the matter.

The absolute want of study and experience of the framers of the law has been shown in practice. It is a mass of errors and want of foresight which I had to accept in order to avoid creating difficulties with respect to the policy of neutrality proclaimed by the Prats ministry.

With respect to the proposed municipal law, it may be affirmed that, with regard to the constitutional order of a country and taking into account its social, political, and economic condition, there has never been framed a law with such strange provisions, nor one that proves more clearly the want of science, practical observation, and of respect for the constitution that rules the destinies of the nation, for economic justice and national convenience. It was a proposed law of circumstances, upon which, for the political interests of the moment, almost everybody agreed to against the conviction of all.

The Liberals are not wanting in the necessary science and experience to form a clear conception of that singular work, but the necessity of keeping united with the Conservatives to impugn the Liberal party and make the President of the Republic submit, has caused them to forget their convictions and their past and to place

themselves unconditionally at the service of the diminutive fraction of the Conservative party in Congress.

It is necessary to recognize that in all these evolutions the real public interest has fallen under the feet of those who maintain the predominance of the parliamentary coalition. The same thing happened in August, when the coalition endeavored to cause the State to lose from \$6,000,000 to \$8,000,000, the amount of the imposts not paid during the forty-four days in which the same coalition arbitrarily suspended the recovery of taxes.

In this manner the good ideas, sound doctrine, prudence, moderation, and patriotism with which the grand social or political problems of state ought to be contemplated are wrecked.

In the meantime the bills which I presented for increasing the pay of the army and navy, the judiciary, and employes of the custom-house, treasury, and public instruction are allowed to perish in the archives of Congress. Nor have there been passed the bills for creating savings banks for public employes, waterworks, drainage for large towns, and railways for Putaendo, Nacimientito, Cerrillos de Ovalle, and many others designed for the progress of the nation and the public welfare.

All the policy of the coalition has been directed of late to the demolition of our institutions and to the seizure of the Government of the nation.

This is the only manner in which can be explained the alarm which has been spread for the purpose of creating agitation, because the majority in Congress has not fulfilled its duty by passing the budget and the land and sea forces bill.

It is a fact known to everybody that all the Presidents of Chile, except one, have governed for some time without the passage of the land and sea forces act.

The same thing has happened with the budget.

During the Búlnes administration, in the years 1848, 1850, and 1851, the budget was agreed to after the 1st of January.

During the Perez administration the budget of 1864 was promulgated on January 19, that of 1867 on the 8th, that of 1869 on the 2d, that of 1870 on the 16th, and that of 1871 on the 10th of January. So that in five years the Perez administration governed for some time without a budget.

During the Errázuriz administration the budget of 1872 was promulgated on January 11, that of 1873 on the 4th, and that of 1876 on the 3d. So that President Errázuriz was for some time in identically the same situation as President Perez.

During all the years of the Pinto administration the budget was promulgated after the 1st of January. In 1877 it was promulgated on January 27, in 1878 on the 21st, in 1879 on the 21st, in 1880 on the 6th, and in 1881 on the 25th.

In 1882 the budget was promulgated on January 13, in 1883 on the 22d, in 1884 on the 19th, in 1885 on the 23d, and in 1886 on February 9, or forty days after January 1. President Santa Maria governed for upwards of a month without a budget.

Finally, on February 14, 1887, I promulgated the budget, Don Augustin Edwards being minister of finance. So that I have governed Chile forty-five days without a budget.

The Presidents of Chile were never stigmatized as tyrants or dictators on account of these occurrences.

But let us see what is the dictatorship of which I am accused, and what is the question of government created by Congress by the nonfulfillment of its constitutional duties.

The whole of the question is this:

(1) Shall or shall not the army and navy be paid their wages, and shall or shall not the service of the debt and the cost of the naval constructions be defrayed?

(2) Shall or shall not the 30,000 public employes and the 40,000 workmen employed on railways, roads, bridges, schools, lyceums, jails, temples, and so many works that aggrandize Chile be paid for their services or not?

With respect to the pay of the army and navy, although the law is for one year, the constitution says that the taxes shall be decreed for eighteen months, and they expire at the end of next June.

With respect to the pay of the public employes and the men employed on public works, we will not leave them without bread. We will not deprive thousands of men and their families who earn a livelihood by giving their services to the State of work or pay.

It being our duty, in the strict fulfillment of the imperative mandates of the constitution, to govern the State and maintain the internal and external order of Chile, we will not deliver up the army and navy to misery, nor the servants of Chile to despair. They are the guaranty of order, public peace, and social life.

There may occur irregularities in the public administration in consequence of the majority in Congress having frustrated the passage of the constitutional laws which more directly concern the national institutions; but the majority in Congress has no power to overthrow the constitution, nor to annihilate the Executive, nor has it the right to incite to anarchy and to proclaim a revolution.

## III.

This conflict of powers arises not only from the exorbitant political pretensions of the majority in Congress, but from a profound error of conception and of criterion.

"The Government of Chile is popular representative. The sovereignty resides essentially in the nation which delegates its exercise in the authorities prescribed by this constitution."

Notwithstanding the clear and incontrovertible meaning of this precept of the political constitution, the coalition maintains that the Government of Chile is parliamentary, that Congress is the only sovereign, the only one to whom it corresponds to fix annually the strength of the land and sea forces and the amount of the estimates of public expenditure.

It is not a fact that to Congress alone corresponds the duty of fixing the strength of the forces and the amount of the expenditure, as has been peremptorily laid down by the Comision Conservadora. The estimates and the forces bill do not belong exclusively to Congress. On the contrary, they are laws in the formation of which the Executive takes a part. The joint action of the Executive and Congress is required; and as the duties which the constitution imposes on both powers are equal, Congress can not in the name of a parliamentary regimen not authorized by the constitution frustrate the passage of fundamental laws for the preservation of the State and public peace.

As I have said already, reasonable and patriotic parliamentary criticism, or the impeachment of the President and ministers in the form authorized by the constitution, is the only manner in which Congress can exercise its power of supervision. The refusal to pass the laws from which the State derives its existence is simply the dictatorship of Congress over the Executive, or revolution.

The parliamentary regimen advocated by the coalition is incompatible with republican government. Parliamentary regimen is monarchical government with republican ideas. The republic and parliamentary government are ideas which find no place within the science and experience of modern public law.

Parliamentary government supposes an irresponsible, lifelong, hereditary monarch. The chief of the executive power in a parliamentary government is practically and effectively the minister who has a parliamentary majority and who governs in its name. And when the monarch is not in accord with the parliament he has the right to dissolve it and appeal to the electors, and then to govern with the majority of the people that represents the sovereignty.

The Government of the Republic is carried on by a chief and responsible ministers with a temporary mandate, the President, as well as the Congress, being elected by the people. The chief of the executive, practically and by the constitution, is the President of the Republic.

It can not be supposed that in the Government of the Republic, nor could the legislators of 1833 have supposed it, in addition to the right of criticism and impeachment of the President and the ministers, there is the right of frustrating the passage of laws which constitute the public life, as a right which is derived from a constitution whose capital object was to extirpate revolutions and to put bounds to license.

If it were the case that the idea of the legislature of 1833 was to give Congress the faculty to dictate or not, according to its political criterion, the laws that assure the very existence of the Republic, they would have said so.

They did not say so because that was not their intention. For the same reason that they adopted the representative regimen, with independent and responsible powers, they did not endow Congress with the faculty of frustrating the passage of constitutional laws, nor did they endow the President of the Republic with the faculty of dissolving Congress and of appealing to the country if disagreements which they did not foresee should arise, nor authorized in their labor of the reorganization and strengthening of the principle of authority in Chile.

It is true that the spirit of imitation of the European monarchical parliamentary regimen has induced many to believe, during some time, that in practice a parliamentary regimen was advisable. On this account I have endeavored during upward of three years to procure harmony with Congress, the unification of the Liberal party, and concert between the public powers.

The effort has been sterile. The importance given to the pretended parliamentary regimen has at length broken harmony with Congress, and Congress, believing itself to be the only sovereign and the first of all the powers, has forgotten the respect due to the chief of state and has attempted to subjugate him; and it has believed, following the extreme rules of the monarchical parliamentary governments, that it possesses the right not to pass the most essential laws, thus violating the representative regimen prescribed in the constitution now in force and ignoring the privileges and prerogatives of the chief of the nation.

If Congress should succeed in dominating the executive power and should make laws and execute them, we shall have entered resolutely upon the road to tyranny and a dictatorship. As the President does not possess the power, in case of disagreement with Congress, or of omission on the part of the chambers in the fulfillment of their duties, to dissolve them and appeal to the country, we should sanction, in accepting parliamentary predominance, the unconditional and absolute sovereignty of Congress, and during the duration of its mandate, for the reason that it could not be dissolved, of Congress over the people.

## IV.

In sixty days more the Chilean people will have elected their representatives and will have pronounced their just and final verdict.

Circumstances have permitted that the actual Congress can not meet of its own will and that very shortly the people give their decision on the actual conflict.

This is what happens in countries with parliamentary government.

It is advisable to leave on record here that the conflict which has been raised against me is not due to any of the intense and profound causes which compromise the prestige of foreign relations, or that affect questions of a character truly national or popular.

The numerous and heavy international claims arising out of the late war having been settled under highly satisfactory conditions, the nitrate certificates in our possession having been canceled, the claims of the Peruvian creditors holding bonds for upwards of £32,000,000 having been terminated, and the integrity of our honor and right having been defended under all circumstances with moderation and energy, there is nothing in our foreign relations which is not calculated to strengthen and augment the prestige of Chile.

The credit abroad of the Republic has reached the level of that of the first nations. All of the public works have been executed out of the ordinary revenue, because the surplus in the treasury is even larger than the amount derived from the loan for the construction of railways. Several taxes have been repealed and others have been reduced. The amortizable home debt has been nearly canceled. Hygienic, educational, and reproductive works have been constructed in all the Republic and in every branch of the public service. The armament of the army and navy has been largely increased.

I have not persecuted any of my citizens.

My lips have been sealed, and I have not opened them against my adversaries.

I have been the object of invectives and violent language of every degree, and I am called a tyrant and dictator by a press which has overpassed all bounds and has arrived in its license to lengths never before reached in any country of the world.

I promulgated without any objection the electoral laws passed by the parliamentary coalition, and which were prepared and intended to destroy the influence of the executive power and to favor the interest of their framers.

I have accepted all reasonable solutions which might conduct us to patriotic harmony and to the resolution by the country of the grave problems which divided us.

My acts bear testimony to these facts, and the numerous ministers of state who now form in the coalition and who shared with me the honorable task of governing the Republic can also bear similar testimony.

All kinds of industry are prosperous, there is general welfare, and the working classes, in whom I have found my most useful coöperators in the important and numerous works in progress, have constant and well-remunerated work.

It is on this account that the people have not associated, nor will they associate, themselves with a work which is not their work, but which is merely in the interest of a circle and of the predominance of Congress over the executive power. Hence it is that the provinces and departments are tranquil, and that the absorbing and subduing spirit of the parliamentary circles whose seat is in the capital has penetrated into few localities.

Therefore, a national conflict is not treated of, nor a struggle between the executive power and the people, but of Congress, or, in other words, the parliamentary coalition of the capital against the executive power.

## V.

These antecedents carry us to this inevitable conclusion:

We are governed by the popular representative regimen prescribed in article 1 of the constitution; I appoint or remove cabinet ministers at my pleasure by virtue of the express authority conferred on me by section 6 of article 73 of the constitution, and I preserve the liberty and independence which corresponds to me in the consti-



tutional structure as the responsible head of the executive power and with equally responsible ministers, in the form prescribed in article 74 and from the eighty-third to the ninety-second article of the same constitution.

Or we are governed by a parliamentary regimen which is not authorized or sanctioned by the constitution, and is incompatible with the Republic and the independence of the public powers, and I submit myself to the will of Congress as to a superior and sovereign power, and I only appoint ministers in the confidence of Congress, and I admit that Congress may paralyze the march of government and frustrate the passage of constitutional measures, and, together with ministers, I decline the responsibility that proceeds from the liberty of exercising our functions in Congress which the executive power claims, and I subordinate my acts and my views to their purposes.

The ambition of the coalition has been developed under the ideas belonging to parliamentary government; and, in the fulfillment of my duty and in the exercise of my constitutional prerogatives, I shall oppose it with unfaltering resistance.

Representative government or parliamentary government.

This is the dilemma.

I elect for the representative government ordained by the constitution. For my part I shall practice it and shall cause it to be practiced, in obedience to article 72, which commands me to compel everybody to obey the constitution.

The causes which compelled me to close Congress on the 15th of October last have been stated. These causes were aggravated afterwards by the precipitate conduct of the Comision Conservadora and by the explicit declarations made to the effect that they would not pass the budget and the land and sea forces bill if there were not a change of ministry, if in practice parliamentary regimen were not recognized, and if the right of Congress to impose its policy on the chief of state through the right it attributes to itself of frustrating constitutional laws and of paralyzing or reducing society and public administration to anarchy were not accepted.

No change having occurred in the situation and the fact of its having subsequently become more serious and difficult, the convocation of Congress would have been useless, because so soon as Congress should have attempted to execute any act in conformity with its ideas of parliamentary government I should have had to close it anew, and who knows under what conditions and with what consequences!

When the members of Congress and of the Comision Conservadora proclaim disobedience to the authorities and revolution, it does not belong to a chief of state, whose duty it is to foresee and prevent certain occurrences, to carry away by his own act theater and performers, and thus carelessly compromise social and political respect and the seriousness and moderation which constitute our most honorable traditions.

The land and sea forces bill was passed by the Senate and was kept back by the Chamber of Deputies. Neither during the ordinary session, nor during the September prorogation, nor during the recess, nor during the extra session in October, nor after the closure of Congress, has the report of the joint committee on the estimates been dispatched. This was terminated—a circumstance which has never occurred before—four days ago.

The attitude corresponds to the deliberate determination not to pass the constitutional laws until the coalition shall have triumphed over the executive power.

It is necessary to say it in the face of the entire Republic: it shall not triumph with my assistance.

I do not recognize the pretensions of Congress, and therefore I do not dissolve the army and navy, because such a step would be to conclude with public order in the interior and with the exterior security of the Republic; nor will I leave the servants of Chile without remuneration, because that would be to conclude with the administration and the government of the State.

I am not unknown to Chileans, yet, nevertheless, they call me a dictator.

In order to call me dictator with justice, it would be necessary for me to have usurped power by unlawful means; that I should have arrived at supreme power by means of rioting or revolution; that I should have continued in the Presidency for a longer period than my constitutional term; that I should have trampled under foot the law and established order for my own benefit or for that of my adherents; that I should have unlawfully imprisoned citizens; or that I should have inspired terror.

But the ruler can not be a dictator who defends the attributions and the power the people have confided to him; who observes and causes to be observed the constitution; who responds for his actions to his constitutional judges and in the ample form provided by the constitution; who serenely and without vacillation awaits the verdict that the nation will pronounce in March next; and who, if he resists the invasions of Congress and incitement to revolution, does nothing more than comply with the obligations that emanate from the constitution and the inseparable honor of those elected by Chile to direct and preserve it in the hours of storm and trial.

The army and navy have been incited to disobey and revolt.

Vain attempt!

The army and the navy have imperishable glories gained in war and peace. They know that I am their constitutional chief, that by article 148 of the constitution they are essentially obedient forces, that they can not deliberate, and that they have been and will continue to be, for the honor of Chile and the repose of our society, the corner stone upon which the public peace reposes.

In a few months hence I shall cease to be the head of the Republic.

There is not at the close of public life, nor in the last hour of government of a right-minded man, either the ambition or the incitement to condescend to a dictatorship. A dictatorship may be undertaken in order to arrive at power, but it is not in the logic of politics nor in the nature of things that a man who has lived a quarter of a century in the customary conflicts of public life should aim at a dictatorship in leaving power.

I have no honors to hope for nor ambitions to satisfy. But I have sacred obligations to fulfill toward my country and toward the Liberal party which raised me to power and which governs in conformity with the Liberal doctrine, without alliances or abdications, without affectation, and without dejection.

It is a solemn hour.

In it we shall fulfill our duty.

J. M. BALMACEDA.

*Mr. Egan to Mr. Blaine.*

No. 129.]

LEGATION OF THE UNITED STATES,  
*Santiago, February 13, 1891. (Received April 4.)*

SIR: Since writing my No. 123, of January 19 ultimo, there has been no regular mail from here. There is yet but slight change in the situation. The position which the revolutionists had seized at Coquimbo, and which gave them a good source from which to draw provisions, etc., for the fleet, was recaptured by the Government on January 25, and, so far as I can learn from reliable sources, all attempts made from the fleet since to effect a landing have been repulsed.

When the revolution commenced on January 7 the entire number of troops which the Government had under arms in the entire country was 3,500 men. It has now a well-equipped army of 26,000 men, while the fleet can not have increased its numbers to any appreciable extent. With the exception of eight or ten slight encounters, on the occasion of attempted landings, in all of which the casualties do not exceed 200 killed and 300 to 400 men wounded, the country up to the latest authentic accounts has continued entirely tranquil, and the most complete order prevails everywhere throughout the interior.

There was a threat on the part of the fleet to bombard Iquique on the 5th instant, which was not carried into effect, owing, I believe, to an energetic protest made by all of the foreign consuls; but there are rumors of the bombardment and burning of the small town of Pisagua, near Iquique, which rumors yet lack confirmation.

I am glad to be able to say that in every case during the present troubles, where the interests of a United States citizen were endangered, the Government has taken the most prompt and energetic steps to see that their persons and properties were protected. The United States consul at Valparaiso has just written me:

Whatever the outcome of the present troubles may be I shall always remember that the authorities here have treated me with uniform kindness and courtesy, and that so far they have refused no favors I have asked.

From reference to the archives I perceive that the present good feeling on the part of the Government toward United States citizens and United States interests presents a very agreeable contrast to that shown during the revolutionary movements of the years 1851 and 1859.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 135.]

LEGATION OF THE UNITED STATES,  
*Santiago, February 23, 1891.* (Received April 25.)

SIR: I have the honor to inform you that on yesterday I received from Rear-Admiral McCann a telegram requesting that I would notify the Department of the Navy of his arrival at Talcahuano. I accordingly cabled as follows:

To BLAINE, *Washington*:

*Pensacola* arrived Talcahuano 20th. Admiral McCann desires inform Secretary Navy. Some fighting Iquique. Remainder country tranquil. EGAN.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 136.]

LEGATION OF THE UNITED STATES,  
*Santiago, March 4, 1891.* (Received April 25.)

SIR: To-day I am in receipt of letters from Mr. Joseph W. Merriam, United States consul at Iquique, dated February 21 and 23, informing me of the abandonment of Iquique on February 16 by the Government forces and its occupation on same day by a force of marines from the revolutionary fleet; also, of the subsequent attempt on February 19 of a small force of Government troops to retake it, which led to the burning of a part of the town by the Government troops and the serious damage of other parts by bombardment from the fleet. During this fight the United States consulate was completely destroyed, with all its property and archives, of which the Department will be fully informed by Mr. Merriam.

From other sources I learn that the Government forces are intrenched upon the heights back of Iquique awaiting reënforcements, and that their purpose is to blockade the town from the land side in order to prevent the shipment of nitrates.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, March 8, 1891.*

Mr. Egan states that the minister for foreign affairs urgently requests that the Government of the United States will permit one of its ships to carry from Valparaiso to Montevideo a sum of about \$4,000,000, bar silver, which is required for the payment of the interest on the national debt abroad; that the Chilean Government fears its capture by revolted fleet if the sum is sent in the regular course of business; and that outside of Iquique, which has been captured by fleet, the country is perfectly tranquil.

*Mr. Egan to Mr. Blaine.*

No. 138.]

LEGATION OF THE UNITED STATES,  
*Santiago, March 9, 1891.* (Received April 25.)

SIR: I have the honor to inform you that on yesterday there was held the national convention of the Liberal party, or party of the Government, and that Señor Don Claudio Vicuña, the present minister of interior, was unanimously chosen as candidate for the Presidency. The Conservative party and the radical section of the Liberal party having joined hands in the present revolutionary movement, are, of course, shut out from participation in the elections, and Señor Vicuña will be elected without serious opposition. The Government supporters will also carry, without difficulty, almost the entire representation at the elections for Congress, which will take place on the 29th of the present month.

The Government expects that this will be a severe blow to the prestige of the revolutionists, who claim to act in the name and by the authority of the national Congress.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 143.]

LEGATION OF THE UNITED STATES,  
*Santiago, March 17, 1891.* (Received April 25.)

SIR: On Thursday, the 12th instant, information reached here that a very severe battle had been fought on the 7th instant near Iquique between the Government forces and the revolutionists, in which the forces of the Government, numbering about 1,500 men, were completely annihilated, and the commander, Col. Robles, killed in the ambulance after the battle, as were also most of the wounded officers. The revolutionists numbered about 2,500 men, of whom they lost close on 1,000 in killed and wounded. This gives the revolutionists the control of the province of Tarapacá as a base of operations and will enable them to enter upon a long and desperate struggle.

The Government of President Balmaceda is well organized, vigilant, and determined, and after all the losses in Tarapacá it has now some 30,000 available troops, well equipped and loyal, which number it is daily increasing. It has also two new fast cruisers, the *Almirante Lynch* and *Almirante Condell*, which are hourly expected from Montevideo; as also the war sloop *Pilecomayo*, and, in addition to a new ironclad which is just completed for it in France, it has, I believe, purchased in Europe two ironclads, so that some fighting on sea may be expected very soon. The revolutionists have, on the other hand, the fleet consisting of seven war ships, the *Blanco Encalada*, *Cochrane*, *Esmeralda*, *Huascar*, *O'Higgins*, *Magallanes*, and *Abtao*, together with several of the vessels of the Chilean corporation La Compañía Sud Americana de Vapores which they seized and converted into transports. They have also a force of some 2,000 soldiers, which can be augmented by recruits from Tarapacá.

From the peculiar geographical form of the country, stretching as it does some 3,000 miles from south to north, and from the fact that there is no railroad communication with Tarapacá, and that that province, on account of the inhospitable nature of its soil as also of the approaches

from the south, is entirely isolated, the Government can not carry the war into that region; while at present it does not seem possible that the revolutionists can command sufficient force to enable them to make a successful demonstration anywhere south of Coquimbo. For these reasons I look for a long, a bitter, and a sanguinary struggle, with the chances of ultimate victory very largely on the side of the Government.

The west coast telegraph cable being cut between here and Iquique and the Central and South American Company's cable not being permitted to commence operation, you will of course receive no cable news through the press except that sent out from revolutionary sources at Iquique.

I may mention as a feature of much interest the fact that the revolution has the undivided sympathy, and in many cases the active support, of the English residents in Chile. Col. Robles, the ill-fated commander of the Government forces at Iquique, officially reported to the Government that the managers and superintendents of the English *oficinas* in Tarapacá urged their workmen to join the revolutionists, promising them \$2 per day during their term of service and at the same time holding out the threat that unless they did join they would never again get employment in Tarapacá. It is known that many English houses have subscribed liberally to the revolutionary fund. Among others, it is openly stated by the leaders of the revolution, Mr. John Thomas North contributed the sum of £100,000.

I have, etc.,

PATRICK EGAN.

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*Mr. Egan to Mr. Blaine.*

No. 144.]

LEGATION OF THE UNITED STATES,  
*Santiago, March 17, 1891. (Received April 25.)*

SIR: I have the honor to inform you that Señor Don Claudio Vicuña, who on the 8th instant was nominated as the candidate of the Liberal party for the Presidency, has resigned the position of minister of interior, and that Don Domingo Godoy, hitherto minister of foreign relations, has been appointed thereto, his place being filled by the appointment of Don Ricardo Crusat.

I beg to remain, etc.,

PATRICK EGAN.

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*Mr. Blaine to Mr. Egan.*

No. 86.]

DEPARTMENT OF STATE,  
*Washington, March 23, 1891.*

SIR: I desire to apprise you, in connection with previous correspondence, of the receipt of a letter from the Secretary of the Navy, of the 19th instant, saying the United States steamship *Pensacola* arrived at Valparaiso, in obedience to the orders of that Department, on the 28th of February, and that the United States steamship *Baltimore* was about to depart from Montevideo for the same destination. It is also proposed to dispatch the United States steamship *San Francisco* from San Francisco as soon as instructions can be sent to her.

I am, etc.,

JAMES G. BLAINE.

*Mr. Egan to Mr. Blaine.*

No. 147.]

LEGATION OF THE UNITED STATES,  
*Santiago, March 31, 1891.* (Received May 5.)

SIR: Since my No. 143, of the 17th instant, there is but little to report in the progress of the revolution. On account of the impossibility of keeping up a supply of fresh water at Antofagasta, of the sterile nature of the surrounding country, and of the exposed position of the port, the Government withdrew its forces from that town and retired them inland to Calama, a distance of 160 miles, first destroying the nitrate works and the railroad and sending all the rolling stock to the interior. All the other positions south of Antofagasta are firmly held by the Government, which is rapidly increasing and organizing its forces. The new ships *Almirante Lynch* and *Almirante Condell*, referred to in my dispatch of the 17th, arrived on the 22d, and are now in Valparaiso ready for active service.

On Sunday, the 29th instant, a general election was held in all parts of the country except Tarapacá, resulting in the return of 30 senators and 90 congressmen, nearly all supporters of the Government. The elections passed off without any disturbance, the opposition taking but little part.

This Congress will meet on the 15th of April to organize and on the 20th for business.

Outside of Tarapacá the revolutionists have no organized force, and as communication with that province is cut off, it is impossible to gauge their actual strength. I do not believe, however, that they can, at the outside, command over 4,000 to 5,000 men, while the Government force amounts to 30,000 well-equipped soldiers.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 148.]

LEGATION OF THE UNITED STATES,  
*Santiago, April 1, 1891.* (Received May 15.)

SIR: At the request of the minister of foreign relations I telegraphed to-day to solicit a reply to my cable message of 8th ultimo. My telegram, which was in cipher, was in substance as follows: The congressional elections, which took place on Sunday last, were all in favor of the Government. It is reported by the Chilean minister at Washington that my telegram of the 8th was favorably received, but your instructions have not reached me yet. The Chilean Government is awaiting your reply.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, April 6, 1891.*

Mr. Egan telegraphs that the Chilean Government had declared closed the ports of Chañaral, Taltal, Antofagasta, Tocopilla, Iquique, Caleta-Buena, Junin, and Pisagua, and that vessels were liable to confiscation if they attempted trade with any of these ports.

*Mr. Egan to Mr. Blaine.*

No. 151.]

LEGATION OF THE UNITED STATES,  
*Santiago, April 6, 1891. (Received June 3.)*

SIR: To-day I had the honor to inform you by telegraph of the decree published by the Chilean Government closing to commerce the ports of Chañaral, Taltal, Antofagasta, Tocopilla, Iquique, Caleta-Buena, Junin, and Pisagua. I now beg to inclose copy of said decree in Spanish, with translation of same.

I have, etc.,

PATRICK EGAN.

[Inclosure in No. 151.—Translation.]

*Decree of Government of Chile declaring certain ports closed to commerce.*

No. 923.]

MINISTRY OF HACIENDA,  
*Santaigo, April 1, 1891.*

Whereas by article 7 of the law of the 24th of December, 1872, the President of the Republic has the power to order the closing, temporarily, to commerce of one or more ports or harbors when extraordinary circumstances so require;

Whereas by article 83 of the said law all ships which anchor, embark, or disembark any merchandise in any port of the Republic where it is not possible to supervise same, except in case of *force majeure* properly justified, is liable to confiscation, together with her fittings and apparatus;

Whereas in like manner, conformably with number 9 of article 84, all merchandise subject to import or export duties which may have been placed on board any ship, whether by her own embarkation or otherwise, which has not complied with the solemn notice in this ordinance, is liable to confiscation;

Whereas a part of the revolted squadron, in arms against the constitution and laws of the Republic, is appropriating to itself in the nitrate region the treasury and income of the nation with grave detriment to the interest of the State:

It is resolved and decreed—

First. That the ports of Chañaral, Taltal, Antofagasta, Tocopilla, Iquique, Caleta-Buena, Junin, Pisagua, and all the intermediate bays remain closed to commerce while said ports and bays are in the power of the revolutionists.

Second. That the penalties imposed by the ordinance of customs upon those who trade in said ports do not exonerate the manufacturers and exporters of nitrate and iodine from the responsibility imposed by the decree of the 30th of January, 1891.

Let it be recorded and made known.

BALMaceda.

J. M. VALDES CARRERA.

*Mr. Blaine to Mr. Egan.*

No. 90.]

DEPARTMENT OF STATE,  
*Washington, April 14, 1891.*

SIR: I append a copy of your telegram of the 6th instant announcing that the Chilean Government has declared closed the ports of Chañaral, Taltal, Antofagasta, Tocopilla, Iquique, Caleta-Buena, Junin, and Pisagua.

Due publicity of this action of the Government of Chile has been made, but the Government of the United States reserves the right to consider upon the facts and the law any case that may arise involving the declaration which your telegram communicates.

I am, etc.,

JAMES G. BLAINE.

*Mr. Egan to Mr. Blaine.*

No. 152.]

LEGATION OF THE UNITED STATES,  
*Santiago, April 14, 1891. (Received June 3.)*

SIR: I had the honor to-day to telegraph you in substance that the right of the Chilean Government to impose duties on shipments from any ports occupied by revolutionists or to close ports was not recognized by Germany, and that a fleet was on its way to enforce the views of the German Government.

Both the German and British ministers have made strong protests and taken up a very hostile attitude towards the Government in relation to this question. I have, on the other hand, been careful to avoid any such action, although pressed by some American shipping houses to make similar protest. I have, however, obtained full and friendly assurances that American vessels will not be subjected to any inconveniences.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, April 21, 1891.*

Mr. Egan states that entire tranquillity prevails everywhere except in the northern provinces; that the President opened Congress yesterday auspiciously; that England, as well as Germany, refuses to recognize the right of the Chilean Government to close ports; that American vessels are not interfered with; and that the Chilean Government urgently requests that the proposition of the Chilean minister for the purchase of a man-of-war be favorably considered.

*Mr. Egan to Mr. Blaine.*

No. 153.]

LEGATION OF THE UNITED STATES,  
*Santiago, April 21, 1891. (Received June 3.)*

SIR: The minister of foreign relations having urgently requested me to convey to you the desire of the Government that you would favorably consider the overtures of the Chilean minister at Washington for the purchase of a war ship, either ready for sea or nearly so, I had the honor to address to you to-day a telegram on the subject.

The British minister, under instructions from his Government, has refused to recognize the right of the Government of Chile to close ports or to impose duties upon any shipments of nitrate which may have been cleared by the revolutionists. The Chilean authorities have detained at Coronel one German and one English steamer, loaded with nitrate from Iquique, which put into that port for coal; and the English minister has addressed to the Government a note conveying the menace that he would send a war ship and take out by force the British ship. Steps are in progress for the arrangement of both cases.

I have, etc.,

PATRICK EGAN.



*Mr. Egan to Mr. Blaine.*

No. 154.]

LEGATION OF THE UNITED STATES,  
*Santiago, April 23, 1891.* (Received June 4.)

SIR: I had the honor to cable you to-day that the German minister received a telegram from his Government announcing the departure of four cruisers and an ironclad for Chile, and that they are expected early in June.

The fact of this German squadron coming here, under present circumstances in a semihostile spirit, as also the attitude of Great Britain, will, when the present troubles have disappeared, be severely judged by all Chileans, and must serve to turn the attention of every Chilean patriot to the importance of cultivating closer relations, commercially as well as politically, with the United States.

This squadron is coming from China.

I have, etc.,

PATRICK EGAN.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, April 24, 1891.*

Mr. Egan asks whether he can act with Brazilian minister and French chargé d'affaires in an endeavor to restore peace, the indication being that mediation would be accepted by the Government and the opposition.

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*Mr. Blaine to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, April 25, 1891.*

Mr. Blaine informs Mr. Egan that he can act with the Brazilian minister and the French chargé d'affaires as mediator.

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*Mr. Egan to Mr. Blaine.*

No. 157.]

LEGATION OF THE UNITED STATES,  
*Santiago, April 27, 1891.* (Received June 25.)

SIR: From careful inquiries which I have been directing for some time back, through both governmental and revolutionary channels, I have reason to believe that mediation may be acceptable to both sides. The Brazilian Government has already tendered its good offices with a view to the reestablishment of peace, and the French Government has done the same thing. I have accordingly cabled to you on the 24th instant to that effect, asking whether I might act with them.

I am aware, too, that the German and British ministers, together with the admiral of the British squadron, are endeavoring to open up negotiations; but I think I am correct in stating that the Government is not disposed to entertain any propositions unless the United States have a leading part in conducting the negotiations.

To-day I received your cable reply. Already I have had preliminary conferences with the executive council of the revolutionary body, as well as with the Government, and I have reason to believe that the indicated mediation will be accepted by both parties.

I have, etc.,

PATRICK EGAN.

*Mr. Blaine to Mr. Egan.*

No. 96.]

DEPARTMENT OF STATE,  
*Washington, April 28, 1891.*

SIR: I have read with attention your No. 143, of the 17th ultimo, in regard to the progress of the revolution.

The recent correspondence exchanged by telegraph with your legation relative to the mediation of the representatives of the United States, Brazil, and France toward the restoration of peace indicates a prospect, which it is trusted may be realized, of ending the deplorable state of affairs existing in Chile.

I am, etc.,

JAMES G. BLAINE.

*Mr. Egan to Mr. Blaine.*

No. 159.]

LEGATION OF THE UNITED STATES,  
*Santiago, May 2, 1891. (Received June 25.)*

SIR: I have the honor to inclose a translation of the address of His Excellency the President of the Republic, delivered at the opening of the national Congress on the 20th of April ultimo, in which will be found a very full statement of the case of the Government in the present unhappy dispute.

I have, etc.,

PATRICK EGAN.

[Inclosure.]

*Opening of the National Congress April 20, 1891.—Speech of President Balmaceda.*

FELLOW-CITIZENS OF THE SENATE AND OF THE CHAMBER OF DEPUTIES:

As you are aware, extraordinary occurrences have profoundly affected the public welfare.

The traditions of peace, moderation, and sound sense which distinguished home politics have been broken, and the loyalty of the sailors whose duty it was to maintain order in the interior of the Republic and the external security of the State has also been broken.

On the 7th of January last the squadron lying in Valparaiso Bay abandoned its anchorage, disobeying the commandant-general of marine, Rear-Admiral Williams, and carrying on board the vice-president of the Senate and the president of the

**Chamber of Deputies.** A few hours after the consummation of this occurrence, without precedent in the naval history of Chile, the squadron returned to Valparaiso in full revolt, in rebellion against its constitutional chiefs, in command of men who on the day previous had not the command of a vessel, and exciting the army and the people to rebel against the constituted authorities.

The army, faithful to the traditions of loyalty and honor which have strengthened the public powers and exalted the nation before the civilized world, has remained at the post of duty.

The people contemplated with surprise the conduct of the navy, which they considered was consecrated principally to maintain the external prestige of the Republic, and, sympathizing with the cause of order and with the Government which has endeavored to instruct them by actively fomenting primary instruction and to enrich them by increasing their salaries by the execution of works superior to those undertaken by all previous administrations, hastened to enroll themselves in the army and refused to assist the revolutionists who requested the people's favors and invoked its name.

After three months of revolution there has been no riot, no tumult, nor a single popular movement in favor of the rising initiated by the navy in possession of the ocean.

The squadron has not been able to penetrate with its hosts into the populated territory of the Republic, where there exist great social interests and true public opinion. In order to operate with efficacy, it has had to blockade northern ports, to bombard and burn unfortified towns, and to employ against the cosmopolitan population of Tarapacá greater rigor and more firing than it cost Chile to wrest that territory from a foreign power.

The northern provinces being cut off from the central by the sea, which is in the power of the revolted squadron, and the most extensive and sterile deserts in the world, the squadron after seven sanguinary battles has been able to take possession of the nitrate region of our territory.

The squadron has not been able to overthrow the constituted Government. It has proved in exchange that it has resources sufficient to disturb the public order, which was the fundamental base of our institutions, and valor sufficient to shed the blood of Chileans and to bring upon society and numberless homes misfortunes and afflictions.

The navy could not deliberate, because the constitution prohibits it from doing so, and it ought ever to obey the President of the Republic, because the constitution orders it to do so; nevertheless it declared itself firstly in favor of the pretended delegation of Congress, to constitute afterwards the military dictatorship which has subjected the supposed delegation of Congress.

This pretended delegation has not existed with any kind of title to proceed in the name of Congress.

Since October last Congress has not been able to meet constitutionally, because it has not been convoked to session, and because, in the orbit of our legal framework, the President of the Republic alone has power to convoke it.

Nor did it meet by its own act and in fact, because since October, when it was closed, until January 7, when the revolution broke out, it held no public nor secret sitting, nor did its presidents invite it to assemble in session, nor did senators and deputies receive the customary citations; because there was no debate, no agreement, no voting; because no act has been executed which unites the conditions without which there can not be a session of Congress, whether it be according to right or simply by force.

It is said that there is an act signed by some revolutionists who were members of Congress; but a large portion of the members of this very corporation are not acquainted with it, nor have they seen it, and up to this moment it is also unknown to all Chileans, because, as the said act is the fruit of a hidden resolution, the authors of it have not had the courage to publish it and exhibit it as a document which might be judged by the upright criterion of Chilean patriotism.

The truth of the matter is that a considerable portion of the members of both chambers revolted on January 7 against the constitution and the laws, and that it can not invoke the authority due to the representatives of the people, because by revolutionizing the country and converting itself *de facto* into an executive power, dictatorial and in arms, it has produced a revolution which demolishes its own existence and the peace, wealth, and welfare of Chile.

The revolution has not been engendered by the people, but by political circles with a seat in Congress, animated by different ideas, with numerous and distinct leaders, and with no closer relation to each other than the sole ambition to the direction and supreme command of the State.

We are suffering from an antidemocratic revolution, initiated by a centralized and small social class, which believes it is called by its personal relations and wealth to be the chosen and directing group in the Government of Chile. Hence arises the want

of uniformity of ideas and sentiments with the people; and above all in the provinces and departments away from the capital of the Republic, in which every Chilean has a clearer notion of political equality, of civil duties, and of virtues which elevate citizens by their intelligence and services.

In order to appreciate with exactitude the painful contest in which we are involved, it is necessary to characterize it according to its true antecedents.

## II.

The conflict has been engendered by the ambition of leaders and of circles, by the incessant splitting up of the Liberal party, by cumulative voting—the generator of parties represented by simple political individualities, and by the excessive number of senators and deputies in 3,000,000 of inhabitants.

The Liberal party has lacked unity of ideas, of direction, and of procedure, which *per se* could render it apt for the governing of Chile. For this reason it has always required auxiliary forces, either of the Conservatives or of other nearly allied political groups, notwithstanding the different disposition and the direction of the leaders, who have represented, by their traditions and spirit of absorption, essentially personal tendencies.

The excessive number of senators and of deputies and the cumulative vote have fomented the disintegration of the Liberal party, disorganized traditional and historical parties, and produced deplorable anarchy in Congress.

Under the shadow of the political uncertainty created by the diversity and inconsistency of personal circles, ambitions sterilizing to parliamentary labor and fatally calculated to produce general disorder have been developed.

The Errázuriz administration, so energetic and vigorous during nearly the whole of its term, found itself, toward its conclusion, through the action of the cumulative system of voting, with a Congress in which there militated six different groups and individualities without any fixed political affiliation.

The Pinto administration suffered the consequences of that dislocation of men and parties.

The parliamentary oscillations and ministerial changes were frequent, so that, if the war of 1879 had not occurred, that administration would have terminated in the midst of the disasters which were being prepared for it by events.

Presidential elections have cut up the Liberal party and have carried the Republic to situations of extreme danger.

At the conclusion of President Pinto's term, notwithstanding that the country was at war, the cutting up and the anarchy of the Liberals with respect to the choice of a candidate for the Presidency of the Republic would have created revolt, if Gen. Baquedano had not eliminated his person from the electoral contest.

Five years later, and at the expiration of the Santa Maria administration, there occurred in Congress, owing to the designation of the Liberal candidate, events of a singularly grave character.

Sundry Liberal circles allied with the Conservatives obstructed the budget in January, 1886, and only by an act of courage on the part of the parliamentary majority was the constitutional régime saved, the obstruction being overcome by breaking through the meshes of the rules of that branch of the legislature.

Elected President of Chile, it became my duty as an act of foresight as the chief magistrate of state to trace a policy and a line of conduct that would avert at the conclusion of my term of office the dangers that threatened previous administrations.

Exclusive government with the fractions of the Liberal party that had elevated me to power might have carried me involuntarily to a régime of personal government, and it would certainly have brought about a Liberal-Conservative coalition in the opposition. I, therefore, adopted a policy of patriotic reconciliation, in which, upon the basis of the party which elected me, all the Liberals might have a place. I also hoped that my respect for the members and the autonomy of the Conservative party would render possible a government of peace, of labor, and of real national aggrandizement.

The organization of the Lillo ministry was the outcome of this desire; but two months had barely passed when a boisterous disagreement occurred among the Liberals in the Chamber of Deputies, and the party that elected me was reduced to a minority, a good number of its members proceeding to act in accord with the Liberal-Conservative coalition.

The Lillo ministry disappeared, and the Antúñez ministry was organized. This ministry purposed uniting the Liberal party by the profession of the same ideas and by the same procedure.

There and then the Nationals declared from the cabinet itself to the country at large that their party had ceased to exist in order that its members might become

incorporated, as mere individuals, in the Liberal party. With the object of rendering this policy more practical and of inspiring all Liberals with the same degree of confidence, the Antúñez ministry ceded the reins of government to the cabinet organized by Mr. Zañartu, in which all the Liberals were represented.

Shortly afterwards a considerable portion of the Liberals who were represented in the ministry by the late lamented Messrs. Miguel Luis Amunátegui and Manuel García de la Huerta mutinied in the Chamber of Deputies against their own leaders, and they agreed to a vote of censure moved by the Conservative party against the Zañartu ministry.

All the Liberals were hardly reunited when they commenced anew to split and break up.

After the elections of 1888 the segregation of the Liberals, who had remained united in order to secure electoral peace, took place in a most unusual manner. The Nationals again raised a party banner, after having secured in Congress a representation they had not had since they left power in 1861. Owing to this circumstance the dispersed Liberals, the Radicals, and the Government Liberal party returned to their former shape and to their inevitable pretensions.

The ministry designed for the unification of the Liberal party disappeared before the Congress elected under its direction met.

Experience and my natural adhesion to the party which elected me counseled me to return to the political center with which I initiated my administration, with the object of organizing out of it a ministry of Liberals in which the Nationals might be represented in such a manner as not to awaken the mistrust and the resistance of its numerous adversaries. The Nationals refused to form part of the ministry, although their coöperation might be considered as imposed upon them by the most obvious political signification.

Since that date all my efforts for the unification of the Liberal party have been fruitless.

From June, 1888, till October, 1889, the different fractions of the Liberal party and the personal circles of Congress have been in a state of permanent quarrel, attacking and breaking up each other in a most irreconcilable manner. They who were divided by ambition were at length united by ambition in order definitely to secure to themselves a majority in Congress and with it absolute predominance in Government councils.

Being desirous of amending a state of affairs so opposed to public tranquillity, a ministry, with the consent of all the Liberals in Congress, was organized in October, 1889. In fifteen days there was another crisis. The cabinet having been reconstructed, serious disagreements occurred among parliamentary circles with respect to the bases of a convention to nominate a candidate for the Presidency and of votes in the Chamber of Deputies which brought about the rupture of the coalition ministry. From that date there arose between the congressional majority and the executive power a struggle having for its object the subordination of the liberty and action of the President of the Republic to the will and designs of a coalition composed of divided political groups, with opposing leaders and tendencies, but all united to lower the dignity and authority of the chief of the nation.

The motive assigned for these strange demands was a pretended official candidature for the Presidency.

The distinguished citizen to whom the favors of the Government were gratuitously imputed renounced in May last all support from his fellow-citizens to exalt him to the supreme magistracy, and he organized a ministry, presided over by himself, in order to give practical testimony of the public compromise he had contracted.

That ministry was censured before being heard in Congress, all the considerations of honor and respect which up to that moment had been observed toward the representatives of the executive power in Parliament being thus violated.

This attitude, without precedent in the history of the world, was followed by the postponement of the discussion of the law which authorizes the recovery of taxes for as long as the President did not sacrifice his constitutional prerogatives or did not consent to appoint ministers selected by and in the confidence of Congress.

This conflict was terminated by the resignation of the May ministry and the organization of another composed of persons foreign to the political contest.

This patriotic solution was on the point of being frustrated by the incredible demand that I should give my assent to the loss of the revenue during the forty-three days that the budget was postponed. But administrative honesty and the public revenue were saved, and the Prats ministry was organized, and the electoral law prepared by the allied groups was promulgated. In the said law they adopted every measure calculated to protect their interests from any possible intervention from the agents of the Executive.

The law having been promulgated, the inscription of the electors was made in perfect order.

At this moment the contest broke out anew.

The allied circles learned in a practical manner that they did not possess the majority of the taxpayers to constitute the electoral power, nor that of the electors.

This revelation of the superiority of the strength of the Government Liberal party, notwithstanding the bill which the coalition had passed for their benefit, disconcerted the allies and shook the ministry of the day.

It was difficult to observe in practice a neutral policy, in consequence of inevitable party demands, and rather than commence a struggle the ministry resigned.

Following their advice, and inspiring myself in the lofty duties that the situation imposed on my love of Chile and public peace, I requested the distinguished citizens Messrs. Enrique S. Sanfuentes, Anibal Zañartu, and José Tocornal to approach all the political parties and groups and request their coöperation to resolve in a definite manner the political question which was agitating men's minds. I asked them, in consequence, that the question of the candidature of the Presidency of the Republic should be decided by a sole convention, in the manner and form to be agreed upon by political parties, but recommending on my part the convenience of stipulating for the election of a candidate such a considerable majority of votes as would place the President of the Republic in such a position as to render it impossible for him to interfere directly or indirectly in the resolutions of the convention.

As a consequence of the sole convention, a ministry which would be a pledge of confidence for all parties would be appointed.

The idea of a sole convention, was accepted for a moment and was rejected immediately afterwards. The majority of the parliamentary groups demanded that I should previously organize a ministry.

I proposed in the act a ministry in which there figured three persons of recognized authority in the coalition of the parliamentary majority, and three others of the Government Liberal party, whose characters and antecedents entitled them to the respect of all.

This basis for a ministerial organization was also rejected.

These occurrences appear incredible, nevertheless they are true and are publicly known to all Chileans.

The coalition of the parliamentary majority desired to precipitate me from the position to which I was called by the vote of my fellow-citizens, or that I should submit myself unconditionally to its designs. After rejecting every reasonable proposal, the coalition resolved to open on the following day a new and violent parliamentary campaign.

I closed Congress, hoping that a little reflection and calm might produce in the groups forming the coalition arrangements reciprocally respectful and equitable; but the overflow had occurred, and we had to support its deplorable consequences.

The Comisión Conservadora (parliamentary consultative committee\*) convoked itself to a session to which access was given to all the members of Congress, in order that they might contribute to keep up discussions which form the saddest page in the parliamentary history of Chile.

I will not elevate to the dignity of the post I hold, nor to the dignity belonging to these precincts, the designs and the aberrations disclosed at the sittings of that corporation. I prefer to cover them with the silence and the oblivion which in the journey of life sustains us in order that we may not despair of man's patriotism and virtue.

### III.

On the 1st and even on the 7th of January I found myself in the same condition in which many of my predecessors had found themselves, and in which I was myself in 1887—without the estimates and the bill providing for the land and sea forces having been passed.

This circumstance should not serve as a foundation for a revolution, because it had occurred periodically in former years. The revolt initiated on January 7 was the result of the resolution adopted beforehand by the majority of the parliamentary groups, which aimed at unconditional and absolute predominance in the management of the Government.

Deriving from the constitution the duty of governing the State and of extending my authority to everything having for its object the internal security of the nation, I had to assume the necessary powers to restrain the armed revolt and the attitude of the majority of Congress, which labored to overthrow our institutions, and established order.

I have collected together the necessary elements for the defense and triumph of the principle of authority in Chile, without which nothing solid or lasting can be undertaken in the future.

\* A consultative joint committee of both houses which represents Congress during a recess.

Circumstances have placed us in the painful position of having to arrest the leaders and agitators of the revolt or to send them away from the scene of actual occurrences.

The sitting of courts of justice when revolution is ripe and where the constituted government is not recognized, being calculated to create conflicts, because the former exercises a military dictatorship and of fact and the latter has to practice discretionary and extraordinary proceedings, the superior courts have been closed until the actual state of affairs which causes so much injury to the Republic shall cease.

Finally, the revolution being encouraged and sustained by the parliamentary majority, this has been dissolved by its own doing and *de facto*, and therefore it was indispensably necessary to convoke the people for the election of a constitutional Congress.

The elections have taken place in perfect peace and order, and with a large attendance of electors of different opinions in twenty out of the twenty-two provinces of the Republic.

Thirty of the thirty-two members constituting the Senate have been elected, and eighty-eight out of the ninety-two deputies to be elected under the last electoral law.

#### IV.

I desire now to state the ends to which, in my opinion, the constituent Congress should devote itself.

If the full and complete constitutional reform which I proposed to Congress last year had been realized, we should have laid the foundations of representative government, created provincial autonomy, and established upon an immovable base the liberty and independence of the powers of state; we should have opened out more extended horizons to the intelligent and well-ordered efforts of political parties; and we should most certainly have averted revolution.

The constituent Congress having been called together in consequence of well-defined causes, a moderate reform designed to remove the causes which originated the conflict will be preferable, perhaps, to any other.

#### V.

The license of the press has reached in our day to a pitch to which it has never arrived in any country of the world. Not only the Government and public men, but society and families have been attacked in the whirlwind of political passion. In 1886 the opposition of that date proposed a reform designed to prevent such a pernicious abuse. Since then the license of the press has descended in the scale of scandal, and has come to be one of the causes of the trouble which afflicts peaceful and honest Chileans.

I am of opinion that the principle by virtue of which all have the liberty of publishing their opinions in the press without previous censorship should be maintained. But at the same time there ought to be no other offenses of the press than those which are laid down in the penal code, nor other justice than the ordinary to punish them in the form prescribed by the common laws.

In this manner there would be obtained true liberty of the press, and the responsibility of those who abuse this liberty by offending without reason or truth the rights and dignity of others or public morals could be made effective.

As the laws relating to the budget, the quartering of troops in the place where Congress sits, the strength of the land and sea forces, of public order and those necessary for the existence of the executive power are constitutional laws, consequently it ought not to be left to the option of one of the powers of state to dictate them or not, or, in other words, to absorb the other powers and thus constitute a *de facto* dictatorship.

Taxes ought to be permanent, and their abolition or modification ought to be effected by law in the ordinary manner and only with relation to the equality of the impost and national convenience.

The law to permit troops to reside within 10 leagues of the place of meeting of Congress is at this day, when railways connected with the capital diminish distances, unnecessary. And the law providing for the strength of the land and sea forces is without object, inasmuch as in the yearly estimates the sum destined for the service of the army and navy is stated.

The only annual law on these matters ought to be the estimates, which should consist of the fixed expenditure, that provided for by special laws, and variable expenditure. The first would serve to fix the total amount of the estimates and would not be debated. The variable expenditure only would be subject to debate.

The estimates would be debated and passed by Congress during the term of the regular session, and when this from any circumstance whatever should not happen the estimates of the previous year would be adopted and considered as passed.

This form of presenting and debating the estimates is adopted in the most advanced countries, and even in some of those in which the strictest parliamentary régime obtains.

It ought not to be accepted in any case that Congress or a majority of its members may decline to discuss and approve fixed expenditure of a permanent character and of that emanating from laws previously passed by Congress. The power to suppress or not pass this expenditure would presuppose public disorganization and disorder. The same thing does not happen with variable expenditure, upon which the fullest liberty of discussion and criterion is permissible. The discussion or the refusal to grant this class of expenditure may be a prudent and indirect means of influence in the councils of government, but never a perturbing element of public peace or the disturber of established order.

Parliamentary criticism, the refusal to authorize variable expenditure, the impeachment of ministers when they infringe the constitution or the laws, are the means with which in a representative system, of liberty and of independence of the public powers, the legislative power may influence, moderate, or remove ministers from the direction of public business.

When a reform of this kind is carried into effect in Chile, the peace of the powers of state will have been established and consolidated forever. It will also be the only manner in which Chilean governments will cease to take an interest in electoral contests.

It is a profound error to believe that a change of men in the Government alters the traditions and the political manner of being of parties in Chile. The most determined advocates of the nonintervention of government in elections, are only so until they are in power. I make this affirmation founded upon the conviction acquired during a lengthened experience and an intimate acquaintance with men and parties in this country.

Neither the most wisely conceived electoral law, nor the most upright intentions, nor communal autonomy, will change the system or the nature of things. Communal autonomy in the hands of the Government or the parish priest would be the most powerful instrument of electoral intervention that could be devised to frustrate liberty of suffrage.

Governments will cease to interfere in elections in Chile, in the manner and form which they wish who sincerely desire the government of the people for the people, when the existence of the executive power depends solely upon the constitution and the laws and does not fluctuate in favor of the passions or the currents of interest of unstable and fleeting majorities of Congress without organized parties, without cohesion, and without discipline.

So long as the executive power needs for its existence the annual favor of Congress, and so long as political leaders and personal groups can, by combinations of the moment, organize majorities to overthrow or raise ministries, it will be a chimera to expect the absolute nonintervention of the executive power in the formation of Congresses upon which it depends indirectly for its own existence.

When the President of the Republic and the ministers of state shall not depend upon Congress in all which constitutes the stability of the executive power, and they shall be able to govern without any other limit than that prescribed by the constitution and laws, and they shall be able to live and serve the Republic with no other interest than that of the common prosperity, then the hour of wished-for electoral liberty will have arrived.

Neither presidents nor ministers will be found who will care to expose themselves to the hazards of a struggle, and who will voluntarily compromise themselves in a contest which can not affect the life or the normal existence of the executive power.

This, in my opinion, is the manner to remove the causes which have originated the conflict we to-day deplore.

Do not forget it, Messieurs Senators and Deputies; let not my fellow-citizens forget it, whatsoever may be the destiny reserved for us in the future. This is the only manner to reestablish cordiality between Congress and the Executive, equilibrium between public powers, and the liberty and responsibility of the functionaries who hold and discharge the duties of those positions.

If the reform should not be realized in the manner I have the honor to indicate to you, your labor will not be lasting and time will very soon obliterate the marks of your passage through the precincts of the hall of law.

The actual contest must terminate some day, and it is necessary, after the sufferings it has imposed upon our convictions or our duties, that the peace of the public powers may be assured in a regular and definite form.

The abolition of the council of state is another reform which is advocated and supported by all political parties.

This institution does not correspond with a representative system, and therefore it ought to be eliminated, in conformity with the system proposed for your adoption.

Sundry questions of jurisdiction or competency between the President of the Re-



public and his agents and the judicial power, or between the legislature, the Executive, and the judiciary, with respect to the constitutionality of the laws, have created very serious conflicts, and finally there is the question arising out of the convocation of this constituent Congress.

It would be advisable to create a special tribunal, composed of three persons appointed by the President of the Republic, three by Congress, and three by the supreme court, to decide without recourse conflicts between the powers in the cases and in the form prescribed in the constitution.

It is neither natural nor just that in conflicts between public powers any one of these should be the one to decide the dispute, because in this manner there is created a supremacy of authority to the detriment of the others, nor will it ever be proper that one only of the public powers be judge and party to the suit.

The organization of the judicial power requires, perhaps, your most serious consideration and study.

But taking into consideration the exceptional circumstances by which we are surrounded, I simply point out those reforms without which the conflict of to-day will inevitably be repeated periodically.

These are the cardinal reforms which I consider are rendered necessary by the force of circumstances.

If in the present conflict we should confine our efforts to the vanquishment of the adversaries of the constituted authorities, our labor would be insignificant and unworthy of statesmen. Our duty is to restore public order and to give, by permanent constitutional prescriptions, rational and legal solution to past conflicts and the avoidance of others in the future.

Fellow-citizens of the Senate and of the Chamber of Deputies, I have no desire to enumerate the labors of the administration over which I have had the honor to preside. My fellow-citizens can bear testimony to them.

There is not a single department of our territory which has not received its share of benefit in the distribution of the activity and wealth of the State. I have procured a tranquil and equitable solution to the grave and numerous questions which affected our foreign relations, and I have maintained with his holiness and the representatives of the church in Chile a policy of cordiality and of the most absolute respect.

Since the day I entered upon the duties of my office I have devoted every moment of my life to the progress and enrichment of my fellow-citizens, and to the aggrandizement of the Republic. My acknowledgments are due to all those who in the administration of the Government have assisted me in my vast and active labors. I owe them especially to all those who in hours of danger and of trial have given me their friendship, the remembrance of which I shall preserve as a generous recompense for the deceptions I have suffered in governing the nation.

I have still to say to the army and to the navy who have remained faithful to their constitutional chiefs, that I have always found them in the path of honor, and that with their loyalty and abnegation they will save the actual Government, and they will be the secure shield of future administrations. They who maintained intact subordination and military discipline will always be deserving of confidence.

Many good men, under the command of the valiant Col. Robles and of his comrades Villagran, Mendez, and Ruminot, have fallen nobly on the field of battle. Their blood will bear fruit, because oftentimes national institutions are only sustained and consolidated by the sacrifice of their defenders.

Like ourselves, future generations will point to them as generous victims and as examples which the soldier ought to follow in the fulfillment of his military duties.

About to descend from power, I shall return to private life, as I entered upon the Presidency, without hatred or ill-will, which is foreign to the rectitude of my character and unworthy of the chief of a state.

It is true that few rulers have had to suffer like myself such unmerited and gratuitous inculpations. Nevertheless, I have never on this account lost my serenity or the perfect tranquillity of my conscience. I am accustomed to confront the injustice of men.

After the fury of the storm will come the calm, and, as nothing durable can be founded by injustice and violence, the actors in the tremendous drama which is taking place in the territory of the Republic will receive, according to their deserts, their share of honor, reprobation, or responsibility.

I rely tranquilly on the help of God, who presides over the destinies of nations, and who penetrates our inmost thoughts. May He be pleased to enlighten the patriotism of all Chileans, and to guide your sagacity and wisdom by the way which may lead to the paths of order and to a final solution of the misfortunes and of the conflict which to-day divides the Chilean family.

Santiago, April 20, 1891.

J. M. BALMACEDA.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, May 4, 1891.*

Mr. Egan informs Mr. Blaine that the good offices of the United States, Brazil, and France have been most cordially accepted by the Government of Chile and the revolutionists, those of England and Germany having been declined.

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*Mr. Egan to Mr. Blaine.*

No. 160.]

LEGATION OF THE UNITED STATES,  
*Santiago, May 4, 1891. (Received June 25.)*

SIR: To-day I had the honor to cable you in substance that the good offices of the United States, Brazil, and France have been most cordially accepted by the Government of Chile and the revolutionists, those of England and Germany having been declined.

Although the ministers of England and Germany had been for some time carrying on communications with the chiefs of the revolutionary fleet and land forces in the north through the medium of the admiral of the British squadron, they had not tendered their good offices to the Government until Thursday, the 30th ultimo, when they were informed that the Government had already made the arrangement above indicated, and could not therefore avail of their offer.

The British flagship brought, a few days ago, from the leaders of the revolution in the north, documents fully empowering a number of gentlemen here to represent them, and this committee of seven persons, five of whom are protected by a safe-conduct from the Government, is now holding conferences in this legation for the purpose of formulating bases upon which the opposition would be willing to enter into an arrangement.

I have, etc.,

PATRICK EGAN.

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*Mr. Wharton to Mr. Egan.*

No. 98.]

DEPARTMENT OF STATE,  
*Washington, May 6, 1891.*

SIR: Inclosed herewith is a copy of a letter of the 1st instant from Mr. James A. Scrymser, president of the Central and South American Telegraph Company, in which the desire is expressed that such special privileges as may be permissible may be granted in the ports of Chile to that company's steamer *Relay*, which is used for the purpose of repairing cables.

The company in behalf of which Mr. Scrymser writes maintains and operates a line of submarine cables from Galveston, Tex., to Coatzacoalcas, on the Gulf of Mexico, thence across the Isthmus of Tehuantepec, southward along the Pacific coast to Valparaiso, Chile. The extreme

urgency required in making repairs renders it necessary that the steamer engaged in that service should, so far as possible, be exempt from entry and clearance, the certification of papers, and other formalities which in the case of such a vessel are productive of inconvenience and delay and are not likely to serve any useful purpose. For this reason it is believed to be the rule to treat cable repair ships in an exceptional manner.

You are instructed to bring the subject to the attention of the Government of Chile, and to ask that it may receive all proper consideration and attention.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

NOTE.—A similar instruction was sent to the legations of the United States in Colombia, Ecuador, Mexico, Nicaragua, Peru, and Salvador.

[Inclosure in No. 98.]

*Mr. Scrymser to Mr. Blaine.*

CENTRAL AND SOUTH AMERICAN TELEGRAPH CO.,  
37 AND 39 WALL STREET,  
New York, May 1, 1891. (Received May 2.)

DEAR SIR: I have the honor to inform you that this company maintains and operates a line of submarine cables from Galveston, Tex., to Coazacoaleos, in the Gulf of Mexico, thence across the Isthmus of Tehuantepec, southward along the Pacific coast to Valparaiso, Chile, and for that purpose employs on the Pacific coast its repair steamer *Relay*. This steamer is stationed at Callao, Peru, and is at all times manned and equipped for immediate use.

In Europe and the East cable repair ships are treated everywhere in an exceptional manner. In fact, they have all the privileges of war vessels, and are exempted from the formalities observed at Central and South American custom-houses in the matter of clearances, ship's papers, etc. The extreme urgency of the operations of cable ships is my excuse for asking that you will at your earliest convenience request the Governments of Mexico, Salvador, Nicaragua, United States of Colombia, Ecuador, Peru, and Chile to extend to this company's steamer *Relay* special privileges to the end that there shall be no delay whatever in observing the formalities in clearing and entering the ports of the countries named. I ask this because in many cases our cables are landed on the coast a few miles beyond the port in order to avoid the anchorage ground. It frequently happens that, in repairing a cable, tests have to be made at the landing places, and under existing custom-house regulations tedious formalities have to be observed before our engineer can land and make tests, which could be quickly accomplished were it not for the inconvenient rules of these foreign ports.

Telegraphic communication being so essential to the commercial life of nations, any delay in its establishment caused by custom-house rules is sensibly felt, and frequently prolong interruptions through the repair steamer not being able to take advantage of a few hours of fine weather, causing much loss to the public and comparatively little gain to the customs department. As a rule custom-houses in these foreign ports close at hours which occasion much inconvenience and delay in the repair of cables. This I am hopeful can be avoided if the honorable Secretary of State will ask the governments named to issue special orders to their customs authorities exempting this company's steamer *Relay* from the existing rules of the ports so that she shall at all times be free to enter and depart.

I also ask that the governments interested be requested to issue a special license to the steamer *Relay* according to her such special privileges.

I have, etc.,

JAMES A. SCRYMSER,  
*President.*

*Mr. Wharton to Mr. Egan.*

No. 99.]

DEPARTMENT OF STATE,  
Washington, May 7, 1891.

SIR: I append on the overleaf a copy of your telegram of the 4th instant, conveying the gratifying intelligence that the Chilean Government and the revolutionists have cordially accepted the mediation of the United States, Brazil, and France in the interest of peace.

Permit me to express the hope that the strife which has been going on in Chile may, through the combined efforts of the Governments in question, be speedily and happily terminated.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Mr. McCreery to Mr. Blaine.*

[Telegram.]

CONSULATE OF THE UNITED STATES,  
Valparaiso, May 8, 1891.

The president, managing director, and one other director of the South American Steamship Company declare before me that the steamer *Itata* is the property of said company, and that she was taken by force and is now in the service of the revolutionary party without the consent of the company.

W. B. McCREERY,  
*United States Consul.*

*Mr. Egan to Mr. Blaine.*

No. 161.]

LEGATION OF THE UNITED STATES,  
Santiago, May 8, 1891. (Received June 25.)

SIR: At the request of the Chilean Government I had the honor to forward to you to-day, in cipher, a telegram which stated in substance that the negotiations for peace had failed and reported the presence in a southern port of California of a Chilean steamer, recognized to be a transport belonging to the revolutionary squadron, and which had munitions of war on board.

The above refers to the revolutionary transport *Itata*, now at San Diego, Cal., with arms and munitions of war for the revolutionists.

In a few days I will report fully upon the subject of the peace negotiations.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 162.]

LEGATION OF THE UNITED STATES,  
Santiago, May 13, 1891. (Received June 25.)

SIR: Late last evening I had the honor to receive your telegram, the substance of which is as follows:

Have Admirals McCann and Brown received the dispatches sent them in cipher on the 9th instant by the Navy Department?

At the earliest possible moment I communicated the inquiry to Valparaiso, but Admiral McCann had sailed this morning to Iquique, on board the *Baltimore*, without having been able to reply to me, and Admiral Brown had not yet arrived. I am therefore not in a position to telegraph definite reply.

I have, etc.,

PATRICK EGAN.

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*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, May 14, 1891.

Mr. Wharton instructs Mr. Egan that if insurgent envoys come within the jurisdiction of President Balmaceda, relying on offer of mediation or on invitation of the mediators, he will insist that under any circumstances they should have ordinary treatment of flag of truce. He is informed that it is reported in Washington that Balmaceda threatens to shoot such envoys if found within his jurisdiction.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
Santiago, May 16, 1891.

Mr. Egan states that the report that the insurgent envoys would be shot grew out of a vague threat of the minister of the interior, made under excitement after a bombshell had been thrown at members of the Chilean cabinet; that the minister for foreign affairs has written most ample explanation and apology, and President and cabinet have disavowed any intention of molesting envoys; and that, although before the negotiations the envoys were concealed in Santiago, the Chilean Government has afforded them every facility to leave the country.

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*Mr. Egan to Mr. Blaine.*

No. 164.]

LEGATION OF THE UNITED STATES,  
Santiago, May 18, 1891. (Received July 7.)

SIR: I have the honor to refer to my numbers 157, of April 27, and 160, of the 4th instant, in reference to the offer and acceptance of the good offices of the United States, Brazil, and France for the restoration of the internal peace of Chile, and now beg to report as follows:

On receiving your authority, on April 27, to act as mediator with the Brazilian minister and French chargé d'affaires I at once placed myself in accord with those gentlemen, and, as stated in my No. 160, our offer of good offices was very cordially accepted by the Government on the

one side and by the committee of the opposition or revolutionary party on the other.

In connection with an effort made by the ministers of Great Britain and Germany to open negotiations, the admiral of the British squadron conveyed from the leaders of the naval and military forces in the north plenary powers to a committee of eight gentlemen in Santiago to act in behalf of the opposition. Of the gentlemen thus named one, Mr. Alejandro Vial, had already sailed for Europe. My colleagues and I secured from the Government a safe-conduct for five others, Messieurs Melchior Concha i Toro, Euliojio Altamirano, Carlos Walker Martinez, Gregorio Donoso, and Pedro Montt; Mr. Belisario Prats did not need a safe-conduct, and Mr. Eduardo Matte acted without one. I inclose a copy of the acceptance of good offices by the Government and concession of safe-conduct, dated May 2 (inclosure No. 1).

The seven gentlemen composing the committee of the opposition met in conference in this legation on Sunday the 3d instant, and by formal document, a copy of which I inclose (inclosure 2), accepted the tendered good offices of the United States, Brazil, and France.

After a number of conferences, from the 3d to the 5th instant, all of which were held in this legation, the committee agreed upon and submitted to us the bases upon which they would be willing to consent to an arrangement; but they imposed the condition that we were not to communicate those bases to the Government until we had first received from the Government, in writing, a statement of its conditions. I inclose a copy of those bases, dated May 5 (inclosure 3).

Early in the day of the 6th the minister of Brazil, the chargé d'affaires of France, and I went to the Moneda and found that the minister of foreign relations, Mr. Ricardo Cruzat, was sick and not able to come to his office. In his absence we were requested by His Excellency the President to confer with the minister of interior, Mr. Domingo Godoy. Accordingly, we had a conference with that gentleman, in the course of which we were informed that the Government, while prepared to listen to and consider in the most benevolent manner any propositions that might come from the opposition through us, should absolutely decline to submit any conditions before having before it the opposition bases. In order to consult with the members of the opposition committee, with a view to finding a way out of this difficulty, we adjourned the interview to 5 o'clock same evening. On my colleagues and I returning at that hour to the Moneda we found that just a few minutes before, while Mr. Godoy, four others of the ministers, the president of the Senate, and other gentlemen were returning to the Moneda from a meeting of the Senate, two dynamite bombs had been thrown at them by two young men on horseback, and that one of the bombs had exploded with terrific force a short distance from the ministers, but fortunately without doing any damage.

On entering the Moneda and meeting Mr. Godoy, we felicitated him upon his fortunate escape and that of his colleagues, and at his invitation we continued the negotiations of the morning. In consequence of what had just taken place, Mr. Godoy was considerably exasperated against the opposition, and, because we were not prepared to come directly to the point with regard to the presentation of the opposition bases before receiving the conditions of the Government, he declared the negotiations broken off, and, becoming excited, he added that from that very moment the safe-conduct should be considered canceled, and that we might not be surprised if some of the parties were shot in the public square before morning, as he considered them re-

sponsible for the attempt that had been made against his life. We reminded him that the safe-conduct was a solemn compact between his Government and those which we represented; that one of its conditions was that we, the mediators, should fix the time when it should cease to be in force; and we urged him to consider well the nature of the responsibility which he was assuming, the more especially as the gentlemen named in the safe-conduct were entirely above suspicion of even the most remote knowledge of the foul attempt at assassination which had just occurred. As he continued obdurate, we requested to be allowed to confer with the President; but Mr. Godoy refused, saying at the same time that he spoke with full authority for the President and all of the ministers.

We all three protested in clear and forcible terms, and left. We then took immediate steps to place the delegates of the opposition in safety, and within an hour we had conducted all of them within the legations.

At 7 o'clock the same evening the intendente or governor of the city called upon my colleagues and upon me, and informed us in the name of the Government that the delegates would be safe from arrest or surveillance until 10 o'clock the next morning; to which I answered that nothing would satisfy me short of full and complete compliance with the terms of the safe-conduct. My colleagues returned similar replies.

On the 7th instant the minister of Brazil, the French chargé d'affaires, and I were about to send identical telegrams to our respective Governments setting forth the facts, and also to address identical letters of protest to the Government, when by medium of Mr. Juan E. MacKenna, ex-minister of foreign relations, and also by another gentleman, we received from the President verbal messages to say that Mr. Godoy had spoken under excitement consequent upon the attempt of which he had been the victim; that in what he had said regarding the safe-conduct he had not expressed the sentiments of the President or the ministry, and that the safe-conduct should continue in full force until we should fix the time of its termination.

On the 8th instant the minister of foreign relations, in the name of the President, addressed to us a note on the same subject, of which I inclose a copy (inclosure 4). I also inclose copy of my reply thereto, dated May 12 (inclosure 5).

Finding it impossible, under the circumstances, to make further progress with the negotiations for peace, we abandoned the attempt for the present, and have addressed a joint note to the delegates of the opposition, of which I inclose copy, dated May 10 (inclosure 6).

I also inclose a copy of a joint memorandum, dated May 12, addressed to the minister for foreign relations, fixing the termination of the safe-conduct (inclosure 7).

Of the seven gentlemen who composed the committee of delegates of the opposition, six had, previous to the issue of the safe-conduct, been concealed in Santiago and one, Mr. Prats, had been living here openly. The Government having accorded to the five who were named in the safe-conduct and to Mr. Prats permission to leave the country, I communicated with Rear-Admiral McCann, who offered to take them on board the *Baltimore* to Callao; but, before arrangements could be made for leaving, the *Baltimore* received orders from the Navy Department to sail on other duty. The generous offer of the admiral is, however, very highly appreciated here. Subsequently only two of the number, Mr. Pedro Montt and Mr. Euliojio Altamirano, elected to avail of the permission to leave, and those gentlemen were escorted to Valparaíso by

myself and colleagues and were placed by us in safety on board the French corvette *Volta* on the 15th instant.

Apart from the momentary loss of temper on the part of Mr. Godoy, which, under the circumstances, was not without some excuse, the action of the Government, and especially that of the President, in regard to all matters connected with this negotiation, and also towards the delegates of the opposition, has been excellent.

I may add that the spirit displayed by the delegates of the opposition throughout our intercourse has been most excellent, and that both sides feel, as will be seen by the inclosed correspondence, deeply grateful to the United States, Brazil, and France for the efforts that have been made to reëstablish internal peace in their country.

I shall carefully watch for and take advantage of any opportunity that may offer to promote the restoration of peace, and I trust you will find that under the circumstances detailed in this letter I have done all that was possible in that direction, as also for the due maintenance of the honor and dignity of my own Government.

I have, etc.,

PATRICK EGAN.

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[Inclosure 1 in No. 164.—Translation.]

*Safe-conduct for the delegates of the opposition.*

The honorable ministers of the United States, of Brazil, and of France, duly authorized by their respective Governments and acting conjointly, have conveyed to the Government of Chile their desire to exercise their good offices between the Government and the parties of the opposition for the reëstablishment of the public peace.

The Government having accepted for its part those good offices, the said honorable ministers have solicited adequate guaranties for the persons of the parties of the opposition with whom they must communicate.

Consequently, the minister of foreign relations, in the name of the Government, concedes personal guaranty to the extent that the following gentlemen can not be arrested, imprisoned, nor molested in any manner whatsoever, viz, Mr. Melchior Concha i Toro, Mr. Carlos Walker Martinez, Mr. Euliojio Altamirano, and Mr. Pedro Montt, with the object that they may be able to hold the necessary conferences with the diplomatic ministers above named.

In case the said conferences do not produce favorable results, the present guaranty will continue for such time as the said honorable diplomatic ministers may designate.

This guaranty will be used by the persons to whom it is conceded with the prudence necessary in order to preserve the due secrecy of the conferences and in order not to call public attention to themselves.

This document will remain deposited with the honorable minister representing the United States.

Done in Santiago the 2d of May, 1891.

RICARDO CRUZAT.

This guaranty is extended to Mr. Gregorio Donoso upon the same terms as those above mentioned.

Santiago, May 2, 1891.

RICARDO CRUZAT.

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[Inclosure 2 in No. 164.—Translation.]

*Acceptance of good offices by the delegates of the opposition.*

The undersigned, meeting in the legation of the United States of America, in Santiago, the 3d of May, 1891, in virtue of having accepted the generous offer which, with the object of intervening as mediators for the purpose of putting an end to the civil war which afflicts the Republic of Chile, the honorable minister plenipotentiary of the United States and the honorable representatives of Brazil and France



have been good enough to make, we deem it our duty, in this our first meeting, to place on record the following facts:

I. The Hon. Jorge Montt, chief of the constitutional forces by sea and land, in the name of the provisional government established in the northern provinces, for himself and as representative of his colleagues, has communicated to us, by note of April 20 ultimo, that he received a dispatch from the honorable Rear-Admiral Hotham, commander of the naval forces of Her Britannic Majesty in the Pacific, in which, complying with the instructions of Hon. Mr. Kennedy, minister resident of Her Britannic Majesty, he placed in his hands a notification that the said honorable minister in his own name and in that of the honorable minister of Germany, of their own initiation, offered their good offices for the purpose of entering into negotiations and to propose some *modus operandi* with the object of saving Chile from more bloodshed and more ruin.

That for his part Hon. Mr. Montt, charged with the defense of the rights of Parliament and of the constitutional system, believed he would have failed in his duty if he had not gladly accepted the negotiations; that he consequently accepted the generous initiative of the honorable ministers of Germany and England providing that the representatives of the opposition should be named from the persons who constitute a list communicated by him. Said list contains the names of the undersigned and of Mr. Alejandro Vial, who is absent from the country.

II. Hon. Mr. Kennedy, English minister, has been good enough to convey said communication, which has been brought to our knowledge.

III. The honorable ministers of the United States, Brazil, and France, prior to the date on which Hon. Mr. Kennedy placed in our hands the note of the council of the provisional government, had offered to the Government of Mr. Balmaceda and to some of the undersigned the good offices of their respective Governments.

IV. For the undersigned it would have been very satisfactory to accept the mediation of the honorable ministers of Germany and England had it not been for the fact that the good offices of the honorable ministers of the United States, Brazil, and France had been previously offered and already accepted by Mr. Balmaceda.

V. The subscribers, authorized to represent the council of the government of the north and the chief of the constitutional forces in negotiations tending to reestablish peace and rule of the constitution and of the laws of the Republic, with ample power, consider themselves invested with sufficient power to accept, as we do accept, the mediation of the honorable representatives of the United States and of the Republics of Brazil and France.

For the purposes of what may transpire, we have agreed to place all of the foregoing in the knowledge of the honorable ministers who have honored us with the manifestations of their sentiments of interest and sympathy, and to place this document on record in the archives of this legation, begging the honorable minister plenipotentiary of the United States to be good enough to give it place therein.

B. PRATS.  
M. CONCHA I TORO.  
E. ALTAMIRANO.  
PEDRO MONTT.  
GREGORIO DONOSO.  
EDUARDO MATTE.  
CARLOS WALKER MARTINEZ.

[Inclosure 3 in No. 164.—Translation.]

*Bases of peace submitted to mediators by the delegates of the opposition.*

[Confidential.]

Messrs. MINISTERS: The mediation which your honors offered with the noble and elevated purpose of saving our country from the sacrifices which war imposes, even when conducted by both sides with the nobleness and generosity which should always govern contests between brothers, having been accepted by us, as indicated in our communication of yesterday, the moment has arrived to indicate to your excellencies the way which, in our judgment, may conduct to a peaceful solution without detriment to the high interests which the confidence of our compatriots has charged us to represent, and whose defense is for us a patriotic and unavoidable duty.

After the blood that has been spilled, after the sacrifices and horrible vexations endured with fortitude by our fellow-citizens in those moments of tribulation and shame for the country, we, Messieurs Ministers, do not change the formula of our former claims, and demanding to-day the same that we claimed yesterday, we believe, gives evident testimony of supreme moderation.

In the name of our compatriots we offer to lay down arms if there be reestablished in all its vigor the supremacy of the constitution and the laws of the Republic,

with the declaration and recognition of the nullity of all the acts executed in open violation of their provisions; the constitutional and legal situation to be reinstated from December 31 last, with the result of removing from our records the decrees in which have been exceeded the faculties given according to our laws to the executive power.

Consequently, and simply as an example in order to clearly express our idea, we say that the decree which ordered the holding of elections of senators, of deputies, and of municipal representatives in the month of March last, being completely and absolutely unconstitutional, the citizens who derive their titles from those elections, vitiated by inexcusable want of efficacy, can not be recognized as legitimate representatives of the people.

Still further as an example, we recall that the tribunals of justice should practice at once, with all the amplitude of jurisdiction which our laws accord them, and that there should be canceled the numerous decrees of dismissal of public employes who were protected by constitutional and legal guaranties which have not been respected.

The legitimate Congress, whose powers continue in force, should be convoked with all dispatch, in order to provide all that may be necessary with respect to future elections, the public funds, the maintenance of the army and of the navy, and, in general, the constitutional and legal order of the Republic.

In a word, we demand that which is a perfect right, and for every citizen an undoubted debt, that is, that there be reestablished the supremacy of the constitution and of the laws, abolishing all the powers or authorities that in months past of the present year have been dictated contrary to their prescriptions.

In the second place, we demand efficacious guaranties that will assure the complete and loyal execution of the requests we have advanced.

Now, Messieurs Ministers, mediators, you know our ideas, and we confidently hope that the supreme moderation and undeniable justice in which they have been inspired may be appreciated at their value.

Our demands would not be regarded as excessive in any civilized country. If they should be accepted, the mediation of the representatives of the three Republics would have produced a result a thousand times blessed in assuring and consolidating among us respect for the law, that indispensable base of popular government.

If it should be rejected, armed resistance will be more and more justified, not only before our own conscience and before our patriotism, but before the opinion of the civilized world.

The honorable ministers will observe that we abstain from indicating what should be, in our judgment, the guaranties of loyal execution that the agreement should contain, and we hasten to give the reason of our proceeding.

We seek brevity, and the discussion between us of the points regarding our second requirement would be useless if the first should not be accepted.

We hope, then, that the honorable ministers, mediators, when they can do so, will have the goodness to inform us if the Government of Santiago accepts or not the idea of submitting itself to the constitution and to the laws of the Republic.

In the first place, we will hasten to indicate the means that, in our belief, would bring back to our country confidence in her future and the quietude it has lost.

Expressing again to the honorable ministers and to the Governments which they so worthily represent the assurance of our gratitude.

We remain, your obedient servants,

B. PRATS.  
M. CONCHA I TORO.  
E. ALTAMIRANO.  
C. WALKER MARTINEZ.  
GREGORIO DONOSO.  
EDUARDO MATTE.  
PEDRO MONTT.

SANTIAGO, May 5, 1891.

[Inclosure 4 in No. 164.—Translation.]

*Señor Cruzat to the mediators.*

[In triplicate.]

DEPARTMENT OF FOREIGN RELATIONS,  
Santiago, May 8, 1891.

To Messieurs PATRICK EGAN, *envoy extraordinary and minister plenipotentiary of the United States*; H. B. CALVACANTI DE LACERDA, *envoy extraordinary and minister plenipotentiary of Brazil*; A. DE FRANCE, *chargé d'affaires of France*:

MESSIEURS MINISTERS: I have the honor to address myself, in the name of His Excellency the President of the Republic, to the ministers of the United States of America,

of Brazil, and of France, for the purpose of expressing to them the lively and sincere acknowledgments of my Government for the good offices exercised in favor of the re-establishment of peace and of the general quietude of the Republic.

The solicitude with which the honorable ministers have discharged their delicate task and their desire to procure a solution which would put an end to the misfortunes produced by the civil strife provoked by the 7th of January last binds once more the feelings of friendship which my Government has always professed for the nations and the Governments which your honors represent.

My Government has been disposed to hear propositions from the revolutionary party which might permit it to deliberate in view of what its duty and patriotism required in presence of proposals clearly defined and manifested by the opposition groups in arms against the constituted Government.

It is evident that the committee of direction of the revolution considered that they could place in the knowledge of the honorable ministers the bases upon which it was possible to put an end to the pending conflict, but without empowering your honors to communicate them to my Government only when in its name had also been formulated conditions of settlement.

It was not possible to accept this proceeding, inasmuch as it involved a recognition of the revolutionary attitude that would impair the foundation of authority, for which His Excellency the President could not, nor would not, refuse to make sacrifices, however painful they might be to his sentiments and affections.

Events have marked out for His Excellency the President of the Republic the only line of conduct compatible with his duties and the high principles of preservation of public order entailed by the post which he fills: to hear the propositions formulated by the party of the opposition and to deliberate upon them with the spirit of equity and patriotic discretion which corresponds to the chief of the Republic.

Not because the good offices of the honorable ministers may have been unfruitful shall my Government remain unmindful of the noble and elevated sentiments which individually and collectively have accompanied their efforts.

I can not conclude without giving to the honorable ministers an explanation especially recommended by His Excellency the President of the Republic.

In the conference which took place the day before yesterday (Wednesday) in the ministry of the interior at 5 o'clock in the evening there occurred a misunderstanding with one of the honorable ministers with respect to the duration of the personal safe-conduct conceded by the Government through the medium of your honors to the persons who constitute the revolutionary committee in Santiago.

The honorable minister of the interior arrived at his office and at the conference referred to immediately after having been a victim of an odious attempt which put in danger his life and those of his colleagues the president of the Senate and other respectable senators who accompanied them. Under the impression of that act the honorable minister of interior believed that what had occurred could not fail to attach to the directors of the revolution, and that in consequence had ceased the guaranties conceded under the faith of the respect due to persons even in a state of war and of internal struggle.

But the faith of the work pledged before your honors, and the consideration which is due from this Government to your honors and to your respective Governments, whatever may have been the violence of the action perpetrated by individuals of the opposition, obliges us to respect the guaranty conceded under date of the 2d instant until the honorable ministers are pleased to fix the day on which same shall cease.

With sentiments of highest esteem, etc.,

RICARDO CRUZAT.

[Inclosure 5 in No. 164.]

*Mr. Egan to Señor Cruzat.*

LEGATION OF THE UNITED STATES,  
Santiago, May 12, 1891.

SIR: I have the honor to acknowledge receipt of the note which your excellency, in the name of His Excellency the President of the Republic, has addressed to me on the 8th instant, relating to the good offices of the United States of America, Brazil, and France for the restoration of the peace of Chile.

The explanation which in the last part of said note your excellency has given in relation to what occurred on the occasion of the interview between my colleagues and I and the honorable minister of interior on the 6th instant, at 5 o'clock p. m., makes it evident that that gentleman, in declaring ineffective from that moment the

safe-conduct granted to the delegates of the opposition with whom we were to treat, acted without authorization from the Government of Chile. We are therefore enabled to fix the time at which the guaranty referred to shall cease, as in fact we did yesterday.

For my part I accept with thanks the explanation, which is all the more satisfactory because of its spontaneity.

Availing myself, etc.,

PATRICK EGAN.

[Inclosure 6 in No. 164.—Translation.]

*The mediators to the delegates of the opposition.*

SANTIAGO, May 10, 1891.

Messieurs BELISARIO PRATS, MELCHIOR CONCHA I TORO, EULIOJIO ALTAMIRANO, CARLOS WALKER MARTINEZ, GREGORIO DONOSO, EDUARDO MATTE, and PEDRO MONTT:

GENTLEMEN: We have the honor to acknowledge receipt of the note which you have been good enough to address to us, the 5th of this month, communicating the basis upon which you would be disposed to enter into arrangements with the Government for the reestablishment of the internal peace of Chile, under the good offices which we have offered, and which have been accepted by both sides.

Before all, we may be permitted to convey to you our gratitude for the good opinions which you have so cordially expressed with respect to our Governments and their representatives.

With the impartiality imposed by our public character, and, besides, by the august mission which we were called upon to fill towards the two branches of the Chilean family, to-day unfortunately divided, we have endeavored to open a road which would conduct to their union.

The names of all of the distinguished gentlemen who have signed the letter of the 5th of May are of themselves sufficient guaranty of the elevated and correct form of that political document, and which impression we have entertained since it came to our cognizance. The character with which we are invested, as you well comprehend, prohibits us from pronouncing with respect to its substance.

You having intimated the desire that the Government should not receive any knowledge of the basis of arrangement of the opposition unless they should deliver to us their conditions in writing, we approached the Moneda on 6th instant with this object.

Our efforts have been fruitless; the Government for its part gave us to understand that it would not give us any knowledge of its conditions unless we should previously communicate to it the basis of arrangement of the opposition.

Before we were able to come to an understanding upon the manner of arranging this question of form, the Government, alluding to an incident entirely unconnected with this matter, which had occurred in the evening of the same day, declared the negotiations broken off.

We deplore the want of success of the negotiations, and sincerely hope that in the near future the Chilean nation may be able to follow again the path of unalterable peace in search of those high destinies that Providence has reserved for her.

We have, etc.,

PATRICK EGAN.

H. B. CAVALCANTI DE LACERDA.

A. DE FRANCE.

[Inclosure 7 in No. 164.—Translation.]

*Termination of safe-conduct.*

SANTIAGO, May 12, 1891.

In virtue of the power conferred upon us in the safe-conduct conceded under date of 2d of present month, the undersigned have the honor to communicate to his excellency the Hon. R. Cruzat, minister of foreign affairs of Chile, that they fix the day of the 15th of May instant, at 12 o'clock at night, as the time when said guaranty shall cease.

PATRICK EGAN.

H. B. CAVALCANTI DE LACERDA.

A. DE FRANCE.

*Mr. Egan to Mr. Blaine.*

No. 166.]

LEGATION OF THE UNITED STATES,  
*Santiago, May 23, 1891. (Received July 7.)*

SIR: I have the honor to inform you that the ministry whose organization I reported in my No. 100, of the 17th of October last, has resigned, and that His Excellency the President appointed on the 21st instant a new ministry, the personnel of which is as follows: Minister of the interior, Don Julio Bañados Espinosa; of justice and public instruction, Don Francisco Javier Concha; of finance, Don Manuel Aristides Zañartu; of war and marine, Gen. José Velasquez; of industry and public works, Don Nicanor Ugalde; and of foreign relations and public worship, Don M. Maldunate.

This change has been brought about, so far as I can learn, by personal differences between some of the members of the cabinet, and has not, therefore, any political significance.

I have, etc.,

PATRICK EGAN.

*Mr. Wharton to Mr. Egan.*

No. 106.]

DEPARTMENT OF STATE,  
*Washington, May 28, 1891.*

SIR: I have to inclose, for your information, copy of a letter from Mr. D. H. B. Davis, of Lima, Peru, stating that it is rumored that you have advised the Government of Chile to grant letters of marque to privateers as a war measure.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

[Inclosure in No. 106.]

*Mr. Davis to Mr. Blaine.*

*LIMA, April 27, 1891.*

DEAR SIR: It is reported here that our minister to Chile, Mr. Patrick Egan, is advising the Chilean Government to grant letters of marque to privateers as a war measure. This rumor comes from high and respectable authority (English). It seems impossible for us Americans to believe this can be true, especially when we know how careful and circumspect Mr. Egan has acted all through his stay in Chile, commanding the respect of enemies and friends alike.

It would be most satisfactory to be able on good authority to refute this serious rumor.

I am, dear sir,

D. H. B. DAVIS,  
*Citizen of the United States.*

*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, June 1, 1891.*

Mr. Wharton instructs Mr. Egan that, prompted solely by a desire to restore peace, and entirely disinterested, the President desires him to

informally and discreetly ascertain whether the good offices of this Government can in any way be used for the termination of the conflict in Chile.

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*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, June 1, 1891.

Mr. Wharton instructs Mr. Egan to telegraph a condensed statement of the situation, both military and political, and to write a full report and send the same by mail.

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*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, June 1, 1891.

Mr. Wharton informs Mr. Egan that the expectation is entertained of a return to the custody of the courts of the United States of the arms placed on board of the *Itata* and of the ship herself.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
Santiago, June 3, 1891.

Mr. Egan, declaring the newspaper reports to be for the most part absurdly exaggerated, says that Coquimbo and all southern Chile is under the control of the Government, whose resources are ample, and forces consist of 40,000 well-armed men, while the revolutionists have control of the northern provinces, command a force of about 6,000 badly armed men, and rely chiefly upon the navy, drawing their revenue from the shipments of saltpeter. He states that the session of Congress is proceeding as usual.

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*Mr. Egan to Mr. Blaine.*

No. 170.]

LEGATION OF THE UNITED STATES,  
Santiago, June 3, 1891. (Received July 16.)

SIR: I have the honor to acknowledge receipt of your telegram of June 1, respecting the *Itata*, on yesterday, and have communicated the contents to the minister of foreign relations.

I remain, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 171.]

LEGATION OF THE UNITED STATES,  
Santiago, June 3, 1891. (Received July 16.)

SIR: On yesterday I had the honor to receive your telegram requesting me to make a full report of the situation, to which I replied by telegraph this morning.

Since the abandonment of Antofagasta by the Government forces, referred to in my No. 147, of 31st March, there has been no encounter between the forces on land, and the only occurrence of importance on sea has been the sinking of the revolutionary ironclad *Blanco Encalada* in the Bay of Caldera on the morning of the 23d of April by the Government torpedo-catchers *Almirante Lynch* and *Almirante Condel*, with the loss of about 180 of the officers and crew of the *Blanco*. This occurrence has, I presume, been fully reported upon by Admiral McCann for the information of the Department of the Navy. The troops that retired from Antofagasta, about 2,400, including officers and men, under command of Col. Camus, found that at Calama they were cut off by the deserts of Antofagasta and Atacama from the main body of Government forces, while exit by the sea was barred by the revolutionary fleet. They therefore retired into Bolivia, passed through that country and through the Argentine Republic, sending their arms in advance, and after a journey of over 2,400 miles, across mountains and deserts, partly by rail, but chiefly on foot, came across the Andes Mountains, by way of Mendoza, and arrived in Santiago on the 24th May.

Another division of 700 men stationed at Arica and Tacna in the north, under command of Gen. Arrate, finding itself cut off in like manner, rather than surrender to the revolutionists, retired into Peru, and is now interned in that country. A third body, chiefly of cavalry, under Col. Stefan, being isolated at Copiapo, also retired into Bolivia, and is at present on its return across the Andes, enduring great hardships.

Those three cases are considered as indisputable proofs of the loyalty of the army to the Government.

The Government has now a well-organized and well-equipped army of 30,000 regular soldiers and an armed and highly disciplined police force of nearly 10,000 men; together about 40,000 men under arms. It has the two torpedo-catchers *Lynch* and *Condel*, which have already done such deadly execution on the *Blanco Encalada*, the fast transport *Imperial*, which has continuously carried troops and stores along the coast in despite of the entire revolutionary fleet, and it has some ten effective torpedo launches for service in the harbors. It is also expecting the arrival of two new fast protected cruisers now about completed for it in France.

In all of the country from Coquimbo to the Straits of Magellan the Government is supreme, and while there is much discontent, chiefly among the wealthy families, there is no disorder of any kind.

The Congress, which met here on 20th April, continues its proceedings in the ordinary way and in entire harmony with the executive power. The Government claims to have ample resources at its disposal for all contingencies, and it feels entirely confident of success.

The revolutionists occupy all the way from Huasco northward; but, as the territory is entirely sterile, they have to rely upon importation for everything they consume, and in some of the smaller ports even the water supply is brought in by ships. The result is that everything in the way of food supplies is extremely dear and much distress prevails

among the workers and their families, and consequently much discontent.

The number of men actually enrolled in the revolutionary army does not, so far as I can learn, exceed 6,000, of which the majority are poorly armed and without uniforms. The revolutionary leaders in the north and here claim to have an army of from 12,000 to 15,000 men, but from information recently brought down by the English fleet I learn that this calculation is based upon lists of names enrolled largely through the influence of superintendents and others connected with the nitrate *oficinas* in Tarapacá, and that, while those names make an important display on paper, the owners of them continue their labors in the nitrate fields and have never actually joined the army.

The Junta or provisional government in Iquique is in receipt of a substantial income from duties on nitrate shipments, probably amounting at present to \$1,000,000 per month. It has also the fleet, consisting of two ironclads, the *Huascar* and *Cochrane*, three wooden vessels, the *O'Higgins*, *Magellanes*, and *Abtao*, and one cruiser, the *Esmeralda*, together with four or five transports taken from the Chilean Steamship Company. The only one of these that can make fast speed is the *Esmeralda*, which, in good repair, can steam about 15 knots per hour.

According to official statistics, published in February of this year, the total population of Chile is about 3,256,000 persons. Of those the the four provinces occupied by the revolutionists (Atacama, Antofagasta, Tarapacá, and Tacna) contain 180,800 persons, including over 58,000 foreigners, while the twenty provinces controlled by the Government contain the balance of 3,075,000 people.

The leaders of the opposition seem to feel much confidence in the ultimate success of their cause, but on the whole their prospects, viewed from a disinterested standpoint, do not look very promising. Under date of 25th of May Admiral McCann, writing me from Iquique, says:

My impression has been for some time that the success of the revolutionary party is about hopeless, and these impressions are somewhat strengthened by an admission made by Capt. Montt that he placed no reliance upon disloyalty to the Government of the troops in the southern provinces.

The belief in the disloyalty of the army has been all along the main hope and reliance of the revolutionists. It will be seen from my letters on this subject that I have never had any faith in this supposed disaffection, and the recent action of the troops under Gen. Arrate and Cols. Camus and Stefan, in facing terrible hardships and dangers rather than go over to the revolutionists, by whom they would have been received with open arms, afford strong confirmation of the opinions which I expressed.

The newspapers in the United States and England have been publishing ridiculous fabrications and exaggerations regarding the progress of the campaign and on the general situation here. I have read of wholesale butcheries of the wounded and prisoners by the revolutionists and of wholesale executions by order of the President, all of which were willful exaggerations. Col. Robles and some of the wounded officers of the Government were bayoneted after the battle of Pazoalmonte in retaliation because Col. Robles had ordered to be shot the leaders of a mob of nitrate-workers, but with this exception I have not learned of any departures from the laws of civilized warfare. On the Government side I only know of six cases of capital punishment: two in the case of sergeants who were convicted of endeavoring to promote a mutiny among their men and of four men who were intrusted with the duty



of patrolling the harbor of Valparaiso and who deserted, taking away with them a Government torpedo launch. In all other cases where the death sentence was passed by military tribunals, the President promptly intervened with an extension of clemency. I have also read sensational accounts of naval combats at Valparaiso and other places, as well as of military operations, which were pure fabrications.

The present indications are that this unhappy struggle may last for some months to come.

I have, etc.,

PATRICK EGAN.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, June 9, 1891.*

Mr. Egan states that, while the revolutionists were not inclined to make any reasonable peace propositions, the Chilean Government is well disposed to entertain any that might be made.

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*Mr. Egan to Mr. Blaine.*

No. 172.]

LEGATION OF THE UNITED STATES,  
*Santiago, June 9, 1891.* (Received July 16.)

SIR: On Tuesday, the 2d instant, I had the honor to receive from Mr. Wharton a telegram.\*

I also received on same day two letters from Rear-Admiral McCann, now at Iquique, copies of which I inclose, marked No. 1 and No. 2, in the latter of which he says:

I have just been authorized by the authorities here to ask the belligerents, through our Government and yourself, to act on my suggestion of yesterday with reference to the truce, and have telegraphed to Washington accordingly.

I took the earliest opportunity to obtain an interview with the President and intimated to him, informally, the object of my visit. He requested me to convey to the President of the United States his most cordial appreciation of the generous interest which he is taking with a view to terminating the present unhappy conflict in Chile, and to say that it would be an especial pleasure to him if such a happy result could be arrived at through the medium of the good offices of the United States. He requested me to convey the assurance that both he and his Government are ready to consider, in the most kindly spirit, any propositions coming from the revolutionary or opposition party based upon the maintenance of legitimate authority; that they seek no harsh measures against the other side, no penalties, no confiscations of personal property; and that they are prepared to make any reasonable sacrifices for the restoration of peace. The Government will not, however, make any proposals until it first has before it the propositions of the revolutionary party, and to this the revolutionary leaders here will

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\* Telegram of June 1.

not consent. The idea of a truce, suggested by Admiral McCann, would not at present be entertained.

Judging from the letters of Admiral McCann, and from information which has reached me through other sources, I consider that the revolutionary leaders here have an exaggerated idea of the condition of things with their friends in the North and on that account it is extremely difficult to deal with them.

I have replied to Admiral McCann, under date of 2d instant, suggesting to him the possibility of getting some proposals from the leaders in the north which might serve as the basis of negotiations. I inclose copy of my letter marked No. 3.

I shall avail of every possible opportunity that may offer to carry into effect the desire communicated to me on behalf of His Excellency the President; but, from the temper of the leaders of the revolution, and from their bitter personal hatred against President Balmaceda, I have but slight hopes of accomplishing anything practical at the present time.

The election of the next President will take place on the 25th of July, when, I believe, Don Claudio Vicuña will be chosen unanimously, or nearly so. This gentleman, with whom I have the honor to be on terms of cordial personal friendship, is an ardent admirer of the United States, and, as his family connections and associations extend in various directions among the leaders of the opposition, I have strong hopes that after his election it will be possible to negotiate a truce which, after his installation in office on the 18th of September next, may be converted into a permanent peace.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 172.]

Rear-Admiral McCann to Mr. Egan.

IQUIQUE, May 25, 1891.

MY DEAR SIR: I have just had a visit from Capt. Montt and Señor Errazuriz, with the latter of whom I had a conversation about the *Itata* affair, as well as about the political and military situation of affairs in Chile.

He (Errazuriz) informed me that he expected the *Itata* here yesterday, and that she might arrive any time. He complained of the unjust treatment of the *Esmeralda* at Acapulco by the Mexican Government, stating that it was in violation of their rights as belligerents, and that sufficient coal and other supplies should have been allowed that vessel to enable her to reach the nearest home port; but that he was now in communication with the Mexican authorities, who were reconsidering the situation and were inclined to act more favorably. Mr. Trumbull was still in San Francisco, but had been unable to communicate with Capt. Silva of the *Esmeralda* and learn the whereabouts of the *Itata*.

The conversation then turned on the political parties in Chile, and Señor Errazuriz spoke of the unconstitutional manner of electing the present Congress as being the greatest obstacle to any peaceable adjustment of the difficulty between the revolutionary party and the Balmaceda Government, and also of the confiscation of the property of the insurgents. I then inquired if he still had representatives of the Junta government in Santiago and if there remained any hope of further negotiations for peace. He replied that their representatives were still there, and that the ministers of the three Governments who had offered their good offices were still prepared to continue their efforts for peace, and that the Junta commissioners had receded from their first condition, of the retirement of Balmaceda from the office of President.

I then asked his opinion as to the probable conduct of Señor Vicuña when elected to the office of President. He thought that he would be more inclined for a peaceable settlement than Balmaceda had been.

I then suggested, "Why not consent to a truce until the expiration of the term of

office of Balmaceda? This would give time for the three foreign ministers and the members of the Junta to reconsider the negotiations for peace."

Señor Errazuriz thought "that it would be impracticable to suspend hostilities, with the armies now in the field." But a moment later he replied: "I have never thought of that; I thank you for the suggestion; it is a broad and generous view to take of the situation, and I will telegraph the fact immediately."

This is substantially the conversation, to the best of my recollection.

My impression has been for some time that the success of the revolutionary party is about hopeless, and these impressions were somewhat strengthened by an admission made by Capt. Montt, that he placed no reliance upon the disloyalty to the Government of the troops in the southern provinces.

There is no important change in the situation of affairs here, although the torpedo cruisers and the *Imperial* have kept the garrisons and naval vessels about the nitrate ports in a continual state of commotion by threatening to attack.

The *Pensacola* is at Arica, and the *Charleston* is expected to be there in a few days.

Yours, very sincerely,

W. P. McCANN,  
*Rear-Admiral, U. S. Navy.*

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[Inclosure 2 in No. 172.]

*Rear-Admiral McCann to Mr. Egan.*

IQUIQUE, May 26, 1891.

DEAR SIR: In my hurried note of yesterday I omitted one part of the conversation which I think will be of interest to you.

In my first interview with Capt. Montt and Señor Errazuriz I stated that I was aware of the fact that our minister to Chile had been subjected to much undeserved abuse by the revolutionary party and their sympathizers, both on this part of the coast as well as in Santiago and Valparaíso, and that there was no doubt of Mr. Egan's impartiality in his conduct as our representative or that he had been befriending many of the opposition and had protected them and saved them from punishment.

During the interview yesterday Señor Errazuriz remarked that he was aware of the fact and that he had the highest regard for Mr. Egan.

As to the suggestion for a truce which I made yesterday, it is my opinion that if proposed by the insurgents the Government would be placed in an embarrassing position if it were to be declined. This, however, is a matter entirely for diplomatic agents to deal with and arrange.

The sailing of the *Puno* having been put off till this afternoon, I avail myself of the delay to send this short postscript to my note of yesterday.

Yours, very sincerely,

W. P. McCANN,  
*Rear-Admiral, U. S. Navy.*

P. S.—I have just been authorized by the authorities here to ask the belligerents, through our Government and yourself, to act on my suggestion of yesterday with reference to the truce, and have telegraphed to Washington accordingly.

W. P. McCANN.

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[Inclosure 3 in No. 172.]

*Mr. Egan to Rear-Admiral McCann.*

LEGATION OF THE UNITED STATES,  
*Santiago, June 2, 1891.*

MY DEAR SIR: Your much-esteemed and very interesting letters of the 25th and 26th ultimo came to hand to-day, and I am greatly pleased to receive, and very thankful for, all the information which they conveyed. I have also to-day received a telegram from the Department of State, instructing me, in the name of the President, to ascertain, discreetly and informally, whether there is any way in which the friendly offices of our Government can be used for the termination of the conflict now raging in Chile, which suggestion is made in an entirely disinterested manner and prompted solely by a desire to restore peace. In pursuance of that instruction I had to-day a conference with the President, in which he manifested a very good spirit and a strong desire for peace, based, of course, upon legitimate principles. The late negotiations were broken off because the delegates of the opposition would not consent that their bases of peace should be made known to the Government until

the latter had first given in writing to us as mediators its conditions, which the Government could not consent to do.

The President assured me that his Government will consider in a kindly spirit any proposals which the opposition may submit, and that there is no medium through which he would be so much pleased to receive propositions as through your good self and through the United States legation in Santiago.

If your view of the situation be correct, as I have no doubt it is, the opposition leaders here are greatly mistaken and as a consequence they have got their notions entirely too high. They assert, and I am sure they honestly believe, that the revolutionary army in the north is composed of about 14,000 to 15,000 men, and that very soon they can invade the south with 10,000 to 12,000 men well armed and equipped. In this frame of mind it is entirely useless to talk compromise with them.

I believe that the only chance of effecting an arrangement is by negotiating direct with the leaders in the north, and I would suggest to you to endeavor to obtain from them some definite propositions which may serve as a basis for negotiation.

Your idea of a truce would not, I fear, be entertained. I suggested the matter to-day, but it was not favorably received.

The Government has now about 30,000 regular troops and about 10,000 armed police. If these men continue loyal—and I believe they will—it seems to me that the Government can not be disturbed and a continuance of the present state of things must be ruinous for every interest in Chile. It is therefore a duty, in the interest of humanity, to do everything possible to restore peace and save the country from further bloodshed and ruin.

You can assure the gentlemen of the opposition in the north that my best and most cordial efforts will be freely and fully at their disposal for the attainment of these ends.

I remain, etc.,

PATRICK EGAN

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*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, June 17, 1891.

Mr. Wharton advises Mr. Egan that there are negotiations being conducted by combined English companies for the purchase of the only land line, and instructs him to use his good offices in behalf of the Central and South American Telegraph Company, which should enjoy fair and impartial consideration of their application for a line that they desire to establish and operate between Valparaiso, Santiago, and the Argentine frontier.

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*Mr. Wharton to Mr. Egan.*

No. 111.]

DEPARTMENT OF STATE,  
Washington, June 18, 1891.

SIR: I append on the overleaf a copy of a telegram sent you on the 17th instant, permitting the use of your good offices in behalf of the application of the Central and South American Telegraph Company to establish and operate a telegraphic line between Valparaiso, Santiago, and the Argentine frontier.

At the same time I inclose for your information and files a copy of a letter from the president of that company, of the 2d instant, and of my reply of the 16th, touching the character of your intervention.

Agreeably to a telegraphic request from Mr. Scrymser of the 17th instant, I cabled you on that date as stated.

I am, etc.,

WILLIAM F. WHARTON,  
Acting Secretary.

[Inclosure in No. 111.]

*Mr. Scrymser to Mr. Wharton.*

## CENTRAL AND SOUTH AMERICAN TELEGRAPH COMPANY,

*37 and 39 Wall Street, New York, June 2, 1891. (Received June 3.)*

DEAR SIR: I have the honor to inquire if the State Department would, if it should be so decided by the directors of this company, telegraph to Gen. Egan, United States minister to Chile, requesting him to confer with the general manager of this company, now in Chile, and obtain for this company the right to establish, maintain, and operate a telegraph line between Valparaiso, Santiago, and the Argentine frontier. I ask this, because I have received to-day telegraphic advices that the combined English companies operating the cables between Europe, Brazil, and Argentina are negotiating for the purchase of the only land line between Valparaiso, Chile, and Buenos Ayres, Argentina—the Transandine Telegraph Company. The only obstacle to such purchase arises through the fact that owing to the disturbed condition of Chile the necessary number of shareholders can not be reached to give their consent, consequently the Transandine Telegraph Company is inviting sealed tenders for the purchase of its lines, to be opened July 15; and even then it is doubtful if the consents of a sufficient number of shareholders can be secured.

I have reason to believe—in fact know—that the relations of Gen. Egan with the Chilean Government at the present time are such that the Chilean Government will gladly concede any reasonable permission that Gen. Egan might ask.

The State Department has always given its valuable aid in undertakings of this character, and I need not explain to one so well informed as yourself that if the English companies monopolize this important link American commerce will suffer, and the possibility of this, an American company, reaching Argentina and Brazil will be, to say the least, doubtful and difficult.

I am sure Gen. Egan will be only too glad to facilitate a matter of such vital importance to American interests.

Should you decide that the State Department can properly act in this matter, I will prepare a brief telegram explaining our requirements, to be sent by the State Department in code to Gen. Egan, the cost of which telegram this company will of course pay.

I remain, etc.,

JAMES A. SCRYMSER,  
*President.*

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, June 25, 1891. (Received June 26.)*

Mr. Egan informs the Department that the Chilean Government can not be expected to grant the favors referred to in the telegram of the 17th, since the telegraph company has refused to open direct communications with Valparaiso.

*Mr. Egan to Mr. Blaine.*

No. 174.]

LEGATION OF THE UNITED STATES,  
*Santiago, June 25, 1891. (Received August 12.)*

SIR: I have the honor to acknowledge receipt of your cable dispatch of the 17th instant, and after consultation with Mr. Turner, agent of the Central and South American Telegraph Company, I presented the solicitude of the company for permission to construct and operate a line from Valparaiso to Santiago and on to the Argentine frontier. This solicitude is regarded as a move for the purpose of depreciating the value of the Transandine telegraph line, which is about to be

sold in a couple of weeks, and the stock of which is largely held here and in Valparaiso. On this account, but especially on account of the unwillingness of the Central and South American Company to open up direct communication with Valparaiso, in response to the earnest request of the Government, I have but little hope that the concession will be granted.

I have, etc.,

PATRICK EGAN.

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*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, June 26, 1891.

Mr. Wharton acknowledges receipt of Mr. Egan's telegram reporting that insurgents refuse good offices of the United States, and states that impression that insurgents would willingly accept our mediation for peace is confirmed by repeated advices from our naval officers in northern ports; states that unless an erroneous impression exists at Santiago, this Government is unable to understand causes of conflicting reports from different quarters as to insurgents' attitude; and asks whether he is assured that the President, if the insurgents would concur, would accept our good offices to restore peace.

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*Mr. Egan to Mr. Blaine.*

No. 175.]

LEGATION OF THE UNITED STATES,  
Santiago, June 27, 1891. (Received August 12.)

SIR: I have the honor to inclose copy of a letter which has reached me from Rear-Admiral McCann, together with copy of a communication, therein referred to, from Don Isidoro Errazuriz as representative of the Junta or executive of the opposition party. I also inclose copy of my reply of this date addressed to Admiral McCann, from which, as well as from my letter of the 2d instant (inclosure No. 3 in No. 172), it will be seen that in supposing that I had requested him to address a note, or to formally tender good offices, to the revolutionary Junta the admiral was under a misapprehension.

The copy of the letter of Don Isidoro Errazuriz has been extensively circulated through the revolutionary channels, but I have already taken effective steps to counteract any injury that might result from this incident.

In the present temper of the parties any attempt at mediation would be fruitless.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 175.]

*Rear-Admiral McCann to Mr. Egan.*

IQUIQUE, June 12, 1891.

DEAR SIR: I have much pleasure to acknowledge the receipt of your communications dated respectively May 9, 12, and June 2.

As requested in your letter of the 2d instant, I addressed a note to Señor Errazuriz to endeavor to obtain from the Junta some definite propositions that might serve as a basis for reopening peace negotiations between the Chilean Government and the insurgents.

This request was at once complied with; and on the 10th instant I received a reply in the form of a declaration, a translation of which is herewith inclosed, with a request that the declaration be transmitted to the Department of State at Washington, in reply to its friendly question as to the means of terminating the present conflict.

I have to regret that in my note to Señor Errazuriz I incautiously quoted too freely from your letter of the 2d instant, especially that line in which you express the opinion that "the Government at Santiago can not be disturbed."

The consequence of this inadvertence on my part (being unaccustomed to diplomatic fencing) will be seen in the declaration of Señor Errazuriz.

I did not quote, however, that part of your letter referring to the relative military strength of the two parties, and simply offered to be the channel through which they might transmit a reply either to yourself or to the Government at Washington.

There is but little change in the situation of affairs here. The *Amazonas* came in a few days since with 2,400 troops from the south, Copiapo and Caldera, I believe, apparently concentrating their forces at Iquique. The torpedo cruisers, as you have probably heard, have been demonstrating about their ports, which continual harrying of the garrisons and ships exasperates the insurgents to the last degree.

The *Itata*, convoyed by the *Charleston*, sails to-morrow night for San Diego. The loss of the vessel and the arms at this time has excited a bitter animosity against us.

With kindest regards, etc.,

W. P. MCCANN,  
*Rear-Admiral, U. S. Navy.*

[Inclosure 2 in No. 175.]

*Rear-Admiral McCann to Señor Errazuriz.*

FLAGSHIP BALTIMORE,  
OFFICE OF COMMANDER-IN-CHIEF,  
Iquique, June 8, 1891:

SIR: I have the honor to inform you that under date of the 2d instant the Hon. Patrick Egan, envoy extraordinary and minister plenipotentiary of the United States to Chile, has authorized me to offer to the authorities of the opposition the friendly offices of the United States Government and at the same time most cordially his own services in renewing negotiations with a view to a restoration of peace in Chile.

Mr. Egan states that on the date above referred to he had received a telegram from the Department of State instructing him in the name of the President to ascertain discreetly and informally whether there is any way in which the friendly offices of our Government can be used for the termination of the conflict now raging in Chile, which suggestion is made in an entirely disinterested manner and prompted solely by a desire to restore peace.

Mr. Egan further states that on the 2d instant "he had a conference with the President of Chile, in which he manifested a very good spirit and a strong desire for peace, based, of course, upon legitimate principles."

"The late negotiations for peace were broken off because the delegates of the opposition would not consent that their basis of peace should be made known to the Government until the latter had first given, in writing to us, or ministers, its conditions, which the Government would not do."

"The President assured me that his Government will consider in a kindly spirit any propositions which may be submitted by the opposition, and that there is no medium through which he would be so much pleased to receive propositions as through your good self and through the United States legation at Santiago."

"I believe that the only chance of effecting an arrangement is by negotiating directly with the leaders in the north, and I would suggest to you to endeavor to obtain from them some definite propositions which may serve as a basis for negotiations."

"Your idea of a truce would not, I fear, be entertained. I suggested the matter to-day, but it was not favorably received.

"It seems to me that the Government can not be disturbed, and a continuance of the present state of things must be ruinous for every interest of Chile. It is, therefore, a duty in the interest of humanity to do all that is possible to restore peace, and to save the country from further bloodshed and ruin.

"You can assure the gentlemen of the opposition in the north that my best and most cordial efforts will be freely and fully at their disposal for the attainment of these ends."

In conclusion I beg to assure you that if I can be of any assistance in communicating your decision relating to the above propositions either to the Hon. Mr. Egan or to the Government of the United States, I shall be most happy to comply with your wishes.

I have, etc.,

W. P. McCANN,

Rear-Admiral, U. S. Navy,

Commanding U. S. Naval Force, South Atlantic and South Pacific Stations.

[Inclosure 3 in No. 175.—Translation.]

Señor Errazuriz to Rear-Admiral McCann.

JUNTA DE GOBIERNO,

Iquique, June 10, 1891.

ADMIRAL: I have had the honor to receive your letter of the 8th, in which you inform me that on the 2d of this month the Hon. Patrick Egan, minister plenipotentiary of the United States in Santiago, authorized you to offer to the authorities of the opposition the good offices of the Government of the United States, and at the same time very cordially your own services were offered for the purpose of renewing negotiations for the reestablishment of peace in Chile.

You add that Mr. Egan informed you on the same date already mentioned that he received from the Department of State a telegram in which he was charged in the name of the President to try to find out if there is any way in which the good offices of the Government of the United States could be employed to put an end to the conflict which is destroying Chile, a friendly intervention made in a disinterested manner, in obedience exclusively to the desire to reestablish peace.

Mr. Egan also informed you that on the 2d day of this month he had a conference with the President of Chile, in which the latter showed a favorable disposition and a lively desire to secure peace, based of course on legitimate principles.

The last negotiation was interrupted because the delegates of the opposition refused to permit their demands to be communicated to the Government before the latter would impart its own demands to the mediators, something which the Government did not wish to do.

The President assured the Hon. Mr. Egan that he would consider in a benevolent spirit any proposition whatever that would be submitted to him by the opposition, and that nothing would please him so much as to receive these propositions through you or the United States legation in Santiago.

The Hon. Mr. Egan believes that the only way to reach an arrangement is to negotiate directly with the leaders in the north, and suggests to you to try to obtain from them some concrete proposition which could serve as a basis for negotiations.

In regard to the idea of a truce which was favored by you, Mr. Egan thinks that there is no probability of its being accepted. In the conference which was held in the Government House he referred to the matter and it was not favorably received.

The Hon. Mr. Egan believes finally that the Government can not be overthrown, and that, as the continuation of the present state of things is ruinous to the country, it is a humane duty to put an end to the spilling of blood. He concludes by authorizing you to inform the gentlemen of the opposition that they can count on his best and sincerest efforts to reach this end.

Finally, you have the goodness to assure the undersigned that you will take pleasure in informing the Hon. Mr. Egan or the Government of the United States of any decision whatever of the governing council (Junta de Gobierno) relative to the proposition already mentioned.

I am charged by the provisional council of government to say to you, in reply, that they deplore the rejection in Santiago of the proposition for an armistice which was favored, disinterestedly, by you and submitted to the approbation of the President of the United States.

The undersigned had the honor to declare to you, as soon as you proposed it, that the governing council esteemed the spirit of equity and benevolence which inspired the said proposal, and that they considered it well calculated to mitigate the evils



from which the country suffers and to facilitate the pacificatory action of friendly states.

As to the new proposal which the Hon. Mr. Egan, minister of the United States, now makes through your estimable mediation to the members of this government, to the effect that the negotiations for peace may be renewed, in the sense that those who obey the authority of Congress shall present propositions which shall be submitted to the examination and discussion of Mr. Balmaceda, who has promised to consider them in a benevolent spirit, a proposal inspired, it appears, by the opinion that the Hon. Mr. Egan has formed in Santiago, that the Government can not be overthrown, you will pardon the undersigned if he excuses himself from discussing it at the present moment.

You are aware also that on the part of the governing council there never was any embarrassment or difficulty in opening proper and just negotiations for peace, as was proved when they made haste to respond to the call made on them with this object, in May last, by the honorable ministers of Great Britain and Germany, through the worthy mediation of Admiral Hotham.

Neither is the fact unknown to you that a few days ago, under the auspices of the representatives of the United States, France, and Brazil, conferences for peace were arranged on the distinct basis which the Hon. Mr. Egan favors to-day, and that this benevolent attempt failed unexpectedly and without reason, just as the later proposition for a truce failed—from no fault whatever of the negotiators or coadjutors of the constitutional government.

In general the undersigned takes pleasure in declaring that his government will always listen with interest and courtesy to any pacific proposition emanating directly or indirectly from the Government of Mr. Balmaceda, and that there will be no obstacle to the attainment of those noble efforts of friendly nations for peace while that which this council considers as "legitimate principles" are carefully guarded.

These are the integrity of the constitutional system of Chile and the repudiation of every act and every condition based on the violation of the laws which the country has learned to obey and venerate in more than seventy years of operation. The council would be very much gratified if this declaration, in reply to the friendly request for an opinion of the means necessary to terminate the present conflict, were transmitted to the Department of State in Washington.

It is a satisfaction to me, with this object in view, to reiterate to you the expression of my highest and most distinguished consideration.

ISIDORO ERRAZURIZ.

[Inclosure 4 in No. 175.]

*Mr. Egan to Rear-Admiral McCann.*

LEGATION OF THE UNITED STATES,  
Santiago, June 27, 1891.

MY DEAR SIR: I have the pleasure to acknowledge receipt of your letter of 12th instant, with the inclosed copy of a communication from Don Isidoro Errazuriz, in reply to your note of 10th instant addressed to him.

I am sorry you wrote at all to Mr. Errazuriz, as those matters are always better treated verbally, and you will remember that in the telegram from the State Department, to which I referred in my letter of 2d instant, it was stated, as the desire of the President, that the endeavors to ascertain if the good offices of our Government could be used should be made "discreetly and unofficially."

The copy of the letter of Mr. Errazuriz had been sent to the chiefs of the opposition party here several days before I received it from you, and the contents, in an exaggerated form, are now freely circulated through the various opposition channels, to our detriment.

From the temper of the parties, it seems to me to be entirely impossible to do anything towards the restoration of peace at the present time, and it would therefore be useless to refer to the question of an armistice.

I have never stated to the Government here that I had received any intimation from any source on the question of an armistice, but simply suggested the idea in a casual way as coming from myself, which course meets the approbation of the representatives of the opposition here.

I remain, etc.,

PATRICK EGAN.

*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,

*Washington, June 30, 1891.*

Mr. Wharton transmits to Mr. Egan information received by wire from the president of the Central and South American Telegraph Company relating to the company being forcibly prevented from working the cable between Iquique and Valparaiso, and expressing the willingness of the company but the fear that if the direct cable were connected through between Peru and Valparaiso it would be cut by the officials at Iquique.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,

*Santiago, July 2, 1891. (Received July 12.)*

Mr. Egan strongly recommends that the telegraph company accept the offer made by the Chilean Government to pay the expenses of opening communication with Valparaiso and to give guaranties against damages to cable.

*Mr. Wharton to Mr. Egan.*

No. 112.]

DEPARTMENT OF STATE,

*Washington, July 3, 1891.*

SIR: Referring to your No. 153, of April 21 last, stating that the Chilean Government was desirous of purchasing a war vessel from the United States, I have to inform you that the Navy Department replies that it has none for sale.

I am, etc.,

WILLIAM F. WHARTON,

*Acting Secretary.*

*Mr. Wharton to Mr. Egan.*

No. 115]

DEPARTMENT OF STATE,

*Washington, July 9, 1891.*

SIR: I have to acknowledge the receipt of your Nos. 151 and 152, of April 6 and 14 last, relative to a decree of the Chilean Government closing to commerce certain ports of Chile while in the hands of the insurgents.

In view of the fact that you have "obtained full and friendly assurances that American vessels will not be subjected to any inconveniences," the necessity for any formal instructions to you in the premises has been anticipated.

I am, etc.,

WILLIAM F. WHARTON,

*Acting Secretary.*

*Mr. Egan to Mr. Blaine.*

No. 179.]

LEGATION OF THE UNITED STATES,  
*Santiago, July 10, 1891.* (Received September 26.)

SIR: On the 27th ultimo I had the honor to receive a telegram from the Department, in which it is stated that repeated advices from naval officers in northern ports confirm the impression that revolutionists would willingly accept mediation. I postponed my reply to this message in the expectation that either the *San Francisco* or the *Baltimore* would arrive from the north, and that I should be able to learn from the officers reliable information respecting the situation and views of the revolutionists in the north. I now learn that neither ship will arrive here for some time.

The President and his Government have all along maintained the position that they are ready to consider any reasonable proposals for the reëstablishment of peace, but that they will not advance any until they first have before them bases of arrangement submitted by the revolutionists. There is living here in Santiago, concealed, a revolutionary committee, in constant communication with the leaders in the north, and who know precisely the attitude of the Government. I have ascertained beyond doubt that this committee is determined not to make any propositions to the Government, and that in this position they are fully sustained by the Junta de Gobierno in Iquique. The officers of the Navy must therefore be mistaken in their appreciation of the situation, and I can but repeat the opinion expressed in my Nos. 172 and 175: that in the present temper of the parties any attempt at mediation would be entirely fruitless.

I have, etc.,

PATRICK EGAN.

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*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, July 14, 1891.*

Mr. Wharton advises Mr. Egan that telegraphic information has been received from the president of the Central and South American Telegraph Company giving the 20th as the date on which the company expect to connect the cables in free sea.

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*Mr. Egan to Mr. Blaine.*

No. 180.]

LEGATION OF THE UNITED STATES,  
*Santiago, July 16, 1891.* (Received September 26.)

SIR: I have to-day received your telegram informing me that the Central and South American Telegraph Company expects to connect cables in the free sea, between Callao and Valparaiso, about the 20th instant, which information I have duly conveyed to the Chilean Government.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 181.]

LEGATION OF THE UNITED STATES,  
*Santiago, July 16, 1891. (Received September 26.)*

SIR: I beg to refer to the gross inventions and exaggerations which have appeared in the press of the United States describing imaginary cruelties and atrocities on the part of both of the parties to the civil war which at present so unhappily afflicts this country, and to state for your information that since the beginning of the present month the Government has set at liberty and sent to Iquique, the headquarters of the revolution, without any conditions whatsoever, eighty-seven political prisoners, and four others will leave by the next mail steamers for Montevideo; leaving now in the Government prisons only fourteen or fifteen prisoners, all military men, charged with, or suspected of, attempting to tamper with the loyalty of the army. All of these gentlemen, all men of good position, were treated while in prison—as are also the military prisoners still retained—with every consideration. They have had an entire wing of the prison given up to them, with well-ventilated and perfectly clean cells, free intercommunication, permission to receive their friends with very slight restrictions and to receive from outside almost anything in the way of furniture and luxuries which their friends desired to send them, and many of them were allowed to keep their servants. For some months they were supplied with food at the expense of a committee of friends from a French restaurant, the most excellent in the city, and when the committee stopped this supply the Government had the food supplied from another caterer at an expense of about \$40 gold per month for each prisoner.

Many reports reached here of the cruel treatment of Government officers who are prisoners in the north in the hands of the revolutionists, and the Government requested me to use my good offices to procure an amelioration of their condition, which I did; but on investigation those reports, as well as the others, turned out to be entirely unfounded.

I have, etc.,

PATRICK EGAN.

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*Mr. Wharton to Mr. Egan.*

No. 120.]

DEPARTMENT OF STATE,  
*Washington, July 21, 1891.*

SIR: Your No. 172, of the 9th ultimo, in regard to your constant efforts to bring about a cessation of the deplorable conflict in Chile, has been received. Your earnest and impartial endeavors to pave the way for the effective interposition of the good offices of the United States, either alone or in conjunction with those of France and Brazil, are highly appreciated and fully approved. The want of success hitherto should not dishearten you, or cause any relaxation of your friendly offices. It would seem that the near approach of the end of President Balmaceda's term and the probable installation of a new President against whom personal antagonism may be less sustained, joined to the recent proposals for amendments in the Chilean constitution, may render a solution of the difficulties easier.

Señores Montt and Varas, representing the congressional party as confidential agents, have been in this city for some weeks. The object of their visit is understood to be the presentation of the claims of their party to recognition as a belligerent government. Conspicuously assert-

ing their capacity as authoritative representatives of a *de facto* combatant, and claiming to be envoys of an organized sovereign government, they have by their own pretensions made it quite impracticable for this Department to receive them or communicate with them directly, even in an unofficial way. As on frequent occasions in the past, the Executive is not disposed to prejudice the question of recognition of a revolutionary movement, and nothing has yet occurred which would constrain this Government to a decision of the question of the international status of the congressional party in Chile. The nonreception of the congressional agents is in no wise a decision on the merits of the main question. Positive results must be awaited showing the true purpose of the people of Chile, and in the meantime this Government feels bound to maintain its attitude of impartial forbearance.

The President's entire friendliness to the people of Chile and his earnest desire to do anything that will restore them to peace and promote the welfare of the country have been clearly shown, and your continued coöperation in all proper ways is confidently looked for.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, July 25, 1891.*

Mr. Egan telegraphs that the English, German, and French ministers have given an undertaking, which the Chilean Government requires as a condition of clearing cargoes from Chilean ports, that if ships should be forcibly compelled to enter ports in control of revolutionists their liberation will be exacted by the fleets of their respective nations. Mr. Egan asks whether he may give the same assurance.

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*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, July 25, 1891.*

Mr. Wharton informs Mr. Egan that he is not authorized to give undertaking referred to in his telegram of the 25th instant as a condition of clearing cargoes from Chilean ports, and that the Government of the United States will always take all proper steps to protect vessels flying its flag.

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*Mr. Egan to Mr. Blaine.*

No. 182.]

LEGATION OF THE UNITED STATES,  
*Santiago, July 25, 1891. (Received September 26.)*

SIR: On 14th instant I had the honor to forward a telegram informing you that the Chilean Government required, as a condition of clearing cargoes from ports in control of the Government, a guaranty that,

should the ships be compelled by force to enter ports in control of the revolutionists, their liberation would be exacted by the fleets of their respective nations, stating that the ministers of England, Germany, and France had passed notes giving such guaranties and asking if I might do the same. On to-day I received a telegram informing me that my telegram of the 14th had arrived unintelligible, and requesting repetition in other form, which I duly forwarded.\* To this I have received cable reply, stating that the Government of the United States will always take all proper steps to protect vessels flying its flag, but declining to permit me to give the required guaranty.

I beg respectfully to point out that my inability to give the same guaranty as that which the representatives of other maritime powers are giving places United States shipping interests at somewhat of a disadvantage on this coast. However, I do not think the present state of things can continue very much longer.

For your information I inclose copy of one of the notes of guaranty passed by the British minister.

I have, etc.,

PATRICK EGAN.

[Inclosure in No. 182.]

*Mr. Kennedy to Mr. Zañartu.*

HER BRITANNIC MAJESTY'S LEGATION,  
*Santiago, June 17, 1891.*

SIR: Referring to the conference held in your office yesterday with the representatives of British houses interested in the export of wheat from Chilean ports, I have the honor to inform your excellency that on receipt by me of a list of the ships loading grain for Europe I shall apply to the officer in command of Her Majesty's ships on this coast for special protection on behalf of the above vessels.

I beg further to assure your excellency that in case of the seizure or molestation of the above ships, by vessels of the Chilean revolted fleet, Her Majesty's naval officers will insist on the immediate release of ships and cargo, and their restoration to the port of export.

I have, etc.,

J. G. KENNEDY,  
*Her Majesty's Minister Resident in Chile.*

*Mr. Egan to Mr. Blaine.*

No. 183.]

LEGATION OF THE UNITED STATES,  
*Santiago, July 28, 1891.* (Received September 26.)

SIR: I have the honor to refer to my telegram of March 8, and my dispatch No. 148, of April 1 last, conveying the request of the Chilean Government that the United States would permit one of its war ships to convey from Valparaiso to Montevideo a quantity of bar silver which it desired to export for the purpose of paying the interest on the national debt abroad, to which communication I did not receive any reply. I now beg to state that the English Government has placed the British war ship *Espiègle* at the service of the Government of Chile to convey this bar silver to England and that she is now taking it on board at Talcahuano.

I have, etc.,

PATRICK EGAN

\* See telegram of July 25 from Mr. Egan.

*Mr. Egan to Mr. Blaine.*

No. 184.]

LEGATION OF THE UNITED STATES,  
*Santiago, July 29, 1891.* (Received September 26.)

SIR: I have the honor to inform you that on the 25th instant took place the session of the electoral college for the purpose of electing a President to succeed President Balmaceda, when Señor Don Claudio Vicuña was chosen unanimously.

Mr. Vicuña is a member of one of the most important families in Chile, related directly and by marriage with many of the most prominent leaders of the opposition, and is a man of unquestionable honor. His inauguration as President will take place on the 18th of September, and I have much hope that an opportunity may then be found to do something practical for the restoration of peace. Mr. Vicuña is an ardent friend of the United States and an admirer of its institutions.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 185.]

LEGATION OF THE UNITED STATES,  
*Santiago, July 30, 1891.* (Received October 3.)

SIR: I have the honor to acknowledge receipt of your dispatch No. 106 of 28th May, with inclosed copy of a letter from Mr. D. H. B. Davis, of Lima, Peru, in which that gentleman states that it is rumored and that the rumor comes from "high and respectable authority (English)" that I have advised the Government of Chile to grant letters of marque to privateers as a war measure. In reply I beg to say that I feel obliged to Mr. Davis for affording me this opportunity to give an unqualified contradiction to the statement. Not only have I not given the advice which this "high and respectable" English authority attributes to me, but I have never given to the Government of Chile any advice or suggestion as to the conduct of the war. Throughout this unhappy conflict I have endeavored to maintain, as I am bound under my instructions to do, cordial relations with the Government to which I am accredited; at the same time I have the assurance that I have retained the friendship and confidence of all of the leaders of the opposition. As an evidence of this I may point to the part which I was enabled to take in the negotiations for the reestablishment of peace, inaugurated in the beginning of May, and to the fact that the conferences then held of the delegates of the revolutionary party were, with the full knowledge and consent of the Government, held in this legation.

Since the commencement of the revolution I have been requested on various occasions by the opposition to exercise good offices in their behalf in favor of the liberation of prisoners, the mitigation of punishment, the preservation of convent schools and clerical colleges from military occupation, and other similar matters, in all of which cases every intimation that I made to the Government was most cordially received and in almost all cases promptly acted upon. Mr. J. W. Merriam, United States consul in Iquique, writing me under date of 15th July in reference to some severe and entirely unmerited strictures which were published in the *Nacional*, an important revolutionary organ in Iquique, in reference to me, says:

Yesterday I had an interview with Mr. Irrarrazaval, the minister of the interior, and in the course of the conversation I alluded to the editorial of the *Nacional*, and

he, with entire frankness, assured me that the Junta de Gobierno regretted that the Nacional had so expressed its opinions, and that he and the other members of the cabinet had no complaint to make as to your position and procedures in this civil conflict; which, properly interpreted, means that you have maintained your position as a neutral.

In the present terribly excited condition of public feeling here, when every act and word are closely criticised and often distorted, it is extremely difficult to avoid being misrepresented, but so far I can congratulate myself upon having been able to keep this legation clear of all entanglements.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 188]

LEGATION OF THE UNITED STATES,  
*Santiago, August 3, 1891. (Received October 3.)*

SIR: I have the honor to inclose translation, cut from Chilean Times, of an article which appeared on 31st ultimo in La Nacion, of Santiago, the official organ of the Government, in reference to the extraordinary conduct of some of the commanders and officers of the British war ships on this coast during the present conflict. The feeling on the subject in Government circles is intense. They charge that all of the revolutionary correspondence between north and south is carried by the English vessels of war, and that the commanders and officers of those ships, as well as the English element generally in this country, have done everything in their power against the Government and in favor of the revolution, in entire disregard of their duty as neutrals.

It is positively asserted by the Government that the commander of H. B. M's ship *Melpomene* recently brought to Iquique news that there had been a desperate revolt among the Government troops in Coquimbo, resulting in a fight in which there were a large number killed and wounded. Upon hearing this news, which was absolutely unfounded, the revolutionary leaders in Iquique immediately dispatched to Caldera an expedition of about 2,000 men to take advantage of the supposed demoralization of the Government forces.

The Government has also received information that the commander of H. M. ship *Espiegle* made about a month ago overtures to, or at least talked with, Commandant Moraga, the commander of the Government naval squadron, in a manner calculated to induce him to betray the Government and hand over the torpedo-catchers *Lynch* and *Condel* and the fast transport *Imperial* to the revolutionists. The Government has, I believe, made very strong private representations to the British minister on these subjects.

I have, etc.,

PATRICK EGAN.

[Inclosure.—Translation from La Nacion of Santiago, July 31, 1891.]

*British officers censured by La Nacion.*

In yesterday's edition of the Nacion there appears an article, of which we give below a translation, with the following sensational headlines: "Some vessels of the British squadron commit reprehensible acts and unworthy of a serious nation.



It was the commander of the *Melpomene* who carried to Iquique the false news of the mutiny of the Coquimbo division. How the commander of the *Garnet* last night lighted up all the north coast of Coquimbo with the electric light, firing guns, as if it were an enemy's vessel that was running along the coast.

"The conduct of some of the commanders of Her Britannic Majesty's vessels of war is highly reprehensible. They frequently carry false news north, and they also bring them south. It was the commander and the officers of the *Melpomene* who carried to Iquique the news that the Coquimbo division had revolted and that many men were killed and wounded. This was the reason of the rebels undertaking an expedition to Atacama, and this was the cause of the underground revolutionists in Santiago believing in the destruction of the Coquimbo division and in the occupation of that province by the rebel forces. These jokes with the revolutionists are not proper in serious officers, nor in gentlemen. The night before last the corvette *Garnet*, also British, left Coquimbo and ran along the coast northwards, making incessant use of her electric light and firing guns for several hours at midnight. These gun exercises on a littoral where there exists a Chilean army, and at midnight, reveal in the officers of that vessel a forgetfulness of British austerity and the difference that exists between English sailors of another age and the playful and skylarky ones of to-day. It is to be hoped that the British minister will recommend the British sailors to observe greater seriousness in future, and not to expend their powder at night, because happily nobody nowadays believes in ghosts, nor do they require to make those exercises to prove their skill and military discipline."

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*Mr. Egan to Mr. Blaine.*

No. 189.]

LEGATION OF THE UNITED STATES,  
*Santiago, August 5, 1891. (Received September 26.)*

SIR: I beg to say that all of the telegrams which have reached me recently by way of Europe and the transandine route have arrived in such an unintelligible condition that I have been obliged to have them repeated, in some cases two and three times.

The Central and South American Company will be found much more expeditious, cheaper, and more correct.

I have, etc.,

PATRICK EGAN.

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*Mr. Egan to Mr. Blaine.*

No. 191.]

LEGATION OF THE UNITED STATES,  
*Santiago, August 8, 1891. (Received October 3.)*

SIR: In the month of May an incident occurred in the town of Concepcion of a nature that might have caused unpleasantness, which I am glad to be able to say I have arranged satisfactorily. On the 15th of that month the intendente of the province, together with a number of military officers, was in the dining room of the intendencia, after a banquet, when suddenly the electric light by which the room was lit went out, while the lights in other parts of the city, and even of the intendencia, continued to burn. It is claimed, too, that this was the third or fourth time upon which a similar occurrence took place. By order of the intendente, given without any investigation, all of the persons connected with the electric-light plant were arrested and conducted to the police barracks, among them Mr. Herbert C. Stevenson, one of the proprietors, a citizen of the United States. Mr. Stevenson was placed in irons, that is to say, he had grillos, or shackles, welded onto his legs. After an hour or an hour and a half detention in this way, the intendente came to the prison to investigate the case, and upon ascertaining Mr. Stevenson's nationality he had the grillos removed and put him at liberty.

As this particular intendente, Señor Salvador Sanfuentes, has not only made very strong threats against some of the foreigners, but has on more than one occasion acted with censurable precipitation towards them, I considered I would be acting in the interest of our citizens residing in that province, and would probably prevent like occurrences in the future, by bringing this case promptly before the notice of the Chilean Government, without waiting for special instructions on the matter from the Department. I accordingly did so, and have obtained from the Government a letter expressing regret at what has occurred, of which I beg to inclose copy and a translation. I also obtained for Mr. Stevenson a money payment of 2,000 pesos (\$2,000), with which he is entirely satisfied.

Hoping my action in this matter will meet with your approval,  
I have, etc.,

PATRICK EGAN.

[Inclosure in No. 191—Translation.]

*Señor Zañartu to Mr. Egan.*

REPUBLIC OF CHILE,  
MINISTRY OF FOREIGN RELATIONS,  
*Santiago, August 7, 1891.*

SIR: I refer to your note of 29th of May ultimo, which was duly received in this ministerio, and to the conferences which were held in regard to the matter, and make it my duty to express to you that the Government regrets the circumstances which occurred in Concepcion during the month of May last in reference to the United States citizen Herbert C. Stevenson; although, on the other hand, same might be explained by the recurrence of incidents in the electric-light establishment of Mr. Stevenson which might be considered culpable, and which were calculated to disturb tranquillity at a time when the authorities were devoting all their care to the maintenance of public order.

At the same time, it being the desire of my Government that foreigners should not experience any trouble without previous and complete investigation, I hasten to beg that you will consider what has occurred in Concepcion as an excess of zeal on the part of inferior agents, which in all cases, but particularly in that which is the subject of your communication, the Government will hasten to reprimand.

Renewing to your excellency the assurance of my high consideration,

M. A. ZAÑARTU.

*Mr. Egan to Mr. Blaine.*

No. 192.]

LEGATION OF THE UNITED STATES,  
*Santiago, August 19, 1891.* (Received November 13.)

SIR: During all of this month active preparations appear to be in progress in the north for an expedition southward, probably in the direction of Coquimbo or Valparaiso, and with the liberal supply of improved arms which the revolutionary forces received from Germany in the early part of last month they will be able to make a formidable movement.

In anticipation of the arrival of their friends from the north, the revolutionary element throughout the south are much excited, and various attempts have been made during the past week to blow up bridges and tunnels and to cut the railroad lines to prevent the concentration of troops by the Government.

Yesterday a number of young men of the best families in Chile went out to a chacra, or farm, some 9 miles from the city to form a band of monteneros, or guerrillas. During the night they were surprised by

Government forces and thirteen or fifteen of them were shot and eight taken prisoners. These latter, many of them boys of 15 to 20 years of age, were this morning shot in cold blood and under circumstances of great barbarity. Several other summary executions are reported from other parts of the country, and appearances indicate the near approach of a desperate struggle.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine*

No. 193.]

LEGATION OF THE UNITED STATES,  
*Santiago, August 20, 1891. (Received November 13.)*

SIR: For some time two of the most important members of the opposition party, Don Agustin Edwards and Don Eduardo Matte, have been in this legation, because, from threats made against them by supporters of the Government, and even in the official newspapers, they and I had reason to fear that their lives were in danger. Mr. Edwards with his family left some days ago for Callao, under safe-conduct specially granted to him by President Balmaceda, but Mr. Matte is still here.

On yesterday the minister of foreign relations, Mr. Zañartu, called unofficially upon Mr. Uriburu, dean of the diplomatic body, and stated to him that the President was much annoyed about the fact that some members of the opposition were in the legations. He made the threat that if they did not leave immediately the Government would be obliged to search the legations, and he particularly referred to this one.

On learning from Mr. Uriburu the full particulars of this conversation I called at the ministerio and met the subsecretary, who was in charge. In the course of an informal conversation I referred to the visit of the minister of foreign relations to Mr. Uriburu, and I stated to him that if the Government desired to raise the question of asylum I would be prepared to discuss it on the proper basis and in the most friendly spirit; but that, with regard to the threat to search the legation, it should be distinctly understood that this legation could only be searched by force, and that I would myself shoot the first man that should attempt to enter the legation for that purpose.

To-day I received from the President direct an assurance that there is no intention to search any of the legations, and above all that of the United States.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 194.]

LEGATION OF THE UNITED STATES,  
*Santiago, August 24, 1891. (Received November 13.)*

SIR: On the morning of the 20th instant the opposition forces from the north effected a landing at the port of Quinteros and three other points a short distance north of Valparaiso with a force of about 10,000 men of all arms under the command of Col. Canto. The Government rapidly pushed down all the forces they could spare from here to reinforce the Valparaiso division under Gen. Alcerréca, and he, with about 9,000 men, encountered the opposition army at Concon, on the

Aconcagua River, near Viña del Mar, on the morning of the 21st instant, when a desperate battle ensued, resulting in the complete rout of the Government forces with a loss of some 4,000 in killed and wounded, while the losses of the opposition are said to be under 2,000 men.

All mail and telegraphic communication between Valparaiso and here is stopped, but when, on 22d instant, the news of the defeat of the Government forces began to reach here there was the wildest excitement, and it was expected that on that night the victorious troops from the north would arrive. At about 2 o'clock on that day President Balmaceda left the city for Quilcú, where a portion of his forces had taken up a position, and for a time the authorities here seemed to be paralyzed. It seemed as if there was considerable danger of a sack of the city, either from the army of the north, which was supposed to be approaching, or from the city mobs, which might at any time break loose.

In this emergency, after consultation with some leading citizens—Don Anibal Zañartu, Don José Tocornal, Don José Bunster, and Don Felice Blanco—and also with the members of the revolutionary committee, I waited upon Gen. Baquedano, accompanied by the four gentlemen named, and suggested, as a means of averting the impending bloodshed and sack, that, in the event of the complete defeat of the Government and with the consent of the authorized representatives of the Government, he should take the command of the forces now in the city, about 2,000 men, and with them preserve the peace of the city until the possession could be duly transferred to the victors. In this way the capture of the city at the point of the bayonet could be avoided and the consequent demoralization and rapine, both before and after the capture. Gen. Baquedano at once accepted the idea. I then communicated my views to Don Manuel Aristides Zañartu, the minister in charge of the Moneda in the absence of the President, and he, too, accepted the idea in the event of the entire defeat of the Government. Since then the situation seems to have improved somewhat for the Government. Their forces have taken up a strong position at Viña del Mar and are being rapidly reinforced by the troops from Concepcion and other points of the south, but they are greatly demoralized after the last defeat, and even the most sanguine of the Government supporters have now but little hope of victory.

Many persons, both Government supporters and oppositionists, have come into this legation for asylum, fearing an outbreak of the city mobs, and among those who have asked for, but not yet availed of, its asylum are the wife and children of the President.

President Balmaceda is now with the army, and it seems almost certain that another and a terrible battle may take place at any moment.

I have, etc.,

PATRICK EGAN.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, August 27, 1891.*

Mr. Egan telegraphs that the revolutionists were victorious in a fierce battle near Valparaiso last Friday and that a decisive engagement was expected on the day of the sending of his telegram. He states that there is no communication between Valparaiso and Santiago and says it is

very important that he be informed by telegraph of any early reliable news which the Department might receive. Thinks it may be possible to stop further bloodshed.

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*Mr. McCreery to Mr. Blaine.*

[Telegram.]

CONSULATE OF THE UNITED STATES,  
*Valparaíso, August 28, 1891.*

Battle fought near city this morning; Government forces badly beaten and demoralized; heavy losses both sides; city surrendered to opposition, but in hands of admirals American, German, French, and English fleets for good order; no communication with Santiago; opposition forces now entering city.

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*Mr. Wharton to Mr. Egan*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, August 29, 1891.*

Mr. Wharton informs Mr. Egan that he has received from the consul at Valparaíso a telegraphic communication dated the 28th instant reporting that both sides lost heavily in the battle fought on that morning near Valparaíso and that the Government forces appear to be demoralized; the commanders of the foreign fleets have assumed control to prevent disorders, but the city has surrendered to the opposition, whose forces are now entering it; and that communication with Santiago is cut off. He instructs him to report through Buenos Ayres.

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*Mr. McCreery to Mr. Blaine.*

[Telegram.]

CONSULATE OF THE UNITED STATES,  
*Valparaíso, August 30, 1891.*

Balmaceda has turned over Government to Baquedano and fled. Canto goes Santiago to-night to assume control until arrival of Junta from Iquique. Good order here. Prominent members opposition anxiously awaiting recognition United States.

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*Mr. Egan to Mr. Blaine.*

No. 195.]

LEGATION OF THE UNITED STATES,  
*Santiago, August 31, 1891. (Received November 13.)*

SIR: In the conviction that the cause of the Government was lost, and to prevent, if possible, more bloodshed, I conferred with the minister plenipotentiary of France as to the possibility of prevailing upon

President Balmaceda to make terms with the opposition leaders on the basis of his immediate resignation. The French minister had a conference with the President on the matter on the morning of the 26th, when President Balmaceda seemed to receive the suggestion very favorably, and promised to communicate his decision between 3 and 4 o'clock of that day, but as he did not do so we were obliged to abandon the attempt.

On the 27th instant, fearing a battle that day, I forwarded a telegram requesting the earliest possible information, as I had hopes that it might be possible to prevent a final struggle here, it being understood that with the troops in Santiago the President would, in case of defeat at Viña del Mar, make his last stand.

On the 28th was fought at Placillas, near Valparaíso and Viña del Mar, another sanguinary battle, in which the Government forces, amounting to about 9,000 men, were again completely routed, with the loss of about 2,000 in killed and wounded; the two generals in command, Alcarréca and Barbosa, and their staffs, and many of the principal officers killed, while the losses of the opposition forces did not exceed 600 in killed and wounded. The defeat of the Government forces in this fight, as well as at Concon, was caused—

First, by superior generalship on the side of the opposition forces;

Second, by the superiority of the new Männlicher rifle, with which the opposition troops were armed; and

Third, by defection and treason on the part of several of the officers of the Government troops.

The true result of the battle only became known outside of the President and some two others at close to midnight on the 28th, and then the excitement was intense. I immediately went to the Moneda at midnight, saw Señor Manuel A. Zañartu, minister of foreign relations, and from him received the confirmation of the news and the assurance that the arrangement referred to in my dispatch No. 194, to hand the charge of the city over to Gen. Baquedano, would be carried out, and that President Balmaceda was at that moment writing his decree to that effect and his resignation. At about 3 o'clock on same night the wife of the President, his three daughters and two sons, came to this legation for asylum, and are still here, but will leave to-night. All that night and next day numbers of prominent Government supporters, including ministers of state, senators, deputies, judges, and others, sought asylum with their families in this and other legations; and I have now in my house about eighty refugees. The only legation which closed its doors and denied asylum was that of England, which refused to admit a single person. The Spanish legation has about the same number of persons that are here, and the French, the German, the Argentine, and the Brazilian legations have each more or less people.

In the morning of 29th, at 8 o'clock, was publicly read the resignation of President Balmaceda and the temporary transfer of authority to Gen. Baquedano, copy of which I inclose (inclosure 1), and the general at that hour took charge of the Moneda. I inclose copy of his official announcement of the temporary transfer of authority to him (inclosure 2) and copy of my reply thereto (inclosure 3).

As soon as the news got out through the city the military and police became greatly demoralized; the latter, about 1,000 men, dissolved and absolutely disappeared with their horses and arms, and most of the military officers abandoned their posts, leaving their men without direction.

By 10 o'clock in the morning mobs began to collect, and very soon

began the most desperate attacks on the houses and property of all the prominent supporters of the late Government. This sack was not a spontaneous outburst, but the result of a carefully organized plan, carried out under regular gangs, commanded by recognized leaders, each gang having a regular list of houses to be sacked. It was originated by the more extreme sections of the revolutionary element, but I am quite sure without the knowledge of the responsible leaders of the movement. The sacking continued nearly all the day. The palatial residences of Don Claudio Vicuña, who had been President-elect; of Don Adolfo Eastman, president of the Senate; Don Juan E. MacKenna, vice-president of the Senate; of Don Eulogio Allendes, president of the House of Deputies; of the mother of President Balmaceda; of Gen. Gana, commander-in-chief of the army; of Don Adolfo Ibañez, Ruperto Ovalle, Alfredo Ovalle, Guillermo MacKenna, and the houses of numerous others, in all numbering about two hundred and fifty, were completely gutted, all the furniture and valuables destroyed or carried away, and in most cases even the doors and windows of the houses carried off. The loss inflicted by this wanton destruction can not be less than some \$5,000,000, and the lives of the proprietors would also have paid the sacrifice had they not sought asylum in the legations and other places of safety.

Towards evening Gen. Baquedano, with the aid of the members of the revolutionary committee here, was able to reorganize the troops and put a stop to any more destruction. Yesterday, Sunday, everything was quiet, and now all danger of further disorder appears to have passed over.

Having so many prominent refugees, and especially the family of the ex-President, I considered it prudent to ask for special protection, and I have now a guard of 10 soldiers at the legation supplied to me by the authorities.

I have, etc.,

PATRICK EGAN.

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[Inclosure 1 in No. 195.—Translation.]

*Resignation of President Balmaceda and proclamation of Gen. Baquedano.*

SANTIAGO, August 29, 1891.

GREGORIO CERDA Y OSSA,  
*Intendente of the Province:*

Whereas His Excellency the President of the Republic has decreed the following:  
Considering that in resisting the armed revolution initiated by the squadron the 7th of last January, I have fulfilled the elemental duty of maintaining the principle of authority without which no government is possible;

That my patriotism and duties as a Chilean place bounds upon my efforts, since it is not the part of an honest ruler to prolong a struggle which has no reasonable prospect of success;

That the fortune of arms not having been favorable to the cause which I sustain in the last battle of Valparaíso, I have resolved to terminate a contest so injurious to the credit of the Republic and to the general welfare;

That Gen. Manuel Baquedano be placed at the head of the Provisional Government, and that therefore all chiefs, officials, and soldiers, intendentes, governors, and other functionaries yield him respect and obedience.

Let the same be published and communicated by telegraph.

BALMACEA.  
MANUEL A. ZANARTU.

Given in my office this 29th day of August, 1891.

CERDA Y OSSA.  
MIGUEL ARTURO ZANARTU.

SANTIAGO, *August 29, 1891.*

I accept provisionally the charge conferred upon me for the preservation of public order.

Let this acceptance be published by proclamation in the capitals of all the provinces and departments and in the *Diario Oficial*.

MANUEL BAQUEDANO.

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PROCLAMATION.

SANTIAGO, *August 29, 1891.*

The Provisional Government organized to represent the sacred right of the nation hopes that the people of Santiago will preserve all the forms of the most profound respect for public order.

The enemies of yesterday must have to-day from every good Chilean greater consideration than ever.

A regular and final government will shortly be constituted.

It is in moments like these, so solemn for the Republic, that men who have fought in defense of liberty should preserve the greatest respect for the constituted authorities and for the law.

Be assured that full justice will be done to all.

MANUEL BAQUEDANO.  
ALVARO COVARRUBIAS.

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[Inclosure 2 in No. 195.—Translation.]

*Gen. Baquedano to Mr. Egan.*

SANTIAGO, *August 29, 1891.*

SIR: I have the honor to inform your excellency that early in the forenoon of to-day the President of the Republic has resigned his office and confided to me the command of the forces of this capital.

I have accepted the charge in compliance with my duties as citizen and soldier with the resolution to assist all within my power to respect the law of persons and property, being confident also that the inhabitants of Santiago, in whose name I have the temporary authority to act, will contribute with all their zeal and patriotism to surmount this most trying situation created by the sudden fall of the existing power.

Therefore, your excellency may invite your countrymen to return to their ordinary duties with the confidence that they will have, in connection with the sympathy of the inhabitants of the capital, the special protection of the Provisional Government, and that in the painful conflict suffered by the Republic, which to-day is happily terminated, the friendly relations of Chile with the power your excellency so worthily represents in Santiago have not been disturbed.

Would your excellency be pleased to receive and also transmit to your Government this official communication of the events which have taken place and of the temporary power invested in me, the assurance that the interests of foreigners will not suffer thereby, and that the reestablishment of the constitutional and regular regimen will strengthen the guaranties conferred by the laws of the Republic in equal form to natives and foreigners.

With this motive, I congratulate myself in expressing to your excellency the sentiments, etc.

MANUEL BAQUEDANO.  
ALVARO COVARRUBIAS.

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[Inclosure 3 in No. 195.]

*Mr. Egan to Gen. Baquedano.*

LEGATION OF THE UNITED STATES,  
*Santiago, August 31, 1891.*

SIR: I have the honor to acknowledge the receipt of your attentive note dated 29th instant, informing me that the President of the Republic had on that morning resigned his position, and that he had conferred upon you the command of the forces in this capital, which charge you had accepted with the intention of aiding with your best efforts to maintain respect for the law, for persons, and for property;



and further expressing the assurance that I could invite my fellow-citizens to return to their ordinary occupations in the confidence that, together with the sympathy of the people of the capital, they would soon have the special protection of the provisional government; and that in the sad conflict, now happily terminated, the good relations of Chile with the power I represent have not been disturbed.

In compliance with the request conveyed in your note I shall immediately communicate to my Government those important events.

Assuring you of the most cordial sympathy and aid of my fellow-citizens in Santiago in the patriotic task which you have so nobly undertaken, and begging you to accept the expression of my distinguished consideration,

I have, etc.,

PATRICK EGAN.

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*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,

*Washington, September 1, 1891.*

Mr. Wharton instructs Mr. Egan to send at once by cable a full statement of the condition of affairs now existing.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,

*Santiago, September 1, 1891.*

Mr. Egan telegraphs that the revolutionists were entirely successful in a decisive battle fought at Valparaiso on the 28th of August; that Balmaceda resigned the next day, and that the revolutionists were now fully installed. He asks whether he can recognize the new Government, and states that everything is tranquil.

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*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,

*Washington, September 4, 1891.*

Mr. Wharton acknowledges receipt of Mr. Egan's telegram of the 1st instant, announcing the installation of the congressional party and the resignation of Balmaceda, and instructs Mr. Egan to recognize the Government and open communication with its head, if one has been formed by the congressional party which is accepted by the people.

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*Mr. Wharton to Mr. Egan.*

<sup>a</sup> [Telegram.]

DEPARTMENT OF STATE,

*Washington, September 7, 1891.*

Mr. Wharton asks whether Mr. Egan has received his telegram of the 4th instant, and directs him to telegraph his answer.

*Mr. Egan to Mr. Wharton.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, September 7, 1891.*

Mr. Egan states that he is in cordial communication with the Provisional Government, established on the 4th instant, with Jorge Montt as President, and that the Government is universally accepted by the people.

*Mr. Egan to Mr. Blaine.*

No. 197]

LEGATION OF THE UNITED STATES,  
*Santiago, September 7, 1891.* (Received November 13.)

SIR: On 1st instant, as soon after the fall of the Government of President Balmaceda as the telegraphs began to operate, I forwarded telegram, conveying information of the situation. I received on 3d instant the telegram dispatched by you on the 29th instant.

After the battle of Placillas, referred to in my last dispatch, such members of the Junta de Gobierno as had accompanied the expedition from the north, together with the leaders of the army and about 5,000 of the northern troops, came to Santiago.

On 4th instant the Provisional Government forwarded to this legation by note from Don Isidoro Errazuriz, secretary of foreign relations, a communication informing me of its constitution and location in the capital of the Republic, of which I inclose translation (marked No. 1).

On the 5th instant I received your telegram of the 4th, instructing me that if a government had been formed by the congressional party which was accepted by the people to recognize it and open communication with its head.

Such a government having been formed, and it being undoubtedly accepted by the majority of the people, I lost no time in addressing to Señor Errazuriz, in reply to his communication, a letter of recognition, of which I beg to send copy (marked No. 2), and to-day I have forwarded telegram informing you of this fact.

My relations with all of the members of the new Government are entirely cordial.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 197—Translation.]

*Señor Errazuriz to Mr. Egan.*

MINISTRY OF FOREIGN AFFAIRS,  
*Santiago, September 4, 1891.*

SIR: I have the honor to inform your excellency that, the entire country being now under control of the legal authority, the honorable Government Assembly, over which presides the Hon. Jorge Montt have now fixed their residence in the capital of the Republic.

Therefore this department takes pleasure in informing your excellency that the Provisional Government will continue to be presided over by captain of the national navy, Hon. Jorge Montt; vice-president of the Senate, Hon. Waldo Silva; and president of the House of Representatives, Hon. Ramon Barros Luco; and the honorable gentlemen Manuel J. Irarrazabal, Joaquin Walker Martinez, Col. Adolfo Holley will discharge the duties of secretaries of the departments of the interior and public works, finance, war and marine, respectively; the undersigned being in

charge of the departments of foreign affairs, worship, justice, and public instruction.

In informing your excellency of the reëstablishment of the legal powers of the Republic, I have the honor to manifest to you in the name of the honorable Assembly that it will be their constant aim to cultivate with you the frankest relations that the Chilean nation is called upon to maintain towards the Government of the United States of America, assuring your excellency for my part it will be an honor to faithfully interpret the sincere wishes and good feeling of the Provisional Government of the Republic toward the worthy Government which your excellency represents.

With sentiments of deepest consideration, I have the honor to subscribe myself,

Your obedient servant,

ISIDORO ERRAZURIZ.

[Inclosure 2 in No. 197.]

*Mr. Egan to Señor Errazuriz.*

LEGATION OF THE UNITED STATES,  
*Santiago, September 5, 1891.*

SIR: I have the honor to acknowledge the receipt of the attentive note of your excellency of yesterday's date, informing me that the entire country being now under the legal regimen of the Exma. Junta de Gobierno, under the presidency of Hon. Jorge Montt, has fixed its residence in the capital of the Republic; that in consequence the Provisional Government of the country will continue to be presided over by a Junta de Gobierno composed of captain of the national marine, Hon. Jorge Montt; the vice-president of the Senate, Hon. Waldo Silva; the president of the Chamber of Deputies, Hon. Ramón Barros Luco; of Hon. Manuel J. Irarrázabal, Hon. Joaquín Walker Martínez, and Col. Adolfo Holley, who discharge the duties of secretaries of the departments of interior and public works, treasury, and war and marine, respectively; and of your excellency in charge of the departments of foreign relations and public worship, and justice and public instruction.

In conveying to the honorable Junta of the Provisional Government the cordial recognition of the Government of the United States, which I am duly authorized to do, I beg to convey to your excellency my sincere congratulations upon the reëstablishment of the internal peace of the country, and to ardently reciprocate the desire which your excellency expresses for the maintenance of the kindest relations between our respective nations. To me it will be always most grateful to aid in every way to cultivate those kindly feelings and to use my best endeavors to draw more closely together in the bonds of mutual respect and friendship the sister Republics of Chile and the United States.

Availing of this occasion to convey the assurance of my distinguished consideration,

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 198.]

LEGATION OF THE UNITED STATES,  
*Santiago, September 7, 1891. (Received November 13.)*

SIR: After the battle of Placillas a number of the Government supporters, including Don Claudio Vicuña, Don Domingo Godoy, Don Julio Bañados Espiñosa, Admiral Viel, and a number of others, in order to save their lives, which certainly would have been sacrificed, took refuge on board the German and United States ships of war. The French ships, on account of lying far out in the bay did not receive any, and the English ships refused to take on board some of the refugees who went alongside. There has been much agitation on the part of the new authorities respecting those refugees, and I have been approached, informally, to find whether those on the *Baltimore* and *San Francisco* would be delivered up to the authorities, on guaranties being given that their lives would be secure, to which I replied, also informally, that the Government of the United States has never consented, and can not consent, to surrender from on board one of its ships a refugee charged only with a political offense. The German minister, Baron

von Gutschmid, on the other hand, intimated his willingness to consent to the surrender of those on board the German ships, getting guarantees for the safety of their lives; but the German admiral has refused, on any condition, to surrender them, and I learn that the German Government has fully approved his action in the matter. The *Baltimore* sailed on the 4th instant for Mollendo, in Peru, to land there all of those who took refuge on her and on the *San Francisco*, and the German admiral will send all of those on board of his ships to the same port.

From Don Domingo Godoy and Don Julio Bañados Espiñosa, both ex-ministers of state, who went away on the *Baltimore*, I have received letters requesting me on behalf of all of the refugees on board to convey to the Government of the United States, to Rear-Admiral Brown, and to the officers of the *San Francisco* and *Baltimore* their eternal gratitude for the noble, generous, and fraternal hospitality extended to them during their stay on board of those ships. Don Julio Bañados Espiñosa writes:

The life which I preserve for my children and for my country I owe to the chiefs of the North American squadron. Through you, as representative of that Republic, the most free, the most humanitarian, the greatest on earth, I give thanks from the bottom of my grateful heart. During life I shall bear testimony that I owe my salvation to the Navy of the United States, a navy which reflects in its brilliant sword the glories of heroism and the virtue of generosity which characterize valor and nobility.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 199.]

LEGATION OF THE UNITED STATES,  
*Santiago, September 10, 1891. (Received November 13.)*

SIR: Since the access to power of the new Government there has been considerable discussion as to whether it should recognize liability for the three issues of paper money made by the late Government, amounting in all to about twenty millions of pesos, the first twelve millions of which was issued at the special solicitation of the leading banks of the country.

Finally, it has been decided by the Provisional Government to recognize those issues, and this wise step will do much to restore commercial stability and public confidence.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 201.]

LEGATION OF THE UNITED STATES,  
*Santiago, September 16, 1891. (Received November 13.)*

SIR: I have the honor to report that to-day I received a note from the Provisional Government informing me that Señor Don Agustin Edwards had been appointed and had entered upon the duties of minister of industry and public works, and Don Manuel A. Matta of minister of foreign relations, public worship, and colonization.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 202.]

LEGATION OF THE UNITED STATES,  
*Santiago, September 16, 1891.* (Received November 13.)

SIR: I have the honor to state that a decree has been issued by the Provisional Government ordering an election of members of the Senate and House of Deputies and of Presidential electors, to take place on the 18th October next, and it has fixed the 26th of December next as the date of inauguration of the President who shall be elected.

Up to the present there is absolutely no certainty as to who will be chosen for the Presidency, but from the most reliable information I can gather I am led to believe that the Conservative or Clerical party, although now feeling quite confident of a majority in the Chamber of Deputies, will not be able to elect more than about thirty out of ninety-four members, and that in the Senate of forty-one members they will not have over six adherents.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 203.]

LEGATION OF THE UNITED STATES,  
*Santiago, September 17, 1891.* (Received November 13.)

SIR: Since the unfortunate incident of the *Itata* the young and unthinking element of those who were then in opposition to the Government have had a bitter feeling against the United States, and the English element, as has always been their custom in this country, do all in their power, from motives of self-interest, to promote and foster this feeling. The more reasonable men of the party in power, on the other hand, admit that a mistake was made on the part of some of those who, on their behalf, were responsible for that transaction, and that the United States could not consistently have taken any other course than the one she adopted. Mr. Isidoro Errazuriz, when acting as minister of foreign relations two weeks ago, so stated to me without reservation.

The hostile element, however, has let no opportunity pass of misrepresenting and vilifying everything pertaining to the United States. In a series of articles recently published by Señor Don Ismael Valdés Vergara, who acted as secretary of the army of the north, and which will in the future be accepted as a reliable history of the struggle, he states that on the day of the landing of the northern army at Quintero, the 20th of August, the *San Francisco* went to that bay and from there carried back most important information to the Government authorities at Valparaíso.

Rear-Admiral Brown addressed to me a letter, of which I inclose copy in print (inclosure No. 1), conveying his distinct denial of the odious charges.

In order to counteract the slanders, I gave Admiral Brown's letter to the press, and I considered it my duty to bring the matter to the notice of the minister of foreign relations, which I did in a letter, copy of which I inclose (marked No. 2). I considered it well to take this step in order to put properly on record the denial of Admiral Brown.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 203.]

*Rear-Admiral Brown to Mr. Egan.*

## OFFICIAL DENIAL OF A GRAVE RUMOR.

Referring to the unfounded rumors which gained currency in regard to the visit of the United States cruiser *San Francisco* to Quinteros on the 20th ultimo, Admiral Brown, of the U. S. Navy, has addressed the following letter to the United States minister in Santiago, Mr. Patrick Egan:

U. S. FLAGSHIP *SAN FRANCISCO*,  
*Valparaiso, Chile, September 8, 1891.*

MY DEAR MR. EGAN: I am in receipt of your note of yesterday in regard to the slanderous articles which have appeared in several of the newspapers relative to my going in this ship to the vicinity of Quinteros on the afternoon of the 20th ultimo. I have to say that under ordinary circumstances I would consider it beneath my dignity as an officer of the U. S. Navy to notice, even in this unofficial way, such charges as are made. However, I will give you in a brief way a circumstantial statement of the events of that day. As was my usual custom, I went on shore in citizen's dress for a walk at about 9:30 a. m., and meeting a Government officer who spoke English I asked him if there was any news. He replied at once, "Yes, the opposition have made a landing at Quinteros."

In order to verify this statement or disprove it, I went at once to the office of Admiral Viel, and he gave the particulars of the landing. He said that at early daylight the report reached him, by telephone from the Valparaiso light-house, that a large number of ships were entering Quinteros Bay, and at 7 a. m. he received a telegram from Quinteros reporting that the opposition were there and were making a landing. This telegram gave the names of the men-of-war and stated that there were five transports and three or four small steamers in the expedition. This was not held as a secret, for everyone on the streets of Valparaiso knew of it as soon as I. Admiral Viel told me that the advance of the opposition would be contested by a large force of the Government troops and that the battle would be fought near Quinteros. I came afloat and informed the German Admiral, Valois, and the senior British officer, Capt. St. Clair, of my intention of going to Quinteros, and at the same time I would take an officer from their ships if they desired to send one. I reached Quinteros Bay at about 2:30 p. m., and seeing no evidences of a battle came back to this port, where we anchored at about 5 p. m. I sent an officer on shore with a cablegram, which he had to take to the intendencia to be approved.

My message to the Secretary of the Navy was in code, so no one knew of its purport. The officer who went on shore told me that everyone knew that the opposition had reached the Aconcagua River. In fact, he obtained more information than I had. All I knew was that a landing had been made and that no fighting had taken place within sight of the ships. No information was given by me of what I had observed, and the crew of the boat which went on shore were cautioned not to answer any questions. On the afternoon of the 29th ultimo I called, in uniform, on Admiral Montt and Col. Holley and renewed an acquaintance with them which had been made at Iquique. I was cordially received by both of the gentlemen. At that time I explained to Señor Montt all the facts connected with my visit to Quinteros.

I heard that it was said that a Chilean official went with me to Quinteros. To this I say officially that no one except the German officer, other than those belonging to my ship, were on board at that time.

Yours, very truly,

GEORGE BROWN,  
*Rear-Admiral, U. S. Navy.*

[Inclosure 2 in No. 203.]

*Mr. Egan to Señor Matta.*

LEGATION OF THE UNITED STATES,  
*Santiago, September 17, 1891.*

SIR: In view of the scandalous charges that have been publicly directed against Rear-Admiral Brown, of the U. S. Navy, over the signature of Señor Don Ismael Valdés Vergara, in a series of articles entitled "Relación sumaria de la última campaña del Ejército Constitucional, escrito por un testigo i actor," to the effect that Admiral Brown, on the date of the landing of the army of the north at Quinteros,

the 20th August, went to that port in the U. S. cruiser *San Francisco* for the purpose of making observations, or, in other words, spying, in order to communicate information to the Government authorities in Valparaiso, I beg to inclose for the information of your excellency three copies in print of the translation of a letter addressed to me by Rear-Admiral Brown, in which he states exactly what he did on that day and conveys his denial of the odious charges made against him.

In addition to Admiral Brown's statement, I may say that I am in possession of evidence that the information which Señor Valdés Vergara charges the *San Francisco* with conveying to the Valparaiso authorities at 5 o'clock on the evening of 20th August was actually in their possession in the early morning, and was by them transmitted to Concepcion, in the south, and Coquimbo, in the north, before 10 o'clock a. m. of the same day.

It is to be regretted that charges of this nature, calculated to weaken the cordial feelings of friendship which should unite our peoples, should be so recklessly made, and I feel it a duty to the honor of the U. S. Navy and to the dignity of our flag to place on record, through the medium of your excellency's ministry, this clear and distinct denial of Admiral Brown.

With the assurance of my distinguished consideration and esteem, I have the honor to remain,

Your excellency's obedient servant,

PATRICK EGAN.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, September 21, 1891.*

Ex-President Balmaceda committed suicide in Argentine legation here 19th. Everything tranquil.

EGAN.

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*Mr. Egan to Mr. Wharton.*

No. 204.]

LEGATION OF THE UNITED STATES,  
*Santiago, September 21, 1891.* (Received November 13.)

SIR: As stated in my telegram of this date, ex-President Balmaceda, who had taken refuge on the night of August 28 in the Argentine legation, committed suicide there on the morning of 19th instant under very sad circumstances.

I send inclosed a printed translation of a letter which he left for Señor Uriburu, the Argentine minister, in which he fully explained his reasons for the terrible deed which he was about to commit.

I have, etc.,

PATRICK EGAN.

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[Inclosure in No. 204.—Translation.]

*Ex-President Balmaceda's last letter.*

*SANTIAGO, September 19, 1891.*

Sr. DON JOSÉ DE URIBURU.

MY BELOVED FRIEND: In reference to the matter which we recently discussed, I have decided to put an end to the tragical situation in which I find myself placed.

I do not feel qualified in further prolonging my stay in the generous asylum you have afforded me, which act on your part I recommend to my friends as the greatest service I have received during the whole of my life.

The bitter enmity of my adversaries, should they discover my place of retreat, is capable of being carried to such extremes that, to avoid it, I have determined to impose upon myself the greatest sacrifice of which a man of honor is capable.

I must beg you to understand that I have thrown aside all idea of attempting a vulgar escape, for the dual reason that, in my estimation, such conduct would be undignified in a man who has ruled the destinies of Chile and that it would imply some justification of the victorious revolution.

For these reasons, I should have spontaneously decided to place myself at the disposition of the Governmental Junta, intrusting myself to the protection of the constitution and the law.

But the chiefs and officers of the army, the senators and deputies, the municipal and judicial authorities, and all the public officials are accused and prosecuted, imprisoned, or fugitives, and unhappy I alone am left to submit our cause to a court composed of special judges, who are partisans of the revolution, to answer with our persons and belongings for all the actions of the Government. I have lost all hope that a Government that is arbitrary in form will work with justice.

Considering the spirit and tendency of the revolutionary government, I feel unable to prolong my stay in the refuge for which I am indebted to you, the which debt I can never repay. God grant that my sacrifice may relieve my friends from the persecutions which have caused me such deep pain and sorrow.

The mantle of pity has been thrown over the man whose fate it has been to fall into misfortunes. May blessings attend you and your saintly wife, and I hope that my children will ever add their blessings to mine.

Entreat Arrieta and those of my family circle to see the works of mercy are carried out without ceremony or useless display.

I pray that you, your wife, and my sons may ever enjoy every happiness.

Yours,

J. M. BALMACEDA.

P. S.—I count in any case on your discharging the trust committed to your care last night, which concerns the persons of whom you are aware. Farewell.

The authenticity of this letter is attested by the following gentlemen: José E. Uriburu, J. Arrieta, Baron Gutschmidt, Enrique de Barros Cavalcanti de la Cerda, José M. Barcelo, Carlos Lira, Melchior Concha i Toro, J. Joachin Aguirre, C. Walker Martinez.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, September 24, 1891.* (Received September 25.)

Mr. Egan states that all officials of the late Government (including the ministers, senators, members of Congress, and judges) would be prosecuted criminally. This had been resolved by the Government. Seven ministers and twelve other refugees are in the legation. Intimation has been given Mr. Egan that he was expected to terminate the asylum and send the refugees out to be prosecuted. To do so would be to sacrifice their lives, and Mr. Egan has taken stand that he will permit them to go out of legation only under proper safe-conduct to neutral territory. On account of *Itata* and other questions bitter feeling is being fomented by Government supporters against Americans. Secret police surround the legation with orders to arrest strangers visiting it. Two of Mr. Egan's servants had been arrested and were now in prison. Against this disrespect to the legation Mr. Egan addressed a firm protest to the minister for foreign affairs.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, September 25, 1891.* (Received September 26.)

Mr. Egan states that no reply had yet been received to his protest. During the last two days twenty persons, some of whom were Americans, had been arrested for entering the legation, and others had been



prevented from entering by warning of the police. All this is intended to force him to drive out refugees, which, he states, he will not do without instructions. He has addressed a second note to the minister for foreign affairs requesting [an explanation of] such very extraordinary, unjustifiable, and offensive conduct, which is strongly condemned by a large majority of the serious public men.

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*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, September 26, 1891.*

Mr. Wharton instructs Mr. Egan, by direction of the President, to insist firmly that the respect and inviolability due to the minister of the United States and to the legation buildings, including free access, shall be given and observed, fully and promptly, by the Chilean authorities. The Government of the United States is prepared to consider in a friendly spirit the question as to whether asylum has under the circumstances been properly given to the persons now at the legation when the facts are more fully before it; but it can not allow to pass without a firm protest the evidence of disrespect towards its minister which Mr. Egan reported. It is expected that this protest will be followed by prompt action on the part of the authorities of Chile. The Department expects to be fully advised of the progress of events.

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*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, September 26, 1891.*

Mr. Egan is instructed to report to the Department the names of the refugees in his legation and the offices they have filled, the crimes they are accused of, and whether process from any regular tribunal has issued against them. He is also directed to report the conduct of the ministers of other countries, whether persons have taken refuge in their legations, and, if so, the action of the Chilean Government respecting them; and to promptly and fully inform the Department of all facts.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, September 27, 1891. (Received September 28.)*

Mr. Egan acknowledges the receipt of two telegrams from the Department, and states that since yesterday no more arrests have been made, but the espionage by the police was still kept up. In the matter of

asylum, Mr. Egan says he has acted strictly in the spirit of the Department's instructions in the Barrundia affair. Three notes have been received from the minister for foreign affairs, in which he charges that the refugees had abused the right of asylum, and for this reason defends action towards legation. Mr. Egan has informed minister that the charge is absolutely and entirely unfounded, and has asked for safe-conduct for refugees. Similar requests had been made by him two weeks previous informally, but orders were given that all persons leaving the legation should be arrested, and many persons were thus obliged to procure passports to visit the legation. The names of the refugees and the offenses charged (none of them being charged with common crimes), are as follows: Gana, responsibility as the commander-in-chief of the army and as minister and senator; Ibañez, MacKenna, Cruzat, Valdes Carrera, MacKenna, as ministers and senators; Ricardo Vicuña and Ovalle, senators; Cotapos, member of Congress; Camus and Pintoagüero, officers of the army; two sons of Cotapos and Pintoagüero, no office. Spanish minister has asked for safe-conduct for five persons in his legation. Safe-conduct was immediately granted to two officers of the army who entered English legation. Refugees are also in German and other legations. Process commenced after asylum was granted, and minister of foreign affairs fully recognized the correctness of Mr. Egan's action. The rights and dignity of the legation, Mr. Egan says, he shall firmly maintain.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, September 28, 1891.* (Received September 29.)

Mr. Egan states that he has not yet received a reply to his note of the preceding Saturday denying charge of conspiring made against the refugees, and requesting safe-conduct, and that there were no new developments.

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*Mr. Egan to Mr. Blaine.*

No. 205.]

LEGATION OF THE UNITED STATES,  
*Santiago, September 29, 1891.* (Received November 13.)

SIR: As stated in my dispatch No. 195, of 31st of August, when it became known that the forces of President Balmaceda had been routed at Placillas, and his Government overthrown, all of the prominent supporters of his administration, including ministers of state, senators, deputies, judges, army officers, and others, were obliged, in order to save their lives from the fury and vengeance of the successful party, to seek asylum in the legations and other places of safety.

Of about eighty who then sought shelter in this legation nineteen remained until last week, which number has since been reduced to fifteen.

As soon as the Provisional Government was organized I made overtures, informally, through Don Eduardo Matte, a very prominent leader of the Liberal party; and through Don Agustin Edwards, minister of industry and public works in the present cabinet, both of

whom had themselves been refugees in this legation during the last administration, to obtain safe-conducts for all of the persons to leave the country. After some negotiations I learned that on account of the political situation and the bitter personal hatred against many of those in the legation, as also on account of the determined opposition of one or two members of the Junta de Gobierno, it would not at present be possible to secure passports, but I was assured that after a very short time the matter could be arranged in a friendly manner.

In this way matters stood up to the 22d instant, when the intendente or governor of the province called upon me and in a personal and friendly way told me that there was some excitement in Government circles in regard to the refugees in my legation, as it was said they were engaged in some kind of conspiracy against the present Government, which report he said he did not believe for a moment; in fact, that he had laughed at it, but that, as a matter of precaution, I ought to intimate to the persons in the legation not to permit so many visitors to call upon them. This I assured him I would do, and I did immediately do so, and from thence onward the refugees took occasion to request the members of their families and some immediate friends who had been calling upon them to discontinue their visits.

Next day, however, I found that the legation was surrounded by police agents; all persons who attempted to come in or go out were arrested and conducted to the intendencia, or to the police headquarters, at San Pablo, and two of my men servants, having in their possession cards certifying that they were servants of the legation, were arrested and detained in prison. I went in person to the minister of foreign relations and, in the absence of the minister, complained to the sub-secretary, who promised to bring the matter to the attention of the minister at the earliest moment possible.

As the arrests continued during the day, I addressed a note to the minister, of which I inclose copy (marked No. 1), protesting firmly against the continuance of this condition of things and expressing the confidence that the honorable minister would at once make the necessary order for its discontinuance. This note was delivered at the ministerio early on the morning of the 24th instant. Notwithstanding this, the same course was pursued during the day. I then dispatched a telegram giving the Department information on the situation.

Still believing that this course of action might be the result of excess of zeal on the part of some minor official, I, on the morning of the 25th instant, conferred with some close friends of the Junta de Gobierno, who said they would at once make strong representations to the Government and have this condition of things discontinued. Still the arrests went on throughout the day without any discrimination; and the police agents even went so far as to warn persons outside of the legation that if they entered they would be arrested on going out. At 5 o'clock in the evening, not having yet received any reply to my note delivered on the morning before, I addressed a second note to the minister of foreign relations, as per copy marked No. 2, giving a list of some twenty persons arrested during the two days, including one American citizen and two ladies, solely because they had gone out from the legation, requesting that this course be discontinued, and stating that I was awaiting instructions from my Government.

On the same evening I sent to you a second telegram.

On the morning of the 26th instant I addressed a third note to the minister, conveying, without comment, a complaint in writing from Mr. W. E. Raycraft, a United States citizen, that he had on the previous

day been arrested and taken to the police headquarters solely because he called at the legation for his correspondence. I inclose copy of this note with copy of Mr. Raycraft's letter attached (marked No. 3).

From the morning of 26th instant, owing no doubt to the receipt of my communication of 25th instant, the arrests have been discontinued, and there is now no inconvenience inflicted on the legation beyond the fact that the house is still watched by the police agents.

In the course of the day of 26th instant I received from the minister three notes, of which I inclose translations (marked 4, 5, and 6). In all of those notes the minister of foreign relations maintains the right of the local authorities, supported by the national authority, to continue to act in the same manner in which they had been acting, and he attempts to justify the course adopted by charging that the refugees had abused the right of asylum by conspiring, or appearing to conspire, against the present order of things, and by having made the legation a focus for such conspiracy; and in regard to the arrest of the United States citizen, Mr. Raycraft, he says he "did not consider this fact deserving of comment or discussion, and that it was only a necessary consequence of the anomaly of the presence and of the notorious conduct of those who were abusing the diplomatic asylum."

I may here state that these charges, or rather suspicions, of conspiracy against the refugees are not only unfounded, but, in view of the total defeat of the army of President Balmaceda, the demoralization and dispersion of his following, military and civil, and the suicide of the ex-President himself, they might well be considered ridiculous.

I fully replied to those communications in two notes of same date, copies of which I inclose (marked 7 and 8), in which I denied that there could be any grounds for the charge or suspicion of conspiracy, giving my reasons for such denial, and soliciting for all of the refugees safe-conducts to leave the country, which request I had already made informally. I also protested against the continuance of a course of action that would make the house of this legation appear as in a state of siege, or that would inflict petty annoyances from day to day upon the visitors or upon those to whom it had, as the minister was good enough to admit, legitimately extended asylum.

On the next day, the 27th, I had the honor to receive your telegram, conveying, in the name of the President, instructions which I am gratified to observe correspond with the course I had followed. I also received a second telegram, asking for the names of the refugees in the legation, together with particulars of the crimes with which they are charged, the offices they held, and other information, to which I replied same day by telegram, giving the list, from which I find I omitted the name of Señor Casanova, ex-subsecretary of marine.

As stated in my telegram of 24th instant, the Provisional Government has determined to prosecute criminally all of the ministers, senators, deputies, judges, municipal authorities, and other civil officers, and all of the army officers of the late Government from the grade of captain upward, on the ground that since 1st January last they had been acting in violation of the constitution of the country. Under this decision, if fully carried out, although I do not believe it can or will be, there would be nearly ten thousand prosecutions, and already there are a large number in prison on such charges in various parts of the country.

The persons in this legation would fall under these prosecutions, and at least one of them, Gen. Gana, because, as commander-in-chief of the army, he approved the sentence of death on four young men who de-

sented from Valparaiso, taking with them a Government torpedo launch; upon two sergeants charged with treason, and upon a gentleman of good position in Valparaiso, charged with having made arrangements to blow up with dynamite some of the ships of the Government, would almost certainly be condemned to death and shot. Owing to the state of public excitement, the lives of some of the others would also be in danger.

Informal intimations were conveyed to me that in order to avoid complications and personal unpopularity and inconvenience, I ought to take some steps to procure that the refugees should leave the legation and seek concealment in other places, but I have taken the position that they entered into the legation legitimately, as has been admitted by the minister of foreign relations, and that whatever may be the inconvenience to me personally I will not, either directly or indirectly, adopt towards them any course not in accordance with the principles of hospitality and humanity which should characterize a legation of the United States.

The course pursued during the three days named, 23d, 24th, and 25th instant, was dictated, not perhaps by the members of the Government, but by some minor officials, with the expectation, as I am convinced, that a state of things would be created around the legation so intolerable that it would either force me to send out the refugees, or force them, out of consideration for the legation and for me personally, to leave of their own accord.

In the first days after the fall of the Government the Spanish legation had about the same number of refugees that were in this legation—about eighty—of whom only five still remain.

During the 23d, 24th, and 25th instant some arrests were made of persons who had come out of the Spanish legation, but, as a new Spanish minister had only just arrived in the country and had not yet been officially received, no steps were taken to protest against this action.

The Argentine legation had received ex-President Balmaceda as a refugee, and after his suicide, reported in a previous dispatch, the press bore willing testimony to the humane conduct of the Argentine minister for having granted the asylum.

The Brazilian legation had several refugees, some of whom were liberated under bonds, and the others, for whom the Government refused safe-conduct, sought concealment elsewhere, as did also some refugees who were in the French legation. The German minister has one refugee only, General Velasquez, ex-minister of war, who, encouraged by the German minister, proposes to deliver himself to the authorities as soon as he recovers from the effects of an accident from which he is suffering.

The English legation refused to take any refugees, but one or two army officers who escaped from a neighboring house that was being searched did get in there across the roof, and for those the Government did not hesitate to grant safe-conducts.

I am now awaiting reply from the minister of foreign relations to my notes of the 26th instant.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 205].

*Mr. Egan to Señor Matta.*

LEGATION OF THE UNITED STATES,  
*Santiago, September 23, 1891.*

SIR: It is my duty to say to your excellency that a course of action is being pursued towards this legation which is not acceptable, and I feel bound to convey to your excellency's Government my protest against its continuance.

The legation is constantly surrounded by secret police, without any justifiable reason whatever. Persons are arrested and sent to prison solely because they are seen entering and leaving the legation, and some of my employés and servants are now in prison.

I feel sure that I have but to bring to the knowledge of your excellency those proceedings, which are certainly not in accordance with the respect which this legation has a right to expect, and that your excellency will give the necessary order for its immediate discontinuance.

With sentiments, etc.,

PATRICK EGAN.

[Inclosure 2 in No. 205.]

*Mr. Egan to Señor Matta.*

LEGATION OF THE UNITED STATES,  
*Santiago, September 25, 1891.*

SIR: Yesterday morning I had the honor to bring to the knowledge of your excellency the proceedings that are being adopted towards the persons visiting at this legation, and towards my servants and others in my employment, and I at same time expressed the confidence that your excellency would give immediate orders for the discontinuance of such offensive measures.

As I have not up to the present received from your excellency any reply to my note, relating to a course of action so extraordinary and incredible that I do not know of any similar instance having occurred in any other part of the world towards the legation of a friendly power, and as many of the persons arrested are still in prison and my household deprived of the necessary servants, I feel it my duty to again call the attention of your excellency to the grave situation which has been created, and to request that it may be discontinued. I append, for the information of your excellency, a list of some of those who have, during the past two days, been taken to prison solely for having been seen entering this legation, and in this moment (4 o'clock) a French clergyman, Rev. Alengry Denis, has been formally warned by three police agents, stationed on the street near my house, not to enter the legation under penalty of arrest. I beg to state to your excellency that I have fully informed my Government of these facts, and that I shall proceed in accordance with such instructions as it may communicate to me in the premises.

With the assurances, etc.,

PATRICK EGAN.

List referred to in preceding letter of persons arrested during the past two days solely for having entered this legation:

Señor Luis Urzua, Señor Santiago Toro Herrera, Señor Eleodoro Valdez Carrera, Dr. Ramon Perez Font, Señor Ramon Aliago Olivares, Mr. Julian O'S. Madan (United States citizen), Señor José Francisco Molina, Señor Luis Benzi, Señor Hamilton Vickers, Señor Clemente Conales, Señor Alejandro Murello, Señor Humberto Fernandez G., Señor Francisco Toro G. (mayordomo), two servants of the legation, a telephone operator who visited legation to repair telephone instrument, Señor Irene de Terrette (who was liberated by the Italian minister), Señora Luisa Herrera de Valdivieso and other ladies were threatened with imprisonment if they should enter the legation. Señora Doña Francisco Toro G. was also brought to prison.

[Inclosure 3 in No. 205.]

*Mr. Egan to Señor Matta.*LEGATION OF THE UNITED STATES,  
*Santiago, September 26, 1891.*

SIR: I have the honor to refer to my note of yesterday's date addressed to your excellency, and now beg to inclose copy of a letter which I have just received from a citizen of the United States, Mr. W. E. Raycraft, giving particulars of the manner in which he was treated by the police, when on yesterday he attempted to enter this legation to inquire for his correspondence.

With sentiments, etc.,

PATRICK EGAN.

[Inclosure.]

*Mr. Raycraft to Mr. Egan.**SANTIAGO, September 25, 1891.*

ESTEEMED SIR: The object of this letter is to inform you of what occurred to me immediately after leaving the legation this morning, where I had called to see if any correspondence had arrived for me from the north.

On nearing the first street corner I was approached by two persons who I soon comprehended were no less than Government secret police; they requested me to accompany them to the Cuartel de San Pablo police headquarters. I asked them for what reasons and they informed me that they had orders to apprehend all persons visiting the American legation. After receiving this information I decided it would be better to go with them without making any resistance, thinking that would be the better and quicker way to find out for what reason they had arrested me, and my anxiety to return to my house with medicines for my child, who has been seriously ill for the last few days, urged me as well to lose no time in discovering for what reasons I had been deprived of my liberty; also feeling confident there could be no grounds for detaining me under any charge whatever, I quietly submitted to accompany them.

On our way to the Cuartel one of the detectives asked me if I knew any of Balma-ceda's family or any of his officers. My reply was that I did not.

After arriving at the Cuartel I was conducted into a waiting room, where I remained about thirty minutes, and then was requested to pass into an adjoining room, where I was questioned by a person dressed in citizen's clothes. He first asked me what my business was at the American legation. My reply was that I went to get my mail. Then he asked me what my business or profession was. I answered that I was a railroad contractor. The third and last question was, where I lived, and I also gave him my address; after this I was told that I was at liberty to retire.

I communicate to you, Mr. Egan, the above facts in order that you may demand an explanation from the Chilean Government for this most singular and outrageous treatment to peaceful American citizens.

I remain, etc.,

W. E. RAYCRAFT.

[Inclosure 4 in No. 205.—Translation.]

*Señor Matta to Mr. Egan.*

No. 304]

MINISTRY OF FOREIGN AFFAIRS,  
*Santiago, September 26, 1891.*

SIR: This department is in receipt of your excellency's official communication of the 23d instant, in which complaint is made of certain acts of the police, referring to persons leaving or entering the United States legation, acts which have been carried so far as to arrest these persons—your excellency protesting against the continuation of such action.

Up to the moment in which I received the communication of your excellency, no notices have been received here that any of the employes and servants of the legation have been arrested, or are retained in prison, notwithstanding that this department has been informed of measures that have been taken with the object to prevent the refugees in said legation abusing the legitimate protection given them, by converting their asylum into a center for concentration and dissension which perhaps

your excellency is not aware of, of intriguing against the actual state of affairs established by public opinion, armed, triumphant, and victorious, after prolonged efforts and sacrifices.

The asylum that emanates from the principles of extraterritoriality inherent to the person, the residence, and the vehicles of his excellency the minister does not extend, neither can extend, to the streets, where to enter in or come out of the legation, persons pass who may carry and deliver, according to data appearing trustworthy, letters, signs, words, or by other means, between some of the refugees anxious to conspire and persons that may help them.

This department must believe that your excellency is not aware of this, nor suspects it occurs, and for this reason your excellency has been much surprised at the action of the police agents, who accomplish not only legitimate, irreproachable acts, but perhaps some that protect our lawful rights and those of the citizens, contributing to elucidate certain events taking place, and unknown by your legation, and of which perhaps its illustrious and intelligent chief may not be aware.

It is not to be supposed, neither is there any fear, that those who did not know how to conquer when having authority, money, and forces, will be able to do so today, nor can they from their asylum here or elsewhere effect anything serious against the order and actual state of affairs; but some of them, and especially many of their agents, boast of having means and resources, being protected by the extraterritorial privileges of the legation, loudly proclaim, in order to bring upon themselves attention at the expense and credit of the legation, and to the advantage of the refugees, believing in this manner they are already constituted into formidable chiefs of party.

It would offend the discretion and delicacy of the envoy extraordinary and minister plenipotentiary of the United States to suppose these acts are known to him, because, knowing them, as they constitute a violation on the part of the refugees of the rules and exigencies most elemental of asylum, he would have admonished and protested to them, and not against the authorities who comply with their duties of office. He would have protested against those who do not comply nor make comply their dependents nor their relatives with their duties of honor, compromising the person that protects them in moments of danger.

For having had to make inquiries and receive information from the local authorities and their agents, I have delayed in answering this, whose contents and object does not prevent the undersigned to express towards Mr. Egan good feelings, personal and official, considerations most characteristic.

Your obedient servant,

M. A. MATTA.

[Inclosure 5 in No. 205.—Translation.]

*Señor Matta to Mr. Egan.*

MINISTRY OF FOREIGN AFFAIRS,  
*Santiago, September 26, 1891.*

SIR: I have just received to-day, 9:30 a. m., the official communication of your excellency of the 25th instant, in which, repeating the observations and protests against the arrests and threats to arrest persons entering the legation or those coming out of it, your excellency makes new remarks and observations that I shall have to take into consideration in this note, which will complete the one I sent before this.

The answer of this department was delayed twenty-four hours, necessary time to receive trustworthy information, and during this time the undersigned returned the ceremonial visit to the envoy extraordinary and minister plenipotentiary, and understood that on the following day, Friday, the 25th instant, would, in his office, treat the pending subject with all the requisite data.

This not having taken place, it appears there has been a delay in replying, which is explained by the above, without further remarks.

Relating to the "extraordinary and incredible" events taking place at the legation, the envoy extraordinary will permit me to excuse discussing the point, because everything done and everything that will be done by the police agents not only exercise the attributes incumbent upon the local authorities, which are better informed and better posted of what takes place inside the legation and its vicinity than appears to be the envoy extraordinary and minister plenipotentiary.

According to the reports of the intendente of Santiago there were no arrests nor threats to arrest any person whatsoever that is not under the immediate jurisdiction of our laws and authorities, and did not give reasons to suspect that they were agents or emissaries of some one of the refugees in the legation, having obtained proofs and seen acts that ratified them, not here necessary for the undersigned to enumerate, for it would be too long and troublesome, and not necessary to prove



that which he repeats, that the authorities comply with their official duties which can not be prescribed, and that the refugees do not comply with their duties of honor. Possessing the willingness and means to impede and chastise all illicit attempts made by the refugees, the local authorities, supported by the nation, will continue in the road they have chosen, respecting all the legal rights of the persons and residence of the envoy extraordinary and minister plenipotentiary, but preventing, frustrating, or chastising agents and agencies that have nothing to do whatever with the legation, but for the abuse they have committed or may commit of the asylum granted them.

Concerning the list of the persons arrested in the last days, I should say to his excellency the minister that it proves that the local authority have indications and motives that, whenever the occasion arrives to demonstrate the presumed facts of the abuses of the asylum in the legation, could be, by due means and form, placed at the knowledge of your excellency and that of your Government.

In reference to the communication of his excellency, envoy extraordinary and minister plenipotentiary to his Government, upon these subjects and the proceedings that may follow, and the new instructions and orders they may give him, those are not matters to give grounds whatsoever for discussion with the undersigned, who believes and hopes, that knowing the facts, such as they are, they will be judged in the same light and by the same criterion that he himself judges them.

Assuring respect to the privilege of the legations does not diminish, neither can diminish the attributes and rights of the local and national authorities.

Repeating expressions of my personal and official considerations, etc.

M. A. MATTA.

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[Inclosure 6 in No. 205.—Translation.]

*Señor Matta to Mr. Egan.*

MINISTRY OF FOREIGN AFFAIRS,  
Santiago, September 26, 1891.

SIR: Having received in this department a new communication from your excellency with inclosed exposition of Mr. W. E. Raycraft, citizen of North America, sent to that legation, concerning the arrest and examination of which he was the object after leaving the legation on the morning of the 25th instant, the undersigned does not consider this act, placed at the knowledge of your excellency and of this department, merits comments nor discussion, because it is the expression and consequences of the vehement suspicion, authorized by more than one case, that the refugees in the hospitable and privileged house of your excellency have abused, or do all possible to make it appear that they abuse, the asylum, probably without the knowledge of your excellency, and certainly without respect to the considerations that they owe to your excellency.

This act, as well as others similar to it, are not imputations or reproach upon the local authority that operates within its sphere, but are the forced consequences of the anomaly of the presence and notorious conduct of those that abuse the diplomatic asylum.

This is all in this third note of to-day which I have the honor to express to your excellency, after acknowledging its receipt, repeating my distinguished personal and official considerations.

Your obedient servant,

M. A. MATTA.

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[Inclosure 7 in No. 205.]

*Mr. Egan to Señor Matta.*

LEGATION OF THE UNITED STATES,  
Santiago, September 26, 1891.

SIR: I have the honor to acknowledge receipt of the two notes of your excellency of this date, replying to mine of 23d and 25th instant, in which I related to your excellency the course pursued towards the persons visiting this legation and towards my servants.

Your excellency, after having made the necessary investigation, considers that notwithstanding the respect and consideration due to this legation, the Government of your excellency has the right to use in the public street, and outside the limits of the legation, towards all those who may visit the legation, all the measures which

it esteems necessary to prevent attempts at a conspiracy of which the Government of your excellency has reason to believe there is a probability; at the same time intimating the belief that these attempts at conspiracy must be entirely beyond my knowledge.

I have to thank your excellency for this recognition, because it would indeed be very unlikely that I should tolerate for one moment in this legation any proceedings contrary to the spirit of strict neutrality which, as representative of the United States, it is my duty to observe.

I thank your excellency, also, for the recognition which your excellency concedes to this legation of a principle which forms an integral part of the international practice of my country: to grant asylum to refugees of a political character who seek in her legations or in her ships of war the protection which civilization and humanity counsel.

But your excellency will permit me to suggest that as a result of the great agitation naturally arising out of the contest which has just terminated there must be some error in believing that there could have been in this legation any attempt at conspiracy.

As a close observer of what transpires in my house, I am able to assure your excellency that the only thought of the persons in this legation, from the first moment of their entrance, has been to leave the country at the earliest moment possible, under the guaranties and safe-conducts necessary for that purpose; and as a matter of fact, and as an undeniable proof of this, before formulating the official solicitation which this legation considers it is bound to make in favor of the refugees, now practically in the territory of the United States, they themselves, and I on their behalf, made unofficially, over two weeks ago, a request for a safe-conduct for the same purpose.

This must, without doubt, show to your excellency that there did not and does not exist in the minds of those in this legation any intention to disturb the present order of things, and that if occurrences have taken place to alarm the attention of your excellency's Government they may have had their origin in other causes upon which it is not the province of this legation to enter.

Now that a fitting opportunity presents itself, and in a propitious manner, I trust your excellency will permit me to solicit the respective safe-conducts for all of the refugees in this legation who desire to go out to a foreign country, and to express the hope that this solicitation may encounter from the Government of your excellency the same benevolent acceptance which was accorded in the past months, while the struggle was still undecided, to those on behalf of other refugees in this and other legations.

At the same time, and with reference to my notes of 23d and 25th instant, I trust your excellency will not hesitate in making the necessary order that the visitors at this legation and the personnel of its employés and servants may find undisturbed access to it, and that it may be able to feel itself secure from all unjustifiable vexations.

Assuring your excellency of my most distinguished consideration, etc.,

PATRICK EGAN.

[Inclosure 8 in No. 205.]

*Mr. Egan to Señor Matta.*

LEGATION OF THE UNITED STATES,

*Santiago, September 26, 1891.*

SIR: I have received the note of your excellency of this date, No. 307, in reply to mine of this morning in which I indicated to your excellency the arbitrary arrest of the United States citizen Mr. W. E. Rayercraft.

Your excellency has been good enough to inform me that you "did not consider this fact deserving of comment or discussion, and that it was only a necessary consequence of the anomaly of the presence and of the notorious conduct of those who were abusing the diplomatic asylum."

As I have informed your excellency in my previous communication, and as is shown by the letter of Mr. Rayercraft therein inclosed, this gentleman came to the legation to inquire for his correspondence; and without any other circumstances or offense than that of having gone out from it, he was arrested by the police agents on the public street, conducted to the police station of San Pablo, and after various questions, which revealed no other intention than that of vexation because he had visited this legation, he was dismissed.

Similar occurrences happened to other United States citizens who had come to this legation in reference to their proper business, as, for example, Mr. Julian O. S.

Madan and Mr. Charles Hillman, who, on going out of the legation, were conducted to the intendencia by the police agents as if they had committed some public offense.

Other persons who had business to arrange with the legation, or personal visits to make to me—Don José Francisco Molina, Don Santiago Toro Herrera, Don Ernesto Hubner, and others—found themselves obliged to have themselves accompanied by special police agents in order not to be arrested, or to procure special passports from the intendencia with the sole object of being able to come to the legation under their protection.

I am in a position to inform your excellency that one of my sons read the order given to the police, which he obtained for the purpose from one of the agents, and its terms were to arrest any persons going out of the legation. The same thing was repeated by the police agents to Mr. Raycraft and other gentlemen.

In this way vexations are inflicted upon the legation of a foreign and friendly power in the persons of its visitors, native and foreign, apparently without consideration and certainly without any justifiable reasons whatsoever.

Pending the receipt of instructions from my Government, I consider it my duty to intimate to your excellency that the consideration due to this legation and the respect due to the country which I represent can not be intrusted to the discretion of detectives of an inferior grade, nor can they depend upon the outcome of suspicions and fears that I must consider unfounded and chimerical.

As representative of the United States I can not allow, without serious protest, that the house of this legation should appear as in a state of siege, and that from day to day it shall be subjected to petty annoyance in order to inflict vexation upon those who come into or go out from it, or upon those to whom it has, as your excellency admits, legitimately extended asylum.

Not giving credit to nor considering of importance the capricious rumors that the legation could have been converted into a focus of conspiracy, I feel it my duty to renew to your excellency the desire which I have already expressed, that the course of action of which I have complained may not be repeated.

Begging your excellency to accept, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, September 30, 1891. (Received October 1.)*

Mr. Egan states that in a note sent him the minister for foreign affairs refuses safe-conduct or permission to refugees to leave the country, and maintains the correctness of all that has been done by the authorities. The minister for foreign affairs also repeats the unfounded and absurd charges of the refugees conspiring in the United States legation. Since Saturday the trouble to the legation had ceased, and no more arrests had been made.

*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, October 1, 1891.*

Mr. Egan is informed that the President desires to establish and maintain the most friendly relations with Chile, but the right of asylum having been tacitly, if not expressly, allowed to other foreign legations, and having been exercised by our minister with the old Government in the interest and for the safety of the adherents of the party now in power, the President can not but regard the application of another rule, accompanied by acts of disrespect to our legation, as the manifestation of

a most unfriendly spirit. Mr. Egan is instructed to furnish a copy of this to the minister for foreign affairs and to take the utmost precaution to prevent any abuse of the privilege of asylum by those to whom he has extended it; their intercourse with outside persons, whether by person or by letter, should be under his supervision and limited to the most necessary and innocent matters. The discussion and adjustment of the matter would probably be much facilitated were there an authorized agent of Chile at Washington.

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*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, October 1, 1891.*

Mr. Egan is instructed to inform the Department, by cable, of the essential parts of notes from the foreign office, and to keep it fully advised as to the facts respecting his legation and those of other Governments. He is to report fully by mail (sending copies of all correspondence) all instances of disrespect to the legations and all incidents of arrests of Americans.

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*Mr. Egan to Mr. Wharton.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 3, 1891. (Received October 5.)*

Mr. Egan states that he to-day read to the minister for foreign affairs the Department's telegram of October 1; that the minister replied that his Government fully recognized the views therein expressed, and assured Mr. Egan that there was no intention of disrespect to the legation. The minister claims the right to take measures outside the legation to frustrate conspiracy, or attempts at conspiracy, on the part of the refugees, which he still charges is taking place. He stated that the order to arrest applied only to those against whom there might be legitimate grounds for suspicion, and denied that there could have been any order to arrest all persons visiting legation. The statement of police officers must therefore have been based on misunderstanding. He will investigate this point, and reply in answering Mr. Egan's note of the 1st of October. All correspondence will be forwarded by first mail. Mr. Egan is certain there has not been and will not be any abuse of asylum, and will carry out Department's instructions to prevent any. His desire is to obtain safe-conduct for refugees out of the country.

*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, October 6, 1891.

Mr. Egan is instructed to furnish to the Department full details as to the number of refugees in other legations now and since the overthrow of Balmaceda, the crimes of which the refugees are or were accused, whether any such refugees have been given safe-conducts, and the treatment by the Chilean authorities of the legations offering asylum.

*Mr. Egan to Mr. Blaine.*

No. 208.]

LEGATION OF THE UNITED STATES,  
Santiago, October 6, 1891. (Received November 13.)

SIR: I have the honor to refer to my dispatch of 29th September, No. 205, and now beg to inclose a translation (inclosure No. 1) of the reply, received 30th ultimo, of the minister of foreign relations to my note of the 26th ultimo, from which it will be seen that the minister still maintained the correctness of all that had been done by the local authorities, and attempted to support the charge of conspiracy against the refugees by the citation of proofs which do not bear the test of examination. He also says that his Government has no obligation to grant, and is by no means willing to grant, safe-conducts to enable the refugees to leave the country. I forwarded to you, same evening, a telegram giving the substance of this reply.

On 1st instant I replied to same, exposing the fallacy of the supposed proofs of conspiracy, intimating the desire of my Government that I should firmly insist that the respect and inviolability due to the accredited minister of the United States and to the legation buildings, including free ingress and egress, should be fully and promptly given and observed, again recounting the manner in which the police had acted in arresting all visitors at the legation, including three United States citizens and others who had come on business entirely unconnected with the refugees, and stating that such a course would not alone involve vexations to the legation, but it would make it impossible, if repeated, to maintain the friendly relations which my Government has always cordially desired to preserve with the Government and people of Chile, but which should be reciprocal.

I further renewed my protest against the course of action which the minister had sought to justify, and concluded by expressing my regret that he could not at present find reason for the concession of the safe-conducts as a proof of consideration and amity towards a friendly Government. Please find copy of this note (inclosure No. 2).

I received on 2d instant your telegram of 1st, and on 3d instant your other telegram.

Same day I waited in person upon the minister of foreign relations, and, as instructed, read to him your telegram conveying the expression of the opinion of the President.

As is shown by memorandum of interview which I forward herewith (inclosure No. 3), the minister fully recognized that the asylum had been legitimately extended, disclaimed on the part of the Government any intention to show disrespect to the legation of the United States,

declared that there must have been a misunderstanding with respect to the order to arrest all visitors to the legation, which I had described as a virtual blockade, and he promised to fully investigate and reply to this point in his answer to my note of 1st instant.

Same evening I forwarded telegram conveying foregoing particulars.

The Americans arrested were: Mr. Charles Hillman, a well-known engineer, who on coming to visit the legation on 25th ultimo was conducted by police agents to the intendencia, a governor's office about half a mile away, where, after some questions and explanations, he was liberated; Mr. Julian O. S. Madan, commission merchant, conducted on two different occasions to the intendencia; and Mr. W. E. Raycraft, railway contractor, who was conducted to the police headquarters of San Pablo, over a mile distant, and who, after a series of interrogations, as described in his letter attached to inclosure No. 3 in my No. 205, was set at liberty. Among the other arrests were three persons, natives, who came on business connected with the legation, two doctors that came to attend one of the refugees who was ill, a telephone mechanic who came to arrange the telephone instrument, and four servants of the legation. The last mentioned were retained for three and four days in prison, and the telephone mechanic for twenty-four hours.

The Spanish minister, who is now officially received, has agreed to act entirely in harmony with me in relation to the refugees in his legation.

The facts respecting other legations I have fully reported in my No. 205.

As stated in my dispatch of 3d instant, there has been no inconvenience to the legation since the 26th ultimo.

I am awaiting the reply of the minister of foreign relations to my note of 1st instant.

I have, etc.,

PATRICK EGAN.

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[Inclosure 1 in No. 208.—Translation.]

*Señor Matta to Mr. Egan.*

MINISTRY OF FOREIGN AFFAIRS.

*Santiago, September 29, 1891.*

SIR: This department is in receipt of your excellency's two last communications of the 26th instant, in which, treating of the measures which the lawful authorities have believed right, and which they should take to guard and protect social interests and to make respected all official and lawful rights, your excellency says:

(1) That your excellency returns thanks for the acknowledgment that you are not aware of what is being done or what may be done in violation of the asylum and the acceptance of this in all its meanings.

(2) That in proof of the fact that the refugees have not attempted nor will attempt anything against the actual state of affairs, they are willing to go out of the country providing they can obtain a safe-conduct to do so.

(3) That the disagreeable conduct of the police agents towards persons coming out of the legation constitutes a state of siege that ought not to be further continued.

(4) Your excellency, after citing the case of Mr. Raycraft and other United States citizens, infers that it is a molestation put upon those entering into or coming out of the legation, and also states that you are awaiting instructions from your Government, and that your excellency "considers it your duty to make known that the consideration due to the legation and the respect due to the country which you represent should not be intrusted to the discretion of secret police of inferior grade, nor can they depend upon the suspicions and fears that your excellency must consider chimerical and unfounded."

The undersigned, expressing himself as he has done in that which relates so much to the minister plenipotentiary and to the extraterritorial rights of the legation,

and briefly referred to in the first paragraph, has only complied with his duty and conscience, and is pleased that in this there will be no reason for difference of opinion between the United States legation and this department.

As regards the contents of the second paragraph—if such be the purpose of the refugees at the legation—perhaps they have done things or are authorizing others to do things which contradict this intention, which the local and national authorities have the power to prevent and frustrate, without the necessity of granting a safe-conduct, which the refugees have no right to ask for, not even protected by the chief of the legation who grants them asylum.

It is those that took upon themselves the responsibility who should know what steps are necessary to adopt, and not the undersigned who should undertake to point out the way or the means by which they or the refugees can succeed in getting out of the difficult position in which they are placed without the desire of the local authorities, who comply with their strict duties of office.

As the undersigned has not considered, for reasons which it is not necessary to explain, but which his excellency the minister plenipotentiary can well understand, that it was his duty to ask for the extradition of the refugees in the legation, he believes also that his Government has no obligation to grant, and certainly is by no means willing to grant, a safe-conduct to these persons, to whom the legation can generously give a place of refuge, but to whom it can not give the right or privilege to oppose or conspire against the laws, the authorities, or the interests of Chile.

In reference to the disagreeable position referred to in the third paragraph, the situation is not the result of the official acts or wishes of either the local or national authorities, but of the granting, as the undersigned considers justly and rightly, of the asylum to certain offenders, called political, and above all for the abuse committed of said asylum in order to foment intrigues and plots that will prove useless and vain, but which nevertheless has been done, according to trustworthy evidence which has arrived at the knowledge of the undersigned.

Of the data referred to in paragraph four, the undersigned will recite only a few authentic cases, which will prove to his excellency the minister plenipotentiary that it is not to be inferred that the authorities desire to molest persons entering and coming out of the legation because a few persons have been detained and questioned, natives as well as foreigners, and who may have held intercourse with the refugees without Mr. Patrick Egan knowing it or being able to know it.

For instance, papers and letters have been seized and taken from persons commissioned to carry them for and from some one of the refugees; also persons have been seen passing a package of papers through an open window, which was received by some one on the inside who certainly was not an employé of the legation; besides this, we are in possession of proofs that a card used by the servant of the legation, and intended for the sole use of that person only, had been made use of by three or four different persons; these cases already cited are more than sufficient, in the judgment of the undersigned, to convince Mr. Patrick Egan that these are not imaginary visions which have dictated those measures, and which clearly explains that these persons were or may have laid themselves liable to molestations on coming out of the legation, notwithstanding up to date there has been no instance whatsoever to prove that the rights of the legation have at any time been infringed upon.

The police comply with their duties in the streets, and in view of antecedents, all of which have not been denied, in respect to persons visiting the legation, not for the service or for its necessary purposes, but with the object of forming relations with the refugees which, if the authorities do not prevent they fail to comply with their most elemental obligations, and which is their right, having the power to prevent the effects which these acts may produce.

Without giving further development to this and much other data—of greater significance than that cited by the minister plenipotentiary—the undersigned has the honor to repeat to Mr. Egan all possible considerations, both personal and official, in answer to his two last communications.

Your most obedient servant,

M. A. MATTA.

[Inclosure 2 in No. 208.]

*Mr. Egan to Señor Matta.*

LEGATION OF THE UNITED STATES,  
Santiago, October 1, 1891.

SIR: I have the honor to acknowledge receipt of the note of your excellency of 29th ultimo replying to mine of 26th ultimo.

In it your excellency insists in expressing the right of the local authorities to adopt the measures against which this legation has protested, your excellency affirming

that such measures had been caused "by the granting of asylum to certain offenders called political, and especially by abuses committed, or intended to be committed of such asylum, in order to foment intrigues or concoct plots which would be entirely vain and useless, but which nevertheless existed," according to reliable information which has come to the knowledge of your excellency.

Among these informations "there have been discovered, for example, letters and other papers of some of the refugees; there has been seen introduced by an open window a package of papers which some one had received in the interior; and it has been proved that the card of the servant of the legation, which was for one individual, had been used for three or four more;" those facts being sufficient, in the judgment of your excellency, to justify the measures which had been taken in order to frustrate the attempts at conspiracy which, according to your excellency, were taking place in the legation in my charge.

As I have expressed to your excellency, in my note of 26th September, I awaited instructions from my Government, which I had fully informed by telegraph of the occurrences that in a form so unusual toward the legation of a friendly nation had taken place.

I have now received those instructions, which direct me to firmly insist that the respect and inviolability due to the accredited minister of the United States and to the legation buildings, including free ingress and egress, shall be fully and promptly given and observed.

It is satisfactory to me to find that the protest which I have felt it my duty to convey to your excellency in my previous communications corresponds to the desires of my Government.

I can not, consequently, admit the right claimed for the authorities, either local or national, to establish a species of blockade against this legation in the form in which it was put in practice during some days.

The order given by the local authority, and recognized as valid and legitimate by your excellency, was to conduct to prison or to the *intendencia* any person going out of the legation, without distinction of persons, and without indication whatsoever of the slightest culpability, and the police agents even went so far as to warn persons not to enter, under threat of arrest; all of which would not alone involve vexations to this legation, but would make it impossible, if repeated, to maintain the friendly relations which should be reciprocal, and which my Government has always cordially desired to maintain with the Government and people of Chile.

According to the principles approved by your excellency the diplomatic immunities should be at the mercy of idle rumors or of the whisperings of detectives composed of persons drawn from the lowest social grade.

I have to renew to your excellency my protests in the form already conveyed in my previous notes, and to say that I can not recognize the propriety or legality of the orders which have been given by the local authority, and the proceedings which have been adopted to comply with these orders.

I am pleased to observe that your excellency is good enough to supply the data to show how unfounded are the charges of conspiracy made against the refugees in this legation. I regret to express to your excellency that I can not consider as serious the idea that a conspiracy could have been presumed on the part of those gentlemen because of the throwing of a letter through an open window. The action referred to was done by Señor Don Eleodoro Valdes Carrera, who on account of the state of siege in which the legation was placed, found that that was the only safe way of communicating with his brother, Don José Miguel Valdes Carrera, after having been twice arrested by the police for attempting to visit the legation, took advantage of the opportunity of finding a window open to throw in the letter in the way described; which only shows the more clearly the extraordinary situation in which this legation was placed by the action of the authorities. This letter, which refers purely to family and business matters, is now in my possession and entirely at the disposition of your excellency.

The other proof adduced by your excellency is that the card given to one servant for his safeguard had been used by three or four others. I am not aware that it corresponds to your excellency to determine the number of the servants of this legation or that your excellency can consider yourself authorized to interfere with the increase of the number of such employés, made necessary by the circumstances. In the present instance I gave two cards, with the intention that they could be used by any of four servants then employed in the legation. My cards of identification in any case were not respected, because all of my servants were conducted to the prison and retained there for some days, two of them having those same cards in their possession.

The only thing that could have warranted the consigning of those men to prison would have been the finding of some culpability or implication on their part in the alleged conspiracy, of which I am convinced there could not have been the slightest probability.



I do not deem it necessary to say anything in regard to whether the refugees may have received correspondence. They are free to do so, because asylum, according to international law and custom, does not involve isolation nor prevent the persons from attending to their business and family interests as they may find convenient.

In regard to the solicitations on behalf of the refugees, conveyed in my note of 26th ultimo, to obtain from the Government of your excellency safe-conducts to enable them to go out of the country, I submit it was a proof, clear and irrefutable, that they do not entertain any idea of conspiracy; of which fact I myself am entirely convinced.

As your excellency shows an unwillingness to concede safe-conducts, I consider that for the moment I should make no observation to your excellency beyond expressing my regret that your excellency can not at present find reason for a concession which would be a proof of consideration and amity towards a friendly Government.

Renewing to your excellency the assurance of my distinguished consideration, I have, etc.,

PATRICK EGAN.

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[Inclosure 3 in No. 208.]

*Memorandum of interview between Mr. Egan and Señor Matta.*

SANTIAGO, October 3, 1891.

To-day, in accordance with instructions received by telegram from Mr. William F. Wharton, Assistant Secretary of State, I waited in person upon the minister of foreign relations, Don Manuel A. Matta, and read to him said telegram.

The minister stated that he recognized in the fullest manner that this legation had legitimately given asylum to the refugees now in the legation, and he assured me that there was no intention whatsoever on the part of his Government to offer the legation of the United States the slightest disrespect. He maintained, however, the right to arrest or detain and question, for the purpose of impeding the supposed conspiracy on the part of the refugees, all suspicious persons supposed to be carrying documents or messages from the refugees.

I pointed out to the minister that in all cases the police agents had stated they had orders to arrest all persons coming out of the legation, and that as a matter of fact they had, during three days, the 23d, 24th, and 25th of August, arrested and conducted to the intendencia all of the visitors, including three Americans and some three natives who had come to the legation on business entirely unconnected with the refugees, and that this amounted to a virtual blockade of the legation; that I had in my several notes referred to this order to arrest all visitors and that the minister had not denied it, but had on the contrary sustained all that had been done by the local authorities, and that persons throughout the city would not venture during those days to visit the legation without either the protection of a special police agent or a special passport; all of which created a situation with respect to the legation that no nation could permit.

The minister assured me, with regard to the question of an order to arrest all of the persons visiting the legation, there must have been a misunderstanding, as he felt assured that no such order had ever been given, or would be given, and that he had not replied to that point in my notes because he considered it might have been some exaggeration of words, and that he had believed my protests and arguments were directed to the limitation of the proper right of the local authorities to arrest or detain on the public streets, away from the vicinity of the legation, persons who might have gone out from the legation, against whom there might be legitimate grounds of suspicion. I replied that I had not contended that the police should not arrest, in the public streets, persons against whom there should be legitimate grounds for suspicion, but that I did object to the indiscriminate arrests that had taken place without any grounds for suspicion whatsoever beyond the fact that the persons so arrested had been seen visiting the legation, and that I objected to the manner in which the legation had been virtually blockaded.

The minister said he would postpone his reply to my note of the 1st instant until he should be able to make full inquiries from the intendente and be in a position to fully reply to me on this point.

With regard to the charge or suspicion of conspiracy against the refugees, I again assured the minister that the only desire of the refugees is to get away out of the country.

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 8, 1891.* (Received October 9.)

Mr. Egan acknowledges receipt of Mr. Wharton's telegram of the 6th instant, and states that 80 persons sought refuge in his legation after the overthrow of the Balmaceda Government; about the same number in the Spanish legation, 8 in the Brazilian, 5 in the French, several in the Uruguayan, 2 in the German, and 1 in the English. Balmaceda sought refuge in the Argentine. All these have gone out except 15 in his own legation, 1 in the German, and 5 in the Spanish. From the 23d to 25th September, when the arrests were made at his legation, several arrests were also made of visitors to the Spanish legation. No protest, however, was made, owing to the fact that the new minister having recently arrived had not then been officially received. The other legations were not molested. Spanish minister is seeking safe-conduct for refugees in his legation, and will act in entire harmony with Mr. Egan. All acts of the late Government since the 1st of January last, including the election and proceedings of Congress, have been decreed by the present Government unconstitutional, and the refugees are charged with crime in having acted without constitutional authority in their several positions. The refugee in the English legation, having promised to go home and remain there, has been permitted to go. Others have been allowed out on bonds to submit themselves to the tribunal. Those in the Spanish and United States legations would be subjected to heavy penalties, and in some cases death. No one has been granted a safe-conduct to leave the country. The press of Buenos Ayres and Montevideo contain extremely strong articles against the attitude of the Government towards the supporters of Balmaceda. Mr. Egan's note of the 1st instant has not yet been replied to by the minister for foreign affairs.

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*Mr. Wharton to Mr. Egan.*

No. 136.]

DEPARTMENT OF STATE,  
*Washington, October 9, 1891.*

SIR: I have received your No. 191, of August 8 last, reporting the arrest and placing in irons at Concepcion of Mr. Herbert C. Stevenson, an American citizen; your intervention in the case, and your receipt of an apology from the Government, as well as an indemnity of 2,000 pesos for Mr. Stevenson.

Your action in the case is cordially approved.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 13, 1891.* (Received October 14.)

Mr. Egan states that the foreign office, in its reply to his representations, says that the instructions to the intendente authorized the arrest of no one except upon well-founded suspicion of being agents of illegal

attempts on the part of refugees and on the public streets away from the legation, and that access to the legation should have been entirely free. Minister for foreign affairs deplores all errors committed by police agents against any persons not properly subject to suspicion, and avers that no vexation was intended to the legation. He considers that, since a decree was issued on the 14th September by the Provisional Government, submitting supporters of the late Government to the tribunals, it would be an unjustifiable irregularity to grant safe-conduct. Were it possible to do so, he says, without disrespect to the law, the interest of the country, or the prestige of the Government, it would be given as a proof of amity towards the legation. In replying, Mr. Egan will cite important instances in which Chile strongly advocated safe-conduct under similar circumstances.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 17, 1891. (Received October 19.)*

Mr. Egan reports that he has again solicited safe-conduct for the refugees in his legation, and had cited in his note to the minister for foreign affairs the case in which the Chilean minister for foreign affairs, in July, 1866, instructed the Chilean minister at Lima to insist upon the safe-conduct of refugees then in the several legations in that city. Those refugees were transported on board ships at Callao under the protection of the foreign ministers. Mr. Egan also cited the case of the approval of the Chilean delegates to the South American Congress held in Montevideo in December, 1888, of a resolution recognizing the right of asylum accompanied by the right of safe-conduct. The decree of September 14, Mr. Egan argues in his note, can not abrogate international usage repeatedly approved by the Chilean Republic, and applies only to persons within the powers of Chilean Government. According to precedent and as a logical consequence of the recognition of the right of asylum, Chilean Government should grant safe-conduct, which it is entirely at liberty to do. A favorable reply is hoped for.

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*Mr. Egan to Mr. Blaine.*

No. 209.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 17, 1891. (Received November 27.)*

SIR: Since my dispatch No. 208 I had the honor to receive your telegram of the 6th instant, requesting full report upon number of refugees in this and other legations now and since the overthrow of the Balmaceda Government, the treatment of the other legations by the Chilean authorities, and the crimes with which the refugees are or were accused; also, whether any safe-conducts have been given to refugees in other legations.

To this I replied by telegram on the 8th instant, giving the full particulars desired, from which it will be seen that during the turbulence and sack of the houses of prominent Balmacedists which followed the

news of the result of the battle of Placillas the other legations, or all of them that had accommodation, gave asylum to a greater or less extent. The Spanish legation had for several days some eighty persons, about the same number that were in this legation, the Brazilian, French, Uruguay and others each having from one or two to ten refugees.

When the first excitement settled down, many of those persons went out of the legations some who had but slight responsibility giving bonds to appear before the tribunals when required and others seeking concealment in the houses of the supporters of the successful party. In this legation there remain now fourteen, one having gone out under bonds since the date of my telegram, five in the Spanish legation, and one in the German legation.

I have already in my No. 205, of the 29th September, as well as in my telegram of 8th instant, explained the action of the Chilean authorities toward the other legations and the nature of the charges against the refugees. I should, however, mention another incident that may be of interest. The German legation only rents a limited number of apartments in a large house, and the room which Gen. Velasquez occupies was not embraced in the number of rooms so rented, but an adjoining one, which the German minister had procured specially for the purpose. The police authorities, on learning this, arrested Gen. Velasquez and carried him to the prison, but as soon as the Junta de Gobierno learned the facts they at once had him returned from the prison to the same room.

Only one person, a Col. Mason, took refuge in the English legation, and he was immediately allowed to go to his house under promise that he would remain there, but was not given safe-conduct out of the country.

The Spanish and Brazilian legations applied for safe-conducts to enable certain refugees to leave the country, but did not succeed in obtaining them.

Under date of 9th instant I received from the minister of foreign relations a note, in reply to mine of 1st instant, copy inclosed (inclosure 1), in which, in reference to the actions of the authorities toward the legations during 23d, 24th, and 25th September, he says:

According to the report of the intendente of Santiago, and according to the instructions given to him by the ministers of foreign relations and interior since the beginning and during the course of this question, the ingress to and egress from the legation have been free; notwithstanding that persons who have entered and gone out and who inspired well-founded suspicion that they were, or might be, agents of illegal attempts on the part of the refugees, may have been arrested and conducted to the intendencia; being arrested not in the house of the legation, nor even near to it, but more frequently at a considerable distance from the street in which the United States legation is situated.

Never, according to the official report of the intendencia, has there been inflicted, or desired to be inflicted, vexation or injury to the legation or to its chief or to its employés.

And further he adds:

The minister can be assured the undersigned deplors all errors of this kind by the police agents that may have been committed against any person not comprehended in the number which they should watch and even arrest.

In reference to the question of safe-conduct for the refugees he says:

Since the decree of 14th of September last was published, the persons therein referred to have been subject to the judicial power of the country, and the Supreme Junta and its secretaries have been therefore deprived of the power to grant that which has been asked for and which Mr. Egan considers would be a friendly manifestation toward the United States legation.

After further dwelling upon the effects of the decree referred to, the minister says:

The undersigned would be pleased, in addition, to give the assurance that if it were possible without disrespect to the law, the prestige of the Government action, and contrary to the interests of Chile to give this proof of friendship toward the legation of North America, it should be given.

I communicated the contents of this note by telegram.

On 16th instant I replied in a note, of which I inclose copy (inclosure 2), reaffirming to the honorable minister the correctness of the statements which I had made in regard to the arrest of all persons going out from the legation, assuring him that the occurrences did not take place with the measure of discretion which the intendente of Santiago had reported, and stating that in view of the gravity of what had taken place, and in view also of the fact that the legation is now reinvested with the guaranties which it should always possess, I felt that I should remit to my Government all of the facts and leave to it the final resolution with regard to the question.

I shall, upon this question, await instructions.

In regard to the question of safe-conduct, I replied, referring to the fact of the recognition by the honorable minister that the asylum had been legitimately given by me in compliance with the duties of civilization and humanity, that the refugees are virtually in foreign territory; that the decree of the minister of justice of 14th September, or even a law of local effect, could not destroy usages and customs that are international; that said decree could not therefore reach the persons who might be in the legations and beyond the jurisdiction; and that, therefore, the Government of Chile is, in my judgment, at most perfect liberty to concede the safe-conducts; and further that it could do so most logically in view of the international policy which it has always maintained.

I then proceeded to cite two cases, to which I beg to call your particular attention, in which the Government of Chile distinctly recognized and approved the right of safe-conduct as a necessary adjunct to the right of asylum. The first arose out of the revolution in Peru in the year 1865, under the leadership of Col. Prado, against the then President, Gen. Pezat, in which the latter was defeated. He and his prominent supporters were obliged to seek asylum, and many of them found shelter in the French, Spanish, Chilean, and other legations. Señor Don Alvario Covarrubias, Chilean minister of foreign relations, instructed Señor Don Marcial Martinez, Chilean minister plenipotentiary in Peru, for his guidance:

First. That foreign legations can not grant asylum to common criminals, who should be delivered to the local authorities when they claim them.

Second. That the legations can concede asylum to political refugees for the time necessary to enable them to leave the country, with which purpose the diplomatic agent should put himself in accord with the minister of foreign affairs of the country to which he is accredited, in order to send the refugee to a foreign country under the necessary guaranties.

As a result of the negotiation on that occasion, the refugees in the several legations were permitted to go out of the country, and they were accompanied on board ships in Callao by the foreign ministers and in some cases by the foreign consuls.

Full particulars of this case will be found in a pamphlet printed by the Peruvian Government, entitled: "Secretaria de Relaciones Exteriores. Correspondencia Diplomática relativa á la cuestion sobre asilo, publicada por orden de S. E. el Jefe Supremo Provisorio, para ser pre-

sentada al Congreso Constituyente. Lima, Imprenta del Estado. Por J. Enrique del Campo, 1867."

The second case is that of the International South American Congress held in Montevideo in the year 1888 and beginning of 1889, in which was adopted the following very important resolution on the question of asylum:

ART. 17. A common criminal who has taken refuge in a legation shall be delivered by the chief of such legation to the local authorities upon the previous demand of the minister of foreign relations, when not done spontaneously.

Said asylum shall be respected with regard to those pursued on political charges, but the chief of the legation is obliged to immediately bring the fact to the knowledge of the Government of the state before which he is accredited, and said Government can require that the refugee shall be placed outside the national territory within the shortest possible period.

The chief of the legation shall have the right to require, in like manner, the necessary guaranties to enable the refugee to go out from the national territory, the inviolability of his person being respected.

The same principle shall be observed with respect to those who may have taken refuge in ships anchored in territorial waters.

The above is a translation from pages 305 and 306 of "Anexo á la memoria del Ministro de Relaciones Exteriores" of the Republic of Uruguay for 1889.

This article No. 17 was warmly supported by the Chilean delegates, Don Belisario Prats, one of the judges of the supreme court, and Don Guillermo Matta, brother of the present minister of foreign relations, and by them finally approved in the name of the Republic of Chile. It was also approved by the delegates of the Argentine Republic and of the Republics of Bolivia, Paraguay, Peru, and Uruguay.

I have argued that every recognized right, whether civil or international, must receive a rational interpretation and a practical application, and that it would be absurd to consider that the right of asylum should be made a mockery for the diplomatic agent who grants it and a snare for the refugee who seeks it by converting the legation into a permanent prison, and that therefore, logically as well as in conformity with what I had shown to be the international policy and compromises of Chile, the safe-conducts ought to be conceded. I at same time forwarded a complete list of the refugees in the legation.

I informed you by telegraph to-day of the chief points in this note.

I also inclose copy in print (inclosure 3) of the decree already referred to of 14th September last, under which the ministers, senators, deputies, and officials of the late Government are submitted to the tribunals, and but for which the honorable minister intimates he should be pleased to concede the safe-conducts asked for as a proof of friendship towards this legation.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 209.—Translation.]

*Señor Matta to Mr. Egan.*

MINISTRY OF FOREIGN AFFAIRS,  
Santiago, October 9, 1891.

SIR: This department received your excellency's note of the 1st at 1 p. m. on the 2d of the current month, which the undersigned hastens to answer as briefly as possible.

The instructions which your excellency has received from your Government, and in compliance with which your excellency affirms and repeats that "the respect and inviolability due to the minister accredited by the United States and to the dwell-

ing of the legation, including free ingress and egress, should be fully and promptly given and observed," in no way modifies the state of the question, neither are they in contradiction with the manner of thinking of the undersigned.

The undersigned has not the right to inquire into, and less the intention to discuss, the instructions received by your excellency, nor the data and the foundations from which they emanate, and confines himself only to that which is his duty and that within his knowledge. It would be indiscreet, if not disrespectful, toward the Government that gives and the minister that receives the instructions—such a thing being possible—to inquire into or discuss them.

According to the report of the intendente of Santiago and according to the instructions given to him by the minister of foreign relations and interior since the beginning and during the course of this question, the ingress to and egress from the legation have been free, notwithstanding that persons who have entered and come out, and who inspired well-founded suspicion that they were or might be agents of illegal attempts on the part of the refugees, may have been arrested and conducted to the intendencia, being arrested, not in the house of the legation nor even near to it, but more frequently at a considerable distance from the street in which the United States legation is situated.

Never, according to the official reports of the intendencia, have there been inflicted, nor desired to be inflicted, vexations nor injury to the legation, nor to its chief, nor to its employés. And if any servant, due to his inferior position, or any unknown person that served it has been arrested and questioned, it was not because he was an employé of the legation, but because he was or seemed to be an instrument of the refugees who have done, or apparently have done, things which compromised him who had given them asylum and violated the law and order in Santiago.

This is a résumé of the reports of the intendente, an illustrious and intelligent person, who can not be easily deceived or mistaken and who would not assert what is untrue. His excellency the minister plenipotentiary has believed that that which the undersigned communicated to him in his last letter, to demonstrate that what he called a state of siege or blockade of the house of the legation, did not originate from any ill will or want of respect from the local authorities towards his person or dwelling, but from the actions of the same refugees, who provoked and made indispensable the presence and interference of the police in the adjoining streets.

His excellency the minister has considered that all this was given as a proof of a conspiracy and was the exposition of all that is known in this respect; but his excellency the minister, looking at things in that light, is laboring under a mistake, since the data and things noted by the undersigned are very distant from being all now in the hands of the local authorities, and his excellency the minister can readily conceive that it is not in this department of foreign affairs where the procedure and investigations of such subjects are decided upon and which the police of Santiago have been and are still following up.

The undersigned tenders his thanks for the offer of the letter of Señor Eleodoro Valdes C., of which he will make no use, nor will he refer to the explanations in reference to the use of the pass cards and the number of servants of the legation, but will proceed to other observations of his excellency the minister plenipotentiary, which enter entirely into the sphere of things subject to his consideration.

His excellency the minister, repeating his protests in reference to the orders given by the local authorities and the manner in which they have proceeded, insists that said orders have been given and executed against all persons entering and coming out of the legation. His excellency the minister can be assured the undersigned deplores all errors of this kind by the police agents that may have been committed against any person not comprehended in the number which they should watch and even arrest. According to the literal purport of those orders and the reports from the intendente, these orders extended but to persons against whom there were motives for suspicion, or against those whom they knew were instruments of intrigue for the refugees, who have not and can not form a formidable conspiracy, but who are inclined towards creating disturbances quite as illegal as impotent, and of which the intendente has proofs.

The significance, extent, and purpose of these orders and of their execution are looked upon quite differently by his excellency the minister from how they appear to the undersigned; perhaps not only from the difference of positions and the respective information, but also from the general estimation and criterion which have dictated the words of both.

On the part of the intendencia there has been no desire to inflict injury nor to occasion vexation to the legation and its personnel; and if any of the police agents have molested any person—even if it did happen—no offense or injury was intended, since the molestation was suspended and remedied as soon as it was possible to do so.

As regards the imprisonment of one of the servants of the legation and his retention there for some days, the reports from Señor Lira, the intendente, establish that those arrested and detained "were immediately put at liberty, with the exception

of one Señor Camales, ex-official of the dictatorial army;" amongst the servants, or those who said they were, the intendente says there was found one Celestino Blanco, one Luis E. Estrella, and one Francisco de Toro Valenzuela, concerning whom abound motives sufficient not only to retain, but to imprison them.

Besides, a Mr. Luis Bansi, although not of the same category as those already mentioned, gave motives for being detained.

In possession of some of these there have been found data and instructions that justify these proceedings toward them by the police.

Is there, when he affirms to the contrary, a mistake on the part of the honorable minister plenipotentiary, or rather is there inexactness in the information received by him?

Is there a mistake on the part of the undersigned, and is there an inaccuracy in the reports received by him?

As the position of things is not being kept back, but is being developed and on the way to be cleared up and brought to an end independent of the will or opinion of his excellency the minister, as well of those of the undersigned, soon the results will answer these questions.

Concerning the safe-conducts asked for but not conceded, the undersigned in not granting them was far from wishing to manifest anything but deference toward the legation, and neither did he show any inequality of action between the different legations nor to the refugees within them. He but submits himself to the obligations and duties of the office which he occupies, and he should comply and make others comply with their legal dispositions, and more especially with those that refer to the administration of justice and proofs of courtesy.

Since the decree of the 14th of last September was published, the persons therein referred to have been subject to the judicial powers of the country, and the Supreme Junta and their ministers have therefore been deprived of the attributions to grant that which has been asked for and which Mr. Egan considers would be a friendly manifestation toward the United States legation.

A safe-conduct under present circumstances and in this particular case, which gives motives to these explanations, would be a grave irregularity and unjustifiable on the part of the Junta, or of its ministers, since those persons have been submitted to the hands of justice in the most solemn form. If, after having done this, the Junta should now give them a safe-conduct, they would be disavowing their own word, and would by so doing release them from the hands of justice and be interfering with the jurisdiction of the tribunals and the action already commenced against them.

The undersigned would be pleased, in addition, to give the assurance that if it were possible without disrespect to the law, the prestige of governmental action, and contrary to the interests of Chile, to give this proof of friendship toward the legation of North America, it should be done.

The undersigned does not consider it necessary to explain that the granting in certain cases of safe-conduct before the 4th of September, invoked or suggested, was not analogous to the present case, which will have to be decided judicially for the reasons herein enumerated.

I reiterate, etc.,

M. A. MATTÁ.

[Inclosure 2 in No. 209.]

*Mr. Egan to Señor Mattá.*

LEGATION OF THE UNITED STATES,  
Santiago, October 16, 1891.

SIR: I have the honor to acknowledge receipt of the note of your excellency dated 9th instant, No. 463.

With reference to the protests made by this legation in my previous notes regarding the vexations inflicted by the systematic arrest of all persons who had during some days gone out from it, and the instructions which I stated I had received from my Government in reference thereto, your excellency has been good enough to express to me, in the communication to which I reply, as follows: "According to the report of the intendente of Santiago and according to the instructions given to him by the ministers of foreign relations and interior since the beginning and during the course of this question, the ingress to and egress from the legation have been free, notwithstanding that persons who have entered or come out and who inspired well-founded suspicions that they were, or might be, agents of illegal attempts on the part of the refugees, may have been arrested and conducted to the intendencia; being arrested not in the house of the legation or even near to it."



"Never, according to the official reports of the intendencia, has there been inflicted, nor desired to be inflicted, vexations nor injury to the legation nor to its chiefs nor to its employés."

And further on your excellency adds: "The undersigned, deploring all errors that may have been committed by any of the police agents against any person not included among those that should be watched and even arrested, can assure the minister that according to the literal tenor of those orders and to the reports of the intendente, same did not extend but to persons against whom there were grounds for suspicion."

"On the part of the intendencia," your excellency repeats, "there was no desire to inflict injury nor to occasion vexation to the legation and its personnel; and if any police agent molested any person, it was not in reality a vexation, because the annoyance was suspended and remedied as soon as it was possible to do so."

I am in a position to affirm that the occurrences did not take place with the measure of discretion which the intendente of Santiago has reported to your excellency, and that it has been matter of public notoriety that during three days all persons were arrested, without distinction, who had gone out from this legation, including citizens of the United States who had come on business exclusively relating to the legation, and that matters were carried to such extremes that it was made difficult and almost impossible to communicate with or visit even the undersigned. Nevertheless I can not do less than recognize that through the serious representations which I found myself in the painful necessity of making to your excellency the situation was changed, and the legation is now reinvested with the guaranties which it should always possess, and which should never for one moment have been forgotten or neglected. I therefore consider it my duty to join with your excellency in "deploring all errors which may have been committed," since, according to the reports received by your excellency, "never has there been inflicted, nor desired to be inflicted, vexations nor injury to the legation, nor to its chiefs, nor to its employés."

Having regard to the gravity of the occurrences which have taken place and in view of the actual situation of the legation, I feel that I should not further treat this point, but remit to my Government all of the facts and leave to it the final resolution with regard to the question.

In regard to the solicitation conveyed in one of my previous notes, in behalf of the political refugees in this legation for safe-conducts to leave the country, and which I urged as an undeniable proof that the refugees were far from occupying themselves in conspiracy, your excellency is good enough to express to me that in not conceding those safe-conducts there has been no intention to show want of consideration for this legation, that since was issued the decree of 14th September last all the persons therein mentioned are submitted to the judicial power, and that the Supreme Junta and its secretaries are therefore deprived of the power to make this manifestation of friendship to the legation of the United States.

Your Excellency adds: "The undersigned would be pleased, in addition, to give the assurance that if it were possible without disrespect to the law, to the prestige of the action of the Government, and to the interest of Chile, to give this proof of friendship to the legation of the United States, it should be given."

Your excellency in previous notes has recognized, as your excellency was constrained to do in conformity with the international practices of Chile, the right of asylum, and that this legation had consequently complied with the duties of civilization and humanity in granting it, as it had done, to the political refugees who now find themselves under its protection.

This right having been recognized by your excellency, allow me, your excellency, to entertain the hope that the Government of your excellency, better understanding the facts, may be kind enough to concede those safe-conducts, not alone as a proof of friendship, which should be cordially appreciated by the Government of the United States, but as an act in conformity with the invariable policy of Chile, which, on this question it may be said, has become an international law in South America.

Your excellency will permit me to give a not considerable importance to the note passed by the ministerio of justicia to the promoter fiscal, under date of 14th September last, with the object of initiating judicial action, because it can not escape the excellent judgment of your excellency that neither a note, nor a decree of the Government, nor even a law of purely local effect, can destroy usages and practices which are international, and which nations establish and recognize in order to maintain and promote their reciprocal relations of friendship.

Your excellency can not fail to understand that the lively desire which all countries entertain for the preservation of peace and the respect for the practices which form an integral part of their international life could not conveniently be made to depend upon a note or decrees issued by any one government as a measure of internal administration in relation to questions between such government and its citizens.

The proposal to submit to the tribunals the persons enumerated in such note or decree does not require greater consideration, such process being effective against those who are properly in Chilean territory and within reach of the Chilean authorities, but not against those who may have gone out of the country or that may find themselves refugees in a legation or in ships of war of a foreign nation. In the latter cases they could not be considered to come within the judicial power, such political refugees being out of its jurisdiction.

With respect to the political refugees now in this legation, residing virtually within the territory of the United States, whose right of asylum your excellency has recognized, they can not be considered as submitted to the judicial power, and therefore, according to my judgment, the Government of your excellency is at the most perfect liberty to concede the safe-conducts solicited, and it can do so most logically in accordance with the international principles of Chile, which I take leave to bring to the recollection of your excellency.

In the archives of the ministerio under the charge of your excellency will be found the note of Señor Don Alvaro Covarrubias, in his character of minister of foreign relations of Chile, directed, under date of July 9, 1866, to Señor Don Marcial Martinez, minister plenipotentiary of Chile in Peru, giving instructions to regulate his action in a situation entirely similar to that which has existed and does exist in this country, as the result of a revolution which took place at that time in Peru, and the asylum conceded to various political refugees by Mr. Minister Martinez in his legation.

Señor Covarrubias indicated as a rule of action to the plenipotentiary in Lima, and as a basis of arrangement, the following:

"First. That foreign legations can not grant asylum to common criminals, who should be delivered to the local authorities when they claim them."

"Second. That the legation can concede asylum to political refugees for the time necessary to enable them to leave the country, with which purpose the diplomatic agent should put himself in accord with the minister of foreign affairs of the country to which he is accredited, in order to send the refugees to a foreign country under the necessary guaranties."

According to those instructions, which are perfectly clear, the Chilean minister in Lima, as this legation has grounds to believe, adjusted his action, and the political refugees in his as well as in the other legations were embarked in Callao under the personal custody of the chiefs of the legations and in some cases simply accompanied by the foreign consuls.

This policy of the Chilean Government has been more fully corroborated in a still more recent date.

In the conferences held in Montevideo by the South American International Congress there was approved a treaty upon the international penal code, in the discussion of which took part the representatives sent by the Government of Chile, Señores Belisario Prats and Guillermo Matta.

The article No. 17 of this treaty, which was approved in the name of the Republic of Chile, and also by the representatives of the Argentine Republic, the Republic of Bolivia, the Republic of Paraguay, the Republic of Peru, and the Oriental Republic of Uruguay, and which I copy from pages 305 and 306 of the appendix to "La memoria de ministerio de relaciones exteriores de la República Oriental de Uruguay," is of the following tenor:

"ART. 17. A common criminal who has taken refuge in a legation shall be delivered by the chief of such legation to the local authorities upon the previous demand of the minister of foreign relations, when not done spontaneously.

"Said asylum shall be respected with regard to those pursued on political charges, but the chief of the legation is obliged to immediately bring the fact to the knowledge of the government of the state before which he is accredited, and said government can require that the refugee shall be placed outside of the national territory within the shortest possible period.

"The chief of the legation shall have the right to require in like manner the necessary guaranties to enable the refugee to go out from the national territory, the inviolability of his person being respected.

"The same principle shall be observed with respect to those who may have taken refuge in ships anchored in territorial waters."

As your excellency may see, this article, approved in the name of the Republic of Chile by its representatives in the International Congress, in December, 1888, is in perfect harmony with the instructions forwarded by the honorable minister of foreign relations of Chile, Señor Covarrubias, in July, 1866, to Señor Martinez, envoy extraordinary of Chile in Peru, and both cases corroborate the affirmation which I have made to your excellency that such has been the international jurisprudence and the practice of Chile in the matter of asylum, and of the consequences necessarily and logically derived from such right, those consequences being fully recognized by the Government of Chile in the two cases cited.

The Government of the United States, which I have the honor to represent, expects from your excellency's Government now the same consideration with respect to the political refugees in this legation, and, in compliance with the indicated method of proceeding approved by the representatives of the Government of your excellency, I have the honor to append a list of the refugees at present in this legation.

Your excellency can well understand that the right of asylum carries with it as a necessary consequence the right of safe-conduct, in order that the refugee may go out to a foreign country.

The political refugee finds himself virtually in the territory of the nation whose legation or ship affords him asylum, and no consideration whatsoever of internal private right should prevent him from being transported to a foreign country, as has been done, for example, in the case of the refugees in the ships of war of my own nation and of other nations anchored in the harbor of Valparaiso.

Every right, whether civil or international, when recognized and respected, must receive a national interpretation and a practical method of application.

It should be absurd to consider that the right of asylum, which is accepted more especially in South America, with its logical consequences, should be only an idle name, an expression without a meaning, a mockery for the diplomatic agent who grants it in the name of his country, and a snare for the refugee who avails of it relying on the faith of the nation by the conversion of the legation into a permanent prison.

I am sure that your excellency will coincide with me in giving to the right of asylum the interpretation which the Government of Chile has always considered itself bound to give to it.

The refusal of your excellency to concede those safe-conducts should be a matter of regret to my Government, because it could only be interpreted as a serious grievance which the Government desired to impose upon this legation, and particularly as, to do so, it should be necessary that your excellency would forget the international practice of Chile and the agreements entered into in its name.

In a very recent time safe-conducts have been conceded by the Government to refugees who were in this and other legations, and in other places in the city, under conditions much more difficult for the Government which granted them, while the armed struggle was yet undecided, and when the refugees, favored with such safe-conducts, might be able to bring powerful aid to the cause of their party.

In granting those safe-conducts, however, the Government did but due honor to the principles which have directed the international practice of Chile.

For my part, I have no doubt that your excellency will appreciate to their fullest value those important considerations, and I flatter myself with the belief that my Government will receive, on the part of the Government of your excellency, a new proof of the spirit of harmony and cordiality which should govern the relations of the two countries.

Renewing to your excellency, etc.,

PATRICK EGAN.

List of the refugees referred to in the foregoing letter: Señor I. Francisco Gana, Señor Adolfo Ibañez, Señor Juan E. Mackenna, Señor Guillermo Mackenna, Señor José Miguel Valdes Carrera, Señor Ricardo Cruzat, Señor Ricardo Vicuña, Señor Marcial Pinto Agüero, Señor Guillermo Pinto Agüero, Señor Acario Cotapos, Señor Memorino Cotapos, Señor Rafael Casanova Zenteno, Señor Alfredo Ovalle, Señor Hermojines Camus.

[Inclosure 3 in No. 209.]

*Decree of Governmental Junta of September 14, 1891.*

Decrees and orders of the Governmental Junta; officers of the Dictatorship; ministry of justice and public instruction.

SANTIAGO, September 14, 1891.

Whereas public justice requires that all persons who have taken part in the acts of the Dictator Balmaceda since the 1st day of January last be immediately held responsible, not only in order that the injury done to the country may be repaired, but also that the offenders may be punished;

Whereas among those persons are Don José Manuel Balmaceda, ex-President of the Republic, the ministers and counselors of state, the members of the bodies which styled themselves the National Congress, and the municipalities, the intendentes of the provinces, and the governors of the departments, the officers of the exchequer,

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the judicial functionaries who filled their offices in virtue of appointments made by the dictator, and others whose acts have rendered them liable to prosecution;

Whereas, in order that judicial action and the presentation of proof may be expedited, and that the efficiency of the action may not be divided, it is indispensable that these cases be tried at Santiago, since this city was the seat of the dictatorship, and in it were committed or originated the acts whose perpetrators are now to be prosecuted; and

Whereas the action that may be taken by the judicial authorities is no bar to the exercise of the powers which the constitution grants to Congress to indict and try the officers designated by the constitution,

The Governmental Junta decrees:

ART. 1. The public prosecutors of Santiago shall, with as little delay as possible, institute such action as is sanctioned by law against the persons above mentioned.

ART. 2. Messrs. Juan Nepomuceno Parga, José Francisco Fabres, Juan de Dios Vergara Salvá, Luis Barros Borgoño, and Abel Saavedra, attorneys at law, are hereby designated to assist the public prosecutors in the discharge of the duties hereby assigned them.

Let it be noted, communicated, and published.

MONTT.

ISIDORO ERRÁZURIZ.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 18, 1891.* (Received October 19.)

Mr. Egan reports that on the night of the 16th a fight, as to the origin of which he has not yet learned any particulars, took place between American and Chilean sailors, resulting in the killing of one and the wounding of five members of the *Baltimore's* crew and the wounding of one Chilean.

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*Mr. Egan to Mr. Blaine.*

No. 211.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 19, 1891.* (Received December 3.)

SIR: On yesterday I had the honor to forward a telegram announcing the occurrence on the night of 16th instant, in Valparaiso, of a fight between American and Chilean sailors, resulting in the killing of one man and the wounding of five others of the crew of the *Baltimore*.

To-day I received from Capt. Schley, commanding the *Baltimore*, a letter reporting the occurrence (inclosure No. 1), together with copy of a letter which he addressed to the intendente of Valparaiso.

So far Capt. Schley has not ascertained the causes which led to the disturbance, but the general impression is that the attack was unprovoked and premeditated.

Some weeks ago an attack was made upon a number of the sailors of one of the German ships of war, resulting in the killing of one of the Germans, and it was understood that the attack was made because the Chileans mistook the Germans for United States sailors.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 211.]

*Capt. Schley to Mr. Egan.*U. S. S. BALTIMORE (FIRST RATE),  
*Valparaíso, October 17, 1891.*

SIR: I regret to state that on yesterday about sundown a large number of men on shore created a disturbance with the liberty party of about 120 men from this ship. During the encounter one of the petty officers of this vessel was killed and 6 of my men were dangerously stabbed. The casualties among the shore party I have not learned. The origin of the difficulty I do not yet know, but I have addressed a note to the intendente requesting the fullest investigation in order to establish the proper culpability. I inclose a copy of this to the intendente, who replied that he had already given instructions to fully investigate the affair with a view to ascertain the promoters of the disturbance.

Very respectfully,

W. S. SCHLEY,  
*Captain Commanding.*

[Inclosure.]

*Capt. Schley to the intendente.*U. S. S. BALTIMORE (FIRST RATE),  
*Valparaíso, October 17, 1891.*

SIR: I regret extremely to inform your excellency that, while my men were on liberty yesterday afternoon to enjoy the hospitality of a port with which my nation is upon the most friendly terms of amity, an unfortunate disturbance occurred, in which one of my petty officers was killed and six of my men seriously stabbed. I feel that it will only be necessary to request your excellency to institute a most searching investigation into the circumstances leading to this affair, in order to establish the culpability for this unfortunate collision.

I can say in advance that if my men have been the instigators in this affair they will be dealt with most severely under the laws of my country, and I feel certain that if it should be otherwise your excellency will bring to justice all offenders.

Regretting extremely the unfortunate occurrence and the duty it imposes upon yourself and myself, I have, etc.,

W. S. SCHLEY,  
*Captain Commanding.**Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 20, 1891. (Received October 22.)*

Mr. Egan states that the minister for foreign affairs refuses to recognize analogy of the cases cited by him or to discuss the question of the right of safe-conduct and repeats that the refugees are among those submitted to the tribunals. Safe-conducts have been and may be given, he says, in accordance with courtesy, convenience, and will of the Government and of the country and with certain restrictions and conditions; they can not modify refusal to grant safe-conduct, as motives of justice and convenience still exist. If this refusal should be considered a grievance to the legation of the United States, Chile would be astonished at the fact and would regret it. Mr. Egan regards this as a departure from Chile's well-established policy. Chilean Government refuses by decree issued yesterday to submit certain persons now in the prisons to the courts of justice or to liberate them in accordance with order of the supreme courts. The Liberals gained a decisive victory over the Conservatives or Clericals in the election on the 18th.

## FOREIGN RELATIONS.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 23, 1891.* (Received October 24.)

Mr. Egan states that he has informed the Chilean minister for foreign affairs that he will, in view of the refusal to grant safe-conduct to the refugees contrary to Chile's well-established international policy, suspend the discussion until his Government resolves what it considers proper under the circumstances. Mr. Egan pointed out to the Chilean minister, however, that the legitimacy of the asylum in this case having been repeatedly admitted, the refugees can not be considered subject to judicial power without the consent of the Government of the United States, and that, as the decree of October 19 nullifies the reason advanced in the minister's previous notes for refusing safe-conduct, and the minister having admitted that safe-conducts have been and may be given, the interpretation of the United States of the refusal as an act of slight courtesy and consideration can not be a cause for surprise.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 23, 1891.* (Received October 24.)

Mr. Egan reports that he has just received from commanding officer of the *Baltimore*, according to instructions of the Navy Department, a full report of the assault upon his men, showing it to have been brutal and unprovoked, and implicating the police as having participated in it. He says that particulars have been cabled to the Secretary of the Navy and that he will not take any action until he receives instructions.

*Mr. Wharton to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, October 23, 1891.*

Immediately upon receipt of information of the assaults made, on the 16th instant, in the streets of Valparaiso, upon a number of American sailors belonging to the United States man-of-war *Baltimore*, now in that harbor, the commander of that vessel, Capt. W. S. Schley, was directed to cause an immediate and thorough inquiry to be made into the origin and incidents of that tragic affair and communicate the results simultaneously to this Government and to you. His report, under date of yesterday, has just been transmitted to this Department by the Secretary of the Navy, who advises me that a copy of the report was forwarded by Capt. Schley to you.

You will observe that the board of officers selected by Capt. Schley

to investigate this affair report that our sailors were unarmed and gave no provocation; that the assaults upon them were by armed men, greatly superior in numbers, and, as we must conclude, animated in their bloody work by hostility to these men as sailors of the United States. You will also notice that the character of some of the wounds indicate that the public police, or some of them, took part in the attack, and will also observe that other American sailors were, without any apparent fault, arrested and for some time held by the authorities. The friendly efforts of a few of the public officers to give succor to our men furnish the only redeeming incident of this affair. This cruel work, so injurious to the United States, took place on the 16th instant, and yet no expression of regret or of a purpose to make searching inquiry, with a view to the institution of proper proceedings for the punishment of the guilty parties, has been, so far as I am advised, offered to this Government.

You will at once bring to the attention of the Government of Chile the facts as reported to you by Capt. Schley, and will inquire whether there are any qualifying facts in the possession of that Government or any explanation to be offered of an event that has very deeply pained the people of the United States, not only by reason of the resulting death of one of our sailors and the pitiless wounding of others, but even more as an apparent expression of an unfriendliness toward this Government which might put in peril the maintenance of amicable relations between the two countries. If the facts are as reported by Capt. Schley, this Government can not doubt that the Government of Chile will offer prompt and full reparation. You will furnish the foreign office a full paraphrase of this dispatch and report promptly to this Government.

WHARTON.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 26, 1891. (Received October 27.)*

Mr. Egan reports that, in replying to his note of the 22d instant, the minister for foreign affairs persists in his refusal to grant the refugees safe-conduct. He considers the discussion closed, and declares the further exchange of notes on the subject useless.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 26, 1891.*

Mr. Egan states that he has communicated the Department's telegram of the 23d instant to the minister for foreign affairs, and asks what reparation will be expected if the facts be as reported by Capt. Schley.

*Mr. Egan to Mr. Blaine.*

No. 213.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 26, 1891.* (Received December 3.)

SIR: I have the honor to refer to my dispatch No. 209, and to say that under date of 20th instant I received from the minister of foreign relations a reply to my note of 16th instant, a translation of which is inclosed (inclosure No. 1).

In this note the minister maintains the opinion expressed by him in previous notes regarding the action of the local authorities toward the legation. He declines to argue the question of safe-conducts to enable the refugees to go out of the country, and refuses to recognize the precedents cited, although one of them, the resolution adopted in the Congress of Montevideo, in December, 1888, and approved in the name of the Republic of Chile, which has almost the force of an international compact, clearly and distinctly gives the right to the chief of a legation which has given asylum to require from the Government safe-conduct to enable the refugee to go out of the national territory. He also seeks to maintain that the greater number of the refugees in the legation are, under the decree of 14th September last, submitted to the regular tribunals of justice.

I forwarded, on 20th instant, a synopsis of this note by telegraph.

On 22d instant I replied, as per copy inclosed (No. 2), pointing out the avoidance on the part of the minister to take into consideration the international principles and policy that had been always followed by Chile in regard to this right of asylum, and the natural and indispensable consequences derived therefrom, and suspending discussion upon this point until my Government, acquainted with all the facts, shall resolve what it considers proper under the circumstances.

I at the same time called the attention of the minister to the fact that, having on three consecutive occasions distinctly admitted that the asylum had been legitimately granted, he could not, without the will and permission of the Government of the United States, consider the refugees in this legation as submitted to the judicial tribunals.

I also pointed out that the decree of 14th September, which he put forward in a previous note as a reason why the Junta de Gobierno could not make this manifestation of friendship toward the Government of the United States, was nullified by the decree of the Junta de Gobierno of 19th instant, a translation of which I inclose (No. 3), which limits the power of the courts and submits thereto only such persons as the Junta de Gobierno may specially name.

I also inclose, for your information, translation of a decision of the supreme court, given on 17th instant (inclosure No. 4), to which the decree of 19th instant was the executive answer.

I concluded by pointing out that as he, the minister, had admitted that safe-conducts had been, and may be, given as a matter of courtesy and at the will of the Government, there could not be cause for surprise if the Government of the United States should interpret, as an act of but slight courtesy and consideration this refusal now to grant safe-conducts in accordance with the respect due to the invariable practice and international policy of Chile.

The substance of this note I reported by telegraph.

To this note I received to-day, under date of 23d instant, a reply from the minister of foreign relations expressing his belief in the inutility of exchanging further notes "pending the result of governmental



decisions, judicial proceedings, and legislative measures," and declaring that he considered the discussion closed.

Upon this question, therefore, as well as upon that of the action of the Santiago authorities toward the legation, I shall await your instructions.

I inclose a translation of this note (inclosure No. 5).

The blunt refusal on the part of minister of foreign relations to recognize such well-established precedents must place this Government in an awkward position, and it should not surprise me if, when the National Congress meets here on 6th November proximo, there would be an effort made to get out of the difficulty by passing a law granting a general amnesty to all those who took part in the late struggle.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 213.—Translation.]

*Señor Matta to Mr. Egan.*

MINISTRY OF FOREIGN AFFAIRS,  
*Santiago, October 20, 1891.*

SIR: In the afternoon of Saturday, the 17th instant, was received in this department the note bearing date of yesterday, the 16th, which the undersigned hastens to answer, in resuming, responding to, one by one, the four points referred to therein.

The honorable minister plenipotentiary insists in the opinion which he had formed previously respecting the orders given by the intendente and carried into execution by the police of Santiago, which was to arrest persons entering into and coming out of the North American legation who were or may have been suspected; and his excellency also stated that he had left the solution of these proceedings to the Government in Washington; and on which the undersigned for his part has already expressed himself, after receiving instructions from the Junta, and on comparing the reports and orders of the intendente, including his opinion on the subject under discussion. The undersigned still maintains his opinions. Believing, nevertheless, that he has not the right to endeavor to dissuade the minister plenipotentiary of North America from the line of action which he has adopted, he considers that this question may now be regarded as exhausted.

The other point which his excellency the minister advances refers to the reasons and almost rights with which the refugees and he in their aid and protection can require for them a safe-conduct to go out of the country.

The honorable minister plenipotentiary adduces arguments which the undersigned does not think necessary to confute or prolong, because they are based on foundations which are not accepted, nor acceptable in this department, which, by obligations and study, gives more importance than the honorable minister plenipotentiary attributes to the circular of the 14th of September, in which are submitted a list of persons among whom are included the greater number of the refugees now found in the North American legation.

The third point contained in the note of the 16th of October, referring to analogous arguments and precedents established in this department to prove that it is a legitimate right of the legation which gives the asylum to require a safe-conduct for the refugees, limiting therefore the penal jurisdiction of the country in which is its place of residence to the penalty of banishment, which the undersigned does not recognize nor could anyone recognize in the post which he now actually occupies.

The safe-conducts have been and may be given, but in all cases, not in virtue of sufficient rights on the part of the legation giving the asylum to demand or receive them, but of the courtesy, convenience, and will of the Government, and of the country in which resides the legation, and in certain cases and under certain restrictions by which they are dictated, not by the prescription of certain laws and statutes, but by those of honor, discretion, and delicacy. Safe-conducts, some recently and others more remote, which emanated from the free will of the person governing, without offending the law and thereby thinking to serve the interests of the country, may have been given, and if such case be examined into, it will be seen that they are of a very different order, and have other significations than the safe-conducts now solicited.

The reasons of justice and convenience which previously dictated the refusal to

grant the safe-conducts still existing, the undersigned believes it his duty not to modify his resolution, and would regret much, and even should be much more surprised, that the powerful Government of the great North American people would interpret as a serious grievance which the Chilean Government desires to inflict on its legation the legitimate use which it makes of its privileges to decide a question that is united not only with the prestige and the antecedents of the Supreme Junta, in whose name I speak, but also with the interests, the decorum, and the jurisdiction of the country.

Notwithstanding these divergencies of opinion, the undersigned avails himself of this occasion to reiterate to his excellency the minister plenipotentiary his distinguished consideration.

M. A. MATTA.

[Inclosure 2 in No. 213.]

*Mr. Egan to Señor Matta.*

LEGATION OF THE UNITED STATES,  
*Santiago, October 22, 1891.*

SIR: I have had the honor to receive the note which your excellency has been good enough to address to me under date of 20th instant, No. 560.

Your excellency has been pleased to say that your excellency "gives more importance than the undersigned has attached to the circular of 14th September, which submits to the tribunals of justice a list of persons, among whom are included the greater number of the refugees in the legation of North America," and that, the motives of justice and convenience which dictated the refusal to concede the safe-conducts solicited by this legation still continuing, the Government, in whose name your excellency speaks, found itself unable to modify the resolution adopted.

In another part of the communication your excellency says:

"Safe-conducts have been and may be given, but in all cases not in virtue of sufficient right on the part of the legation giving the asylum to demand or receive them, but of courtesy, of convenience, and of the will of the Government and of the country within which resides the legation."

Your excellency avoids entirely, in the note to which I reply, to take into consideration the irrefutable reasons advanced in my note of 16th instant, in which are proven by evidence what have been the principles and what has been always the international policy which, in a manner permanent and invariable, have been uniformly followed by Chile with relation to the right of asylum, and the natural and indispensable consequences derived from such right.

This refusal on the part of your excellency to recognize principles which form the international history of nations, which serve to regulate their relations with each other, and which become and constitute an obligatory right and duty for the country which has established and practiced them, I may be excused from further considering in my reply to this note of your excellency. I therefore leave in suspense all discussion upon this point until my Government, acquainted with all of the facts, may resolve what it considers proper under the circumstances.

At the same time I can not refrain from calling the attention of your excellency to assertions which I am unable to understand as satisfactory, and which without doubt must make a painful impression upon my Government.

In the note of your excellency of 26th September, No. 304, your excellency recognizes, as your excellency was obliged to do, the perfect right with which the undersigned had proceeded in giving asylum to certain political refugees. Your excellency states that:

"The asylum emanated from the principle of extraterritoriality inherent to the person, the house, and the vehicles of the diplomatic agent."

In another part of the same note your excellency corroborates the same recognition of this right, adding:

"Notwithstanding that this department has been informed of the measures that have been taken in order to prevent the refugees in said legation from abusing the protection which had been legitimately afforded to them."

And again in the note of your excellency of 29th September, referring to arrests which had taken place of various persons on going out of the legation, your excellency says that same resulted: "Not from the action or official measures of the authorities, local or national, but from the concession, which the undersigned believes lawful, to certain offenders called political."

It is then recognized by your excellency on three consecutive occasions that in

granting asylum to the political refugees this legation has acted with perfect correctness in virtue of the principle of extraterritoriality accepted by your excellency, and this being so it is entirely inexplicable to the undersigned that your excellency could consider as submitted to the tribunals by the circular of 14th September the refugees in this legation, who are beyond the reach of your excellency and of the judicial power to which your excellency refers.

The house of this legation is considered as an integral part of the United States, and without the will and permission of my Government your excellency could not consider as subject to the judicial action of Chile those persons who, from every point of view, are beyond its jurisdiction.

It is not possible to give, under those circumstances, to the circular of 14th September the significance which is attributed to it by your excellency; and this circular, to which your excellency attaches capital importance, loses besides its value and authority in view of the decree issued 19th instant by the Supreme Junta de Gobierno, of which your excellency is the worthy secretary of foreign relations.

In this decree is established that—

“Until there shall be reestablished the proper administration of the constitutional powers the persons arrested for offenses committed during the dictatorship, or for complicity in them, shall not be put at the disposition of the regular courts, with the exception of those who shall be specially named.”

In the note of your excellency of the 9th of the present month, No. 463, your excellency was good enough to say to me, as a reason or excuse for not conceding the safe-conducts, as follows:

“Since was issued the decree of 14th September last, by which were submitted to the judicial power the persons therein mentioned, the Supreme Junta and its secretaries have been deprived of the power to grant that which has been asked and which Mr. Egan believes, as in other circumstances it would be, a friendly manifestation toward the North American legation.”

In view of the facts, it is not possible for me to explain to my Government in a satisfactory manner the impossibility in which your excellency represents yourself to be to concede the safe-conducts solicited; since by the supreme decree of 14th September your excellency considers yourself unable to grant them by reason of the Supreme Junta having delegated its powers to the action of the tribunals; and by the supreme decree of the 19th of present month the Supreme Junta, not considering reestablished the constitutional regimen, decreed that there should be placed at the disposition of the regular tribunals only such persons as they might determine.

Your excellency has recognized that safe-conducts have been and may be given as acts of courtesy and at the spontaneous will of the Government of your excellency.

There can not, therefore, be cause for surprise on the part of your excellency if the Government of the United States should interpret as an act of but slight courtesy and consideration that the Chilean Government, having the power in its hands to make this friendly manifestation, should not wish to do so in accordance with the respect due to the invariable practice and international policy of Chile.

Again renewing to your excellency the assurances officially and personally of my highest consideration and esteem, I have the honor, etc.,

PATRICK EGAN.

[Inclosure 3 in No. 213.—Translation.]

*Decree of Junta de Gobierno of October 19, 1891.*

*SANTIAGO, October 19, 1891.*

Considering that for the more rapid reestablishment of constitutional and legal order in the Republic it is necessary to impose restrictions upon individual guaranties with respect to the persons compromised in transgressions during the dictatorship;

Considering that the Junta del Gobierno finds it its duty to adopt preventive measures necessary to make effective the responsibility of those persons, until there shall be reestablished the proper administration of the constitutional power;

The Junta del Gobierno decrees: That until shall be reestablished the functions of the constitutional power, the individuals imprisoned for criminal acts during the dictatorship, or implicated in them, will not be placed at the disposition of the ordinary justice excepting those who shall be specially named.

The decree of the 4th of September, of the present year, in which was ordered the reestablishment of the ordinary tribunals, shall be understood and interpreted with the foregoing restrictions.

Let it be recorded and published.

(Signed:) Jorge Montt, Waldo Silva, Barros Luco, M. J. Irarrazaval, M. A. Matta, Isidoro Errazuriz, J. Walker, M. A. Holley, Agustin Edwards.

[Inclosure 4 in No. 213.—Translation.]

*Decree of supreme court of October 17, 1891.*

SANTIAGO, October 17, 1891.

Be it known: That Francisco Vargas Lazo, in the name of Don Malaquias Concha, has appeared before this tribunal making it known that (the) person in whose name he is taking action has been confined in prison since the 2d of the current month, and for this reason presents this demand, making use of his rights cited in article 134 of the constitution

Having brought the person detained before this tribunal and there reproducing the heretofore-mentioned complaint, accompanied with a copy of the order of imprisonment, it appears that he has been detained on the grounds of being a political offender.

The report of the Señor Intendente of the province, which has been received to-day, mentions the acts for which it is supposed he is responsible, and on the strength of which determined his arrest.

Considering:

First. That the regular functions of the tribunals of justice being now established, that they should now proceed in accordance with the constitution and laws; and

Second. That in judging the acts of which, according to the report of the Señor Intendente, for which Don Malaquias Concha is supposed to be responsible, corresponds solely to the ordinary courts of justice.

Being obvious, that disposed, in article 134 of the constitution it is declared that the herein-mentioned Don Malaquias Concha should be immediately placed at the disposition of the competent judge.

Signed: Barceló, Riso, Vial, Recabarren, Flores, Gallardo. Decree by the Excmo. Corte Suprema.

[Inclosure 5 in No. 213.—Translation.]

*Señor Matta to Mr. Egan.*

MINISTRY OF FOREIGN RELATIONS,

*Santiago, October 23, 1891.*

SIR: There has been received yesterday evening in this department the note of your excellency dated 22d, and the undersigned proceeds to return the necessary reply.

As the principal points in question have been left by the honorable minister plenipotentiary to the consideration and judgment of his Government, from which he awaits the proper instructions, and as the facts and the time, on the one hand, and the governmental decisions, the judicial proceedings, and legislative measures on the other, must suppress the matter in debate, determining the situation of the persons for whom he requests safe-conducts, which the undersigned persists in denying, it is useless to continue an exchange of notes, which would only lead to a sterile discussion.

For this reason the undersigned considers the discussion closed, without in the least diminishing the consideration, official and personal, toward the honorable minister plenipotentiary, and has the honor, etc.,

M. A. MATTA.

*Mr. Egan to Mr. Blaine.*

No. 214.]

LEGATION OF THE UNITED STATES,

*Santiago, October 26, 1891. (Received December 3.)*

SIR: I beg to refer to my No. 202, of 16th September, and to say that the elections held on 18th of present month resulted very nearly as I then predicted.

In the new Senate there will be but 3 Conservatives or members of the Clerical party, the other 29 being composed of the different groups of Liberals and Radicals; and in the Chamber of Deputies, 35 Conservatives and 59 Liberals and Radicals. There is also a substantial ma-

jority of the presidential electors on the side of the Liberal party, but up to the present there is no certainty, and even very little idea, as to who will be selected for the Presidency.

I have, etc.,

PATRICK EGAN.

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*Mr. Blaine to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, October 28, 1891.

Mr. Egan is instructed to maintain his present position, and is authorized to draw on the Department for money to meet the extra expense if needed.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
Santiago, October 28, 1891.

Mr. Egan reports that he has written a note dated October 26 following closely the instructions sent him in regard to the assault upon the *Baltimore's* men and that, in his reply thereto, the minister of foreign affairs says that the Government of the United States formulates demands and advances threats that, without being cast back with acrimony, are not acceptable, nor could they be accepted in the present case or in any other of like nature. He does not doubt the sincerity, rectitude, or expertness of investigation on board the *Baltimore*, but will recognize only the jurisdiction and authority of his own country to judge and punish the guilty in Chilean territory. He says the administrative and judicial authorities have been investigating affair; that judicial investigation under Chilean law is secret and the time is not yet arrived to make known results; when that time does arrive will communicate result, although he does not recognize any other authority competent to judge criminal cases than that established by the Chilean people. Until the time arrives to disclose the result of investigation he can not admit that the disorders in Valparaiso or the silence of his department should appear as an expression of unfriendliness toward the Government of the United States which might put in peril the friendly relations between the two countries. Mr. Egan adds that Capt. Schley reports that the officers of the *Baltimore* were refused permission to be present at investigation and that the American sailors were obliged to sign a paper in Spanish which they did not understand. He will not answer the foreign office note until he receives instructions.

*Mr. Egan to Mr. Blaine.*

No. 217.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 28, 1891. (Received December 3.)*

SIR: On 23d instant I received from Capt. Schley, of the United States man-of-war *Baltimore*, a communication (inclosure No. 1) transmitting, by order of the Secretary of the Navy, copy of the report of a board of investigation held on board of the *Baltimore* into the circumstances of an attack made upon a number of the sailors of that ship on the 16th instant in Valparaíso (inclosure No. 2).

On same day I had the honor to inform you of same by telegraph.

The following day, Saturday, 24th instant, at night, I received your telegraphic dispatch, and in accordance with the instructions therein contained I addressed on Monday morning a note to the minister of foreign relations (inclosure No. 3) conveying particulars of the killing of Charles W. Riffin, the wounding and death of William Turnbull, and of a number of cases of wounds inflicted upon others of the United States sailors, together with particulars of a number of cases of brutal treatment on the part of the police inflicted upon the men whom they arrested; and I conveyed to the honorable minister the views of my Government in the terms, and almost in the exact language, of the telegram.

I immediately informed you by telegram of having done so.

I inclose a translation of the reply of the minister of foreign relations dated 27th instant (inclosure No. 4), in which he says that my note of 26th instant emits appreciations, formulates demands, and advances threats that, without being cast back with acrimony, are not acceptable, nor could they be accepted in the present case, nor in any other of like nature. He maintains that the only authority having the power to deal with such cases occurring in Chilean territory is that established by the Chilean people, that local authorities are now engaged making investigations, the results of which when completed he will communicate to this legation, and he declines to accept that there was anything in the occurrence which took place in Valparaíso that could imperil the maintenance of friendly relations between the two countries,

I at once conveyed a synopsis of this letter by telegraph, and at the same time I conveyed the information given me by Capt. Schley, that permission was refused to one of his officers to be present at the investigation and that his men were obliged to sign a paper in Spanish which they did not understand.

I shall await instructions before replying to this note.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 217.]

*Capt. Schley to Mr. Egan.*

U. S. S. BALTIMORE (FIRST RATE),  
*Valparaíso, October 22, 1891.*

SIR: In accordance with instructions received from the honorable Secretary of the Navy, I have the honor to inform you that I have instituted a board of investigation, composed of carefully selected officers, to investigate the causes leading to the disturbances which took place on the evening of October 16, while my men were on liberty on shore at this place, during which Boatswain's Mate Charles W. Riffin was killed; Carpenter's Mate John Hamilton, Landsman John H. Davidson, Seaman Apprentice John W. Talbot, Coal-heaver Jerry Anderson, Coal-heaver George Panter, and Coal-heaver William Turnbull were dangerously stabbed with dirks and bayo-

nets, were assaulted and beaten with clubs, and knocked down with stones, while many others of the crew were less seriously injured.

As nearly as the origin of the outbreak can be established, it may be traced to a quarrel between Riggins and a Chilean sailor about 6 p. m. in a saloon. It appears that Talbot came into the saloon at that moment, and, approaching them, he states that the Chilean sailor spit in his face and that he knocked the sailor down. At all events, there appears to have been a crowd on the outside ready and waiting, as numbers of men immediately rushed into the saloon and began the assault on these two men. They escaped and took refuge in a street car then passing, but were assailed there and dragged from the car, and Riggins was stabbed in the back many times by the crowd and left to die in the street. When he was picked up by a shipmate, Armorer Johnson, and in his arms to be taken to a drug store near by, a squad of police appeared on the scene and one of the number deliberately fired upon these two men. One of the shots entered Riggins's neck, killing him almost instantly.

Talbot escaped with a number of severe stab wounds in the back, two of which penetrated the lungs, and was arrested by the police subsequently in a house where he had fled for safety.

Coal-heaver Jerry Anderson was robbed by a mob of least twenty-five persons in broad daylight, and then knocked down and dangerously stabbed several times in the back, one wound penetrating the lungs. This occurred before the disturbance later in the afternoon.

Coal-heaver William Turnbull was stabbed eighteen times in the back and beaten with clubs. As two of the wounds penetrated the lungs, his condition is most critical.

Carpenter's Mate John Hamilton was knocked down with stones and then stabbed seriously in the buttock, groin, and back, and has many other bodily injuries. He was afterwards brutally dragged in an unconscious condition by two policemen to the *carcel*.

Coal-heaver George Panter and Landsman John Davidson were severely wounded with stones, clubs, and cut with knives. Many others of the crew were assaulted and stoned and clubbed and cut with knives, though to a less serious extent. Complaint is made by several men that after arrest they were "nipped" with catgut cords and dragged to the station. In one case a lasso or lariat was used.

The fact that a number of the wounds are recognized as bayonet wounds would appear to point to police participation in some few cases, though I am glad to be able to say that there were some instances in which the officers intervened most courageously to protect our men against the mob.

Thirty-six of my men were arrested and detained in prison and in hospital, then examined, and ultimately discharged, as no proof of their guilt could be adduced. I can personally bear witness to the sobriety, orderliness, good behavior, and politeness of my men to Chilean officers up to 5:30 p. m., when I left the shore, returning to my ship. This fact is corroborated later by many eyewitnesses on shore at or after 6 p. m., when the disturbance occurred.

It is believed that the assault was instigated by Chilean sailors recently discharged from the transports, together with the longshoremen, and that it was premeditated. Several of the men were told to keep within doors after night, as an assault upon them was intended by the crowds. That this was so is shown from the attacks made in widely separated localities in the town while the men were at supper in the hotels and restaurants. It is not believed that the sailors of the Chilean fleet assisted in this work of butchery, as there are instances in which some of them generously assisted our men against the mob and into places of safety, and it is a pleasant duty to dispel this infamous idea as published in the press of Valparaiso.

I can assure you most positively that my men were unarmed and defenseless, and the fact that the police authorities failed to discover an instrument beyond several small pocketknives and a small iron pestle about 4 inches long, such as druggists use, that could deserve the name of a weapon, is a most complete refutation of this charge.

I transmit a copy of the report of the board, and would add that the testimony therein given is corroborated by a score or more of eyewitnesses, who denounce the assault as unprovoked and brutal beyond expression.

In times of peace, in the port of a nation with whom we are on terms of amity and friendliness, this brutal assault and butchery of my men is an indignity of such gravity that I have been obliged to refer it in plain terms to the honorable Secretary of the Navy, and in transmitting the report to you I feel certain that it will receive both from yourself and from the authorities that attention and that serious consideration which it merits.

I must add that his excellency the intendente of Valparaiso and his honor the juez de crimen were most humane in hastening the hearing of my men and in promptly discharging them when no guilt appeared.

I have, etc.,

W. S. SCHLEY,  
Captain Commanding.

[Inclosure 2 in No. 217.]

*Report to Capt. Schley by the board of investigation.*

U. S. S. BALTIMORE (FIRST RATE),  
*Valparaiso, October 19, 1891.*

SIR: In obedience to your order of October 18, 1891, to investigate the disturbance which took place on the 16th instant, while our men were on liberty on shore, resulting in the death of Boatswain's Mate Charles W. Riffin, U. S. Navy, and the wounding of six others of the liberty party, we have the honor to submit the following report:

On the afternoon of October 16, 1891, about 2 p. m., a liberty party of about 120 men went on shore, C. W. Riffin (B. M.) being among the party.

During the remainder of the afternoon our men were seen by several officers of the ship strolling about the streets in a sober and orderly manner, saluting all officers, American and foreign (especially Chileans).

As far as we have been able to learn from a large number of witnesses who were on shore from this ship, there was no trouble of any moment till a little past 5 p. m.

About this time a large mob, made of civilians, sailors, and soldiers, began throwing stones and shouting "Yanks" at two or three of our men near a saloon called the "True Blue."

From this time on the mob increased, and wherever any of our men could be found they were stoned, beaten, and stabbed.

This was not confined to the above-mentioned locality, but extended up town as far as "Plaza Victoria."

The trouble was not the fault of our men, but was caused by the bitter feeling of the mob against our men and the desire to rob them, as several cases of men being robbed occurred in broad daylight.

The police not interfering, the worst of the assault lasted about an hour, and there are many complaints made by the men of brutal treatment at the hands of the police, such as being assaulted with the butts of muskets and kicked, taken to the police station by mounted police, having catgut "nippers" around their wrists, and in one case the arrested man was taken with a lasso around his neck.

The following are some of the cases of brutality committed by the police:

R. I. S. Hodge (S. A. I. C.), U. S. Navy, says that in company with Davidson he started from the mole to the scene of the riot, when they were assaulted with stones; also that an officer wearing a white cap struck at him with a sword, when he ran. He saw Davidson being beaten, and was then himself arrested.

I. Butler (S. A. I. C.), U. S. Navy, says that he saw Hamilton at the police station lying wounded on the floor. He endeavored to make a pillow for him with his shirt, but was threatened by a policeman with the butt of a musket and made to stop.

C. G. Williams (S. A. I. C.), U. S. Navy, says that he was arrested by a mounted policeman, who put a "nipper" around his wrist and started his horse on a gallop, throwing him down. After he got on his feet the policeman walked his horse to the station.

C. McWilliams (C. H.), U. S. Navy, says that he was arrested and taken to the police station with "nippers" on each wrist and a lasso around his neck, and was also bitten in the arm after being arrested.

J. Quigley (C. H.), U. S. Navy, says that whilst trying to escape from the mob he was struck with a sword by a police officer.

J. Talbot (S. A. I. C.), U. S. Navy, says he was arrested in a saloon where he had closed himself up for safety. He was taken by two policemen (one an officer) to the neighborhood of the intendencia, and was there turned over to a mounted policeman and one foot policeman, and "nippers" placed on his wrists. On the way to the police station he was repeatedly struck by the policemen with their fists. On arrival there it was only by urgent demands of one of the men that Talbot's condition received attention. He was finally taken, in company with Panter and Hamilton, to the hospital in a carriage.

The men that were stabbed were all stabbed in the back while either running before the mob or after having been knocked down on their faces with stones, etc.

The circumstances of the killing of Charles W. Riffin (B. M.), U. S. Navy, were as follows:

It appears that C. W. Riffin and an apprentice named J. W. Talbot were drinking in a saloon called the "True Blue" with a Chilean sailor. A dispute arose and the Chilean spit in Talbot's face. Talbot knocked the Chilean down, and during the fight between them there a mob of sailors and civilians rushed in upon them. Riffin and Talbot forced their way out and jumped on a passing horse car. The mob boarded the car and forced the two men off the rear platform. They again ran, after fighting their way clear.

The next information we have of Riffin was, he was seen by J. M. Johnson (armorer),



U. S. Navy, in the hands of a crowd, being stabbed, Riggins at the time being down and four policemen standing around him. The locality was Calle Arsenal. Johnson saw the stabbing from an upper room of an English boarding house. The mob left Riggins, and Johnson went to his assistance. He found him face down and apparently dead, with several stab wounds. Johnson raised him, and after a few minutes Riggins showed signs of life.

Johnson attempted to carry him to a drug store near by, but had proceeded but a short distance when he saw a squad of police with fixed bayonets charging up the street. When at close quarters they fired at Johnson, the muzzle of one piece being so near that Johnson's face was blackened by the discharge. A second shot was fired from Johnson's right, the bullet passing over his right breast, through his overshirt, undershirt, and neckerchief, and striking Riggins in the neck. His head fell on Johnson's left arm, as though his neck had been broken. Some one in the crowd shouted to Johnson to drop him or he would be the next.

Johnson dropped Riggins and escaped. Later in the evening Riggins's body was taken to the hospital.

In addition to the killing of Riggins, a number of men were wounded in different ways, as follows:

W. Turnbull (C. H.) has eighteen wounds in back, two of them entering the lung; also two contused wounds of head and several other bruises. Some of his wounds were made with a bayonet.

J. Hamilton (C. M.) has a wound of buttock and right loin, two contused wounds of head, and several stabs in back made with bayonet.

J. Talbot (S. A. I. C.) has two penetrating wounds of back, which entered the lung between the seventh and eighth ribs, also a number of severe bruises about the body.

G. Panter (C. H.) has one contused wound of head and a number of severe bruises.

J. H. Davidson (Lds.) has a contused wound of the head, and his body severely bruised.

J. Anderson (C. H.) has two incised wounds of back, on left side, one made with a bayonet, entering the lung. This wound is downward and slanting between the seventh and eighth ribs, and is 5 inches in depth. It is of a very serious nature.

W. Caulfield (P. M.) has a severe contusion of right knee and calf of right leg.

J. Quigley (Q. C. F.) has severe sprain of right thumb.

F. Clifford (Drum.) has contusion of left eye.

M. Houlihan (Q. C. F.) has an incised wound of left thumb, extending down to the bone and joint and may leave him a stiff joint.

T. Smith (S. A. Q. C.) has an incised wound of the scalp on right side, and his body is severely bruised.

J. Butler (S. A. Q. C.) has an incised wound on right side of scalp; also a severe contusion of right arm and leg.

J. McBride (J. C. F.) has an incised wound of left wrist and a contused wound at back of the head.

J. Gillen (C. H.) has sprain of left wrist.

W. Lacy (C. H.) has contused wound of back of head and incised wound of elbow joint, which may leave him with a stiff joint.

R. I. Hodge (S. A. I. C.) has two contused wounds of the head, made with a blunt instrument.

I. Rooney (C. H.) has body severely bruised by clubs and stones, which may be followed by pneumonia.

H. Fredericks (O. S.) has an incised wound over right eye, which will leave a very ugly scar.

Thirty-six of our men were arrested, five of whom were sent to the hospital on account of their wounds, and thirty-one confined in police stations.

We believe that most of the sailors mentioned in the mob were men recently discharged from the Chilean fleet. In one case Chilean men-of-war's men assisted one of our men against the mob.

The statement that has been made that our men went on shore armed is false, as the only evidence to support this statement is the list of arms said to have been taken from our men by the police, which is as follows:

Seven ordinary pocketknives.

One iron pestle (about 4 inches long).

Very respectfully,

S. H. MAY,  
Lieutenant, U. S. Navy.  
JAMES H. SEARS,  
Lieutenant, U. S. Navy.  
STEPHEN S. WHITE,  
Passed Assistant Surgeon, U. S. Navy.

I certify the above to be a true copy.

W. S. SCHLEY,  
Captain Commanding.

[Inclosure 3 in No. 217.]

*Mr. Egan to Señor Matta.*LEGATION OF THE UNITED STATES,  
Santiago, October 26, 1891.

SIR: In compliance with instructions received from my Government, it is my duty to bring to the attention of your excellency a most painful occurrence which took place on the 16th instant, in the streets of Valparaiso, in the form of an assault upon a number of sailors belonging to the United States man-of-war *Baltimore*, resulting in the death of two men and the wounding, more or less seriously, of some seventeen others.

Immediately upon the receipt by the Navy Department of the United States of information of the assault, the commander of the *Baltimore*, Capt. Schley, was directed to cause an immediate and thorough inquiry to be made into the origin and incidents of that tragic affair, and to communicate the result simultaneously to the Government of the United States and to this legation.

The result of this inquiry, made by a board composed of carefully selected officers of the said ship, is now received, as well as a report from Capt. Schley, which show that the sailors of the *Baltimore* were unarmed, were entirely correct and orderly in their conduct, gave no cause of provocation, that the attack was apparently premeditated, and that the assaults were made by armed men greatly superior in numbers, and who, as my Government must conclude, were animated in their bloody work by hostility to those men as sailors of the United States.

The outbreak appears to have been begun by a Chilean sailor spitting in the face of one of the sailors of the *Baltimore*, while close at hand was a crowd, composed chiefly of sailors recently discharged from the Chilean fleet, ready and waiting for the assault. The two men originally attacked having escaped, were pursued and dragged from a tramway car, and one of them left wounded and dying on the street. While a companion endeavored to assist him to a medical establishment, they were both deliberately fired upon by the police, and the wounded man, Charles W. Riggan, was killed by a bullet through the neck. Then commenced an indiscriminate attack, extending to parts of the city widely distant, against United States sailors wherever they could be found, with corvos, bayonets, clubs, and stones. The police, meantime, either did not interfere to protect them, or joined in the attack, as in the case of the killing of Riggan; or they captured and dragged off to the prison, under circumstances of the utmost barbarity, those United States sailors.

In addition to the killing of Riggan, other men were grievously wounded in different ways, as follows:

W. Turnbull, eighteen wounds in back, two of them entering the lung; also two contused wounds of head and several bruises. Some of the wounds were made with a bayonet. This man died on yesterday.

J. Hamilton, a wound of buttock and right loin, two contused wounds of head, and several stabs in back made with bayonet.

J. Talbot, two penetrating wounds of back, which entered the lung between the seventh and eighth ribs, also a number of severe bruises about the body.

C. Panter, one contused wound of head and a number of severe bruises.

J. H. Davidson, a contused wound of head and his body severely bruised.

J. Anderson, two incised wounds of back on left side. One made with a bayonet enters the lung; this wound is 5 inches in depth and is of a very serious nature.

W. Caulfield, J. Quigley, F. Clifford, M. Houlihan, F. Smith, J. Butler, J. McBride, J. Gillen, W. Lacey, R. J. Hodge, J. Rooney, and H. Fredericks, wounded in various ways.

Your excellency will perceive from the character of many of the wounds that the public police, or some of them, instead of affording protection to the men assaulted, took part in this cowardly attack and generally acted toward those unarmed men with brutality; John Hamilton, for example, when, after being knocked down with stones, was stabbed seriously in the buttock, groin, and back with bayonets, was afterwards cruelly dragged in an unconscious condition by two policemen to the carcel.

J. S. Hodge, while being assaulted with stones, was struck at with a sword by an officer wearing a white cap.

G. G. Williams was arrested by a mounted policeman, who put a "nipper" around his wrist and started his horse at a gallop, throwing him down. After he got on his feet the policeman walked his horse to the station, leading Williams by means of the "nippers."

C. McWilliams was arrested and taken to the police station with "nippers" on each wrist and with a lasso around his neck.

J. Quigley, while trying to escape from the mob, was struck with a sword by a police officer.

J. Talbot, while severely wounded, was arrested in a saloon, where he had taken

shelter from the mob; was dragged through the streets with "nippers" on his wrists, and was repeatedly struck by the policemen.

Over thirty United States sailors were arrested in this manner without any apparent cause, and some of them held for four days by the authorities in prison.

The friendly efforts of a few of the public officers and men of the Chilean fleet to give succor to the men attacked furnishes the only redeeming feature of this affair.

I am directed by my Government to call the attention of the Government of your excellency to the fact that although this cruel work, so injurious to the United States, took place on the 16th instant, no expression of regret, nor of a purpose to make adequate searching inquiry with a view to the institution of proper proceedings for the punishment of the guilty parties, has been so far offered to the Government of the United States.

I am further, your excellency, instructed to inquire whether there are any qualifying facts in the possession of the Government of your excellency, or any explanation to be offered of an event that has very deeply pained the people of the United States, not only by reason of the resulting death of two of the sailors of my nation and the pitiless wounding of so many others, but even more as an apparent expression of an unfriendliness toward the Government of the United States, which might put in peril the maintenance of amicable relations between the two countries.

If the facts be as reported by Capt. Schley, my Government can not doubt that the Government of your excellency will offer to it prompt and full reparation proportionate to the gravity of the injury inflicted.

Renewing to your excellency, etc.,

PATRICK EGAN.

[Inclosure 4 in No. 217.—Translation.]

*Señor Matta to Mr. Egan.*

MINISTRY OF FOREIGN RELATIONS,  
*Santiago, October 27, 1891.*

SIR: The undersigned received yesterday at 3:30 p. m. the note in which your excellency, under date of 26th instant, complying with the instructions of your Government, makes a statement of the deplorable events which occurred the 16th instant, and after explaining the result arrived at by a commission of officers and the commander of the cruiser *Baltimore*, it emits appreciations, formulates demands, and advances threats that, without being cast back with acrimony, are not acceptable, nor could they be accepted by this department, either in the present case or in any other of the like character.

The undersigned does not doubt nor protest against the sincerity, the rectitude, nor the expertness of the investigations made in relation to the lamentable occurrences between some North American sailors and some discharged Chilean sailors and boatmen, but by duty and in compliance with international rules and customs never denied by civilized nations, he abides by and will abide by, the jurisdiction of the authority of his own country, which are the only ones which have full right and will have sufficient power to judge and punish the guilty whoever they may be and wherever they may be found in the territory of Chile.

The occurrence took place in Valparaiso, and since the date on which it took place the authorities, administrative and judicial, respectively, have been engaged in ascertaining upon whom is the blame and who should be punished in the very deplorable and not yet determined or judged occurrence that took place the 16th instant.

As the undersigned believes, in the post which he occupies, that he has the obligation, most precise and defined, as it is his desire, to cultivate the best relations, not only with friendly countries, but also with those who are their distinguished and authorized representatives, he does not take into account the manner in which the honorable minister plenipotentiary makes his complaints and protests in some parts of his note, and he proceeds to reply to the only two points in it which demand an answer, in order that matters may be placed upon the proper grounds and in the proper light.

The disorder having occurred between American sailors and Chilean citizens, which resulted in the deaths and number of wounded which the note of your excellency states, the authorities to whom corresponds the duty of making the necessary investigations to establish who were the responsible parties and the punishment to be inflicted, and of the result of that investigation, the commander of the *Baltimore* must have received information and testimony since the 22d or 23d of the present month, according to a copy existing in this department addressed by the intendente

of Valparaiso and transmitted by him in accordance with instructions given under date of 19th instant.

The judicial investigation into these facts, and which in our judicial practice is called summary (*sumario*), is made in secret up to a certain point, when it may be made public, which time has not yet arrived, and for this reason this department does not possess nor can it transmit the knowledge of the guilt or the guilty which may result from the investigation.

As soon as this investigation shall arrive at a conclusion, and whatever may be its results with respect to the guilt or the guilty, the undersigned will have the honor and will deem it his duty to bring it to the knowledge of the honorable envoy extraordinary and minister plenipotentiary of the United States, whose Government and people have never failed and can not fail to recognize in the other countries with which they have relations of friendship, the privileges and rights of sovereignty, which in no place is more evident and of more proper application than in the exercise of the jurisdiction which belongs to each independent country, although the undersigned does not recognize any other legitimate authority as competent to judge criminal cases occurring in Chilean territory than that established by the Chilean people.

Until the moment arrives to know and to make known the result of the summary relating to the occurrences and the parties culpable on the 16th instant, without accepting that the disorder which occurred in the streets of Valparaiso, and the silence kept by this department should appear as "an expression of unfriendliness towards the Government of the United States, which might put in peril the maintenance of amicable relations between the two countries," the undersigned has the honor to reiterate, etc.,

M. A. MATTA.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 30, 1891. (Received October 31.)*

Mr. Egan reports that the investigation of the assault upon the *Baltimore's* men is secret; that, as he is informed, Capt. Schley and the United States consul have received from the judge of crime an invitation to submit evidence and will refer the application to the legation, and that he will await instructions.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 31, 1891.*

Mr. Egan received last night from the minister for foreign affairs a note with the report of the intendente of Valparaiso in regard to the assault upon the sailors of the *Baltimore* inclosed. Like the minister's other note, this note expresses no regret for the occurrence. It states that the result of the investigation now in progress will be communicated to Mr. Egan, and that the real culprits, if discovered, will receive due punishment.

The report of the intendente of Valparaiso says it is entirely impossible that the police of that city could have committed the cruel and brutal excesses which the United States minister imputes to them and that a mob of 2,000 collected; that the fight, in which all, especially the Americans, fought with stones, clubs, and bright weapons, was general, and that

the only part taken in it by the police and military guard was their endeavor to quell the disturbance and arrest the participators. The intendente professes ignorance of the origin of the fight, but thinks it commenced between drunken sailors. Neither does he know who shot Riggins. He believes the authorities did all they could under the circumstances.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, October 31, 1891.*

Mr. Egan states that he will maintain his present position as instructed by the Department.

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*Mr. Blaine to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, November 1, 1891.*

Mr. Blaine instructs Mr. Egan to claim the privilege of reading the paper which the American sailors have signed in secret, in a language they did not understand, and without being accompanied by counsel, and to see that no one from the *Baltimore*, officer or sailor, is allowed to testify except in the presence of a friend acting as counsel and in his own language openly and not secretly.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 3, 1891.*

Mr. Egan reports that he has advised Capt. Schley to tender evidence in accordance with the telegraphic instructions of November 1, and that the United States consul at Valparaiso reports that the same judge who would not allow an officer of the *Baltimore* to be present permitted the secretary of the German consulate to attend the investigation of the killing of a German man-of-war's man, which took place last month.

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*Mr. Egan to Mr. Blaine.*

No. 220.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 3, 1891. (Received December 3.)*

SIR: I beg to refer to my No. 217, addressed to Mr. Wharton, and have now the honor to inclose a translation of a second note received from the minister of foreign relations, under date of 30th October

ultimo (inclosure No. 1), conveying report from the intendente of Valparaiso in reference to the unfortunate occurrence of 16th of October.

The intendente considers it entirely impossible that the police could have committed the brutalities and cruel excesses imputed to them, and says when the police and other forces arrived on the scene "the mob collected was about 2,000 men, which, from the square of Francisco Echaurren to the passenger mole, including the streets, or *calles*, of Cochrane, Blanco, and the Avenue Errazuriz, formed a real battlefield (*campo de agramonte*), in which all, and especially the American sailors, fought with stones, clubs, and bright arms (*armas blancas*). He claims that the police and soldiers only tried to restore peace; that, under the circumstances, the local authorities could not have done more, and that everything goes to show that the disturbance began by a fight between some drunken sailors. The minister concludes by renewing his promise to communicate the result of the process when concluded.

I communicated the substance of this note by telegram, and shall, as in the case of the note of the 27th ultimo, await instructions before replying.

On 30th I learned by telephone from Valparaiso that the judge of crime had requested Capt. Schley and the United States consul to submit evidence, and that they intended to refer the request to this legation.

In order not to lose time I at once telegraphed for instructions.

I forwarded to Capt. Schley copy of the report of the intendente, conveyed to me in his note of 30th instant by the minister of foreign relations, and have received under date of 1st instant Capt. Schley's reply (inclosure No. 2), in which he says:

The fact that my men, numbering in few cases more than 5 or 6, were attacked by a mob of 2,000 men, and that those of them who were arrested (36 in number) were found when searched to possess only 6 or 7 small pocketknives is a complete refutation of the statement that they were armed as charged by the Intendente.

He bears personal testimony to the orderly behavior, politeness, and sobriety of a very large number of his men whom he met about the streets up to the time he left the shore, about half an hour before the disturbance commenced, and points out that the attack of 2,000 people upon a few unarmed and defenseless men, with the death of one on the spot and one subsequently, and the mutilation by stab wounds in their backs of many others, merits to be called a brutal attack.

I received a second letter from Capt. Schley, also under date of 1st instant (inclosure No. 3), giving a list of persons who can give valuable evidence, and transmitting to me copy of the invitation from the intendente to supply evidence, together with his reply, both of which I send attached to inclosure No. 3.

I received on yesterday your telegram of 1st instant, conveying instructions that none of the officers or crew of the Baltimore should be allowed to testify except he be accompanied by a friend as counsel and be allowed to express himself in his own language openly and not secretly, and also instructing me to ask the Chilean Government the privilege of reading the document which American sailors signed in secret without understanding and when unaccompanied by counsel.

I had an interview with the minister of foreign relations on this matter, who explained to me that under the old Spanish forms in use in Chile the judge of crime is entirely independent of the Executive in regard to the process of the *sumario*, and is not obliged to give any information or show any of the documents until the process is concluded, and

he regretted that for that reason he could not comply with the request.

I stated that, in order to facilitate the progress of the investigation and to avoid as far as possible the raising of difficult questions, I would suggest to Capt. Schley to tender through the intendente the evidence of his men upon the conditions named in your telegram, which I explained to the minister, and that I should also suggest to Capt. Schley to make in Valparaiso the request to be allowed to read the documents signed by the sailors.

I addressed last night to Capt. Schley a letter to this effect, copy of which please find herein (inclosure 4).

To-day I received from the United States consul, Valparaiso, a letter (inclosure No. 5) giving me the information that in the case of the stabbing by Chilean sailors of one of the crew of a German war ship (who, it is stated, was mistaken for an American) Judge Foster, of the court of crimes, the same who is now conducting the investigation into the *Baltimore* case, permitted, in the course of last month, the secretary of the German consulate to be present, while he refused the request of Capt. Schley for permission for one of his officers to attend.

Although not provided for by law, it has been the almost invariable custom in Valparaiso, when questions arose involving foreign interests, to invite the consul of the nation interested to be present at the investigation in a case affecting a merchant ship and in the case of a war ship the captain or an officer whom he might depute.

I informed you to-day by telegraph of the course pursued in this case of the German sailor.

I have, etc.,

PATRICK EGAN.

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[Inclosure 1 in No. 220.—Translation.]

*Señor Matta to Mr. Egan.*

MINISTRY OF FOREIGN RELATIONS,  
*Santiago, October 30, 1891.*

SIR: As there have been made on the part of the legation of which you are the chief, in a note of 26th instant, reproaches and imputations against the members and officers of the police of Valparaiso, until the moment arrives to publish all of the summary (*sumario*) referring to the occurrences of the 16th and that this department should place it in the knowledge of your excellency, the undersigned esteems it necessary and convenient to transmit to your excellency the report in relation to the facts and investigation which the intendente of Valparaiso has been able to make in compliance with his duty, and in order to make clear the responsibility and those responsible in the deplorable occurrences of 16th instant.

The following is the report of Don Juan de Dios Arlegui in so far as it refers thereto, founded upon the acts and sayings of the immediate chiefs:

"By these facts your excellency will be acquainted with the extremes of inaccuracy of the charges formulated by the honorable minister of the United States against the police of this port. Thence it is entirely impossible that the police could have committed the number of brutalities and cruel excesses which are imputed to them.

"The conflict commenced at 6 o'clock p. m. in the streets called the Clave, San Martin, San Francisco, etc., inhabited by people of the lowest grade and full of sa-loons and sailor drinking houses.

"The formation of a crowd in a few moments is very easy in those localities.

"At the intendencia was received information at 6:15 o'clock p. m. In the moment orders were given by telephone to the chief police station, also to that of Santo Domingo, and at the same time to the military guard of the intendencia, so that without losing time there might be brought together the greatest possible force to prevent the conflict. This was done, and when the force arrived, particularly the police, at 6:30 o'clock, the mob collected was about 2,000 men, which, from the Square

of Francisco Echaurren to the passenger mole, including the streets, or *calles*, of Cochran, Blanco, and Avenue Errazuriz, formed a real battlefield (*campo de agramonte*), in which all, and especially the American sailors, fought with stones, clubs, and bright arms (*armas blancas*).

"The police and soldiers who arrived at the place only tried to make peace and to arrest those most actively engaged on account of the state of excitement or drunkenness in which they were, and to disperse the crowd.

"An hour after, at 7:30 o'clock, all was quiet and the persons captured were placed at the disposition of the judge of crime, who arrived at the place.

"When the police force arrived there was heard behind the back of the captain commanding a shot from some firearm. The captain turned around immediately and saw a sailor of the *Baltimore* fall wounded in the neck. The shot had no doubt been fired from a considerable group of people which was there. It was impossible to discover who had fired or who was with firearms, a thing which can be easily understood if there be taken into account the fact that the occurrence took place in the moment in which the police force arrived at the Plaza Echaurren. The officer dismounted, attended to the wounded man, and conducted him to the drug store of Señor Guzman, in order to procure him medical attendance, and afterwards sent him to the hospital; unfortunately, however, he died on the way.

"I do not believe, Mr. Minister, that the local authorities could have done more than they did upon the occasion of this unfortunate occurrence, in view of the locality in which it took place, the deficiency of the police to look after this extensive and irregular population, and the imprudence of landing on shore at one time 160 men of the crew of the *Baltimore*, according to the reports of the police.

"The precise cause of the disorders it has not been possible to ascertain. I do not know if it will appear from the summary now in progress, but everything goes to show that it began by a fight between some drunken sailors, the same as had taken place a few days before between some German and Chilean sailors."

According to the rule which governs criminal proceedings, while the facts are being investigated the process is kept secret, and hence neither the intendente of Valparaiso nor the undersigned are in a position to know more than appears from the declarations and reports of certain and specified persons, and are not able to affirm or deny anything in relation to the result at which the judge may arrive in his investigations, which are the more prolonged and complicated the greater are the number of culprits or persons responsible for the crime.

Maintaining the offer made to that legation to communicate whatever may result from the conclusion of the process and being sure that the real culprits being discovered the proper punishment will take place, the undersigned renews to the honorable envoy extraordinary and minister plenipotentiary the expression of his high consideration.

M. A. MATTA.

[Inclosure 2 in No. 220.]

Capt. Schley to Mr. Egan.

U. S. S. BALTIMORE (FIRST RATE),  
Valparaiso, November 1, 1891.

SIR: In reply to your letter of October 31, inclosing a copy of a communication from the minister of foreign affairs, I would state that neither my letter nor the report of the board of investigation charges the police force and its officials as a body with participation. My report to you states that "the fact that a number of the wounds are recognized as bayonet wounds would appear to point to police participation in some few cases, though I am glad to be able to say that there were some instances in which the officers intervened most courageously to protect our men against the mob."

Complaints are made by men whose names are given in the report of the board of investigation of brutal treatment by those police into whose hands they fell, and I have mailed you a number of names of persons who may be able to give information that will lead to a fuller development of all facts bearing upon this disturbance.

Until all information is before the intendente and the investigation shall have been concluded, I am unable to understand how he has arrived at the conclusion that the charges made in several instances against the police are inaccurate and could not have been committed by them.

The fact that my men, numbering in few cases more than 5 or 6, were attacked by a mob of 2,000 men, and that those of them who were arrested were found when searched to possess only six or seven small pocketknives, is a complete refutation of the statement that they were armed as charged by the intendente.



I hope that when the persons are examined whose names I have sent you it will be shown that the opinions of the intendente were expressed in the absence of all the facts of the case and are from that point of view inexact.

I can personally testify to the orderly behavior, politeness, and sobriety of a very large number of my men whom I met strolling about the streets up to 5:30 p. m., when I left the shore, and as the disturbance originated about 6 o'clock, by Riggins' dispute with a Chilean sailor, at which time Riggins must have been sober, as Mr. Lanctot can testify to his and his companions' sobriety when dragged from the car a few minutes before Riggins was killed.

As to who fired the shot which killed Riggins, I think some light will be thrown upon the subject by some of the witnesses whose names I have transmitted this morning.

The attack of 2,000 people upon a few unarmed and defenseless men (and I say defenseless because, when searched by the police, only six or seven pocketknives were found and returned to me by the intendente after the men's examination), with the death of one on the spot and one subsequently, and the mutilation, by stab wounds in their backs of many others, surely merits to be called a brutal attack.

I have, etc.,

W. S. SCHLEY,  
Captain Commanding.

[Inclosure 3 in No. 220.]

*Capt. Schley to Mr. Egan.*

U. S. S. BALTIMORE (FIRST RATE),  
Valparaíso, November 1, 1891.

SIR: I have the honor to inform you that the following persons have stated that they are able to testify to facts and can give names of individuals who saw and can recognize some of the mob who assaulted and stabbed my men on the evening of the 16th ultimo.

Thomas Riley, keeper of the "Horse-Shoe Bar," is now in Santiago with the English Opera Company. He can give the names of a number of people who saw the stabbing and shooting of Riggins and other attacks on my men.

Andrews Löfquist, having been an eyewitness, can testify to the shooting and stabbing of Riggins.

Charles Lanctot gave one of our men citizen's clothes and helped him, after being chased from the mole up to the Hotel Colon. He can give names of several others who witnessed the assault and can testify that men were sober, and saw Riggins and another man dragged from the car and stabbed. He also knows the names of some others who saw the assault.

Edward Parry, at Lever & Murphy's, saw the shooting of Riggins and assault on other men. He is an important witness.

John Carthy, a negro, now held in jail, saw the killing of Riggins, and can name three men whom he says he saw stab him.

Capt. Jenkins, of the steamer *Keweenaw*, saw the assaults of the mob, and can give names of people who saw the assault and are familiar with the details.

I have informed the intendente that I had no doubt if application were made to you the information requested in his letter would be furnished, and to that end I inclose his letter to me and my reply.

Very respectfully, etc.,

W. S. SCHLEY,  
Captain Commanding.

[Inclosure A.—Translation.]

*The intendente of Valparaíso to Capt. Schley.*

REPUBLIC OF CHILE,  
INTENDENCIA OF VALPARAISO,  
Valparaíso, October 29, 1891.

The judge of crime has addressed to me an official letter of yesterday's date, as follows:

"In the proceedings instituted against Charles G. Williams and forty others in the matter of a dispute between North Americans and Chileans, dated on yesterday, the following is decreed:

"It being expedient, for the furtherance of investigations, to make use of the information which the commander of the *Baltimore* and the North American consul have been able to obtain, the intendente of the province is instructed to procure from said functionaries the data referred to.

"The above is hereby communicated for that end.

"God guard you.

"E. FOSTER RECABARREN."

I have the honor to transmit the same to you for the end in view.

God guard you.

J. DE DIOS ARLEGÜI.

[Inclosure B.]

*Capt. Schley to the intendente of Valparaiso.*

U. S. S. BALTIMORE (FIRST RATE),  
*Valparaiso, November 1, 1891.*

SIR: In reply to your excellency's note, dated October 29, I have the honor to inform you that as the matter to which it refers has been transferred by my Government to the minister, Mr. Patrick Egan, envoy extraordinary and minister plenipotentiary at Santiago, I would respectfully state that I am of opinion that if application be made to him, your excellency will be supplied with the names of several individuals who will be able in their turn to give you other names of persons who saw the killing of Riggin and the wounding of a number of others of my men during the lamentable disorders of the 16th ultimo.

Regretting that I am unable to furnish, directly, the information you have requested, I have, etc.,

W. S. SCHLEY,  
*Captain Commanding.*

[Inclosure 4 in No. 220.]

*Mr. Egan to Capt. Schley.*

LEGATION OF THE UNITED STATES,  
*Santiago, November 2, 1891.*

SIR: I beg to acknowledge receipt of your two communications of yesterday, with inclosures, and I am also in receipt to-day of a telegram from the Secretary of State on same subject, copy of which I inclose for your information.\*

From this telegram you will perceive that the Department sees no objection to officers or men of the *Baltimore* giving evidence before the judge of crime, provided they "be accompanied by a friend as counsel and be allowed to express themselves in their own language, openly and not secretly."

As the intendente may take your answer of 1st instant as final and may not communicate the request for evidence through the department of foreign relations to me, I would suggest to you the advisability of again putting yourself in communication with him with a view to the production of this evidence, upon the conditions laid down in Mr. Blaine's telegram. There could also be no objection now to your giving to the intendente direct the names of the witnesses which you have mentioned in your letter to me.

If the evidence be accepted by the authorities, upon the conditions, you will no doubt be allowed the privilege of reading the documents signed by the American sailors in their examination before the judge of crime referred to in your reports, in which case you will oblige me by sending me copies, or if copies be not obtainable, a statement of what such documents contain.

I remain, etc.,

PATRICK EGAN.

\*For this inclosure see telegram to Mr. Egan of November 1.

[Inclosure 5 in No. 220.]

*Mr. McCreery to Mr. Egan.*CONSULATE OF THE UNITED STATES,  
*Valparaiso, November 2, 1891.*

SIR: On the 23d September last one of the men from the German vessel of war named *Nemman* was on liberty on shore and was seriously stabbed.

Judge Foster, of the court of crimes, the same judge and court who have investigated the *Baltimore* killing, investigated the case, and at the investigation the secretary of the German consul at this port was present by permission of the judge. This permission to be represented at the investigation held by the same judge at the same court was denied to Capt. Schley, who made application for same to the intendente and to the same judge. The investigation in reference to the stabbing of the German sailor was made on the 28th day of October. There is no question in relation to the facts herein communicated.

I am, etc.,

WM. B. MCCREERY,  
*United States Consul.*

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*Mr. Blaine to Mr. McCreery.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, November 3, 1891.*

Give me all the facts you have and all the information you can get relative to riot. Use naval cipher.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 7, 1891.*

Mr. Egan reports the ill treatment of Patrick Shields, a fireman of the U. S. S. *Keewenaw*, and an American citizen, who, according to a report from the United States consul at Valparaiso, was arrested for drunkenness, a charge denied by him, kept for several days in jail without process of law, forced to sweep the streets, and brutally beaten by police officers. The consul says that he has been medically examined and found to be in a serious condition, and that the local authorities have been remonstrated against.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 7, 1891.*

Mr. Egan reports the attacks which a certain part of the press has been directing against the legation for some days and alleging a conspiracy, in which the refugees in the legation are represented as being implicated, for the purpose of murdering the commander of the army,

and mentions one newspaper report according to which the plot originated in the legation, and announcing the arrest of eighty persons. In consequence of this a public meeting was called last evening, at which speeches were made against the alleged conspiracy and resolutions passed calling on the Government to request the delivery of the refugees. Threats of violence against the legation had been previously circulated without hindrance. He says that no hostile demonstration was attempted, the Government having sent a force of cavalry near the legation after the receipt of his note calling attention to the situation, denying *in toto* the charges of conspiracy made against the United States legation and holding the Government responsible for any disrespect shown to the legation. He says that a proclamation was issued by the governor of the province, after the meeting had been held, denying that any designs had been entertained against the life of Col. Canto, or any arrest made, or any necessity existed for a judicial investigation, but adds that some denial should have been made public prior to the meeting and before the legation had been permitted to be publicly denounced.

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*Mr. Egan to Mr. Blaine.*

No. 222.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 7, 1891. (Received December 14.)*

SIR: I beg to refer to my No. 220 and have now the honor to inclose a communication from Capt. Schley, of the *Baltimore*, under date of 3d instant (inclosure No. 1), transmitting to me copy of a letter which he had addressed to the intendente of Valparaiso, giving names of a number of important witnesses, including several of the crew of the *Baltimore*, whom he is prepared to produce upon the conditions set forth in your telegram of 1st instant, together with the reply of the intendente.

I also inclose copy of letter dated 6th instant, received from United States consul at Valparaiso (inclosure No. 2), informing me that at the investigation into the case of the German sailor who was stabbed recently, the secretary of the German consulate was only allowed to be present while the companions of the wounded man were giving their evidence and not during the entire investigation.

I have, etc.,

PATRICK EGAN.

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[Inclosure 1 in No. 222.]

*Capt. Schley to Mr. Egan.*

U. S. S. BALTIMORE (FIRST RATE),  
*Valparaiso, November 3, 1891.*

SIR: I have the honor to inclose herewith my letter to the intendente as suggested by you in accordance with your instructions and my own upon that point.

I inclose also a translation of the intendente's reply.

I am, etc.,

W. S. SCHLEY,  
*Captain Commanding.*

[Inclosure A.]

*Capt. Schley to the intendente of Valparaiso.*U. S. S. BALTIMORE (FIRST RATE),  
*Valparaiso, November 3, 1891.*

SIR: Since my letter of November 1, referring to the matter of furnishing facts in my possession relating to the disturbance of October 16, I have the honor to say that I can now furnish you with a list of several names of persons who are cognizant of facts bearing upon that unfortunate occurrence.

I have the honor to state that as far as my men are concerned, who can testify as to indignities at the hands of the police after arrest, I can only permit them to testify if accompanied by an officer as counsel and allowed to express themselves in their own language, openly and not secretly. In this event I would respectfully request that I may be allowed the privilege of reading the evidence given.

I inclose herewith a list of names that will assist the authorities in their investigation:

Thomas Riley, keeper "Horse Shoe Bar."  
 Andrews Löfquist, Valparaiso.  
 Charles Lancetot, Lever & Murp'y's.  
 Edward Parry, Lever & Murp'y's.  
 John Cartley (or Carthy).  
 Capt. Jenkins, Commanding steamer *Keweenaw*.  
 Dr. Stanley, now on board this ship.  
 J. M. Johnson, armorer, U. S. S. *Baltimore*.  
 C. G. Williams, apprentice, U. S. S. *Baltimore*.  
 P. McWilliams, coal-heaver, U. S. S. *Baltimore*.  
 J. Quigley, coal-heaver, U. S. S. *Baltimore*.  
 J. W. Talbot, apprentice, U. S. S. *Baltimore*.  
 J. Butler, apprentice, U. S. S. *Baltimore*.

There are several others whose addresses are not known at this time, but I will take pleasure in transmitting them to your excellency as soon as I shall obtain them.

I am, etc.,

W. S. SCHLEY,  
*Captain Commanding.*

[Inclosure B.—Translation.]

*The intendente of Valparaiso to Capt. Schley.*INTENDENCIA OF VALPARAISO,  
*Valparaiso, November 3, 1891.*

I have had the honor to receive your note of this date, in which you were pleased to inclose a list of names of persons cognizant of the facts which relate to the unfortunate incident of the 16th of October past.

I am pleased to inform you that your note has been transmitted to the judge of crime, who, having in mind the rules of criminal procedure established by our laws, will decide what to permit in order to satisfy the wishes manifested by you.

God guard you.

J. DE DS. ARLEGUI.

[Inclosure 2 in No. 222.]

*Mr. McCreery to Mr. Egan.*CONSULATE OF THE UNITED STATES,  
*Valparaiso, November 6, 1891.*

SIR: Referring to my communication to you of the 2d instant in reference to the secretary of the German consulate being present at the investigation concerning the stabbing in this city of a seaman belonging to the German vessel of war, upon further inquiry I learn that at the time that said secretary was present only Germans,

comrades of the injured man, were examined, but he was not present at the remainder of the investigation of the case referred to, if any further investigation was made.

I am, etc.,

WM. B. MCCREERY,  
United States Consul.

*Mr. McCreery to Mr. Blaine.*

[Telegram.]

CONSULATE OF THE UNITED STATES,  
Valparaiso, November 8, 1891.

Capt. Schley returned with the *Baltimore* from Mollendo, Peru, September 14, and the usual courtesy and hospitality of the city was tendered to the officers and the crew by the captain of the port, as is customary. On October 16, the excitement having subsided, Capt. Schley granted leave for twenty-four hours to about 100 of the crew, exactly the same as was being done by all of the foreign men-of-war in the harbor. He assures me that at 5:30 p. m. of that date his men were orderly, sober, and well-behaved to everybody they were meeting in the streets. This is corroborated by many others. The disturbance appears to have originated about 6 p. m. in a saloon between one of the crew of the *Baltimore* and a Chilean, who spit in the face of one of the crew of the *Baltimore* who entered at the moment. The *Baltimore* man knocked down Chilean. Then crowd rushed in from the street upon these two men, who escaped, taking refuge on a passing street car, from which they were forced, and both of them were dangerously wounded, Riggin so seriously that he was left to die in the street, and the other, Talbot, escaped and subsequently was arrested. Several others were seriously wounded.

The assault on the *Baltimore* men lasted about one hour. Seems not to have been confined to one locality of the city, but occurred in several, widely separated. Thirty-six of the *Baltimore* men were arrested, five were taken to the hospital, the remainder to prison. These men complained of harsh treatment; several instances at the hands of the police after arrest, and that catgut nippers were placed around wrists and, in one case, lasso was used to take them to jail. One of the *Baltimore* men who had taken Riggin in his arms from the pavement while he was wounded declared that then he was shot by one of a squad of police coming on the scene. The disturbance occurring towards dark, and the men strangers, it is difficult to identify perpetrators of the outrage. Civilians who witnessed the affair fear to testify lest they be thrown out of employment or lose their lives.

Capt. Schley visited the governor on October 18 and asked for immediate investigation of all the facts and the circumstances connected with the affair, requesting representation at the examination. The governor replied that all he could do was to advise the captain to make application to the judge of the criminal court. Application was made to the judge for representation, and denied on the ground that the proceedings were secret. Capt. Schley appointed a board to investigate the circumstances connected with the affair. Synopsis of report telegraphed by him to the Secretary of the Navy. The men in jail were examined secretly, and before their discharge were required to sign a paper in Spanish which was explained to be merely a matter of form

stating that signer took no part in the affair. Turnbull, one of the wounded, died October 25 from injuries received. The court has asked for the appearance of several of the wounded of the crew of the *Baltimore* to identify the parties in custody of the court. The men not able yet to appear.

MC CREERY,  
Consul.

*Mr. Egan to Mr. Blaine.*

No. 223.]

LEGATION OF THE UNITED STATES;  
*Santiago, November 9, 1891. (Received December 14.)*

SIR: Inclosed I have the honor to hand copy of letter received from the United States consul at Valparaiso, dated 4th instant (inclosure No. 1) transmitting to me copy of his letter to the intendente of Valparaiso of same date, giving particulars of complaints made by Patrick Shields, fireman on board the United States steamer *Keweenaw*, of the brutal treatment which he says had been inflicted upon him by the police after he was arrested on a charge of drunkenness. I also inclose the medical report of Dr. Stephen S. White, of the *Baltimore* (inclosure No. 2), copy of letter from United States consul of 5th instant inclosing copy of reply from the intendente (inclosure 3), and a further letter, dated 7th instant, from the consul (inclosure No. 4), stating that chief of police says that the name of Shields does not appear upon the books of the police station, which confirms Shields's statement that he was put on the streets to work and subjected to the bad treatment of which he complains without having been brought before any court or judge, although the constitution of Chile provides that all persons arrested must be brought before the judge of crime within twenty-four hours from the time of the arrest.

I fully informed you of this case by telegram on 7th instant.

Whatever may prove to be the real facts of the case, the man is very badly injured, and the consul will lose no time in pressing forward the investigation.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 223.]

*Mr. McCreery to Mr. Egan.*

CONSULATE OF THE UNITED STATES,  
*Valparaiso, November 4, 1891.*

SIR: I inclose herewith for your information copy of a communication this day sent by me to the intendente of this province, and also copy of a letter written by Stephen S. White, M. D., to Capt. Schley of the U. S. S. *Baltimore* and by him referred to me.

Very respectfully, etc.,

WM. B. MC CREERY,  
United States Consul

[Inclosure.]

*Mr. McCreery to the intendente of Valparaiso.*CONSULATE OF THE UNITED STATES,  
*Valparaiso, November 4, 1891.*

SIR: I have the honor to inform you that on yesterday morning Patrick Shields, a fireman belonging to the American steamer *Keweenaw*, presented himself at this consulate and made complaints in substance as follows:

"On the 24th day of October I was given liberty by the captain of the *Keweenaw* to come on shore; the same day I was arrested by the city police and placed in prison; on the way to jail the policeman struck and kicked me several times. Subsequently, I was released from jail and again arrested, and while in jail was kicked and beaten by the police and inmates of the jail. While there I repeatedly made application to see the United States consul or the captain of my vessel, and was denied. I was finally released on the evening of the 2d instant, without being able to ascertain the cause of my arrest, and was never brought before any court or charged with any crime or misdemeanor. The first night I slept on the hill, in the open air, and was told that an American citizen's life was not safe in Valparaiso. I am in need of medical attention, and apply to the consul for relief."

I immediately sent him on board his vessel and requested Capt. Schley, of the U. S. S. *Baltimore*, to send a surgeon to administer to his wants, who reports to me that this seaman's injuries are of a very serious nature.

I hereby request of your excellency that an immediate investigation be made as to the facts and circumstances attending the injury and treatment of this man, and that the United States consul, or some one by him designated, may be present when such investigation is made.

I await your excellency's reply, and have the honor to be, etc.,

WM. B. MCCREERY,  
*United States Consul.*

[Inclosure 2 in No. 223.]

*Dr. White to Capt. Schley.*U. S. S. BALTIMORE,  
*Valparaiso, November 3, 1891.*

SIR: In obedience to your order of 3d instant, I have examined Patrick Shields, a fireman belonging to the *Keweenaw*, and a citizen of the United States, and find his condition as follows, viz:

A severe contusion on back of head, small cut over right eye, and his body so severely bruised, back and front, from nape of neck to the end of spine, as to render him unfit for duty for several weeks. He says: "I was walking along the street on October 29, when a policeman came up and said, 'you are drunk.' I denied it, but he arrested me, and on the way to the jail struck me several times. I was put in jail with about 150 Chileans, who kicked me and beat me and said that no American or Englishman can live in this country."

"I was released the next morning without a hearing, and was again arrested during the day, why, I do not know, and was treated the same as before. I was put in a gang of workmen and made to sweep the streets, and if I stopped a minute was clubbed and kicked. They gave me very little food while under arrest, and finally released me without any knowing why they had arrested me."

Very respectfully,

STEPHEN S. WHITE,  
*Passed Assistant Surgeon, U. S. N.*

U. S. S. BALTIMORE (FIRST RATE),  
*Valparaiso, November 4, 1891.*

Respectfully referred to United States Consul Wm. B. McCreery, in accordance with his letter and for his information.

W. S. SCHLEY,  
*Captain Commanding.*



[Inclosure 3 in No. 223.]

*Mr. McCreery to Mr. Egan.*CONSULATE OF THE UNITED STATES,  
*Valparaíso, November 5, 1891.*

SIR: I herewith transmit for your information a copy of a communication I have to-day received from the governor of the province of Valparaíso in relation to the case of Patrick Shields, a fireman of American steamer *Keweenaw*.

I am, etc.,

WM. B. MCCREERY,  
*United States Consul.*

P. S.—I have not yet heard from the judge of crime in reference to the above matter.

[Inclosure—Translation.]

*The intendente of Valparaíso to Mr. McCreery.*INTENDENCIA OF VALPARAISO,  
*Valparaíso, November 4, 1891.*

I have received your official letter of this date in reference to the case of the seaman Patrick Shields, a fireman of the steamer *Keweenaw*, of the United States merchant marine, and inclosing the report made to you by said fireman with regard to the ill treatment of which he was the victim while on shore.

I have this day transmitted your letter to the judge of crime, asking him to take proceedings for the most prompt and thorough investigation of the acts denounced; also desiring the judge to consider the propriety of causing the city physician to identify Shields, and testify as to his condition and the wounds which he is said to have received.

God be with you.

J. DE DS. ARLEGUI.

[Inclosure 4 in No. 223.]

*Mr. McCreery to Mr. Egan.*CONSULATE OF THE UNITED STATES,  
*Valparaíso, November 7, 1891.*

SIR: Upon inquiry made by this consulate from the chief of police of this city concerning Patrick Shields, a fireman belonging to the American steamer *Keweenaw*, I learn that this official reported that he did not find Shields's name on the books at the police station; that if Shields has been arrested by the police authorities it must have been for drunkenness, and that when people are arrested for such offense and are not accused of any additional offense which would require their appearance before the judge of crimes their names are not entered in said books.

There is, however, in my opinion, no doubt that Shields was arrested by the police authorities and confined in prison, as he states. The above facts corroborate his statement that he was not brought before any court.

I am, etc.,

WM. B. MCCREERY,  
*United States Consul.*

*Mr. Egan to Mr. Blaine.*

No. 224.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 9, 1891. (Received December 14.)*

SIR: I had the honor to fully inform you by telegraph on 7th instant of an incident which occurred on 6th instant, which for a time looked serious, but that passed over without trouble, and which, owing to the

course that I adopted, resulted in a very complete vindication of this legation.

For several days the wildest rumors had been in circulation, actively promoted by a section of the press, regarding an alleged conspiracy to assassinate Col. Canto, which conspiracy, it was alleged, had originated among the refugees in this legation. The inclosed cutting from *La Union*, of Valparaiso (inclosure No. 1), will give an idea of how far this was carried, and of course the object was to force out or frighten out the refugees from the legation.

It was proposed to hold a public meeting in the plaza, about three blocks from the legation, on the 6th instant, called by advertisement in the papers and by a proclamation, of which I inclose a translation (inclosure No. 2). It was also freely threatened that after the meeting the crowd would come to the legation and take out the refugees by force.

I accordingly addressed to the minister of foreign relations a note, of which I inclose copy (inclosure No. 3), directing his attention to the situation, denying that there could be any grounds for the charges of conspiracy against the persons in my legation, and leaving with his Government responsibility for any act of disrespect that might be directed against the legation.

Very soon after receipt of this note the Government sent a force of cavalry to the neighborhood of the legation and no demonstration was attempted.

The meeting was held at about 5 o'clock and was attended by some 500 or 600 persons. Resolutions were passed and strong speeches made denouncing the supposed conspiracy, calling for the delivery of the refugees, and referring to this legation in not very complimentary terms. Afterwards the resolutions were presented to Col. Canto and to the president of the Junta.

At about 6 o'clock, when the meeting was concluded, the intendente of the province issued, as a result of my note, a proclamation, of which I inclose a translation (inclosure No. 4), completely denying the existence of such a conspiracy, which official denial is, of course, valuable, but would have been much more so before the meeting was held.

I inclose a copy of the reply of the minister of foreign relations to my note (inclosure No. 5).

I have, etc.,

PATRICK EGAN.

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[Inclosure 1 in No. 224.—Translation.]

*From La Union, December 6. By telephone.*

The truth of yesterday's news is confirmed.

Eighty prisoners, up to the present, have been taken.

The authorities are reserved, in order to avoid giving alarm.

All needful measures have been taken, and the conspiracy will not, heaven be thanked, have the results proposed by Velasquez and MacKenna.

It is in the American legation that all has been plotted. And it is, thanks to the inexplicable condescension of the Government toward the obnoxious diplomat, that the affair has assumed its present proportions.

To-morrow, in the Plaza de Armas, at 5 p. m., will be held a large meeting to protest against the design to assassinate Col. Canto and other dictatorial machinations.

In this meeting it will be agreed:

(1) To request the Provisional Junta to adopt severe measures for the punishment of the criminal outrages of the dictatorial party.

(2) To make immediately a great manifestation of sympathy for Col. Canto, congratulating him on his escape from the assassin's dagger.

(3) To request the Junta to solicit from the Government of the United States the extradition of the refugees in the American legation.

(4) To request that Herreras Gandarillas, charged with the assassination of Col. Canto, be immediately shot at Santiago.

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[Inclosure 2 in No. 224.—Translation.]

*Proclamation calling meeting 5th November, 1891.*

Citizens of Santiago, awake from the punishable lethargy in which you are submerged! Are you not aware of the terrible attempt meditated and nearly carried into execution by some of the partisans of the dictatorship? Know, then, that the illustrious patriot, the great soldier, the magnanimous citizen, the meritorious Col. Canto, has been on the point of being a victim to the assassin's dagger, employed by those who, in an unfortunate hour and to the shame of our country, sustained for a handful of gold the man who attempted to trample upon our institutions, enchain our will, and blemish our country with the odious crime of a dictatorship.

Citizens, we are free! and for our freedom 10,000 victims have fallen, their generous blood flowing in a hundred battles, fought on the fields of Maipu, Chacabuco, Rancagua, Iquique, Pisagua, Pozo Almonte, Huara, Zapiga, Concon, and Placilla. May the shedding of so much blood be not in vain!

Patent to our memory still are the crimes perpetrated by the dictator and his myrmidons. Shall we permit the continuation of so many crimes, committed with the greatest impunity, without demanding a terrible punishment for the miserable wretches who, from their hiding places, have directed the criminal's arm that perpetrated them? No, a thousand times no! The timepiece of Justice has sounded the hour for chastisement. We will commence by demanding that an exemplary chastisement be given to those who, in a high-handed manner, have attempted the precious life of one of the personalities who with great warmth and patriotism promptly gave their services to the cause of our regenerated politics.

With this motive we invite you to attend the public meeting which will take place to-day at 5 p. m. in the Plaza de Armas.

THE YOUTH OF SANTIAGO.

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[Inclosure 3 in No. 224.]

*Mr. Egan to Señor Matta.*

LEGATION OF THE UNITED STATES,  
*Santiago, November 6, 1891.*

SIR: It has been intimated to this legation that certain demonstrations of hostility against it are contemplated in connection with a public meeting which is called for to-day at 5 o'clock p. m. in the Plaza de Armas, and in connection therewith I inclose to your excellency a copy of *La Union*, of Valparaiso, and of a proclamation which has been circulated inviting the people to this meeting.

The violent manner in which certain organs of the press—as for example, *La Epoca* and *La Union*—pretend to believe that some of the refugees in this legation are conspiring against the public order, obliges me to address to your excellency this note, denying absolutely those assertions which affect me personally as chief of this legation, and to leave with the Government of your excellency under the present circumstances, as also in whatever others may arise, the responsibility of whatever act may affect the respect due to this legation.

I perceive that authorized organs of opinion, like the *Ferrocarril* and the *Porvenir*, after investigating the circumstances of the alleged conspiracy against the public order, give assurances that there is not any foundation for those fears, and that the rumors circulated by the other journals are devoid of truth. Notwithstanding that this should be sufficient to dispose of this calumnious rumors referred to, they are still persisted in with an evident purpose of making difficulties, and I therefore find it my duty to rectify them in all that concerns the legation in my charge. Hoping that your excellency will take the measures that may be considered adequate under the circumstances, I renew to your excellency the assurances of my distinguished consideration, and have the honor to subscribe myself,

Your obedient servant,

PATRICK EGAN.

[Inclosure 4 in No. 224.—Translation.]

*Proclamation of the intendente of Santiago.*

TO THE PEOPLE OF SANTIAGO:

The rumors circulated in the press in regard to designs against the life of Col. Canto have no foundation. Nobody has been arrested upon the charge and no information has been received to warrant judicial investigation regarding the matter.

CARLOS LIRA.

SANTIAGO, November 6, 1891.

[Inclosure 5 in No. 224.—Translation.]

*Señor Matta to Mr. Egan.*

MINISTRY OF FOREIGN RELATIONS,

*Santiago, November 7, 1891.*

SIR: There has been received, on yesterday at 4:30 o'clock, the note in which the honorable minister plenipotentiary, accompanied by some printed matter announcing a public meeting, called the attention of this department to the possibility of certain occurrences which the tenor of said printed matter gave grounds for and which it was a duty to avoid.

The present Government, recognizing and permitting the liberty of the press and of public meetings, does not forget, nor can it forget, to exercise the powers of supervision which are imposed not alone by the laws but by the exceptional circumstances from which it (the Government) and the country are issuing; but it does not alarm itself, however it may disapprove the vivacities and misdemeanors of speech, spoken and written, which, as has been observed by the honorable minister plenipotentiary, were not borne out by the results.

With what has been expressed and with the facts in the knowledge of the honorable minister plenipotentiary, reiterating the expression of his consideration, the undersigned subscribes himself,

Your obedient servant,

M. A. MATTA.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,

*Santiago, November 10, 1891.*

Mr. Egan reports his official call on the President of the Provisional Government, on the 9th, and says that he was received most cordially, and upon presenting his official and personal congratulations upon his nomination by both political parties for the Presidency, was asked to convey the President's acknowledgment and appreciation of the courtesy to the Government of the United States.

*Mr. Egan to Mr. Blaine.*

No. 226.]

LEGATION OF THE UNITED STATES,

*Santiago, November 10, 1891. (Received December 14.)*

SIR: On yesterday I called upon the President of the Junta de Gobierno, Señor Don Jorge Montt, to offer him my official and personal congratulations upon his unanimous nomination by both the Conserva-

tive and Liberal parties for the Presidency of the Republic. I had with him a most pleasing interview, in which he assured me of his most cordial appreciation of the courtesy which in the name of my Government and personally I had tendered to him, and he begged me to accept and convey to the Government of the United States his very warmest acknowledgments.

In view of the situation, I deemed it well to inform you by cable of this incident, which I did by telegram.

I have, etc.,

PATRICK EGAN.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 11, 1891.*

Mr. Egan reports that on the 10th, the two houses of Congress having met and the Provisional Government resigned, Señor Montt was chosen as President and invested with full powers; that the Liberals have been elected to the council of state and all other offices, but that the successors of the Conservative members of the cabinet, who all resigned, have not yet been named. Mr. Egan expresses the anticipation that the state of feeling toward the United States will be very much improved under the new order of things.

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*Mr. Egan to Mr. Blaine.*

No. 229.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 11, 1891. (Received December 14.)*

SIR: The two houses of the national Congress met in session on yesterday and proceeded to organize. The three gentlemen composing the Junta de Gobierno, or Provisional Government, resigned; one of them, Señor Don Waldo Silva, was elected president of the Senate; the second, Señor Don Barros Luco, president of the Chamber of Deputies; and Señor Don Jorge Montt, who has been unanimously nominated for the Presidency, was temporarily invested by Congress with full presidential powers, pending the regular election by presidential voters and his regular installation. The Chamber then proceeded to elect various officers and its quota of the council of state, and as all were elected from among what is known as the Liberal alliance, the Conservative members of the cabinet resigned, namely, the minister of interior and the secretary of the treasury, and up to the time of writing their successors have not been selected.

Under the new and regular Government I look for a more liberal policy, more leniency toward the vanquished partisans of the late Government, and a kindlier feeling toward the United States.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 230.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 11, 1891. (Received December 26.)*

SIR: Inclosed I have the honor to hand copy of a further note received from the minister of foreign relations under date of 9th instant, conveying the request of the judge of crime in Valparaiso for information which he desires to obtain in relation to the occurrence with the sailors of the *Baltimore* on 16th October.

I have not yet replied to this note, as I am awaiting from Capt. Schley copies of a correspondence which he has had with the intendente of Valparaiso on same matter.

I have, etc.,

PATRICK EGAN.

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[Inclosure in No. 230.—Translation.]

*Señor Matta to Mr. Egan.*

MINISTRY OF FOREIGN RELATIONS,  
*Santiago, November 9, 1891.*

SIR: The judge who is charged with the preparations of the *sumario* in order to investigate the culpability and the culprits in connection with the disorders which occurred on the 16th October ultimo, has found in the prosecution of the investigation that it was necessary, in order to obtain all the facts possible conducing to the establishment of the truth, to request those which are in the possession of the commander of the *Baltimore* and of the consul of the United States of North America in Valparaiso.

According to the reports of the judge to the secretary of state in the department of justice, those having been requested by the intendente of Valparaiso, the said commander and consul excused themselves from giving any fact whatever, "on account of having brought the matter to the knowledge of Mr. Patrick Egan, minister plenipotentiary of the United States in Santiago by order of his Government."

The commander adds "that Mr. Egan can supply, on receiving application, a list of names of persons who in their turn can give the names of several others who saw the death of the sailor Riggins and the wounding of various others of the crew of the cruiser."

Such are with the reservations of the case with respect to that which may be considered as affecting the Chilean jurisdiction by certain methods of proceeding and the words in which they are expressed, the points upon which this department of foreign relations desires that, in giving the necessary testimony and conducing to the clearing up of the facts and the investigation of the culprits, the honorable envoy extraordinary and minister plenipotentiary of the United States may be good enough to give information, contributing thus to discover the truth regarding the facts which occurred in the fight of 16th October ultimo.

The delay in the prosecution of the *sumario* has reached already to several days, on account of the excuse on behalf of the sailors of the *Baltimore* to appear before the judge, and now it will be prolonged so much longer as may be delayed the testimony called for by the judge and which, as it appears, is necessary to continue and complete his investigation.

Without prolonging this note by reflections and considerations upon what may be the rules and obligations of the judge in matters of investigation of facts and evil-doers, like those of 16th October, the undersigned calls the attention of the honorable minister plenipotentiary to the necessity, not alone for acceleration, but also for the completion of the *sumario*, that there may arrive at this department his important testimony in order that it may be transmitted to the respective tribunal immediately.

Awaiting the reply and reiterating to your excellency the expression, etc.,

M. A. MATTA.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 14, 1891.*

Mr. Egan reports that the former cabinet, consisting of four Liberals and two Conservatives, remain in office, but that it is not believed that this arrangement of the ministerial crisis will endure beyond the present year.

*Mr. Egan to Mr. Blaine.*

No. 231.] LEGATION OF THE UNITED STATES,  
*Santiago, November 14, 1891.* (Received December 26.)

SIR: As conveyed in my telegram of this date, the ministerial crisis has passed and the former cabinet, consisting of two Conservatives and four Liberals, continues in office; but it is generally understood this arrangement will only hold until the regular installation of the President, on 26th December, after which the Liberal alliance, in pursuance of their programme of a strictly parliamentary form of government, will insist upon a ministry formed entirely from the Liberal majority in Congress.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 232.] LEGATION OF THE UNITED STATES,  
*Santiago November 16, 1891.* (Received December 26.)

SIR: With regard to the question of the refugees, I may say that the Spanish legation, which was the only one that gave asylum to as large a number as this, only gave the use of unfurnished apartments, and the refugees provided their own support.

Neither as representative of the United States nor personally would I permit this, and all of those who have found shelter in this legation have been treated by me as guests. In this way I have been at an expense during some months past of over \$5,000.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 17, 1891.*

Mr. Egan reports that he has directed to the minister of foreign affairs a note complaining that on the night of the 16th instant some of the eight or ten men of the secret police who for two weeks past have been watching the legation became boisterous under the influence of liquor and from the street used insulting language towards the refugees.

*Mr. Egan to Mr. Blaine.*

No. 234.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 19, 1891. (Received December 26.)*

SIR: My attention having been called to a number of entirely untruthful and indecent attacks made upon me through the press of the United States, and especially one in the New York Sun of September 30 by a Mr. Julio Foster, who pretended to speak as a representative or mouthpiece of the Chilean Government, I deemed it my duty to bring the matter to the knowledge of the minister of foreign relations, which I did in a note dated 18th instant, of which I send copy herewith (inclosure No. 1). To-day I received the reply of the minister, of which I inclose a translation (inclosure No. 2), stating that his department had no knowledge of Mr. Foster having ever received any special commission or authority whatsoever to warrant him in assuming the rôle which, in the name of Chile, he has pretended to discharge.

In this connection I take leave to inclose, as an indication of how my attitude is appreciated here in Chile, copy of a letter (inclosure No. 3) received a few days ago from Don Adolfo Eastman, ex-president of the Senate, son of English parents, and educated in England, and one of the most highly esteemed and respected men in Chile, even by his political opponents.

I have, etc.,

PATRICK EGAN.

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[Inclosure 1 in No. 234.]

*Mr. Egan to Señor Matta.*

LEGATION OF THE UNITED STATES,  
*Santiago, November 18, 1891.*

SIR: As appears from the newspaper cutting which I have the honor to send herewith, from the Sun of New York, of 30th September, a serious and widely circulated journal, Mr. Julio Foster, in this case as in many other publications which he has made in the United States, as well as in interviews given by him in the Chilean legation in Washington to newspaper correspondents, has presented himself as an official delegate or mouthpiece of the Government of Chile.

As this has been very frequently repeated, and in order to communicate to my Government the position which this gentleman fills, and the degree of veracity and importance which are to be attached to his assertions, I beg of your excellency to be good enough to inform me if, in reality, Mr. Foster has any commission or especial character which would permit him to assume the rôle, which in the name of the Government of Chile, he pretends to discharge.

Renewing the assurances of my high consideration,

I am, etc.,

PATRICK EGAN.

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[Inclosure.]

*Extract from New York Sun, September 30, 1891.*

*Washington, September 29.*—Mr. Julio Foster, who has been acting all summer as the secretary of the delegates from the Chilean Congress party, and who is posing as the mouthpiece of the new Government, talks with remarkable freedom regarding the present situation. He said to-day that he did not believe there was any serious trouble between the United States and Chile. He said that had anything serious arisen the Junta would have communicated at once with Señor Montt. He believed that Mr. Egan had exaggerated the whole matter so as to get the Administration to



take up his cause and relieve him from the embarrassment consequent upon the attitude he had assumed as a friend of Balmaceda. Mr. Foster said that the people of Chile knew Mr. Egan and had no confidence in him nor respect for him. They felt that he was largely responsible for the war, because as a friend of Balmaceda he had encouraged him to acts of hostility and assured him of the sympathy of the United States.

Mr. Egan, he said, had excited the displeasure of the people of Chile by his extraordinary course, and if there was a rupture between the two countries, it will be entirely his fault. Mr. Egan had aided and abetted Balmaceda, Mr. Foster said, and had enlisted his Yankee followers in Balmaceda's cause as spies and in other capacities. His whole conduct had been such as to arouse national indignation, and some of the men he was protecting from punishment for violation of the law were, Mr. Foster said, charged with being spies and assassins. Mr. Foster expressed the opinion that Mr. Egan was trying to retrieve the fortunes of himself and others whom he had induced to take up the cause of Balmaceda by kicking up a disturbance. He said he had just received a letter from his son saying that Mr. Egan's son had filed a power of attorney as representative of the parties who were charged with a fraudulent railroad transaction. "Mr. Egan should have been recalled long ago," he said. "Had another man been sent to Chile as soon as it was discovered Mr. Egan was meddling with Chilean affairs, there would be no sort of trouble between the two countries. I can not understand why the Administration keeps him there to affront our people. You may depend upon it that Chile will respect law and order, and not do anything which is not warranted by the circumstances, but she will not be bluffed by any peremptory demand made by the United States upon misrepresentations by Mr. Egan."

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[Inclosure 2 in No. 234.—Translation.]

*Señor Matta to Mr. Egan.*

MINISTRY OF FOREIGN RELATIONS,  
*Santiago, November 19, 1891.*

SIR: I have just received the note of your excellency, dated yesterday, in which you ask me if Mr. Julio Foster, now in Washington, is invested with any authority or special commission from Chile, inclosing, in order to justify the inquiry, a cutting from a journal called the Sun, which is published in New York.

In hastening to reply to the honorable minister extraordinary, and being surprised that the question should be directed here instead of to Washington, where Chile has now an envoy extraordinary accredited and received, I have to say that there is no evidence in this department that Mr. Julio Foster has ever received any special commission or authority whatsoever.

With which, reiterating to the honorable minister plenipotentiary the expression of my consideration, I remain

His obedient servant,

M. A. MATTA.

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[Inclosure 3 in No. 234.]

*Mr. Eastman to Mr. Egan.*

CERRO ALLEGRE,  
*Valparaiso, November 11, 1891.*

MY DEAR SIR: My wife and myself will leave for Santiago on Friday or Saturday, and you will naturally suppose we should much like to see our near relative Guillermo MacKenna, who, in company of his worthy cousin, Don Juan, you have nobly covered under the folds of one of the banners that represents most generously the sentiments of civilization and humanity. May God bless you and yours for all your goodness shown invariably to all Chileans during the hard and difficult times that your diplomatic mission in Chile has had to encounter; but if you have been unfortunate enough to meet with some in this country who have not had the good sense nor the spirit of justice to recognize the exquisite tact observed by you throughout our unfortunate conflict, you will always have in your favor the satisfaction of having nobly complied with your duty to your country and to your own conscience, thus linking the sentiments of the official man with those of the gentlemen.

Wherever destiny may carry us, during the more or less short years we may have to live, you may rest assured that our blessings and our gratitude will accompany you wherever you go, and God, from whom nothing is hidden, will bless you and yours.

As I shall only be two or three days in Santiago, you will kindly advise me on my arrival (Hotel Oddo) if my wife and self can conveniently visit Guillermo at your house, as we would not on any account wish to put you to the slightest inconvenience.

With our united and best wishes to yourself and yours, believe me, my dear sir,  
Most faithfully yours,

ADOLFO EASTMAN.

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*Mr. Egan to Mr. Blaine.*

No. 235.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 20, 1891. (Received December 26.)*

SIR: I have the honor to inclose copy of a letter received from Capt. Schley, under date of 11th instant, in reference to attack of 16th October on the sailors of the *Baltimore*, with copies attached of accompanying inclosures marked A to G, being his correspondence with the intendente of Valparaiso from 3d to 11th instant.

I have yet received no further official information on this matter, but have reason to believe that, under instructions from the Navy Department, the sailors of the *Baltimore* are to-day giving their evidence before the judge of crime.

I have, etc.,

PATRICK EGAN.

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[Inclosure in No. 235.]

*Capt. Schley to Mr. Egan.*

U. S. S. BALTIMORE (FIRST RATE),  
*Valparaiso, November 11, 1891.*

MY DEAR MINISTER: I have the honor to inclose to you the correspondence, lettered and arranged chronologically, which I have had with the intendente of Valparaiso touching the matter of the appearance of my men before the judge of the criminal court to testify in the cause now being inquired into in relation to the assault upon my men on October 16.

As some of these letters to him express conditions and limitations in relation to this matter in accordance with instructions of the honorable Secretary of the Navy, I think I have the right to complain that their publication here in the press of Valparaiso is quite unusual under the circumstances.

With reference to the letter marked C, it was written only after I had sent an officer on the 23d or 24th of October to solicit from the intendente this protection for my officers and men and market boats, but which he did not feel justified to afford or to advise at that time.

Very respectfully,

W. S. SCHLEY,  
*Captain Commanding.*

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[Inclosure A.—Translation.]

*The intendente of Valparaiso to Capt. Schley.*

REPUBLIC OF CHILE,  
*Intendencia of Valparaiso, November 5, 1891.*

The judge of the court of crimes in an official note dated the 3d of the month informs me as follows:

"In the trial against Charles G. Williams and forty others, concerning the affray

of the North Americans with Chileans, under the date of October 31, the following has been decreed:

"Let it be put into execution that the wounded sailors of the *Baltimore* be confronted with the culprits in the affray in order that they mutually recognize each other; and if the former are still in the hospital, let them be summoned to this end. If the contrary be the case, the intendente of the province should act, addressing himself to the commander of the ship, that he may obtain their appearance.

"I communicate this, notifying you that the sailors whose appearance is solicited are: J. H. Talbot, C. Panter, W. Turnbull, J. Davidson, and J. Hamilton."

I have the honor to communicate this to you to the end that you may have the kindness to order, if it would (not?) be inconvenient, the appearance of the sailors to whom the said judge refers.

God guard you.

J. DE D. ARLEGUI.

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[Inclosure B.]

*Capt. Schley to the intendente of Valparaiso.*

U. S. S. BALTIMORE (FIRST RATE),  
*Valparaiso, November 6, 1891.*

SIR: In reply to your excellency's letter of yesterday informing me of the decree of the judge of crimes and citing the appearance of J. W. Talbot, George Panter, William Turnbull, J. Davidson, and John Hamilton, that they may confront those accused, I have the honor to state that my surgeon is of the opinion that their appearance at the court for the present would be inadvisable, as they are still too weak and nervously shattered to undergo the ordeal of such excitement. I would therefore suggest that some hour and date several days in the future be set, when I will send them in charge of one of my officers to testify only under the conditions mentioned in my letter of November 3.

William Turnbull, one of the witnesses cited by the court, died of his wounds on October 25.

I have, etc.,

W. S. SCHLEY,  
*Captain Commanding.*

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[Inclosure C.]

*Capt. Schley to the intendente of Valparaiso.*

U. S. S. BALTIMORE (FIRST RATE),  
*Valparaiso, November 6, 1891.*

SIR: As my vessel is at the present time lying in the port of a nation with whom my Government is on peaceful and friendly terms, and as I have not been able to allow my officers or men to visit the shore, or to allow a market boat in the morning with the same assurances of protection as are accorded to the other foreign men-of-war, I have the honor to request that both my officers and men may be accorded the same privileges, the same courtesies, the same protection when on shore, as your excellency's Government accords to the officers, men, and boats of other foreign men-of-war now here, and which are usual among nations in time of peace.

To this end I await your excellency's reply, and I have the honor to be,  
Very respectfully,

W. S. SCHLEY,  
*Captain Commanding.*

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[Inclosure D.—Translation.]

*The intendente of Valparaiso to Capt. Schley.*

REPUBLIC OF CHILE,  
*Intendencia of Valparaiso, November 6, 1891.*

I have the honor to acknowledge the receipt of your two communications of to-day, one referring to the appearance of the men belonging to the ship under your command, for the purpose of the confrontation decreed by the judge who is conducting

the examination in relation to the unfortunate occurrence of the 16th of October; and the other to the protection you request for the officers of the *Baltimore*, for the crew of said ship when it is necessary or when they wish to come on shore, and for the daily market boats. For this purpose you remind me that the United States is a power which is at peace with Chile, and which, for the same reason, believes itself entitled to the same privileges and protection that Chile affords to the people of the other foreign ships at present in Valparaiso.

As far as the contents of the first of these communications is concerned, I confine myself to saying that I have this day transmitted it to the judge of crimes for his information and legal conclusions.

In regard to the second, this intendencia does not disown the essential incident upon which it is founded, asking the privileges and protection which, as far as it is responsible, it feels disposed to grant to all the commander, officers, and crew of the cruiser *Baltimore*, which you command. And more, it can assure you that from the time that he, the undersigned, took charge, the most clear and definite instructions were given in regard to this matter, and especially with relation to the commander, officers, and crew of the cruiser *Baltimore*.

To-day the undersigned reiterates these same instructions to the commandant of police, ordering that from 6 to 8 a. m. daily there shall be posted at the passenger mole an officer with an appropriate force to protect the market boats that you may send.

But with this idea, I must repeat to you what I said to the officer you sent to me the 24th or 25th of October, asking me if it would be safe for the sailors that might come on shore. On that occasion I said to the officer before mentioned:

It is the duty of the intendencia to protect every person that comes on shore; but as it depends for this only on the police forces, and as these, according to official documents of which the intendencia is in possession, do not inspire the confidence of the commanding officer of the *Baltimore*, I leave to his discretion and prudence the calculation whether it is proper to allow the sailors to come on shore.

In regard to the officers, I do not believe there is any hindrance to their coming ashore, and in respect to the market boats the same precautionary measures will be adopted as when Admiral Valois informed me that his daily market boats were molested at the mole.

I think it opportune to repeat to-day to you the same as I verbally communicated before by means of the officer to whom I have referred, because, believing that you are animated by the best spirit to avoid anything that might give occasion for a conflict of any kind, I feel sure you will proceed with your characteristic prudence.

God guard you.

J. DE D. ARLEGUI.\*

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[Inclosure E.—Translation.]

*The intendente of Valparaiso to Capt. Schley.*

VALPARAISO, November 9, 1891.

The judge of the criminal court, in an official letter dated the 6th of this month, informs me as follows:

"I was delayed, Mr. Governor, by the translation of the official letter sent to you by the captain of the *Baltimore*, in which he is good enough to communicate a list of names of persons who can be called to depose in the proceedings that this tribunal has instituted in relation to the disorders of the 16th of October last, and I am pleased to inform you that under the act of this tribunal all of the persons indicated have been cited to appear.

"In this communication the captain mentions also several of the crew of that vessel, but to permit them to come and depose he exacts: First, that they must be permitted to express themselves in their own language; second, that they may be accompanied at the tribunal by an officer who will act as counsel; third, that their declarations be public and not secret; and, fourth, that the captain be permitted to read their declarations.

"With respect to the first condition required for the appearance of the *Baltimore's* sailors, you will understand that on the part of this tribunal there is no difficulty in accepting it, nor would they be able to depose in any other way if they do not possess the Spanish language. I am able to add, further, that in giving every facility to the right and defense of the American sailors this tribunal will accept declarations through an interpreter that they themselves may designate, notwithstanding that in the secretary (secretary's office—*secretariat*) may be found an official of this nature who has never given any reason why his impartiality and discretion might be doubted.

"It does not happen to be the same with respect to the rest of the required conditions, to none of which could this tribunal accede, as all of them are contrary to the secrecy which our laws of proceeding in substantiating criminal judgments require while these may remain in a state of inquiry.

"The administration of justice of Chile will not be able to accept, Mr. Intendente, without disgrace to its honor and to the prerogatives that belong to the Republic as a free and sovereign nation, that in virtue of exigencies could neither be justified by law or by right, to make distinctions openly contrary to the laws which our country preserves for the right of all, whether natives or foreigners.

"In regard to this matter, I reproduce, besides, the considerations of my letter No. 406, of this same date, which I have sent to you in reply to the claim that the North American consul has been pleased to make in regard to the sailor Patrick Shields, of the steamer *Keweenaw*, and which you may give to the captain of the *Baltimore* for his information.

"Perhaps, without insisting in his requirements, the captain may be able to obtain what he desires by sending any officer in his confidence, who is a master of the Spanish with the sailors, and who may serve as interpreter."

I have the honor to communicate this to you for your information, also the accompanying copy of the official letter No. 406, to which the said judge refers.

God guard you.

J. DE D. ARLEGUI.

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[Inclosure F.]

*Capt. Schley to the intendente of Valparaiso.*

U. S. S. BALTIMORE (FIRST RATE),  
*Valparaiso, November 11, 1891.*

SIR: I am instructed to accept the conditions of his honor the judge of the criminal court, granting the presence of an officer, acquainted with the Spanish, as interpreter, and that the men of my ship may declare in English during the pending preliminary investigation, on condition that I may be furnished with a copy of the evidence as given in English, read over and signed by the witnesses; it being understood that I will defray any expense incurred in making such copy.

I have, etc.,

W. S. SCHLEY,  
*Captain Commanding.*

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[Inclosure G.—Translation.]

*The intendente of Valparaiso to Capt. Schley.*

REPUBLIC OF CHILE,  
*Intendencia of Valparaiso, November 11, 1891.*

I take pleasure in communicating to you that this intendencia has transmitted to his honor the judge of the criminal court your official note of this date relative to the appearance of the sailors of the ship under your command, involved in the occurrences of the 16th of last month.

God guard you.

J. DE D. ARLEGUI.

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*Mr. Egan to Mr. Blaine.*

No. 236.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 20, 1891. (Received December 26.)*

SIR: For some time past the legation has been surrounded, especially at night, by a number of secret police agents or spies, composed of peones and persons of a very low grade, who have been hanging around the corners of adjoining streets, sitting upon the doorsteps and

window sills of the adjoining houses, and lying and standing on the sidewalk of the street in front of the legation, and at a distance of only from twelve to twenty paces away from it. Some of these men have even come into the door of the legation and endeavored to induce some of the refugees to go out, offering them security from molestation in exchange for a money consideration, and on some of those occasions these spies approached the legation in a state of intoxication.

On the night of the 15th instant some of these men got drunk, knocked at the windows of the legation, and gave expression to gross insults against the refugees. Next day, 16th instant, I reported the matter by note, in moderate terms, to the minister of foreign relations (inclosure No. 1), and also reported the occurrence to you by telegram.

To this note I received last evening a reply which, as will be seen from inclosed translation (No. 2), evades entirely the main question.

I have replied to-day (inclosure No. 3), pointing out that this whole course of action in surrounding the legation with these spies partakes of the character of a serious impropriety and want of respect towards this legation.

The charges made in the letter of the honorable minister against the refugees, of having "with voice, with gesture, and with action, provoked the passers-by," I know to be entirely unfounded, as are also the charges of indiscretions against employés of the legation, and I can not help feeling surprised that the minister would accept and seriously repeat such statements.

The refugees referred to are gentlemen of distinguished families and of culture, and entirely incapable of such actions as are ascribed to them; and the only time that any of the employés of the legations came into contact with the police agents who are watching the legation was when the fellows came into the legation under the influence of liquor.

I have, etc.,

PATRICK EGAN.

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[Inclosure 1 in No. 236,]

*Mr. Egan to Señor Matta.*

LEGATION OF THE UNITED STATES,  
*Santiago, November 16, 1891.*

SIR: During some twenty days past a group of from 8 to 10 spies of the secret police has been stationed near the door and in the vicinity of this legation creating consequent alarm in those who have occasion to visit it.

In the late hours of last night some of these men gave way to excesses which disturbed the tranquillity of the neighborhood, and in an apparent condition of intoxication they knocked on the windows of the legation and gave expression to gross insults against the refugees whom they had seen in an apartment facing the street. The disorder was only terminated by the intervention of other police agents who arrived at about 2 o'clock a. m. in a carriage and removed those who were causing the disturbance.

I deem it my duty to bring these facts to the knowledge of your excellency in order that as soon as possible your excellency may give the necessary orders for their discontinuance, and that no new element of annoyance may be added to those of which I have had on other occasions to complain to your excellency.

Renewing, etc..

PATRICK EGAN.

[Inclosure 2 in No. 236.—Translation.]

*Señor Matta to Mr. Egan.*MINISTRY OF FOREIGN RELATIONS,  
*Santiago, November 17, 1891.*

SIR: Monday at 5 p. m. there was received in this department the note of your excellency of same date, in which it was stated that "some spies of the secret police stationed near the house and in the vicinity of the legation" had disturbed the neighborhood, knocked at the windows, and gave expression to gross insults "against the refugees whom they had seen in an apartment facing the street," the disorder being concluded by the "intervention of other police agents, who arrived in a carriage" and who removed the disturbers.

Mr. Egan, even in case that the police had not put an end to the disorder, ought to be sure that such misconduct would not find in this department support or excuse, as is the undersigned that the honorable minister plenipotentiary does not approve or sustain the indiscretions of the refugees, who more than once, with voice, with gestures, and with actions, have provoked passers-by, who could not have been and were not police, either secret or public.

Immediately on being received in this department the note of the honorable minister plenipotentiary there was asked a report from the intendente of Santiago, from which results that Mr. Egan has not been well informed.

Whatever may be the comments which may be desired to be or could be made upon this occurrence and upon those who may have taken part in it, that which is positively proven by the words of the honorable minister plenipotentiary is that the disturbance of the neighborhood and of his house was concluded, thanks to the intervention of the local authority, which does not recognize as its agents the drunken persons who created the disturbance, and who should be punished if found.

This department does not take into account the reports of the police, which represent not only some of the refugees, but persons who are employes of the legation of North America, as committing indiscretions which might provoke replies and reprisals not pleasing to the rights or the decorum of anybody.

Without more, and reiterating to the envoy extraordinary his expressions of high consideration, etc.,

M. A. MATTA.

[Inclosure 3 in No. 236.]

*Mr. Egan to Señor Matta.*LEGATION OF THE UNITED STATES,  
*Santiago, November 20, 1891.*

SIR: I have had the honor to receive the note of your excellency, dated 17th inst., in reply to mine of the 16th, with reference to the disorders committed by spies or agents of the secret police in the public street in front of this legation after midnight of the previous day.

In my note of 16th, I limited myself to requesting your excellency to be good enough to give the necessary orders that such misconduct might not be repeated, same having disturbed the tranquillity of the neighborhood, although it has been most disagreeable to me to see daily, for more than twenty days, the presence of a number of individuals, amounting at times to eight or ten persons, of bad appearance, surrounding day and night the house of this legation, lying down to sleep on the footpath in front of my house or in the doorways of the neighboring houses.

All this, notwithstanding the arguments advanced by your excellency in a lengthy discussion, partakes of the character of a serious impropriety and a want of respect toward this legation, and it assumes besides a character still more unworthy when these same secret police have entered the doors of this legation, sometimes in a state of intoxication and other times sober, with the purpose of tempting the refugees to go out of the legation, offering them security that they should not be interfered with, and asking rewards in return for their good will; in other words, playing the rôle of deception toward their employers and of mendicants.

This may be considered satisfactory in its proper place, and your excellency is authorized to give what credit your excellency may deem proper to the unfounded reports which such people may forward through the medium of the intendente of Santiago. The facts which I state are, however, known personally to me and are matter of public notoriety. I think also that your excellency must admit that they are not calculated to promote the maintenance of that spirit of cordial friendship which it is so desirable to cultivate between our two countries.

Again renewing, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 237.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 23, 1891.* (Received December 26.)

SIR: I beg to refer to my No. 223, of 9th instant, in reference to the case of Patrick Shields (not Shieldsa, as at first reported), a fireman on board the United States merchant steamer *Keewenaw*, and have now the honor to inclose copy of letter from United States consul, Valparaiso (inclosure No. 1), with attached copy of a letter from the intendente of that port and translation of same, together with copy of a letter from consul dated 11th instant (inclosure No. 2), detailing the irregular manner in which an attempt was made to obtain the testimony of Shields without any intimation to him, the consul.

I also inclose copy of sworn declaration of said Patrick Shields, made before the United States vice-consul at Valparaiso (inclosure No. 3); sworn declaration of Charles A. Wheeler (No. 4), sworn declaration of Charles R. Malcolm (No. 5), and sworn declaration of Andrew McKinstrey (No. 6), to all of which, but especially to those of Shields and McKinstrey, I beg to call particular attention as disclosing a case of most brutal treatment without the excuse of any process of law.

I inclose, also, copy of the second certificate from Dr. Stephen S. White, of the *Baltimore*, which shows the man to be in a bad condition (inclosure No. 7).

Herewith please find copy of letter from United States consul, dated 20th instant (inclosure No. 8), conveying letter from Shields and his claim against the Chilean Government for the sum of \$5,000 (gold) as compensation for injuries inflicted upon him. In view of the pending investigation and the action upon which the Department may decide in reference to the matter of the *Baltimore*, I considered it more prudent to await your instructions before formally presenting this claim. I inclose note received from United States consul (inclosure No. 9) regarding the nationality of Shields, with copy of my reply thereto (inclosure No. 10).

Although I have not made a specific claim, I have brought the case fully before the Government in a note to the minister of foreign relations, dated 23d instant (inclosure No. 11), and have sent him copies of all of the sworn declarations and medical certificates, in order that he may have full knowledge of the circumstances.

Awaiting your instructions, I have, etc.,

PATRICK EGAN.

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[Inclosure 1 in No. 237.]

*Mr. McCreery to Mr. Egan.*

CONSULATE OF THE UNITED STATES,  
*Valparaiso, November 11, 1891.*

SIR: I herewith transmit for your information copy of a communication I had received from the governor of the province of Valparaiso, transcribing a letter from the judge of crimes of this city, in relation to the case of Patrick Shields.

Very respectfully, etc.,

WM. B. MCCREERY,  
*United States Consul.*



[Inclosure.—Translation.]

*The intendente of Valparaiso to Mr. McCreery.*

INTENDENCIA OF VALPARAISO,  
Valparaiso, November 7, 1891.

The judge of the criminal court, in communication No. 406, of yesterday's date, writes me as follows:

"I yesterday received your excellency's communication of the 4th instant, in which you transcribe an official letter from the consul of the United States, in relation to a complaint made before that officer by Patrick Shields, a seaman belonging to the merchant steamer *Keweenaw*, who complains of illegal arrest and ill treatment received by him at the hands of the police of this city.

"The consul of the United States requests, in the communication transcribed, the immediate investigation of the occurrences, and in case such investigation is made, he also requests that he or some one whom he may designate, may be present at the same.

"This court immediately commenced the preliminary examination of the case, which will be conducted with special attention and in strict conformity with the rules of procedure established by our laws. Your excellency and the consul of the United States may rest well assured that full and impartial justice will be done.

"Respecting the desire that the consul expresses to be present, either personally or through some one designated by him, at the judicial proceedings which may be held during the investigation, this court can not in any manner comply with them, because, in addition to the fact that compliance therewith would be contrary to the positive provisions which, in our legislation, order the secrecy of criminal trials, they appear to involve the dishonorable suspicion that the court of crimes of Valparaiso might conduct the investigation, not with the purpose of impartiality and rectitude whereby all tribunals of justice should be actuated, but in a sense contrary to the rights of the complaining seamen.

"Our laws, Mr. Intendente, amply protect the rights of all, without distinction of class or nationality, and the undersigned, therefore, could not consent, without detriment to our prerogatives as a sovereign nation, to any endeavor to exact from the administration of justice concessions which are contrary to law, and which can not be granted even to our own citizens.

"This will not prevent the consul of the United States from obtaining every facility to enable him to press his complaint or the seaman from being assisted, if he does not understand the Spanish language, by such interpreter as he himself may designate, in the declarations which he will have to make before this court.

"I communicate this to your excellency in answer to your communication above referred to, and to the end that you may express to the consul of the United States the motives of law and decorum which prevent this tribunal from acceding to his desires."

I transmit the foregoing for your information and other ends.  
God guard you.

J. DE D. ARLEGUI.

[Inclosure 2 in No. 237.]

*Mr. McCreery to Mr. Egan.*

CONSULATE OF THE UNITED STATES,  
Valparaiso, November 11, 1891.

SIR: I called upon the judge of the court of crimes, Hon. E. Foster Recabarren, yesterday, in relation to the case of Patrick Shields, and was informed by him that the testimony of Shields had been taken. I afterwards telephoned you to that effect, and obeyed your request to investigate the circumstances connected with the taking of the testimony, and repaired to the steamship *Keweenaw*.

The mate informs me that two persons came on board yesterday forenoon and one of them said he desired to see the man who claimed to have been injured by the police while in prison in this city.

The man Shields was sent for and questioned, but declined to give testimony except in the presence of the United States consul. He was not sworn, and after replying to the questions the party read to him what he claimed he had stated and desired him to sign the paper. Shields declined to sign it, stating that it was incorrect and that he would give no testimony except the consul be present.

At the request of Capt. Jenkins, of the *Keweenaw*, Dr. White, of the *Baltimore*,

examined Shields to-day, and he reports that he is not able to leave the ship and will not be for several days. In case his testimony is again ordered by the court to be taken on shipboard, shall the same be taken unless the consul is present? Please advise me.

Very respectfully, etc.,

WM. B. MCCREERY,  
United States Consul.

[Inclosure 3 in No. 237.]

*Declaration under oath of Patrick Shields.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Valparaiso, Chile:*

On this 18th day of November, 1891, before me the undersigned, vice-consul of the United States of America at Valparaiso, personally appeared Patrick Shields, who, being duly sworn, deposes and says:

My name is Patrick Shields; am 30 years of age and a native of Ireland. I shipped on the American steamer *Keeweenaw* about four months ago at the port of Brooklyn. On the 24th day of October I was given liberty by the chief engineer and by the captain to come on shore. I arrived on shore about 6:30 p. m. and was to return to the vessel on the morning of the 26th. On reaching the shore I went to a place which I think was the English hotel or restaurant and had a bottle of beer. I was along with my shipmate Andrew McKinstry, and he drank beer with me. I stopped there about five or ten minutes. McKinstry and myself went into a barber shop at about 7:30 p. m. We entered the place and stopped there until we got served, which was about 9 p. m. The barber shop was full of people when we arrived there. I walked about the square until about 11 o'clock, at which time I was arrested by a policeman and taken to prison. He said something to me, but I did not understand him. I was kept in prison the whole night.

During the night the inmates of the prison stole my cap. I pointed the men who stole my cap to the policemen, but they took no notice of me. They released me at about 9 o'clock on Sunday morning. I went to buy a hat, and before I had done so was again arrested by a policeman about half a mile from the police station, at about 10 o'clock that morning, and was locked up in the same prison. On Monday morning I was taken out and they made me sweep the streets until about 5 o'clock p. m. On Tuesday they again made me sweep the streets from daylight until about 5 o'clock p. m. I was released as soon as I arrived at the prison on Tuesday afternoon. I made my way down to the mole, but could not get on board, as I had no money to pay the boat hire and the consulate was closed. I then went up on the hill so that they should not arrest me again, and stayed until about 5:30 of the morning of Wednesday. I slept on the ground. I then came down and was going towards the mole to get into Mr. Murphy's boat in order to get on board my vessel. Before reaching the mole I was again arrested by a policeman and taken to jail. When there about five or ten minutes they made me work in the horse shed cleaning the ground, grinding corn, and carrying hay to the horses. They also made me sweep the streets that day.

At about 12 o'clock that day, in view of treatment received, I made my escape from the horse shed and ran about a quarter of a mile. I was followed by a policeman and the man who takes care of the police horses. The latter beat me on the back of the neck and on my arms with a long stick, and they took me to the horse shed, when the same man beat me again, striking me with the same stick on my neck, arms, and back until the stick broke. The policeman also struck me with a broom. I worked there until about 5:30 p. m. and they locked me up in the same prison. I was kept in prison until Saturday evening, and they made me work every day in the horse shed and sweeping the streets. When I ceased to work in the yard, the policeman would strike me on the back of the head with a stick. On Wednesday, at about 1 p. m., I vomited about a quart of blood and bled from the nose and ears in consequence of the beating that I had received.

On Monday evening, November 2, they released me from prison. During the time I was there I asked the policemen on different times to be allowed to see the consul, but they paid no attention to me and they shoved me back. When I was released and going out of prison I told a police officer that I was going to see the consul and report that I had been refused to see him. I went to the consulate at about 6 o'clock that afternoon and found it closed. I could not find out where the consul was living. I could not get on board, as I had no money. I went up on the hill to prevent them from arresting me again. I felt very bad at the time. I sat there until next

morning. I went to the consulate on Tuesday morning, November 3, at about 8 o'clock, and waited until about 11 o'clock, when I saw the consul.

One of my shipmates, Bernard Flanigan, had gone to jail to inquire if I was in prison, but they told him I was not there. I then stated to the consul what had happened to me, and after hearing me he sent me on board *Keeweenaw*. My health is better now and I have been doing a little work on shipboard since yesterday. I may mention that my shipmate Andrew McKinstry was also arrested by the police and taken to jail. He saw me in prison on Monday, and we were made to do work, grinding corn and sweeping the streets. I have nothing further to state.

[SEAL.]

PATRICK (his x mark) SHIELDS.

CONSULATE OF THE UNITED STATES,  
*Valparaiso, November 18, 1891.*

I hereby certify the foregoing to be a true and faithful copy of the original declaration filed in this consulate and taken by me at the request of William B. McCreery, esq., United States consul at this port.

Given under my hand and the consular seal the day and year aforesaid.

[SEAL.]

AUGUST MOLLER, JR.,  
*United States Vice-Consul.*

[Inclosure 4 in No. 237.]

*Declaration under oath of Charles A. Wheeler.*

REPUBLIC OF CHILE,  
*Province of Valparaíso:*

Charles A. Wheeler, being duly sworn, deposes that he is mate of the steamship *Keeweenaw*, of the merchant marine of the United States, and that he is acquainted with Patrick Shields, a fireman in the service of said steamship; that the said Shields was given liberty to go on shore at Valparaíso on or about the 24th day of October last past, and that he returned to the steamship about ten days subsequently in a bruised and injured condition, and that he reported that he had been arrested and confined in the prison at Valparaíso during his absence from the ship, and that the injuries he had received were from the hands of the police of Valparaíso, and that he had been beaten and struck on the back of the head, back of the neck, and on the back by policemen on the streets of Valparaíso and while in prison, and that he was seriously and dangerously injured; that subsequently two men visited the steamship and stated that they were sent by the court of crimes to take the testimony of the said Patrick Shields in relation to the injuries he claimed to have received, and that Shields was sent for and informed of the object of their visit; when he was questioned by one of the parties in relation to the case, but refused to be sworn or to sign any statement unless the same should be made in the presence of the United States consul. Afterwards the person who had asked the questions to Shields read to him what purported to be what he had said and requested Shields to sign the same. Shields replied that what he had read to him was incorrect and entirely wrong and that he would not be sworn nor would he sign any paper or writing except in the presence of the United States consul. Further saith not.

C. A. WHEELER.

Sworn to and subscribed before me at Valparaíso, this 19th day of November, A. D. 1891.

[SEAL.]

W. B. MCCREERY,  
*United States Consul.*

[Inclosure 5 in No. 237.]

*Declaration under oath of Charles R. Malcolm.*

REPUBLIC OF CHILE,  
*Province of Valparaíso:*

Charles R. Malcolm, being duly sworn, deposes and says: I am the engineer in charge of the machinery of the steamship *Keeweenaw* of the merchant marine of the United States, and am acquainted with Patrick Shields, who is a fireman under my charge, and in the service of said steamship, and that up to the 24th day of October last past the said Shields was a strong, able-bodied man and a most excellent fireman; that the said Shields received liberty from the authorities of the ship to go on shore at

Valparaiso on the 24th day of October, and that he did not return for about ten days thereafter, when he was in a bruised and much injured condition, and that the injuries he claimed to have received at the hands of the police in the streets of Valparaiso and while in the prison in said city, and that since his return to the ship he has not been able to perform any manual labor in consequence of the injuries he claims to have received at the hands of the police of Valparaiso, and I am firmly of the opinion that he will never again be able to perform the duties of fireman, and that in consequence of the said Shields being unable to perform his duties, another fireman has been engaged to take his place and he is now in the service of the ship. Further saith not.

CHARLES R. MALCOLM.

Sworn to and subscribed before me this 19th day of November, A. D. 1891.

[SEAL.]

WM. B. MCCREERY,  
United States Consul.

[Inclosure 6 in No. 237.]

*Declaration under oath of Andrew McKinstrey.*

REPUBLIC OF CHILE,  
Province of Valparaiso:

Andrew McKinstrey, being duly sworn, deposes and says: I am a fireman in the service of the steamship *Keweenaw* of the merchant marine of the United States, and that on the 24th day of October last past I received liberty to go on shore with Patrick Shields, who is also a fireman on board of the steamship *Keweenaw*, and with whom I am well acquainted, and that on the 25th day of October I was arrested by the police authorities of Valparaiso and taken to prison. On my arrival at the prison I was put into the same room with Patrick Shields, who said that he had been brought there the day before. On the 26th of October the police authorities at the prison ordered Shields and myself to work in the horse shed, across the street from the prison, and for a time we were both engaged in cleaning the yard, when we were both ordered to turn a crank attached to a corn-grinder, which we turned for about two hours, when we both stopped to rest, and we were ordered by the policeman to keep at work grinding corn, and while Patrick Shields was returning to the work he was struck on the back of the head by the policeman with a broom handle, which knocked him down.

On arising from the ground the said Shields was again struck by the same policeman on the head with the broom handle and again felled to the ground, where he remained about five minutes insensible. When he arose from the ground he was bleeding from the nose and mouth. We were then ordered to proceed with the work of grinding corn, but Shields was so badly injured that he stood by the machine and I did most of the work. About three-quarters of an hour afterwards we were both taken out on the streets by the police and ordered to sweep the street, and soon afterwards I made my escape by running away, and I slept during the night on the hill back of the city on the bare ground, and the next day reported at the consulate, and was sent to the *Keweenaw* by the consul. At the time Shields was struck by the policeman he was perfectly sober and had not been drinking. Further saith not.

ANDREW MCKINSTREY.

Sworn to and subscribed before me this 19th day of November, A. D. 1891.

[SEAL.]

WM. B. MCCREERY,  
United States Consul.

[Inclosure 7 in No. 237.]

*Medical report of Dr. S. S. White.*

VALPARAISO, November 20, 1891.

Hon. WM. B. MCCREERY,  
United States Consul, Valparaiso.

SIR: In obedience to orders from Capt. Schley, on November 3, 1891, I examined Patrick Shields, a fireman belonging to the steamer *Keweenaw*, and found his condition to be as follows: A severe contusion on back of head, a small cut over right

eye, and his body severely bruised, both front and back, from nape of neck to end of spine, of such severity as to render him unfit for duty for several weeks.

His condition now is somewhat improved, but his nervous system has sustained a shock from which months will be necessary for recovery, if he is ever as physically sound as he was at the time he received the injury.

Very respectfully,

STEPHEN S. WHITE,  
*Passed Assistant Surgeon, U. S. Navy.*

U. S. S. BALTIMORE (FIRST RATE).

Approved and forwarded.

W. S. SCHLEY,  
*Captain Commanding.*

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[Inclosure 8 in No. 237.]

*Mr. McCreery to Mr. Egan.*

CONSULATE OF THE UNITED STATES,  
*Valparaíso, November 20, 1891.*

SIR: I inclose herewith a letter from Patrick Shields, of the steamship *Keweenaw*, also his claim against the Republic of Chile for \$5,000, which, by the term of his letter, he desires you to present to the proper department for payment.

I also inclose a letter from Dr. Stephen S. White, of the U. S. S. *Baltimore*, who has attended Shields since the 3d instant, which states his condition of the 3d of November, as well as his present condition.

Very respectfully, your obedient servant,

WM. B. MCCREERY,  
*United States Consul.*

Patrick Shields informs me that his present post-office address is 994 Second avenue, New York city.

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[Inclosure A.]

*Mr. Shields to Mr. McCreery.*

CONSULATE OF THE UNITED STATES,  
*Valparaíso, November 20, 1891.*

SIR: I inclose herewith my claim for \$5,000, United States currency, against the Republic of Chile, which I will thank you to send to the American minister at Santiago, with the request that he present the same to the proper department of the Government for payment.

Very respectfully,

PATRICK (his x mark) SHIELDS.

Witness:

J. P. DUNNING.

Indorsed on back:

CONSULATE OF THE UNITED STATES,  
*Valparaíso, November 20, 1891.*

Respectfully referred to Hon. Patrick Egan, envoy extraordinary and minister plenipotentiary of the United States at Santiago.

[SEAL.]

WM. B. MCCREERY,  
*United States Consul.*

## FOREIGN RELATIONS.

[Inclosure B.]

*Claim of Patrick Shields for \$5,000.*

VALPARAISO, November 20, 1891.

Republic of Chile to Patrick Shields, Dr.

To injuries received at the hands of the police of Valparaiso from the 24th day of October, A. D. 1891, to the 2d day of November, A. D. 1891, inclusive, five thousand dollars United States currency (\$5,000).

CONSULATE OF THE UNITED STATES,

*Valparaiso, November 20, 1891.*

I certify that the foregoing account of Patrick Shields, of the steamship *Keweenaw*, was presented to me by the said Shields with the request that I forward it to the American minister at Santiago to be by him presented to the proper department for payment.

[SEAL.]

WM. B. MCCREERY,

*United States Consul.*

[Inclosure 9 in No. 237].

*Mr. McCreery to Mr. Egan.*

CONSULATE OF THE UNITED STATES,

*Valparaiso, November 20, 1891.*

SIR: In the case of Patrick Shields, of the *Keweenaw*, who makes a claim against the Government of Chile for injuries claimed to have been received at the hands of the police of this city, I desire to state that the crew list of the steamship shows that he was born in Ireland and is a subject of Great Britain.

Very respectfully,

WM. B. MCCREERY,

*United States Consul.*

[Inclosure 10 in No. 237.]

*Mr. Egan to Mr. McCreery.*

LEGATION OF THE UNITED STATES,

*Santiago, November 23, 1891.*

SIR: Replying to your communication of 20th instant in reference to the case of Patrick Shields, of the United States steamship *Keweenaw*, I beg to refer you to paragraphs Nos. 170 and 171 of consular instructions, in the latter of which you will find the following:

"The principles which are maintained by this Government in regard to the protection, as distinguished from the relief, of seamen are well settled. It is held that the circumstance that the vessel is American is evidence that the seamen on board are such; and in every regularly documented merchant vessel the crew will find their protection in the flag that covers them."

Shields is therefore in this case, and also in the matter of relief, he having shipped in a port of the United States, entitled to the same protection as if he were a United States citizen.

I remain, etc.,

PATRICK EGAN.

[Inclosure 11 in No. 237.]

*Mr. Egan to Señor Matta.*

LEGATION OF THE UNITED STATES,

*Santiago, November 23, 1891.*

SIR: I have the honor to inform your excellency that on the 3d of the present month there came to the United States consulate in Valparaiso Patrick Shields, fireman, employed on board the United States merchant steamship *Keweenaw*, who made complaint that on 24th October he went ashore from his ship, on leave; that

he was arrested on the street of Valparaiso on a charge of intoxication, the truth of which charge he denies; that on the way to prison he was struck and kicked by the policeman; that he was released from prison next morning without any form of trial, but was immediately arrested again and kept a prisoner from 24th October to 2d November, without having been brought before any judge or without any process of law whatsoever; that during that time he was compelled to work, cleaning the streets, grinding corn, cleaning harness of the horses of the police, and other work; that he received during the time but very little food; that he was brutally beaten over the head and body by the police on several occasions, and sometimes so badly that he was left insensible on the ground, from the effects of which treatment he still suffers very severely, and that he repeatedly, during those nine days, requested to be allowed to communicate with the captain of his ship or with the consul of the United States, which right was always refused to him.

When this man came to the consulate of the United States on the morning of 3d instant, the consul found him to be in terrible condition, badly cut about the head, and his body a mass of bruises. He at once brought him to the intendencia, so that the intendente might himself have an opportunity to see his deplorable condition; but the intendente declined to look at the man's injuries. The consul then sent him on board his ship and had him attended by Dr. Stephen S. White, of the United States cruiser *Baltimore*, certified copy of whose report, dated 3d instant, I inclose (No. 1). He also immediately reported the matter to the intendente of Valparaiso, asking for a full investigation into the circumstances and at the same time requesting that either he, the consul, or some one designated by him might be permitted to be present at such investigation.

To this request the intendente replied on the 4th, promising an immediate investigation, and again on the 7th, transmitting copy of communication from judge of crimes stating that the permission requested by the consul to be present could not be granted, but adding that, in order to facilitate the consul and advance the inquiry, Shields, if he did not speak the Spanish language, could be assisted by such interpreter as he himself might designate.

On the 10th instant, the judge of crime informed the United States consul that the testimony of Shields had been already taken, and on immediately going on board the *Keweenaw* the consul was astonished to learn that on that day two persons had gone on board said ship without any intimation to him, the consul, and without giving Shields any intimation of their willingness to permit the presence of an interpreter designated by him, and proceeded, in the name of the judge of crime, to put to him a number of interrogatories, and then proceeded to write down certain answers which they asked him to sign. Shields protested that the replies so written down were not correct and refused to be sworn or to sign anything unless the examination was made in the presence of the United States consul or of some interpreter whom he should name.

The same course was adopted towards Capt. Jenkins, of the steamship *Keweenaw*, a witness in this case. He was first informed that he could give his evidence through an interpreter designated by himself, but when he presented himself before the judge, accompanied by Mr. August Moller, vice-consul of the United States, as interpreter, his evidence would not be taken through that gentleman, and he was prevailed upon to give it through the court interpreter.

I now beg to inclose to your excellency certified copy of a sworn declaration made by Patrick Shields before the United States consul at Valparaiso on 18th instant, setting forth the particulars of his imprisonment and detention and the bad treatment which he received at the hands of the police (inclosure No. 2); certified copy of sworn declaration of Charles A. Wheeler, mate of steamship *Keweenaw*, in relation to the attempt to obtain the evidence of Shields on board said ship (inclosure No. 3); certified copy of sworn declaration of Charles R. Malcolm, engineer of said ship, in relation to the physical condition of Shields (inclosure No. 4); and certified copy of sworn declaration of Andrew McKinstrey, fireman on board said ship, setting forth that he had seen Shields, while a prisoner, struck on the back of the head with a broom handle and knocked down because he rested from work while grinding corn; that on Shields arising from the ground he saw him again struck on the head by the same policeman and knocked down on the ground, where he lay insensible about five minutes, and that when he arose he saw him bleeding from the nose and mouth.

I also inclose certified copy of additional certificate from Dr. Stephen S. White, of the United States cruiser *Baltimore*, dated 20th instant, giving details of the injuries inflicted upon Shields; injuries which, according to the doctor's opinion and according to the sworn declaration of the chief engineer of said ship, are calculated to incapacitate him for active work for a considerable time, and perhaps for life.

The consul of the United States at Valparaiso, after the most careful investigation, is convinced, and he has assured me that a terrible injury has been inflicted upon this man, not with the knowledge or sanction of the authorities of Valparaiso, but owing to some laxity or defect in the police system which permits the retention and

compulsory employment at menial labor of persons without the sanction of the judicial power.

I therefore submit this case to your excellency with full confidence that it will receive from the Government of your excellency the consideration which I believe it deserves.

Again renewing the assurances, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 241.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 30, 1891. (Received January 13, 1892.)*

SIR: I have the honor to send herewith copy of communication from Capt. Schley, of the *Baltimore*, dated 24th instant, with attached correspondence between him and the intendente of Valparaiso up to that date, in relation to the attack upon the men of his ship in Valparaiso on 16th October.

As will be seen from the correspondence, the men of the *Baltimore* appeared before the judge of the court of crimes and gave their evidence on 20th instant, under the conditions approved by the Navy Department.

I have, etc.,

PATRICK EGAN.

[Inclosure in No. 241.]

*Capt. Schley to Mr. Egan.*

U. S. S. BALTIMORE (FIRST RATE),  
*Valparaiso, November 24, 1891.*

SIR: I have the honor to inclose copies of the last dispatch of the Secretary of the Navy, referring to the testimony to be given by my men before the judge of the criminal court here, and of notes exchanged with the intendente of the province in relation to this matter. This will bring your files up to date.

I would also state that my men have appeared and given their testimony to the court.

Very respectfully,

W. S. SCHLEY,  
*Captain Commanding.*

[Inclosure A.]

*Captain Schley to the intendente of Valparaiso.*

U. S. S. BALTIMORE,  
*Valparaiso, November 17, 1891.*

SIR: I have the honor to inform your excellency that my men who were wounded in the disturbance of October 16 last are now able to appear as cited by the judge of the criminal court, and will be accompanied by an officer as interpreter, who will authenticate such testimony as may be given.

I would request, at the same time, that his honor will oblige me by appointing the earliest practicable day for this hearing.

I have, etc.,

W. S. SCHLEY,  
*Captain Commanding.*



[Inclosure B.—Translation.]

*The intendente of Valparaiso to Capt. Schley.*

REPUBLIC OF CHILE, INTENDENCIA OF VALPARAISO,  
*Valparaiso, November 17, 1891.*

I have had the honor to receive your official letter, in which you do me the favor to state that it is not inconvenient for your sailors, wounded in the events of October 16 last, to appear before the judge in the case.

As soon as I receive an answer from the judge of the criminal court relative to your quoted official letter, which I have transcribed to said judge, I shall have the pleasure to communicate it to you.

God guard you.

J. DE D. ARLEGUI.

[Inclosure C.—Translation.]

*The intendente of Valparaiso to Capt. Schley.*

REPUBLIC OF CHILE, INTENDENCIA OF VALPARAISO,  
*Valparaiso, November 18, 1891.*

The judge of the criminal court, in an official letter of this date, informs me as follows:

“At this moment I have received your note of yesterday, and in replying to it permit me to say that this tribunal will put into execution the pending confrontation of witnesses between the sailors of the *Baltimore* and the culprits in the cause, the 20th of the present month, from 3 to 4 p. m.

“Do me the kindness to transmit the present communication to the captain of the *Baltimore*.”

Which I have the honor to bring to your knowledge for the purpose in view.

God guard you.

J. DE D. ARLEGUI.

[Inclosure D.—Translation.]

*The intendente of Valparaiso to Capt. Schley.*

REPUBLIC OF CHILE, INTENDENCIA OF VALPARAISO,  
*Valparaiso, November 18, 1891.*

The judge of the criminal court, under date of the 16th of this month, informs me as follows:

“In the process which this tribunal has instituted with respect to the disorders of the 16th of October last, it has been directed that I reply to you with relation to what the captain of the *Baltimore* asks in the official letter, a copy of which you have been good enough to send, with your note No. 3305 of the 11th of the present month, as follows:

“VALPARAISO, November 13, 1891.

“I will reply to the intendente of the province that this tribunal will be able to give all the copies which may be asked of the declarations taken in this examination by the sailors of the *Baltimore* and other witnesses in the cause when the process, having passed to completion, shall not require the legal secrecy exacted by the present state of the same.

“I tell you this in order that you may do me the favor to bring to the knowledge of the captain above named the contents of the present communication.”

Which I transcribe for your information and consequent ends.

God guard you.

J. DE D. ARLEGUI.

*Mr. Egan to Mr. Blaine.*

No. 242.]

LEGATION OF THE UNITED STATES,  
*Santiago, November 30, 1891. (Received January 13.)*

SIR: I have the honor to refer to my dispatch of 20th instant, No. 236, in reference to the disrespect shown to this legation by some of the police agents or spies by whom it is surrounded, and now beg to hand you a translation into English (inclosure No. 1) of a note received from the minister of foreign relations, to which I would call your particular attention.

It will be seen that from the very beginning of those annoyances every complaint which I have been obliged to make about disrespectful conduct towards the legation has been met by insinuations or suspicions of conspiracy or indiscretions of conduct against the refugees and even against the employés of the legation, but up to the present the honorable minister has not ventured to make a single direct, tangible charge, and for the good reason that no such conspiracies as those insinuated have ever existed in this legation and no such indiscretions have occurred.

The suggestion contained in this letter that the persons who knocked at the window of the legation on the night of the 15th instant, and who used foul language towards the persons inside, were agents of the refugees is, on its face, absurd. The Government has a number of its police agents, with whose appearance I am perfectly familiar, around the legation day and night, and it was those same men and no others who acted towards the legation in the manner described in my notes to the minister.

I also beg to inclose copy of my reply to the note of the minister of foreign relations, marked inclosure No. 2.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 242.—Translation.]

*Señor Maita to Mr. Egan.*

MINISTRY OF FOREIGN RELATIONS,  
*Santiago, November 23, 1891.*

SIR: Half an hour after the interview between the honorable minister plenipotentiary and the undersigned, on Saturday, the 21st, there was received his note, dated 20th, in which was dealt with the same disagreeable affair which, among others, was referred to in said interview, whose termination would give to be understood other things different from the reception of the note to which I have the honor to reply.

I regret very much that the honorable envoy extraordinary and minister plenipotentiary, when there occurred a case in which some police agents, in a state of intoxication, had disturbed the peace of the vicinity and even offended against the respect due to the legation, had not denounced it immediately, for then the respective chief and the intendente of Santiago should have done prompt and strict justice.

There are, outside the consideration due to the honorable minister plenipotentiary, other reasons for regretting the delay in denouncing the conduct which he now brings to the knowledge of this department, and that is that the police agents, or spies, as the honorable minister plenipotentiary terms them, may have been agents of the same persons, refugees in the legation, having relation with others who disguise themselves in such manner, and who may have had interest in provoking this in a way very little agreeable for the legation and for this department.

In all cases the facts having come to the knowledge of the undersigned, even tardily, the required investigation shall be made, proceeding in accordance with justice.

In concluding this letter it will not be out of place to call the attention of the honorable minister plenipotentiary to the fact that some of the refugees in the legation, on account of their former official positions, possess relations which might enable them to act with other persons not connected with the legation, and they, by the action and conduct which have taken place at times, might have assisted to provoke those occurrences which, as well as not being in accordance with the desire and official duty of the honorable envoy extraordinary, can not be so to the undersigned.

Neither the acts which the honorable minister complains of nor those which the undersigned suspects, and all of which are caused by the abnormal situation and not very discreet conduct of refugees in the North American legation, are, repeating the words of the honorable minister, "calculated to promote the spirit of cordial friendship which it is so desirable to cultivate between the two countries," but which shall not disturb the high respect and decided courtesy with which the representatives of both will continue to treat the matter with which they are charged.

Renewing to the honorable minister plenipotentiary the expression of my high consideration, I remain,

His obedient servant,

M. A. MATTA.

[Inclosure 2 in No. 242.]

*Mr. Egan to Señor Matta.*

LEGATION OF THE UNITED STATES,  
*Santiago, November 30, 1891.*

SIR: On account of a short visit to Valparaiso, I have been obliged to delay my reply to the note of your excellency of 23d instant.

I am surprised to learn that my note of 20th instant only reached the hands of your excellency after our conference on the 21st, referring to one of the matters treated in said conference.

My note was delivered at the ministry of your excellency in the early hours of the 21st instant, and naturally I supposed that your excellency had already a knowledge of its contents when our interview took place at about 3 o'clock p. m. of that day.

It does not correspond to me to inquire why the said note was not presented in due time to your excellency by the employés of the ministry, and I only state these circumstances now in order to make clear the facts.

In replying to my note your excellency expresses and repeats the opinion that the difficulties occasioned by the police agents or spies who are surrounding this legation may have occurred as a consequence of the conduct of some of the refugees who, being in relation with other persons not connected with the legation, might have promoted those disorders with a view to provoking conflicts and disagreeableness, such as I have been obliged to complain of to your excellency.

I regret to be under the necessity to deny again, and for the last time, to your excellency those assertions and fears, and I can do so the more positively because I feel that I am well acquainted with and convinced of all that occurs in this legation. I regret at the same time to have to observe to your excellency that it appears strange and anomalous that your excellency should ignore the permanent presence in the vicinity of the legation of a number of agents of the secret police, in an official character, and certainly without any participation whatsoever on the part of the refugees in the legation. The irregular conduct of those agents has provoked more than once actual disorders in this neighborhood, and only last night they appear to have interfered with a representative of the National Congress, who, in going out of a neighboring house, was molested or offended by those same agents.

It would be idle to attribute to the refugees in this legation any participation in those occurrences, since local authorities have at their disposal ample resources and activity to put in prison any persons whose conduct they may consider suspicious. Besides, it is entirely unlikely that agents of the refugees, such as indicated by your excellency, could station themselves in the public streets during entire days with the object of creating disorders, and at the same time be, as I have seen them, in constant and confidential relation with the regular police force of the city.

I am in a position to assure your excellency that the persons about whom I have made complaint, and whose presence and actions have been and continue to be decidedly disrespectful to this legation, were undoubtedly agents of the public authority, and could have had no possible connection whatsoever with the refugees in this legation.

Renewing to your excellency the expression of my high consideration,  
I have, etc.,

PATRICK EGAN.

## FOREIGN RELATIONS.

*Mr. Blaine to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, December 3, 1891.*

Mr. Blaine instructs Mr. Egan to report who asked him for his testimony in the *Baltimore* case, which, according to telegraphic advice received by the Chilean minister from the foreign office, was requested of him twenty days ago and not given.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 3, 1891. (Received December 4.)*

Mr. Egan reports that the *Baltimore* is expected to sail shortly, and that in view of that fact he made unofficial efforts on the 3d, through a friendly medium, to have safe-conducts granted to refugees, and met with an absolute refusal, but he still hopes for an early solution. He represents the feeling of vengeance entertained by some as terrible and unscrupulous to a degree that can hardly be imagined, and says that according to important persons, one of them a cabinet minister, the capture of the refugees would certainly result in the death of some of them. He complains of the proceedings, which Capt. Schley considers most unfair and unintelligible, of the officials of Valparaiso who supply the press with the correspondence relating to the *Baltimore* case and passing between the judge of crimes, the governor of Valparaiso, and the minister for foreign affairs, the intention being apparently to prejudice but one side of the case. He makes special mention of one letter of the judge of crimes which was published on the 3d, and by its decided animus created in the press a current of bitter feeling against the men of the *Baltimore*. He also complains that the presence of the secret police, by which the legation has not ceased being watched, is personally distasteful and evidences but little respect to the legation.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 4, 1891.*

Mr. Egan reports that on the ground of treason, breaking the constitution, violating the laws, not enforcing the laws, subornation and malversation of public funds, a motion for impeachment against six of the late cabinet ministers, three of whom are refugees in the legation, was made in Congress on the day previous, and that they hope by this means to have the refugees delivered. He says that he has received from the secretary of the Chamber of Deputies a written request to be allowed to notify the refugees in person, and that he has notified the minister of foreign affairs that he could not with propriety have direct

official intercourse with the secretary of the Chamber of Deputies, his credentials being from the Government of the United States to that of Chile, and that he was surprised that the secretary of the Chamber of Deputies should address himself to the legation instead of to the foreign office. Mr. Egan declares that he will not receive any personal service of notification in the legation without being instructed.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 4, 1891.*

Mr. Egan acknowledges the receipt of the telegram of the 3d, and says that he is unable to explain the incorrectness of the statement of the minister for foreign affairs; that he had no personal knowledge of the circumstances attending the assault upon the men of the *Baltimore* and has not been asked for his testimony; that he did receive from the foreign office on the 9th of November a note bearing upon certain information derived from previous letters written by Capt. Schley and the testimony of the sailors transmitted in those letters. As Capt. Schley had been instructed by the Navy Department to treat the matter directly with the local authorities at Valparaiso, and was doing so, he so informed the minister of foreign affairs, on whom he called, and who agreed to the course thus taken and said that it would not be necessary to write a reply to his note. He adds that Capt. Schley furnished all the information supplied by him in his letter of the 3d of November and by sending his men before the judge.

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*Mr. Egan to Mr. Blaine.*

No. 243.] LEGATION OF THE UNITED STATES,  
*Santiago, December 4, 1891.* (Received January 13, 1892.)

SIR: I have the honor to hand herewith (inclosure No. 1) copy of a letter received to-day from Capt. Schley, with attached copy of correspondence between him and the intendente of Valparaiso to date, in relation to the attack upon the *Baltimore* sailors on 16th October.

Throughout this investigation, which is supposed to be so secret that nothing of its proceedings can be given even to a friendly government, there has been a constant interchange of letters between the judge of crimes and the intendente and some communications with the minister of foreign relations, all of which, as well as the letters between Capt. Schley and the intendente, have been published in the press with the evident intention of molding public opinion on this matter; the result being a number of very bitter criticisms and attacks upon the United States and its Navy and upon this legation.

I beg to call your attention to the very extraordinary statement of the judge of crimes in reference to the case of two of the men of the *Baltimore* who, after giving their evidence, indulged in too much drink and returned to court to sign their informations more or less intoxicated. You will find this statement on pages 11 and 12 (9 to 12) of the letter of the intendente of Valparaiso, dated 28th November, inclosed herein.

I also inclose copy of telegram received from you to-day in regard to the extraordinary statement of the minister of foreign relations telegraphed to the Chilean minister in Washington, and also copy of my reply, which fully explains itself.

I have, etc.,

PATRICK EGAN.

[Inclosure in No. 243.]

*Capt. Schley to Mr. Egan.*

U. S. S. BALTIMORE (FIRST RATE),  
*Valparaiso, December 3, 1891.*

SIR: I have the honor to transmit the last letters which refer to the occurrence of the 16th of October, and I would state that I acceded to the request of the judge for a commission of experts to confer with reference to the character of the shot which killed Riggins.

I would state that the testimony of the men mentioned in his honor's letter was given before him yesterday, as well as that of Jerry Anderson, coal-heaver, one of those wounded on October 16, and Coal-heaver L. A. Wallace, in the presence of Lieut. McCrea of this ship, under the same rules observed on the 20th of November, when the other witnesses appeared. This, I hope, will conclude the matter as far as the *Baltimore* is concerned, and, at all events, completes the confrontation in the case up to date.

Referring to that part of the judge's letter relating to the appearance before him of two of my men in a condition of intoxication, I would say that his letter makes it appear that these men came in such a state before the court to testify. This is not the fact at all; they had already given their testimony and had appeared to sign the court copy of the same. The letter of his honor is written to the public more than to myself, and is evidently intended to create prejudice in the public mind similar to that which this communication shows to exist unquestionably in his own.

Very respectfully,

W. S. SCHLEY,  
*Captain Commanding.*

[Inclosure A.]

*The intendente of Valparaiso to Capt. Schley.*

REPUBLIC OF CHILE  
*Intendencia of Valparaiso, November 28, 1891.*

The judge of the criminal court, in an official letter of the 26th instant, informs me as follows:

"On the 20th of the present month a confrontation, with profitable results to the good success of the inquiry, was held before this court between several sailors of the *Baltimore* and the culprits in the process, which it instituted with reference to the disorders of the 16th, and although the undersigned is mainly interested in terminating as soon as possible this already prolonged proceeding, the declarations of some of the sailors above alluded to make it indispensable to vacate the previous citations, and to hold a new confrontation between three of these sailors and other witnesses in the case.

"It is also thought necessary to hear the account of the doctors who attended the dead sailors after the examination ordered by this tribunal and the opinion of a commission of experts, keeping in view the arms carried by the police during the disorders of the 16th, and the perforation of a neckerchief worn by James M. Johnson, at the time when, according to him, he went to assist the murdered Riggins, and which was first made by the ball which ended his (Riggins's) days, in order that it (the commission) may then inform this tribunal whether the said perforation could or could not have been caused by the rifles with which the police were armed.

"In regard to the medical report as well as in regard to the technical commission which has just been referred to, I have thought it proper to appoint, as an evidence of the absolute impartiality with which this tribunal is proceeding and of the desire

to throw light upon the lamentable event which it is investigating, the surgeons of the *Baltimore* and one of the superior officers of that vessel to concert with the other experts designated by the court in this act of justice.

"Giving expression to these ideas and to others which the continuation of the process requires, the court under date of the 21st of the present month decreed among other things, the following:

" 'The declaration of James M. Johnson appearing to contradict that of the witnesses Vergara, Castro Jeria, Hernandez, and Iglesias, let a confrontation be held between all of them and Charles Langen, also a sailor of the *Baltimore*.

" 'The city doctors, Antenos Calderon and Daniel Carvallo, associated with the doctor of the cruiser *Baltimore*, and with other medical men, who may have seen Riffin before and after his autopsy, will inform this tribunal:

" (1) Whether the shot wound which produced the death of that sailor was caused by a revolver or a rifle, giving the caliber of the projectile and the effects of the same; and in case the last is resolved upon, if it could have been from the rifles or carbines used by the police, examples of which will be placed at their disposition; and

" (2) Whether the nature and gravity of the wounds inflicted by a cutting instrument, rather than the shot wound, might have removed the same Riffin, and the probable time necessary for the cure of these wounds.

" 'Be pleased to ask information of the doctor who examined sailor Trumbull, whose real name is Turnbull, in his last illness, regarding the precise causes and reasons of his death.

" 'Be pleased to name a commission of experts composed of Commander Vicente Zegers Recasen, Lieut. Col. José Maria Bari, and Lieut. Henry McCrea, of the cruiser *Baltimore*, in order that, keeping in view the neckerchief delivered by sailor Johnson during the confrontation, and the rifles and carbines with which the police were armed during the disorders of the 16th, they may inform this court whether the holes which are noted in the mentioned neckerchief have or have not been produced by a ball shot made with these arms.

" 'Be pleased to send an official letter to the intendente of the province in order to obtain through him from the captain of the *Baltimore* the exact descriptive list of the deceased W. Turnbull; and to ask that the witness Eugene Frank be cited, in order that, given the descriptive list of that sailor, he may make clear whether he was or was not the person that the culprit Carlos Gomez wounded. The same Gomez and Federico Jensten will also make declaration regarding the same.'

"I beg you, therefore, that in order to give completion to the decree, having transcribed this, you will be pleased to transmit the present communication to the captain of the *Baltimore*, that he may grant the necessary permission to the doctor of that ship and to Lieut. McCrea, in order that both may accept the commissions which this tribunal commits to them, and that he may arrange in the same manner the confrontation of the sailors Johnson, Langen, and John Davidson, who, according to the before-mentioned decree, will be brought face to face with the invalid sailor, Adrian Bravo, indicated in the last appearance, when brought together as one of the promoters of the disorders of October 16. The same captain will be good enough also to remit by means of your official intervention the other facts which this court has thought necessary to ask, notifying him that, sailor Turnbull having died on board the *Baltimore*, the doctor who attended him in his last illness must belong to the same cruiser.

"Counting on the acquiescence of the captain of the *Baltimore*, the court fixes the 30th from 2 to 3 p. m. for the hearing of the new confrontation that has been ordered.

"In conclusion, Mr. Intendente, I must add that in order to preserve the dignity of the proceedings of this court, during the continuance of the confrontation held on the 20th, it was necessary to remove by force one or two sailors of the *Baltimore* who presented themselves in the court room in a state of intoxication, and whose behavior necessitated their removal.

"The court could have better punished for itself the lack of respect which these sailors committed, but as a demonstration of special kindness towards the representatives of the Navy of the United States in this port it consented that they should be taken back to their ship, being satisfied with the full excuses that Lieut. McCrea, who had charge of the sailors that were giving their declarations, made for this same act and with the formal promise that their fault would be severely punished on board of the same cruiser.

"In recording in this note that strange incident of the confrontation I have no other purpose than that of calling the attention of the captain of the *Baltimore* to the inevitable excesses that seamen deliver themselves up to always when they come on shore, even when it may be to appear at the citation of a tribunal of a friendly nation which affords them hospitality, and even when they may be under the immediate watch of their respected and honorable chief who conducts them.

"Perhaps that incident will acquaint the captain of the *Baltimore* better than the actual proceedings of the trial the real origin of one of the causes that must have had much influence in the disorders of the 16th of October."

Which I have the honor to transcribe to you, in order that you may be kind enough to assist, if you please, the action of justice in this grave business.  
God guard you.

I. DE DE. ARLEGUI.

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[Inclosure B.]

*Capt. Schley to the intendente of Valparaíso.*

U. S. S. BALTIMORE (FIRST RATE),  
*Valparaíso, December 1, 1891.*

SIR: I have the honor to acknowledge the receipt of your letter of November 28, which reached my hands about 1 p. m. of November 30, too late to make the arrangements suggested by his honor for the meeting of the experts, as well as for a new confrontation of witnesses who have already testified, in order to clear up certain points, etc.

I have the honor to suggest that Coal-heaver Jerry Anderson, one of the wounded, and Coal-heaver L. A. Wallace, the companion who was with him when attacked and stabbed on the afternoon of October 16, may be examined by the court; also that Peter Johnson, pliancia; Frederick —, boatswain, Fiscal Mole; the keeper of the "Stag" saloon; boatman No. 300; the keeper of the "Royal Oak" saloon; Robert Lindsay, sailor; Charles Lanctot, may be examined by the court. All these persons can bear witness to facts pertinent to the issue.

I have, etc.,

W. S. SCHLEY,  
*Captain Commanding.*

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*Mr. Egan to Mr. Blaine.*

No. 244.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 4, 1891. (Received January 22, 1892.)*

SIR: Finding that the *Baltimore* was about to go north I have, during past couple of days, endeavored unofficially to obtain safe-conducts or even a simple permission for the refugees to go on board, but I learn that the ministry unanimously refused to even consider the matter. They have still hopes that they can induce the Government of the United States to surrender those men for punishment, which, in one case at least, that of Gen. Gana, ex-commander in chief of the army, would, I am assured, be very severe. Yesterday I was assured by a cabinet minister that Gen. Gana and some others of those now in this legation would be killed most certainly if captured in any attempt to leave the country, which opinion, expressed more than three months after the close of the war, will serve to show how desperate and lasting is the desire of some of those people for vengeance upon their vanquished opponents.

This persecution of the vanquished party is sowing the seeds of further and perhaps more serious troubles for this country in the not distant future.

I have, etc.,

PATRICK EGAN.



*Mr. Egan to Mr. Blaine.*

No. 245.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 5, 1891.* (Received January 22, 1892.)

SIR: I have the honor to refer again to the receipt of your telegram on yesterday, stating that Chilean minister for foreign affairs has telegraphed Chilean Minister Montt, in Washington, that my testimony in Baltimore case was asked twenty days ago and not given, and requesting to know by whom was I asked.

I telegraphed on yesterday to say that this statement on the part of the minister for foreign affairs is to me inexplicably incorrect.

When the intendente of Valparaiso first requested information from Capt. Schley, on 29th October, the captain had not the authority to give any, and he replied on 1st November, referring the intendente to this legation, and saying:

I am of opinion that if application be made to him (the United States minister) your excellency will be supplied with the names of several individuals who will be able in their turn to give you other names of persons who saw the killing of Riggins and the wounding of a number of others of my men during the lamentable disorders of 16th ultimo.

Some eight days later, the 9th November, the minister for foreign affairs wrote me requesting me to supply the information indicated in Capt. Schley's letter. (For copy of his note see inclosure in my No. 230 of 11th November.)

Meantime Capt. Schley had, under date of 3d November, supplied the intendente with a list of the witnesses indicated in foregoing quotation, residents of Valparaiso, and was engaged in a correspondence with the intendente respecting the conditions upon which the sailors of the *Baltimore* could give their evidence, which conditions he hoped, from day to day, to be able to satisfactorily arrange in accordance with modified instructions which were being transmitted to him from the Navy Department. On the 14th of November I called at the ministry of foreign relations and explained this matter fully to the undersecretary, and a couple of days later I had a conversation on the subject with the minister, in which I stated that the original instructions which I had received regarding the conditions upon which the men of the *Baltimore* could give evidence had been considerably modified in communications which had passed between the Navy Department and Capt. Schley, and that under the circumstances I considered it would be much more expeditious and much more conducive to an early and friendly understanding to leave the matter between Capt. Schley and the intendente of Valparaiso.

I also explained that Capt. Schley had on 3d instant given to the intendente all the other information which he had referred to in his letter regarding important witnesses not belonging to his ship.

The minister expressed himself as much pleased with this course, and in reply to my question said that under the circumstances a written reply to his note of the 9th was not necessary.

There never was any reference to any personal information of mine, as I had no knowledge of the case beyond that transmitted to me by Capt. Schley, and in view of my conversations with Minister Matta—for I had a second interview with him on the 21st November, in which we spoke of this matter of giving evidence as satisfactorily concluded—I am greatly surprised at the statement communicated by him to the Chilean minister in Washington.

I have, etc.,

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 246.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 5, 1891. (Received January 22, 1892.)*

SIR: I beg to refer to my previous dispatches in reference to the terrible ill treatment inflicted upon a fireman of the United States steamship *Keweenaw*, Patrick Shields, and now beg to inclose copy of letter from United States consul at Valparaiso, dated 24th November, with attached correspondence from intendente of Valparaiso (inclosure No. 1). I also inclose a translation of a note (inclosure No. 2) from the minister of foreign relations, in which he requests further information on the case. I wrote consul for the required datum, as per inclosure No. 3, and received from him a full report, under date 2d December, copy herewith (inclosure No. 4), from which will be seen what a terrible condition this poor man was reduced to and how unfairly he was dealt with in the matter of the pretended investigation by the local authorities at Valparaiso.

On the 4th instant I fully replied to the inquiries and remarks of the minister of foreign relations, and now beg to forward copy of my note (inclosure No. 5).

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 246.]

*Mr. McCreery to Mr. Egan.*

CONSULATE OF THE UNITED STATES,  
*Valparaiso, November 24, 1891.*

SIR: I have the honor to inclose herewith, for your information, copy of a letter of the 20th instant received by me from the governor of this province, in relation to the case of Patrick Shields, fireman, belonging to the American steamer *Keweenaw*; also copy of my letter in reply to the same.

Very respectfully, etc.,

WM. B. MCCREERY,  
*United States Consul.*

[Inclosure A.—Translation.]

*The intendente of Valparaiso to Mr. McCreery.*

REPUBLIC OF CHILE,  
*Intendencia of Valparaiso, November 17, 1891.*

The judge of crimes, in a communication of the 15th instant, informs me as follows: "In the process which is being instituted in this court in consequence of injuries to the mariner of the American steamer *Keweenaw*, Patrick Shields, it has been resolved to address your excellency for the purpose of obtaining through you from the consul of the United States of America the inscription paper or enrollment of the said Shields and copy of the statement of the master of the *Keweenaw* reporting the aforementioned mariner as a deserter."

I communicate this to your excellency for your information and consequent use.  
God guard you.

J. DE D. ARLEGUI.

[Inclosure B.]

*Mr. McCreery to the intendente of Valparaiso.*

CONSULATE OF THE UNITED STATES,  
*Valparaiso, November 20, 1891.*

SIR: I have the honor to acknowledge the receipt of your excellency's communication of the 17th instant transmitting copy of a letter from the judge of crimes of this city.

In compliance with the request of the judge of crimes I would state that, according to the crew list of the said steamer, Patrick Shields is a native of Ireland and a subject of Great Britain. The said mariner was reported at this consulate as a deserter on the 24th ultimo, he having overstayed his liberty owing, as it appears from his declaration, to his arrest by the police authorities and confinement in prison.

Very respectfully, etc.,

WM. B. MCCREERY,  
United States Consul.

[Inclosure 2 in No. 246.—Translation.]

*Señor Matta to Mr Egan.*

MINISTRY OF FOREIGN RELATIONS,  
Santiago, November 25, 1891.

SIR: There has been received on 23d instant in this department the note of your excellency in which you relate, in order to formulate a claim, a series of doings to prove the bad treatment inflicted upon Fireman Shields, and another series, also grave, of acts of the intendente of Valparaiso, and especially of the judge of crimes of that city, which would indicate a course of conduct still more censurable than that of the offenders who had inflicted the bad treatment on Shields.

On going over and examining the note of the honorable minister plenipotentiary, and the documents authenticated by the consulate and the legation, the undersigned has observed that in all the series of grave charges against the police, against the judge, and against the intendente of Valparaiso there are not, besides the information of Shields, any other evidence than that of persons of the consulate and of the North American ship. The undersigned must believe, and he is pleased to say, that all these persons, the ones that affirm the sad effect of the bad treatment of Shields, the others who affirm that the proper procedure has not been followed in taking his evidence, will be worthy of all consideration, but in this department they can not claim sufficient authority in order that the acts complained of be considered as legally established, at least in order that they may serve as bases or justification for a claim, as announced verbally by your excellency and as insinuated and foreshadowed for in the note to which I reply.

The jurisdiction of Chile, its laws and authority, are those that rule this matter, and the undersigned can not see that under them could arise the claim which is intended, which, even in order to be discussed, could not be entertained in this department without the commission of a criminal error or forgetfulness in giving, over the acts and words of our responsible authorities, and who respond for their conduct, the superiority to words and acts of persons who do not exercise and can not exercise jurisdiction in our territory on account of not being subject to our legal and constitutional regimen.

For this reason, and solely as a matter of deference to the representative of the United States, and without giving to it the force of a precedent in this matter, this department requests the indispensable reports upon the following points:

- (1) Ill treatment of Shields.
- (2) How and when was he put in prison?
- (3) What judicial investigations were made or omitted, on shore or on board?
- (4) Some peculiar circumstances which may have occurred in this matter.

When there shall be received in this department the report relative to those four points, and if it should result that there has been a denial of justice or an improper administration thereof in the case of the fireman Shields, then the claim suggested by the honorable minister plenipotentiary will be discussed.

In the meantime, calling attention to the point which may be understood from the note of the honorable minister plenipotentiary as a manifestation of the idea that there may be other jurisdiction superior to that of Chile in the matter of police on shore or on sea at Valparaiso, the undersigned improves the occasion, etc.,

M. A. MATTA.

[Inclosure 3 in No. 246.]

*Mr. Egan to Mr. McCreery.*

LEGATION OF THE UNITED STATES,  
Santiago, December 1, 1891.

SIR: In reference to the case of Patrick Shields, fireman of the United States ship *Keveenaw*, I have received from the honorable minister of foreign relations a reply to my note on this matter in which he says: "Solely as a matter of deference

to the representative of the United States, and without giving to it the force of a precedent in this matter, the ministry requests the indispensable reports upon the following points:

- "(1) Ill treatment of Shields.
  - "(2) How and when was he put in prison?
  - "(3) What judicial investigations were made or omitted to be made, on shore or on board ship?
  - "(4) Some peculiar circumstance which may have occurred in this matter."
- Please report to me promptly and fully on above matter.

I remain, etc.,

PATRICK EGAN.

[Inclosure 4 in No. 246.]

Mr. McCreery to Mr. Egan.

CONSULATE OF THE UNITED STATES,  
Valparaiso, December 2, 1891.

SIR: In reply to yours of yesterday, in relation to the case of Patrick Shields, I beg leave to state—

(1) As to the ill treatment of Shields. When he came to this consulate on the 3d of November he was in a most pitiable condition and could hardly stand alone, and, as he informed me, as the result of the beating and ill treatment he had received at the hands of the police of Valparaiso.

I sent him on board the *Keweenaw* and requested Capt. Schley, of the U. S. S. *Baltimore*, to send one of his surgeons to attend him. I accompanied Capt. Jenkins, of the *Keweenaw*, to the intendencia, taking Shields with us, where the captain offered to exhibit his (Shields's) bruised body to his excellency that he might see his terrible condition, but his excellency declined to see it. Subsequently I saw his bare body, which was black and blue, the effects as he stated of blows he had received at the hands of the police. I have forwarded to you the affidavit of Patrick Shields as to his treatment, also that of Andrew McKinstrey, who testified that he saw a policeman strike Shields with a broom handle. Also the statement of Dr. White as to the condition of Shields when he visited him on the *Keweenaw* by the order of Capt. Schley.

(2) How and when was he put in prison?

Shields states in his affidavit that he was arrested and taken to prison on the 24th of October by the police of Valparaiso. He also stated that the prison where he was confined was near the Plaza Victoria.

(3) What judicial investigations were made or omitted to be made on shore or on board ship?

On the 4th of November I addressed a communication to his excellency the intendente of Valparaiso (a copy of which I have sent you) asking that an immediate investigation be made with a view of ascertaining how and by what means Patrick Shields received his injuries, and under date of the 7th of November I received a reply from his excellency (a copy of which I have sent you), transmitting copy of a letter from the judge of the court of crimes. Subsequently Capt. Jenkins, of the *Keweenaw*, informed me that he had been cited to appear at the court, and that he was informed that his testimony was wanted in the case of Patrick Shields. He also informed me that he requested the judge to permit him to select an interpreter to interpret his testimony, and that he was informed by the court that the United States authorities had waived the right to nominate an interpreter in the case of the *Baltimore* men, and declined the request.

I have also been informed that two men visited the *Keweenaw* and claimed that they had been sent by the court to take the testimony of Patrick Shields, and that he declined to be sworn or to give testimony except in the presence of the United States consul, or through his own interpreter. The truth of this statement is also corroborated by the sworn testimony of Shields and by that of the mate of the *Keweenaw*.

Having called the attention of the authorities to the brutality of this case, and having requested that an investigation be made, I had expected to be called upon to give any information in my power or that might have come to my knowledge to aid the court in its inquiry, but I have not been called upon for such information.

(4) Some peculiar circumstances which may have occurred in this matter.

The circumstances of the case are all peculiar. Shields testified that he had been most brutally beaten with sticks by policemen; the testimony is corroborated by an eyewitness; he was denied the privilege of seeing the United States consul; he states that he was never brought before the court, although he repeatedly asked to

see the judge; he makes complaint to the consul of his treatment, and the matter is by him brought to the attention of the authorities and an investigation requested. The judge replies that he will investigate, and so far as I am informed there the matter rests.

Two men visited the ship *Keweenaw*, claiming to represent the court, and asked Shields to be sworn. Had the authorities requested me to go with their men (if they were sent by the court), or had the court intimated to me that it desired any information I might have on the subject, it would have afforded me great pleasure to render any assistance in my power.

The *Keweenaw* left this port November 23 for the United States, Shields on board.

Dr. White, of the U. S. S. *Baltimore*, who attended Shields from the 3d of November until the *Keweenaw* left the harbor, informs me that he was very seriously and dangerously injured and that it would be a long time before he would be able to perform manual labor.

Very respectfully,

WM. B. McCREERY.

[Inclosure 5 in No. 246.]

*Mr. Egan to Señor Matta.*

#### LEGATION OF THE UNITED STATES.

*Santiago, December 4, 1891.*

SIR: In consequence of the necessity to make inquiries in Valparaíso regarding the case of Patrick Shields, I have been unable until now to reply to the note of your excellency of 25th ultimo.

In referring to the statements contained in my note of 23d as a series of grave charges against the intendente of Valparaíso and against the judge of crimes of that city "which would indicate a course of conduct still more censurable than that of the offenders who had inflicted the bad treatment on Shields," I may be permitted to say that your excellency is under a misapprehension. I can not find in my note of 23d ultimo one word that reflects, in the nature of a charge, on the very excellent intendente of Valparaíso, and my references to the judge of crimes, while indicating a grave oversight or omission on the part of that functionary in his treatment of this case, were certainly not intended to rank in the same category as the charges preferred against the police; nor can I find anything in said note that could be interpreted in relation to a case of this nature, "as a manifestation of the idea that there may be other jurisdiction superior to that of Chile in the matter of police on shore or on sea at Valparaíso."

In this case terrible injuries were inflicted upon Shields from the results of which he will probably suffer during his lifetime. When he escaped and presented himself at the consulate of the United States on the morning of 3d November, immediate notice was given verbally, and on next day in writing, to the local authorities, and an inquiry called for by the consul of the United States, with the request that he, the consul, or some one designated by him, might be permitted to be present at the investigation.

The judge of crimes, in a letter of 6th November, No. 406, addressed to the intendente of Valparaíso and by him transcribed to the United States consul, refused, for reasons stated, the permission asked for by the consul, but said:

"Notwithstanding this, in order that the consul may find all kind of facilities to advance his claim, the sailor Shields may be assisted, if he does not possess the Spanish language, by an interpreter whom he himself may designate in the declarations which have to be made before this court."

The original reads: "Esto no obsta para que el Señor Consul Norte Americano encuentre toda clase de facilidades, a fin de elevar adelante su reclamacion; y de que el marinero Shields sea asistado, si no posee el idioma español, por el interprete que el mismo designe, en las declaraciones que habra de prestar ante esta juzgado."

Notwithstanding this statement of the judge of crimes, which seemed to the consul satisfactory, no intimation was given to the consul of any further steps, and up to the time the ship *Keweenaw* sailed on 23d November no steps were taken in the investigation, so far as I have been able to learn, beyond the irregular attempts to obtain the evidence of Shields on board the ship on 10th November.

It was in view of those facts, and in order to aid in throwing light upon the actual facts of the case, that the consul of the United States took the testimony set forth in the several declarations, of which I have had the honor to inclose copies to your excellency in my note of 23d November.

I have now the honor to transcribe to your excellency the report of the United

States consul at Valparaiso, upon the four points mentioned in the note of your excellency of 25th November, as follows:

"(1) 'As to the ill treatment of Shields.'

"When he came to this consulate on the 3d of November he was in a most pitiable condition and could hardly stand alone, and, as he informed me, as the result of the beating and ill treatment he had received at the hands of the police of Valparaiso.

"I sent him on board the *Keveenaw* and requested Capt. Schley, of the U. S. S. *Baltimore*, to send one of his surgeons to attend to him.

"I accompanied Capt. Jenkins, of the *Keveenaw*, to the intendencia, taking Shields with us, where the captain offered to exhibit his (Shields's) bruised body to his excellency, that he might see his terrible condition; but his excellency declined to see it. Subsequently I saw his bare body, which was black and blue, the effects, as he states, of blows he had received at the hands of the police. I have forwarded to you the affidavit of Patrick Shields as to his treatment; also that of Andrew McKinstrey, who testified that he saw a policeman strike Shields with a broom handle; also the statement of Dr. White as to the condition of Shields when he visited him on the *Keveenaw* by order of Capt. Schley.

"(2) 'How and when was he put in prison?'

"Shields states in his affidavit that he was arrested and taken to prison on the 24th of October, by the police of Valparaiso. He also states that the prison where he was confined was near the Plaza Victoria.

"(3) 'What judicial investigations were made, or omitted to be made, on shore or on board ship?'

"On the 4th of November I addressed a communication to his excellency the intendente of Valparaiso (a copy of which I have sent you), asking that an immediate investigation be made with a view of ascertaining how, and by what means, Patrick Shields received his injuries, and under date of the 7th of November I received a reply from his excellency (a copy of which I have sent you) transmitting copy of a letter from the judge of the court of crimes. Subsequently Capt. Jenkins, of the *Keveenaw*, informed me that he had been cited to appear at the court, and that he was informed that his testimony was wanted in the case of Patrick Shields. He also informed me that he requested the judge to permit him to select an interpreter to interpret his testimony and that he was informed by the court that the United States authorities had waived the right to nominate an interpreter in the case of the Baltimore men, and declined the request.

"I have also been informed that two men visited the *Keveenaw* and claimed that they had been sent by the court to take the testimony of Patrick Shields, and that he declined to be sworn or to give testimony except in the presence of the United States consul or through his own interpreter. The truth of this statement is also corroborated by the sworn testimony of Shields and by that of the mate of the *Keveenaw*.

"Having called the attention of the authorities to the brutality of this case and having requested that an investigation be made, I had expected to be called upon to give any information in my power or that might have come to my knowledge to aid the court in its inquiry, but I have not been called upon for such information.

"(4) 'Some peculiar circumstances which may have occurred in this matter.'

"The circumstances in the case are all peculiar. Shields testified that he had been most brutally beaten with sticks by policemen (the testimony is corroborated by an eyewitness); he was denied the privilege of seeing the United States consul; he states that he was never brought before the court although he repeatedly asked to see the judge; he makes complaint to the consul of his treatment and the matter is by him brought to the attention of the authorities and an investigation is requested. The judge replies that he will investigate and, so far as I am informed, there the matter rests.

"Two men visited the ship *Keveenaw*, claiming to represent the court, and asked Shields to be sworn. Had the authorities requested me to go with their men (if they were sent by the court) or had the court intimated to me that it desired any information I might have on the subject, it would have afforded me great pleasure to render any assistance in my power.

"The *Keveenaw* left this port November 23 for the United States, Shields on board.

"Dr. White, of the U. S. S. *Baltimore*, who attended Shields from the 3d of November until the *Keveenaw* left the harbor, informs me that he was very seriously and dangerously injured and that it would be a long time before he would be able to perform manual labor."

With which, etc..

PATRICK EGAN.

*Mr. Egan to Mr. Blaine.*

No. 247.] LEGATION OF THE UNITED STATES,  
*Santiago, December 7, 1891. (Received January 22, 1892.)*

SIR : On the 3d instant I received from the secretary of the Chamber of Deputies a note, of which I inclose translation (inclosure No. 1), informing me that on that day an accusation had been made in the Chamber against certain ex-ministers of state of ex-President Balmaceda, and requesting permission to enter this legation to serve notification upon three of said ministers now refugees in the legation.

I immediately addressed a note to the minister of foreign relations (inclosure No. 2), bringing the matter to his knowledge and expressing surprise that the secretary of the Chamber of Deputies should have addressed himself to this legation and not to the ministry of foreign relations.

The ministers impeached are Señores Claudio Vicuña, Domingo Godoy, Ismael Perez Montt, José F. Gana, José Miguel Valdes-Carrera, and Guillermo MacKenna, the three latter of whom are now refugees in this legation, and the accusation is for treason, breaking the constitution, acting in defiance of the laws, not having put the laws in execution, malversation of public funds, and subornation.

I informed you fully of these matters in a telegram of 4th instant.

On the 5th instant the minister of foreign relations replied to my note, a translation of which is inclosed (No. 3), giving explanation of the irregularity into which the secretary of the Chamber had fallen and repeating the request for permission for the secretary of the Chamber to serve notification upon the refugees.

I replied to this note on 7th instant (inclosure No. 4), repeating from my note of 22d October certain arguments in relation to the question of extraterritoriality and the admitted legitimacy of my action in granting asylum to the persons now in the legation, and stating that, in view of the continuance of the same situation and for the same considerations stated, I did not feel authorized to concede the permission requested.

I have, etc.,

PATRICK EGAN.

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[Inclosure 1 in No. 247.—Translation.]

*Secretary of Chamber of Deputies to Mr. Egan.*

CHAMBER OF DEPUTIES,  
*Santiago, December 3, 1891.*

MR. MINISTER: There has been presented to-day to the honorable Chamber of Deputies an accusation against the various ex-ministers of state. Amongst those it has been suggested in the said Chamber that there are some refugees in the legation in charge of your excellency, and it has agreed that the undersigned secretary shall proceed to notify them of said accusation in case that your excellency should be willing to permit it.

In virtue of this I beg your excellency to be good enough, if you will, to indicate to me the day and hour when I may call at the house of the legation to comply with said agreement of the honorable Chamber.

Availing of the opportunity, etc.,

M. R. LIRA,  
*Secretary.*

## FOREIGN RELATIONS.

[Inclosure 2 in No. 247.]

*Mr. Egan to Señor Matta.*LEGATION OF THE UNITED STATES,  
*Santiago, December 3, 1891.*

SIR: Under this date I have received a note, of which I have the honor to hand copy to your excellency herewith, addressed to me by Señor Don M. R. Lira, in the name of the honorable Chamber of Deputies.

Being accredited by the Government of the United States of America near to the Government of your excellency, I can not with propriety treat directly with the secretary of the honorable Chamber of Deputies. I therefore take leave to bring this matter to your excellency's knowledge, at the same time expressing my surprise that the secretary of the honorable Chamber of Deputies should have addressed himself to this legation and not to the ministry of your excellency.

Renewing the assurances, etc.,

PATRICK EGAN.

[Inclosure 3 in No. 247.—Translation.]

*Señor Matta to Mr. Egan.*MINISTRY OF FOREIGN RELATIONS,  
*Santiago, December 5, 1891.*

SIR: While not questioning the grounds which your excellency had on receiving the note of the secretary of the Chamber of Deputies, of which you inclose copy, to feel surprised that the request contained therein had not been made through the medium of this department, the undersigned believes he can explain this irregularity in a form in which it happily should not offend rights and immunities worthy of consideration.

The honorable envoy extraordinary can easily conceive that in treating of a matter so exciting as the accusation initiated the day before yesterday in the Chamber of Deputies against persons so conspicuous as Messrs. José F. Gana, Guillermo MacKenna, and José Miguel Valdes-Carrera, whose actual residence is known to all, the secretary of the Chamber may have fallen into the error of addressing him directly in order to effect promptly the desired object, which may be of interest also to the three gentlemen named.

There having been received, together with the note of your excellency, copy of the one directed to you by the secretary, Don Maximo R. Lira, the undersigned deems it his duty, in his character of secretary of foreign relations, to bring to the knowledge of your excellency that the accusation against the six ministers of ex-President Balmaceda, three of whom are refugees in the legation of North America, is a fact, and to request from you the permission in order that Señor Don Maximo R. Lira may enter at such hour as you may fix to comply with the duty intrusted to him.

The little irregularity mentioned by you to this ministry being excused, and concurring in the seriousness and great importance to justice as well as to the defense of the accused that there should be carried into effect the notification which has been ordered, the undersigned awaits until you may be good enough to determine the time for doing so, and availing of the occasion to reiterate, etc.

M. A. MATTA.

[Inclosure 4 in No. 247.]

*Mr. Egan to Señor Matta.*LEGATION OF THE UNITED STATES,  
*Santiago, December 7, 1891.*

SIR: In replying to the note of your excellency of 5th December, referring to the accusation made in the honorable Chamber of Deputies against certain of the ex-ministers of state of ex-President Balmaceda, and the request conveyed by your excellency for permission for the secretary of the honorable Chamber, Señor Don Maximo R. Lira, to enter the house of this legation in order to notify some of the accused who are at present refugees therein, I beg to repeat to your excellency some passages from my note of 22d October last, addressed to your excellency bearing on this question, as follows: "In the note of your excellency of 26th September, No.



304, your excellency recognizes, as your excellency was obliged to do, the perfect right with which the undersigned had proceeded in giving asylum to certain political refugees. Your excellency states, 'the asylum emanated from the principle of extraterritoriality inherent to the person, the house, and the vehicles of the diplomatic agent.'

"In another part of the same note your excellency corroborates the same recognition of this right, adding: 'Notwithstanding that this department has been informed of the measures that have been taken in order to prevent the refugees in said legation from abusing the protection which has been legitimately afforded to them.'

"And again in the note of 29th September, referring to arrests which had taken place of various persons going out of the legation, your excellency says that same resulted 'not from the actions or official measures of the authorities, local or national, but from the concession, which the undersigned believes lawful, of asylum to certain offenders called political.'

"It is thus recognized by your excellency on three consecutive occasions that in granting asylum to the political refugees this legation has acted with perfect correctness in virtue of the principle of extraterritoriality accepted by your excellency, and, this being so, it is entirely inexplicable to the undersigned that your excellency could consider as submitted to the tribunals by the circular of 14th September the refugees in this legation who are beyond the reach of your excellency and of the judicial power to which your excellency refers.

"The house of this legation is considered as an integral part of the territory of the United States, and without the will and permission of my Government your excellency could not consider as subject to the judicial action of Chile those persons who, from every point of view, are beyond its jurisdiction."

In view of the continuance of the same situation, and for the same considerations stated in the foregoing quotation, I do not feel authorized to concede the permission requested in the note of your excellency.

Availing of the occasion, etc.,

PATRICK EGAN.

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*Mr. Blaine to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, December 9, 1891.

Mr. Blaine asks Mr. Egan whether the minister for foreign affairs asked him for the testimony which the Chilean minister insists was requested of him in the *Baltimore* case and was not given.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
Santiago, December 12, 1891. (Received December 13.)

Mr. Egan, in reply to the telegraphic instructions of the 9th instant, denies that he was ever asked by the minister for foreign affairs to give any testimony except that referred to in the letters written by Capt. Schley to the authorities of Valparaiso, which has already been reported in his telegram of the 4th instant. He repeats that he had no personal knowledge of the circumstances of the case; that the request of the minister for foreign affairs for testimony was made in the note of November 9, about which he called on the 14th on the undersecretary and on two other occasions on the minister, and stated that the matter was being treated directly between the Valparaiso authorities and Capt. Schley; that the minister expressed to him his entire satisfaction and

agreed that the circumstances made a written reply to his note unnecessary. A copy of said note was inclosed in his dispatch No. 230 of November 11.

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*Mr. Egan to Mr. Blaine.*

No. 249.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 12, 1891.* (Received January 22, 1892.)

SIR: I have the honor to acknowledge receipt of your telegram of 9th instant, stating that Chilean minister insists that I had been asked to give testimony in *Baltimore* case and that I had not done so, to which I replied to-day by telegram.

For a full explanation of this matter I beg to refer you to my dispatch No. 245 of 4th instant, and have again to express my surprise at the statement communicated by the minister of foreign relations here to the Chilean minister at Washington.

I have, etc.,

PATRICK EGAN.

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*Mr. Egan to Mr. Blaine.*

No. 250.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 12, 1891.* (Received January 22, 1892.)

SIR: I have the honor to forward copy letter received from Capt. Schley, of the *Baltimore*, dated 9th instant, with attached copy of letters which complete the correspondence between him and the intendente of Valparaiso, and also informing me of the intended departure of his ship on 11th instant for San Francisco.

I have, etc.,

PATRICK EGAN.

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[Inclosure in No. 250.]

*Capt. Schley to Mr. Egan.*

U. S. S. BALTIMORE (FIRST RATE),  
*Valparaiso, December 9, 1891.*

MY DEAR MINISTER: I have the honor to inclose for your information communications marked A, B, C, etc., that I have had with the intendente since my last letter with inclosures. These letters close my correspondence with his excellency upon matters relating to the assault on my men and other incidents of the trial now in progress before his honor the judge of crimes.

I am just in receipt of orders from the Secretary of the Navy directing me to proceed with dispatch to San Francisco, Cal., and as the court needs no more testimony from my men I will sail on Friday morning at 9 o'clock. I regret that I shall not have the pleasure of seeing you before sailing, though I hope to return.

Capt. Wiltse telegraphs me that he will sail on Friday from Montevideo for Valparaiso, so you will have two excellent ships to replace the *Baltimore*. I know that the relations between you and the commanders of these two beautiful ships will be quite as agreeable and delightful as with myself. But in taking leave of you, my dear minister, I need hardly add that I do so with much regret, and I assure you that I go away with the fullest pride and confidence that we have the right man in the right place.

Very cordially yours,

W. S. SCHLEY,  
*Captain Commanding.*

[Inclosure A.]

*Capt. Schley to the intendente of Valparaiso.*U. S. S. BALTIMORE (FIRST RATE),  
*Valparaiso, December 3, 1891.*

SIR: In reply to his honor's letter informing me that one of my men was discourteous to him by appearing in his presence drunk, I have the honor to inform you that I have approved the sentence of the court-martial which adjudged a punishment of solitary confinement for thirty days in double irons on bread and water and the loss of three months' pay.

I beg at the same time to correct the impression given by his honor's letter that the witness was so intoxicated that he could give no testimony. His testimony had already been given, and the man was unable to sign it when authenticated and ready for signature, two or three hours later. It was for this disrespect to the judge, in appearing before him intoxicated, that I ordered him court-martialed and approved the court's sentence in its entirety.

I have, etc.,

W. S. SCHLEY,  
*Captain Commanding.*

[Inclosure B.—Translation.]

*The intendente of Valparaiso to Capt. Schley.*

REPUBLIC OF CHILE,  
INTENDENCIA DE VALPARAISO,  
*Valparaiso, December 5, 1891.*

SIR: I have had the honor to receive your letter of the 3d, in which you are good enough to communicate to me that you have approved the sentence which the court-martial had imposed upon the sailor who presented himself intoxicated before the criminal court of this city, on the day in which their declarations were taken, referring to the events of the 16th of October last.

The intendencia has transcribed your mentioned communication to his honor the judge of crimes, for purposes in view.

God guard you.

J. DE D. ARLEGUI.

[Inclosure C.]

*Capt. Schley to the intendente of Valparaiso.*

U. S. S. BALTIMORE (FIRST RATE),  
*Valparaiso, December 9, 1891.*

SIR: I have the honor to request that you will inform me whether his honor the judge of the criminal court will require any further testimony from the men of the *Baltimore* in the process now pending relative to the disorders of the 16th of October.

I would be greatly obliged if your excellency will favor me with this information at the earliest practicable moment.

I have, etc.,

W. S. SCHLEY,  
*Captain Commanding.*

[Inclosure D.—Translation.]

*The intendente of Valparaiso to Capt. Schley.*

REPUBLIC OF CHILE,  
INTENDENCIA DE VALPARAISO,  
*Valparaiso, December 9, 1891.*

I have the honor to acknowledge the receipt of your official letter dated to-day, in which you are good enough to ask this intendencia if there will be any necessity for further testimony from other sailors with respect to the disorders which took place on the 16th of last October.

Notwithstanding not having received any official reply from his honor the judge of the criminal court, to whom I have transcribed your official note, I am able to anticipate to you, without prejudice in transmitting the reply which I am expecting from the court, that I believe there will be no further need for the appearance before the judge of the sailors of the *Baltimore*, inasmuch as all citations referring to them are completed.

God guard you.

J. DE D. ARLEGUI.

[Inclosure E.—Translation.]

*The intendente of Valparaiso to Capt. Schley.*

REPUBLIC OF CHILE,  
*Intendencia of Valparaiso, December 10, 1891.*

His honor the judge of the criminal court in an official letter dated yesterday, informs me as follows:

"The undersigned has to advise you of the receipt of your note No. 3629, of the 5th of the present month, in which you are kind enough to transcribe a communication from the captain of the cruiser *Baltimore*, giving an account of the approval of the sentence pronounced on board said cruiser by a court-martial against one of his crew for the offense committed against this tribunal in presenting himself drunk at the hearing of the 29th (?) of November last, the day on which the confrontation took place, to which several sailors of that vessel and the culprits in the cause had been opportunely cited.

"In thanking the captain, through the official channel of yourself, for the delicate zeal with which he has proceeded to punish the offense committed in this tribunal by one of his men, I make it a duty to state that the undersigned is fully satisfied with the procedure adopted; and now that the respect due to the tribunal has been upheld, the undersigned would be particularly pleased if the remaining time of punishment of the sailor before alluded to were remitted, if this suggestion is not contrary to the rules and practices of the United States Navy.

"Since, from the note sent to you by the captain of the *Baltimore*, it appears apart that this commanding officer has believed that the undersigned, in communicating to you in his note No. 412, of the 26th November last, regarding the state of intoxication in which some of the sailors of that ship had presented themselves before the tribunal, wished to give the idea that the sailor who was removed from the hearing by force had not been able to give his declaration, must add that in my mentioned note there will not be found the assertion relative to the fact to which the captain alludes.

"On this account, and in order to avoid ambiguities, and to leave a fixed idea, I believe that the sailor referred to gave his declaration without any trouble whatever, and that he became intoxicated during the time in which, with the permission of the tribunal, he remained outside of the court room, together with his other companions, while the declarations which all had made in English were being translated into Spanish. When the work was completed and the sailors were recalled for the verification was when the bad condition of two or three of the sailors was noticed, and especially the one punished by the court-martial on the *Baltimore*.

"Besides, it is exact, that the verification of the testimony of witnesses was possible as soon as the trouble ceased by which the last of the sailors spoken of rendered himself liable to punishment. I inform you of this in reply to your previously mentioned note, and in order that you may be kind enough to transcribe the present contents to the captain of the cruiser *Baltimore*."

Which I transcribe to you for your information and purposes in view.  
God guard you.

J. DE D. ARLEGUI.

[Inclosure F.—Translation.]

*The intendente of Valparaiso to Capt. Schley.*

REPUBLIC OF CHILE,  
*Intendencia of Valparaiso, December 10, 1891.*

Although in my official letter of yesterday I had the honor to inform you that in my opinion there would be no necessity for further explanations from the sailors of the cruiser under your command, relative to the unfortunate occurrence of the 16th

of October, I have to-day the pleasure of transcribing to you the official letter in which his honor the judge of the criminal court confirms my private impression which I transmitted to you.

The official note of his honor the judge of the criminal court is as follows:

"In replying to your note No. 3661 dated to-day, I am glad to inform you that according to the certification of the clerk of the court in the case, there no longer remains any pending declaration or citation of the sailors and crew of the *Baltimore*, in relation to the disorders of the 16th of October last.

"Consequently the undersigned believes that the advanced state of the process will not require in the future proceedings the appearance of the indicated sailors."

Which I have the honor to communicate to you for your information and other purposes in view.

God guard you.

J. DE D. ARLEGUI.

[Inclosure G.]

*Capt. Schley to the intendente of Valparaiso.*

U. S. S. BALTIMORE (FIRST RATE),  
*Valparaiso, December 10, 1891.*

SIR: I have the honor to acknowledge the receipt of your excellency's two communications of this date, referring to incidents of the trial now in progress relative to the unfortunate occurrence of the 16th of October last, and the absence of further necessity for the appearance of my men.

In reference to the request of his honor to remit the unexpired term of the confinement of McWilliams, I have the honor to state that in deference to his wish I shall be pleased to accede to his request.

I have, etc.,

W. S. SCHLEY,  
*Captain Commanding.*

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 12, 1891. (Received December 13.)*

The following telegram\* from minister foreign relations, sent Chilean minister, Washington, with sanction of President, was read in Senate and published in all papers to-day. I send original Spanish to avoid errors or misunderstanding regarding translation.

I have officially written minister asking if the text as printed is correct.

Señor PEDRO MONTT, *Washington:*

Conociendo la parte de la Memoria de Marina y del Mensaje Presidente Estados Unidos, creo oportuno decirle que los informes sobre los cuales se apoyan Memoria y Mensaje son erróneos ó deliberadamente inexactos.

Respecto asilados, nunca han estado amenazados de ser tratados con crueldad, ni se les ha pretendido sacar de la Legacion, ni pedidose entrega de ellos.

Jamás la casa ni la persona del Plenipotenciario, á pesar de indiscreciones y provocaciones calculadas, han recibido agravios, como está comprobado por las once notas de Septiembre, Octubre y Noviembre.

Respecto marineros *Baltimore*, tampoco hay exactitud ni lealtad en lo que se dice en Washington.

\* It has been deemed best, for greater accuracy, to substitute for the copy of the note addressed by Señor Matta to Mr. Montt, as telegraphed by Mr. Egan, the copy as printed in the *Diario Oficial*, which was received by Mr. Egan from the Chilean foreign office, having upon its face the official seal of that office.

El suceso tuvo lugar en malos barrios de la ciudad, el *Maintop* de Valparaiso, y entre gentes que no son modelo de discrecion y temperancia.

Cuando la policia y otras fuerzas intervinieron y calmaron el tumulto, habia ya algunos centenares de hombres y él estaba á diez cuadras ó mas del sitio donde empezó.

Mr. Egan pasó nota agresiva de propósito y virulenta de lenguaje, el 26 de Octubre, como se ve por la copia y nota contestada el 27.

El 18 se habia empezado sumario que se ha demorado por no comparecencia tripulantes del *Baltimore* y por pretensiones y negativas indebidas del mismo Mr. Egan.

Jamás de parte de esta Secretaría se ha aceptado ni iniciado una provocacion, conservándose siempre en actitud que, si ha sido de firmeza y de prudencia, nunca ha sido de agresion ni será de humillacion por mas que los interesados en cohonestar su conducta ú ofuscados por erróneos conceptos hayan dicho ó digan en Washington.

Los telegramas, notas y cartas enviadas á Usía contienen la verdad, toda la verdad, delo que ha habido en estas gestiones, en las cuales la mala voluntad, las palabras y las pretensiones consiguientes no son de esta Secretaría. El señor Tracy y señor Harrison han sido inducidos en error respecto nosotros, pueblo y Gobierno.

Las instrucciones de imparcialidad y de amistad no han sido cumplidas ni ahora ni antes.

Si no ha habido quejas oficiales contra Ministro y marinos es porque los hechos públicos y notorios en Chile y Estados Unidos no se han podido hacer valer por nuestros agentes confidentiales, aun cuando estén bien comprobados.

Las peticiones de Balmaceda y las concesiones hechas en Junio y Julio, todo lo del *Itata*, el *San Francisco* en Quintero y las compañías del Cable son pruebas de ello.

Es calculadamente inexacto que los marineros norte americanos fuesen atacados en varias localidades á un tiempo. No estando concluido sumario, no se sabe aún cuantos ni quienes son los culpables.

Usía debe tener la nota de 9 de Noviembre, contestando á Ministro Egan, como aquella en que se le pidió testimonio que no ha querido dar, sin embargo de haber dicho que él tenia las pruebas para señalar al homicida y otros culpables del 16 de Octubre.

Esa y todas las demás notas se publicarán aquí. Usía deberá publicarlas traducidas allá.

Desautorice, entre tanto, todo lo que sea contrario á estas noticias, seguro de su exactitud, como lo estamos del derecho del decoro y del éxito final de Chile, á pesar de las intrigas que van de tan abajo y de las amenazas que vienen de tan alto en la actualidad.

MATTA.

EGAN.

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[Translation.]

Having read the portion of the report of the Secretary of the Navy and of the message of the President of the United States, I think proper to inform you that the statements on which both report and message are based are erroneous or deliberately incorrect.

With respect to the persons to whom an asylum has been granted, they have never been threatened with cruel treatment, nor has it been sought to remove them from the legation, nor has their surrender been asked for.

Never has the house nor the person of the plenipotentiary, notwithstanding indiscretions and deliberate provocations, been subjected to any offense, as is proved by the eleven notes of September, October, and November.

With respect to the seamen of the *Baltimore*, there is, moreover, no exactness nor sincerity in what is said at Washington.

The occurrence took place in a bad neighborhood of the city, the *Maintop* of Valparaiso, and among people who are not models of discretion and temperance.

When the police and other forces interfered and calmed the tumult, there were already several hundred people there, and it was ten squares or more from the place where it had begun.

Mr. Egan sent, on the 26th of October, a note that was aggressive in purpose and virulent in language, as is seen by the copy and the note written in reply on the 27th.

On the 18th the preliminary examination had already been commenced; it has been delayed owing to the nonappearance of the officers of the *Baltimore* and owing to undue pretensions and refusals of Mr. Egan himself.

No provocation has ever been accepted or initiated by this department. Its attitude, while it has ever been one of firmness and prudence, has never been one of

aggressiveness, nor will it ever be one of humiliation, whatever may be or have been said at Washington by those who are interested in justifying their conduct or who are blinded by erroneous views.

The telegrams, notes, and letters which have been sent to you contain the truth, the whole truth, in connection with what has taken place in these matters, in which ill will and the consequent words and pretensions have not emanated from this department. Mr. Tracy and Mr. Harrison have been led into error in respect to our people and Government.

The instructions [recommending] impartiality and friendship have not been complied with, neither now nor before.

If no official complaint has been made against the minister and the naval officers, it is because the facts, public and notorious both in Chile and the United States, could not, although they were well proved, be urged by our confidential agents. Proof of this is furnished by the demands of Balmaceda and the concessions made in June and July, the whole *Itata* case, the *San Francisco* at Quintero, and the cable companies.

The statement that the North American seamen were attacked in various localities at the same time is deliberately incorrect.

As the preliminary examination is not yet concluded, it is not yet known who and how many the guilty parties are.

You no doubt have the note of November 9, written in reply to Minister Egan, in which I request him to furnish testimony which he would not give, although he had said that he had evidence showing who the murderer was and who the other guilty parties of the 16th of October were.

That and all the other notes will be published here. You will publish a translation of them in the United States.

Deny in the meantime everything that does not agree with these statements, being assured of their exactness as we are of the right, the dignity, and the final success of Chile, notwithstanding the intrigues which proceed from so low [a source] and the threats which come from so high [a source].

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 13, 1891. (Received December 14.)*

The following is my note to minister of foreign relations:

DECEMBER 12, 1891.

HON. MANUEL A. MATTA:

SIR: Having learned to-day of the interrogation put yesterday in the honorable Senate applying to the relations between the United States and Chile, I desire to know, officially and at the earliest moment possible, if the telegram directed by your excellency to Señor Don Pedro Montt, in Washington, and which your excellency read in the Senate, is the same as that published in the *Ferrocarril* of to-day, a copy of which I have the honor to send herewith. In this telegram your excellency, as minister of foreign relations of Chile, referring to the message of the President of the United States and the report of the Secretary of the Navy, says:

[Translation.] "The statements on which both report and message are based are erroneous or deliberately incorrect. \* \* \* With respect to the seamen of the *Baltimore*, there is, moreover, no exactness nor sincerity in what is said at Washington."

Referring to my note of 26th October, your excellency characterizes it as—

[Translation.] "aggressive in purpose and virulent in language."

With regard to the summary examination begun on the 18th of October, your excellency says that:

[Translation.] "It has been delayed owing to the nonappearance of the officers of the *Baltimore* and owing to undue pretensions and refusals of Mr. Egan himself."

Alluding to the testimony regarding the summary, your excellency says:

[Translation.] "You no doubt have the note of November 9, written in reply to Minister Egan, in which I request him to furnish testimony which he would not give, although he had said that he had evidence showing who the murderer was and who the other guilty parties of the 16th of October were."

And your excellency concluded this telegram by saying:

[Translation.] "Deny in the meantime everything that does not agree with these

statements, being assured of their exactness, as we are of the right, the dignity, and the final success of Chile, notwithstanding the intrigues which proceed from so low [a source] and the threats which come from so high [a source]."

I beg your excellency to be good enough to favor me with a reply regarding the authenticity of the telegram to which I refer and which your excellency has read to the honorable Senate with, as stated by your excellency, the special authority of His Excellency the President of the Republic and after having consulted with the other members of the honorable cabinet.

With the due expression of my consideration, I remain your excellency's obedient servant,

PATRICK EGAN.

Since addressing the above note I find that the telegram referred to has appeared in the same terms in the official diary, and has been forwarded by the Chilean minister at Buenos Ayres to all Chilean legations in Europe. The correspondence between this legation and the Government on the *Baltimore* case is published in all papers here to-day.

EGAN.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 14, 1891.* (Received December 15.)

I have just received the following reply to my note of 12th December, 1891:

[Translation.]

SIR: Yesterday, after 6 o'clock in the evening, at his house, the undersigned received your note of the 12th, in which, inclosing a copy of the newspaper called the *Ferrocarril*, containing the telegram addressed on the 11th instant to Don Pedro Montt, at Washington, you inquire whether the printed text is authentic. In reply the undersigned has the honor to state that, with the exception of very slight differences of words or letters, the said text is the same that was transmitted by the department of foreign relations.

The copy of the newspaper inclosed in your note is herewith returned to you, and, to the end that a comparison may be made, the undersigned incloses the Official Journal of the 12th, wherein you will find the genuine text of that telegram, and the contents of the series of notes which have passed between the United States legation and this department in relation to the riot of October 16 and to the case of the persons to whom an asylum has been granted. Inasmuch as that telegram is an official act of the Government of Chile, whereby it communicates instructions to its envoy extraordinary and minister plenipotentiary in the United States of North America, any explanation or dissertation on the part of the undersigned could add nothing to its contents, which are to serve as a guide for Don Pedro Montt at Washington in treating of these matters. Your note being thus answered, the undersigned renews to you, as usual, the assurance of his high consideration, and signs himself,

Your obedient servant,

M. A. MATTA.

EGAN.

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*Mr. Egan to Mr. Blaine.*

No. 251.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 14, 1891.* (Received January 22, 1892.)

SIR: I have the honor to inclose a copy of a telegram\* sent on 12th instant, transmitting copy of a telegram forwarded by the minister of foreign relations to the Chilean minister in Washington and read by

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\* See telegram from Mr. Egan, dated December 12.



the minister in the Senate here, with, as he stated, the authority of the President and after consultation with his colleagues of the cabinet. I telegraphed the document in Spanish as published, and as you must have in the Department the necessary datum to enable you to judge of its entire want of veracity, as well as of its animus, I did not deem it necessary to accompany it with any denials or comments of my own, nor do I think it necessary now to do so beyond giving one illustration of the entirely careless manner in which this gentleman flings statements and charges of bad faith, deliberate misrepresentations, and want of truth and loyalty against all with whom he happens to differ in opinion from this legation and the officers of the Navy to the President of the United States.

In one short paragraph of his telegram to Señor Montt there are, as can be seen from the correspondence now on file in the Department, two misstatements, one of them of a serious nature, in reference to me. He says:

V. S. debe tener la nota de 9 de Noviembre contestando al Ministro Egan, como aquella en que se le pidió testimonio que no ha querido dar, sin embargo de haber dicho que él tenía las pruebas para señalar el homicida y otros culpables del 16 de Octubre,

which, translated, reads

You should have the note of 9th November replying to Minister Egan, being the one in which he is asked for testimony which he has not been willing to give, notwithstanding having said that he had the proofs, in order to indicate the murderer and the other criminals of the 16th October.

In the first place, the communication of the minister of 9th November was not a reply to one of mine, but an original note, and in the second, there is no record of my having said, and I never did say, that "I had the proofs in order to indicate the murderer and other criminals of the 16th October."

As can be seen by reference, the note of 9th November was not based upon anything that I said or wrote, but upon a communication of Capt. Schley to the intendente of Valparaíso, dated 1st November, which is fully dealt with in my No. 245 of 4th December instant, and in which he said:

I am of opinion that if application be made to him (the United States minister) your excellency will be supplied with the names of several individuals who will be able in their turn to give you other names of persons who saw the killing of Riggins and the wounding of a number of others of my men during the lamentable disorders of the 16th ultimo.

In consequence of the most extraordinary terms of this telegram I addressed to the minister, under date of 12th instant, a note\* requesting to be informed if the text as printed in the Ferrocarril was authentic, to which I received to-day the reply† of the minister informing me that with the exception of some slight words and letters the telegram as printed was the one transmitted by the minister of foreign relations, and that it is an official act of the Government of Chile which must serve as the rule of conduct of Señor Montt in Washington in reference to the matter referred to.

This telegram, which was read in the Senate the 11th instant, accompanied by a very bitter speech from Minister Matta, was published in the Diario Oficial with, as stated by the minister, the authority of the President of the Republic and after consultation with the other mem-

\* See telegram from Mr. Egan, dated December 13.

† See telegram from Mr. Egan, dated December 14.

bers of the cabinet, and has been telegraphed by the Chilean minister in Buenos Ayres to all the Chilean legations in Europe.

I forwarded by telegraph, without abbreviation and without ciphering, my note to minister of foreign relations and his reply. I forward copy of telegram as published in the *Diario Oficial*.\*

As the telegram to Señor Montt, which having been read in the Senate by the minister, printed in the *Diario Oficial*, telegraphed to the various Chilean legations, and published broadcast, has become an official reply of the Chilean Government to the message of the President of the United States, is not only injurious to the officers of the United States Navy and to this legation, but offensive to the Secretary of the Navy and to the President himself, I feel that I should, until the language of the telegram be withdrawn or until I may receive your further instructions, avoid exchanging communications with this Government.

I have, etc.,

PATRICK EGAN.

*Mr. Blaine to Mr. Egan.*

No. 158.]

DEPARTMENT OF STATE,  
*Washington, December 15, 1891.*

SIR: I have received your No. 223 of the 9th ultimo, inclosing copies of your correspondence with our consul at Valparaiso concerning the case of Patrick Shields, an American seaman, who alleges that he was arrested without cause and brutally treated by the police of that city.

The consul's action in bringing the matter to the attention of the local authorities and asking an investigation is approved.

I am, etc.,

JAMES G. BLAINE,

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF UNITED STATES,  
*Santiago, December 17, 1891.*

Mr. Egan reports that he has not thought necessary to comment upon the instructions sent by the Chilean Government to its minister at Washington, but that pending further instructions he has suspended communicating with the foreign office. He states that policemen in uniform and numerous detectives have been for several days past surrounding both his and the Spanish legations in an offensive manner; that they are now on ostentatious watch at each corner of the block in which the legation is located. He reports that the ex-President of Ecuador and several other persons have been arrested in the last few days after leaving the Spanish legation, and that he is promised the harmonious coöperation of the new Spanish chargé d'affaires. He states that the newspapers are relentless in their offensive and unscrupulous attacks and that he learns from different sources and on rumors which seem to be well founded that it is intended to drive out the refugees by attempt-

\* See telegram from Mr. Egan, dated December 12.

ing to burn the legation or an adjoining house. He relates the expressions of approval from members of the diplomatic corps and says that the British minister has commended to his Government the position taken by him in the whole matter.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 19, 1891.* (Received December 20.)

Mr. Egan reports that the legation is still being watched by some twenty policemen, whose attitude he describes as most offensive, and that his son, an employé of the legation, was, for having gone out from the legation at 5 p. m., seized by the arm by a detective, who detained him on the street and called two regular policemen to his aid. He adds that he was allowed to proceed as soon as he was recognized.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 21, 1891.* (Received December 22.)

Mr. Egan reports that two gentlemen who had called on the refugees were arrested at different times on going out of the legation and taken to the police barracks, but were liberated on account of the absence of any reason for their being detained. He says that on the previous day the minister of the Argentine Republic called at the legation at his request, saw how the police are surrounding the legation, and promised to have a consultation with the diplomatic corps, of which he is dean, and a talk with the minister for foreign affairs.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 22, 1891.*

Mr. Egan reports that the Argentine minister made representations on the previous day to the minister for foreign affairs as dean of the diplomatic corps, who promised that only the police officers in uniform would be left around the legation and the detectives should be withdrawn. He states that the annoyances have been abated, but not removed, and the promise made by the foreign office complied with in part only.

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*Mr. Egan to Mr. Blaine.*

No. 253.] LEGATION OF THE UNITED STATES,  
*Santiago, December 22, 1891.* (Received January 22, 1892.)

SIR: For the past week this and the Spanish legation have been surrounded by policemen and sometimes by soldiers in uniform and by a number of spies of the peon or half-breed class, whose attitude has

been most offensive. There has been most of the time a group of from four to six of those persons stationed ostentatiously at the corner of the block, less than 50 feet from the legation, while others walk up and down and scrutinize all who enter or go out. At the Spanish legation some of these spies are to be found sitting on the very doorstep, and several persons have been arrested on going out from there.

In telegram of 17th instant I informed you of this condition of things. I also informed you of the unscrupulously offensive tone of the press, which invents and circulates every kind of calumny against the officers of the U. S. Navy and against this legation.

From Talcahuano, as well as from what I believe to be trustworthy sources here, I learn of a contemplated attempt to burn the legation or an adjoining house in order to force out the refugees, but of such attempts I have no fears, as I am taking every possible precaution.

In the same telegram I informed you that the English minister had written his Government in commendatory terms regarding the position which I have maintained here. This I had direct from himself, and he told me at the same time that he had written his Government, strongly dissenting from certain statements sent to the London Times by a correspondent named Thomson, whom they have sent here, and who has been doing everything possible to antagonize the United States interests in this country.

On the 19th instant I informed you by telegram that my son, who is an employé of the legation, had been seized by the arm and detained by a police spy on going out of the legation, and when he insisted on proceeding, the spy called to his aid two policemen in uniform, but on one of these recognizing my son he was allowed to proceed. On the night of the same day, at about 10 o'clock, a number of those spies and police became intoxicated and in front of and close to the legation made such a disturbance that a police officer and a number of men were obliged to come to restore order.

The situation had become so vexatious that I wrote a note to Señor Don José E. Uriburu, the Argentine minister, who is dean of the diplomatic corps, and requested him to come to the legation and see for himself the manner in which the authorities were acting. I inclose a translation of my note, of which fact I informed you by telegram of yesterday. I also informed you of the arrest, on leaving this legation, of two gentlemen who had called to visit some of the refugees, and that after being conducted to the police barracks they were liberated, there being no grounds for detaining them.

To-day Señor Uriburu called to say that on yesterday he had an interview with the minister of foreign relations, whose attention he called to the unprecedented state of things around this legation, and that the minister promised he would withdraw the spies, leaving only the policemen in uniform. Although the minister has not fully complied with his promise, the annoyance to-day is somewhat abated, and of this fact I informed you by telegraph.

There is a change in the Spanish legation, Señor Ordoñez, the late minister, having left on 15th instant, and the new minister has not yet arrived. But for this I believe there would be a vigorous protest against the state of siege in which that legation is placed.

I have, etc.,

PATRICK EGAN.

[Inclosure in No. 253.—Translation.]

*Mr. Egan to Señor Uriburu.*LEGATION OF THE UNITED STATES,  
*Santiago, December 19, 1891.*

SIR: It is probable that your excellency may have had the opportunity to read the communications that have passed between this legation and the minister of foreign relations, some of which referred to a continued series of vexations inflicted upon this legation.

This situation, anomalous and disrespectful towards the person and the residence of the representative of the United States, continues, and is even increasing to proportions that each day become more improper and offensive to the respect due in all civilized countries to diplomatic agents.

I should esteem it a favor if your excellency, as the worthy dean of the diplomatic corps resident in Santiago, would kindly call at this legation at such hour as may be convenient, in order that your excellency may see personally the proceedings that are being adopted, since such treatment, disrespectful and unworthy, can not be looked upon by your excellency or by the diplomatic corps otherwise than with surprise and regret.

Availing, etc.,

PATRICK EGAN.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 22, 1891.*

Mr. Egan asks whether, in view of the injurious and offensive terms which have been published and still stand, of the telegram sent on the 11th December by the foreign office to the Chilean minister near the United States, he may attend the inauguration of the President of Chile, which is to take place on the 26th of December.

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*Mr. Blaine to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, December 22, 1891.*

Mr. Blaine warns Mr. Egan against making the legation dispatches public.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 24, 1891.*

Mr. Egan acknowledges the instructions relating to publicity of dispatches and says that he will strictly comply and has exercised the greatest care in that respect.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 27, 1891.* (Received December 28.)

Mr. Egan reports that the legation is still under the surveillance of police officers and of detectives of the lowest class; he says that several letters, which were undoubtedly also sent to Washington, were published on the 26th, in which the governor of Santiago submits reports to the minister of foreign affairs from the police in vindication of the conduct of the authorities towards the legation, composed of a tissue of misrepresentations and untruths. He says that cabinet ministers, members of both houses of Congress, council of state, judiciary, generals and colonels of the army, and many others are excluded from the amnesty which has been voted. He says that in absence of instructions he did not attend the inauguration of the President, which took place on the 26th, and that the president of the Senate, at a banquet given in the evening by the President, expressed wishes for the happiness of the nations which were represented at the inauguration of the new Government. He states that the difficulty of getting the right men to accept the situation created by Señor Matta is delaying the formation of a new ministry.

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*Mr. Egan to Mr. Blaine.*

No. 256.] LEGATION OF THE UNITED STATES,  
*Santiago, December 28, 1891.* (Received February 1, 1892.)

SIR: In the Ferrocarril of the 26th instant were a number of letters from the intendente or governor of Santiago to the minister of foreign relations, with attached reports from police or detective officers, translation of which I beg to hand herewith (inclosure No. 1).

Those letters and the attached reports of policemen, which served as the basis of the notes addressed to this legation by the minister of foreign relations, are made up of a tissue of errors and actual untruths, of which I shall only notice a few.

First. It is said by the intendente, apparently with the intention of connecting this legation as an accessory after the fact with the barbarous execution of Lo Cañas described in my No. 192 of the 19th of August, that—

It was known also at the time that ex-Col. Vidaurre, against whom lies the accusation of being the signer of the sentence of death of more than 20 defenseless youths who were shot in Lo Cañas the 19th and 20th of August, had gone out from the legation of North America and embarked in the warship *San Francisco*, disguised as a sailor of that nation.

As a matter of fact, Col. Vidaurre never setfoot in this legation; and, inasmuch as he had taken part in the battles of Concon and Placillas, and as it was matter of public notoriety that he had escaped after the last-named fight into Valparaiso and from there went on board the *San Francisco*, it seems more than strange that the intendente of Santiago should have endeavored so pointedly to connect his name with this legation.

Second. In the report of the police official Samuel Plaza, dated the 15th of November, it is said:

On various occasions it has been made known to me that on passing by the house occupied by the legation in the Calle Monjitas they (the detectives) have been grossly insulted by different persons calling them hirelings, miserables, traitors, and other names which decency forbids me to repeat. On other occasions also it has been reported to me that they have been actually assaulted, eggs having been thrown at them from the porch of the legation.

The persons who have most distinguished themselves and who have been recognized by the detectives are Señores Juan and Guillermo MacKenna, Acario Cotapos, and Ricardo Cruzat.

Three of the persons named in the foregoing detective report—Señores Juan and Guillermo MacKenna and Ricardo Cruzat—are men of education and culture, ex-ministers of state, and gentlemen of very serious disposition, and to charge such men with using gross and indecent language and throwing eggs at the detectives is the very height of ridiculousness. The other person named—Acario Cotapos—was a member of the Chamber of Deputies and is also incapable of the conduct charged.

Besides, it must be remembered that those police agents or spies by whom the legation has been and is surrounded are persons of the peon or half-breed class, who have on more than one occasion become intoxicated and created a public disturbance in the street before the legation, and who have come into the porch of the legation under the influence of liquor to try to extract money from the refugees under promises of immunity in case they desired to go out through the city.

Third. In the detective report of the 18th of November it is said:

Last night the police agents Rafael Herrera and Ramon Sepulveda, after having gone over a great part of the city, found themselves resting for a moment seated on the threshold of the door of a house near the legation, when there presented himself before them the son of the American minister and addressed them in terms which did but little honor to him who used them and were wounding to our national pride.

It will be observed that in this report by saying that the detectives, "after having gone over a great part of the city, found themselves resting for a moment, etc.," there is a most transparent effort to disguise or evade the fact that a number of these detectives have been stationed permanently on the doorsteps of the houses adjoining and facing the legation.

The only ground for the statement about my son is the fact that when on one occasion two of these detectives, in a state of intoxication, came into the porch of the legation and demanded to see some of the refugees, a young lad of the age of 15 years, a companion of one of my sons of the same age, ordered the fellows to get out as a pair of drunken spies.

None of my family ever exchanged a word with those detectives, although on some occasions their conduct toward them and me has been very offensive and annoying.

I was obliged again and again to complain to the minister of foreign relations of the attitude and conduct of those spies, and, as the sequel, I beg to call your attention to the final paragraph in the printed correspondence which I inclose, in which the minister of foreign affairs, writing to the intendente under date of the 30th of November, expresses himself as follows:

In order to do away absolutely with the fears occasioned by the representative of the United States, this department approves all the measures that the intendencia

may take out of respect to the immunities which the American legation enjoys and should enjoy.

Of the interpretation given to those immunities by the honorable minister and by the intendente of Santiago, you will be able fully to judge from the correspondence now on file in the Department.

On the 24th instant there was hurriedly passed through both houses of Congress a law of amnesty, which only extends to officers of the army below the grade of colonel and to the less important public officials who were practically beyond the range of prosecution. Among those excluded from this amnesty are generals and colonels of the army, first and second chiefs of the navy, ministers of state, councillors of state, members of both houses of Congress, and members of the judiciary.

The policy of prosecution and persecution of the vanquished is already raising fears, and even real danger, of retaliation, and if persisted in must undoubtedly cause serious troubles in the near future. This opinion is fully shared by my English and other colleagues of the diplomatic body.

Not having received from you any instructions in response to my telegram of the 22d instant, I did not, of course, attend the inauguration ceremony on the 26th instant, and my absence was much commented on. At a banquet given in the evening by the President to the diplomatic body, the president of the Senate, Señor Don Waldo Silva, read from manuscript the toast of which I send you translation (inclosure No. 2), which toast would seem to be intentionally framed to exclude the United States.

The situation with regard to the formation of a ministry is very peculiar. The new ministry should have been announced on the 26th instant, but, owing to the difficulties created by the minister of foreign relations, none of the prominent men have up to the present cared to accept the responsibility of the situation.

Almost everyone here admits that the manner in which Señor Matta has involved this country in such serious complications with the United States was a terrible blunder; but Mr. Matta has always been regarded as the founder and is one of the chiefs of the radical party which forms an important group within the Liberal party. On this account, and on account of the slender threads by which the different sections of the Liberal party are held together, it would be a very delicate task for a new ministry to retract the language and repair the actions of Mr. Matta toward the Government of the United States and its legation, and it is generally considered that this course will be necessary in order to avoid an armed struggle. From this arises the difficulty of forming a ministry.

The positive promise made by the minister of foreign relations to the dean of the diplomatic corps on the 21st instant that he would withdraw the detectives from around the legation and leave only the police in uniform was only partially fulfilled and for a couple of days. The annoyance has been renewed in a more offensive form than before. There are now two to four of these spies, in addition to the uniformed police, constantly stationed at the corner of the block some 50 feet from the legation, and for the past couple of days, for their greater accommodation, they are provided with chairs, upon which they sit upon the sidewalk.

I have, etc.,

PATRICK EGAN.



[Inclosure 1 in No. 256.—Translation.—From the Ferrocarril of December 26, 1891.]

*Measures relative to asylum and safe-conduct.*

SANTIAGO, September 24, 1891.

MR. MINISTER: In the performance of my duty to maintain public order I have taken such measures as have seemed proper, in view of the grave occurrences which have recently taken place and of the well-founded apprehensions of the neighborhood on account of repeated complaints that some persons who are hidden, or to whom an asylum has been granted in places that can not be accessible to the police, were taking steps calculated to give rise to disorders and conflicts in the city.

I think proper to inform you that, among the complaints received by this intendencia, there is one to the effect that in the building occupied by the legation of the United States of North America there are several refugees who were seriously compromised in the acts of the Government of the dictator Don José Manuel Balmaceda, and that those refugees, not respecting the asylum which has been granted them by the Hon. Patrick Egan, are in constant communication with others who serve them as agents or deputies for the creation of disorder, inciting the troops or the populace to raise disturbances.

The intendencia has consequently ordered the police to watch the houses near to that which is occupied by the American legation, and they are specially instructed to arrest any person not belonging to the legation who can serve those who have sought refuge there as agents for the subversive plans above referred to. The result of these measures has confirmed the fears that were entertained by this intendencia on the ground of the complaints which it had received. In fact, it now positively knows that, in addition to the persons composing the legation, *i. e.*, the family of the Hon. Patrick Egan and his servants, others who are looked upon as suspicious by the authorities enter there with unusual frequency, some of whom have been surprised with communications from the refugees, who doubtless abused the confidence reposed in them and the shelter afforded them by the Hon. Mr. Egan. I have also learned that persons have left the legation through the back door who are supposed to be emissaries of the refugees, who have thereby similarly abused the confidence of the Hon. Mr. Egan.

As the right of asylum can not comprise acts of such gravity, the intendencia has deemed it to be its duty to take the measures above stated for the prevention of anything that could threaten the maintenance of public order, respecting, at the same time, the building occupied by the American legation, which is entitled to every consideration as are the other legations accredited to the Government of Chile.

The intendencia likewise performs its duty in informing the Government with regard to those measures to the end that it may be enabled to form a proper opinion concerning them, and to issue such instructions as it may think proper in the case.

God guard you.

CARLOS LIRA.

To the MINISTER OF FOREIGN RELATIONS.

No. 460.]

SANTIAGO, October 2, 1891.

The minister plenipotentiary of the United States writes me as follows under date of October 1:

"In the present case I have given cards to be used by each of the four servants, employed at the legation. My identification cards have certainly not been respected, because all my servants were imprisoned and kept in confinement for several days, although two of them had the cards in their possession."

It will be necessary for you to report concerning the statement made by Mr. Egan in his note of yesterday, which has to day been received by me.

I salute you.

M. A. MATTA.

To Don CARLOS LIRA,  
*Intendente of Santiago.*

SANTIAGO, October 8, 1891.

MR. MINISTER: The instructions given by this intendencia to the police were to arrest any suspicious person that should be found near the North American legation, since complaints had repeatedly been made of the many persons not belonging to the legation who visited it, and it was also stated that among the visitors were

some of the very persons who had incited the lower classes of the people and the soldiers of our army to uprising and rebellion.

As it is the duty of the administrative authorities to preserve order in the city, repeated complaints of such gravity could not be disregarded. It was known, moreover, that the following persons were refugees at the legation: Adolfo Ibañez, Guillermo MacKenna, José M. Valdés Carrera, Ricardo Vicuña, Ricardo Cruzat Hurtado, Francisco Javier Godoy, Acario Cotapos, Aurelio Cotapos, Nemorino Cotapos, ex-Col. Hermógenes Cármas, Señor Sanchez, Alberto Valdivieso Araos, ex-Col. José Ramon Vidaurre, Belisario Vial, and some others; and, in view of the connection of almost all of them with the administration that has just been overthrown, it was feared that they were attempting to create disturbances with a view to discrediting the incoming Government, and also, perhaps, to escaping when the attention of the authorities should be occupied with these occurrences.

In fact, a key for writing in cipher was found in the possession of some boys, together with a detailed list of all the occurrences that had taken place about that time, especially such as were connected with the movements of the military. One of the servants arrested was the bearer of a letter in which full instructions were given by Juan E. MacKenna to prepare the way for his escape, with false names and under the protection of safe-conducts, which he said were to be furnished to him by Mr. Egan; in the possession of others were found papers showing an evident intention to assist in and take advantage of any movement that might be made.

It was likewise learned at that time that ex-Col. Vidaurre, who was charged with having signed the death warrant of upwards of twenty defenseless youths who were shot at Lo Cañas on the 19th and 20th of August, had left the North American legation and embarked on board the war vessel *San Francisco* in the disguise of an American sailor.

The persons imprisoned at the time referred to in Minister Egan's note were released immediately, with the exception of a Mr. Canales, an officer in the army of the dictator. The servants who were imprisoned and who are likewise referred to by the same minister in his note, were: Celestino Blanco, a criminal, who was placed on trial for highway robbery in the criminal court and who made his escape from the jail in this city on the 29th of August last; Blanco was the only one who had a card in his possession which showed him to be a doorkeeper at the legation; Luis E. Estrella, who declared that he had been for a long time the servant of Don Guillermo MacKenna, and who is exclusively employed by him; Francisco De Toro Valenzuela, who had been for a long time employed by Don Juan E. MacKenna, and who was in his service; and Luis Bansi, a brother-in-law of Aurelio Cotapos, and in the service of the family of that name.

This is all that I have to say on the subject.  
God guard you.

CARLOS LIRA.

To the MINISTER OF FOREIGN RELATIONS.

SANTIAGO, November 6, 1891.

The United States minister thinks that some manifestation of hostility to the legation under his charge might be originated by the public meeting which is to be held in the Plaza de Armas at 5 o'clock p. m.

In view of the apprehensions of the minister, be pleased to take such preventive measures as you may think proper and to report the same to this department.

I salute you.

M. A. MATTA.

To the INTENDENTE OF SANTIAGO.

No. 58.]

SANTIAGO, November 6, 1891.

This intendencia has taken all measures calculated to maintain order at the public meeting announced for this day.

You may assure the United States minister that this intendencia will in every case perform its duty as it should.

I write this in reply to your note No. 667 of this day's date.

God guard you.

CARLOS LIRA.

To the MINISTER OF FOREIGN RELATIONS.

No. 758.]

SANTIAGO, November 16, 1891.

Mr. Patrick Egan, minister plenipotentiary of the United States, says, under date of to-day, that for several nights past a group of from seven to ten spies belonging to the secret police has been stationed near the door and in the neighborhood of the legation, alarming such persons as had occasion to call there.

At a late hour last night some of these men committed excesses which disturbed the tranquillity of the neighborhood, and while apparently in a state of intoxication pounded on the windows of the legation, grossly insulting the refugees whom they saw in a room which looks out upon the street.

The disorder was ended only by the interference of other policemen, who drove up in a carriage at about 2 o'clock a. m. and took away the persons who were causing the disturbance.

Be pleased to inform this department concerning what took place last night in connection with this incident.

I salute you.

M. A. MATTA.

To the INTENDENTE OF SANTIAGO.

No. 83.]

SANTIAGO, November 17, 1891.

Your note of the 16th, in which you state the complaint made by the United States minister on account of a disturbance which he says took place opposite to his house during the night of the 15th instant, has this day been received at the intendencia.

I inclose to you the original of a police report which had been received at the intendencia and which seems to have reference to the same matter. I have, moreover, this day requested the prefect of police to report, and as soon as I receive his report I will send it to you together with any other data that I may be able to obtain on this subject.

God guard you.

CARLOS LIRA.

To the MINISTER OF FOREIGN RELATIONS.

BUREAU OF THE SECRET POLICE,  
Santiago, November 15, 1891.

Mr. PREFECT: Among the persons charged with executing the orders of the courts and with the maintenance of public order, whose duty it is to report to this bureau, several have informed me that while passing in front of the house occupied by the American legation, in Monjitas street, they have been grossly insulted by various persons who called them scoundrels, wretches, traitors, and other names which from a sense of decency I do not repeat.

They have informed me on other occasions that they have actually been attacked and have been pelted with eggs from the porch of the legation.

The persons who have most distinguished themselves, and who have been recognized by the officers, are Messrs. Juan and Guillermo MacKenna, Acario Cotapos, and Ricardo Cruzat.

The officers who complain are Enrique Mataluna, Felix Bustos, Abelino Rifo, José Gil Anton, José Dolores Caceres, and Miguel Serra.

As these acts are frequently repeated, I deem it my duty to bring them to your knowledge that you may take proper action in the matter.

SAMUEL PLAZA.

OFFICE OF THE PREFECT OF POLICE,  
Santiago, November 15, 1891.

Let the foregoing report be transmitted to the intendente for his information.

JULIO ARGOMEDO.

No. 86.]

SANTIAGO, November 18, 1891.

I forward you the report sent by the prefect of police, giving information respecting the note in which you convey to me a complaint of the United States minister, Mr. Patrick Egan, relative to some disorders which he says occurred on the night of the 15th instant in front of his residence.

I also send you a report dated this day, in which the prefecture relates an insult offered by the minister's son to some agents of the police.

This intendencia hopes that the inclosed documents will be sufficient to answer your excellency's note No. 758, of the 16th instant.

God preserve your excellency.

CARLOS LIRA.

To the MINISTER OF FOREIGN RELATIONS.

No. 414.]

SANTIAGO, November 18, 1891.

MR. INTENDENTE: I have carefully noted the contents of the note addressed to you by the minister of foreign relations, conveying a communication from the minister plenipotentiary of the United States, in which Minister Egan states that a body of seven or eight spies of the secret police was found stationed during the past week near the door and in the vicinity of the legation, his excellency the minister setting forth that at a late hour of the last night these men committed excesses which disturbed the quiet of the neighborhood, knocking on the windows of the legation and uttering gross insults to the refugees; his excellency Mr. Egan saying, in conclusion, that the disorder was ended through the interference of other police agents.

Admitting the correctness of the minister's statement of the circumstances, so far as relates to the fact that agents of the authorities are watching his house, your excellency may be assured that the agents of the prefecture, in whatever character they may present themselves, and whatever commission they may be called upon to execute, will be at least respectful, and will in no case play the part of aggressors, as this prefecture would punish such conduct with the greatest severity.

I am not surprised, Mr. Intendente, that some cases should have occurred in which those in asylum at the legation have been annoyed by some of their many political adversaries, but the prefecture has no knowledge of any such case.

As to what the minister states with regard to a disorder instigated by agents whom he supposes to belong to this prefecture, I have no knowledge except through the note of which you sent me a copy.

The minister, at the end of his note, calls attention to the fact that the disorder ended on the arrival of other agents, who came in a carriage after 2 o'clock in the afternoon—that is to say, after twelve hours, more or less, of alarm to the neighborhood—and carried the authors of the disturbance to prison.

I think, Mr. Intendente, that in both cases there has been some mistake on the part of those persons who gave their testimony to the minister, as on the dates given by the note which I am answering the prefecture of police and the criminal court received no report corroborating these assertions.

As to further information, Mr. Intendente, I think it opportune to call your attention to the original reports, dated the 15th and 18th instant, made to the undersigned by the chief of the section of investigations.

This is all that I can tell your excellency on this subject in the report which you were pleased to ask of me.

JULIO ARGOMEDO.

To the INTENDENTE OF THE PROVINCE.

#### GENERAL SECTION OF INVESTIGATIONS,

*Santiago, November 18, 1891.*

MR. PREFECT: The agents of this section have been insulted for the third time by persons coming out of the house occupied by the American legation.

Last night, while the watchmen Rafael Herrera and Ramon Sepulveda were seated at the door of a house near that occupied by the said legation, resting a moment after having gone over a large part of the city, the son of the American minister presented himself before them and addressed them in terms which did little honor to the person using them and which were very offensive to our national pride.

I ought to state that the said agents confined themselves simply to taking note of the insulting expressions and of the person using them, in order to report to the proper authorities.

I report this to you for such action as you may deem proper.

SAMUEL PLAZA.

SANTIAGO, November 18, 1891.

Forward to the intendente for his information and action.

JULIO ARGOMEDO.

No. 859.]

SANTIAGO, November 30, 1891.

I have received your excellency's note No. 100, of the 27th instant, inclosing the communication sent to your intendencia by the prefect of police, touching the complaint made by the representative of the United States in the note which he addressed to this department on the 20th instant, communicated by me to your excellency on the 23d.

The reports furnished by you with regard to the complaints made by Minister Egan prove clearly that it is possible, if not an actual fact, that some passers-by, trying to commit acts which might create difficulties between the American legation and this department, and under the appearance of public or secret policemen, have succeeded in making the United States representative believe that the authorities permitted or encouraged such misconduct.

In order to remove entirely the fears felt by the representative of the United States, this department approves every measure which your intendencia may adopt to secure the privileges which the American legation enjoys and ought to enjoy.

I salute your excellency.

M. A. MATTA.

To the INTENDENTE OF SANTIAGO.

[Inclosure 2 in No. 256.—Translation.—From the Ferrocarril of December 27, 1891.]

*Don Waldo Silva's toast at the banquet.*

In the evening His Excellency the President of the Republic gave a banquet to the diplomatic corps, at which were present the diplomatic ministers, the ministers of state, the presidents of the Senate and Chamber of Deputies, ministers of the courts of justice, generals of the army, chief officers of the navy, etc.

After the customary addresses, delivered by the minister of foreign relations and the dean of the diplomatic corps, Señor Silva, president of the Senate, expressed himself in the following terms:

"GENTLEMEN: To-day there is written in our historical annals a date that will be forever memorable.

"The installation into the Government of a President designated by the freest election the country has had, and who is invested with the supreme command with all constitutional formalities, is an event which presents itself to us under characters of extraordinary magnitude.

"In the closing days of the month of August, at the doors of Valparaiso, the two great battles took place which put a glorious termination to our long and bloody civil war. With them succumbed the dictatorship, but left to us chaos, because its dominion lasted long enough to unhinge everything in the Republic.

"Notwithstanding, in less than four months of labor the work of reconstruction has been happily concluded. All the public powers of Chile are already reconstituted in conformity to the laws; our political mechanism is again in regular operation; to complete the period of our glories a law of amnesty, whose purpose is to heal the wounds of war and to reestablish harmony among our citizens, has become the aurora of this day in which are reunited the series of the constitutional Government of the Republic. It may therefore be confidently said that the advent to the Presidency of His Excellency Señor Montt will be an event forever memorable.

"Gentlemen, for more than half a century the august ceremony of transmitting the authority from one President to another has taken place on a classic day—the 18th of September, the anniversary of our political emancipation. The perturbations caused by the dictatorship prevented this from happening this year, in 1891. Nevertheless I desire to associate with the act of the reestablishment of constitutional rule the recollection of our emancipation. The revolutions of 1810 and 1891 resemble and complete each other, because if the first gave us a country the second has permitted us to preserve it under conditions that render it worthy to be inhabited by free men.

"For all this, gentlemen, I offer prayers; in the first place, because the peace which we have restored and the laws we have reestablished may have the stability necessary for them to serve as the immovable basis of the aggrandizement and prosperity of Chile.

"I offer them, further, for the happiness of the friendly nations whose representatives have solemnized by their presence the inauguration of our new constitutional government, and who have desired to come to seat themselves at this table to be witnesses of our present rejoicing as they nearly all were of our past sorrows."

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 30, 1891.*

Mr. Egan reports that the Chilean Government has received from Grace & Co. information as to the intention of the United States Government to deliver an ultimatum, and that the British minister, under instructions received from his Government in consequence of similar news, called at the foreign office this day and urged a course of conciliation upon the minister of foreign affairs, who, however, maintained with firmness and defiance the attitude assumed by him. He adds that he has hopes that when a new ministry has been formed a better spirit will be evinced, but that, for reasons already telegraphed by him, it has not, up to this date, been possible to form it.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, December 31, 1891. (Received January 1, 1892.)*

Mr. Egan, announcing the formation, on that day, of a new ministry composed of two Conservatives, one Radical, and three Liberals, says that two of them are his personal friends, and that he has excellent relations with all, and that conciliation will mark the disposition towards the United States. He says that at least two of the new cabinet officers have openly disapproved the telegram sent to Chile's representative in Washington by the minister of foreign affairs; that it is strongly condemned by public opinion; and that it will now be, in his opinion, no difficult matter to have its terms disavowed or the telegram itself withdrawn. He also thinks that all the questions—safe-conduct for the refugees, assault on the *Baltimore* men, and disrespect to the legation—will be completely settled.

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*Mr. Blaine to Mr. Egan.*

[Telegram.]\*

DEPARTMENT OF STATE,  
*Washington, January 8, 1892.*

Mr. Blaine asks whether all that is personally offensive to the President and other officers of the United States in the December circular of the late minister of foreign affairs will be withdrawn by the new Government, also whether a safe-conduct will be granted to the refugees who are still in the legation, and, finally, whether all surveillance of the legation has been removed.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, January 11, 1892.*

Mr. Egan replies that he will return a full answer to Mr. Blaine's telegram in the morning, when he expects to see the minister for foreign affairs, whom he could not succeed in seeing on Sunday. He explains that on Saturday he was in Valparaiso and placed two of the refugees on board the cruiser. He says that they were not granted formal safe-conducts, and that the legation is still sheltering five refugees.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, January 12, 1892.*

Mr. Egan reports that he had a conversation with the minister for foreign affairs on this day, in the course of which he secured for all the refugees permission to leave the country, and was assured verbally that no harm would be done them, but could not obtain a written safe-conduct; that on the first question he could only receive a promise for as early a reply as possible, the absence of the President in Valparaiso making it impossible for him to answer at once; and that the legation is now entirely free from espionage.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, January 11, 1892.* (Received January 12.)

Mr. Egan says that the judge's report in the case of the assault on the *Baltimore* men, which is of great length, recites that the commander of the police makes it appear that an insignificant quarrel, the cause of which is not known to him, between a Chilean sailor and an American was the origin of the disturbances in which a very large number of people became engaged; that 5 Americans and 1 Chilean were wounded and 31 Americans and 11 Chileans arrested; that the Chilean doctor insists that Turnbull (who was wounded eighteen times and died shortly afterwards) had but thirteen wounds, which were curable in one month, and that Riggin's death was caused by a pistol shot.

He adds that the testimony of several American sailors, who, however, were unable to recognize their assailants, shows that they were wounded, taken prisoners, and that the attack was unprovoked. He states that the testimony of many important witnesses, notably that of the conductor of the street car from which Riggin was dragged, was not taken, and that deductions and suggestions against the *Baltimore* men are found in the general evidence which are unjustifiable;

that the "fiscal" says that the attack of three Americans on one Chilean sailor, all being drunk, began the disturbance (which is not supported by evidence), and that Turnbull was wounded in the midst of an attack made on three Chilean sailors by thirty Americans; that John Davidson struck with a stone a Chilean sailor who was chasing his companion Hamilton, knife in hand, and admitted that he did so strike him; that for this offense the fiscal demands a penalty of from twenty-one to forty days for Davidson, the same for one of the Chileans, of from two to eighteen months for another Chilean, and of from three to five years for another. He thinks it may be about two months before the final sentence is passed.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Valparaiso, January 13, 1892. (Received 3 p. m.)*

Have just placed in safety on board *Yorktown* remaining five refugees from my legation, also two refugees from Spanish legation, who were accompanied by Spanish minister. Italian minister also accompanied.  
 EGAN.

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*Mr. Blaine to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, January 13, 1892.*

Mr. Blaine asks whether the promotor fiscal in one of the five points made by him, viz, the third, says that the evidence of the officers and crew of the *Baltimore* has been thrown out because conflicting, as Capt. Evans of the *Yorktown* telegraphs.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, January 15, 1892.*

Mr. Egan replies to the telegram of the 13th, and says that the fiscal analyzes at great length Johnson's and Langan's sworn testimony, which shows that a policeman fired at close range the rifle which killed Riggin, and throws it out, in its entirety, as conflicting; that the same officer ignores the evidence of the officers and surgeon of the *Baltimore* and the circumstance of Johnson's tie and shirt being pierced by a bullet, and arrives at the conclusion that Riggin's death was caused by a revolver shot.



*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, January 15, 1892. (Received January 16.)*

Mr. Egan transmits an account of the interview which the minister of foreign affairs accorded on that day and says that he was told that, in view of Mr. Blaine's indications and on the ground taken by the former Secretaries of State Buchanan and Webster that no foreign power, through its representatives, could make the message of a President of the United States the basis of diplomatic representations or controversy, his Government will not have any objection to withdrawing all that may be considered disagreeable to that of the United States in the telegram sent to their representative in Washington by the former minister of foreign affairs. He adds that he expressed an opinion that an expression of regret for such parts of that document as were considered offensive to the President and other officers of the United States would be expected to complement the withdrawal, and that he received from the minister positive assurance that the Chilean minister near the United States had been instructed to express regret for all that might create unpleasantness between the two Governments in the case. He wishes to know what action he is to take.

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*Mr. Blaine to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, January 16, 1892.*

Mr. Blaine points to essential differences between anything maintained by Mr. Webster and what was done by Mr. Matta when, in his message of the 11th December, he instructed Mr. Montt to have that document printed in the United States; and, referring to the palpable insults found in it against the President and other officers of the United States, says that, in his opinion, the transmission of the circular was unprecedented. He declares that the desired withdrawal by President Montt of everything of a discourteous character should be done freely and in suitable terms by Chile. He enjoins prompt action.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Valparaiso, January 17, 1892. (Received January 18.)*

On January 11 read for the minister of foreign affairs your telegram January 8; and in his reply to the questions regarding safe-conduct said that he could not, on behalf of the Chilean Government, grant safe-conduct, but personally he would give me the assurance that the refugees leave country whenever they pleased. I pressed for written safe-conduct on the ground that in going by passenger steamer which stops at Chilean ports they might be interfered with by the local authorities. Minister assured me that he would take measures that

there should be no such interference, and that they could go with entire security.

On January 12 I called at the department of foreign relations and informed undersecretary that on that night I should accompany refugees to Valparaiso. Did it, and refugees engaged passage by the British steamer, some to Montevideo and some to Iquique.

On January 15 I had interview with the minister, who maintained that he gives no permission nor promise of security for the refugees, and refuses to guaranty their safety in passing Chilean ports. He at the same time expressed displeasure that I and the Spanish minister and the Italian minister had accompanied them, and also that the commander of the *Yorktown* fired customary salute for the Spanish minister.

Under these circumstances they can not leave *Yorktown*, and the commander of the *Yorktown* has telegraphed for instructions as to what disposition he shall make of them.

EGAN.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
Valparaiso, January 17, 1892. (Received 6:18 p. m.)

The following is from La Union, of Valparaiso, of to-day:

[Translation.]

THE REFUGEES ON BOARD OF THE YORKTOWN.

Some of the gentlemen who are stuck fast on board of that vessel intended to sail for Europe yesterday by the *John Elder*. Others intended to go north by the steamer *Punto*. It was said that the refugees had come with a safe-conduct from the Supreme Government, and that they consequently had nothing to fear if they sailed without the protection of the North American flag; but we understand that no such safe-conduct has been given, and that at the last moment they felt in the seat of remorse and fear sundry blows which admonished them not to risk the game, and, perhaps, even with their passage paid, they remained. Thus the reader has them, like oysters on a rock, stuck fast on board the *Yorktown*, which is probably not very satisfactory to the officers of the cruiser, who have doubtless been compelled, as courteous seamen, to give up some of their comforts, which are not many, for the benefit of their numerous guests. It is said, moreover, that great trouble is caused to the servants. The situation of the refugees is one of uncertainty, for they do not know whether to remain here or go to Europe or return to Santiago.

On Friday the *Heraldo*, which belongs to a member of the present cabinet, printed virulent and utterly untruthful personal attack on me, instigated by correspondent of London Times.

EGAN.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
Santiago, January 18, 1892.

Mr. Egan acknowledges the receipt on the previous day of the telegraphic instructions of the 16th, and reports that on the morning of this day he had, on the subject in question, an interview with the minister for foreign affairs, whom he found well disposed and who promised to return an answer at the earliest possible moment, but could not take any action without consultation.

*Mr. Egan to Mr. Blaine.*

No. 263]

LEGATION OF THE UNITED STATES,  
*Santiago, January 18, 1892. (Received March 2.)*

SIR: I have the honor to send herewith a translation of a very excellent review of the judge's report, which was published in one of the papers recently started in opposition to the Government, *El Progreso* (inclosure No. 1), together with a translation of the fiscal's report on the case, cut from an English paper in Valparaiso (inclosure No. 2).

I have, etc.,

PATRICK EGAN.

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[Inclosure 1 in No. 263.—Translation.—From *El Progreso*, of Talca.]

*Review of the judge's report.*

The public now has at its disposition the result of the investigation by the criminal court of Valparaiso into the unfortunate occurrences of October 16, in which were engaged a number of sailors from the *Baltimore* and many men of the lowest class in Valparaiso aided by a great number of Chilean seamen from men-of-war anchored in the bay.

On page 1 is the official report of the police, signed by José H. Zamudio and dated the 17th of October. According to this report, the murderer of Charles William Riffin is unknown, the origin of the disorder is unexplained, and the men who wounded the five Americans and one Chilean sailor are undiscovered. In the said investigation appeared 31 Americans and 11 Chileans, notwithstanding the fact that in the judge's summary we see 5 wounded and 31 imprisoned Americans—in all 36 Americans. First error: the fact of not mentioning the names of those detained, a matter overlooked by the judge and an unpardonable omission.

On page 2 we find the usual form of decree, dated October 17, in which the number of prisoners is stated as 31 Americans and 11 Chileans. The wounded were not considered prisoners. It would have been barbarous to incarcerate them, and yet this judge liberates, without having ever imprisoned, these wounded men. A most curious and original proceeding!

Beginning on page 3, the testimony of the 42 prisoners continues for two and a half pages. The testimony limits these men to saying that they took no part in the disturbance, nor did any of the 42 men present, and that they bear no ill will toward any of their fellow-prisoners. On the strength of these declarations a writ is issued releasing 20 American seamen.

On October 19 appeared the first witness of the investigation, Capt. Zamudio, who signed the report, page 1, testifying on pages 6 and 15. He knows nothing, and confines himself to conjectures and surmises, which should never enter into an investigation, where a witness should testify only to those things seen by his eyes and heard through his ears.

On page 7 we find the testimony of Dr. Calderon regarding the dead man and the five wounded sailors; while on pages 8 and 14 is the testimony of Dr. Carvallo relating to the same dead man, the same wounded men, and, in addition, to a Chilean wounded in the back. The doctors give as their opinion that the man was killed by a revolver bullet, and that Turnbull had thirteen wounds, all curable in thirty days. Turnbull afterwards died on board the *Baltimore*.

On page 16 is a certificate of the secretary, in which the wounds of 6 sailors detained at the police station are given in detail, said wounds being swellings caused by blows, bruises, etc.; also stating that eleven sailors' knives were found, eight being claimed by the Americans, the owners of three remaining knives unknown; an iron bar and another knife were without owners, though taken from the Americans. No arms were found on the 11 Chilean prisoners.

On October 20 (page 17) the 11 American seamen who still remained prisoners testified in their own language. The same day (October 20, at page 18) Lieutenant of Police Gomez and (page 19) Lieut. Vives Bravo testify. Neither knows anything, and they repeat the testimony given by Capt. Zamudio. After these declarations, through the just demands of the captain and two lieutenants

of the *Baltimore*, who pressed the judge to hasten his decree, the 11 American sailors still remaining in prison were liberated. On the same day the declarations of 5 wounded men in the hospital were taken (pages 21 to 23). On October 21 (page 23) the 5 wounded men were released and ordered to appear before the commandant of police. This commandant testifies (page 24) on October 24, but advances no information; everything he says is deduction, but he offers no facts.

On the same day, October 24, an official communication from a member of the ministry, Señor Matta, is received through the intendente, asking an immediate report upon the completion of the investigation, so that he may be well informed in case of future diplomatic reclamations (page 26). On October 24 those residing in the vicinity of the disorder and the police who made the arrests were ordered to appear. On October 27 (page 27) the judge, Don Enrique Foster, asks data from the commander of the *Baltimore* and the United States consul.

Here let us pause to contemplate the methods adopted and what has been accomplished. Twelve days have passed and twenty-seven pages of documents have been transcribed. Only four witnesses have been examined—the commandant of police, a captain of police, and two lieutenants of police. What more could be done in a case where only 1 man was killed, 6 severely wounded, and 5 badly injured, without mentioning those not taken by the police? A case in which figure 36 foreigners and Chilean citizens! What more stupendous labor could be exacted from the judge than to fill twenty-seven sheets of paper and to consume twelve days in such a colossal undertaking? And the forty-seven declarations of the 47 prisoners! Do you not think it a magnificent effort? Prisoners and witnesses: grand total, fifty-one declarations. Almost five per day! Let us wait a moment, dear reader, and find the facts, and not lose ourselves in conjectures and deductions like the judge who makes the investigation. How did these things happen? As follows: Pages 3, 4, and 5 the 42 prisoners testify October 17. The 5 others testify, not before the judge, but before the secretary, not on the 17th, as our laws require, but on the 20th, the fifth day after the occurrence. What surprising activity in taking the testimony of the wounded! Do you not think so?

In strict regard for the truth, we will say that the judge did much, very much, on October 17. He conducted himself very well, but during the ten days following what did he do to refute the just reproaches launched against the indolent?

Why did not the judge repair to the place of action and take the declarations of those present when the affair occurred, when the country cries aloud for a proper settlement of an affair which has dishonored us and harassed a friendly government? Why were not those present and the eyewitnesses called into court on the second day? What hidden hand has controlled events to prevent the summoning of eyewitnesses, the druggists in whose shops the wounded received their first attentions, the laborers on the wharf, the custom-house men, the employes on the street car from which two Americans were dragged by the rabble, one the man Riggins, who died, and the other a wounded man? What a singular thing! Those present at the disorder and the eyewitnesses began to testify on November 4, nineteen days after the disorder occurred. The proprietors of the drug stores—Sotelo, Kiegel, and Aguilar—testify at the end of two months, December 18. Those who arrested the prisoners testified on the 19th of the same month, more than two months after the disorder took place. Not one of the other employes has testified, not even the conductress nor the driver of the car in which Riggins rode has been cited to appear in court; neither is the number of the car known, nor the names of those who were eyewitnesses. Neither has Dr. Hahn, who certified to the death of Riggins and who examined him, been summoned as a witness.

These negligences discourage us, and it mortifies us to contemplate the processes of justice in the city of Valparaíso, the commercial emporium and business center of a rich, populous, and illustrious country. Not only this; but on October 27, our judge, despairing of any aid from Chilean sources, and finding neither the intendente of the province, the judge of the district, nor any living being will furnish him data to rescue the investigation from the limbo into which it has fallen, rushes for aid to the foreign representatives. Give me light, he says to the foreign representatives, for the Chilean authorities give me none, and I am in the dark regarding what passes in my own house. What a terrible blow launched by the judge against the recognized authority of the immaculate Arlegui and against the indolent and incompetent city police! And this intendente laughs with the refined people of Valparaíso, dishonoring his office that should be a powerful auxiliary to the judge, and makes himself an inactive and indolent official.

Look, Chileans, how we go to ask information from a foreign power, from a man-of-war; and we ask it without having taken the testimony of the police officials who are at the door of the court, waiting at the very feet of justice, when we have not even exhausted the means of investigation in our own hands. We begin by asking data from the captain of the *Baltimore* and the United States consul, when this is the point at which we should have finished. And we have concluded the investigation with the testimony of those who made the arrests, when really we should have opened the investigation with their declarations. Human frailty! What incompetency in a judge to forget the means most useful, just, and honorable! Is it not true that for such a judge the gallows would be a small reward, or a journey to the other world, except to immortalize him among those of his class? However, now that everything is a farce, the law of amnesty a farce, liberty a farce, and the constitution under which we live a farce, we can not hope anything better than that this judge be made a minister of court. To what an extent have we perverted the moral standard!

We are now at the first resting place, the first step in the staircase of the great Yankee investigation. We have thought best to give only the naked truth, whatever it may be worth, believing that we may thus serve our own country and better cultivate the friendship of the great North American people, and that the truth would be acceptable to two nations that esteem each other and that will continue to remain on friendly terms, notwithstanding the fact that the Chileans, from their lofty position, wish to give an example of unparalleled foolishness as a return for the *Itata* affair.

## II.

Let us continue our report after filling twenty-seven sheets of paper in twelve days of labor. It is now October 27. On page 28 appears an official letter from the commandant of police, dated October 28. In this note a little light is thrown upon the affair, and four prisoners are surrendered to justice.

On October 29 this note is made an official decree, Demetrio Leiva and Carlos E. Cortes, citizens, and Carlos Gomez and José Jesus Ahumada, Chilean sailors, being imprisoned. October 30 (page 29) the declarations of the four prisoners above named and of Federico Rodriguez, also a Chilean sailor, commence. Cortes is 30 years of age, a Dane; Gomez, 18 years old, a Chilean; Rodriguez, 17, a Chilean; Ahumada, 20 years old, a Chilean; and Leiva, 20 years of age. They testified in the order named under promise of speaking the truth, except Leiva, who was sworn. The same guardian was appointed for the three minors—the sheriff of the court. On October 31 (page 37) an order is issued releasing Leiva, who, in the report of the commandant, is mentioned as Letelier; Rodriguez is imprisoned and an order issued for the arrest of Carlos Aravena, and it is ordered that the said witnesses shall be brought face to face with the *Baltimore* men who were liberated and with the wounded men. The same day, the 31st (page 38), Leiva is liberated; Aravena has not been found. On November 3 the sailors of the *Baltimore* are cited to appear in court. On page 39 there is a fourth report from the police official Señor Cruz Rodriguez, in which he delivers to the judge one F. Rodriguez and a blood-stained shirt found in his possession.

On page 40 is the communication of the United States consul, dated October 31, and transcribed at the intendencia November 2. It states that "in the disorders of the 16th one of the crew of the *Baltimore* was killed and several others were severely wounded and badly injured;" that "the facts and data obtained by the consulate have been forwarded to Mr. Patrick Egan."

On page 43 is a communication from Capt. W. S. Schley, of the *Baltimore*, stating that "the facts have been communicated by my Government to our minister, Mr. Egan. If he were addressed, he might be able to give the names of those who, in their turn, could give the names of others who saw the man that killed Riffin and the men who wounded many more of my countrymen. I can not give these data directly." On page 45, November 2, these data are asked of Mr. Egan through the minister for foreign affairs. On page 45, November 2, an order is issued for the appearance of several other witnesses.

We have now reached November 3 and page 46. Let us make a short digression and recuperate after so much labor, taking a reasonable view of what has been accomplished, lamenting all that is deplorable, and forgiving all that is pardonable. We have seen four official reports of the police; one by the commandant, one by a captain, one by Sublieut. or Lieut. Rodriguez, who, it is to be regretted, has not testified in the summary. What motive has the chief of police in not assuming his real duties in this most important proceeding? His

duty is to make the reports and to work in accord with the court. In this way fewer errors would have been made in the details, and those unpardonable mistakes in the names of Chileans would have been avoided.

We can excuse inaccuracies in writing the names of foreigners, but never can we excuse errors in taking the names of our own countrymen. But one guardian was appointed for the three offenders who are minors. To the shame of the court, he names his own doorkeeper as his assistant. We believe this constable to be an honorable man; but we can hardly believe it quite right to call him to the high position with which the judge has honored him. The law has not been complied with when each minor prisoner is not given a separate guardian when there may be conflicting rights. We have seen above another grave infraction of the legal rules of investigation, when witnesses were examined by under-officers and not by the judge himself. It is ordered that a daily report be given of the wounded prisoners in the hospital. This report is not presented until the fifth day. The testimony of the prisoner Rodriguez was taken on October 30, while his arrest was not ordered until the 31st. Is greater confusion possible? What does this mean? The prisoner Leiva takes the oath and then testifies, which is contrary to article 154 of the constitution. The judge releases Leiva on October 31; sworn the 30th.

We have seen in the fourth report of the police that a shirt belonging to the prisoner Rodriguez has been delivered to the court. This article was not mentioned in the summary; in the hands of any other judge who was not a fool it would have been a great aid to the investigation. The same thing occurred with this article as with the silk handkerchief and the uniform of the sailor Johnson. Being the silent witnesses of crime they should have remained from the first in the possession of the secretary of the court and not returned to those from whom they were taken. What has been the result of such illegal procedure? Most important light that could have been thrown upon the chaos into which the investigation of the occurrences of October 16 has fallen is lost. Poor Chilean justice! What an awful judgment will fall upon all your magistrates because of the fatal blunders of one of your colleagues! This is all for the reason that men of ability and honor are not called to these judicial posts, but persons who pledge themselves to the aristocratic mendicants of the absorbing power of the capital of Chile. Who could affirm that the shirt and handkerchief of Johnson were the same that he wore when Riggin was wounded, and that the perforations they received have not been enlarged by washing or by some involuntary act—possible conjectures. All difficulties would have been removed had these most useful articles been retained in the office of the secretary of the court, as the law requires.

Let the reader notice the delay with which the intendencia forwards the communications of the American captain and the United States consul. Instead of forwarding them on the same day they are received, though the court is but a few squares from the intendencia, they are delayed until the third day. We believe this excusable in Señor Arlegui (the intendente), who affects the ostentation of an uncrowned monarch and who sleeps well, thanks to his good years, in the sweet idleness of a marquissate. Let him be free from the charge.

Let us here state that the captain of the *Baltimore* and the United States consul did not refuse to send their data directly. They only gave a lesson to our incompetent authorities, saying to them: "So those of your own house gave you no data; your methods of investigation have produced no light. You have recourse to foreign territory. Very well; you must approach another government in the right way—through the minister plenipotentiary. He has the data." How can we explain that a foreigner, deprived of all the auxiliaries to an examination, completes an investigation in ten days, while the wise judge of Valparaiso with an intendente of great importance and with 400 auxiliary police has but half completed it in sixty days? Only the Olympics can explain; we of earth can not.

From October 27 to November 3, six days, what was accomplished? Four witnesses testified, all on the one day—October 30. Prodigious toil! Quite enough to cause the tower of our parish church of St. Anne to fall down in amazement! Let the reader remember that up to this time not one resident of the quarter in which the disorder occurred, nor one single policeman, who arrested the prisoners, has testified. Probably there were difficulties in the way of citing them to appear in court, or the soldiers have put obstacles in the way. This neglect belongs to the judge who conducted the examination and to the chief of police. Let them free themselves from the charge. We mention only what we see. It may be that explanations would clear up the matter. Let us pause a second time to point out to the reader the data unfolded in this famous examination.

## III.

On November 3 the examination still continues, and (pages 40 to 49) the testimony of Yensen, Letelier, Glasgow, and Mowats is taken. They know very little. On November 4 fourteen witnesses residing near Calle Arsenal testify (pages 54 to 56). They know nothing. On the 6th three witnesses declare that they know nothing (pages 57 to 59). On the same day a communication is received from the commander of the *Baltimore* (pages 61 to 63), giving the names of thirteen men who can serve as witnesses in the investigation. He states that there are other witnesses, and asks that his men be allowed to testify in English and in public, and that their declarations be read. From page 63 to 70 are various communications, one summoning the captain of the *Prudeto*, who did not testify in the examination, and others from the captain of the *Baltimore* and the judge. On November 10 (pages 71 and 72) a sergeant and six police soldiers actually engaged in the disorders testify, and on page 73 Reyley and two other soldiers actually present at the disorders testify regarding the fray of October 16. Pages 74 to 78 are filled with incongruous notes. On the 14th the declarations of three witnesses are taken (pages 78 to 80). On the 18th the release of the man Costes is declared void (page 81). This release was granted November 3 (fifteen days before).

On pages 82 and 83 is a communication from the captain of the *Baltimore* referring to another matter. On November 20 (pages 84 to 90) nine Americans and the four prisoners are examined face to face. Among the nine are the four surviving wounded men. On the 21st (page 91) an important decree is issued, and among the methods adopted is the naming of a special commission, composed of three military officers, to examine the perforations in the silk handkerchief and the sailor's shirt. Three doctors are also named to ascertain the probable arm used in making the wound in Riffin's neck that caused his death. A new face-to-face examination is also ordered and a warrant issued for the arrest of Adrian Bravo. On the same day, the 21st, the commandant of police again testifies. The said Adrian Bravo is the one-armed Chilean sailor who was put in liberty October 20 (page 20). Now he is arrested for vagrancy on November 23, and the judge orders his imprisonment on the 25th. The police did not make this capture. He had a face-to-face examination with Davidson (page 93) and was liberated December 12 (page 115). On December 1 (pages 96 to 101) is a face-to-face examination between the soldiers actually engaged in the disorder and two witnesses, Johnson and Luigin, and (page 101) between them and Adrian Bravo. Wallace also testifies, and the police picket that made the arrests and all who have information are cited through the newspapers to appear in court (pages 102 and 103).

The same day (pages 104 to 108) are added the declarations of the doctors of the *Baltimore* containing information regarding the life, description, and death of Turnbull, that occurred on October 22, six days after having received eighteen wounds in the back, head, and face. This information plainly shows that death resulted from a wound received in one lung. Also, on December 1, the names of nine more persons are forwarded in addition to those mentioned on November 6. All these names are furnished by the captain of the *Baltimore*.

On pages 111 and 113 are two communications from the minister for foreign affairs, Don Manuel A. Matta, in which the delay of the investigation is attributed to two causes: First, the excuse of the part of the *Baltimore's* crew for not appearing in court; second, the absence of the data asked from the United States minister, Mr. Patrick Egan.

We have reached December 3 and traveled over one hundred and fifteen pages of the summary. Let us pause for the third time to contemplate what the labors of genius have engraved upon the mute but eloquent pages of the investigation. In the month from November 3 to December 3, the 3d, 4th, 6th, 10th, 14th, and 20th of November, and the 1st and 2d of December—eight days in all—have been occupied in taking testimony; communications and decrees have taken four days. We have improved twelve days of the thirty. Surprising activity! Let us also note that our minister, Matta, has fallen into the net so cleverly cast by the United States minister, Mr. Egan, which shows very plainly that a man has to use four eyes, or a hundred, if possible, in diplomatic affairs.

We have seen that the judge of the investigation asked data from the commander of the *Baltimore*, and that he did not furnish them, but said data should be asked from Mr. Egan. Data were requested from Mr. Egan, and a reply was delayed, Mr. Egan ordering Capt. Schley to send the necessary data to the court. It is true that these data reached the judge on November 6 and December 1, and that they advanced the process considerably.

Notwithstanding this, Señor Matta claims the contrary; that the data not having been forwarded, the investigation is retarded. On December 20 the investigation was completed, and the press has already published the findings. In the findings the statement is repeated that up to this time the data asked of Mr. Egan have not been furnished, and that said data are necessary for the completion of the investigation. Let the reader carefully notice that the judge and Señor Matta are still awaiting the coming of the data; the fact being that these data were quietly and cunningly given on November 6 and December 1. Certain it is that the best hunter catches the hare, and right here we are compelled to confess that we have been most unfortunate in warding off the blow of the Yankee diplomatist. It now devolves upon our chancery to reestablish the truth, recognizing the fact that a deplorable wrong which it does not deserve has been attributed to it. The negligence and errors, according to the result of the investigation, rest exclusively with the authorities—local, administrative, and judicial, each in its own department.

DOMINGO IGNOTUS.

SANTIAGO, *January 1, 1892.*

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[Inclosure 2 in No. 263.—Translation.]

*Opinion of the fiscal in the Baltimore question.*

I.—ORIGIN OF THE AFFAIR.

From the first moment efforts were directed towards ascertaining the origin of the disorders; but, in spite of the efforts made to throw light on the affair, the witnesses and ringleaders have maintained a profound secrecy.

Nevertheless, in the record there appear several versions which, although they do not possess the necessary authenticity, give some idea of the form in which the occurrences were developed.

The commandant of police states in his deposition, on folio 24, that from the full and complete investigations he has made into this disagreeable affair, it appears to be a positive fact that the disorder began in a more or less insignificant row in a tavern in the Arrayan quarter, but up to the present which tavern is not known, in which row a Chilean and American sailor took part. The row was continued outside the taverns in Alamo street, and, rapidly assuming increased proportions through the interference of other American sailors and civilians, it was continued in Arrayan street. There the tumult still further increased, and all the combatants, who were now many in number, moved in the direction of the bay, where probably the American sailors purposed embarking.

On arriving at the pier numerous groups of boatmen hissed the American sailors, and the latter then fell back towards Echaurren Square closely followed by and in open fight with an enormous number of people of the lower order who had collected in consequence of the row, which had assumed great proportions, when the police interfered and put a stop to it.

Juana Urrutia and Margarita Novoa, who live on Marquez street, saw some Americans beating a Chilean sailor, whom they left lying senseless on the ground. Some persons cried out, "They have killed him," and the Americans then fled towards Arsenal street.

The policemen who formed part of the armed picket sent from the station to suppress the disturbance state in their depositions, at folio 130 *et seq.*, that of the different versions the most generally received is that the row began in Blanco street, owing to a fight with knives between a left-handed Chilean sailor and an American sailor. To these two combatants there were soon added others on both sides, and thus augmented in number they proceeded, now forming a crowd, towards the center of the Arrayan quarter, filling Clave, Alamo, and San Martín streets. At all these points the row assumed greater proportions from the accession of Chilean and American sailors who were in the numerous grogshops and dance houses in that quarter and with people of the lower order who were attracted to the spot by the news and who soon began to take an active part in the fight.

The witness Francisco Alborno, tram-car employé at the station in Arsenal street, deposes, at folio 143, that at about 6 p. m. there passed along Arsenal street, in the direction of the custom-house, three sailors belonging to the *Balti-*



more, who were flying before a crowd of people of the lower order and sailors who were pursuing them. In order to escape from their pursuers, the three sailors got inside a tram car with the intention of proceeding towards the center of the city. The crowd immediately surrounded the car and began to throw stones inside, evidently with the object of injuring the sailors. He asked the crowd why they attacked the car, and they shouted in reply that they had to take the sailors out of the car because they had just wounded a Chilean sailor in San Martin street, and that the crime could not be allowed to go unpunished.

It does not appear in a clear and positive manner from all these depositions what was the true origin of the disorders, for which reason the undersigned has endeavored to ascertain the truth for himself; and, as a result of his investigations, which agrees with the depositions just quoted and in the record, it may be accepted as a fact that the disorders which have given rise to this investigation had their origin in Marquez street. Outside the room at No. 33 A there was standing a Chilean sailor, who was in a state of intoxication, and three American sailors named Carlos Riggin, Patrick Eagan, and J. W. Talbot, who were also the worse for liquor (according to depositions on folios 17, 21, and 72 *et seq.*), in passing him heard him say something which the Americans doubtless considered offensive, for one of them struck him and knocked him senseless, and then fled together with his mates. The people on the spot, on seeing this, shouted that the Americans had killed the Chilean, and they started in a crowd in pursuit of the fugitives, who managed to take refuge in a tram car, from which they were compelled by the crowd to get down, one being wounded, and who shortly afterwards was shot dead, and the other escaping with some injuries.

This was the note of alarm. The people and the sailors who always collect in those quarters to drink, started, half drunk, in quest of the American sailors, who were also drinking in the different taverns which line those streets, and there followed the different rows in San Martin street and Cajilla street, formerly called Alamo street; Arrayan street, formerly called Quince street, and which are alluded to by some of the deponents.

From the preceding it results that the disorders which have given rise to this investigation owe their origin to a fight between two drunken sailors.

## II.—RESULT OF THE DISTURBANCES.

Be this as it may, it is a fact that the result of the disorders which have given rise to this inquiry are, according to the report on folio 1, reports on folios 7 to 14, the certificate on folio 16, and the confrontation of witnesses on folio 102, the following: Charles Riggin, killed; W. Turnbull, with eighteen wounds, of which he subsequently died; J. W. Talbot, with two wounds in the back; J. M. Davidson, with a small wound in the head; C. Taricker, contusions in the head and mouth; J. Hamilton, two wounds, one in the back and the other in a hip; Henry Frederick, contusion in the right temple; Thomas Gallagher, contusion of the left eye; Warren Brown, contusion of the right eye; Henry Jarred, slight stab on the side of the nose; Jerry Anderson, two wounds in the back; and Adrian Bravo, Chilean, wound in the back.

Unfortunately, notwithstanding the searching investigations and the activity displayed by the court to discover the authors of these crimes, it has only been possible to establish the culpability of two men, as will be seen from the analysis I now proceed to make.

## III.—DEATH OF CHARLES RIGGIN.

Charles Riggin, one of the three Americans who beat the Chilean sailor in Marquez street, contrived to take refuge, as already stated, in a tram car with his two mates, from which the crowd compelled him to get down, together with one of his companions, W. Talbot.

It is proved in the record that Riggin, being attacked by the crowd, was stabbed in a hip by Federico Rodriguez, in Arsenal street, corner of Marquez street, and although Rodriguez maintains that he was provoked by Riggin, there is nothing to support the statement.

Sergt. Miguel Vergara, who arrived just at that time at the scene of the disturbance, found Riggin lying on the ground, and he ordered Policemen Encarnacion Jeria and José del T. Castro to take him to the nearest apothecary's shop, which was that of Don Guillermo Rieggel, Echaurren Square.

According to the statement of these policemen, they had proceeded on foot some thirty or forty paces, as far as the corner of Valdivia street, the said Sergt.

Vergara sustaining Riggin from behind, when a pistol was fired at close quarters and the projectile entered Riggin's throat causing his death shortly afterwards.

All the investigations made to discover the author of this crime have been fruitless, and although James M. Johnson and Carlos Langin accuse two policemen of firing the shot, it has not been possible to prove this, because they do not mention any particular person; nor could they, as they themselves say, identify the policemen.

Nevertheless, for the better clearing up of this affair, and although our penal code only establishes individual and not collective responsibility, it is advisable, in order to arrive at the truth, to analyze the circumstances of the case.

James M. Johnson, at folio 86 *et seq.*, deposes that on the day of the occurrence he was dining in Cochrane street in company with Carlos Langin, a shipwrecked sailor at that time and now one of the crew of the *Baltimore*, when somebody whom he did not know arrived and told him of the disturbance that was taking place, adding that his mates were being beaten in the street. He went out at once in company with Langin to see what was taking place, and on arriving at Arsenal street they saw Riggin lying on the ground and badly wounded.

The deponent raised Riggin's head and placed it against his shoulder, and at the same time he appealed to the lookers on to bring him a glass of wine or liquor to give him in order to bring him around. It was not possible to bring Riggin around, and at this moment he saw two policemen, armed with guns with bayonets attached, who formed part of a numerous picket; and one of them fired his gun at the deponent, the ball passing so close to him that his face was blackened with the smoke. The other, in his turn, fired his gun, also at close quarters, passing through and through the black neckerchief he wore, the ball entering Riggin's throat, who, as already stated, had his head reclining upon the deponent's breast. The rifle shot killed Riggin instantly, the deponent miraculously escaping. The neckerchief he produced at his examination is the same that he wore on the day of the occurrence, and it still bears the marks of the ball by which it was perforated, marks which your honor may, moreover, see in the singlet that he wore. In fact, the court saw that the neckerchief had sundry perforations in a longitudinal direction, corresponding to the folds in which it was tied, a similar thing being observable in the deponent's singlet.

Carlos Langin, at folio 97 *et seq.*, deposes that Johnson's asseverations are true, and that on the day of the occurrence he was dining with the former in a boarding house, when somebody arrived with the news that they were maltreating sailors belonging to the *Baltimore*.

The deponent, who was dressed in civilian's clothes and was a shipwrecked sailor of the American merchantman *Nereus*, left the boarding house alone and went to see what was taking place. He saw also the sailor Charles Riggin in a tram car with another sailor whom he did not know, and the crowd were throwing stones at them. Riggin got out of the car, and immediately he was surrounded by several Chilean sailors, who assaulted him. He closed with one in fight, and he must have been wounded by him, because Riggin fell to the ground. While in this position he continued to beat him, assisted by his companions, Riggin getting up and falling again several times. At length two policemen came to his assistance, and they liberated him from the crowd, and it was at this moment that he saw the sailor Johnson, who had remained in the boarding house, arrive on the scene. Johnson began to examine Riggin's body, and he asked for a little brandy to bring him round. Riggin began to come round, and, assisted by Johnson, who sustained him in his arms, he was able to regain his feet. He had taken about two paces when there approached a picket of police in command of a mounted officer, and two soldiers who were in the front rank fired their guns at close quarters on the group formed by Johnson and Riggin. The smoke of one of the shots blackened Johnson's face, and the other shot, after perforating the said sailor's black silk neckerchief, hit Riggin in the neck, causing the wound of which he died shortly afterwards. He could not identify the policemen who fired the shots nor the officer in command, because it was already too dark to distinguish their features.

The contradiction in which the deponents incur is at once observable, Johnson asserting that he left together with Langin, while Langin states that he left alone, Johnson remaining in the boarding house where they were dining, and not meeting together till some time afterwards.

Langin also states that Johnson had raised Riggin to his feet, and that they had advanced about two paces when he received the shot, and Johnson makes no mention of this special circumstance; and, on the contrary, from his deposition it appears that Riggin was not able to stand. The deponent says he raised

his head and placed it against his shoulders and at the same time asked the lookers on to bring a glass of wine or liquor to give him with the object of bringing him round. "Riggin could not come round, and at this moment he saw two policemen," etc.

But this is not all. Johnson, explaining these contradictions, adds, at folio 99 *et seq.*, that with respect to Langin, he does not remember having seen him in the eating house, because at that time he did not know him; so that he does not know if he went out into the street before or after the deponent. He only joined the said Langin after he had taken to flight by the advice of a foreign gentleman, in Echaurren Square; and the said individual invited him to a boarding house, where he exchanged his sailor's dress for a civilian's. With respect to whether Riggin took or not some steps when the deponent sustained him in his arms he is unable to say, because he took no notice of this circumstance.

And Langin, for his part, deposes at the same time that Johnson saw him in the eating house at the time of the occurrence, notwithstanding that as yet they had not spoken to each other. It is true that it was in Echaurren Square that he joined Johnson and took him to a lodging house, where he obliged him to change his clothes.

The mere perusal of these strange explanations is quite enough to cause them to be rejected. How is it, if, as Johnson deposes, they left the house together and they went together to the scene of the occurrence, it results that they did not know each other nor had they spoken to each other until they met in Echaurren Square? How is it that before knowing Langin he deposes that on the day of the occurrence they were dining together in a boarding house? And Johnson also, that on the day of the occurrence he dined together with Carlos Langin in an eating house in Cochrane street?

Moreover, is it possible that the act of raising a wounded man and knowing if he walks or not could pass unobserved under such or any other circumstances? These contradictions furnish a just motive for doubting all the asseverations, because individuals who incur in such inconsistencies are not worthy of belief.

The depositions of Johnson and of Langin are, moreover, contradicted by those of numerous witnesses, which fully demonstrates that it is not possible to attribute the death of Riggin to the police, but that it was the work of some person unknown, who thus far has eluded detection.

Sergt. Miguel Vergara and Policemen Encarnacion Jeria and José del T. Castro, who, it is said, had Riggin in charge when he was shot, depose at folio 71:

"On arriving at Marquez street, corner of Arsenal street, we found another American wounded and lying on the ground. \* \* \*"

"I ordered," says Vergara, "Jeria and Castro to take charge of the wounded man. They took him by the arms, and, thus supporting him, he walked with them to the German drug store in Echaurren Square, which was the nearest apothecary's shop to the scene of the occurrence. I held the wounded American by the waistband, supporting him at times by the back to push him ahead. On arriving at the corner of Valdivia street there was a large crowd of people, and it was here that the shot which killed the wounded man we had in charge was fired. The shot was fired at such close quarters that sparks struck the face of Policeman Castro and burnt Jeria's left hand, which he had laid on Riggin's shoulder. I looked in every direction, but I could not see who had wounded him, as it was already growing dark. The wounded man fell to the ground, and I gave orders to raise him up; but the policemen replied that they could not do so, as he was already dead."

At folio 96 Vergara, Castro, and Jeria insist in their statement that they were taking the wounded man Charles Riggin to the apothecary's shop, in the manner related in their depositions on folio 77, when the shot was fired which ended his life. With respect to the person who fired the shot, they did not see him nor do they know who he was; but they are sure that the shot did not proceed from the armed picket of police which arrived just at that time in command of Capt. José Honorio Zamudio.

When the deponents heard the shot, they had not yet become aware of the presence of the armed picket of police, which debouched from Valdivia street, nor could they see it until it was within 10 meters of the spot where Riggin was, because there exists there a sharp elbow or curve formed by the said Valdivia street. This elbow hid the police from their sight, and when the picket appeared on the straight street the shot which killed Riggin had already been fired.

With respect to the intervention of the sailor James M. Johnson, they say it

is a fact that when Riggin was lying on the ground a sailor belonging to the *Baltimore*, but whether he was the man Johnson now present they are not able to say, as they do not remember his features, approached Riggin and turned him about. As Riggin was almost unconscious, Johnson, if it was he, asked for a little brandy to give to Riggin; but where the liquor came from they do not know, but with his own hands he gave it to him, and under its influence he recovered considerably. At this moment a gentleman, apparently English, whom the deponents do not know, approached and through him they begged Johnson to withdraw, because his presence served to augment the rage of the drunken crowd which surrounded them in a menacing attitude. The gentleman in question spoke to Johnson in English, and the latter followed the advice of the former and withdrew. It was then when the deponents helped Riggin to his feet and assisted by them they began to conduct him from Arsenal street, corner of Marquez street, towards the German drug store in Echaurren Square. They had proceeded about 60 meters, and they only wanted about 2 more to reach the bend in Valdivia street, when the shot was fired which killed Riggin.

With respect to the sailor Charles Langin, they do not remember having seen him before now, and they are not aware if he was present at the time the occurrence which is being investigated happened.

They add further on that from the report of the shot which killed Riggin they believed it to have been fired from a revolver.

This declaration is confirmed in part by the aforesaid Johnson, who, on folio 99, deposes it is true that when he was examining Riggin's body after he had been shot a foreign gentleman dressed in black approached him and advised him to retire in order to avoid maltreatment, which advice he followed and withdrew at once. It is to be regretted that, according to the record, it has not been possible to secure the attendance of this foreign gentleman, who doubtless could have thrown full light on the affair.

At folio 100 of this record Capt. José Honorio Zamudio deposes: "I will add that I was at a few meters' distance from the aforesaid Riggin, as I was just arriving on the scene of the occurrence in command of a picket of 20 or 25 policemen armed with combain rifles, when I heard the shot which wounded the said man." He is sure that the shot was not fired by the men in his charge, for they had not then arrived at the spot whence the shot proceeded. Moreover, the report produced by the shot was not loud, which circumstance induced him to believe that it was fired from a revolver. He at once approached the group whence the shot proceeded and demanded to know who fired it, but the crowd dispersed without paying any heed to his request. He is, however, sure that if the person who fired the shot had been a policeman he would have been denounced at once by the crowd, owing to the well-known antagonism which exists of old between the police and the lower orders.

Andrew Löfquits (folio 124 *et seq.*) deposes that he went into the street in the direction of the principal tumult which had been formed in Arsenal street to see what was going on. At that moment an armed picket of police on foot and at a trot was proceeding in the same direction to the scene of the disorder. The deponent followed close upon the police, and on arriving at Arsenal street he heard the report of a shot and two exclamations ("Oh! Oh!") of pain. The deponent rushed along in the direction from which the cries proceeded, and he saw lying on the ground a man from whose neck there issued blood. He approached him to see if he knew him, and, taking him by an arm, he saw that he was an American sailor. The deponent then withdrew, and having shortly afterwards met James Johnson near to Cochrane street, he advised him not to expose himself to danger by walking in the streets and recommended him to get a bed in a respectable house. At the time when the deponent went to look at the wounded sailor, immediately after the shot was fired in Arsenal street, he did not see that James Johnson was accompanying the said sailor. Neither does he remember having seen Charles Langin, although he may have been among the many foreigners who were in the crowd. With respect to the person who fired the shot, he is absolutely ignorant as to who he can be; but he conscientiously believes that the blame of it can not be laid to the police.

In the reports presented by the surgeons on the class of weapon with which Riggin was killed opinions are divided.

Drs. Daniel Carvallo and Antenor Calderon maintain, in conformity with professional reports given on the days following the 16th, date of the death of Charles Riggin (the 17th and 18th of October, according to folios 7 and 8 of this record), that the wound which caused the death of Riggin was made by a revolver and not a rifle bullet.

Drs. Edward Still and Stephen White are of opinion that the wound was caused by a combain rifle bullet. It is worthy of note that Messrs. Still and White give no reason for their assertion.

The military experts appointed to examine the holes in Johnson's neckerchief and the singlet he produced when giving his deposition are also divided in opinion, but not to the same extent.

Messrs. Vicente Zegers and José Maria Bari maintain, at folio 127 *et seq.*, that, without being able to give a positive opinion on the points submitted to them, they believe that, in view of certain circumstances and the holes in the singlet and neckerchief submitted to them, the holes in the sailor's uniform may have been caused by a large-sized revolver; but with respect to the holes in the neckerchief, they are unable to give an idea how they were caused nor with what kind of weapon.

Mr. Henry MacCrea, who is the other expert, says in his report that, according to information received and in view of the sailor's uniform, he believes that the holes in the said uniform must have been made by a rifle of moderate caliber, or by a large revolver of greater size than that used in the U. S. Navy. With respect to the neckerchief, he is of the same opinion as Messrs. Bari and Zegers.

The policemen who formed part of the picket sent to repress the disturbance in question—Benjamin Leiton, Lucas Guzman, José Villalobos, Manuel Jesus Bustos, Ricardo Hidalgo, Tomas Cabeza, Manuel Morales, Nicanor del Canto, José Manuel Cuadra, Trinitivo Carquin, Enrique Lillo, and Ricardo Rebolledo—depose as follows, on folio 130 *et seq.*:

"As it appeared that the disorder had assumed great proportions, and in order that the police might not arrive too late on the spot, they received orders to go at a trot on foot and armed with combain rifles. They proceeded along Blanco street until they arrived at Valdivia street, where it forms a junction with Arsenal street, in which it appeared that one of the most serious combats of the disturbance was then taking place."

For this reason they marched through Valdivia street and entered Arsenal street, where there were some hundreds of civilians in a confused mass. They had advanced 20 meters, more or less, along by Valdivia street and before reaching the elbow formed by the said street, where it joins Arsenal street, when suddenly they heard the detonation of a firearm, which, from the slight report it made, appeared to be that of a revolver. At that moment Capt. Zamudio was considerably ahead of the deponents and distant a few meters only from the group of persons from among whom the shot was fired. The deponents accelerated their speed, believing that matters were going beyond a simple row, but the contrary happened when they arrived at the spot whence the shot proceeded; they saw on the ground a sailor belonging to the *Baltimore*, who, they afterwards learned, was Charles Rigglin, and to whom Sergt. Miguel Vergara and Policemen José del Castro and Encarnacion Jeria were rendering assistance. They repeat that at the moment when they heard the shot they were 50 or 60 meters from the spot where shortly afterwards they saw Rigglin lying on the ground, and that between the deponents and the said Rigglin there was a crowd of people on the sidewalk and in the center of the street.

The faithful account they have given to your honor is sufficient to convince the court that it is entirely false that the shot emanated from the picket formed by the deponents, and that the sailors Johnson and Langin have knowingly told an untruth when they asserted the contrary.

I should also add that Sergt. Vergara, the Policemen Jeria and Castro, and the rest of the policemen on duty at the time the disorder began did not carry firearms or any weapon of defense except the customary short sword.

Messrs. Gregorio Sotello and Guillermo Riegel, the former an assistant and the latter the owner of the English drug store in Echaurren Square, depose, at folio 145, that Rigglin was taken to their shop by three policemen, and, having questioned them with respect to Rigglin's wounds, they stated that as they were taking him to the shop a revolver shot fired by somebody in the crowd struck the sailor in the throat, inflicting the mortal wound he had in that part. The deponents state, moreover, that they examined Rigglin's wound, and they were convinced that it was occasioned by a revolver and not by a rifle, given the small caliber of which, according to the orifice, the projectile must have been.

At folio 151 Mounted Policeman Leandro Gomez, who formed part of the picket sent to suppress the disturbance, deposes as follows: "Capt. Zamudio and the deponent arrived at Arsenal street a few moments before the armed picket, and when Sergt. Vergara, assisted by Policemen E. Jeria and J. De T. Castro, were

conducting a wounded sailor, who he has since learned was called Charles Riggan. Suddenly there sounded the report of a shot, apparently of a revolver, which at close quarters fell among the group formed by Riggan and the policemen who were conducting him, the projectile taking effect in the neck of the first mentioned, so seriously injuring him that he died the same night. \* \* \*

From this declaration your honor will see that it is completely inexact that the shot which killed Riggan was fired from the armed picket, which was still at a considerable number of meters from the spot where the shot was fired, which circumstance was witnessed in person by the deponent.

Finally, and in order to form a complete opinion on the matter, it should be borne in mind that the commandant of police deposes at folio 92 that the arm used by the police when ordered to carry firearms is the combain rifle. This is the weapon carried by the picket sent to restore order in Arsenal street on the afternoon of October 16. In the opinion of the undersigned, it is quite sufficient to present the series of depositions which he has transcribed in order to be fully convinced that the shot which caused the death of Riggan was fired from a revolver, and not from a combain rifle, which was the only firearm carried by the police picket, and therefore the police can not be held to be to blame for this death.

Besides, in order to demonstrate the falsity of the asseverations of Johnson and Langin, there springs to mind a number of circumstances which admit of no other course but to reject their evidence.

Johnson deposes that he had Riggan's head on his breast when the two shots were fired on the group formed by them, and they produce as a proof a neckerchief and a sailor's shirt pierced by bullets. If this had been so, is it possible that a rifle ball, which is capable of perforating several persons, would not have touched him if it had passed through the folds of his clothing? If what they asseverate be true, they ought to have exhibited the blood stain which must have remained on the shirt, and in all of his depositions Johnson forgets this circumstance, which would have given a greater coloring of truth to his assertion.

All the witnesses agree in that there was only one shot, while only Johnson and Langin assert that there were two.

Is it possible to believe them?

The depositions I am analyzing have in their support the statements of two surgeons; but these witnesses do not give the grounds for their assertions, and, on the contrary, the other two surgeons of the commission declare that the wound was caused by a revolver, and they give a reason for saying so, which is the very important one of having, one of them, seen the body of Riggan the day after his death and the other on the second day. And if there be added the evidence of two witnesses who could not be of a more impartial character—Messrs. Gregorio Sotello and Guillermo Riegel, of the English drug store—and who are professional men, it must carry the full conviction that the police can not be blamed for the death of Riggan, because everything, absolutely everything, destroys the evidence of Johnson and of Langin and confirms that of Vergara, Jeria, and Castro.

Unfortunately, notwithstanding the efforts made to discover the author of the shot, this still remains a mystery.

#### IV.—INJURIES TO AND DEATH OF WILLIAM TURNBULL.

Immediately after the occurrence which gave rise to the disturbances now being investigated took place the crowd started in pursuit of the compatriots of the man who, according to them, had killed a Chilean sailor, to avenge that supposed murder.

Among the sailors who were victims of this persecution was William Turnbull, who received eighteen wounds in these fatal disturbances, and in consequence of which he died a few days afterwards.

Turnbull lived to give the deposition on folio 22 *et seq.*, and in it he deposes that he was in a café about two squares from the Shakespeare when he was told that there was a great disturbance in the street, and he was recommended not to go out. Shortly afterwards, believing that the disturbance had ceased, he left, when he was attacked by the populace and thrown to the ground and was wounded with stones and knives, one of the wounds being in the head and eighteen in the back. He does not know who wounded him, because there was a great crowd collected together.

In the investigation of this crime evidence has been obtained which, in the opinion of the undersigned, is sufficient to establish the guilt of the perpetrators.

Don Crisologo Aguilar, at folio 147, deposes that some policemen took to the drug store of Don Manuel A. Guzman, in Echaurren Square, corner of Arrayan street, a sailor in a half-conscious state belonging to the *Baltimore*, and that on examining his body he found that he had numerous wounds in the back of such a grave nature as to require immediate medical assistance.

The wounds exceeded ten in number, and all of them appeared to be knife wounds. The policemen who conducted the wounded man to the drug store stated that they had found him in that state in San Martin street, and from the report at folio 10 and other information there is no doubt that the sailor in question was William Turnbull.

At folio 33 Carlos Gomez confesses that he was in San Martin street, corner of Alamos street, where he saw a group of about 30 American sailors beating 3 Chilean sailors, and especially one of them named Carlos Aravena, discharged from the *Oconagui*, whom they had on the ground. The deponent interfered in behalf of his mate, and with the knife produced in court and shown to him he stabbed one of the sailors who was beating Aravena. He stabbed him in an arm as he was in the act of hitting him with a stone.

Demetrio Leiva, at folio 30, in relating what he knew about these occurrences, deposes that on hearing the noise he went to the door and saw a numerous group of populace and Chilean sailors and an American sailor, who was flying before them. Close behind the American sailor ran the prisoner, Carlos Gomez, and finally he came up with him, and he saw that with the knife produced in court he stabbed him three times or more, and, fearing that he might be attacked, he ran away, and from Cajilla street he saw the American fall to the ground from the effect of the blows inflicted upon him by his pursuers, and that, managing to run away again, he was again overtaken by Gomez, who stabbed him several times in the back. Shortly afterwards he saw a policeman arrive, and he conducted the wounded man to a neighboring drug store, and his assailants fled, etc.

As will be seen, all these depositions refer to the same individual, and, taken together, show that they refer to William Turnbull, and they agree in attributing to Gomez the crime of having wounded the American sailor.

The prisoner, on his part, does not seek to shield his responsibility, as is shown in his declaration at folio 33 and in his confession at folio 156; but, on the contrary, after being unable to identify among the wounded American sailors shown to him the one he injured, maintains that he did it in defense of his friend Carlos Aravena, but he has not proved this assertion.

The witnesses Federico Yentzen and Eujenie Francks concur in maintaining that José Ahumada inflicted blows on the American.

The American William Turnbull died after the occurrences, as is proved by the certificate at folio 108, of October 25, 1891; but there is nothing to show that his death was caused by the wounds inflicted by Gomez.

V.—INJURIES OF J. W. TAYLOR, J. M. DAVIDSON, C. PANCKER, J. HAMILTON, HENRY FREDERICKS, THOMAS GALLAGHER, WARREN BROWN, HENRY JARED, JERRY ANDERSON, AND ADRIAN BRAVO.

If, for the satisfaction of the public vindication and for the just punishment of the delinquents, it has been possible to discover in part the persons guilty of the offenses committed in the persons of Charles Riggan and William Turnbull, the same thing has not happened, unfortunately, with respect to the offenses committed against the persons whose names figure at the head of this title; for, notwithstanding the efforts of the court, it has not been possible to discover anything, owing, probably, to want of information from the injured persons themselves. In fact, all the said persons declared that they did not know the persons who injured them, and, owing to the tumult formed by hundreds of people, it was not possible for the police to apprehend the delinquents.

Thus, at folio 21, J. W. Talbot deposes that at 6 o'clock in the afternoon he was two squares away from the Shakespeare in company with a friend, who was afterwards killed. His mate having commenced to fight with a group of Chileans, they got into a tram car to escape from them. The car was immediately surrounded by the crowd, who stoned them and obliged them to get out, the deponent receiving a stab in the back; but he ignores who it was that stabbed him, and he does not know the assailants.

John M. Davidson, at folio 21 *et seq.*, says that he was on the pier with his mate Talbot and the other sailor who was killed when they were attacked with stones by the populace; he then separated from his companions to go on board in a

boat which was just leaving, but unfortunately he missed it and fell into the water, and on regaining the shore he was stoned, being injured in the head. He ignores who they were, because there was a great crowd of people.

C. Pancker, at folio 22, deposes that he was in a café near the Shakespeare when a Chilean sailor arrived and told him that one of his mates was lying in the street badly wounded. He left at once on hearing this and went to the nearest drug store with the object of obtaining assistance for his mate, but he was pursued by a portion of the crowd, who threw stones at him. The deponent stumbled and fell, and when the persons who were pursuing him came up with him they threatened him with knives unless he delivered up the money he had on his person. They took all his money and some objects, and he was wounded in the head. He can not name the guilty persons, because he does not know them and because he was attacked by a crowd of many people.

J. Hamilton, at folio 22, deposes that, being in Echaurren Square, he heard say that one of his mates had been killed, and when he was about to go and see him he was attacked by a number of persons, receiving some wounds in the head, a side, and a leg. He can not say who wounded him, because there were many people and he was stunned by the blows he received in the head.

Henry Fredericks, at folio 17, says that he was wounded as he was leaving Victoria Café and as he was proceeding to Echaurren Square between 6:30 and 7 p. m. on the day of the occurrence by a person unknown to him.

Thomas Gallagher was struck by a person unknown to him near Echaurren Square between 6:30 and 7 p. m.

Warren Brown, at folio 4, denies having taken any part in the disturbance, and he was arrested on suspicion of being implicated in it.

Henry Jared deposes, at folio 17, that he was struck by the policemen who arrested him while on the way to the station. He ignores the reason why they struck him, and he received from some unknown person a cut in the nose as he was alighting from a car in Intendencia Square.

Jerry Anderson, at folio 102, deposes that he was pursued in Marquez street, together with J. M. Wallace, by a numerous crowd of people and Chilean sailors, who ordered them to deliver up their money, and Wallace complied with the demand and thus escaped. The deponent refused to give up his money, and while he was defending himself against a sailor by whom he was attacked in front another whom he did not see stabbed him twice in the back with some sharp instrument, inflicting upon him two wounds.

And finally, Adrian Bravo, at folio 5, declares that he has not taken any part in the disturbances which have given rise to this investigation.

Under these circumstances, and it not having been possible to capture the perpetrators at the time they committed the offenses, it has been impossible to discover the delinquents, and justice in this case, as on many other occasions, finds itself in the painful situation of knowing of a crime without being able to fulfill the august mandate confided to it of vindicating the law when infringed by bad citizens.

#### VI.—PARTICIPATION OF JOHN DAVIDSON IN THE DISTURBANCES.

At folio 84, John Davidson, in being examined, deposed that before attempting to go on board he had heard that his mates were being maltreated in the street. For this reason he started in quest of Riggin and Talbot, with whom he had been shortly before, and he found them wounded in Arsenal street. At this moment he saw a man, dressed as a sailor and crippled, for he had one arm only, knife in hand, trying to wound the American sailors there, as, for example, when he pursued John Hamilton, who was running away. For this reason and to prevent him from wounding Hamilton, he picked up a stone and threw it at him and felled him to the ground. The deponent then received blows and kicks, but was not wounded, etc.

With respect to this, John Hamilton says, at folio 86, that, owing to the before-mentioned circumstance, he did not see the one-armed man who tried to wound him from behind.

The one-armed sailor referred to having been apprehended, folio 90, whose name, according to investigations made, is Adrian Bravo, this man denies, at folio 93, the charge made against him by the sailor John Davidson, and when brought face to face on December 1, as recorded at folio 101, the result was that Langin and Davidson did not remember having seen Adrian Bravo previously, the latter adding that all he could say was that the sailor who tried to wound John Hamilton was, like Bravo, minus an arm. It results, therefore, that John Davidson confessed having felled a one-armed sailor with a stone to the ground.



## VII.—PARTICIPATION OF JUAN EDMUNDO CARTHY, OR CORTES.

At folio 49, the bar man of the café kept by Juan Carthy in Arsenal street, No. 69, and who, according to him, is known in Chile by the name of Cortes, declares that at the moment when the row was at its worst, and when numerous groups of people passed in front of his house, Juan Carthy went into the street, armed, in company with several sailors who were eating in the house, to whom he also gave arms, such as a whip with a loaded head and a knife, and they all stood in the door in a menacing attitude, Carthy holding in his hand the revolver.

Nevertheless the deponent believes that the intention of Carthy and his companions was to defend the house in case it was attacked by the crowd. And he adds that he did not see any of them make use of their weapons.

The charge which springs from the preceding deposition might have been considered as such if it had been proved that Carthy and the other sailors had made use of their weapons, but, this circumstance not having been proved, the charge can not be sustained. Nor are the other charges formulated against Juan Carthy in the report of the commandant of police, at folio 28, proved, in which report it is insinuated that various objects found in his possession, such as a watch and gold chain and a locket, which was hidden in a drawer of a chest of drawers and which bears the same initials as the watch, have probably been stolen. And, although there are well-founded suspicions and grave presumptions against this prisoner, there does not exist the clear proof requisite to ask for his punishment; therefore, the undersigned is under the necessity of asking, at the end of this analysis, for his release until further information may be obtained. Nevertheless, I shall ask that the charges made against him in the preparatory investigation be passed to him for his reply, in order to see if, in the course of the final proof, sufficient evidence is obtained to convict him.

## VIII.—PARTICIPATION OF JOSÉ AHUMADA IN THE DISTURBANCES.

The witness Federico Yentzen, in giving evidence, at folio 46, maintains that he saw José Ahumada striking Turnbull, and Eujenio Franck declared the same at folio 56.

The prisoner has denied on every occasion that he took part in the disturbances, and, although he attempts to prove by two witnesses that he was not present at the disturbances, in the opinion of the undersigned that evidence is not admissible, because the witnesses do not state the exact hour, and the time they give, more or less, is so near to that in which the occurrences took place that in the difference of the time calculated he may very well have arrived opportunely to attack Turnbull.

Thus it is an ascertained fact that all these occurrences took place between 6 and 7 p. m., and the witnesses presented by Ahumada depose at folio 116 that on the day of the disturbances he was in the house of his mother, Juana Valencia, from 4 p. m. till 6:30 p. m. Moreover, one of the witnesses, Valenzuela, deposes that he came from the said house, situated on Artillery Hill, accompanied by the prisoner Ahumada, and when they arrived at Echaurren Square, about 6:45 p. m., there was at that spot a small picket keeping order and the row had ceased. He then recommended Ahumada to return home, and they separated.

## IX.—PUNISHMENTS.

The undersigned, bearing in mind the preceding relation, considers culpable of participation in these disorders Federico Rodriguez, Carlos Gomez, Juan Davidson, and José Ahumada, and, in view of the prescriptions of articles 392, 397, 399, 402, and 494, Nos. 5 and 72, paragraph 2, and the contents of the certificates at folios 124 and 127, I ask the court to condemn Federico Gomez to minor imprisonment in the minimum degree (sixty-one to five hundred and forty days), Carlos Gomez to minor in the maximum degree (three years and one day to five years), Juan Davidson to prison in medium degree (ten years and one day to fifteen years), José Ahumada to prison in medium degree (ten years and one day to fifteen years), and to enter a sentence of not proven against Juan Edmund Carthy until further evidence is obtained.

C. NECOCHEA.

DECEMBER 31, 1891.

*Mr. Egan to Mr. Blaine.*

No. 265.]

LEGATION OF THE UNITED STATES,  
Santiago, January 19, 1892. (Received March 2.)

SIR: On the 11th instant, in consequence of the receipt of your telegram of the 8th instant, I had an interview with the minister of foreign relations, in which was discussed the question of safe-conduct for the remaining refugees in this legation. I now beg to hand (inclosure No. 1) a memorandum of what transpired at that interview. I also send a memorandum of an interview with the undersecretary of foreign relations on the 12th instant (inclosure No. 2), in which I informed him of my intention to accompany the refugees to Valparaiso on that night to place them on board the *Yorktown*; that the refugees from the Spanish legation would also come accompanied by the Spanish minister; and that we would also be accompanied by the Italian minister.

On the 13th instant I telegraphed you from Valparaiso to say that I had just placed in safety on board the U. S. S. *Yorktown* all of the refugees.

Upon my return to Santiago I was requested to call upon the minister on the 15th instant, which I did. He expressed annoyance at the fact that the Spanish and Italian ministers and I had accompanied the refugees to Valparaiso, and also at the fact that Capt. Evans, of the *Yorktown*, had given to the Spanish minister the customary salute of fifteen guns, saying that these circumstances gave to the going out of the refugees too much publicity. I replied that in the course of my previous interview, when I mentioned that I was going to accompany the refugees and that the Spanish and Italian ministers were coming, no objection was made. I also maintained that the journey to Valparaiso had been conducted in the most discreet manner and without any publicity, which was the fact, and that the salute of the *Yorktown* to the Spanish minister was intended wholly and entirely as a compliment to the representative of a friendly power.

I send herewith memorandum in full of what passed in said interview (inclosure No. 3).

On the 17th instant I sent you from Valparaiso a telegram giving particulars of the situation and on same day a second telegram transmitting quotation from an article in *La Union*, of Valparaiso, in which the refugees are described as "fastened onto the *Yorktown* like oysters to a rock."

On yesterday, in an interview with the minister for foreign affairs, I referred to the remark made by him in the last interview in reference to the salute of fifteen guns given by the *Yorktown* to the Spanish minister, and, as requested by Capt. Evans, I stated that the captain considered himself accountable only to the Secretary of the Navy of the United States for any courtesies which he felt called upon to pay to the representative of a foreign power friendly to the United States, and that he could not accept any commentary or criticism from any other quarter in reference to his action in such matters.

I learn by telegraph from Valparaiso that the *Yorktown* sails to-day for Callao with six of the refugees from this legation on board, viz: Gen. José F. Gana, Señor Don Juan E. MacKenna, Don Ricardo Vicuña, Don Adolfo Ibañez, Don Guillermo MacKenna, and Don Acario Cotapos, and from the Spanish legation two refugees, Señor Don Baldomero Friaiz Callao, and Don G. Cerda y Ossa.

I have, etc.,

PATRICK EGAN,

[Inclosure 1 in No. 265.]

*Memorandum of interview between Mr. Egan and Señor Pereira.*

MONDAY, January 11, 1892.

In consequence of the receipt of a telegram from Mr. Blaine, I waited to-day upon the minister of foreign relations to ascertain if the Government was willing to withdraw the parts of telegram of Minister Matta of December 11, which are personally offensive to the President and other officers of the United States and whether the Government would consent to give safe-conduct to the remaining refugees in my legation.

The minister, Don Luis Pereira, received me most cordially, and stated, with regard to the latter question, that, owing to the delicate relations between the various political parties represented in the Government, it would not be possible for him to give formal safe-conducts; but he said he could give me the strongest personal assurance that the refugees could go out of the country, whenever they pleased, without molestation or inconvenience.

I stated that some of the refugees, especially those who desired to go north, might be afraid to travel by ordinary passenger steamers without written safe-conducts, lest they might be interfered with by the local authorities at the ports at which the vessels should touch. He assured me he would take measures to avoid any annoyance or molestation of any kind, and that they could travel by whatever way they desired. I then agreed, for the sake of harmony and with a view to facilitating the arrangement of other questions pending, to waive the claim for written safe-conducts and to accept the proposition of the minister.

In reference to the first question, the minister said that, in the absence of the President, who was in Valparaíso, he could not give any answer, but promised to reply as early as possible.

[Inclosure 2 in No. 265.]

*Memorandum of interview between Mr. Egan and the subsecretary of foreign relations.*

JANUARY 12, 1892.

To-day I called at the ministry of foreign relations at 3 o'clock p. m. I met the subsecretary, Señor Don A. Bascuñan M., and informed him that I had made all arrangements to proceed to Valparaíso to-night, by special railroad car, with the five refugees from my legation, to place them on board the U. S. S. *Yorktown*; that I would be accompanied by the Spanish minister, Count Bruneti, with two refugees from the Spanish legation; and that the Italian minister, Signor Castelli, had also offered to accompany us. I requested that the necessary steps should be taken for our protection at the railroad stations at Santiago and Valparaíso, as well as on the journey, which the subsecretary promised would be duly attended to.

[Inclosure 3 in No. 265.]

*Memorandum of interview between Mr. Egan and Señor Pereira.*

JANUARY 15, 1892.

I called to-day upon the minister for foreign affairs, when he expressed considerable annoyance at the fact that the refugees from the United States and Spanish legations had been accompanied on the journey to Valparaíso and on board the *Yorktown* by the Spanish and Italian ministers and by me, and complained that the matter had been conducted with too much publicity, and instanced as proof of this the fact that Capt. Evans, of the *Yorktown*, had given to the Spanish minister the customary salute of fifteen guns. This latter, the minister said, had been interpreted by many people more as a jubilation at the arrival of the refugees on board than as a compliment to the Spanish minister. I replied that in our previous interviews no objection whatever was made to the fact, intimated by me, that the Spanish and Italian ministers and I were about to accompany the refugees, and that, inasmuch as the refugees in my legation were under the protection of the flag of the United States, I felt bound, as a matter of duty, to accompany them until I had placed them in safety on board

the *Yorktown*. I further assured the minister that the journey had been conducted with the very utmost discretion, so much so that only a very few members of the immediate families of the refugees knew anything about the matter until we had arrived aboard the *Yorktown*, when, of course, it was no longer possible to keep it secret; and with regard to the salute to the Spanish minister, I assured the minister of foreign relations that Capt. Evans had no other intention than to pay the customary honor to the representative of a friendly power.

The minister further added that he had given no official permission, and, in fact, no permission, to the refugees to go out; but had only acted with *vista gorda*, or with closed eyes, and that if the refugees chose to go north or south by ordinary passenger steamers they must do so at the risk of being taken prisoners by the local authorities at any of the Chilean ports at which the vessels might touch. I expressed regret that I had consented to waive my request for a written safe-conduct, and stated that I had accepted the other arrangement solely in order to avoid further complications. I further said that three of the refugees had now secured their passage for Montevideo with their families, and two others, with their families, for Callao, all by the English passenger steamers, and that if they should be captured on passage it would be a matter of very serious import to my Government. The minister then requested me to confer with Capt. Evans, of the *Yorktown*, and endeavor, if possible, to avoid the threatened difficulties. I promised to go to Valparaiso to-night for that purpose, as the refugees have all made arrangements to start on their voyage to-morrow.

In relation to the withdrawal of the offensive parts of the telegram of Minister for Foreign Affairs Matta, of the 11th of December, Señor Pereira stated to me that Don Pedro Montt, Chilean minister in Washington, had had considerable negotiation on this question with Mr. Blaine, and that they were practically agreed upon the basis of withdrawal; in fact, that the basis had been suggested by Mr. Blaine himself. In compliance with this understanding, he made to me the following proposition: "In view of the indications of Mr. Blaine, and of the views expressed by his predecessors in the office of Secretary of State, Mr. Buchanan and Mr. Webster, that a message of a President of the United States to Congress is purely a document of internal import and could not be permitted to be made the basis of diplomatic representations or controversy by the representatives of any foreign power, the Chilean Government has no inconvenience in withdrawing those parts of the telegram of the minister for foreign affairs, addressed to the Chilean minister in Washington, which may be considered disagreeable to the Government of the United States." The minister very strongly pressed upon me the acceptance of the withdrawal of the telegram in the foregoing terms, saying that their representative in Washington assured them that these terms were entirely acceptable to Mr. Blaine and to the Government of the United States.

I replied that I thought there must be some mistake on the part of the Chilean legation in Washington, as I felt sure my Government, while most anxious to bring this question to a friendly solution, would require, in addition to the foregoing, a suitable expression of regret for those parts of the telegram which it considers offensive to the President and other officers of the United States. The minister assured me, in reply to this, that Señor Montt had already received instructions to express regret for all matters of a disagreeable nature that had occurred between the two Governments, which, he assured me, was considered sufficient by Mr. Blaine; and, in view of this, he again pressed me to accept the before-mentioned proposition. I stated in reply that I could only undertake, under all the circumstances, to submit the proposition by telegraph to my Government and await its further instructions, which he requested me to do.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
Santiago, January 20, 1892.

Mr. Egan reports that the minister of foreign affairs has not yet returned an answer in the matter of withdrawing Mr. Matta's telegram of December 11.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, January 21, 1892.*

Mr. Egan reports that the minister for foreign affairs promised him, in the course of an interview he had with him on the 18th in the matter of having Mr. Matta's telegram of the 11th of December withdrawn, to consult with his colleagues of the cabinet and return his reply in another interview specially appointed. He says that this promise has not yet been discharged, and that the answer is still withheld. He asks whether the telegram was withdrawn in Washington in terms entirely satisfactory to President Harrison and Mr. Blaine, as a correspondent of the New York Herald was to-day told by the undersecretary.

*Mr. Blaine to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, January 21, 1892.*

I am directed by the President to say to you that he has given careful attention to all that has been submitted by the Government of Chile touching the affair of the assault upon the crew of the U. S. S. *Baltimore* in the city of Valparaiso on the evening of the 16th of October last, and to the evidence of the officers and crew of that vessel, and of some others who witnessed the affray, and that his conclusions upon the whole case are as follows:

First. That the assault is not relieved of the aspect which the early information of the event gave to it, viz: That of an attack upon the uniform of the U. S. Navy, having its origin and motive in a feeling of hostility to this Government, and not in any act of the sailors or of any of them.

Second. That the public authorities of Valparaiso flagrantly failed in their duty to protect our men, and that some of the police and of the Chilean soldiers and sailors were themselves guilty of unprovoked assaults upon our sailors before and after arrest. He thinks the preponderance of the evidence and the inherent probabilities lead to the conclusion that Riffin was killed by the police or soldiers.

Third. That he is therefore compelled to bring the case back to the position taken by this Government in the note of Mr. Wharton of October 23 last (a copy of which you will deliver with this), and to ask for a suitable apology and for some adequate reparation for the injury done to this Government.

You will assure the Government of Chile that the President has no disposition to be exacting or to ask anything which this Government would not, under the same circumstances, freely concede. He regrets that, from the beginning, the gravity of the questions involved has not apparently been appreciated by the Government of Chile, and that an affair in which two American seamen were killed and sixteen others seriously wounded, while only one Chilean was seriously hurt, should not be distinguished from an ordinary brawl between sailors in which the provocation is wholly personal and the participation limited. No self-respecting government can consent that persons in its service, whether civil or military, shall be beaten and killed in a foreign terri-

tory in resentment of acts done by or imputed to their government without exacting a suitable reparation. The Government of the United States has freely recognized this principle, and acted upon it, when the injury was done by its people to one holding an official relation to a friendly power, in resentment of acts done by the latter. In such case the United States has not sought for words of the smallest value or of equivocal meaning in which to convey its apology, but has condemned such acts in vigorous terms and has not refused to make other adequate reparation.

But it was not my purpose here to discuss the incidents of this affair, but only to state the conclusions which this Government has reached. We have given every opportunity to the Government of Chile to present any explanatory or mitigating facts and have had due regard to the fact that the Government of Chile was, for a considerable part of the time that has elapsed since October 16, upon a provisional basis.

I am further directed by the President to say that his attention has been called to the note of instructions sent by Mr. Matta, secretary of foreign affairs, to Mr. Montt, under date of the 11th ultimo. Mr. Montt very prudently, and, I must suppose, from a just sense of the offensive nature of the dispatch, refrained from communicating it officially to this Government.

But, in view of the fact that Mr. Montt was directed to give it to the press of this country, and that it was given the widest possible publicity throughout the world, this Government must take notice of it. You are therefore directed to say to the Chilean Government that the expressions therein imputing untruth and insincerity to the President and to the Secretary of the Navy in their official communications to the Congress of the United States are in the highest degree offensive to this Government.

Recognizing the usual rules of diplomatic intercourse and of the respect and courtesy which should characterize international relations (which he can not assume are wholly unfamiliar to the Chilean foreign office), the President was disposed to regard the dispatch referred to as indicating a purpose to bring about a suspension of diplomatic relations; but, in view of the fact that Mr. Matta was acting provisionally and that a reorganization of the Chilean cabinet was about to take place, and afterwards in further view of the expectation that was held out of a withdrawal and of a suitable apology, notice of this grave offense has been delayed. I am now, however, directed by the President to say that if the offensive parts of the dispatch of the 11th of December are not at once withdrawn, and a suitable apology offered, with the same publicity that was given to the offensive expressions, he will have no other course open to him except to terminate diplomatic relations with the Government of Chile.

Mr. Montt, in a note of January 20, has advised me that he has been directed by his Government to inform the Government of the United States that you are not *persona grata* to the Government of Chile, and to request your recall. This has been laid before the President, and he directs you to say that, in view of the foregoing, he does not deem it necessary to make any present response thereto. It will be quite time to consider this suggestion after a reply to this note is received, as we shall then know whether any correspondence can be maintained with the Government of Chile upon terms of mutual respect.

You will furnish to the minister of foreign affairs a full copy of this note.

BLAINE.

*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*January 21, 1892.* (Received January 22, 1:40 a. m.)

The minister of foreign affairs, in an interview on the 18th instant, promised that after his colleagues had been consulted in reference to withdrawal of the telegram of the 11th of December to appoint another interview to communicate his answer. I have been awaiting it, but it has not yet been received. The Herald correspondent has been told by the undersecretary that the telegram had been withdrawn in Washington in a way that was entirely satisfactory to the President of the United States. Is it true?

EGAN.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, January 22, 1892.* (Received January 23.)

Mr. Egan acknowledges the receipt of Mr. Blaine's telegram of the 21st, which he states he will deliver to the minister for foreign affairs to-morrow. He further states that in an interview on the 15th instant the minister of foreign affairs pressed upon him the acceptance of the withdrawal of Mr. Matta's telegram on the bases stated in Mr. Egan's telegram of that date, saying that those bases were entirely acceptable to Mr. Blaine and were in fact suggested by him. Notwithstanding these assurances, Mr. Egan would only consent to submit the proposition, as he had done.

With regard to his being *persona non grata*, Mr. Egan says that at a diplomatic banquet at the home of the minister of foreign affairs on the 11th instant Prime Minister Luco told him, with approbation of some of his colleagues, and in the presence of the English minister and Spanish minister, that the present cabinet entertained most cordial feelings for the United States and for himself personally.

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*Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Santiago, January 25, 1892.* (Received January 26.)

I have to-day received the following reply to my note of 22d instant:

[Translation.]

SIR: The undersigned has had the honor to receive your excellency's communication dated 22d instant, received in this Department the 23d, and the duly authenticated copies of the instructions which the honorable Secretary of State, of Washington, has sent to your excellency by cable under dates of the 21st instant and the 23d of October, 1891. In the instructions of the 21st instant the honorable Secretary of State informs your excellency that His Excellency Mr. Harrison, after carefully examining all that has been submitted to him by the Government of Chile, with re-

spect to the event which occurred in Valparaiso on the evening of the 16th of October, and taking into consideration the testimony of the officers and crew of the vessel, the *Baltimore*, and of others who witnessed the event, has arrived at the following conclusions:

First. That with regard to that assault there has been no change whatever made in the character given to it by the first report of the event, to wit, that it was an attack upon the uniform of the Navy of the United States, which had its origin and motive in a feeling of hostility toward that Government and not in any act of the individual sailors belonging to it.

Second. That the public authorities at Valparaiso evidently did not do their duty in protecting those sailors and that a part of the police and some Chilean soldiers and sailors rendered themselves guilty of unprovoked assaults on the sailors of the United States before and after the latter were arrested, and that he believes that Riffin was killed by the police or the soldiers; and

Third. That he is consequently compelled to carry the question back to the state in which it was placed by the note of the Hon. Mr. Wharton, dated October 23, and to ask for suitable satisfaction and some adequate reparation for the injury done the Government of the United States. The honorable Secretary of State, Mr. Blaine, regrets that the Government of Chile has not, from the very first, duly appreciated the gravity of the question raised, and that it has attributed to it no other importance than that of an ordinary quarrel between sailors, adding that no government which respects itself can consent to civil or military persons employed in its service being maltreated or killed, in a foreign territory, on account of resentment for acts which it may have committed, or which may be imputed to it, without requiring adequate reparation.

The Hon. Mr. Blaine, in this connection, recalls the fact that the Government of the United States has voluntarily recognized this principle, and has acted accordingly, when any injury has been committed by its people against anyone holding an official position of a foreign country, in consequence of acts which had aroused resentment. In such case the United States have never sought words of little weight or ambiguous meaning in order to make reparation, but have condemned such acts in vigorous and energetic terms, and have never refused to give other adequate satisfaction. The honorable Secretary of State, Mr. Blaine, states, moreover, that it is not his intention to discuss the details of the incident of October, but only to set forth the conclusion at which his Government has arrived. The honorable Secretary of State says: "We have given every kind of opportunity to the Government of Chile to offer explanatory or extenuating circumstances, and we have given due consideration to the fact that the Government of Chile during a great part of the time which has elapsed since the 16th of October, has been in a provisional situation." He then adds that he is directed by His Excellency Mr. Harrison to say that he has been compelled to take notice of the instructions sent by Mr. Matta, minister of foreign affairs to the Chilean minister in Washington, under date of December 11, because, although they were not officially communicated to his Government, they received the greatest possible publicity, and that consequently he demands the immediate withdrawal of the said instructions as to those parts which he considers offensive and adequate satisfaction, in order that the diplomatic relations between the two nations may not be interrupted.

Without any intention of opening a discussion as to the facts referred to by the communication, which I have extracted, and confining himself to the first part of the instructions of the honorable Secretary of State, the undersigned must state to your excellency the regret with which the Government of Chile sees that His Excellency the President of the United States finds reason to continue to regard the incident of October as an attack caused by a hostile feeling toward the uniform of the Navy of the United States. That unfortunate occurrence took place on a sudden, in a district where the sailors of the vessels lying in the Bay of Valparaiso are in the habit of assembling, without distinction of nationality.

From the nature of the incident it would be impossible to prove that there was no doubt as to the special cause which served as its origin or pretext; but the undersigned can assert that that cause was not a hostile feeling toward the uniform of the Navy of the United States, because the people of Chile have always esteemed and respected that uniform ever since the time when they saw it figuring honorably in the ranks of the soldiers and sailors who, in a glorious struggle, gave it independence and established the Republic. The undersigned admits that the occurrence of October 16 was of greater gravity than those which usually occur in the same district between the sailors who frequent it, and the fact of knowing that two deaths have resulted from it among the 16 wounded men of the *Baltimore*, has sufficed to give it an extraordinary character, and to induce the Government of Chile to hasten to adopt the measures necessary to discover and punish the guilty parties, to offer in due time, if there should be ground for so doing, such reparation as might be due.

The preliminary examination was commenced on the morning which followed the



night of the conflict, some days before you presented your complaint; but the investigation could not be finished with the rapidity that the Government of Chile desired, because the rules of procedure in criminal matters which are established by our laws are of slow application, and it was not possible for the President of the Republic to modify or set them aside. This delay, which was inevitable, owing to the independence with which the judicial authorities must act, has compelled the Government of the undersigned to delay, greatly to its regret, the settlement of the difficulty pending with your Government, and a spontaneous offer of reparation for the injury done to the sailors of the *Baltimore*, and that might be attributed to Chilean soldiers or sailors, or that might affect the responsibility of Chile.

In view of your communication, and considering that, up to date, it has been impossible for the trial initiated by the judge of the criminal court of Valparaiso to be decided, the undersigned regards it as his duty to declare once more that the Government of Chile laments the occurrence of October 16, and by way of showing the sincerity of his feeling and the confidence which he has in the justice of his cause, he declares his willingness not to await the decision of the examining judge and proposes to the United States Government that the case be submitted to the consideration of the Supreme Court of Justice at Washington, to the end that that high tribunal, with its learning and impartiality, may determine, without appeal, whether there is any ground for reparation and in what shape it should be made.

The undersigned would remind you, referring to the conduct of the Valparaiso authorities, that it appears from the preliminary examination that they sent without delay to the scene of the conflict all the forces at their disposal belonging to the special guard of the intendencia and to the police. Swanson, Cass, Nichols, Downey, Honner, Cunningham, Williams, Talbot, Hollard, Hodge, Butler, etc., seamen belonging to the crew of the *Baltimore*, stated to the interpreter of that vessel that the object of the police in arresting them was to shelter them from any attempt at attack by the excited people. The undersigned thinks that the action of the police in this matter should be considered with due allowance for the civil war which had recently been brought to a close. The body was not yet properly organized, nor did it have the force that was required to put down a disorder of such proportions in a short time.

In this connection it is proper to recall the words used by the honorable Secretary of State at Washington in his note addressed to the Marquis Imperiali, and bearing date of May 21, 1891: "There is no government, however civilized it may be, however great may be the vigilance displayed by its police, however severe its criminal code may be, and however speedy and inflexible may be its administration of justice, that can guaranty its own citizens against violence growing out of individual malice or a sudden popular tumult." This was precisely the situation of the administrative authorities at Valparaiso on the occasion of the occurrence which took place in October.

The undersigned hopes that the foregoing will convince the honorable Secretary of State that the Government of Chile attaches due importance to the question now under discussion; that he does not for a moment hesitate to condemn, in vigorous terms, the act committed on the 16th of October, or to offer such reparation as is just, and that he has not neglected the opportunity to express these sentiments before now, since on various occasions, and through the plenipotentiaries of both countries, he has forwarded explicit declarations on the subject to Washington.

The undersigned takes the liberty to recall the fact that, five days after he had taken charge of the department of foreign relations, he addressed to the minister of Chile in the United States a telegram which, in the part relating to this matter, says: "Express to the United States Government what has already been stated, adding all the data that are known, in the most correct and amicable form; express to the United States Government very sincere regret on account of this unfortunate incident, which although and (not) strange in the ports of the world, this Government doubly laments, owing to its sincere desire to cultivate friendship with the United States."

If the United States Government should not accept the foregoing explanations as satisfactory, notwithstanding that the judicial authorities hold the guilty parties responsible for the disorder of October 16, the undersigned must recall the circumstance that the Government of Chile, through the medium of its minister in Washington, has expressed the desire to submit any misunderstanding (dispute) to decision by arbitration by any power or tribunal which may be indicated to it; and, in fact, arbitration was suggested in conference with the minister of Chile in Washington on the 30th of December, when the Government of the undersigned declared its good will and its resolve to accept arbitration after the final judgment, which would not be further delayed many days in furtherance of its purpose to give a speedy solution to the incident in the most friendly terms.

The Government of the undersigned called upon its minister for a definite reply on the 11th instant, and on the 13th Minister Montt reported that, notwithstanding certain observations made by the American State Department with respect to the opportuneness of resorting to arbitration, he had, nevertheless, agreed with the Hon.

Mr. Blaine that, if any divergence of views or disaccord should supervene after the verdict of the judge of Valparaíso, such controversy would yield to arbitration. The undersigned hastened to declare that he would fully accept such an agreement; for which reason the Government of Chile deems that the case has arisen for submitting to arbitration, in terms as ample as those above indicated, any difference of views which it may have with the Government of the United States concerning the incident of the *Baltimore*.

There is therefore submitted to the honorable Secretary of State of the Department of Foreign Relations of Washington the designation of either the Supreme Court of Justice of the United States or a tribunal of arbitration to determine the reparation which Chile may have to make for that lamentable occurrence.

As for the dispatch addressed under date of the 11th of December to the Chilean minister in Washington by the minister of foreign relations of the Provisional Government, the undersigned submits that there could not be on the part of the Government of Chile the purpose to inflict any offense upon the Government of the United States, with which it desires ever to cultivate the most friendly relations. Consequently the undersigned deplores that in that telegram there were employed through an error of judgment the expressions which are offensive in the judgment of your Government.

Declaring in fulfillment of a high duty of courtesy and sincerity towards a friendly nation that the Government of Chile absolutely withdraws the said expressions, the undersigned trusts that this frank and explicit declaration, which confirms that which had already been made to the honorable Secretary of State in Washington, will carry to the mind of His Excellency Mr. Harrison, of his Government, and of the American people the conviction that the Government and the people of Chile, far from entertaining a feeling of hostility, have the lively desire to maintain unalterable the good and cordial relations which, up to the present time, exist between the two countries—a declaration which is made without reservation in order that it may receive such publicity as your Government may deem suitable. With regard to the suggestion made touching the change of the personnel of your legation to which the instructions of the honorable Secretary of State refer, it is incumbent upon the undersigned to declare that the Government of Chile will take no positive step without the accord of the Government of the United States, with which it desires to maintain itself in friendly understanding.

The undersigned brings this already long communication to a close in the assurance that he has therein set forth everything that can fully satisfy your Government. The Government of Chile cherishes the conviction that the relations with the Government of the United States should be sincerely and cordially maintained under the shelter of that mutual respect and that good understanding which are based upon the just and equitable appreciation of the facts, and on the appreciation to be given to the spontaneous declarations made on either side. The undersigned moreover declares that in presenting its explanations his Government finds its inspiration in the words of the instructions which you have quoted and which assure the Government of Chile that the President is not disposed to exact or ask anything which your Government would not under the same circumstances spontaneously concede.

With sentiments of distinguished consideration, I am, your obedient servant,

LUIS PEREIRA.

I await instructions.

EGAN.

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*Mr. Blaine to Mr. Egan.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, January 30, 1892.

By direction of the President, Mr. Blaine instructs Mr. Egan that great pleasure has been given to the people of the United States and to the Executive Department by the receipt of Señor Pereira's telegraphic reply of the 25th of January. He says that it has been communicated to Congress; that the correspondence between the two Republics will be restored to a basis of cordiality; that in the President's belief, it will be easy to reach a full and honorable adjustment of all unsettled

matters; that the regret for, and condemnation of, the assault on the sailors of the *Baltimore* expressed by Mr. Pereira are gratifying to the President, who presents to the Chilean Government his congratulations upon the frank and ample withdrawal of Señor Matta's telegraphic instructions and upon the spirit of justice displayed toward Mr. Egan. He instructs Mr. Egan to give assurances of the President's readiness to meet the friendly overtures of the Chilean Government in the most generous spirit, and adds that the President will not engage at present in a discussion of the methods suggested by Señor Pereira in the matter of the reparation to be made for the assault upon the American sailors, because he believes that the usual diplomatic course is now available to that end, and because he has no doubt that the whole matter will soon be brought to a final and honorable conclusion under the sense of justice evinced by Chile.

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## CORRESPONDENCE WITH THE LEGATION OF CHILE AT WASHINGTON.

*Señor Lazcano to Mr. Blaine.*

[Translation.]

LEGATION OF CHILE,  
Washington, January 16, 1891.

SIR: I regret to inform you of the revolt of a division of the navy of the Republic of Chile in the port of Valparaiso on the 7th of this month.

My Government has declared the revolted squadron outlawed, and instructs me to inform you that it is not answerable for the acts of the rebels in regard to foreigners or citizens.

I renew to you my sentiments of high and distinguished consideration.

PRUDENCIO LAZCANO.

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*Mr. Blaine to Señor Lazcano.*

DEPARTMENT OF STATE,  
Washington, January 20, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, in which you state that on the 6th of the same month a naval division of the Republic of Chile revolted in the harbor of Valparaiso; that your Government has outlawed the revolting squadron and directs you to inform me that it is not responsible for the acts of the rebels in respect to foreigners or citizens.

In making this acknowledgment, it is proper that this Government should reserve the right to consider upon the facts and the law any case that may arise involving the declaration which you communicate.

Accept, etc.,

JAMES G. BLAINE.

*Señor Lazcano to Mr. Blaine.*

[Translation.]

LEGATION OF CHILE,  
*Washington, March 10, 1891. (Received March 11.)*

SIR: I have the honor to inform you that the Government of Chile has prohibited, until further orders, the importation into the entire territory of the Republic of arms and munitions of war of all kinds.

Relying upon the friendship of the Government of the United States for that of Chile, I shall thank you if you will be good enough to communicate, if possible, through the proper channel, this decree of my Government to the custom-houses of the Union, in order to prevent the shipment to Chile of those articles which in the present case would be considered as articles of illicit commerce.

I am specially moved to request of you the said communication by the circumstance of the arrival at New York of an agent of the Chilean insurrectionary forces for the purpose of purchasing in this country arms and munitions of war to maintain the rebellion in Chile.

I venture to hope that the friendly ties which unite the Government of this country with my own will be sufficient ground for your favorable reception of the request which I take the liberty of making in the present note.

It is gratifying to me to renew to you the sentiments, etc.

PRUDENCIO LAZCANO.

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*Mr. Blaine to Señor Lazcano.*

DEPARTMENT OF STATE,  
*Washington, March 13, 1891.*

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, in which you inform me that your Government has prohibited, until further orders, the importation into the Republic of arms and munitions of war of all kinds.

In conveying this information you request me, if possible, to communicate this decree to the custom-houses of the United States in order that the shipment of such articles to Chile may be prevented; and in this relation you state that an agent of the insurgents in Chile has arrived in the city of New York for the purpose of purchasing arms and munitions of war.

The laws of the United States on the subject of neutrality, which may be found under title LXVII of the Revised Statutes, while forbidding many acts to be done in this country which may affect the relations of hostile forces in foreign countries, do not forbid the manufacture and sale of arms or munitions of war. I am therefore at a loss to find any authority for attempting to forbid the sale and shipment of arms and munitions of war in this country, since such sale and shipment are permitted by our law. In this relation it is proper to say that our statutes on this subject are understood to be in conformity with the law of nations, by which the traffic in arms and munitions of war is permitted, subject to the belligerent right of capture and condemnation.

Since your note has directed attention to the subject of neutrality, it should be stated that our laws on that subject are put in force upon

application to the courts, which are invested with the power to enforce them and to inflict the penalties prescribed for their violation. Our statutes not only forbid the infringement in this country of the rules of neutrality, but also impose grave penalties for their infraction.

I will inclose a copy of your note to the Secretary of the Treasury and the Attorney-General.

Accept, etc.,

JAMES G. BLAINE.

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*Señor Luca to Mr. Blaine.*

[Telegram.—Translation.]

IQUIQUE, *March 22, 1891.* (Received March 23.)

The delegation of the National Congress of Chile requests your excellency to forbid the purchase of arms for the dictator Balmaceda, with which he intends to attack the constitutional forces of the Congress. We exercise full sovereignty over the departments of Pisagua, Tarapacá, Tocopilla, Taltal, Chanaral, and Antofagasta, and we are blockading their ports. The constitutional army occupies 480 miles of coast—65,000 square miles.

WALDO SILVA BARRAS LUCA,  
*President.*

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*Señor Luca to Mr. Blaine.*

[Telegram.—Translation.]

IQUIQUE, *March 24, 1891.* (Received March 25.)

The delegation of the National Congress of Chile requests you, as an act of neutrality, not to permit the shipments of silver belonging to the national treasury of Chile on board of an American war vessel, as has been requested by the dictator Balmaceda.

WALDO SILVA BARROS LUCA,  
*President.*

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*Copy of telegram handed to the Second Assistant Secretary of State by the Chilean minister at Washington.*

LEGATION OF CHILE, *April 2, 1891.*

Elections took place on the 29th with perfect order and liberty, senators, representatives, and *municipales*. Complete triumph for the Liberal party. Twenty provinces, with sixty-five departments, support the Government. Thirty senators and ninety representatives elected. Tarapacá and Antofagasta should have elected two senators and four representatives. There was no election. Rebels have not had elements enough even to disturb elections, which took place without the slightest disorder in all the country.

*Señor Lazcano to Mr. Blaine.*

[Translation.]

LEGATION OF CHILE,  
Washington, May 5, 1891. (Received May 6.)

SIR: I feel deeply grateful for the friendly action taken by the United States Government in the case of the *Robert and Minnie*, at Wilmington, which I recently had the honor to bring to your notice. It is now my duty to inform you that I have just received the following information by telegraph:

The *Robert and Minnie* left Wilmington before the instructions of the Government had reached the authorities of that port, having a cargo of arms on board, and being bound, as is believed, for the port of San Diego.

Meantime, the transport *Itata* has arrived in the port of San Diego. This vessel has been and still is, I think, in the service of the Chilean insurgents as a war transport vessel.

The steamer *Itata* has represented itself to be a Chilean merchant vessel from Iquique, a port occupied by the insurgents, and has entered the port of San Diego for the alleged purpose of taking in provisions so as to continue its voyage to San Francisco, but in reality its sole object is to receive a large cargo of arms and munitions of war from the *Robert and Minnie* for the use of the Chilean insurgents.

For these reasons I request that the same instructions that were sent to Wilmington may be sent without delay to San Diego, in order that a violation of the duties of neutrality of the United States may be prevented, and that this legation may be enabled to take suitable action.

It is evident that a vessel in the service of the Chilean insurgents as a war transport vessel, from Iquique, which port is held by said insurgents, can not have been converted by them, either at Iquique or elsewhere, into a merchant vessel carrying a recognized flag.

I do not entertain the slightest doubt that the Government which unequivocally established the principles of the duties of neutrals in the treaty of Washington of 1871 will, without hesitating for a moment, exercise the power which it has to protect a neighboring and friendly nation from the outrages and injuries that would result from a violation of the laws of neutrality against which it then so forcibly and successfully protested.

I take pleasure in renewing to you the assurance, etc.

PRUDENCIO LAZCANO.

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*Señor Jorge Montt to Mr. Blaine.*

[Telegram.—Translation.]

IQUIQUE, May 16, 1891.

We have the honor to inform your excellency that Mr. Richard L. Trumbull, a representative in the Chilean Congress, has powers from the Governmental Junta to represent us in the United States in the capacity of confidential agent.

Be pleased, your excellency, to accept him in that capacity.

MONTT,  
President of the Governmental Junta.  
ISIDORO ERRAZURIZ,  
Secretary Foreign Relations.

*Señor Errazuriz to Mr. Blaine.*

[Telegram.]

IQUIQUE, June 5, 1891. (Received June 6.)

The *Itata* arrived here, bringing 5,000 rifles and ammunition transhipped from the *Robert and Minnie*, opposite the uninhabited isles San Clemente, at 40 miles off the coast, and after the *Itata's* departure from San Diego. Complying with my written promise, said steamer, along with the arms and crew, has been placed under the charge of the Rear-Admiral McCann, and is at present getting ready to return to San Diego. Allow me, however, to state that this fact, in conformity with the stipulated agreement, hurts the spirit which guided us in this affair, it having been based on the violation of the law by the *Itata*, taking it for granted that the steamer had shipped the arms and ammunition at the port of San Diego. It is now certain that the said arms and ammunition were taken on board far off from the coast and opposite uninhabited isles after its departure from San Diego, and I therefore request your excellency, invoking feelings of justice and humanity, that the arms and ammunition be left here under the charge of the Rear-Admiral McCann until the final result of the lawsuit initiated in California, returning in the meantime the *Itata* to San Diego.

ERRAZURIZ,

*Secretary of Foreign Affairs.*

*Señor Lazcano to Mr. Wharton.*

[Translation.]

LEGATION OF CHILE,

Washington, June 22, 1891. (Received June 22.)

Prudencio Lazcano, envoy extraordinary and minister plenipotentiary of the Republic of Chile, has the honor to present his compliments to the Acting Secretary of State, Mr. William F. Wharton, and to say that he will have the pleasure of calling at his Department to-morrow at 12 m. in order to deliver to him in person a memorandum relating to matters of interest to the Government of the United States and the Government of Chile.

He would be very much obliged if, in case the above-named hour should not be convenient, he would be pleased to name another.

*Memorandum handed by the Chilean minister to the Acting Secretary of State.*

LEGATION OF CHILE,

Washington, June 22, 1891. (Received June 23.)

MR. SECRETARY: I have asked this interview rather in the hope of preventing the raising of questions between our Governments than of making any formal representation.

I feel very deeply, as does my Government, the recent prompt and friendly action of the United States in its successful effort to enforce the most rigid execution of its neutrality laws, and rest secure in our confidence that in our domestic troubles we will receive all that justice and generous consideration which the United States has always extended to its sister republics.

You are aware, as I am, that the insurgents in Chile are naturally de-

sirous that they should be recognized as belligerents by the nations of the world, and in your own experience you have ample evidence of the consequences of such recognition. I make no reference now to the presence of Mr. Trumbull here as the agent of the insurgents. Mr. Trumbull does not, as I understand, claim any official character as their representative, and, indeed, as a person held under criminal prosecution by the courts of the United States for alleged violation of its neutrality laws, I would deem it unbecoming in me to trouble you with any remarks either as to his presence or purposes. But I am informed, upon such authority as I think makes it my duty to call your attention to the fact, that Mr. Montt is about to arrive at New York in the alleged character of a diplomatic representative of the insurgents, seeking to obtain from the Government of the United States a recognition of their being belligerents.

It is not to be presumed that he will be recognized in such character without an opportunity being allowed to the Chilean Government to explain to the Government of the United States the serious consequences and the injustice which would be done to it (in its judgment) by such recognition.

But Mr. Montt will in all probability confine himself to the request that he be received "unofficially."

You will recollect that in 1861, at the commencement of the civil war in the United States, the foreign secretary of Great Britain in a conversation with Mr. Dallas, then United States minister in London, "the British secretary told Mr. Dallas that the three representatives of the Southern Confederacy were then in London; that Lord John Russell had not yet seen them, but that he was not unwilling to see them unofficially."

On May 21, 1861, Mr. Seward, then Secretary of State, thus instructed Mr. Adams, who had succeeded Mr. Dallas:

The President regrets that Mr. Dallas did not protest against the proposed unofficial intercourse between the British Government and the missionaries of the insurgents.

Intercourse of any kind with the so-called commissioners is liable to be construed as a recognition of the authority which appointed them. Such intercourse would be none the less hurtful to us for being called unofficial, and it might be even more injurious, because we should have no means of knowing what points might be resolved by it. Moreover, unofficial intercourse is useless and meaningless, if it is not expected to ripen into official intercourse and direct recognition. It is left doubtful here whether the proposed unofficial intercourse has yet actually begun. Your own antecedent instructions are deemed explicit enough, and it is hoped that you have not misunderstood them. You will, in any event, desist from all intercourse whatever, unofficial as well as official, with the British Government, so long as it shall continue intercourse of either kind with the domestic enemies of this country. When intercourse shall have been arrested for this cause, you will communicate with this Department and receive further instructions.

And on May 30, 1861, Mr. Seward thus addressed Mr. Dayton, United States minister at Paris:

First, I desire that Mons. Thouvenel may be informed that this Government can not but regard any communications held by the French Government, even though unofficial, with the agents of the insurrectionary government in this country as exceptionable and injurious to the dignity and honor of the United States. They protest against this intercourse, however, not so much on that ground as on another. They desire to maintain the most cordial relations with the Government of France, and would therefore, if possible, refrain from complaint. But it is manifest that even an unofficial reception of the emissaries of disunion has a certain though measured tendency to give them a prestige which would encourage their efforts to prosecute a civil war destructive to the prosperity of this country and aimed at the overthrow of the Government itself. It is earnestly hoped that this protest may be sufficient to relieve this Government from the necessity of any action on the unpleasant subject to which it relates. (Foreign correspondence of date.)



In 1865, an effort having been made through Mr. Corwin, at one time minister to Mexico, to secure for an agent of the Emperor Maximilian a hearing before the State Department, Mr. Seward caused to be published the following memorandum:

DEPARTMENT OF STATE,  
*Washington, March 13, 1865.*

Mr. Seward read to Mr. Corwin as follows: It is a fixed habit of this Government to hold no official intercourse with agents of parties in any country which stands in an attitude of revolution antagonistic to the sovereign authority in the same country with which the United States are on terms of friendly diplomatic intercourse.

It is equally a fixed habit of this Government to hold no unofficial or private intercourse with persons with whom it can not hold official intercourse.

For these reasons the overture submitted by Mr. Corwin to the Secretary of State is declined. (Ex. Doc. No. 73, Thirty-ninth Congress, first session, p. 574.)

On the 17th of July, 1865, the Marquis de Montholon, the French minister, having delivered to Mr. Seward a copy of a letter from the Emperor Maximilian to the President, Mr. Seward said:

On the 18th the Secretary of State delivered back the copy of the letter to the Marquis de Montholon, and said that the United States are in friendly communication now, as heretofore, with the republican government in Mexico, and therefore can not depart from the course of proceeding it has heretofore pursued towards that country, and that, of course, the President declined to receive the letter or to hold any intercourse with the agent who brought it.

Informed by these precedents, I can confidently hope that no such questions will be allowed to disturb the long and cordial relations that have existed between our two Governments.

I think that I can say with truth that the effort of the Chilean Government, and not an unsuccessful effort, has been to impress upon its people that there is neither stability nor progress nor prosperity for any people who do not realize that the proper cure for all political domestic difficulties is in the regular and constitutional remedies with which the laws and established constitution always supply a free people. And surely the experience of the United States must have furnished ample proof that the great obstacle in the way of the growth of the South American republics has been the fatal habit of forcible and irregular pronunciamientos against the regular method of peaceful political life. These unfortunate insurgents have only opened another chapter in this sad history. They have caused great distress and much bloodshed, but they have failed to lay any foundation for a regular government and have deluded but a small portion of the industrious Chilean population. But these are not questions which I have asked this interview to discuss. They are domestic questions which no great power has more earnestly taught the world than the United States that they must be settled by the effort, the patriotism, and the wisdom of each nation for itself.

In a very little while—in less than one month—there will be the regular constitutional change of administration, when the people of Chile, in the full freedom of their rights, will decide who shall govern them, and when the fairest opportunity will be given them to reconcile the difficulties which divide them.

It would be sad indeed if mistaken encouragement should be, at such a moment, given to those who, whatever be their motives or complaints, rest their faint hopes of success upon the destruction of regular constitutional government and the recognition of their highest interests to the fatal chances of civil war.

PRUDENCIO LAZCANO.

*Left at the Department by the Chilean minister.*

[Received by cable.]

SANTIAGO, June 20, 1891.

A RESOLUTION BY THE NATIONAL CONGRESS OF CHILE.

The National Congress of Chile has unanimously approved by acclamation the following resolution:

Whereas, the agents of the revolution are busy at work in several countries trying to upset the credit of the Republic abroad, alleging as their authority the power of a pretended delegation of the late Congress; that said delegation has never existed, nor does exist, inasmuch as the late Congress has never met, for the purpose of delegating their powers, neither in public nor private session; that said act serving as the basis of the pretended delegation has not been signed by the majority of the late Congress, nor has it interfered in a direct and responsible form, as it is explicitly stated by the same revolutionists, and as it is shown by the fact of having never published the signatures of those who created the representation; that in the event of the existence of the above-mentioned act it is unconstitutional, revolutionary, and openly contrary to our political doctrine, inasmuch as the powers, rights, and prerogatives of a Congress are not liable to be delegated by their own nature; that even in the event of such a delegation being constitutional the late Congress could not delegate powers of which it was not invested, such as the right of insurrection, as a recourse which has never existed or could ever exist, nor held by any of the powers of the State; that in the hypothesis of the existence of such a right in Congress it could not be delegated for any length of time beyond that of their own mandate, such as has been bestowed upon it by the people; that the supposed power of the late Congress virtually ended by the popular will with the election of the 29th of last March, and ended according to the express letter of the constitution on the 31st of last May, the date on which, according to the articles 20 and 52, the period of said Congress terminated; that for these obvious and incontrovertible reasons the revolutionary board has not even the appearance of legality, having no possible representation, and usurping a delegation that has not existed, and that, at the best, has ended on the 31st of May last; that Chile has appointed a new Congress which is working regularly in fulfillment of the will of the people, from the 20th of April, and according to the literal mandate of the constitution, from the 1st instant (June), in which the President of the Republic is elected by the people, according to the constitution, for the period of five years; that in the exercise of his functions he can not be deposed by Congress; that he is irresponsible, pending the exercise of his power, and is only liable to be impeached during the year immediately following his withdrawal from power; that according to these constitutional requirements the Congress has never had nor has any power to depose the President of the Republic, and therefore he continues in the exercise of his functions, according to the enactments of the constitution and the will of the people until the 18th of September next; that the chief of the state in resisting the revolution is protecting and defending a power granted to him by the national sovereignty, within the use of the necessary powers to keep public order, the maintenance and custody of which are expressly committed to him by the fundamental charter, and that the President of the Republic has never pretended

nor does he pretend now to extend the period of his government any longer than what is fixed by the constitution, as it is publicly well known and has been solemnly stated at different times, through his several public acts.

The National Congress resolves:

First. To approve as valid and legal each and every one of the contracts entered into by the Government of Chile, presided over by His Excellency President José Manuel Balmaceda, before and after the 7th of January of the present year (1891).

Second. To disprove and annul as void and illegal each and every one of the acts performed and of the obligations and contracts entered into by the revolutionary board, holding them collectively and individually liable for the same, before the proper authorities and through the proper means afforded by the international usages and our own laws for their participation, (and?) concurrence in carrying them out.

Third. That it is subversive and contrary to the political constitution and therefore null and void, each and every one of their acts compromising Chile and making it——for the supposed delegation arrogating to themselves any powers, or to the insurgent fleet and the board of revolutionists in arms against the constitutional Government of the Republic.

Fourth. That we consider as violators of the constitution and laws of the country all the members composing the revolutionary board, and all those assuming the character of their representatives, as ministers of state or diplomatic ministers, against the constitutional Government, squandering the public wealth in the rebellion which they are waging against the credit, peace, and welfare of the Republic.

PRUDENCIO LAZCANO.

(Translated from the Spanish original.)

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*Mr. Wharton to Señor Lazcano.*

DEPARTMENT OF STATE,  
Washington, June 29, 1891.

SIR: I have the honor to acknowledge the receipt of your memorandum of the 22d instant, protesting against the reception by this Government officially or unofficially of Mr. Montt, who, you understand, expects to present himself at this capital as agent of the Chilean insurgents.

Accept, etc.,

WILLIAM F. WHARTON,  
Acting Secretary.

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*Señor Lazcano to Mr. Wharton.*

[Translation.]

LEGATION OF CHILE,  
Washington, D. C., July 4, 1891. (Received July 7.)

MR. SECRETARY: The Chilean South American Steamship Company has addressed me, as the envoy extraordinary and minister plenipotentiary of the Republic of Chile in the United States, requesting me to inform this Government that the steamer *Itata* belongs to that company, from which it was taken without its consent and by force by

H, Ex, 1, pt. 1—21

the Chilean revolutionists, which circumstance has in nowise affected the legitimate rights of the said company to the steamer *Itata*.

It further informs me that these declarations have been transmitted to the Department of State by telegraph by the United States minister at Santiago and by the United States consul-general at Valparaiso.

I shall be greatly obliged to your excellency if you will have the kindness to communicate the declarations in question of the Chilean South American Steamship Company to the court which is to try the case of the *Itata*.

With sentiments of high consideration, I have, etc.,

PRUDENCIO LAZCANO.

*Mr. Wharton to Señor Lazcano.*

DEPARTMENT OF STATE,

Washington, July 9, 1891.

SIR: In reply to your note of the 4th instant, I have the honor to say that a copy of the telegram of May 8 last from our consul at Valparaiso, containing the declarations of the South American Steamship Company concerning the ownership of the *Itata*, also a copy of your note, have been sent to the Attorney-General for his information.

Accept, etc.,

WILLIAM F. WHARTON,  
Acting Secretary.

*Señor Lazcano to Mr. Wharton.*

[Translation.]

LEGATION OF CHILE,

Washington, D. C., July 18, 1891. (Received July 20.)

MR. SECRETARY: I have the honor to request that, if convenient, you would be kind enough to furnish me with a certified copy of the note from this legation of July 4, and of the telegram from the consul of the United States at Valparaiso, relative to the declaration of said company in respect to the steamship *Itata*, deeming these documents indispensable in the proceedings to be instituted by the corresponding tribunal for the Chilean South American Steamship Company in the case of the *Itata*.

With sentiments of the highest consideration, I remain,

PRUDENCIO LAZCANO.

*Mr. Wharton to Señor Lazcano.*

DEPARTMENT OF STATE,

Washington, July 21, 1891.

SIR: In compliance with the request contained in your note of the 18th instant, I have the honor to inclose certified copies of your note of the 4th instant and of the telegram of May 8 last from our consul at Valparaiso, both relating to the ownership of the *Itata*.

Accept, etc.,

WILLIAM F. WHARTON,  
Acting Secretary.

*Señor Pedro Montt to Mr. Blaine.*

LEGATION OF THE  
CONSTITUTIONAL GOVERNMENT OF CHILE,  
1325 G STREET NW.,  
Washington, August 28, 1891.

SIR: I am directed by the minister of foreign affairs to lay before the Government of the United States the following cablegram:

[Translation.]

Balmaceda has been routed for the second time. To-day, after the victory of the congressional forces outside of the city, Valparaiso was surrendered to the German admiral, who placed it under the orders of Congress. Inform Government.

ERRAZURIZ.

IQUIQUE, August 28, 1891.

I am, etc.,

PEDRO MONTT.  
Per JULIO M. FOSTER.

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*Señor Lazcano to Mr. Wharton.*

[Translation.]

LEGATION OF CHILE,  
Washington, September 4, 1891. (Received September 4.)

SIR: I have the honor to communicate to the Department of State that, expecting to leave Washington and perhaps the United States at any moment, Señor Jorge Asta-Buruaga will have charge of the legation during my absence, until the present *de facto* government of Chile shall be organized and obtain from the United States Government the recognition of a diplomatic agent.

Before leaving, allow me to beg your excellency to express to the President of the United States my gratitude for the favorable reception which I have met with during my residence in the country, both officially and socially.

I renew with pleasure, Mr. Secretary, etc.,

PRUDENCIO LAZCANO.

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*Mr. Wharton to Señor Lazcano.*

DEPARTMENT OF STATE,  
Washington, September 7, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 4th instant, in which you inform me that you may leave Washington at any moment, and that Señor Don Jorge Asta-Buruaga will remain in charge of your legation as chargé d'affaires *ad interim*.

In reply, I desire to state that this Department will take pleasure in corresponding with Mr. Asta-Buruaga upon such questions affecting the United States and Chile as may arise while he is in temporary charge of the Chilean legation at this capital.

I shall be glad to transmit to the President, in compliance with your desire, the expression of your high appreciation of the favorable treatment which you have received at his hands.

Accept, etc.,

WILLIAM F. WHARTON,  
Acting Secretary.

*Señor Pedro Montt to Mr. Blaine.*

[Translation.]

LEGATION OF CHILE,  
Washington, November 24, 1891. (Received November 25.)

I have the honor to transmit herewith a copy of an autograph letter, by which Señor Don Jorge Montt, president of the Government Junta of my country, communicates to His Excellency the President the submission of the entire territory of the Republic to the legal authority.

PEDRO MONTT.

[Inclosure.—Translation.]

*President Montt to President Harrison.*

GREAT AND GOOD FRIEND: It gives me great satisfaction to inform Your Excellency that, legal authority being reestablished throughout the territory of the Republic, the Council of the Government over which I have the honor to preside has fixed its seat at the capital of the Republic. In communicating to Your Excellency the change provisionally made in the rule of the Chilean nation, it devolves on me to state to you that the Council of the Government desires in every way to secure and to strengthen the exalted relations of friendship of the people and Government of Chile with the people and Government of the United States of America.

Given at my office, the 31st day of August, in the year of our Lord 1891.

JORGE MONTT.

ISIDORO ERRAZURIZ.

*Mr. Blaine to Señor Pedro Montt.*

DEPARTMENT OF STATE,  
Washington, November 27, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 24th instant, in which you inclose, with office copy, a letter dated August 31 last, addressed to the President of the United States by the President of the Council of the Provisional Government of Chile, announcing that all the territory of that Republic had submitted to the legal authority.

In reply, I have the honor to say that I have delivered to the President the autograph letter addressed to him by the President of the Council of the Provisional Government, and that his reply will be transmitted through our minister at Santiago.

Accept, etc.,

JAMES G. BLAINE.

*Left with Secretary December 3, 1891, by Señor Montt.*

SANTIAGO, December 1, 1891.

PEDRO MONTT,  
1329 M street, Washington, D. C.:

Preliminary examination not yet finished on account of proceedings necessary to secure the statements of experts. Egan's testimony was asked for twenty days ago.

MATTA.

*Señor Pedro Montt to Mr. Blaine.*

[Translation.]

LEGATION OF CHILE,  
*Washington, December 11, 1891.*

SIR: I have brought to the knowledge of my Government the report contained in official documents, recently published in Washington, in relation to the lamentable event which took place in Valparaiso on the 16th of October last, between sailors of the *Baltimore* and Chilean seamen and stevedores.

My Government, being desirous to remove any cause which might disturb the good relations of the United States and Chile, has directed me to state to you that the report in question is open to the charge of inaccuracy in some essential particulars, and that the Government of Chile will make a complete statement of the facts so soon as the judicial investigation upon which it must be based shall have been concluded, as I had the honor to say to you in the interview which you were pleased to grant me on the 9th instant.

Immediately upon the occurrence of the lamentable events of Valparaiso, which my Government has deeply deplored, there was set on foot the judicial investigation provided by the laws for the prosecution and punishment of those who might be found culpable. Official notification of the progress of this investigation was received by the commander of the *Baltimore* on the 22d of October, by a note addressed to him by the intendente of Valparaiso; and on the 27th of October the minister of foreign relations of Chile, in a note to the minister plenipotentiary of the United States at Santiago, announced to him that so soon as the investigation should reach a final term the result thereof would be brought to his knowledge.

The judicial proceedings have not yet been completed. It has been necessary to take the testimony of numerous persons, among whom are the selfsame sailors of the *Baltimore*, and to adopt various measures to procure expert evidence, since the affair is not a simple matter of police, but involves a grave criminal case, in which men have been killed and wounded. The appearance of the sailors of the *Baltimore*, for example, was delayed for some time, and up to the present time the evidence which was asked of the minister plenipotentiary of the United States at Santiago on the 9th of November has not been furnished.

My Government cherishes the assurance that the Government of the United States can not behold in the observance of the formalities fixed by the laws in respect to judicial matters, and in the solicitude with which the Chilean authorities are investigating occurrences in which some deaths are involved and which may entail capital punishment, anything save the fulfillment of the duty which is incumbent upon them to administer enlightened and upright justice.

Events like those which took place in Valparaiso on the 16th of October are not rare in ports visited by sailors of diverse nationalities, and there are no grounds whatever for attributing to the affair of Valparaiso any motive offensive to the United States.

If the result of the judicial investigation shall show the culpability of Chilean citizens, the Government of the United States may rest assured that they will be punished conformably to the laws. And, if the investigation should show responsibility on the part of the sailors of the *Baltimore*, my Government entertains the conviction that the Government of the United States would not wish them to go unpun-

ished. The repression of crimes is a social interest of high importance, whatever the nationality of the guilty parties or of the victims.

With sentiments of the most distinguished consideration, I subscribe myself,

Your very faithful servant,

PEDRO MONTT.

On the 14th of December Señor Montt left with Mr. Blaine a copy of inclosure J to his note of December 19.

The following translations of notes from Señor Matta were delivered to Mr. Blaine by Señor Montt on the 16th of December, together with inclosures B, D, E, and F to his note of December 19, 1891:

[Translation.]

No. 557.]

SANTIAGO, *October 19, 1891.*

Having been informed of the conflict which took place in your city between the mariners of the United States cruiser *Baltimore* and some of the national seamen, I beg that as soon as the proper testimony has been taken you will inform this department, so that it may be prepared for any diplomatic representations.

Respectfully,

M. A. MATTA.

Witnessed:

A. BASCUÑAN M.

The INTENDENTE OF VALPARAISO.

[Translation.]

No. 614.]

SANTIAGO, *October 29, 1891.*

I received yesterday, in this ministry, the telegram and the report relative to the deplorable affair of the 16th, for both of which I am much obliged; new information and data are expected to-day, when the matter will be in condition to be telegraphed to Washington and to Paris.

Respectfully,

M. A. MATTA.

Witnessed:

A. BASCUÑAN M.

The INTENDENTE OF VALPARAISO.

*Señor Pedro Montt to Mr. Blaine.*

[Translation.]

LEGATION OF CHILE,  
*Washington, December 19, 1891.*

SIR: I have received from my Government various documents relative to the unfortunate occurrences which took place in Valparaiso on the 16th of October last between sailors belonging to the *Baltimore*



and Chilean sailors, and, as you have expressed a desire to read them, I take pleasure in furnishing them to you. The documents which I have the honor to send you are the following:

A.—Reply of the minister of foreign relations of Chile, dated October 26, to the note addressed to him on the day previous by the minister plenipotentiary of the United States at Santiago, relative to the occurrences which took place at Valparaíso on the 16th of that month.

Señor Matta, among other things, says in his reply to Mr. Egan that, immediately after the unfortunate affair of October 16, the judicial authorities instituted legal proceedings against the parties who were responsible for the offenses committed on that day, which was known to the commander of the *Baltimore*. He promises to inform Mr. Egan of the result of the investigation when it shall have been concluded, and states that, out of regard for the harmony which it is his duty and his desire to maintain between the United States and Chile, he passes in silence over the improper expressions used by Mr. Egan in certain portions of his note.

B.—Note of October 22, from the criminal judge of Valparaíso to the intendente of the province, who transmitted it to the commander of the *Baltimore*, and to which reference is made in the aforesaid note of Señor Matta. In this note of October 22 the criminal judge requests the intendente of Valparaíso to inform the commander of the *Baltimore* that the preliminary examination concerning the affair of October 16 has been nearly concluded.

C.—Note of October 30, addressed by Señor Matta to Mr. Egan. In his note of October 26 Mr. Egan made grave charges against the police of Valparaíso and called their action cowardly and brutal. Señor Matta, after making inquiry of the intendente of Valparaíso, informs Mr. Egan, under date of October 30, that the disorder began at about 6 o'clock p. m., in a quarter of the city inhabited by low people, where liquor shops and sailors' boarding houses are numerous. The intendente was notified at about a quarter past 6, and he immediately gave orders, by telephone, for a sufficient force to proceed without delay to the spot in order to put down the riot. This was done, and when the police arrived, which was at about half past 6 o'clock, the mob had increased to about 1,000 people, extended from Echaurren Square to the passenger wharf, and formed a genuine battlefield, in which all, including the American sailors, were fighting with stones, sticks, and swords.

The police and soldiers did nothing more than quiet the tumult, arrest those who were most drunken and most riotous, and disperse the crowd. An hour after the disturbance had commenced, everything was quiet and the parties arrested had been turned over to the criminal court.

When the police began to arrive at Echaurren Square, a shot from a gun or pistol was heard behind the captain who commanded them. The captain turned and saw a sailor from the *Baltimore* fall, having received a wound in the neck. The shot had doubtless been fired from a large group of persons standing near. The officer dismounted from his horse, took care of the wounded man, had him carried into the nearest drug store, kept by Mr. Guzman, so that his first wants might be attended to, and afterwards sent to the hospital. Unfortunately he died on the way.

The local authorities could not have done more than they did on the occasion of this unfortunate affair.

Thirty-one American sailors and several Chileans were taken before the judge. More than 100 sailors from the *Baltimore* had come ashore

on that day, and the remainder, who were more than 80 in number, took no part in the riot.

The local authorities and the police, so far from committing any outrages, did all in their power in behalf of the wounded men and to restore order. The riot had begun, as it appeared, in a quarrel between drunken sailors.

In his note of October 30 Señor Matta reiterates to Mr. Egan his offer to communicate to him the result of the judicial inquiries, and assures him that, if the guilty parties are discovered, full justice shall be done.

D, E, F, G, H.—Notes from the minister of foreign relations of October 26, from the intendente of Valparaíso of October 27 and 28, and from the chief of police of October 17 and 27, on which the note from Señor Matta to Mr. Egan of October 30, marked C, is based.

I.—Note of November 6 from the criminal judge to the intendente of Valparaíso, transmitted by the latter to the commander of the *Baltimore*.

In the course of the trial the criminal judge deemed it necessary to hear the testimony of several sailors belonging to the *Baltimore*, and a direction of the court to that effect was transmitted by the intendente to the commander of the cruiser. Before he would allow the sailors to appear, Mr. Schley demanded that they should be accompanied by an officer who was to serve as their adviser; that their statements should at once be made public, and that the commander should be permitted to read them.

The judge was unable to comply with these requirements, because they were at variance with the Chilean laws governing judicial procedure. The witnesses must declare what they know, without their statements being influenced by the suggestions of an adviser. Criminal proceedings are conducted in secret until the preliminary examination is terminated and an indictment is prepared, just as proceedings before the grand jury, serving as a basis to the indictment, are secret according to the laws of the United States. Proceedings in criminal trials are made public when the preliminary examination is concluded, according to the laws of Chile, just as they are according to the laws of the United States when the functions of the grand jury are terminated. The commander would have been at liberty to read the statements of the sailors when the preliminary examination was ended, but not before.

The criminal judge told the commander that he might send the sailors with some officer in whom he had confidence, who was familiar with the Spanish language, and that such officer might act as interpreter. There are interpreters at the court who lend their services whenever the witness does not understand Spanish and who explain to the witness the questions addressed to him by the judge. The written statement signed by the witness is previously translated and explained to him by the interpreter, so that the witness does not sign it until he knows what it means and is sure that it is a faithful reproduction of what he has said.

The willingness of the judge to allow the sailors or the commander of the *Baltimore* to designate an interpreter who should be present when they made their statements shows what guaranties are furnished by the laws of Chile in criminal cases.

J.—Note of November 3 from the criminal judge at Valparaíso to the minister of justice. The criminal judge, in obedience to the law which provides that judges shall endeavor by every means in their power to elicit the truth, and as an act of impartiality and international courtesy, asked for such information relative to the occurrences

of the 16th of October as might have been obtained by the American consul and the commander of the *Baltimore*. These two officers had declined to furnish any information because the case had been laid before Mr. Egan by order of their Government. The commander of the *Baltimore*, in his reply, had added that Mr. Egan could, if requested to do so, furnish a list of names of persons who could, in their turn, give the names of others who had witnessed the death of the seaman Riggins and the wounding of several others belonging to the crew of the *Baltimore*.

The criminal judge, in the note of the 3d of November, applies to the ministry in order that it should request of Mr. Egan such information as he might have in respect to the disorders of the 16th of October, and in particular the names of witnesses to whom the commander of the *Baltimore* refers.

In his note of the 3d of November to the ministry, the criminal judge adds that neither the American consul nor the commander of the *Baltimore*, nor any person whosoever, has imputed before his court to the authorities or the police participation in or responsibility for the occurrences of the 16th of October, neither has any specific or general charge been preferred against them because of their not having endeavored to prevent those occurrences or their deplorable and ultimate consequences. On the contrary, the greater part of the sailors testify that the police rendered them timely aid and endeavored to protect them by removing them from the action of the populace and conveying them to their own barracks.

The commander of the *Baltimore* himself, in an official visit paid in company with the American consul to the criminal judge in his office, made to him satisfactory declarations concerning the conduct of the police during the disorders of the 16th of October, and added that the conduct of certain officers toward the sailors had been delicate and considerate.

The judge also says that, as the result of active measures and with the coöperation of the police, they have succeeded in arresting several of the persons who were said to have taken direct part in the events of the 16th of October, of whom two have confessed.

K.—Note of Señor Matta to Mr. Egan, of November 9. In view of the foregoing communication of the criminal judge of Valparaíso, Señor Matta begs of Mr. Egan that to the end of clearing up the facts and ascertaining who are the guilty parties, and in order that the truth may be discovered and known concerning the occurrences of the 16th October, he will be pleased to submit the information furnished to him by the American consul and by the commander of the *Baltimore*, and that he inform him also of the substance of the reply of the commander of the *Baltimore*—that is, that Mr. Egan should furnish, if so requested, a list of the names of persons who, in turn, could give the names of others who witnessed the death of the sailor Riggins and the wounding of several other members of the crew of that cruiser.

Señor Matta further says to Mr. Egan that the delay in conducting the proceeding *en sumario* has already lasted several days by reason of the sailors of the *Baltimore* having been excused from appearing before the court, and that this delay would continue so long as the testimony asked for should be deferred; so that not only to hasten, but also to complete, the *sumario* it was necessary for the important testimony of Mr. Egan to reach the ministry in order that it might be immediately transmitted to the court.

According to telegraphic advices received by me up to the 14th of the

current month of December, Mr. Egan had not, to that date, furnished the report which had been requested of him by the note of the 10th of November, and there was lacking to the *sumario* the evidence of the eye-witnesses to be pointed out by the persons known to Mr. Egan and whose names had not been communicated up to that date.

On two occasions, in the conferences which you were pleased to grant me on the 3d and the 9th of this month, I had the honor to state to you that Mr. Egan had not furnished the report which had been requested of him. The authenticated copy which I now send to you gives testimony of the importance of the facts to which that information relates.

From the documents which I have the honor to transmit to you it clearly appears, without prejudice to the result of the criminal proceeding, which I hope will be speedily terminated, that the police of Valparaíso discharged their duty in the lamentable occurrences of the 16th of October without having wounded or maltreated anyone, and that they gave assistance to the unfortunate sailor who was the victim of a bullet fired from the midst of one of the groups of men there assembled.

It appears, moreover, that the judicial authority has been active and zealous in the discharge of its functions in order to proceed against the guilty parties, and that the judicial proceedings have been prolonged by reason of the considerable number of persons whose testimony must necessarily be heard, and for causes which it did not lie with the Chilean authorities to avoid.

From the accompanying documents there appear, moreover, no grounds whatever to warrant the assertion that the sailors of the *Baltimore* were attacked in various places in the city at the same time. On the contrary, it is seen that the riot took place in one part of the city only; in that part which is well known by reason of frequent disturbances of this character, and that within an hour from the beginning of the tumult and within half an hour after the arrival of the police and of the other forces which were sent to quell it, tranquillity was restored, those who appeared most compromised in the disturbance having been taken before the judge.

The judicial proceedings which were instituted without delay will throw full light upon the affair, and the undersigned doubts not that the spirit of justice which animates the Government of the United States and that of Chile will be duly satisfied by the judgment with which the investigation is to terminate.

With sentiments of the highest consideration, I subscribe myself

Your most obedient servant,

PEDRO MONTT.

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A.

*Señor Matta to Mr. Egan.*

[Translation.]

MINISTRY OF FOREIGN RELATIONS,  
Santiago, October 27, 1891.

SIR: The undersigned received yesterday evening at 3:30 the note in which you, under date of the 26th instant, carrying out the instructions of your Government, give an account of the deplorable events which took place on the 16th, and after setting forth the conclusions arrived at by a committee of officers and the commander of the cruiser *Baltimore*, you make comments, formulate demands, and utter threats, which, without being indignantly repelled, are not accepted and can not be accepted by this department in the present case, nor in any other of the same nature.

The undersigned does not doubt and makes no protest against the sincerity, recti-

tude, and ability of the investigations made respecting the lamentable occurrence between some North American sailors and some Chilean sailors on leave and stevedores, but in the discharge of his duty, and in pursuance of international prescriptions and usages which have never been questioned by civilized nations, he defers and will defer to the jurisdiction of the authorities of his own country, which are the only ones which have full right and sufficient power to try and to punish the guilty parties, whoever they may be, and wherever they may be found in Chilean territory.

The affair took place in Valparaíso, and ever since the day on which it occurred the administrative and judicial authorities concerned have been engaged in investigating who were to blame and who deserve punishment in the very deplorable and as yet undecided and untried occurrence of the 16th instant.

The undersigned, believing it to be his necessary and bounden duty, no less than his desire, in the post which he occupies, to cultivate good relations, not only with friendly countries, but with those who are their honored and accredited representatives, overlooks the form which the minister plenipotentiary gives to his complaints and protests, in some parts of his note, and proceeds to answer the only two points in it which require a reply, in order that matters may remain in their proper province and light.

On the occurrence of the difficulty between North American sailors and Chilean citizens, which occasioned the deaths and wounds recounted in your excellency's note, the proper authorities began the necessary investigations to decide who were the responsible parties, and how they ought to be punished; and the commander of the *Baltimore* must have received notice and have had some proof of that investigation as early as the 22d or 23d instant, according to a copy now in the archives of this department, addressed by the criminal judge to the intendente of Valparaíso and forwarded by the latter in obedience to instructions received on the 19th.

The judicial investigation of the facts which, in our judicial practice, is styled "summary," and is kept secret until it reaches a certain point at which it is made public, has not yet arrived (at that stage); and hence this department does not possess, and can not transmit, the information regarding the blame and the guilty parties resulting from the investigation.

So soon as this (investigation) shall have arrived at its termination, whatever may be its conclusions respecting the blame and the guilty parties, the undersigned, who recognizes no other legitimate authority for trying criminal occurrences which have taken place on Chilean territory than that established by the people of Chile, will have the honor and the duty of notifying the envoy extraordinary and minister plenipotentiary of the United States, whose Government and whose nation have never ignored, and never can ignore, in other (countries) with which they are in relations of friendship, the powers and rights of sovereignty which are nowhere more evident and more applicable than in the exercise of the jurisdiction appertaining to every independent country.

While awaiting the moment of knowing and making known the results of the summary concerning the events and the guilty parties of the 16th instant, without admitting that the disorders which occurred in the streets of Valparaíso, and the silence observed in this department "appear to be the expression of a bad feeling toward the Government of the United States, which may endanger the preservation of the friendly relations between the two countries," the undersigned has the honor to reiterate his distinguished consideration to the envoy extraordinary and minister plenipotentiary, signing himself his humble servant,

M. A. MATTA.

The foregoing agrees with the document on file at this legation.

[L. S.]

WASHINGTON, December 19, 1891.

ANÍBAL CRUZ.

B.

*The intendente of Valparaíso to Señor Matta.*

[Translation.]

No. 3028.]

REPUBLIC OF CHILE, INTENDENCIA OF VALPARAÍSO,  
*Valparaíso, October 22, 1891.*

The criminal judge, in note No. 356, dated yesterday, tells me as follows:

"This court having temporarily suspended (proceedings) in the case of all the sailors of the North American cruiser *Baltimore*, who were being tried for the lamentable disorders which occurred on the evening of the 16th instant, in the ward of Ar-

rayan, in this city, the undersigned has ordered that the money and effects which the police found in the possession of the sailors arrested be placed at the disposal of the commander of that vessel in order that, through him, they may be returned to their respective owners. The undersigned therefore requests the intendente to forward to the commander of the *Baltimore* the said articles, which are sent for that purpose with this note; and calls attention to the fact that the commander ought to give the necessary receipt for the same to be filed with the proceedings of the summary. I also inclose a certified copy of the declaration placed in the report of the police with regard to the said articles, and to the sailors in whose possession they were found. It will aid the commander in making the distribution suggested by this court. *I avail myself of this opportunity to inform your excellency, in order that you in turn may inform the North American admiral, or the military chief who represents him in this bay, that the summary instituted respecting the events before mentioned is on the point of arriving at its complete termination.*" This I have the honor to communicate to your excellency, in compliance with the request contained in your note No. 559, of the 19th instant.

"May God preserve you."

A true copy.

J. DE D. ARLEGUI.

A. BASCUÑAN M.

The foregoing agrees with the document on file at this legation.

[L. S.]

ANÍBAL CRUZ.

WASHINGTON, December 19, 1891.

### C.

*Señor Matta to Mr. Eagan.*

[Translation.]

### MINISTRY OF FOREIGN RELATIONS,

*Santiago, October 30, 1891.*

SIR: As certain charges were made against the soldiers and officers of the police of Valparaiso in your communication of the 26th instant, and pending the publication of all that has been done in the examination of the occurrences of the 16th instant, which this department must lay before you, the undersigned deems it necessary and proper to transmit to you the report which has been made by the intendente of Valparaiso (based upon the facts which he has been able to elicit) in the discharge of his duty, and with a view to discovering those who were guilty of the acts which took place on the 16th instant.

The report of Don Juan de Dios Arlegui, which is based upon information received from the officers concerned, says as follows:

"You will thereby understand how very incorrect were the charges made by the United States minister against the police of this city. It would have been physically impossible for the police to commit all the acts of brutality and cruelty with which they are charged. The riot began at about 6 p. m. in Clave, San Martin, San Francisco streets, and others which are inhabited by low characters and in which liquor shops and sailors' boarding houses are numerous. It is very easy to collect a mob there in a few minutes.

"I was informed of the riot at about a quarter past 6 p. m., and at once gave orders by telephone to police headquarters and to the Santo Domingo station, and verbally to the guard of the intendencia, directing that the largest force possible should be sent immediately to put down the riot. This was done, but when the force, consisting mostly of police, arrived, which was at about half past 6, the mob numbered about 1,000 persons, and extended from Echaurren Square to the passenger wharf, occupying Cochrane and Blanco streets, and Errazuriz avenue, and forming a regular battlefield in which all, and particularly the American sailors, fought with stones, sticks, and swords (knives?). The police and the soldiers who had come up did nothing more than arrest those who were most violent, owing to their intoxicated condition, and disperse the crowd. An hour afterwards, at half past 7 p. m., everything was quiet and the persons who had been arrested had been turned over to the criminal judge, who was also on the spot.

"When the police force arrived a shot from a gun or pistol was heard behind the captain who was in command. The captain turned at once and saw a seaman from the *Baltimore* fall, having received a wound in the neck. The shot had evidently been fired from a considerable crowd of people standing near. It was impossible to

find out who had fired the shot or to find any person who was armed, which will be readily understood if it is considered that the shooting took place just when the police were arriving at Echaurren Square.

"The officer dismounted, attended to the wounded man, and had him carried to a drug store kept by a Señor Guzman, so that his first wants might be supplied, and then sent him to a hospital. Unfortunately he died on the way.

"I do not think, Señor Minister, that the local authorities could have done more than they did on the occasion of this unfortunate occurrence, in view of the place where it originated, the insufficiency of the police force for this extensive and irregularly built city, and the imprudence of allowing 160 men belonging to the crew of the *Baltimore* to go ashore at one time, as the police reports state was done.

"It has been impossible to ascertain the precise cause of the riot. I do not know whether it will be shown by the examination which is now in progress; there is, however, every reason to suppose that it was the outcome of a quarrel between drunken sailors. A similar quarrel had taken place a few days before between German and Chilean sailors."

According to the rules which govern criminal proceedings in Chile, such proceedings are conducted in secret while the facts are being investigated. Hence neither the intendente of Valparaiso nor the undersigned can know anything beyond what appears from the declaration and statements of certain determinate persons. Thus they can affirm or deny nothing as regards the result which may be reached by the judge who is conducting the investigation, which is likely to last longer and to be more complicated, according to the increased number of those against whom charges are preferred. Reiterating my promise to communicate to the United States legation the result of the trial, and feeling certain that, when the guilty parties are discovered, full justice will be done, I have the honor to reiterate to you, Mr. Minister, the assurance of my high consideration.

M. A. MATTA.

A correct copy.

A. BASCUÑAN,  
*Intendente.*

The foregoing agrees with the document on file at this legation.

[L. S.]

ANÍBAL CRUZ

WASHINGTON, December 19, 1891.

D.

*Señor Matta to the intendente of Valparaiso.*

[Translation.]

MINISTRY OF FOREIGN RELATIONS,  
*Santiago, October 26, 1891.*

I herewith send you an extract from a communication which has this day been addressed to this department by the United States minister, relative to the disturbance with seamen belonging to the cruiser *Baltimore*.

Be pleased to send to this department, as speedily as possible, a report of the examination held concerning this matter, the documents showing the origin and state of the investigation, if the examination is not concluded, and such other antecedents as may show the course which has been pursued by the local authorities.

Accept, etc.,

M. A. MATTA.

Correct.

A. BASCUÑAN,  
*Intendente.*

The foregoing agrees with the document on file at this legation.

[L. S.]

ANÍBAL CRUZ.

WASHINGTON, December 19, 1891.

## E.

*The intendente of Valparaiso to Señor Matta.*

[Translation.]

INTENDENCIA OF VALPARAISO,  
Valparaiso, October 22, 1891.

In reply to your communication of yesterday, I have the honor to transcribe to you the following note from the judge of the criminal court of this port which has to-day been received at this intendencia:

"The undersigned will deem it his duty to furnish to you all the antecedents relative to the disturbance between Chileans and North American sailors (which took place on the 16th instant) as soon as the investigation, which is now in progress and is being diligently conducted by this court, concerning that disagreeable incident, shall have been terminated.

"With respect to the present state of the matter, the preliminary examination is still being held, and the most important proceedings have been those which were brought to your knowledge by my note of the 21st instant, No. 356, to which I refer."

By the transcription which I have made you will be able to inform yourself with regard to the state of the examination now being held concerning the occurrences which took place on the 16th instant.

As to the details furnished by the North American minister in his communication to your department, a copy of a portion of which you were pleased to send me, I must inform you that I have requested the chief of police to furnish a new and detailed report, which I will have the honor to communicate to you as soon as I shall receive it.

God guard you.

J. DE D. ARLEGUI.

The foregoing agrees with the document on file at this legation.

[L. S.]

ANÍBAL CRUZ.

WASHINGTON, December 19, 1891.

## F.

*The intendente of Valparaiso to Señor Matta.*

[Translation.]

INTENDENCIA OF VALPARAISO,  
Valparaiso, October 23, 1891.

In my communication No. 3094, dated yesterday, I transcribed to you the one which had been sent to me by the judge of the criminal court, promising to communicate to you through this intendencia, as soon as the examination had been terminated, everything relating to the unfortunate conflict of the 16th instant between seamen belonging to the cruiser *Baltimore*, seamen from the national navy, and a portion of the common people of the city.

I promised you in that communication to send you to-day the new report which I had asked of the chief of police, Lieut Col. Ezequiel Lazo, in view of the charges made by the minister of the United States of North America in the communication which he addressed to the department under your charge, and several paragraphs of which you were pleased to communicate to me.

I now have the honor to send you, in the original, both the report which the chief of police sent to this intendencia, on the 17th instant, and that which he sent to me yesterday at half past 6 o'clock p. m. on the same subject. You will thereby see how incorrect were the charges made by the minister of the United States against the police of this city. It would be, of course, physically impossible for the police to have committed all the acts of brutality and cruelty with which they are charged. The riot began at about 6 p. m. in Clave, San Martin, San Francisco streets, and others, which are inhabited by low characters and in which liquor shops and sailors' boarding houses are numerous. It is a very easy matter to collect a mob in that quarter in a few minutes.

(Here follows the rest of the report as given in detail in inclosure C.)

The foregoing agrees with the document on file at this legation.

[L. S.]

ANÍBAL CRUZ.

WASHINGTON, December 19 1891.



G.

*The chief of police of Valparaíso to the intendente of Valparaíso.*

[Translation.]

OFFICE OF THE CHIEF OF POLICE,  
*Valparaíso, October 17, 1891.*

SEÑOR INTENDENTE: I hereby inform you that yesterday at 6 p. m., in Errazuriz avenue and in Arroyan and San Martín streets, a great riot took place between seamen belonging to the North American war vessel *Baltimore*, Chilean seamen, and some of the people of the city.

While this office was receiving notice of the riot and a sufficient force was being sent to reinforce the city guard, the latter found, on its arrival, six wounded North Americans and one Chilean sailor. Boatswain's Mate Riffin, of North American nationality, subsequently died. He was sent to the hospital, together with the following wounded men: J. W. Talbot, W. Turnbull, J. M. Davidson, G. Pancker, and John Haunltier (Hamilton?).

The riot was entirely put down by the force. It is impossible for the present to learn precisely what was the cause of the disturbance, owing to the quickness with which it originated. The following seamen from the *Baltimore* were arrested and taken before the judge of the criminal court: C. G. Williams, H. Frederick, P. Thompson, A. Priffus, T. Gallagher, W. Saery, J. McPraid, C. Bayll, Neill Bonll, W. Brown, J. W. Friend, John Rudison, N. Janet, N. Doncke, J. Nelson, N. Cristen, W. Salbon, Patrick Gagan, McWilliams, G. Guth, Dory Cass, W. H. Nichols, J. Harwors, H. Curmangharm, A. Swanson, C. Welleland, Downy, J. W. Talbot, N. Halmington, G. Fiermbull, W. Trumbull, and the following Chilean sailors: Manuel Mendoza, Pedro Plaza, José Ahumada, Vicente Guzman, Enrique Roman, Manuel Cenobio, Adrian Bravo, Desiderio Castellano, José Escribano, Guillermo Hidalgo.

All of which I bring to your knowledge for such purposes as may be proper.

EZEQUIEL LAZO.

The foregoing agrees with the document on file at this legation.

[L. S.]

ANÍBAL CRUZ.

WASHINGTON, December 19, 1891.

H.

*The chief of police of Valparaíso to the intendente of Valparaíso.*

[Translation.]

OFFICE OF THE CHIEF OF POLICE,  
*Valparaíso, October 27, 1891.*

SEÑOR INTENDENTE: In obedience to your verbal order to report concerning the contents of an extract from the note of the United States minister addressed to the minister of foreign relations relative to the affray which took place on the 16th instant between some North American seamen and a number of Chilean seamen and people of this city, I have to inform you that I ratify in all respects the report which I made to you on this subject under date of the 18th instant, and I may add that the charges made against the police by the United States minister are wholly unfounded, since the police did nothing more than their duty and did not maltreat a single one of the foreign seamen. It was their duty to disperse the crowds which had collected in several streets, owing to the riot which had taken place between the seamen of both nationalities and a number of the people of the city—to send all that they were able to take to the police station, in order to shelter them from further attacks, and as you are aware 31 United States seamen and 11 Chileans were taken before the criminal court for examination.

Capt. Honorio Zamudio, who was in command of a detachment of police, found on reaching the scene of the disorder a mob of not less than 1,000 persons, and in his report to me and in his statement before the judge of the criminal court he has declared that that serious riot was put down by his intervention, adding that the wounded men who were found, both American and Chilean, were sent to the hospital, and that they had been wounded in the fights which had taken place before he arrived. He adds that, when he reached Marquez street, he heard the shot of a gun or

pistol, and turned towards the group whence he thought that it had come; he then found that a foreign sailor had received a ball in the neck, and it was impossible in that crowd to find out who had fired the shot. This is all that I have to say on the subject.

EZEQUIEL LAZO.

The foregoing agrees with the document on file at this legation.

[L. s.]

ANÍBAL CRUZ.

WASHINGTON, December 19, 1891.

# I.

*The judge of the criminal court of Valparaíso to the intendente of Valparaíso.*

[Translation.]

VALPARAÍSO, November 6, 1891.

SEÑOR INTENDENTE: I have read the translation of a communication sent to you by the commander of the *Baltimore*, in which he sends a list of names of persons who may be summoned to testify at the examination which this court is now holding concerning the riot of the 16th of October last, and I am happy to inform you that the court has ordered all the persons mentioned to be summoned without delay.

The commander of the *Baltimore*, in his communication, mentions several of the men belonging to the crew of that vessel; before allowing them to testify, however, he requires:

(1) That they be permitted to make their statements in their own language.  
(2) That they shall be accompanied at court by an officer who is to serve as their adviser.

(3) That their statements shall be public and that they shall not be held in reserve.

(4) That the commander shall be allowed to read their statements.

As to the first condition required for the appearance of the seamen of the *Baltimore*, you will understand that this court has no objection to it whatever, nor could they give their testimony otherwise than in the manner desired by the commander, since they do not understand the Spanish language.

I may also add that, desiring to furnish all necessary facilities for the defense of the rights of the American seamen, this court will accept their testimony through such interpreters as they themselves may designate, although there is among its clerks an interpreter who has never given cause for doubt as to his impartiality and discretion.

The same is not the case in regard to the other conditions required, none of which could be granted by this court, since all of them are contrary to the secrecy required by our laws of procedure in criminal cases so long as the preliminary examination of such case is in progress.

The judicial authorities of Chile could not permit, Señor Intendente, without detriment to its decorum and to the prerogatives belonging to the Republic as a free and sovereign nation, that, in view of exigencies which are justified neither by law nor by any reason whatever, distinctions should be made which are openly in violation of the laws which, in our country, protect all persons, whether native or foreign.

On this subject I reproduce the considerations contained in my communication No. 206, of this date, sent to you in reply to the claim made by the North American consul relative to the seaman Patrick Shields, of the steamer *Keweenaw*, the contents of which communication you may communicate to the commander of the *Baltimore*.

Perhaps, without insisting upon his demands, the commander may obtain what he asks for, if he will send his seamen, together with some officer in whom he has confidence, who is familiar with the Spanish language, to act as their interpreter.

God guard you.

E. FOSTER RECARREÑ.

The foregoing agrees with the document on file at this legation.

[L. s.]

ANÍBAL CRUZ,

WASHINGTON, December 19, 1891.

J.

*The criminal judge of Valparaiso to Señor Matta.*

[Translation.]

No. 382.]

CRIMINAL COURT,  
*Valparaiso, November 3, 1891.*

SEÑOR MINISTER: As you are aware, this court is at present, and has been since the 17th of October last, conducting with activity and zeal an investigative *sumario* in regard to the lamentable disorders which took place on the afternoon of the previous day in the Arrayan quarter of this port between sailors of the American cruiser *Baltimore*, Chilean sailors, and people of the town, with the unflinching purpose of investigating the real origin of those events, and applying in due time the fitting punishment to the persons who may be found responsible therefor, whatever may be their nationality.

In the course of the investigation this court, obeying the positive precepts of our laws of procedure, which prescribe that the judges of instruction in criminal cases shall endeavor to attain to the truth by all means within their reach, and keeping also in view a purpose of exalted impartiality and international courtesy, issued an order (*decreto* rule) directing that there be requested, in order to make use of them in the investigation, such details in regard to the occurrences above referred to as it might have been possible for the American consul and the commander of the *Baltimore* to collect, and the court notified the intendente of the province to obtain through his mediation the aforesaid details.

Under date of yesterday the intendente submitted to the court copies of the notes sent to him by those officers, wherein both of them excuse themselves from furnishing any particulars whatever, alleging that the matter had been brought to the cognizance of Mr. Patrick Egan, minister plenipotentiary of the United States in Santiago, by order of their Government. The commander of the *Baltimore* adds, moreover, for his part, that Mr. Egan could furnish, if requested to do so, a list of names of persons, who, in their turn, could state the names of other persons who witnessed the death of the sailor Riffin and the wounding of several other members of the crew of that cruiser.

This last suggestion of the commander constrains the undersigned to address himself to you in order to request, through the official channel of your department, the particulars which Mr. Egan may possess in regard to the disorders under examination, and especially the names of the witnesses to whom the aforesaid naval commander refers.

And, now, that I have had this opportunity to address you, I do not wish to let it pass without expressing to the minister the surprise which this court could not but feel that there should have been an attempt to make a vexatious international question out of an affair which, by reason of its nature, its characteristics, and its proportions, ought never, looking at things with a dispassionate judgment, to have left the halls of the court which was investigating it in conformity with the laws which, in our country, protect the rights of all without distinction of nationality.

Indeed, Señor Minister, in order that a common crime, defined and punished by our penal code, committed in our territory and in which foreign citizens have been concerned as responsible actors or as victims, could be removed from the ordinary and equal sphere of the courts of justice without evident wrong to our rights as a sovereign and civilized nation, and be carried into the craggy domain of diplomacy, it would be necessary for one of the following circumstances to have taken place:

(1) That the authorities of the district or their responsible agents should have taken a personal and direct part in the offense.

(2) That, it having been in the power of the said authorities or their agents to prevent the occurrence of the event, or its later consequences, they should have neglected to do so.

(3) That the ordinary justice having cognizance of the occurrence should not have proceeded to investigate the facts in order to punish those who might be found guilty; and

(4) If the court, called upon to take cognizance of the affair, should decide it in a sense contrary to existing law and in prejudice of the foreigners concerned.

Do the disorders of the 16th of October appear to be invested, perchance, with any one of these conditions?

Without violating the legal seal of the *sumario*, I can inform you in advance that neither the wounded sailors, nor the commander of the *Baltimore*, nor the American consul, nor any person whomsoever has made imputation against our authorities or against their immediate and responsible agents by even insinuating before this court that the disorders of the 16th could have taken place with their participation or knowledge.

Neither has any charge whatever been made, either specific or general, against the said authorities or against the police, because of their not having endeavored to prevent those occurrences and their subsequent and deplorable results.

On the contrary, from the concurrent testimony of the greater part of the sailors of the *Baltimore*, it appears that the police rendered them timely assistance and that they endeavored to protect them by withdrawing them from the action of the populace and conveying them to their own barracks.

Only one of those sailors, N. C. Janet, maintained before the court that the policeman who arrested him had struck him while taking him to the police barracks, adding at the same time that he did not know that policeman and was unable to prove the fact.

The commander of the *Baltimore*, himself, who, in company with the North American vice-consul came to make an official visit to the undersigned in the public office of the court, made satisfactory declarations concerning the conduct of the police in the disorders under examination; and added, moreover, that the conduct of certain of the officers toward his sailors had been *delicately considerate*.

It is incumbent upon me, also, to add for my part, that the court is taking active measures to find all the parties guilty of the injuries committed against the citizens of a friendly nation; and that with the coöperation of the police force, it has succeeded in arresting several of the individuals to whom a direct participation in those acts was attributed, of whom two have confessed.

It is to be regretted that the *sumario* has not yet been concluded; but you will comprehend that by reason of the great attention given thereto it has not been possible to finish in a few days the investigation of a complicated case, in which hundreds of persons were involved, many of whom must be called upon to testify, besides which the witnesses must be summoned whom the accused present in their behalf, and their testimony taken.

The *sumario* will follow the course which our laws of procedure prescribe, and the minister may rest fully assured that exact and impartial justice will be done.

If, therefore, the disorders of the 16th do not involve the first two conditions above set down, if the competent court is conducting the *sumario* of the case with activity and persistence, and if there be no motive whatever for supposing that in the final judgment to be rendered there will be violation of law to the prejudice of the right of the sailors of the *Baltimore*, how then has the minister of the United States been enabled to seek in the resort to diplomacy that protection for his countrymen which no one has denied to them, and which the Chilean law most amply concedes to them as to its own citizens?

The undersigned entertains the full assurance that you will uphold with the patriotism, uprightness, and impartiality which characterize you the privileges of this court, if, as I do not anticipate, the minister of the United States should be disposed to disregard them.

May God guard you.

E. FOSTER RECABARREN.

A true copy.

A. BASCUÑAN M.

The foregoing agrees with the document on file at this legation.

[L. S.]

ANIBAL CRUZ.

WASHINGTON, December 19, 1891.

K.

*Señor Matta to Mr. Egan.*

[Translation.]

MINISTRY OF FOREIGN RELATIONS,  
*Santiago, November 9, 1891.*

SIR: The judge who is conducting the examination which has been begun with a view to discovering the parties responsible for the disorderly acts which occurred on the 16th ultimo has found, in prosecuting his investigations, that it is necessary, in order to secure all possible data conducive to the elicitation of the truth, to ask for such information as it was said could be furnished by the commander of the *Baltimore* and the consul of the United States of America at Valparaiso.

According to a communication from the judge to the secretary of state in the department of justice, the aforesaid commander and consul were requested by the intendente of Valparaiso to furnish such information; but they excused themselves

from making any statement whatever on the ground that the information in their possession had, "by order of their Government, been brought to the knowledge of the Hon. Patrick Egan, minister plenipotentiary of the United States at Santiago."

The commander added that Mr. Egan could, if requested, furnish a list of names of persons who, in their turn, could give the names of others who had witnessed the death of the seaman Riggan and the wounding of various other men belonging to the crew of the *Baltimore*.

Such is, with proper reservations touching all that might be understood as having been done in disregard of Chilean jurisdiction, owing to certain ways of acting, and the words whereby they are explained, the point on which this department of foreign relations desires that, giving the testimony which is necessary and conducive to the elucidation of the facts and the discovery of the guilty parties, the envoy extraordinary and minister plenipotentiary of the United States will be pleased to furnish such information as may be in his possession, thereby contributing to the discovery of the truth in regard to the disturbance which took place on the 16th ultimo.

The progress of the examination has now been delayed for several days, owing to the unwillingness of the officers of the *Baltimore* to appear before the court, and it will be delayed until the testimony is given which has been asked for by the judge, and which, it appears, he requires in order to continue and complete his investigation.

Without lengthening these notes by indulging in reflections and considerations concerning the rules and the obligations that must govern a judge who is engaged in the investigation of occurrences like that which took place on the 16th of October, the undersigned calls the minister plenipotentiary's attention to the necessity not only for expediting, but also for completing, the examination of the communication to this department of his important testimony, to the end that it be transmitted without delay to the competent court.

Awaiting your reply and reiterating to you the assurance of his consideration, the undersigned remains,

Your obedient servant,

A correct copy.

M. A. MATTA.

A. BASCUÑAN M.

The foregoing agrees with the document on file at this legation.

[L. S.]

WASHINGTON, December 19, 1891.

ANÍBAL CRUZ.

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*Señor Pedro Montt to Mr. Blaine.*

[Translation.]

LEGATION OF CHILE,  
Washington, December 31, 1891.

SIR: In accordance with my promise made to you in our interview of to-day, I am happy to send you a copy of two notes from the minister of foreign relations of Chile to Mr. Egan, together with various documents relative to complaints made by the American legation at Santiago against the detective force.

With sentiments, etc.,

PEDRO MONTT.

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[Inclosure 1.—Translation.]

*Señor Matta to Mr. Egan.*

MINISTRY OF FOREIGN RELATIONS,  
Santiago, November 17, 1891.

MR. MINISTER: On Monday, at 5 p. m., your note of that date was received at this department, wherein you state that certain spies of the secret police, who had been stationed near the house and in the neighborhood of your legation, have molested the inhabitants of that section of the city by knocking on the windows and uttering

gross insults to the refugees whom they saw in the room which looks out upon the street, the disorder having been stopped by the intervention of other police officers who rode up in a carriage and arrested those who had created the disorder.

Mr. Egan, even if the police had not stopped that disorder at once, might have felt certain that such actions would meet with no support or excuse on the part of this ministry, as the undersigned feels certain that the honorable minister plenipotentiary does not approve or justify the indiscretions of the refugees, who more than once, by their cries, gestures, and violent attitudes, have provoked the passers-by, who may not have been and who were not officers of the police, either secret or public.

Immediately after the reception by this department of the note of the honorable envoy extraordinary, the intendente of Santiago was instructed to make a report on the subject, from which it appears that Mr. Egan has not been correctly informed.

Whatever may be the opinion entertained and the comments that may be made upon this occurrence and those who took part in it, what is proved by the words of the minister is that the disturbance of the tranquillity of the neighborhood and of his house was ended by the intervention of the local authorities, who do not recognize as their agents the drunken persons who created the disturbance, and who, if detected, would be punished as they deserve.

This department does not mention the reports of the police, which state that not only some of the refugees, but some persons connected with the North American legation, commit indiscretions that call forth replies and reprisals which do not cause the right or the decorum of anyone to appear in a favorable light.

The undersigned, etc.,

M. A. MATTA.

The foregoing agrees with the document on file at this legation.

[L. s.]

ANÍBAL CRUZ.

WASHINGTON, *December 31, 1891.*

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[Inclosure 2.—Translation.]

*Señor Matta to Mr. Egan.*

MINISTRY OF FOREIGN RELATIONS,

*Santiago, November 23, 1891.*

SIR: Half an hour after the interview of the honorable minister plenipotentiary, on Saturday, the 21st, with the undersigned, the latter received a note bearing date of the 20th, in which reference is made to the same troublesome matter which, among others, was discussed in the interview which terminated in a manner that seemed to indicate something else than the receipt of the note to which he now has the honor to reply.

It is deeply to be regretted that the honorable envoy extraordinary and minister plenipotentiary, when a case arose in which certain policemen, either drunk or sober, disturbed the tranquillity of the neighborhood, and were lacking in the respect which is due to the building occupied by the legation, did not give immediate information thereof, for then the chief of police and the intendente of Santiago would have seen that prompt justice was done.

In addition to the consideration due to the honorable minister plenipotentiary, there is another reason to regret the delay in furnishing information of the disorderly conduct which has been brought to the notice of this department, and that is that those policemen or spies, as they are called by the honorable minister plenipotentiary, may have been agents of the very persons to whom an asylum has been granted at the legation, and who maintain relations with others who disguise themselves as officers, and who may be interested in fomenting this trouble, which causes so much annoyance to the American legation and to this department.

At all events, the matter having been brought, although after considerable delay, to the attention of the undersigned, a suitable investigation of the case will be made and the demands of justice will be met.

In closing this reply, it will not be wholly amiss to call the attention of the honorable minister plenipotentiary to the fact that some of the refugees at the legation, owing to their former official position, still maintain connections of which they can avail themselves with other persons not belonging to the legation, and those persons, by reason of their attitude and their conduct at sundry times, might very well aid in creating these troubles, which, as they are not to the taste and do not come within the sphere of the official duties of the honorable envoy extraordinary, can not be to the taste or come within the sphere of the duties of the undersigned.

Neither the acts complained of by the honorable minister, nor those suspected by the undersigned, all of which are the outcome of the anomalous situation and not very discreet course pursued by those to whom an asylum has been granted at the North American legation, are, to use the honorable minister's words, "calculated to promote a continuance of that spirit of cordial friendship which it is so desirable to cultivate between our two countries." They will not, however, interfere with the good judgment and strict courtesy with which the representatives of both countries will continue to discuss the matters confided to them.

I have the honor, etc.,

M. A. MATTA.

The foregoing agrees with the document on file at this legation.

[L. S.]

WASHINGTON, December 31, 1891.

ANÍBAL CRUZ.

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[Inclosure 3.—Translation.]

*The intendente of Santiago to Señor Matta.*

SANTIAGO, November 17, 1891.

I have this day received your excellency's note of the 16th, in which you mention the complaint made by the United States minister on account of certain disorderly acts which he says were committed in front of his house on the night of the 15th instant.

I herewith transmit to you, in the original, a police report, which has been received at this office and which seems to refer to the same occurrence. I have, moreover, this day instructed the prefect of police to furnish a report, and as soon as I receive it I will transmit it to your excellency, together with all the data on the subject that I may have been able to obtain.

God guard you.

CARLOS LIRA.

The foregoing agrees with the document on file at this legation.

[L. S.]

WASHINGTON, December 31, 1891.

ANÍBAL CRUZ.

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[Inclosure 4.—Translation.]

*The bureau of investigation (i. e., secret police) to the prefect of police.*

SANTIAGO, November 15, 1891.

Among the persons whose duty it is to execute the orders of the court and to maintain public order, reporting to this office, some have repeatedly informed me that, when passing in front of the house occupied by the American legation, in Monjitas street, they have been grossly insulted by various persons who have called them scoundrels, wretches, traitors, and have applied other epithets to them which, from a sense of decency, I do not repeat.

They have also informed me that on other occasions eggs have been thrown at them from the porch of the legation.

As these statements are frequently made, I deem it my duty to bring them to your notice for such purposes as may be proper.

SAMUEL PLAZA.

The foregoing agrees with the document on file at this legation.

[L. S.]

WASHINGTON, December 31, 1891.

ANÍBAL CRUZ.

[Inclosure 5.—Translation.]

*The prefect of police to the intendente of Santiago.*

SANTIAGO, November 18, 1891.

SEÑOR INTENDENTE: I have carefully read the note addressed to your excellency by the honorable minister of foreign relations, containing a transcript of a communication from the honorable minister plenipotentiary of the United States, in which Mr. Egan states that seven or eight spies, belonging to the secret police, were last week stationed near the door and in the neighborhood of the legation, the honorable minister adding that at a late hour of the preceding night those men had committed disorderly acts which disturbed the tranquillity of the neighborhood, pounding on the windows of the legation, and grossly insulting the refugees. His excellency Mr. Egan states, in conclusion, that the disorder was ended by the intervention of other police officers.

In view of the statement made by the honorable minister, to the effect that agents of the authorities are acting as spies upon the house which he occupies, your excellency may give the assurance that the police officers, in whatever capacity they may have to present themselves, and whatever may be the task that they are called upon to perform, will, above all things, be respectful, and that in no case will they act the part of provokers, which offense would be punished by me with the utmost severity.

I am not surprised, Señor Intendente, that a case has arisen in which refugees at the legation have been molested by some of their many political opponents. Of this, however, I have no knowledge.

As to the statement made by the honorable minister with respect to disorderly acts committed by officers supposed to be under the control of this department, the only knowledge of it that I have has been received from the note transcribed.

The honorable minister, at the close of his note, calls attention to the fact that the disorder was ended by other police officers who rode up in a carriage after 2 o'clock p. m., that is to say, after about twelve hours of alarm to the neighborhood, and arrested the persons who had created the disorder. In both cases I think, Señor Intendente, that there has been a mistake on the part of the persons who were the minister's informants, for at the time referred to in the note to which I am replying neither the chief of police nor the criminal courts received any information showing such assertions to be true.

Moreover, Mr. Intendente, I think proper to call your attention to the original reports of the 15th and 18th instant by the chief of the bureau of investigation (i. e., secret police).

This is all that I have to say on the subject concerning which you have asked for a report.

JULIO ARGOMEDO.

The foregoing agrees with the document on file at this legation.

[L. S.]

ANÍBAL CRUZ.

WASHINGTON, December 31, 1891.

[Inclosure 6.—Translation.]

*The bureau of investigation (i. e., secret police) to the prefect of police.*

SANTIAGO, November 18, 1891.

SEÑOR PREFECT: The officers of this bureau have for the third time been insulted by persons coming from the house which is occupied by the American legation.

Last night, while Guardians Rafael Herrera and Erasmon Sepúlveda were seated on the threshold of a house near to that which is occupied by the aforesaid legation, taking a moment's rest after going over a large portion of the city, the son of the American minister came up to them and addressed them in terms which did very little honor to him who made use of them, and which were highly offensive to our national pride.

I must inform you that these agents confined themselves to taking note of the insulting expressions and of the person who made use of them, in order to report the same to the proper authorities.

I bring the foregoing to your notice for such purpose as may be proper.

SAMUEL PLAZA.

The foregoing agrees with the document on file at this legation.

[L. S.]

ANÍBAL CRUZ.

WASHINGTON, December 31, 1891.



*Señor Pedro Montt to Mr. Blaine.*

[Translation.]

LEGATION OF CHILE,  
*Washington, December 31, 1891.*

SIR: I have the honor to send you a copy of the telegram which was received last night from my Government, and of which I spoke to you in our interview to day, whereby I am informed of the progress of the proceedings now being held at Valparaiso on account of the lamentable occurrence of October 16.

As appears from the proceedings which have already been made public, all the North Americans, with the exception of two, declare that the police did their duty and make no charges against them whatever.

With sentiments, etc.,

PEDRO MONTT.

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[Inclosure.—Telegram.—Translation.]

*Señor Matta to Señor Montt.*

MINISTRY OF FOREIGN RELATIONS,  
*Santiago, December 30, 1891.*

It appears from the examination that the quarrel began between two sailors in a tavern in the district called Arrayan, and that it was continued in the street, persons who were passing by joining in it, together with the inhabitants of the streets known as del Clave, San Francisco, and Alamos.

The disorder increased and extended through Arsenal, San Martin, and Cochrane streets, as far as Echaurren Square, when the police restored tranquillity. All the North Americans, with the exception of two, declare that the police did their duty, and it appears from the voluminous documents relating to the case that the courts have done and are still doing theirs. When the Government attorney shall have made his report and the time for taking evidence shall have expired, a sentence will be pronounced whereby it will be shown who the guilty parties are, which, for the present, can only be conjectured. Whoever they may be they will be punished. Judicial proceedings are being diligently conducted.

MATTA.

The foregoing agrees with the document on file at this legation.

[L. S.]

ANÍBAL CRUZ.

WASHINGTON, December 31, 1891.

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*Señor Pedro Montt to Mr. Blaine.*

[Translation.]

LEGATION OF CHILE,  
*Washington, January 4, 1892.*

SIR: I have the honor to transmit to you a telegram which I received last night from Mr. Pereira, the minister for foreign relations, which is as follows:

Inform the United States Government that a summary of the attorney-general's report relative to the occurrence of October 16, which Chile has lamented and does so sincerely lament, will be sent on Monday, the 4th instant.

With sentiments of the most distinguished consideration, I sign myself,

Your most obedient servant,

PEDRO MONTT.

*Señor Pedro Montt to Mr. Blaine.*

[Translation.]

LEGATION OF CHILE,  
Washington, January 8, 1892.

SIR: The preliminary examination (*sumario*) which the criminal judge of Valparaiso began on the 17th of October concerning the deplorable events which took place on the preceding day in that city has terminated after having been actively conducted, and in order to satisfy the desire you were pleased to express to me to be made acquainted with the result, I take pleasure in transmitting to you the information which you requested and which I have received from Santiago by telegraph.

Upon a *sumario* being concluded, it passes to the prosecuting attorney (promotor fiscal), in order that he may examine it and in view of the antecedents frame an indictment against the persons who may appear responsible for the offenses which are being prosecuted. The prosecuting attorney of Valparaiso, in compliance with the law, has examined in detail all the testimony given by the sailors of the *Baltimore* and by the numerous persons who were eyewitnesses of the facts, and the conclusion which he has reached is as follows:

(1) The lamentable occurrence of the 16th of October had its origin in a broil between sailors of the two nationalities, Americans and Chileans. The sailors who began the disturbance were drunk, and the affair assumed extensive proportions owing to the character of the quarter of the town in which it took place, which is inhabited by people of disreputable habits and abounds in places for the sale of liquors.

(2) From the first moment the police did everything that the authorities ordered them to do in order to repress the disturbance.

(3) All the witnesses without exception, including the sailors of the *Baltimore* with the exception of two, have admitted that the conduct of the police was correct, and that they did no other thing than fulfill their duty.

(4) Of firearms there was only one revolver shot, the discharge of which was isolated. This shot can not be attributed to the police, because the police use *comblain* (carbines), and not revolvers.

The prosecuting attorney has brought accusation against those who, from the *sumario*, appear to be guilty, and they are: Carlos Gomez, Federico Rodriguez, and Ahumada, Chileans, and Davidson, an American; and has asked that upon them be imposed the penalties assigned by the law, namely, upon Gomez of three to five years' penal imprisonment, Rodriguez from two to eighteen months, and Ahumada and Davidson twenty to forty days of imprisonment.

By mail I shall receive the attorney's report in full, and I shall have pleasure in communicating it to you, should you desire to be acquainted with it.

Upon the conclusion of the *sumario* the procedure prescribed by the laws is to communicate to the criminals the indictment framed by the prosecuting attorney and to set down the case for trial within a brief period. Thereupon the sentence is pronounced, which must be reviewed by the superior court.

Considering the bulk of the record of proceedings, which exceeds 300 folios, the necessary investigations to discover the culprits, the numerous witnesses whose depositions have been taken, and the delay in the appearance of several of them, of which you have knowledge, the activity shown by the criminal judge of Valparaiso in this matter,

to the end that public justice should be speedily done, has been satisfactory to my Government.

I have also received special instructions to state to the Government of the United States that the Government of Chile has felt very sincere regret for the unfortunate events which occurred in Valparaiso on the 16th of October. Although incidents of this nature are not rare in ports frequented by sailors of various nationalities, the fact that deaths and wounds were caused in the disturbance of the 16th of October, the zeal with which the Chilean authorities are accustomed to watch over the personal security of all who tread its territory, the fact that persons employed in the service of a friendly nation were concerned, and the frank desires for American cordiality which my Government entertains have led it to cordially deplore the aforesaid disturbance and to do everything in its power toward the trial and punishment of the guilty parties.

With sentiments of the most distinguished consideration, I subscribe myself,

Your very obedient servant,

PEDRO MONTT.

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*Translation of telegrams from minister for foreign relations of Chile to Chilean minister, delivered to Mr. Blaine by Señor Montt, January 15.*

SANTIAGO, January 14, 1892.

Minister MONTT, Washington :

English Fireman Shields, of American merchant vessel *Keweenaw*, was declared deserter by captain of vessel 24th October last. Same day police took him up drunk in street.

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JANUARY 11. Davidson accused of stoning.

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*Translation of a telegram from minister for foreign relations of Chile to Chilean minister in Washington, delivered to Mr. Blaine by Señor Montt, January 18. Date not given. (Received January 16, 1892.)*

Commander of *Yorktown* notified naval commandant that he was going to send by mail steamer the refugees he has on board. Having asked instructions, the naval commandant replied to him that the Government did not give safe-conduct to the refugees. They will understand the contingencies to which they are exposed by embarking in merchant vessels or in mail steamers.

PEREIRA.

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*Señor Pedro Montt to Mr. Blaine.*

[Translation.]

LEGATION OF CHILE,  
Washington, January 20, 1892. (Received 1:23 p. m.)

SIR: I have received instructions from my Government to state to you that, in its desire to cultivate cordial and friendly relations with

the United States, the continuance of Mr. Egan as minister of the United States in Santiago is not agreeable to it.

Mr. Egan is not *persona grata* for my Government, which will have much pleasure in receiving another representative of the United States.

The desire of the Government of Chile to draw closer its relations with that of the United States is its motive for taking this step.

With sentiments, etc.,

PEDRO MONTT.

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*Señor Pedro Montt to Mr. Blaine.*

[Translation.]

LEGATION OF CHILE,  
Washington, January 23, 1892.

SIR: In view of the wish you were pleased to express to me, I requested from Santiago and have to-day received by telegraph a copy of the testimony given by one of the sailors of the *Baltimore* in regard to the deplorable events of the 16th of October at Valparaiso.

The declaration which I send to you is that of the sailor J. M. Talbot, made by him before the criminal judge and in the presence of the accused, and with the assistance of Mr. MacCrea, an officer of the *Baltimore*, who discharged the functions of interpreter and who signed the record of the testimony in union with the judge and the sailor who testified.

In the evidence given by Talbot at Valparaiso, in the presence of the accused, you will see that he makes no charge against the police, nor against Chilean soldiers, and his testimony is signed by himself and by Mr. MacCrea, an officer of the *Baltimore*, who discharged the functions of interpreter.

According to what I have been able to see in the newspapers, Talbot has testified at Valajeo very different things from those which he testified at Valparaiso, and has made grave charges against the police and against Chilean sailors in uniform.

When the declarations made by the other sailors at Valparaiso, of the dispatch of which by mail my Government advises me, shall reach this city, you will be able to appreciate the difference there is between the testimony given by them at Valparaiso under cross-examination (*en un juicio contradictorio*), confronted with the accused, and that which they have said at Valajeo, where there was nobody in a position to contradict their affirmations.

With sentiments, etc.,

PEDRO MONTT.

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[Inclosure.—Translation.—Telegram.]

*Señor Pereira to Señor Pedro Montt.*

MINISTRY OF FOREIGN AFFAIRS,  
Santiago, January 22, 1892.

In the confrontation of witnesses (*careo*) recorded at folio 84 of the original docket, the officer of the *Baltimore*, Mr. MacCrea, acting as interpreter, the North American sailors John M. Talbot, John Davidson, George Pauchter, John Hamilton, John Butler, James MacJohnson, Joseph Seigler, Patrick MacWilliams, and Charles Williams gave testimony. Talbot said that he confirmed his evidence, folio 21, and must add thereto, that on the day of the occurrence the deponent was in a city tram car, in the street of the Arsenal, in company with the deceased Riffin, when they were attacked by a numerous group of

people of the town who began to insult them, besides throwing stones into the tram car, from which they endeavored to take them out by force. The deponent and his companion saw themselves obliged to get out of the car, and they were both immediately attacked by the mob which surrounded them, and they became separated the one from the other. While in this situation he saw Riffin, about ten paces distant, throw up his hands in the air with the gesture of a man about to fall to the ground, as he indeed fell, wounded as it seemed by a knife, but he heard no noise or detonation of a firearm. The deponent was unable to lend assistance to his companion, because of having to defend himself, and in order to save his life he had to take flight, being afterwards rescued by the police, who took him first to the barracks and afterwards to the hospital, which was necessary because of the condition of the injuries he received in the tumult. The witness did not see who wounded Riffin, who, as he afterwards learned, was wounded by a bullet at the same spot where the occurrence took place, dying in consequence of those wounds. He likewise does not know who it was that wounded the witness, for in the confusion he could not fix upon any person in particular; and he should add that because of his wounds he was ill and rendered unfit for duty until now, not being yet entirely well. He knows none of the prisoners with whom he has been confronted, and does not know what part they may have taken in the disturbance.

FOSTER RECABARREN.  
J. M. DAVIDSON.  
JOSEPH SINGLER.  
J. M. TALBOT.  
JOHN HAMILTON.  
JOHN BUTLER.  
J. MATTUN JOHNSON.  
C. J. WILLIAMS.  
JORGE PAUTCHER.  
HENRY MACCREA,

*Officer of the Baltimore, Interpreter.*  
RENGIFO,  
*Interpreter of the Court.*  
THE SECRETARY.

The foregoing declaration is textual.

PEREIRA.

I certify that the foregoing copy is in conformity with the telegram received to-day at the legation.

Washington, January 23, 1892.

ANÍBAL CRUZ,  
*Secretary.*

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*Mr. Blaine to Señor Pedro Montt.*

DEPARTMENT OF STATE,  
*Washington, January 22, 1892.*

SIR: I am instructed by the President of the United States to inclose to you a copy of a dispatch\* sent to Mr. Egan, our minister to Chile, last night.

Accept, etc.,

JAMES G. BLAINE.

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*Señor Pedro Montt to Mr. Blaine.*

[Translation.]

LEGATION OF CHILE,  
*Washington, January 23, 1892.*

SIR: I have had the honor to receive your note of yesterday, as an inclosure to which you were pleased to transmit to me the instructions sent to Mr. Egan on the day previous.

In the numerous conferences with which you have been pleased to favor me, I have informed you that, immediately after the occurrence of the

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\*For this inclosure see telegram to Mr. Egan of January 21.

events of October 16 at Valparaiso, which my Government most sincerely deplored, the judicial authorities initiated the investigation necessary to throw light upon the facts and to detect and punish the guilty parties.

From the antecedents which the Government of Chile was able to collect at the very outset, it appeared that the disorder of October 16 began by a quarrel among drunken sailors, which assumed considerable proportions, owing to the condition of the locality in which it originated, and that the police performed their duty by reëstablishing tranquillity and placing the persons who seemed to have been concerned in the disorder at the disposal of the court.

The Government of Chile has no data authorizing it to think that the quarrel was due to any dislike of the uniform of the United States, or that the police failed to perform their duty.

On the contrary, it is a well-demonstrated fact that sailors get intoxicated when they go ashore after having been on board of their vessel for a long time. This is also quite natural. The intoxication of seamen and the disorders to which it gives rise, although they may assume serious proportions and occasion very lamentable offenses, as was unfortunately the case at Valparaiso on the 16th of October, can not constitute an insult to the nation in whose service are the men who have taken part in the disorder, although they certainly do not justify the offenses committed during the disorder.

The Government of Chile could not, however, form a final opinion concerning the nature of the occurrences in question, or as to whether the police had or had not improperly participated therein, or had failed to perform its duty, until the termination of the judicial investigation which had been initiated without delay, and which was pushed forward as speedily as was compatible with the provisions of the law, with the obligation of collecting all the elements of proof that it was possible to collect in order to throw full light upon the matter, and with the necessity of promptly punishing the perpetrators of the offenses which had been committed, and which had been in part suffered by persons in the service of a friendly nation. It was the desire and the duty of the Government of Chile to discover the truth, in order to make its future proceedings conform thereto, and in order that the United States Government might be satisfied that nothing was neglected in order to do full justice.

You were pleased, with your high sense of rectitude, to remark to me that this proceeding of the Government of Chile was correct, and that, although you desired that the judicial investigation might be brought to a close with as little delay as possible, you understood that it was necessary that the ordinary legal proceedings (which were not as rapid in Chile as in the United States) should be held.

I have taken occasion at sundry times to inform you of what the Chilean authorities were doing to bring the investigation to a close.

In the criminal trial held at Valparaiso, not only have landmen been heard, but also the seamen of the *Baltimore*; both have been confronted with each other, the reports of physicians and experts have been called for, the opinion of the surgeon of the cruiser has likewise been invoked, and, in a word, nothing has been neglected that could tend to bring the whole truth to light. The seamen of the *Baltimore* made their statements with the assistance of an interpreter, designated by themselves, who was an officer of the cruiser, so that the oath taken by the witnesses, their confrontation with each other, the reports of the experts concerning the cause and nature of the wounds, and the hearing granted to both Chileans and Americans, so that all might present

their complaints and charges and be heard in their own justification, give incontestable authority to the trial held at Valparaiso.

In the course of our conferences we sometimes considered the case in which the Government of the United States and that of Chile should fail to agree when the investigation should be terminated, and the two Governments should have formed their final opinion, and we agreed that arbitration was the best means of settling the difficulty, and, advancing farther in this conciliatory spirit, we even formally agreed that the differences that might arise should be submitted to arbitration.

This agreement to accept arbitration has been the basis of several of our conferences, especially that of the 18th instant, and no antecedent or fact interfering therewith has come to my knowledge. On the contrary, I took occasion to inform you, on the 1st of January, that my Government authorized me to conclude an agreement looking to arbitration, and my Government subsequently approved the agreement concluded by me with you, of which I also informed you.

As the criminal trial initiated at Valparaiso has not yet come to an end, my Government has not yet been able to reply to the demands made by that of the United States. The various documents and antecedents to which I have called your attention in my foregoing communications were designed to inform the United States Government of the progress of the judicial investigation and of the facts thereby elicited; they do not, however, constitute a reply, which can only be given when the facts are definitely brought to light by the sentence which must be pronounced by the courts.

The testimony which the Government of the United States has caused to be taken in California from the crew of the *Baltimore* can not take the place of the trial which is being held at Valparaiso, where the offenses were committed. This testimony may be useful for disciplinary or administrative purposes in the United States, but it can not serve as the basis of a judicial sentence, either in Chile or in the United States.

The copy which I have to-day had the honor to send you of the statement made by one of the seamen of the *Baltimore* at Valparaiso shows that that seaman made no charge against the police. The charges which he makes here, in the absence of the accused parties, in contradiction of his first statement, can have no value, either in law or in your enlightened opinion.

It is to be observed, moreover, that the statement made by this seaman at Valparaiso is attested by the judge, by the signature of the seaman himself, and by that of the interpreter, who was an officer of the *Baltimore*, who had been appointed for the express purpose of inspiring the deponents with confidence.

You are pleased to state, in your instructions to Mr. Egan, that the undersigned has not communicated to the United States Government the note that was addressed to him by Mr. Matta on the 11th of December last. The first time that the honorable Secretary of State saw fit to call my attention to the aforesaid note of Mr. Matta, I told him that that note contained instructions addressed to me by Mr. Matta, and that, as I had not been directed to communicate it officially to the Department of State, there was no reason why the honorable Secretary should take cognizance of it.

I further reminded you that it was a doctrine established by the American Government that documents exchanged between the President and Congress, or between the Department of State and the diplomatic representatives of the United States in foreign countries, could not form a subject of discussion for foreign governments.

I also took the liberty to remind you of the case of the illustrious Webster and the representative of Austria in 1850. The Austrian Government complained at that time because it considered the instructions sent to a representative of the United States unjust or disrespectful to Austria, the said instructions having been published with a message of the President, who sent it to the Senate. "This Department," said Mr. Webster, "has on former occasions informed the ministers of foreign powers that a communication from the President to either house of Congress is regarded as a domestic communication, of which, ordinarily, no foreign state has cognizance, and in more recent cases the great impropriety of making such communications a subject of correspondence and diplomatic discussion has been fully shown."

The circumstance of publicity does not change the character of a communication, in the opinion of Mr. Webster, "because such is the common and usual mode of proceeding" in the communications of the President and the Senate.

It was, therefore, on the nature of the note, and on no other reason, that I based my abstention from communicating to you the instructions which Mr. Matta had sent me on the 11th of December, and I had the honor so to inform you.

I added, however, that it was far from being the purpose of my Government to act in a manner at all offensive to the President of the United States or to any member of his Cabinet, and that Mr. Matta's note, if rightly interpreted, admitted of no such construction.

I afterwards had the honor to inform you that I had received instructions from my Government to inform that of the United States that, considering the views expressed by Messrs. Buchanan and Webster, in 1849 and 1850, that the messages sent by the President to Congress are domestic communications which can not serve as a basis for the interpretation by foreign powers or their representatives, my Government had no objection to striking out of the note of December 11 such words as might be considered disagreeable by the United States Government.

On the 18th instant an official telegram was published, which had been addressed by the commander of the *Yorktown* to the Secretary of the Navy. It was couched in terms that were offensive to the Government of Chile, and, in view of what we had said concerning the note of December 11, I deemed it my duty to call your attention to that telegram. The lofty spirit of justice which characterizes you did not permit you to hesitate to tell me that the wording of the said telegram was improper and objectionable. This declaration on your part, which was as impartial as it was just, terminated the incident.

Since the early part of the month of October, when I had the honor to be invited to unofficial conferences with the representatives of the Department of State (as the credentials which accredited me as minister of Chile had not yet arrived), it has been repeated to me on various occasions by the United States Government that, if the representative of the United States at Santiago was not a *persona grata* to the Government of Chile, it was sufficient for the Government of Chile so to state, and that the said representative would be succeeded by another.

It is a rule based upon the nature of diplomatic relations, and designed to make them frank and cordial, that the representative of a nation must be a *persona grata* to the government to which he is accredited.

In the conference with which you were pleased to favor me on the 20th instant, I had the honor to state that the representative of the United States at Santiago was not a *persona grata* to the Government



of Chile, which would be very glad to receive another representative from the United States. You were pleased to acknowledge that the Government of Chile had a right to ask that a change should be made. Afterwards, having given you notice, I addressed to you, in writing, the same communication which I had made to you verbally.

I have deemed it my duty to state, in this note, the foregoing facts, which show the friendly and cordial purpose of our conferences, in which you took a most important part.

With sentiments, etc.,

PEDRO MONTT.

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*Mr. Blaine to Señor Pedro Montt.*

DEPARTMENT OF STATE,  
*Washington, January 27, 1892*

SIR: I have the honor to acknowledge your favor dated the 23d instant, but not received by me until Monday, the 25th. I beg to comment on two or three of its recitals. I think from zeal for your country you have made some mistakes, which I shall proceed to correct.

You are right in saying that I consider the proceedings of the Government of Chile in making the judicial investigation of the unhappy affair at Valparaiso entirely praiseworthy. But you will remember that as early as the 25th of November I complained of the length of the judicial proceedings, and from time to time renewed the complaint, saying to you very lately that the court had already been eighty days in session considering a matter which, in the United States, would have been wholly disposed of in two or three weeks. You replied that the Spanish law was slow in its process but exact in its conclusions; and with your statements I had to be content, though impatient for a final judgment.

Your offer of arbitration was never unconditional and exact. Had it been I would have insisted on your reducing it to writing; for it would have been my duty to lay it before the President for consideration. But I was unable to report a mere verbal exchange of views between us as an agreement to arbitrate. You did say to me several times that in that distant future, when the Chilean court should render its judgment (if the United States should not be satisfied with it), the two countries could arbitrate the matter. And even then you always maintained that Chile would not voluntarily propose arbitration herself, but would do so when requested by some friendly power to take that course. On one occasion you mentioned Spain as a nation likely to intervene with Chile most effectively. Your mention of arbitration was always as a method to be adopted in the future if we were not content, as I have said, with the judgment of the court. You remarked that to adopt it before would be discrediting the judgment of the court in advance. You always looked to the future for the proposal and acceptance of arbitration.

You say in your note:

I took occasion to inform you on the 1st of January that my Government authorized me to conclude an agreement looking to arbitration, and my Government subsequently approved the agreement *concluded by me*.

And yet you do not pretend that a word was ever written of the agreement which you say we made between us. It is impossible that I ever sought to bind the Government of the United States in that way. It would have been in the highest degree imprudent for me to do so.

In regard to the Matta note, which was a subject of contention between us, you sum it up by the following declaration:

I added, however, that it was far from being the purpose of my Government to act in a manner at all offensive to the President of the United States or to any member of his Cabinet, and that Mr. Matta's note, if rightly interpreted, admitted of no such construction.

I afterwards had the honor to inform you that I had received instructions from my Government to inform that of the United States that, considering the views expressed by Messrs. Buchanan and Webster in 1849 and 1850, that the messages sent by the President to Congress are domestic communications which can not serve as a basis for the interpretation by foreign powers or their representatives, my Government had no objection to striking out of the note of December 11 such words as might be considered disagreeable by the United States Government.

By your own statement you evidently attempted to justify the Matta note. I certainly could not accept your language, and never did accept language of that kind, as an apology sufficient for the case. The Matta note was highly discourteous to the President and the Secretary of the Navy, imputing to them untruth and insincerity. Such language does not admit of conditional or contingent apology, which you offered. It could be apologized for only by a frank withdrawal. You always contended that it was a communication between officers of your own Government, and that it was not proper for this Government to take any cognizance of it. You quoted the well-known declaration in the Hülsemann case in regard to the message of a President to Congress not being subject to criticism in a foreign country. You did not see the great difference involved by your Government sending the Matta circular to all the legations of Chile and requesting its several ministers to publish it; so that Chile was not only responsible for the discourteous language, but for its publication throughout the civilized world. That you did not comply with Chile's request to publish it here was the strongest proof of your own disapproval of the note.

In regard to Mr. Egan, you complained many times and very bitterly to me. Especially was he deserving of censure, you thought, for not communicating to his Government the brutal murder of some young men who were slain by order of Balmaceda. When on the next day I showed you the dispatch of Mr. Egan, speaking of the incident in severe and proper terms, you acknowledged that you were mistaken. I thought you would be satisfied, but you again spoke disparagingly of Mr. Egan, and I said somewhat impatiently, "Why do you not demand his recall, instead of constantly disparaging him?" intending thereby not to favor his recall, but to put a stop to the frequent mention of Mr. Egan's name.

In referring to the question you remarked:

You were pleased to acknowledge that the Government of Chile had a right to ask that a change should be made.

Undoubtedly she has that right, provided she assigns a reason. You are too well skilled in diplomatic usage to be reminded that when a nation is pleased to declare that a minister is *persona non grata*, she is expected to assign a reason therefor. We have twice had occasion to ask Great Britain to recall her minister, and in each case we gave a reason why the minister had ceased to be useful. It is hardly necessary to observe that conditions which we complied with ourselves would likewise be exacted of Chile.

I have thus frankly endeavored to correct some misapprehensions of yours in order that the record of the State Department of the United States shall be kept exact, and in all its proceedings shall be proved consistent.

Accept, sir, the renewed assurances of my highest consideration.

JAMES G. BLAINE.

## CHINA.

*Mr. Denby to Mr. Blaine.*

No. 1192.]

LEGATION OF THE UNITED STATES,  
*Peking, November 12, 1890. (Received January 7, 1891.)*

SIR: I have the honor to inclose to you a translation of the reply of the foreign office to my communication relating to the Chinanfu troubles, a copy whereof was inclosed in my dispatch No. 1190, of the 7th instant.

It will be seen that the yamèn reiterates the statement that I stated on divers occasions that the missionaries did not insist on any particular tract of land. Their action now, says the yamèn, is at variance with former representations. Nevertheless, the yamèn has again addressed the governor of Shantung, "requesting him to instruct the local authorities to satisfactorily discuss the matter." I await the answer of the governor to this suggestion.

I have, etc.,

CHARLES DENBY.

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[Inclosure in No. 1192—Translation.]

*The tsung-li yamèn to Mr. Denby.*

PEKING, November 10, 1890.

YOUR EXCELLENCY: The ministers had the honor to receive a short time ago a note from your excellency in regard to the Chinanfu case, wherein you remarked that the missionaries were still desirous to acquire property in the city, and that they were willing to surrender and give up on equitable terms the suburban property, and you requested that the local authorities be instructed to confer with the missionaries and arrange the matter in a spirit of justice and equity. With reference to this case, your excellency, in repeated communications, stated that the missionaries did not insist on any particular place, but were willing to accept any site that the officials were willing they should occupy. The officials thereupon exerted themselves, devised measures, and arranged for the missionaries the purchase of a large tract of land. This land the missionaries now wish to surrender and find another site. This is entirely in contradiction to the statements previously made by your excellency; but, as you have requested in your note that the question may be considered, the yamèn have again addressed the governor of Shantung to instruct the officials to satisfactorily discuss the matter. Should it be found, however, that the feeling and sentiment of the people are against the missionaries (acquiring a site) in the city, then the officials can not force or compel (the people) in a matter so difficult. On receipt of a reply from Shantung the ministers will again address your excellency. In the meantime they address this note to your excellency for your information.

*Mr. Denby to Mr. Blaine.*

[Extract.]

No. 1212.]

LEGATION OF THE UNITED STATES,

*Peking, December 13, 1890. (Received February 7, 1891.)*

SIR: As the foreign office did not answer my communications relating to the McCaslin case, of which copies were inclosed to you in my dispatches Nos. 1113, of May 5, 1890, and 1125, of July 26, 1890, I again addressed the prince and ministers on the subject. I inclose herewith a translation of their reply. It will be seen that they reiterate the same arguments that they have often presented heretofore. In adhering to the pretense of the binding force of the judgment in this case, they cite a quotation from one of my papers in the Russell case, wherein I stated that "several years had elapsed since the original judgment was rendered; that the original judgment had never been attacked in any way;" and that I could not consent at this late date that the proceedings should be set aside and new trial ordered. They argue that the same principle applies to the Ningpo case. They thus seek to put upon me the first allegation of the binding effect of judgments, although I plainly showed them that in the western systems of jurisprudence there were motions for new trials, bills of review, and other modes of correcting errors in judicial proceedings. The order of facts was this: In the McCaslin case, the yamèn contended that the judgment was a finality; in the Russell case, which arose after the McCaslin case, the yamèn sought to open the judgment; I quoted their words in the McCaslin case to the effect that they had decided that a judgment could not be opened. Now they seek to make it appear that I first advanced this theory in order that in the Russell case they may still insist on the opening of the judgment. My opinion is that the McCaslin case will have to be reserved for final presentation when some financial settlement of mutual demand shall be on tapis between the two countries. An examination of the proof submitted by the consul will show that placards had been put up prohibiting foreign boats from going through the opening where the accident happened. On this ground the yamèn contends that there exists no liability to pay damages. On our side we rely on a willful intention to commit the injury. But the Chinese do not understand these nice legal distinctions. Besides two taotais have heard the case, and a third is now at Ningpo. I was anxious to vindicate Mr. Pettus, who, not being a lawyer by profession, did the best he could. But I think this case will have to stand over until a time arrives when something may be done by mutual arrangement. The yamèn excuses its delay in answering my dispatches by the statement that I had said I proposed to call and orally discuss this case. Such was my intention; but, in view of the pendency of other matters of vastly greater importance that I was not prepared to discuss, I deemed it advisable to postpone for the present a personal interview.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1212.—Translation.]

*The tsung-li yamèn to Mr. Denby.*

PEKING, December 8, 1890.

YOUR EXCELLENCY: Upon the 27th of November last the prince and ministers had the honor to receive a communication from your excellency in regard to the case of Louis McCaslin, wherein you pointed out that in the communications (of May 5, 1890, and August 4, 1890) you set out the views expressed by the honorable Secretary of State that the trial heretofore had of the case was incomplete and unsatisfactory,

because by a misunderstanding the foreign witnesses were not produced at the trial, and their testimony was not taken; that a new trial should be had, and you desired an early reply as to the determination the prince and ministers had come to in the premises, etc. With regard to this case, the yamèn had the honor to address your excellency two communications, one dated the 14th of August, 1889, and the other dated the 4th of September, 1889, wherein the views and position taken by the prince and ministers were clearly set forth.

If at the time the joint hearing of the case was held before the taotai and consul the consul objected to judgment being then rendered, he had only to state his views in court and either have the foreign witnesses again summoned to appear or have a time fixed for another joint investigation of the matter at issue. On the day of the hearing one word from the consul would have prevented judgment being rendered. But judgment was rendered on the evidence submitted, and there were no objections raised from either side. Further, there were four witnesses for the prosecution who appeared in court; the only persons failing to appear were the foreign witnesses, and it is clear and apparent that they realized that the case was of an unsatisfactory nature, and they therefore avoided putting in an appearance in court and for the purpose of assuming a wily and crafty position. The case has been decided for a long time, and the request of your excellency that judgment be reopened on account of a misapprehension of the consul of the taotai's views is one that the yamèn finds difficult to comply with. There can be no harm in your excellency submitting the circumstances appertaining to this case as set forth in the various communications of the yamèn for the consideration of the honorable Secretary of State, which will enable him to see and understand for himself that China, in the action taken in the case under consideration, has not in the least acted unfairly or unjustly. The action taken accords with the representation made by your excellency in the case of Russell & Co. *versus* Chen Tse Chi, "that several years had elapsed since the original judgment was rendered; that the original judgment had never been attacked in any way; and that you could not consent that at this late date the proceedings should be set aside and a new trial ordered." Your excellency will clearly see that the same principle applies to both cases. The yamèn were about sending a reply to your excellency's communication of the 5th of May, but your excellency had already left Peking. As to the communication of the 4th of August last, your excellency stated in it that you intended to discuss the question of the McCaslin claim orally with the yamèn; hence the prince and ministers proposed to wait the oral discussion of the matter with your excellency. These are the reasons why no formal replies were sent to the communications of your excellency.

Now, having received the communication under acknowledgment, as in duty bound, the prince and ministers send this reply for your excellency's perusal and beg that you will transmit a copy of it to the honorable Secretary of State.

A necessary communication addressed to his excellency, Charles Denby, etc.

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*Mr. Denby to Mr. Blaine.*

No. 1215.]

LEGATION OF THE UNITED STATES,  
Peking, December 15, 1890. (Received February 7, 1891.)

SIR: I now have the honor to inclose a translation of the yamèn's dispatch of yesterday, embodying the decree of the Emperor on the audience question.

This action was purely voluntary and spontaneous on the part of the Emperor.

During my stay in Peking the foreign ministers have taken no steps whatever to secure an audience. When the Emperor assumed the actual control of the Government two years ago there was some discussion of the matter, but the prevailing opinion was that it was best to wait and let China take the initiative in the granting of an audience. This policy has been justified by the event. While I should not have raised this question without instructions from you, now that an audience is voluntarily tendered, I shall not hesitate to accept it unless directions, which I do not anticipate, should come to the contrary. The question has been so much discussed by my predecessors that but few words from me are now required. I regard an audience of the representatives

of foreign nations as tending to secure a recognition of the equality of those nations with China.

I think it will tend, also, to make the Chinese respect foreigners residing in China more than they now do. It is also an educational step in international law. Such an education may in the course of time remove barriers which now exist to free intercourse, and thereby the commerce of the world may be benefited.

The foreign ministers will meet to-day to discuss the action to be taken. I do not anticipate that any unbecoming conditions will be proposed as a part of the ceremony, but there may be some difficulty as to the *locale* and minor points of detail.

With the experience of 1873 before the ministers (see Foreign Relations, 1873, p. 143 and following) matters ought to go on smoothly.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1215.—Translation.]

*The tsung-li yamén to Mr. Denby.*

PEKING, December 14, 1890.

YOUR EXCELLENCY: The prince and ministers have the honor to inform your excellency that on the 12th instant the following decree was issued by His Majesty the Emperor:

"Since China entered into treaty relations with foreign powers it has been a never-ceasing custom for diplomatic representatives to pay their respects to the chiefs of the governments to which they are accredited by presenting their letter of credence.

"The friendly relations between foreign powers and China have for succeeding years been more and more of a staunch and firm character. The foreign ministers resident in Peking have all acted with a sincerity of purpose to nourish and cultivate good relations and make an alliance of friendly intercourse between China and the countries they represent. To us this has been a source of deep satisfaction and joy.

"On the occasion of the national events of rejoicing that occurred in February and March of last year, Her Majesty the Empress by edict instructed the yamén of foreign affairs to prepare a banquet to be given to the diplomatic representatives. Then the representatives of the nations beyond the seas were assembled together in friendly union in honor of the happy occasion.

"It is now about two years since we assumed reins of government, and it is befitting and right that the diplomatic representatives of foreign countries residing in Peking should have an audience of us. To this we give our assent, the audience to be held in like manner to that had in the twelfth year of the reign of Tung Chih. Further, provision is to be made for the time for holding annual audiences; this in manifestation of our desire to be courteous and polite [to the treaty powers]. Therefore, let all the diplomatic representatives of foreign countries, ministers and chargés d'affaires, have audience of us in February. The yamén of foreign affairs is to memorialize us requesting us to appoint a day. The day following the audience the yamén is to prepare a banquet to be given to the foreign representatives.

"In future an annual audience and banquet will take place in the first month, Chinese calendar.

"Foreign representatives who may be appointed hereafter will be received at the annual audience, [lit: according to the year].

"On all national days of rejoicing when foreigners and Chinese participate the yamén is to memorialize us and request that a banquet be given in honor of the event to the foreign representatives, thus manifesting the Court's further desire of cultivating friendly relations with foreign countries.

"As to the details of the ceremonial to be observed, let the yamén first memorialize us on the subject.

"Respect this."

Now, besides having recently had a copy of the above decree prepared and forwarded to the Chinese representatives abroad, requesting them to communicate the same to the governments to which they are accredited, the prince and ministers, as in duty bound, send this communication for your excellency's information.

A necessary communication addressed to his excellency Charles Denby.

*Mr. Denby to Mr. Blaine.*

No. 1218] LEGATION OF THE UNITED STATES,  
*Peking, December 24, 1890. (Received February 20, 1891.)*

SIR: I have the honor to inclose herewith a copy of the protocol on the audience question, signed the 15th ultimo by the foreign representatives. As the proceedings taken here now will establish a precedent for all future action, I deem it wise to follow the example of Mr. Low, set in 1873, and to send to you faithful copies of all the procedures taken either by the yamèn or the ministers.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1218.]

*Protocol of the meeting of the foreign representatives at the German legation on Monday, December 15, 1890.*

Present: The representatives of the German Empire, the French Republic, Italy, Japan, the Netherlands, Russia, and the United States. The representatives of Belgium, Great Britain, and Spain were prevented by indisposition from attending, Mr. de Uribari being represented by Count de Llorente, third secretary of the Spanish legation.

It was agreed upon:

(1) That the note of the tsung-li yamèn, dated December 14, communicating the imperial edict of the 12th of the same month, referring to the reception by the Emperor of the foreign representatives in the first month (Chinese) of the next year should be simply acknowledged by each legation separately.

(2) That Mr. von Brandt, as doyen, should ask the prince and ministers of the yamèn for an interview in order to receive a communication in the name of all the foreign representatives.

(3) That at this interview Mr. von Brandt should try to obtain some information about the intentions of the yamèn and should impress upon the latter the necessity of communicating and coming to an understanding with the foreign representatives upon submitting their report and proposals on the audience question to the Throne.

The results of this meeting have been communicated to the representatives of Belgium and Great Britain.

M. V. BRANDT.  
 CHARLES DENBY.  
 JOHN WALSHAM.  
 K. OTORI.  
 A. PANSA.  
 J. H. FERGUSON.  
 R. GIL DE URIBARI.  
 C. KLEIMÉNON.  
 P. RISTELHUEBER.  
 CHARLES MICHEL.

*Mr. Denby to Mr. Blaine.*

No. 1227.] LEGATION OF THE UNITED STATES,  
*Peking, January 8, 1891. (Received March 9.)*

SIR: In pursuance of my intention to preserve for future use a complete record of the steps taken by the yamèn and the ministers touching the audience question, I have now the honor to inclose a copy of a memorandum sent by Mr. von Brandt to his colleagues the 31st ultimo. Mr. von Brandt therein states that as the prince and ministers refused to call on him to discuss the audience question, and as his health continues bad, he is compelled to request his colleagues to select some other person to conduct the negotiations with the yamèn. After the receipt of this

notification I first wrote to Mr. von Brandt expressing my regret at the determination that he had arrived at and offering to delay the calling of a meeting of my colleagues for some days if he thought that his health might be so far restored as to enable him to take part in further proceedings. He replied that he certainly would not be able to go to the yamèn on this business for a long time. I then invited my colleagues to meet at this legation Tuesday, January 6, to determine what ought to be done. All, with the exception of the Japanese minister, who is sick with the influenza, promptly consented to attend. I then, Monday, the 5th instant, called on Mr. von Brandt and had a full discussion with him on the whole subject. I found with great pleasure that he really was in favor of an audience. He was hurt that the prince and ministers had refused to call on him, but his health is unquestionably too delicate to enable him to assume the duty of conducting the negotiations with the yamèn. In our conference we cordially agreed on several points, which I will briefly specify:

(1) It should be insisted that new ministers arriving here should be received in audience shortly after their arrival, and not be compelled to wait until the next year, as the imperial decree seems to intend.

(2) The letters of credence should be carried through the central gate and not one of the side gates. If it can be done the ministers should also go through the central gate, but this can be waived.

(3) Uniforms and swords, except in my case, to be worn.

(4) No particular point should be made over the selection of an outer gate by which to enter the palace grounds.

(5) The hall in which the ministers were received in 1873 should not be used again, because an impression then went out that this hall was generally used to receive the representatives of subject nations. But the selection of another hall should be left to the Emperor.

(6) Oral and not written communications with the yamèn, because the Chinese do not like to recede from written statements.

(7) Each minister should be received separately with his staff. This course accentuates the recognition of the equality of China with the foreign powers. Letters of credence should be presented with a short address. A translation should previously be sent to the yamèn.

(8) If there can not be a separate audience for each minister, then the ministers having letters of credence may present them all together.

(9) After the presentation of letters of credence, then all the ministers and the charges d'affaires who have no letters of credence could all go together to the presence of the Emperor.

(10) The letters of credence should be placed on a table near the Emperor.

(11) Ministers should not be kept unduly waiting.

(12) If possible, ministers should go in chairs near to the hall of audience, and not be compelled to walk from the outer gates.

(13) The staffs of the ministers should be present at the audience.

Possibly you may consider some of the above suggestions as trivial. But it must be remembered that in dealing with China forms embody principles. It should be strenuously seen to that nothing of a character derogatory to the representatives of the foreign powers is permitted to occur.

That we may be compelled to recede from some of the above propositions is likely, but there is no harm in demanding them at the beginning. The 6th day of January the representatives of Great Britain and Ireland, Italy, Spain, Russia, France, Belgium, and myself met at the American legation. The result of our interview is embodied in a protocol which was prepared by me and was signed by all the ministers. Their excellencies Messrs. von Brandt and Otori were furnished copies of the protocol, a copy whereof is herewith inclosed. It will be seen that I have been designated to open the negotiations, and that my powers are very limited.

I have, etc.,

CHARLES DENBY.



[Inclosure 1 in No. 1227.]

*Memorandum from Mr. von Brandt.*

PEKING, December 31, 1891.

Mr. von Brandt being still indisposed and not knowing when he will be able to leave the house, and the prince and ministers of the yamèn having declined to call upon him as requested to do under the given circumstances, stating at the same time that as happily no report had as yet been addressed to the Throne on the audience question, the sending in of such a report might be postponed until the health of Mr. von Brandt allowed him to call upon the yamèn. Mr. von Brandt has the honor to request his colleagues kindly to choose some other person among their number to conduct the negotiations with the yamèn, he being utterly unable to fix any time when he would be able to do so.

[Inclosure 2 in No. 1227.]

*Mr. Denby to the diplomatic corps.*LEGATION OF THE UNITED STATES,  
*Peking, January 7, 1891.*

Col. Denby has the honor to present his compliments to his colleagues and to circulate for their information and approval a memorandum of the action taken by the members of the diplomatic body who were present at the American legation Tuesday, January 6, 1891.

Col Denby avails himself of this opportunity to renew to his colleagues the assurance of his highest consideration.

His Excellency M. VON BRANDT.  
His Excellency Sir JOHN WALSHAM.  
His Excellency M. OTORI.  
His Excellency M. le Chevalier PANSAS.  
M. FERGUSON.  
M. DE URIBARI.  
M. KLEIMENOW.  
M. RISTELHUEBER.  
M. MICHEL.

[Inclosure.]

*Memorandum of a conference held at the American legation, Tuesday, January 6, 1891, at which were present the ministers of Great Britain and Ireland, Italy, and the United States and chargés d'affaires of Spain, Russia, France, and Belgium.*

It was agreed that, owing to the sickness of his excellency M. von Brandt, which was much regretted, Col. Denby should be deputed to confer with the tsung-li yamèn on certain matters touching the question of audience. It was agreed that such conference should not be sought until the term of strict mourning prescribed by imperial decree on account of the death of Prince Chun had expired.

Col. Denby was directed by his colleagues to inquire of the yamèn what construction the prince and ministers put on the imperial decree of the 12th ultimo as to whether new ministers hereafter arriving at Peking were to be received in audience by the Emperor within a reasonable time after their arrival, or were to wait until the succeeding Chinese new year before being so received. He was directed, also, to state to the yamèn that some of the representatives of the foreign powers now at Peking were the possessors of letters of credence from their governments and others were not, and to inquire what arrangement the yamèn proposed to make as affecting the audience of these two classes of representatives.

He was directed, also, to ascertain what character the yamèn attached to the audience as described in the imperial decree; that is to say, whether it was considered as an audience pure and simple or as a new year's reception of the diplomatic body by the Emperor.

He was to inquire, also, where the proposed audience was to be held. Col. Denby was not authorized by his colleagues to enter on any discussion with the yamèn as to any of the points involved in the proposed audience; but he was simply to acquire what information he could as to the ideas and intentions of the yamèn, and to report the same to his colleagues at another meeting of the diplomatic body.

*Mr. Denby to Mr. Blaine.*

No. 1234.]

LEGATION OF THE UNITED STATES,  
*Peking, January 26, 1891. (Received March 27.)*

SIR: I have the honor to inform you that, in accordance with the terms of my dispatch No. 1227, of the 8th instant, I had an interview with the prince and three ministers of the foreign office the 21st instant. An exact report of this interview is inclosed herewith. The next day two secretaries of the foreign office called on the interpreter of this legation and left with him a memorandum of the etiquette to be observed at the audience, of which a translation is inclosed herewith. It will be seen that the verbal answers are identical with the memorandum furnished by the foreign office. Yesterday I reported to a full meeting of my colleagues all that had transpired. The diplomatic body unanimously decided that the forms prescribed by the foreign office were not acceptable, and that an effort should be made to induce the Emperor to change his decree of December 12 last in some particulars. What change should be made was not definitely arrived at. The dean, who has now recovered his health, was directed to call on the foreign office, and to present a paper setting forth the necessity of a change of programme, and to ascertain whether proposals for any change would be entertained. If he ascertains that the members of the yamén are willing to modify the arrangements already made for an audience, then the ministers will definitely present the modifications which may seem desirable. In one particular it would seem beyond any doubt that there should be a modification made.

Foreign ministers arriving here after the Chinese new year should not be compelled to wait for an audience until the succeeding new year. A minister might thus stay here nearly a year before being received. In the eighteen years that have elapsed since the audience of 1873, China has established diplomatic relations with the foreign powers and has had representatives in the important countries. These representatives have been received in audience and treated with the same respect and courtesy that are accorded to the representatives of western powers. It seemed to the members of the diplomatic body here that they should demand corresponding treatment at the hands of the Chinese Government, and that they should not by their actions now stop or prevent their successors from claiming an audience within a reasonable time after their arrival. Russia, Spain, Belgium, and France are now represented by *chargés d'affaires*. Ministers for those countries will probably arrive in the spring. They should not be precluded by our action now from demanding an audience when they arrive. There were other points incidentally discussed; but no decision was arrived at for the reason stated, that we should first ascertain whether any changes would be permitted. I will send a copy of the paper of the dean as soon as I receive it. It is possible that, as the result of conflicting ideas between the diplomatic body and the foreign office, some delay may occur in the time of holding the audience. Possibly the foreign representatives may conclude to await orders from their respective governments as to whether an audience should be accepted on the terms that may be insisted on by the yamén. In that contingency it occurred to me that I ought to call your attention to the fact that the letter of credence held by me bears date the 4th of June, 1885, and is signed by the then President of the United States, Hon. Grover Cleveland.

If the audience had been fixed for an early day in February, I was prepared to present this letter of credence on the theory that by leav-

ing me in my present position it had been affirmed and might be taken as the act of Hon. Benjamin Harrison, now President of the United States. But, as it is somewhat likely that there may be sufficient delay to allow a new letter of credence to be sent, I concluded to wire you on the subject. I therefore sent you to-day a telegram to the effect that you should affirm the letter of credence I have or send a new one.

In monarchical countries it is customary for each monarch when he ascends the throne to send a new letter of credence to his envoys. Such has not been the rule in our country; but, as a letter of credence is a personal letter from one head of a state to another, it would certainly be more satisfactory to a foreign representative to present one from the actual head of the state to the head of the government to which he is accredited, instead of one from his predecessor, who might be dead or a private citizen, as in this case.

You will readily appreciate the fact that I have great delicacy in presenting the question at all, but personal feeling should not be allowed to stand in the way of public duty. Should the audience be held before a new letter of credence—if one be sent—reaches me, I shall be compelled to present the one I hold. In that event I ask that my present letter of credence be affirmed.

I have, etc.,

CHARLES DENBY.

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[Inclosure 1 in No. 1234.]

*Memorandum of an interview had at the tsung-li yamén January 21, 1891, at which were present on the part of the tsung-li yamén Prince Ching and ministers Hsü Keng Shen, Sun-yi-wén, and Chang Yin-huan and representing the representatives of the foreign powers at Peking Charles Denby, accompanied by Fleming D. Cheshire as interpreter.*

At the beginning of this interview Col. Denby said that he had the honor of being deputized by his colleagues to put to the prince and ministers certain questions as to the ceremonial and mode of procedure likely to be adopted touching the proposed audience of the foreign representatives to be held by the Emperor of China and to ask certain information on the subject. He stated that he was not directed to enter upon any discussion of the matters involved, but simply to report to his colleagues such answers as might be made to his questions, leaving to his colleagues thereafter to take such action as they might see fit to take. He then stated in their order the following questions:

(1) The foreign representatives are of the impression that the correct reading of the imperial decree of the 12th of December last is that the representatives of foreign powers who may arrive at Peking at any time after the coming Chinese new year are to be received in audience by the Emperor in a reasonable time after their arrival and shall not be expected to wait to be received until the succeeding Chinese new year. Did the prince and ministers put this construction on the decree, and, if not, what is their view touching the question?

Answer. The prince, who generally spoke for the yamén, said that the Emperor of China has a great deal of business to do; that his time was very much taken up with official business, and that he could not spare the time to receive in audience each minister as he arrived at Peking, but that at the Chinese new year succeeding the arrival of any foreign representative he would be received in audience; that if there were more than one minister who had arrived since the last new year they would each one be received at the succeeding new year in separate audience; and that each one could then present his letter of credence.

(2) Col. Denby stated that he was directed to say to the prince and ministers that some of the foreign representatives now at Peking are the possessors of letters of credence from the heads of their governments, which they were commissioned to present to the Emperor, and others are not the possessors of such letters, being at present temporarily in charge of their respective legations. The diplomatic body desires to know what arrangement the prince and ministers propose to make as to the ceremonial of receiving these two classes of foreign representatives.

Answer. The prince said that the ministers would be received first and could present their letters of credence and afterwards the chargés d'affaires would be received.

The ceremony would be the same as to both classes, except as to the presentation of letters of credence by the ministers.

(3) Col. Denby said, I am further directed to inquire whether the prince and ministers consider that the proposed reception of the foreign representatives by the Emperor is to be an audience or is to be a New Year's reception of the foreign representatives.

Answer. The prince said that it was to be in the nature of both an audience and a New Year's reception. Those representatives who had letters of credence were to present them as at an audience. Those who had no letters of credence were to be received as at a New Year's reception. Col. Denby then inquired whether the ministers who had been received in audience were afterward to return to the presence of the Emperor with the *chargés d'affaires*. The prince said no; the ministers were to be received only once.

The prince here said, what he repeated several times, that the ceremony was to be exactly the same as that adopted at the audience of 1873, in the reign of Tung Chih.

(4) Col. Denby stated that he was further directed to inquire in what hall the proposed audience was to be had.

Answer. The prince answered that the audience would be held in the same hall as the one used for that purpose in 1873, the Tzü-Kuang-Ko. He added that the hall so used was large and commodious.

(5) Col. Denby stated that the impression of the foreign representatives was that on the occasion of the audience each of the foreign representatives was to be attended by his respective staff, and to inquire whether such was the understanding of the prince and ministers, and, if not, what their views were on that subject.

Answer. The prince said that one interpreter should be present with the minister in accordance with the audience of the twelfth year of Tung Chih. The *chargés* were also to have an interpreter. The prince again said that the forms to be observed were the same as in 1873, during the reign of Tung Chih. He said that all the ministers had thoroughly considered matters relating to the audience in 1873. Everything was to be done in the same manner now, and it was not necessary to make any changes. He further said that the Emperor had ordered an audience in order that good will and friendly feeling might be increased between foreign countries and China, and he hoped that the foreign ministers would not make any trouble for the *yamén*.

In conclusion I inquired at what time it was likely that the audience would be had. It was stated by several of the ministers that it would not be until after the fifteenth day in the Chinese new year, perhaps the 20th of the first month.

Before leaving I renewed the request that was made by his excellency Mr. von Brandt, that no report should be made to His Majesty the Emperor as to the details of the ceremonial until further communication was had with the foreign representatives.

The prince said they would wait before doing anything until they heard again from the foreign representatives.

[Inclosure 2 in No. 1234.]

*Memorandum of the etiquette to be observed at the audience to be held at the Tzü-Kuang-Ko to the foreign representatives, the audience to be in like manner to the one had in the twelfth year of Tung Chih, in obedience to the decree of His Majesty the Emperor of China.*

The forms have been reverently prepared as set forth below:

The foreign ministers will be accompanied by one interpreter. They will alight from their chairs or horses at the Fu Hua gate and there be received by the ministers of the *tsung-li yamén*, who will accompany them first to the Shih Ying Kung, where they will rest for awhile.

The escorts (foreign) accompanying the foreign representatives will remain in a tent outside the Fu Hua gate, where there will be persons to attend to them. The *retinue* (Chinese) will also remain in the same vicinity. Neither escort nor *retinue* will enter the Fu Hua gate.

As soon as His Majesty reaches the Tzü-Kuang-Ko the ministers of the *yamén* will accompany the foreign representatives (ministers and *chargés d'affaires*) and their interpreters to a *marquee* to the west of the Tzü-Kuang-Ko, where they will wait for a short time until His Majesty shall have entered the main hall. The ministers of the *yamén* will then accompany the foreign ministers, *chargés d'affaires*, and interpreters up the western flight of steps into the Tzü-Kuang-Ko by the western space. The foreign representatives will stand in their proper order in front of the yellow

table. After their speech or speeches they will respectfully lay their letters of credence on the yellow table.

His Majesty the Emperor will reply, acknowledging that the letters have been received and make some gracious remarks and put some kindly questions. His Majesty's remarks will be interpreted with solemn reverence by the prince and ministers. When the audience is over the foreign representatives will retire by the western flight of steps.

The foreign representatives, when they enter the hall, when they are speaking or stating their names, as well as when questions are addressed to them and replies made, and on retiring, will, in accordance with the records of the audience of Tung Chih, make five bows.

The ministers of the 'yamèn will accompany the foreign ministers and chargés d'affaires to the Shih Ying Kung; there, the whole party being reassembled, they will conduct them out of the Fu Hua gate.

The next day the 'yamèn, in obedience to His Majesty's decree, will entertain the foreign representatives at a banquet.

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*Mr. Blaine to Mr. Denby.*

No. 584.]

DEPARTMENT OF STATE,  
*Washington, January 27, 1891.*

SIR: I have to acknowledge the receipt of your telegram of the 24th instant, requesting a new letter of credence or an affirmation of the one you have.

Your original letter of credence, dated June 4, 1885, was addressed to "His Imperial Majesty the Emperor of China," although at that time and during the sovereign's minority the government was administered by the Empress Dowager as Regent. Under ordinary circumstances, that letter, so addressed, would suffice for the continuance of your mission even after the termination of the regency.

It is, however, presumed that the necessity of a new letter of credence grows out of the position taken by the United States equally with the other powers in respect to the question of audience, and that the formal presentation of a new letter to His Majesty, now that he has come to the throne, is expedient to emphasize the concession gained in this important regard.

While the Department does not fully understand the necessity indicated by your telegram, it is assumed that you, being on the spot, are in a position to intelligently comprehend the situation and to advise the Department of the formalities requisite to put the relations of the United States and China on the most regular and friendly footing.

No precedent is recalled for a formal confirmation of an existing letter of credence; and, under all the circumstances, it is deemed best not to resort to the suggested alternative, but to invest your renewed credence with all the effect and solemnity attaching to the President's original act, precisely as though the letter of 1885 had been addressed to His Majesty's imperial predecessor.

I am, etc.,

JAMES G. BLAINE.

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*Mr. Denby to Mr. Blaine.*

No. 1236.]

LEGATION OF THE UNITED STATES,  
*Peking, January 28, 1891. (Received March 27.)*

SIR: I have the honor to inclose herewith a copy of the protocol of the proceedings had at the meeting of the foreign representatives which is mentioned in my dispatch No. 1234, of January 24.

I inclose, also, a copy of the paper prepared by his excellency Mr. von

Brandt, dean of the diplomatic body, which is to be delivered to the foreign office. The paper of the dean is a dignified and forcible statement of the views of the foreign representatives. It recites the fact that China has since 1873 been represented at several important courts and countries, and that the Chinese envoys, as well as their secretaries, interpreters, and attachés, have been received in separate audiences by the various chiefs of governments. It sets out that the audience question has not been pressed by the foreign powers for the reason that they desired that the Chinese Government should have time to learn thoroughly the practice and usage of those powers before the presentation of a demand for an audience was made.

It states that, while the foreign office now insists that the foreign representatives should be received in mass, and that audiences shall not be granted to newly arrived ministers until the succeeding Chinese new year, nevertheless in 1873 and 1874 there were four separate audiences granted to four several ministers.

It suggests that, if these changes in the ceremonial can not be immediately made, a postponement might be had.

In consultation with my colleagues I have always strenuously insisted that there should be a separate audience of each minister, and that he should be accompanied by his own interpreter and secretaries. I insist on this course not only because it is the rule the world over, but also because it accentuates the recognition of the international equality of each and every nation with China, which is the chief moral element of an audience. I prefer a separate audience, also, because it gives me the sole right to decide what forms are to be accepted by me. It is possible that, as I represent a republican form of government, the representatives of monarchical governments might differ from me as to the ceremonial to be observed. I hope that no such difference will arise, but I would prefer to occupy an independent position. As the matter stands, I am one of six ministers who must all go together to the audience and must all observe the same ceremonial. Being only one-sixth of the whole number, I am, to some extent, bound to any decision that my colleagues may make.

I am not, however, so wedded to the idea of a separate audience as to prevent my acceding to the proposition of a joint audience on this particular occasion rather than to reject an audience altogether. The occasion is novel, and the Emperor has taken the initiative, and if the other conditions are acceptable I am prepared to accept a joint audience for this one occasion. But, as the whole tenor of the ceremonial as proposed is based on the forms agreed on in 1873, and as in 1874 there were in fact separate audiences, the yamèn has no right now to insist that separate audiences shall not be granted to ministers as they arrive. It must be understood that we are now probably settling the mode and manner of conducting an audience for all time to come. The tenacity with which China holds to precedents is shown by the stand now taken that all things shall be done as they were done in 1873. If we yield to the point now that only one audience can be had each year, we will greatly embarrass our successors and we will retard the progressive movement in China, of which the proposed audience is a shining indication.

As you will see by the inclosures, it is likely that a postponement of the audience may be had. Time will therefore probably be afforded in which I can receive your instructions as to the course to be pursued. To enable you to consider the situation, as well as to preserve on my archives a complete history of the treatment of the audience question,

I have adopted the plan of sending to you an account of each step in the discussion as it occurs.

In my dispatch already cited I asked for a new letter of credence. To the reasons then given I may be permitted to add that, in a matter so novel and important as an audience, it occurred to me that the President himself would prefer that a letter of credence signed by himself should be delivered to the Emperor rather than one signed by his predecessor. I was in no sense actuated by any imaginable personal or private matter.

I have, etc.,

CHARLES DENBY.

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[Inclosure 1 in No. 1236.]

*Protocol of the meeting of the foreign representatives at the German legation on January 23, 1891.*

Present: The representatives of Belgium, France, the German Empire, Great Britain, Italy, Japan, the Netherlands, Russia, Spain, and the United States.

His excellency Col. Denby having read to the meeting a statement of the results of his interview with the members of the tsung-li yamén, on the 21st instant, and having also communicated to the meeting the translation of a paper received from the yamén on the 22d instant, referring to the ceremonial to be observed at the proposed audience, both papers being annexed to this protocol, the representatives present were unanimously of opinion that the declarations and proposals of the yamén were unacceptable, the ceremonial to be observed at the audience in 1891 being exactly the same as that for the audience in 1873 (see memorandum presented by Prince Kung to the foreign representatives of June 26, 1873), with the exception that five bows are now demanded instead of three.

Mr. von Brandt having so far recovered as to be able to call upon the yamén, was then instructed to ask for an interview with the prince and ministers of the yamén, and to place before them the remarks embodied in the annexed paper as representing the unanimous views of the foreign representatives now resident at Peking. He was also authorized to have a Chinese translation of this paper made, to be left with the prince and ministers to serve as an *aide-mémoire*. Mr. von Brandt was equally authorized, if an opportunity offered itself, to suggest to the prince and ministers that if further time for reflection seemed necessary the yamén might write a polite note to the representatives, informing them that, on account of the death of his imperial highness Prince Chün, a postponement of the audience for some time had become necessary.

The representatives were of opinion that such a course would be preferable to a perhaps angry and acrimonious discussion of the question, besides giving them the time to place a full statement of the case, as well as of their opinions, before their respective governments, and enabling them to receive instructions on the points in question.

Cordial thanks having been expressed to his excellency Col. Denby for the trouble taken and the work done, the meeting then adjourned.

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[Inclosure 2 in No. 1236.]

*Aide-mémoire to be given to the ministers of the tsung-li yamén.*

Since foreign representatives were for the first time received by His Majesty the Emperor of China in 1873 eighteen years have passed away, and during this time the international relations of China have undergone a great change. While in 1873 the ministers of the tsung-li yamén thought it necessary to make certain reserves with regard to the eventual reception of Chinese ministers by foreign courts or governments (part VI of the protocol of May 15, 1873), since then not only a large number of Chinese envoys have been received by the sovereigns and rulers of treaty powers, in order to allow them to present their letters of credence or recall, but also the members of their missions, including secretaries, attachés, and interpreters, have been allowed to enjoy the same advantages and privileges in official intercourse which are granted by the different courts and governments to the members of lega-

tions accredited with them. The position is therefore to-day an entirely other one than it was in 1873. Notwithstanding this change in the relative treatment of missions accredited to China or to the treaty powers, the representatives of treaty powers accredited to Peking have abstained from raising the audience question, not only during the minority of His Majesty the Emperor, but also after His Majesty had assumed the government. In acting thus they have been animated by the desire not to create discussions and difficulties, but to give the Chinese Government time and opportunity to study at leisure and get acquainted with the rights and privileges of international law and usage granted to the representatives accredited by one sovereign ruler to another.

The audience question having now been raised by the Chinese Government itself, it becomes the duty of the foreign representatives to draw the attention of the Chinese Government to the changes which the altered state of circumstances renders necessary. The Chinese Government must be well aware that the reception of the foreign ministers in 1873 did not produce all the effects that were expected from it; the form in which it had taken place was severely criticised by foreign public opinion, while Chinese public opinion saw in it an assumption of superiority on the part of China which, though certainly very far from the minds of the Chinese statesmen actively engaged in the question, produced a decidedly unfavorable impression with regard to the furtherance of friendly relations upon large classes of the Chinese population. The ministers, members of the *yamén* at that time, were themselves perfectly aware of these facts, and on more than one occasion the principal ones among them declared that the manner in which the audience had taken place ought to be considered as a first step towards regulating the external forms of international intercourse between China and the treaty powers, as far as the reception by the sovereign and the presentation of the letters of credence by the foreign representatives were concerned, and that changes in the ceremonial then observed were by no means excluded. The possibility of such changes has, however, not only been theoretically admitted, but it has taken place practically, while the *tsung-li yamén* in article III of the protocol of May 19, 1873, still maintained the principle that the reception of the ministers of five powers, such as it was then proposed to take place, should be made to serve as a precedent. In the following year the newly accredited Russian minister, Mr. de Butzow, and the Belgian minister, Mr. Serruys, were received alone in audience by His Majesty the Emperor Tung Chih, and the same thing took place in the same year when the newly accredited minister of Japan, Mr. Yanaginara, and of the United States, Mr. Avery, though being received on the same day, had separate audiences. The right of the foreign ministers to present their letters of credence in separate audiences has therefore been fully recognized and acted upon in China, and the representatives now accredited in China, some of whom have been waiting patiently for many years to present their letters of credence, see no reason to recede from the position recognized by the Chinese Government in the case of their predecessors. The foreign representatives can at the same time only repeat the declarations already made by their predecessors in 1873 with regard to ministers newly arriving in China, *i. e.*, that while the right to name the time of reception must, of course, be reserved to His Majesty, excessive delay in according such a reception would not but be considered as evidence of an unfriendly feeling. They must, with regard to this point, and in order that their action may not be misunderstood and considered as precluding a foreign minister afterwards arriving from exercising his right of claiming and obtaining an audience in order to present his letters of credence, insist upon a formal and satisfactory declaration from the *yamén* that such will be in future the course followed.

They must also point out that, great changes in the international relations between China and the treaty powers having taken place in the meanwhile, the forms observed in the audiences in 1873 and 1874 ought to be submitted to a revision, and, where necessary, to an alteration already rendered obvious by the fact that, while these ministers were only received for the presentation of their letters of credence, the imperial edict issued in this year includes also *chargés d'affaires*, *i. e.*, representatives not furnished with such documents.

If the *tsung-li yamén* should not consider themselves authorized to enter upon a discussion on this question without previously taking the order of His Majesty the Emperor, the representatives request the *yamén* to do so and place the contents of this *aide-memoire* before His Majesty. They can, at the same time, only state that if reasons unknown to them should prevent the Chinese Government from placing the representatives of treaty powers in China upon a footing similar to that accorded to Chinese ministers abroad, they should be willing to leave full time for consideration to the Chinese Government; but if the *tsung-li yamén* should insist upon the acceptance of a programme declared inadmissible by the foreign representatives, the latter would find themselves in the impossibility of accepting an audience under conditions not in accordance with the rules of international right and courtesy.



*Mr. Blaine to Mr. Denby.*

No. 587.]

DEPARTMENT OF STATE,  
*Washington, February 10, 1891.*

SIR: I have to acknowledge the receipt of your No. 1215, of the 15th of December last, touching the audience to be given to foreign ministers at Peking in February, 1891.

The concession of audience in principle is a gratifying proof of China's desire to conform to the ordinary amenities of intercourse between equal and sovereign states.

Whether the formalities to be observed, which are vaguely described as similar to "that had in the twelfth year of the reign of Tung Chih," will involve any unbecoming conditions can not be determined without further information. A recent press telegram indicates that the formality prescribed is found objectionable and derogatory to the dignity of the foreign envoys and the governments they represent. Your further report is awaited with interest.

I have, etc.,

JAMES G. BLAINE.

*Mr. Blaine to Mr. Denby.*

No. 590.]

DEPARTMENT OF STATE,  
*Washington, February 14, 1891.*

SIR: I have received your No. 1212, of December 13 last, and a copy of the latest note of the yamên in the McCaslin case, which you inclose, declining to open up the judgment at Ningpo.

Your suggestion that the case will have to be reserved for the present is approved. It might be well for you, however, to reply to the yamên's note, in order that we may not seem to have acquiesced in it, and that the issue may be kept distinct and our rights reserved.

I am, etc.,

JAMES G. BLAINE.

*Mr. Denby to Mr. Blaine.*

No. 1250.]

LEGATION OF THE UNITED STATES,  
*Peking, February 23, 1891. (Received April 13.)*

SIR: I have the honor to inclose copies of the following papers bearing on the audience question: A memorandum of an interview between Mr. von Brandt and certain members of the tsung-li yamên, which took place January 26, 1891; a protocol of a meeting of the representatives of the treaty powers held at the German legation January 30, 1891; a memorandum of an interview between the members of the tsung-li yamên and Mr. von Brandt had January 31, 1891; a protocol of a meeting of the foreign representatives held at the German legation February 1, 1891; a memorandum of an interview between the members of the foreign office and Mr. von Brandt had the 5th day of February, 1891; a protocol of a meeting of the foreign representatives held at the German legation the 6th day of February, 1891.

I refrain from comments on these papers until a conclusion shall have been arrived at.

I have, etc.,

CHARLES DENBY.

[Inclosure 1 in No. 1250.]

*Memorandum of an interview between the members of the tsung-li yamén and Mr. von Brandt, January 31, 1891.*

Mr. von Brandt had the opportunity, at the visit which the prince and ministers paid to him to-day, to speak to the prince in the sense of the *aide-mémoire* agreed upon, and to give his highness a copy of it at his demand. Further discussion was postponed until a conference arranged to take place at the yamén on the 31st instant. The contents of the *aide-mémoire* produced undoubtedly a deep impression upon the prince and ministers, who again brought forward, though in a very cursory manner, the many occupations of the Emperor, which would prevent His Majesty from receiving the ministers singly, or single ministers arriving afterwards in separate audiences.

The prince repeatedly expressed the wish that the audience might take place on the basis of the former programme, with some slight alterations, and the minister Sun-yi-wên insisted very much on the proof of great friendship on the part of China given by the willingness of the Emperor to receive the foreign ministers.

The Chinese ministers present were Prince Ching, Hsü-wen-shen, Sun-yi-wên, and Liao Shou-ming.

[Inclosure 2 in No. 1250.]

*Protocol of the meeting of the representatives of treaty powers held at the German legation on January 30, 1891.*

Present: The representatives of Belgium, France, the German Empire, Great Britain, Italy, Japan, the Netherlands, Spain, and the United States, the representative of Russia being absent on account of indisposition.

The following points to serve as guidance for Mr. von Brandt in his negotiations with the yamén on the audience question were discussed and adopted in the form hereafter mentioned:

A. The representatives to be received—

(1) Either singly, each accompanied by his interpreter and the members of his legation belonging to the diplomatic service; or

(2) The representatives having letters of credence to present being received singly, each one accompanied by his interpreter, and afterwards the whole diplomatic body being received together, the doyen making a short congratulatory speech and the different representatives not yet having had an audience, as well as the other members of the diplomatic body, being presented to the Emperor by Prince Ching, or the doyen, the former, in that case, to be furnished with the exact phraseology to be used; or,

(3) As a concession, for this time only, all the representatives, with their secretaries and interpreters, entering together, the representatives furnished with letters of credence presenting them separately; and finally, a short congratulatory address to be pronounced by the doyen.

B. The audience to take place in one of the audience halls of the palace proper, the Tai-ho-tien (throne room) and the Wu-yin-tien being mentioned, the latter one being a kind of library.

C. The representatives not being kept waiting for any length of time before the audience.

D. The question through which of the five or three openings in a Chinese gateway the representatives, bearers of letters of credence, and the other representatives ought to pass was extensively discussed and ventilated. Though the representatives were of opinion that as long as one of their number was the bearer of a letter of credence to the Emperor he ought to pass through the middle opening, through which, according to Chinese ceremonies, not only the person of the Emperor, but also the imperial edicts and seals passed, it was nevertheless resolved not to open this question, but to claim only the next best opening, *i. e.*, from the outside, the one to the right of the middle opening. The reasons for this decision were that, as the question once raised could not be abandoned and was certain to meet with the greatest opposition on the part of the Chinese, it would be better not to touch it at all, it even being doubtful if for autograph letters of sovereigns the same ceremonial might be claimed as for the sovereigns themselves. In any case the action of the foreign representatives thus confined to what they had an undoubted right to ask would prove their desire not to raise questions which might endanger the final results of the negotiations to be undertaken.

E. The letter of credence either to be placed into the hands of the Emperor, or, as

this would certainly prove impossible to be obtained, on a table near enough to the throne that the Emperor could take them if he should be inclined to do so.

F. The rehearsal of the ceremony at the yamén to be refused.

G. The dinner to be offered to the representatives at the tsung-li yamén to be refused, as had been already done in 1873, the representatives being of opinion that any banquet offered them should be at the palace.

The two last points, as not likely to be brought forward immediately, were reserved for further discussion.

M. VON BRANDT.  
CHARLES DENBY.  
JOHN WALSHAM.  
K. OTORI.  
A. PANSÁ.  
J. K. FERGUSON.  
G. DE URIBARI.  
P. RISTELHUEBER.  
CHARLES MICHEL.

Approved:

C. KLEIMÉNOW.

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[Inclosure 3 in No. 1250.]

*Memorandum on the meeting held at the tsung-li yamén on January 31, 1891, between the Chinese ministers Prince Ching, Hsü Keng Shen, Sun-yi-wén, and Chang Yin-huan and Mr. von Brandt, the latter in the name and for the representatives of the treaty powers.*

After some general complimentary remarks, Prince Ching asked Mr. von Brandt what were the views of the foreign representatives on the question of the audience. Mr. von Brandt replied that before entering upon any details he had to make some remarks on the principle underlying the question. Two sides had to be taken into consideration, the personal and the international ones. With regard to the first, it was unquestionably an honor for a representative to be received by a sovereign, and he and his colleagues considered their reception by His Majesty in that light. From the international point of view there could be no doubt that a representative, being accredited by a sovereign or ruler, had the right to demand an audience in order to present his letter of credence, as, by the rules of international law generally adopted and recognized, he could not enter upon the discharge of his official duties before having done so. The foreign representatives now at Peking were therefore bound to assure themselves that their reception by His Imperial Majesty the Emperor was not to preclude any newly arriving minister from demanding and obtaining an audience in order to present his letter of credence. Mr. von Brandt referred the Chinese ministers to the experience of his excellency Chang, present at the conference, and that of the other Chinese representatives who had been accredited to foreign countries.

After some desultory remarks about the minority of the Emperor, which had until now rendered an audience impossible, Prince Ching declared that if a foreign minister furnished with letters of credence arrived in future at Peking he would have to write to the yamén demanding an audience in order to present his letters of credence, which would then be granted, perhaps not immediately, but not with too long a delay, according to circumstances.

Mr. von Brandt, declaring this promise to be satisfactory, then proceeded to explain to the prince and ministers the way in which the foreign representatives might be received. He pointed out that the proper way to receive them would be in separate audiences, but that, in order to show their willingness to meet the yamén as far as possible, the audience to take place might for once be a general one, all the foreign representatives with their diplomatic staff and their interpreters entering at the same time, those representatives having letters of credence presenting them separately, which ceremony having been gone through with, the doyen would make a short congratulatory address in the name of the diplomatic body. At the mention of the presentation of the letters of credence the prince interrupted Mr. von Brandt by saying they will place them on the table. Mr. von Brandt replied that they were now discussing one point, the other points being taken in their turn. After a short and very pleasant discussion the prince proposed, without any suggestion from Mr. von Brandt, that the representatives having letters of credence to present should be received each one separately with his own interpreter, and that after these separate receptions were over all the representatives should reënter the imperial presence together, with their secretaries of legation and one interpreter, the doyen pronounce-

ing a short congratulatory address. The prince gave as a reason why it would not be desirable that the representatives should be accompanied each by his own interpreter at this second general reception that the hall of reception was not very large, that it would be, therefore, inconveniently crowded, and that the going into the presence of the Emperor and the leaving of the reception hall would prove difficult if a too large number of persons were present.

Mr. von Brandt replied that the prince's proposal seemed to contain the elements of an understanding, and that he would place it before his colleagues.

The conversation was then turned by the prince to the place of reception, at which he designated the Tzû-Kuang-Ko. Mr. von Brandt stated that with regard to this place grave objections existed in the minds of the foreign representatives, and that he and his colleagues would be very thankful if the yamèn would propose some other place. To the question what were the objections Mr. von Brandt replied that the Tzû-Kuang-Ko was not within the imperial palace, but in an out-of-the-way corner of the garden, and that besides foreign public opinion had pronounced itself so very strongly against the use of this place that it would be difficult for the foreign representatives to ignore it; he could therefore only repeat the request that another place might be selected. Prince Ching then stated that he could not understand what objections could be raised against the hall in question, it being a very fine place, in very good order, and being used for the banquet offered to the Mongol princes. Mr. von Brandt rejoined that that was perhaps one of the reasons which rendered it undesirable as a place for the audience of the foreign representatives, and that he had no doubt that there were a great many places in the palace which could serve the purpose much better than the Tzû-Kuang-Ko. From this moment the conversation grew rather excited on the part of the Chinese ministers. Sun-yi-wên declared that the palace was quite out of the question, as no one could be received there who did not perform the kowtow; that the Tzû-Kuang-Ko had once been selected, and that the ministers would have to go there. On the prince repeating this declaration, Mr. von Brandt replied that the Tzû-Kuang-Ko would not be acceptable to the foreign representatives, but that he had no doubt that if the yamèn would place before His Majesty the reasons which made the place undesirable another place might be easily found. To this Prince Ching answered: "Certainly not in the palace, but perhaps in the Hsi Yüan, western garden, the part of the garden actually inhabited by His Majesty and Her Majesty the Empress ex-Regent, though the halls there were not as large and convenient as the Tzû-Kuang-Ko." On Mr. von Brandt answering that he would be very willing to transmit to his colleagues any proposal the prince might make on this point, Sun-yi-wên interposed with the remark that there were no places in that part of the garden, and that any other place but the Tzû-Kuang-Ko was quite out of the question, to which his excellency Ching added that if the foreign representatives objected to the Tzû-Kuang-Ko the yamèn would write to the cabinets of the treaty powers to inquire whether international law allowed foreign representatives to dictate to a sovereign the place where he was to receive them. Mr. von Brandt answered that it was rather difficult to discuss the question with the yamèn. The foreign representatives had an undoubted right by international law and courtesy to be received in the palace; but they were told that that could not be done on account of Chinese law, and when they objected to some other places they were told that they had no right to do so under international law. He, for his part, had not the slightest objection to see the question submitted to the decision of his Government, and he was quite ready to ask for its instructions, nor did he doubt that his colleagues would do the same; but he thought it his duty to point out to the yamèn that the answers from the foreign governments might not improbably be that, as a general principle, the view of the yamèn was quite correct, but as to the particular case the objections of the foreign representatives were equally so. In that case the position, instead of being a better one, would be rather worse, and he did not think that that would be in the interest of either party. He would therefore recommend once more that the yamèn might place the objections of the foreign representatives before His Majesty and recommend a place better suited than the Tzû-Kuang-Ko. Prince Ching thereupon asking if the foreign representatives would declare their readiness to submit to the imperial decision if asked for by the yamèn, Mr. von Brandt parried the question by replying that as the audience was, according to imperial edict, to strengthen the friendly relations between China and the treaty powers, he had not the slightest doubt that nothing would be further from the wish of His Majesty than to impose upon the foreign representatives conditions which they, for very good reasons, had declared unacceptable.

The Chinese ministers then said that they expected Mr. von Brandt to write them a dispatch giving his reasons for the nonacceptance of the Tzû-Kuang-Ko, which they would make the basis of their action with regard to the cabinets of the treaty powers. Mr. von Brandt replied that for that purpose his verbal declarations would be so much more sufficient, as the foreign representatives themselves would address reports to their governments giving the reasons for their action. He thought, however, that

it would be best to abstain from all written communication between the yamèn and the representatives, as they were always likely to leave some bitterness behind them, which he was of opinion would be better avoided. It would, however, be very easy for the yamèn to find sufficient time for a thorough ventilation of the question if the ministers would write a short note to the foreign representatives stating that on account of the death of His Imperial Highness Prince Chün it was desirable to postpone the audience for some time. To such a course the Chinese ministers objected most strongly, insisting again upon a dispatch from the foreign representatives stating their objections. The discussion then went on for over an hour, always turning upon the same points, without any progress being made, the spirit in which the negotiation was carried on by the Chinese ministers being illustrated by the remarks from the prince that he thought the action of the representatives only intended to increase difficulties to the yamèn, and that it was so much more incomprehensible as in the *aide-mémoire* nothing had been said of the place of reception, the place being besides already fixed by imperial decree, the yamèn being only ordered to report on the ceremonies. Sun-yi-wên, who had more than once declared that the anger was rising in his throat and nearly suffocating him, chimed in, without the point having been brought forward in any manner, by saying, "And the entertainment at the yamèn must also be accepted under international law." Sun-yi-wên also most positively denied that the Mongol princes were ever entertained at the Tzü-Kuang-Ko.

The conference came finally to an end, after having lasted more than three hours, by the yamèn requesting Mr. von Brandt to place the question of the Tzü-Kuang-Ko before his colleagues, which he promised to do, holding out, however, no hope of a change in the views of the foreign representatives, while the yamèn on their part, being asked to take into consideration the choice of another place, declared their inability to do so.

[Inclosure 4 in No. 1250.]

*Protocol of the meeting of representatives of treaty powers held at the German legation on February 1, 1891, at 3 o'clock p. m.*

Present: The representatives of Belgium, France, the German Empire, Great Britain, Italy, Japan, the Netherlands, Spain, Russia, and the United States.

Mr. von Brandt having read the annexed memorandum on his interview with the ministers of the tsung-li yamèn on January 31, his action was approved. He pointed out at the same time that the concession concerning audience to be granted representatives arriving in future was only an apparent one, the same concession having been made in exactly the same terms as now and to the foreign representatives in 1873, on the occasion of the discussion of the yamèn's first programme; besides, it had been acted upon in 1874, when four foreign representatives had been received in separate audiences.

The yamèn had therefore played only its usual game, ignoring former concessions in order to be able to make them again and then point to them as a proof of the yamèn's willingness to go as far as possible and the insatiableness of the foreign negotiators.

After some discussion among the representatives, Mr. von Brandt was instructed to tell the yamèn at their next meeting that the idea of wishing to dictate in any manner to His Majesty was very far from the minds of the foreign representatives; but that it was their duty at the same time to see that nothing derogatory to the countries they represent took place in any ceremony in which they were called upon to take a part, and that for the reasons already given to the yamèn the Tzü-Kuang-Ko was unacceptable. Mr. von Brandt was further instructed, in order that a clear insight might be gained into the situation, to place at the next meeting before the yamèn the other objections and demands of the foreign representatives, *i. e.*, with regard to the situation of the table upon which the letters of credence are to be placed, the door through which the representatives are to pass, and the necessity of not keeping them waiting for the audience for any length of time when once in the grounds of the palace.

The meeting then separated,

M. VON BRANDT.  
CHARLES DENBY.  
JOHN WALSHAM.  
K. OTORI.  
A. PANS.  
J. H. FERGUSON.  
G. DE URIBARI.  
C. KLEIMÉNOW.  
P. RISTELHUEBER.  
CHARLES MICHEL.

[Inclosure 5 in No. 1250.]

*Memorandum on the meeting held at the tsung-li-yamen on February 5, 1891, between the Chinese ministers Prince Ching, Sun-yi-wên, and Chang Yin-huan and Mr. von Brandt, the latter in the name of and for the other representatives of treaty powers.*

After the exchange of some complimentary remarks, Mr. von Brandt opened the conference by saying that before entering upon any details he wished to place a general statement before the prince and ministers present. In a foreign country an envoy, on arriving, places a copy of his credentials in the hands of the minister of foreign affairs and asks for an audience of the sovereign or ruler of the country, in order to present the original. At the audience, a few days afterwards, he pronounces a short complimentary speech and places his letters of credence into the hands of the sovereign or ruler, who replies by a few words, after which the envoy retires. It is only after this ceremony has been gone through with that the envoy is in a position to assume his official duties. This is the procedure in foreign countries, which the yamèn declared would not be followed in China. The Chinese ceremonial was equally unacceptable to the foreign representatives. A mutual understanding ought, therefore, to be arrived at in which, while nothing was further from the minds of representatives than to presume to dictate in any way to His Majesty, it was their duty to see that nothing occurred that was offensive to the dignity of the countries they had the honor to represent. The prince replied to this that the yamèn were very anxious on their part, too, that nothing should be asked of the foreign representatives which they might consider as derogatory to their country's dignity; on the other hand, the same rule held good for China. The other day, after Mr. von Brandt had left, he and his colleagues had found themselves in a great difficulty about the hall in which the audience was to take place. The hall was, so to say, fixed upon by the imperial edict, and all the preparations had been made in it. He therefore proposed that the present audience should take place in the Tzü-Kuang-Ko, while for the next one a new hall should be provided in the western garden. Mr. von Brandt said that he would submit this proposal to his colleagues. Prince Ching then stated that it would certainly be best that they should know at once all the objections the foreign representatives might have to the ceremonial observed in 1873. He hoped that they would not be very numerous, as the yamèn had already made a great many concessions, especially with regard to the reception of representatives arriving after the audience and the admission of secretaries of legation and interpreters. Mr. von Brandt replied that the arrangements arrived at could hardly be considered as concessions on the part of the yamèn, the reception of representatives arriving after the audience having already been discussed and settled in 1873 and acted upon in 1874, while the admission of secretaries of legation and interpreters was the natural result of the admission of Chinese functionaries of the same rank to audiences elsewhere. Mr. von Brandt proceeded, then, to explain the objections of the foreign representatives with regard to the placing of the letters of credence on the yellow table, of having to wait before the audience, and of entering the hall by the western entrance. A long discussion then ensued upon the question where the foreign representatives ought to place their letters of credence, the members of the yamèn maintaining that the rule adopted in 1873 ought to be followed also on this occasion, the table being placed not so very far from the throne and within the hall, Prince Ching also stating in the course of the conversation that papers presented by the highest officials in the Empire were equally placed upon a table, the table for the audience being a specially prepared one, only to be used on such occasions, from which they were to be taken by the chief chamberlain and handed to the Emperor. This last statement Prince Ching tried afterwards very much to disown, but it gives undoubtedly the true state of affairs and proves that the Chinese have attempted and attempt to treat letters from foreign sovereigns and rulers as any other state papers or reports placed before the Emperor. On the other hand, the placing of the table within the hall is, in the eyes of the Chinese, already a considerable concession, the table upon which the letters from the rulers of subject nations are deposited being placed outside the audience hall. Prince Ching also repeated the proposal made in 1873, that if the foreign representatives objected to their letters of credence remaining on the table he could take them from the table and place them in the hands of the Emperor, of course kneeling, a proposal which Mr. von Brandt rejected on the same grounds which had already in 1873 caused the then representatives not to accept it. Mr. von Brandt told the Chinese ministers that the proper way of transmitting a letter from one sovereign or ruler to another was to place it directly in the hands of the latter; but, as Chinese ceremonial appeared not to admit of this being done, his colleagues and he himself would content themselves with placing their letters of credence on a table near enough to the throne that His Majesty, if so inclined, could take the letter with his own hands.

Asked to explain how he thought the ceremony ought to be gone through, Mr. von Brandt said that he proposed to walk up to the place where the representatives had formerly stood, then stop, make a short speech, then advance, place his letters of credence upon the table, and retire to the former place, there to listen to the Emperor's answer.

The conversation on this point having lasted for over an hour without making any progress, the Chinese ministers asked Mr. von Brandt to place their objections before his colleagues and to request them to take the matter once more into consideration. Mr. von Brandt replied that he would do so with pleasure, but that he thought he could hold out very little hope that his colleagues would change their minds on the subject. With regard to himself, he could already tell them to-day that he would not hand over his letters of credence in any other way than in the one proposed by himself.

The Chinese ministers upon this asked him then again to write a dispatch to the yamèn on the subject; to which he replied that he had strong objections to writing on subjects under discussion, but that he would take the yamèn's proposal into consideration, and might perhaps find a way to comply with it. In the course of the before-mentioned conversation Sun-yi-wên asked suddenly, "And how about the feast at the yamèn?" to which Mr. von Brandt replied that his colleagues and he himself were accustomed to be received at the table of the sovereign who did them the honor to have them invited, but that if all the other questions were settled satisfactorily means might be found of accepting the invitation of the yamèn for once. Mr. von Brandt then asked what were the views of the yamèn on the other points mentioned by him; to which the prince replied that the representatives would have to wait a short time before going to the audience, a little friendly conversation and collation having to precede the reception by the Emperor, if an hour from the moment the representatives reached the outer gate to their reception by the Emperor seemed too much, so that if the audience were fixed for noon the ministers would arrive at 11 a. m. Mr. von Brandt replied that he would place the matter before his colleagues, and thought that no objection would be raised against the yamèn's proposals. Asked which gate the foreign representatives claimed, Mr. von Brandt stated that it was the first to the right of the middle gate from outwards, or, in the case of the Tzû-Kuang-Ko, the first to the east. The ministers immediately agreed to the proposal, Prince Ching mentioning in an undertone to Sun-yi-wên that it was the proper one. The gate having been pointed out on a map, no misunderstanding can exist on the point. Prince Ching then added laughingly, "Of course, the ministers refuse to come to a rehearsal of the ceremony." To which Mr. von Brandt replied in the same tone, "Certainly."

The prince then remarked that all points seemed to be arranged with the exception of that of the table on which the letters of credence were to be placed, to which Mr. von Brandt replied that some little points to which his colleagues had drawn his attention remained still to be settled. It was, of course, understood that attachés were to accompany their chiefs, as well as the secretaries of legation. The prince objected to this, counting upon his fingers, "One minister, one secretary of legation, one interpreter, making altogether three persons to be admitted from each legation." Mr. von Brandt pointing out that at some of the legations there were more than one secretary of legation, the prince gave way on this point, still maintaining, however, his objections to the attachés, who, he said, would swell the number of persons to be admitted too much. Mr. von Brandt remarked that to his knowledge there were attachés only to two of the legations, at the French one and at the Japanese one, and that there would be only two or three of them, to which the prince replied, "Yes, but there may be more appointed afterwards." Mr. von Brandt then said that as the question now stood the interpreters of six of the legations would be admitted to the audience, while the interpreter of the seventh legation would be present at the reception. There remained three legations represented by *chargés d'affaires*, of which two had interpreters; their chiefs desired very much that they should be allowed to assist at the general reception. The prince replied that they would be received in the audiences when their chiefs had letters of credence to present.

The conference then closed, after it had lasted two hours and a half. Mr. von Brandt recommending the Chinese ministers to take the wishes of his colleagues with regard to the attachés and interpreters into further favorable consideration. It must be remarked that the tone of the Chinese ministers was from the beginning to the end of the conference an exceedingly friendly and amiable one, quite different from the disagreeable and assuming way in which they had acted at the last meeting.

[Inclosure 6 in No. 1250.]

*Mr. von Brandt to the tsung-li yamén.*

PEKING, February 7, 1891.

To His Highness Prince CHING,  
*President of the Tsung-li Yamén:*

YOUR HIGHNESS: I have taken the first opportunity to place before my colleagues, the representatives of Belgium, France, Great Britain, Italy, Japan, the Netherlands, Russia, Spain, and the United States, the results of the conference held at the yamén on the 5th instant.

My colleagues and myself are of opinion that the only way to transmit the letters from our sovereigns or rulers to His Majesty the Emperor, containing our credentials, would be to place them either into the hands of His Majesty, as is done everywhere else, or on a table placed so near to the throne and so high that His Majesty could, if he chose, take the letters with his own hands. My colleagues and myself are willing to agree to the second alternative.

All the other points being very nearly arranged, it would want only one more conference to settle them definitely.

According to His Majesty's wish, I also inclose a list of the secretaries, military attachés, attachés, and first interpreter of the foreign legations now present at Peking.

I avail myself of this opportunity to renew to your highness the assurance of my highest consideration.

VON BRANDT.

Approved:

CHARLES DENBY.  
 JOHN WALSHAM.  
 K. OTORI.  
 A. PANSA,  
 J. H. FERGUSON.  
 G. de URIBARI.  
 C. KLEIMÉNOW.  
 T. RISTELHUEBER.  
 CHARLES MICHEL.

*Mr. Denby to Mr. Blaine.*

No. 1256.]

LEGATION OF THE UNITED STATES,  
*Peking, February 28, 1891. (Received April 21.)*

SIR: I have the honor to inclose herewith copies of the following papers relating to the audience question: An *aide-mémoire* delivered by Mr. von Brandt to the foreign office, setting forth the propositions of the foreign representatives as to the manner of holding the audience; a protocol of a meeting of the foreign representatives at the German legation February 18; a memorandum of the conference held at the tsung-li yamén February 15, 1891; a memorandum of a meeting held at the tsung-li yamén February 19, 1891, between the ministers of the yamén and Mr. von Brandt, on the part of the foreign representatives; a protocol regulating the forms and ceremonies to be observed at the audience and reception agreed on February 22, 1891, by the ministers of the foreign office and the foreign representatives.

It will be seen that proper and satisfactory arrangements have been concluded for the holding of the audience and a subsequent reception of the whole diplomatic body.

The foreign ministers receded in two particulars from their first demands as to ceremonial. They consented to be received in the same hall in which the audience was had in 1873—the Tzü-Kuang-Ko, or “Kiosk of Purplish Brightness.” The foreign community mostly protested against the use of this hall because it was alleged that it had been generally used for the reception of Koreans, Mongols, and other vassal races. I preferred to accept this hall rather than to create serious dif-



ficulties at this time. By reference to page 406 of "The Life and Letters of Dr. S. S. Williams" you will see that he characterizes the main objection to the use of this hall as "a petty scruple," and speaks highly of the adaptation of the hall to purposes of audience. This opinion had some influence on me, and, besides, I recognized that in general the head of a state has the right to select the place in which he will receive foreign envoys.

The Chinese ministers agreed that future receptions should be held in another hall, and the compromise was accepted. The other point conceded was the mode of the delivery of the letters of credence. The foreign representatives contended that these letters should be delivered by themselves into the hands of the Emperor himself. But as, according to Chinese usage, no person can present a letter to the Emperor without kneeling, and as we refused to kneel, we were willing to place our letters on a table so close to the Emperor that he might take them in his hand if he chose to do so. The Chinese ministers replied that no person except the princes of the blood could be allowed to ascend the platform on which the throne was placed.

The matter was compromised as follows: After reading his address the envoy will advance to the foot of the middle steps, bearing his letter of credence, which he will hand to Prince Ching, president of the foreign office, who will descend by one of the side steps to receive it; the prince will then ascend the platform and place the letter of credence, he standing and not kneeling, on a small table placed before the throne. It is apparent that Prince Ching, being in some sense our agent, could not kneel while holding our letters. If the Emperor addresses him after he has parted with the letters, he may kneel as much as etiquette may require. A comparison between the forms now agreed on and those followed in 1873 will show that substantial progress has been made in the eighteen years that have elapsed. (For an account of the audience in 1873 see Foreign Relations, 1873, page 198 and following.) Some points of progress are the following: Separate audiences are granted and each minister takes his interpreter, instead of all going together with one interpreter; foreign representatives are not to be kept purposely waiting, as was done before; letters of credence are to be placed on a table close to the throne, instead of on a table ten or twelve paces from the throne, as before; the whole diplomatic body, including *chargés d'affaires*, secretaries, *attachés*, and interpreters, is to be received after the separate audiences of the ministers having letters of credence are concluded. There was no general reception before. Audiences are to be granted also for the presentation of letters of recall and new credentials or other autograph letters from sovereigns or rulers. If Mr. Low could truthfully say in his dispatch No. 79, of July 10, 1873 (found at page 198, Foreign Relations, 1873), that the audience of that year was "an important step in advance, the most important that the Chinese Government has ever taken except when compelled by force of arms," the ministers now at Peking may rightfully claim that the result of their arduous and lengthy discussions is much more important. The persistence of the ministers and the ability of the dean, who personally conducted the negotiations, have secured the adoption, as nearly as Chinese law and usage permitted, of the ceremonial generally observed in Europe and America.

I do not deem it necessary to enter upon any disquisition as to the effect on China or elsewhere of this wide departure from ancient usage in this country.

It is hoped and believed that the public recognition by the Chinese

Government of the right of audience, implying, as it does, the equality of each foreign nation with China, will serve as a stepping stone to a marked improvement in the relations between China and the treaty powers. The audience, it is supposed, will be had in about a week.

I shall present the letter of credence that I received in 1885. Should it be the pleasure of the President to address to the Emperor of China any communication at this time, it will be delivered by me in special audience either at the time it is received or afterwards when the ministers of Russia, France, Belgium, and Spain shall be granted an audience.

When I wrote my dispatch No. 1234, of January 24, suggesting that a new letter of credence be sent me, I had the best reasons to suppose that the audience would be postponed, and that a "letter" might reach me in time. But the course of events has made that impossible. I make no suggestions now as to the sending of a new letter of credence, but leave the question to the better judgment of the President and yourself. Trusting that my conduct in all this negotiation will meet with your approval,

I have, etc.,

CHARLES DENBY.

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[Inclosure 1 in No. 1256.]

*Aide-mémoire.*

The members of the tsung-li yamèn having, in their recent discussion with the minister of the German Empire about the way in which the audience ought to take place, referred more than once to the necessity of making very careful arrangements, so that they might serve as precedents for future audiences and receptions, the foreign representatives, therefore, with all due respect to the sovereign, and wishing to facilitate the work of the yamèn in preparing their report to the Throne, have thought it desirable and necessary to place before the yamèn some notes on the points which they consider indispensable, if a satisfactory understanding shall be arrived at, to serve as a precedent for the future. They are willing to forego for the moment some of the most important rights and privileges which are granted to them by international law and courtesy, but they are not in a position to abandon any of the principles upon which the comity of nations reposes. They wish neither to hurry nor to press the yamèn, and in his interviews with the Chinese minister the minister of the German Empire has more than once indicated the means by which a decision of the audience question could be postponed for some time; but, while the foreign representatives are perfectly willing to go as far as possible in their endeavors to meet the yamèn's views, limits to their compliance are imposed upon them by the rules that regulate the intercourse of independent nations, and these limits are indicated in the following notes.

Foreign representatives furnished with letters of credence arriving at Peking to be received by His Majesty in separate audiences after having given copies of their credentials to the tsung-li yamèn and asked for an audience to present the originals thereof, the foreign representatives being each one accompanied by his own interpreter. The same rule to hold good for the presentation of letters of recall and new credentials or other autograph letters from sovereigns or rulers. At the yearly or other general receptions the foreign representatives to be accompanied by the secretaries and attachés of their legations, the military and naval attachés, and their interpreters.

Foreign representatives are everywhere received in the apartments of the palaces usually employed for audiences and solemn receptions. This is the general rule. For this reason and on account of the dispute into which, after the audience in 1873, the Tzù-Kuang-Ko had got, and without intending in the slightest way to dictate to the sovereign, the foreign representatives objected to the use of that hall. Upon the declaration of the tsung-li yamèn that the Tzù-Kuang-Ko had been already indicated in the imperial edict, and that all preparations for the reception of the foreign representatives had been made in it, but that in future another suitable locality should be designated for the reception of the foreign representatives, the latter declared that for this once they are willing to overlook the objections existing against

the Tzû-Kuang-Ko. They must, however, state most positively that they will not accept any arrangement by which their right of being received in the apartments generally used for audiences and solemn receptions was definitely precluded. With regard to the form of handing over autograph letters of sovereigns and rulers, and letters of credence or recall, the one generally and exclusively used is that of placing them personally into the hands of the sovereign or ruler to whom they are addressed. Taking into consideration the difference of Chinese etiquette, the foreign representatives are willing to place their letters of credence on a table placed so near to the throne and so high that His Majesty could, if he chose, take the letter with his own hand. The foreign representatives not to be kept waiting for any length of time after their arrival on the ground before they are admitted to the imperial presence. The foreign representatives and their staff to enter through the door to the right of the middle one from the outside. The rehearsal of the ceremony to be omitted.

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[Inclosure 2 in No. 1256.]

*Ministers' protocol of the meeting held at the German legation on February 18, 1891.*

Present: The representatives of Belgium, France, the German Empire, Great Britain, Italy, Russia, Spain, the United States.

Mr. von Brandt having read the annexed memorandum of his conference with the ministers of the tsung-li yamén on the 15th instant, the foreign representatives were of opinion that it would be useless to continue a desultory discussion, especially as the yamén had more than once in the course of these meetings with Mr. von Brandt stated that the rules now to be agreed on ought to serve as a precedent for future audiences and general receptions. It was then decided that in order to bring the yamén to a decision or to safeguard at least the principles for which the representatives were contending, a statement of these principles should be placed before the Chinese ministers and given to them at their request in the form of an *aide-mémoire*.

Should this step not produce the desired effect, Mr. von Brandt was to tell the yamén that the foreign representatives could see no advantage in continuing the discussion and would wait for further communication from the yamén.

Mr. von Brandt was at the same time authorized to state to the Chinese ministers that the foreign representatives considered it as a condition *sine qua non* of their acceptance of any arrangement that the mention of the "western gardens" as the locality where the hall for future audiences or receptions would be situated should be omitted from such arrangements; he was to add that such mention in an imperial edict would be considered as a breach of good faith by the foreign representatives and would cause them to regard all arrangements arrived at so far as *nul et non avvenu*. With regard to the question of presentation of the letters of credence, several modifications of the original demand of the foreign representatives were proposed and discussed. It was finally agreed upon to propose to the Chinese ministers that the foreign envoys having advanced to the foot of the steps leading to the platform, Prince Ching might come down the steps, receive the letters of credence from the hand of the envoy, and place them upon a table placed somewhere upon the platform, doing this, however, while standing and not kneeling.

As a last alternative it was suggested that it might even, perhaps, be admissible to arrange the question so that the letters of credence should be deposited by their bearers upon a small table placed as near as possible to the platform.

The conference then separated.

M. V. BRANDT.  
CHARLES DENBY.  
JOHN WALSHAM.  
K. OTORI.  
A. PANSA.  
J. H. FERGUSON.  
R. G. DE URIBARI.  
C. KLEIMÉNOW.  
P. RISTELHÜEBER.  
CHAS. MICHEL.

[Inclosure 3 in No. 1256.]

*Memorandum of the conference held at the tsung-li yamén on February 15, 1891, between the Chinese ministers Prince Ching, Hsü-wen-shen, Sun-yi-wén, Hsü Yun-i, and Chang Yin-huan and Mr. von Brandt, the latter for the representatives of the treaty powers.*

Hsü Yun-i left after the first hour.

Prince Ching opened the conference by stating that he and his colleagues had received the dispatch which Mr. von Brandt had addressed to them in the name of all the foreign representatives on the 7th instant on the subject of the manner in which the letters of credence were to be presented. There were, however, material reasons which rendered the acceptance of the proposal made in this dispatch impossible. The throne was to be placed upon an elevated platform, and upon this nobody but the princes of the blood, grand chamberlains,\* were admitted and would be admitted. The table upon which the letters of credence were to be deposited might be approached nearer to the platform.

Mr. von Brandt having refused to agree to this proposal, and having again explained the reasons which obliged the foreign representatives to insist upon the mode of procedure as laid down in the dispatch of February 7, a long and to some extent desultory conversation took place, in which Prince Ching made, one after the other, the following proposals, viz: That the foreign representatives should place their credentials upon the table, from which he, the prince, would take them and present them, kneeling, to the Emperor; or, that no table should be placed before the representatives, but a small one near to the platform; the prince would have the letters of credence from the hands of the representatives and place them, standing, upon this small table, after having done which he would go and kneel near the Emperor's throne; or, finally, that the table could be approached quite near to the middle steps leading to the platform, but leaving a passage between it and the steps, the foreign representatives placing their letters of credence upon the table thus situated.

Mr. von Brandt having declared all these propositions unacceptable, a further conversation ensued, in the course of which Mr. von Brandt remarked that he found himself in a difficulty talking about a place which he had never seen, and asked if there would be any objection to his seeing the Tzû-Kuang-Ko. This the prince declared to be utterly inadmissible, as the hall was in the neighborhood of the imperial residences. The other Chinese ministers joined in this declaration, stating that they themselves had never been in the Tzû-Kuang-Ko. In making this statement they evidently overlooked the fact that the hall was not one generally used for audiences and receptions. The prince finally offered to send Mr. von Brandt the exact measurements of the hall. A plan, executed according to these measures, received from the yamén on the 16th instant, is annexed.

The discussion on the question of the presenting of the letters of credence having produced no result, Mr. von Brandt remarked that he had placed the yamén's proposals with regard to the place in which the reception was to take place before his colleagues, and he was now in a position to inform the prince and ministers of the decision arrived at. While taking the Chinese text of this decision from Mr. von Brandt's hand Prince Ching remarked that he had forgotten the other day to say that while separate audiences might take place in other halls, the Tzû-Kuang-Ko ought to be reserved for the New Year's reception, no other hall being so large, so convenient, and so beautiful. Mr. von Brandt replied that this declaration of the prince, coming a week after the former discussion of the point, was not acceptable, and that he could only refer the prince to the paper placed in his hands, which embraced the whole question.

Immediately after having looked at the paper, which ran thus:

"Upon the statement made by the tsung-li yamén that the Tzû-Kuang-Ko had already been designated as reception hall by the imperial edict, and that besides all the preparations for receiving the foreign representatives in it had been made, but that in future another suitable place should be designated for the reception of the foreign representatives, the latter withdrew for this once their objections against the Tzû-Kuang-Ko"—

Prince Ching remarked that the words "in the western garden" were left out after the mention of a suitable place to be provided for. Upon the reply of Mr. von Brandt that the form of the acceptance of the yamén's proposal as presented by him was the result of an unanimous decision of the foreign representatives, and that he had neither the power to discuss it nor to accept any alteration of it, the Chinese ministers showed great, probably at least artificial, indignation, and declared that they would never accept the omission of the words "in the western gardens," and that what was offered to them now was quite contrary to what they had proposed at the last meeting.

\* Yü chien ta ch'en, ambar, ministers of the presence.

Mr. von Brandt then shortly recapitulated what had passed on this subject during the different meetings at the yamén; that in the first instance he had explained to the ministers the objections existing in the minds of the foreign representatives against the Tzü-Kuang-Ko which rendered it unacceptable as the audience hall; that at the next meeting the prince and ministers, after giving their reasons why the Tzü-Kuang-Ko ought to be accepted for this once, had promised that for the future another place should be provided for in the western gardens; and that he, Mr. von Brandt, had, in reply to this, simply stated that he would not pronounce himself on this proposal, but would submit it to his colleagues. Prince Ching having recognized the exactness of this statement, Mr. von Brandt continued that the interminable discussion upon questions which had been regulated and settled long ago by international law and courtesy was not only becoming very tiresome, but seemed perfectly useless. In the course of the discussion the Chinese ministers had again spoken of the audience as of an act of great condescension on the part of the Emperor. With all due respect to His Majesty, he had to repeat what he had said before, that while he and his colleagues felt very much honored by His Majesty's intentions, their reception was not a question of condescension, but of right. If the exercise of this right had not been claimed by the treaty powers, it had been in order not to embarrass the Chinese Government and to give them ample time and opportunity to accustom themselves to ideas and facts which at first might have appeared rather strange to them. Even now his colleagues and himself were far from wishing to press upon or seem to hurry on the yamén; he had pointed out before to the ministers by what means a decision in the question might be easily postponed for some time, and he could only repeat that he and his colleagues were perfectly willing to accept a postponement. On the other hand, declarations that such or such a thing was impossible in China had no effect upon him; he had heard them too often belied by the facts to attach much importance to them. He would draw the attention of the yamén only to what had been said and written by themselves about telegraphs and railways, and, if in these and other questions so much progress had been made notwithstanding all the former declarations of the Government, he could not understand why in other points they should obstinately cling to antiquated forms, unless the inadmissible idea of a superiority of China over other nations was connected with them.

This the prince denied most emphatically, adding at the same time that he did not understand why so many difficulties were raised by the foreign representatives, the form in which the audiences had taken place in 1873 having satisfied everyone, and it having been originally the intention of the yamén to have the new audience exactly in the same manner as the former one. At the request of the foreign representatives the yamén had made already a great many concessions, but it looked as if the representatives felt bound to create difficulties for the yamén; the question of the place in which the audiences were to take place was in any case decided by imperial edict; a thorough discussion of all other points was so much more necessary as the arrangements for this audience ought to be made so as to serve as precedent for future occasions.

Mr. von Brandt replied that this was a reason more why the representatives should insist that the arrangements contained nothing contrary to the dignity of the nations they represented. The prince was, however, greatly mistaken if he supposed that the form under which the audience had taken place in 1873 and 1874 had given general satisfaction. There was not one of the representatives then received who had not again and again repeated that great changes were necessary in the form in which these audiences had taken place, and the judgment pronounced by foreign and Chinese public opinion alike had ratified that verdict. It was therefore the duty of the present representatives to see that the new audiences produced a better effect than the former ones.

After some further resultless conversation the conference, which had lasted very nearly three hours and a half, broke up, another meeting being arranged for the 19th instant.

M. V. BRANDT.

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[Inclosure 4 in No. 1256.]

*Memorandum of the meeting held at the tsung-li yamén on February 19. 1891.*

Present: The Chinese ministers Prince Ching, Sun-yi-wên, Liao Shon-hing, and Hsü Yung-i and Mr. von Brandt, the latter on the part of and for the foreign representatives.

After the exchange of some complimentary remarks Mr. von Brandt opened the conference by stating that the subject which had occupied them for some time, the audience question, might be considered from the two different points of view, that of principle and that of convenience.

The attitude observed by the yamén had obliged his colleagues and himself to take into more serious consideration than had been their intention originally the former view. He proposed now to place before the ministers the principle which, according to the opinion of his colleagues and himself, ought to rule the question. He would then proceed to explain the concessions the foreign representatives were willing to make for the sake of convenience; but he requested the prince and ministers to listen patiently and attentively to what he had to say, as much might depend upon the result of to-day's conference.

The contents of the *aide-mémoire* agreed upon between the foreign representatives at their meeting of the 17th instant were then placed before the prince and ministers, and at their express desire a copy of it was given to them.

The prince and ministers read the paper very carefully, without, however, making any other remarks than that most of the points had been already agreed upon.

Mr. von Brandt then continued, saying that one of the points to be settled was the place where the audience was to take place. As was stated in the *aide-mémoire*, audiences were generally given in certain apartments of the palace set aside for that purpose. His colleagues and he himself had, in order to avoid lengthy controversies, foregone until now to bring that point forward; but they had, on the other hand, the right to expect that nothing would be done by the Chinese ministers which might seem to do away with the principle itself. It was for this reason that they had proposed that all mention of the place in which audiences were to take place in future should be omitted. Prince Ching replied that the question would have to be decided by an imperial edict, to which Mr. von Brandt answered that as the edict would have to be prepared by the yamén it would be very easy for that body to leave out the mention of the western garden. This omission was a *conditio sine qua non*, and he was authorized by his colleagues to state that the mention of the "western gardens" as the future place of receptions or audiences, even in an imperial edict, would be considered by his colleagues as a breach of good faith, and would cause his colleagues and himself to consider the whole arrangement so far as agreed upon as *nul et non avenue*.

After some show of resistance, during which Sun-yi-wén proposed that the "western gardens" might be inserted in an imperial edict which would appear only in a court edition of the Gazette, the prince gave way, stating repeatedly and most positively that no mention of the place to be used in future would be made in an edict or elsewhere.

Mr. von Brandt then continued, stating that the objections raised by the yamén against the foreign representatives mounting upon the platform on which the throne stood had been taken into consideration by his colleagues and himself, and he was prepared to make another proposal which to him at least seemed to obviate the difficulty.

The foreign envoy, after having delivered his address, should advance to the steps of the platform, when Prince Ching would come down from it, receive from the hands of the envoy his letter of credence, remount upon the platform, and place them upon a small table in the immediate neighborhood of the throne; this being done, of course, standing and not kneeling.

To this proposal Prince Ching agreed, stating only that he would have to come down one of the side steps, nobody but the Emperor being allowed to pass over the middle steps. He also stated that the table would be placed immediately before the Emperor's throne.

Mr. von Brandt then referring to the presence of the military, naval, and diplomatic attachés and interpreters at the general reception, Prince Ching objected, stating that they had never heard before of military attachés, and that the admission of all the persons mentioned to the general reception would make the number of persons admitted too large. Mr. von Brandt pointed out that Gen. Tchêng Ki-tong had at Berlin at least been presented and received as military attaché, and that the prince himself had mentioned for each legation one minister, one secretary, and one interpreter, which would make for ten legations thirty persons, while all the persons proposed to be received were thirty-one.

After some resistance the prince gave way also on this point, saying that an imperial edict would have to be issued on the subject.

Mr. von Brandt pointed out that the persons not having been received in special audience by His Majesty ought to be presented to the Emperor at the general reception. This proposal evidently distressed the Chinese very much, as they seemed to have no idea how such a ceremony would be gone through. Finally the prince proposed that a list showing the place, name, and rank of each person present should be presented to His Majesty, which Mr. von Brandt accepted under the condition that the four *chargés d'affaires* should be separately presented to His Majesty, to which the prince agreed.

The rest of the conference, which lasted a little over an hour and a half, was taken up by a conversation about certain points of etiquette, the number of bows to be

made, etc. Sun-yi-wên suggested that as one of the envoys might forget to make his bow at the proper place, the members of the yamên accompanying him ought to pull him by the sleeve; he took also great pains to explain that the ministers of the yamên present at the audience had to stand straight in the presence of the Emperor and could not salute the foreign envoys, and he seemed to feel considerably relieved when he was told that he was not expected to do so.

Prince Ching then mentioned the banquet to be given to the foreign representatives by order and in the name of His Majesty, and Mr. von Brandt replied that, everything having been settled so satisfactorily, he had no doubt that his colleagues would accept it as willingly as himself.

The conference then broke up, another one being arranged for the 22d instant, in order to settle the last details of the programme.

M. V. BRANDT.

[Inclosure 5 in No. 1256.]

#### *Ceremonial agreed on.*

Foreign representatives furnished with letters of credence arriving at Peking to be received by His Majesty in separate audiences, after having given copies of their credentials to the tsung-li yamên and asked for an audience to present the original thereof, the foreign representatives on these occasions to be accompanied by their own interpreters.

The same rule to hold good for the presentation of letters of recall and new credentials, or other autograph letters from sovereigns or rulers.

Reasons existing which render the use of the Tzü-Kuang-Ko as an audience or reception hall undesirable, another suitable place will be provided for future audiences and receptions. The ministers of the yamên having declared that the Tzü-Kuang-Ko had already been designated by His Majesty and all preparations for the reception of the foreign representatives made in it, the latter are willing to forego for this time their objections against the Tzü-Kuang-Ko.

The foreign representatives not to be kept waiting for any length of time after their arrival on the ground before being admitted to the imperial presence.

The foreign representatives and their suite to enter through the door to the right of the middle one from the outside.

#### SPECIAL ARRANGEMENTS FOR THE SEPARATE AUDIENCES.

No table will be placed in the audience halls.

The foreign envoy will bow for the first time after having passed through the door of the audience hall; he will bow a second time half way between the door and the place where he will take up his position between the dragon pillars, and a third time when he has reached this place.

He will then read his address (of which and his credentials a copy and a translation will have been handed to the yamên before the audience), after which the interpreter who accompanies him will read the translation of the address.

After this he will advance to the foot of the middle steps, bearing his letters of credence, which he will hand to Prince Ching, who will descend by one of the side steps and come up to him to receive them. Prince Ching will then remount upon the platform by the same side steps and place the letters of credence, standing, upon a small table placed before the throne; at that moment the foreign envoy will bow and His Majesty will bow likewise, thereby acknowledging to have received the letters of credence. The envoy will then return to his former place between the dragon pillars, where he will await the reply of His Majesty and answer such questions as His Majesty may be pleased to address him.

The audience being over, the envoy will withdraw, bowing at the same places where he did so on entering.

The interpreter will remain a little behind and to the left of his chief and will enter and leave the hall after him.

#### SPECIAL ARRANGEMENTS FOR THE GENERAL RECEPTION.

The foreign representatives will enter the hall according to their seniority, each one being followed by his suite. The members of the diplomatic body will take up their position opposite the throne between the dragon pillars, in three rows, the first composed of the chiefs of missions, the second of secretaries, military, naval and other attachés, the third of the interpreters.

Prince Ching will then present by name and separately the four chargés d'affaires to His Majesty.

After this presentation is over Mr. von Brandt, as doyen of the diplomatic body, will advance a little and read the congratulatory address of the diplomatic body, the translation of the same being read afterwards by Mr. Popoff in his quality of the oldest by seniority of the interpreters present.

This having been done, Mr. von Brandt will return to his place, when His Majesty will graciously reply to the address, the text of His Majesty's reply being placed by Prince Ching in Mr. von Brandt's hands.

After a bow from His Majesty, indicating that the reception is finished, the representatives and their suites will withdraw in the same manner in which they entered.

In entering the hall and advancing to the places to be occupied by the members of the diplomatic body the same number of bows and at the same places will be made as at the separate audiences. The same rule will be observed in withdrawing.

The members of the diplomatic body, having taken up their places, will bow together to His Majesty, who will acknowledge their salutation by a bow.

The preceding arrangements have been agreed upon by the ministers of the tsung-li yamên and the foreign representatives and signed by them on the 15th of the first month of the seventeenth year Kuang Sü (23d of February, 1891).

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*Mr. Denby to Mr. Blaine.*

No. 1260.]

LEGATION OF THE UNITED STATES,

*Peking, March 2, 1891.* (Received April 21.)

SIR: I have the honor to inclose copies of the following documents relating to the audience question: A protocol of the meeting of the foreign representatives held at the German legation February 13, 1891; a protocol of the meeting of the foreign representatives held at the German legation February 21, 1891; a memorandum of the conference held at the tsung-li yamên February 22, 1891; a protocol of a meeting of the foreign representatives held at the German legation February 23, 1891.

These papers, with those that preceded them, complete a full history of the treatment of the audience question. As they were necessarily parts of the records of this legation, and as the archives of the State Department ought to correspond with the archives here, I deemed it best to send a complete copy of each paper.

Some of them, it must be admitted, are voluminous, but no one could foretell at the outset what the issue of the negotiations would be. Foreign governments and the whole civilized world were expected to pass upon our actions here. If the result should have proved unfavorable, it was best to lay before our respective governments a full report of our action, in order that an intelligent judgment might be pronounced thereon. I submit these reasons for pursuing the course I did.

The audience has been fixed for Thursday, the 5th of this month.

I have, etc.,

CHARLES DENBY.

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[Inclosure 1 in No. 1260.]

*Protocol of the meeting of the foreign representatives held on the 13th of February, 1891.*

Present: The representatives of Belgium, France, the German Empire, Great Britain, Italy, Japan, the Netherlands, Russia, Spain, and the United States.

Mr. von Brandt, on placing the protocol of the last meeting, which had taken place on February 6, before his colleagues, said that some of the remarks and additions with which the protocol had come back to him might fairly be considered as representing more the views as held by some of the representatives than as expressed by



them at the meeting in question. He, for his part, had, however, no objection against embodying in the protocol remarks and views brought forward if his colleagues agreed to it.

As for himself, the observations and statements added to the protocol had proved to him that the difference of opinion between his colleagues and himself was much greater than he had supposed it to be after the meeting of the 6th instant. In fact, all of his colleagues had approved of the propositions made by Mr. Pansa, which might be summed up thus: That either a pledge should be obtained from the yamén to the effect that future audiences would be held in the palace, or, if it were generally agreed that the request for a reception inside the palace would at present be inadvisable, that the protocol to be signed between the yamén and the foreign representatives should not mention the western gardens or any place in particular, but simply declare that another hall should be provided. With regard to the first point, Mr. von Brandt remarked that, in his opinion, there was little or no difference between demanding that the reception to take place now should be held in the palace or asking that the next audience should take place there. The objections of the Chinese ministers would be equally strong to both proposals, and, in his opinion, was unsurmountable; he had already before expressed to his colleagues his opinion that it was highly inadvisable to demand to be received within the palace proper, as he felt certain that such demand would be refused by the Chinese, while, on the other hand, once made, it could not and ought not to be abandoned by the foreign representatives. If such, however, was the case, the question of the place of reception ought to be made the main issue, as in Mr. Pansa's first proposal. He would, if his colleagues, in the face of the nearly absolute certainty of a refusal from the Chinese ministers, decided to make the whole audience question depend upon that of the place of reception, not separate himself from them, though he was certain not only of a failure, but also of not being approved very heartily by his Government; but, as he had said before, any such demand ought to be made as a condition *sine qua non*, and, made, not abandoned on any pretext whatever.

The second proposal of Mr. Pansa was one of practical management. A protocol setting forth the conditions under which the audience was to take place was considered; the draft of such protocol would have to be drawn up either by the foreign negotiators or by the Chinese ones. In the first case it would be very easy to omit the mention of any particular place, and if the Chinese did not object to this the question would be settled according to the wishes of the foreign representatives. But if, instead of this happening, the Chinese inserted in their draft the mention of the western gardens, or insisted upon the insertion of that phrase in the draft prepared by the foreign negotiator, what was the latter to do? He could either attempt to parry the proposals by more or less unmeaning phrases, each of which would render the Chinese more suspicious and obstinate, or take the bull by the horns and declare that the phrase objected to ought to be omitted, in order that the possibility of the choice of the palace proper for the next audience might not be prejudiced, and thus the whole question of admittance to the palace would be opened on a side issue which would not allow the foreign representatives to make a condition *sine qua non* of it. Their position would therefore be a much more unfavorable one, as, if the palace question had been made the principal one from the beginning, and the Chinese being certainly aware of this, too, it would be nearly impossible that the foreign representatives should not be beaten on this point. Besides, Mr. von Brandt was of opinion that it was utterly indifferent if the mention of "in the western gardens" was inserted into the protocol or not. The question if future audiences were to take place in the palace proper depended in nowise upon a small ambiguity in a paper, and still less so because the mental reservation it implied for the palace in the minds of the foreign representatives would certainly exist just as much against it in the minds of the Chinese. The final solution of the question, according to the wishes of the foreign representatives and the usages of international comity, would be brought about by the Chinese mind opening itself more and more to the necessities of the political situation or by one or more governments insisting upon compliance with international customs. These were his views. They might be erroneous as far as the amount of insistence to be expected from the Chinese was concerned, but they imposed upon him the duty to request his colleagues to select somebody else to conduct the further negotiations with the yamén. He felt that he would not do justice to a programme which he considered as not applicable to the case, and he did not wish to see failure attributed to a want of zeal or sympathy on his part; he did not desire to separate himself from his colleagues, and he was ready to give the yamén any reason for his noncontinuance of the negotiations which his colleagues might consider as most favorable to their course, but he thought at the same time that the responsibility and the credit for the issue of the negotiations ought to remain with those who drafted the programme to be followed, not with those who objected to it. Sir John Walsham remarked that, while he was of Mr. von Brandt's opinion with regard to the inadvisability of demanding directly or indirectly

that the audience should be held in the palace proper, and while he fully understood and appreciated the practical difficulties which might arise from an attempt at placing Mr. Pansa's second proposal before the yamèn, he thought, nevertheless, that it should be carried out at any risk. The Tzü-Kuang-Ko had rightly or wrongly got a very bad name, and not only foreign, but also Chinese, public opinion had pointed to the use of that place as one of the principal reasons why the audience of 1873 had not been considered a success. Under these circumstances, it was a concession on the part of the foreign representatives, and not a small one, that they had agreed, at the request of the Chinese ministers, and for the reasons given by them, to accept that hall once more as the place where the next audience was to take place. The foreign representatives having thus proved their wish to meet the yamèn as far as possible, had undoubtedly the right to expect some concession from the yamèn's side, too. The foreign representatives did not wish to insert in the protocol that a certain place should serve for the next audience; but they objected to the insertion in the protocol of a phrase limiting the choice of such place in the future to the grounds outside of the palace, which would, theoretically at least, prevent any further progress in that direction. After a prolonged conversation on this question, Mr. Pansa proposed that in order to ascertain the views of the meeting a vote should be taken on the question if the palace proper should be mentioned or not to the yamèn as the place for future audiences and receptions. This being done, the proposal to mention the palace was unanimously negatived. The discussion being resumed on the second point, Mr. Ristelhueber proposed that it might recommend itself not to take any definite decision at present, but to wait for the result of Mr. von Brandt's next interview with the yamèn; and Mr. Pansa suggested that it might perhaps obviate some of the difficulties apprehended by Mr. von Brandt if at the next meeting he would present to the yamèn a written statement on the question at issue such as ought to be inserted in the final protocol according to the views and wishes of the foreign representatives; this way of proceeding would throw upon the yamèn the necessity of raising objections against the proposed draft, and would thus allow the foreign representatives further time for discussion and decision. This proposal being agreed upon, the meeting separated.

M. VON BRANDT.  
CHARLES DENBY.  
JOHN WALSHAM.  
K. OTORI.  
A. PANSÀ.  
J. H. FERGUSON.  
R. G. DI URIBARI.  
C. KLEINMÉNOW.  
P. RISTELHUEBER.  
CHAS. MICHEL.

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[Inclosure 2 in No. 1260.]

*Protocol of the meeting held at the German legation on February 21, 1891.*

Present: The representatives of Belgium, France, the German Empire, Great Britain, Italy, Japan, the Netherlands, Russia, Spain, and the United States.

Mr. von Brandt having read the annexed memorandum of his interview with the ministers of the yamèn on the 19th instant, his action was approved. After a short discussion the annexed programme of the rules to be observed at the audiences and general receptions was approved, and Mr. von Brandt was authorized to place it before the ministers of the yamèn at their next meeting as the unanimous expression of opinion of the foreign representatives to be embodied in the final protocol to be signed by the Chinese ministers and foreign representatives. The meeting then separated.

M. VON BRANDT.

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[Inclosure 3 in No. 1260.]

*Memorandum of the conference held at the tsung-li yamèn on February 22, 1891, between the Chinese ministers Hsü Keng Shen, Sun-yi-wên, Liao Shou Ling, Hsü Yun-i, and Chang Yin-huan and Mr. Von Brandt, the latter on the part and for the foreign representatives.*

The Chinese ministers having taken cognizance of the draft of the proposed protocol submitted to them by Mr. von Brandt, Sun-yi-wên asked on what subjects other autograph letters of sovereigns or rulers might be addressed to the Emperor. Being answered that they would refer to marriages, births, or deaths, the clause was accepted by the Chinese ministers without any further observations on their part. Sun-yi-wên then asked if at the general reception the members of the diplomatic

body having taken up their positions could not bow to the Emperor at the same time and together. He was answered by Mr. von Brandt that there was no objection to this, but that it would be desirable that the Emperor should acknowledge this salutation by returning it. The Chinese ministers agreed to this without discussion. They then expressed the wish that the number and places of bows to be made at the general reception should be expressed a little more clearly in the protocol, to which Mr. von Brandt saw no objection. Sun-yi-wên having remarked that Prince Ching would not be in a position to hand the text of his majesty's speech to Mr. von Brandt on the spot, as it could not be written down beforehand, but that it would be afterwards forwarded to him, Mr. von Brandt replied that he had understood Prince Ching to have said that the text of His Majesty's speech would be handed over to him on the spot, but that he saw no objection to its being sent to him afterwards. The final text of the protocol thus having been agreed upon, the Chinese ministers promised that two copies of it signed by the members of the yamên would be forwarded to him, to be signed in their turn by the foreign representatives, one of the copies to be returned to the yamên, the other to kept by the doyen. The Chinese ministers finally asked Mr. von Brandt to request his colleagues to forward the copies and translations of their credentials and addresses to the yamên with as little delay as possible, promising in their turn to inform each legation separately four or five days in advance of the day fixed for the audience. The meeting then separated under mutual congratulations upon the satisfactory result arrived at.

M. V. BRANDT.

[Inclosure 4 in No. 1260.]

*Protocol of the meeting held at the German legation on February 23, 1891.*

Present: the representatives of Belgium, France, the German Empire, Great Britain, Italy, Japan, the Netherlands, Russia, Spain, and the United States.

Mr. von Brandt having read the memorandum on his interview with the yamên on the 22d instant, and the protocol as finally agreed upon, the latter and his action were approved. Before separating, the foreign representatives voted to the dean unanimously their profound thanks for his services and their appreciation of the ability displayed by his excellency in the conduct of these negotiations.

M. V. BRANDT.  
CHARLES DENBY.  
JOHN WALSHAM.  
K. OTORI.  
A. PANSÀ.

*Mr. Denby to Mr. Blaine.*

No. 1263.]

LEGATION OF THE UNITED STATES,  
*Peking, March 10, 1891. (Received April 22.)*

SIR: I have the honor to report that the foreign representatives were received on the 5th instant by the Emperor.

The ministers of the German Empire, the United States, Great Britain, Japan, Italy, and the Netherlands, were received separately in audience in the order stated, and delivered their respective letters of credence. Afterwards the ministers, accompanied by their staffs, and the chargés d'affaires of Spain, Russia, France, and Belgium, with their staffs, were received together.

The arrangements for the audience and reception were in strict accordance with the programme, a copy whereof is inclosed in my dispatch No. 1256, of February 28 last.

The members of the legations left their residences at a quarter to 10 a. m., all in chairs, escorted by two mounted officers detailed for the purpose by the foreign office. They arrived nearly all together at the Fu Hua gate about 10:30 a. m. This is a gate opening into the imperial grounds. It is near the western end of the marble bridge and not far from the old Peitang. It is very elaborately decorated, covered with

the imperial yellow tiles, and bearing several tablets with inscriptions betokening longevity, prosperity, etc.

The locality is called the "Western Gardens." These gardens are handsomely laid out on the shore of a lake, along which runs the narrow-gauge railroad which the Emperor uses for his pleasure. The cars are drawn by eunuchs. Vast crowds of people, civil and respectful, but curious in demeanor, lined the streets through which we passed. Outside and inside the gate for some distance there were ranged on either side of the way lines of soldiers and civil employés. At the Fu Hua gate we were received by the members of the foreign office, who escorted us to a pavilion situate in the Shih Ying Kung, a temple which contains the River God, and where the Emperor goes to offer sacrifices. There was a table on which were spread cakes, sweetmeats, fruits, and Chinese confections. Tea was served. The room was small and was much crowded by the members of the legations and of the yamên. Prince Ching, president of the tsung-li yamên, came to this room and paid his respects to us.

My colleagues were dressed in full uniform and covered with decorations, except the minister of Great Britain, who wore a uniform but no decoration. My secretaries and I were in plain black evening suits.

The intense desire of the hundreds of eunuchs who crowded around the doors of this room to see the foreigners seemed to be uncontrollable. But, as one side of the glass wall commenced to crack from the pressure, one of the head eunuchs managed to keep the crowd back.

After waiting in this room about an hour we were escorted to several marquees placed within a few steps of the reception hall, the Tzü-Kuang-Ko.

The Emperor had just arrived in his yellow sedan chair, borne by eight men, and was waiting to receive us. This chair was in nowise remarkable. The entire outside and inside are covered with yellow silk. The official button on top is gilded instead of silvered, as with other chairs, and the ends of the bearing poles are elaborately carved and capped with brass or gilded dragons. The chair used by Prince Ching was much like it in appearance.

The Tzü-Kuang-Ko is a very handsome building, profusely ornamented with gilt work and covered with gay colors.

The hall is approached by six or eight marble steps, which lead to a broad marble terrace. Around this terrace is a balustrade supported by numerous pillars of marble, splendidly carved and pure white.

At 12 o'clock Mr. von Brandt, dean of the diplomatic corps, was escorted by a member of the foreign office up these steps and into the hall. I followed, after he had had audience, and then went the other ministers separately in the order stated.

The sides of the approach to the steps, the steps themselves, and the terrace were all crowded with Chinese. The majority of these were eunuchs employed in the palace, but many were civil or military officials whose rank did not entitle them to enter the presence of the Emperor.

The Emperor was seated in a marble chair at the place marked "throne" on the plat which is herewith inclosed.

I was accompanied by the interpreter, Mr. F. D. Cheshire, who remained a little behind me. We bowed as we crossed the threshold, advanced three or four paces and bowed again, and then advanced to a point between the two dragon pillars, where we stopped and bowed the third time. Here a foreign carpet had been placed which covered the floor up to the platform, which was about 3 feet high. There were three

flights of stairs ascending the platform, one in the middle and one at each end.

I stood nearly in front of the middle stairs at a distance of about 12 feet from the Emperor. I then read the remarks which are appended hereto. When I finished reading my speech I advanced to the right side of the left flight of steps with my letter of credence in my hand, but before I advanced the interpreter read a Chinese translation of the speech. As I advanced to the platform Prince Ching, who had been standing on the left of the Emperor, came down the steps and approached me, and I handed my letter of credence to him.

He ascended the steps, approached the table in front of the Emperor, and laid the letter of credence upon it in reach of the Emperor. The prince did not kneel until after he had deposited my letter on the table. Then he knelt, and the Emperor replied in Manchu to my speech. A translation of his remarks is herewith inclosed.

I had meantime returned to my place between the dragon pillars. The prince came down from the platform, approached the interpreter, and translated sentence by sentence into Chinese what the Emperor had said, which in like manner the interpreter translated to me in English.

After the interpreter had finished translating my speech, and when the letter of credence was laid on the table, the Emperor made bows or inclinations towards me. We then retired in the same manner that we entered, going out backwards and making three bows.

I add some further description of the hall and the surroundings.

The table in front of the Emperor was covered with yellow satin embroidered with figures of dragons. On his right stood Prince Po, on his left Prince Ko, and near him Prince Ching. The room was lined on either side by a row two deep of high officers of the Imperial Guards and chamberlains, many being princes and dukes of the imperial family. No arms were visible, except that the two princes mentioned and the Emperor himself wore swords. Just outside the doors could be seen the imperial escort bearing long red-lacquered spears with silver points. Suspended from each one was a long tiger tail. They presented a picturesque appearance. On either side and a little back of the Emperor was a straight stem about 6 feet high, supporting at the top what appeared to be painted imitations of peacock tails spread open. The peacock feather is an indication of rank in China.

Back of the throne was a marble plinth, on which lengthy inscriptions in the Manchu language were engraved.

The sides of the hall were covered with inscriptions and rare paintings of enormous size. The ceiling of the hall was composed of wooden squares of  $1\frac{1}{2}$  feet in size, divided by heavy rafters, all gorgeously painted with the dragon figures in the multitudinous colors used in the outside decorations.

The columns supporting the ceiling were of red lacquer covered with figures of gold dragons. The floor was bare except the small space covered by the carpet on which we stood.

All around the platform stood immense incense bowls of old Cloisonne, six in number, and at each corner stood a large Cloisonne dragon of great value, ideal and graceful in outline and harmonious in color. From the ceiling there were suspended eight Cloisonne lamps made during the Tao Kuang dynasty.

The pipe of His Majesty lay on the table before him. This was a beautiful piece of carved jade and gold, the handle formed by the body and tail of the dragon, its mouth serving as the tobacco bowl.

The Emperor was dressed in a plum-colored satin gown, which differed from such as are usually worn only by being heavily embroidered on the sleeves with figures of dragons. On his head he wore a turban of sables.

The Emperor is 21 years old. His reign nominally commenced seventeen years ago. The Empress dowager, as regent, ruled China until two years ago, when the Emperor took actual control of the Government. He has the appearance now of a delicate youth. He is small and thin, pale, and intellectual-looking. His eyes are large and black, and his face smooth and hairless. He performed his duties at the audience without embarrassment and seemed throughout to be pleased. He has since expressed himself as being much gratified with the manner in which the ceremonies were conducted. The foreign representatives are no less pleased. It is likely, however, that at future audiences an effort will be made to cause the Emperor to receive envoys standing and not sitting. Such is the practice now of all European monarchs, I believe.

After the separate audiences were over, the whole diplomatic body had a reception. There were six ministers, four chargés d'affaires, and twenty-one secretaries, attachés, and interpreters. Each legation accompanied its chief and the whole body formed three lines—the ministers and chargés in the first line, the secretaries in the second, and the interpreters in the third. The dean was on the right and the other ministers and chargés on his left in their order of rank. I was accompanied by the two secretaries and the interpreter of this legation.

Prince Ching then presented to His Majesty the chargés d'affaires of Spain, Russia, France, and Belgium. Mr. von Brandt then delivered the speech of which a copy is herewith inclosed. The Emperor replied in the speech a translation whereof is herewith inclosed.

The ceremonies then terminated, the members of the diplomatic body retiring as before.

We were invited to return to the first room into which we had been ushered to partake of refreshments, but the invitation was declined. We proceeded to our chairs, accompanied by the members of the tsung-li yamen, and left the grounds.

The foreign representatives met at the German legation the 7th instant and signed the protocol, a copy of which is herewith inclosed. They expressed themselves as being satisfied that the programme agreed on had been fully carried out.

I inclose herewith a description of the Tzü-Kuang-Ko, translated from the Chinese by the second secretary of this legation.

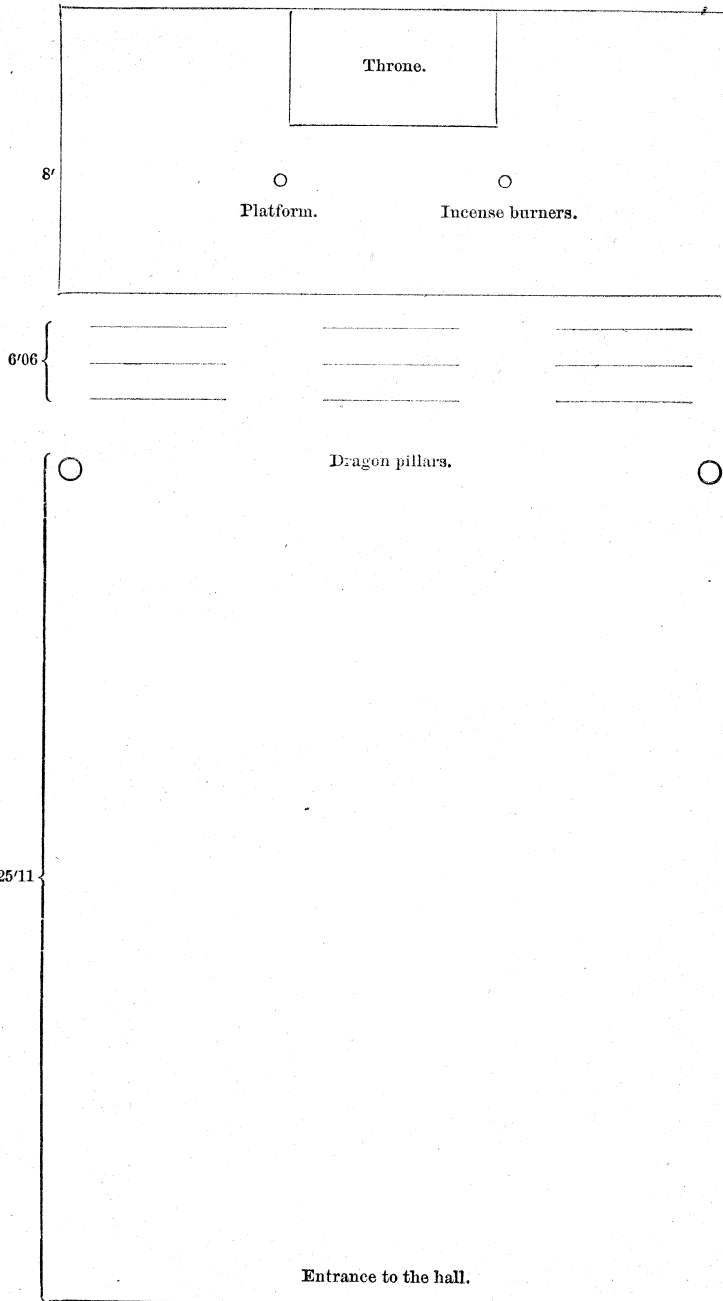
I have, etc.,

CHARLES DENBY.

[Inclosure 1 in No. 1263.]

*Sketch of the audience hall in the Tzū-Kuang-Ko, according to the measures given by the tsung-li yamén.*

17/34.



[Inclosure 2 in No. 1263.]

*Mr. Denby's address to the Emperor at the audience.*

YOUR IMPERIAL MAJESTY: When I was accredited to the court of Your Imperial Majesty as envoy extraordinary and minister plenipotentiary of the United States of America, I was charged by His Excellency the President of the United States to deliver in person to Your Majesty a letter of credence.

In this letter His Excellency the President expresses to Your Majesty his sincere desire to cultivate to the fullest extent the friendship that has so long subsisted between Your Majesty and himself, and I am charged to convey to Your Majesty the best wishes of the Government of the United States for the prosperity of Your Majesty's Government.

I now have the honor, by the direction of the President of the United States, to renew and to affirm and emphasize all these declarations, and to deliver to Your Imperial Majesty the letter of credence with which I am intrusted.

[Inclosure 3 in No. 1263.—Translation.]

*The Emperor's reply to Mr. Denby's address at the audience.*

His Majesty expresses his great satisfaction and joy at the kind sentiments of the President of the United States which your excellency has made on this occasion of presenting your letters of credence.

His Majesty hopes that the President of the United States is well.

His Majesty is aware of the fact that your excellency, from the time you reached China, has fully understood the principles of propriety, and has been fair and even-tempered in the transaction of public business. His Majesty thoroughly hopes that in the future the relations of friendship between the two countries may become closer and more intimate daily, and each may enjoy tranquillity and peace.

[Inclosure 4 in No. 1263.]

*Address read by Mr. von Brandt, as dean of the diplomatic body, at the reception.*

SIRE: The members of the diplomatic body resident at Peking have to-day, for the first time, the opportunity and the honor to be able to offer in person their respectful wishes to Your Majesty. They do so with the conviction that the policy inaugurated by Your Majesty will greatly contribute to augment and to strengthen the bonds of friendship which exist already now so happily between China and the countries and nations having treaty relations with it.

That such may be the case is the most fervent wish of all the persons assembled here to-day, and, while they offer to Your Majesty their sincerest and most respectful felicitations on the occasion of the new year just entered upon, they beg to be allowed to give expression to their hope and their conviction that, under the enlightened rule of Your Majesty, the blessings of peace and happiness will be granted to the imperial dynasty and the people of China.

[Inclosure 5 in No. 1263.—Translation.]

*The Emperor's reply to the address of Mr. von Brandt at the reception.*

The sincere and honest sentiments expressed by your excellencies in the address presented are undoubted and trustworthy, and the wishes also expressed are auspicious. His Majesty is very much pleased to hear them.

His Majesty hopes that the President of the United States\* may have all his desires fulfilled this new year, and may be blessed with continued prosperity and happiness.

His Majesty still further expresses the wish and hope that your excellencies may continue to reside long in China as your Government's representatives, and may continue in the enjoyment of robust health, and everything may be right and proper and agreeable to your excellencies, and that the friendly relations between foreign governments and China may from this time henceforward be everlastingly firm.

\*A copy in Chinese of the Emperor's speech was delivered to each legation, in each of which was inserted the title of the chief of the state which the respective diplomatic agents represented.



[Inclosure 6 in No. 1263.]

*Protocol of the meeting of the foreign representatives, March 7, 1891.*

Present: The representatives of Belgium, France, the German Empire, Great Britain, Spain, the Netherlands, and the United States.

The representatives present, wishing to put on record the good faith shown by the Chinese ministers in the execution of the protocol of the 23d of February, 1891, have much pleasure in stating that the separate audiences and the general reception of the diplomatic body by His Majesty the Emperor of China on the 5th of March, 1891, have taken place in perfect accordance with the above-mentioned agreement.

M. V. BRANDT.  
CHARLES DENBY.  
K. OTORI.  
J. H. FERGUSON.  
R. G. DE URIBARI.  
P. RISTELHUEBER.  
CHARLES MICHEL.

Approved:

A. PANSA.  
C. KLEIMÉNOW.

[Inclosure 7 in No. 1263.—From the Chinese Times, March 7, 1891.]

## THE TZÜ-KUANG-KO.\*

North of the Chun Ou Chai, on the west shore of the lake, is the Tzü-Kuang-Ko. In front of this hall, at every triennial examination, the military metropolitan graduates are examined in riding and archery. Here also at the new year a feast is ordinarily given in honor of the dependencies of the Empire. It is situated on the western shore of the T'ai-i Chih (the Nan Hai), toward the north. Anciently a pavilion stood here several scores of feet high, and a small kiosk with a round roof. On the right and left sides of the pavilion were four arches adjoining the wings of the main building, which was ascended by lofty steps. Below, and not far away, was the archery ground and the trench for the mounted bowmen.

The Emperor Wu Tsung (1506), of the Ming dynasty, altered this building in order to better see the practice at archery, and called it the level terrace. Later this terrace was removed, and the Tzü-Kuang-Ko erected in its place. To the north, outside the gate, stands the Chin Ao arch. During the time of the Mings it was customary on the fifth day of the fifth moon to have here a battle of dragon boats, races of the imperial horses, and matches at archery between the braves of the court in the Emperor's presence. In the present dynasty also, during the reign of Kang Hsi, on the second and third days before the middle of the eighth moon, the high officers of the three superior banners assembled here to engage in contests with the bow. The Emperor Kang Hsi alluded to this in some verses which he wrote:

"The contesting soldiers enter through the flowers,  
The horses with their trappings scatter beyond the willows."

When the contest was over rolls of satin and pieces of silver were bestowed according to merit.

In the twenty-fourth year of Kien-lung (1760), when the Mohammedan tribes were overcome, the names of one hundred officers who had gained distinction in the war were inscribed in the Tzü-Kuang-Ko, and a picture was painted there of a battle of the army in the west. The names of one hundred officers who had gained glory in the Chin Chuan campaign (1776) were also inscribed here, and the front hall of the Tzü-Kuang-Ko was altered and a picture of one of the battles painted there. Verses laudatory of the first fifty of these officers were written by the Emperor himself, and of the last fifty by the ministers of the Hanlin, at the Emperor's command. After the return of the army those who had distinguished themselves were feasted here.

Behind the Tzü-Kuang-Ko stands the Wu Cheng Tien, and north of this the Shih Ying Kung. In here were placed the flag carried by the troops in the Chin Chuan campaign and the arms which they captured as an incentive to the valor of the army.

\* The Tzü-Kuang-Ko, or "Hall of Purple Brightness," which lies in the western garden of the imperial city, has been designated by decree as the hall for the reception of the foreign ministers at Peking. This is a description of this celebrated building, translated from the Chen-yuan-chih-lüeh, an account of Peking published towards the end of the last century.

*Mr. Denby to Mr. Blaine.*

No. 1266.]

LEGATION OF THE UNITED STATES,  
*Peking, March 16, 1891. (Received April 30.)*

SIR: I have the honor to inclose herewith a translation of a proclamation, lately issued by the Fuchau prefect, prohibiting slanders against foreign missionaries.

I recently received from the consul a number of most infamous pictures which had been placarded in public places in Fuchau. I judged it best to leave the matter to the local authorities.

The inclosed proclamation shows that the prefect has treated the subject vigorously and properly.

I have, etc.,

CHARLES DENBY.

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[Inclosure in No. 1266.—Translation.—From the Chinese Times, February 28, 1891.]

*Proclamation prohibiting slanders against foreign missionaries.*

The Fuchau prefect, Tang, the Min-hsien magistrate, Wong, and Hou Kuan acting magistrate, Chen, jointly issued a stringent proclamation enjoining their subjects not to slander missionaries, in accordance with the applications of the different foreign representatives in the treaty ports for the protection of the missionaries against slander, from which serious troubles have arisen and consequent loss of property and money. Since the riot in Wuchang his excellency the viceroy of Liang Hu, Chang Chi Tung, has issued orders to district magistrates where missionaries reside to issue special proclamations as a protection to those who profess the religion of Jesu or T'ien-chu. The people are forbidden to post placards or to assemble in crowds to bring about disturbances, or in any way to interfere with the good works of Christians. Should any disobey this, they are to be severely punished; for we want to keep on friendly terms with those who come here as doers and teachers of good. They are, as a rule, very orderly and peaceful people; therefore, we do not want in any way to injure them. Recently some indecent and libelous placards have been posted against missionaries, and the magistrates desire to apprehend the authors to make an example of them. Let the people take heed of this proclamation, for their religions contain all that is good, and their desire is to convert the people from bad to good. Their churches are places where they go to worship; therefore, all that has been said of them is false. If anyone is caught slandering or libeling in any way, he shall be relentlessly punished. Let no one disobey the instructions herein contained. Respect this very important and special proclamation.

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*Mr. Blaine to Mr. Denby.*

No. 603.]

DEPARTMENT OF STATE,  
*Washington, March 30, 1891.*

SIR: Your dispatch No. 1236, of the 26th of January last, in relation to the audience question, has been received.

The telegraph having since then brought the news that the several foreign representatives had been received in audience by the Emperor, it is presumed that an agreement satisfactory to all was reached on the points still under discussion when you wrote. It does not appear requisite, therefore, to instruct you in the premises further than to commend your insistence upon the right of separate audience, especially in the case of ministers arriving at Peking during the course of the year. The gravest objections are seen to the proposal of the yamèn that such new arrivals are to be denied an opportunity to present their letters of cre-

dence until the next New Year's reception of the foreign envoys in a body. The reasons, drawn from Chinese precedent in 1873 and 1874, and from the reciprocal usage of the western states, which accords to Chinese ministers the due privilege of audience of the sovereign and delivery of credentials immediately after reaching their post, seem to be strong if not conclusive in favor of the position you take.

With regard to the new letter of credence, the necessity for which in your case is adverted to in both your present dispatches, you will by this time have seen that it is sent to you by way of fitly marking the termination of the regency and the assumption of the reins of government by the Emperor. It is not customary to issue new credential letters here on the inauguration of a President, the commissions signed by the outgoing President continuing in full force until a successor is named.

I am, etc.,

JAMES G. BLAINE.

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*Mr. Denby to Mr. Blaine.*

No. 1304.]

LEGATION OF THE UNITED STATES,  
*Peking, May 20, 1891. (Received June 30.)*

SIR: I have the honor to inclose herewith a copy of a communication addressed this day by the diplomatic body to the foreign office, touching riots in China wherein foreigners and their property are injured. A committee of the foreign ministers will present this communication in person. This action was chiefly caused by the riots which occurred at Wuhu two or three days ago. I have only received telegraphic accounts thereof, but it appears that the buildings of the Roman Catholics were burnt, the English consulate was threatened, and some of the foreign customs buildings were injured. Wuhu is situated on the Yangtse, in the province of Nganhui, halfway between Chingkiang and Kiukiang. It is a thriving town of 78,000 inhabitants. It is in the consular district of the consul at Chingkiang. The American Methodist Episcopal Church has a mission about a mile and a half below Wuhu, situate on the bank of the river. The missionaries there are Rev. J. Walley and wife and Dr. G. A. and Mrs. Stuart. No harm has yet befallen this mission, but a telegram sent by the British consul on the 16th instant stated that the rioters openly proclaimed that the mission buildings would be destroyed on the 31st instant. I immediately informed the foreign office of those threats, and stated that, as the prince and ministers were now forewarned, there would surely be no difficulty in protecting that mission, and I urgently demanded protection. Grave fears are entertained in China that a preconcerted plot has been formed for a general uprising against foreigners at several of the ports. There were indications of this scheme some weeks ago at Tien-Tsin, when inflammatory placards were posted calling on the populace to rise and destroy the foreigners and then to march on Peking and dethrone the present dynasty. The 31st of this month was fixed for the day of the uprising. Some of the men concerned in the posting of these placards were arrested, and one was executed. Consul Jones entertains serious fears for the peace of Chingkiang.

Taking the condition of China into account, it will be seen that the inclosed paper is well warranted. It sets forth the frequent recurrence of outrages on foreigners and asserts that, though indemnities have been paid, no rioters have ever been punished, and it winds up with

the distinct assertion that the foreign powers will themselves take measures for the protection of foreigners if the Chinese Government fails to do its duty. The original "gunboat" policy, which has been practically abandoned, may be renewed with great vigor. As there is no similarity between the form of government of China and our own dual form of government, and as here all officials are appointed by the Crown and are practically slaves of the Crown, the Imperial Government is properly held responsible for the acts and defaults of its agents. I did not, therefore, hesitate to join my colleagues in presenting the inclosed paper. In this connection, I beg leave, with diffidence, to suggest that the squadron on the Asiatic station should be increased. I thoroughly understand that these questions are for the Navy Department, and not for the State Department. Nevertheless, the minister in China is more or less charged with the protection of American citizens in China, and he may be excused for suggesting that the squadron in the east is entirely insufficient for the duties it has to perform. The Asiatic station covers about 14,000 miles. To protect American interests over this enormous space we have the *Alliance*, the *Monocacy*, and the *Palos*. While I write telegraphic news comes that the situation at Nganking and other places is critical. But the Imperial Government is doing what it can to concentrate troops at the threatened points. Every disposable gunboat of the foreign powers has been ordered to the scene of the recent outrages, and there is reason to hope that the worst is over. It does not appear that any foreigner has been injured, but the buildings of the Catholics at Wuhu were entirely destroyed.

The yamèn has answered my communication. It states that all possible efforts will be made to protect the American mission.

I have, etc.,

CHARLES DENBY.

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[Inclosure in No. 1304.]

*The foreign representatives to the tsung-li yamèn.*

YOUR HIGHNESS: Most of the representatives of the treaty powers accredited to His Majesty the Emperor of China have had occasion during the past few years to remonstrate more or less frequently with the tsung-li yamèn against the remissness of the Chinese Government in protecting the persons and property of their nationals residing in China under the stipulations of treaties.

Incendiary placards, infamous publications, insults, and attacks upon life and property have formed the subject of their remonstrances; in some cases indemnities have been paid, in others proclamations issued, but in not one single case has one of the culprits been punished, even when hundreds had been engaged in the outrages in broad daylight. When complaints are lodged at the tsung-li yamèn, your highness and your excellencies either give the independence of the provincial authorities as the reason for not interfering more energetically or refer to the feeling of the population as the reason why the authorities could do nothing to prevent outrages or punish the perpetrators thereof. The result of such inaction on the part of the Chinese authorities has been, as it could not be otherwise, an increase in the insolence and daring of lawless individuals and in consequence in the number of outrages, which have again culminated a few days ago in an organized attack by a mob upon the foreigners living at the treaty port of Wuhu, the fourth repetition of such an occurrence within a few years, not to count the numerous attacks upon the persons and property of foreigners in the interior.

Your highness and your excellencies will be certainly aware that when in 1868 Mr. Burlingame was sent by the Chinese Government to the governments of the treaty powers, one of the objects of his mission was to obtain from these latter the assurance that in future they would abstain from holding the Chinese provincial and local authorities directly responsible for outrages committed within their jurisdiction, and from securing redress on the spot by the means at their disposal, but that they would present their complaints and reclamations to the Central Gov-

ernment, who, on their part, would see justice done and wrongs redressed. The foreign governments and their representatives have strictly adhered to the promise then made, but the results of the policy have not been such as they had a right to expect; on the contrary, instead of executing their part of the understanding, the Chinese Government, by not exercising over the provincial and local officials that authority which they undoubtedly possess, have succeeded in nullifying entirely the results expected by the foreign governments from their compliance with Mr. Burlingame's request. To-day, and we regret to have to say for a number of years past, the only result of the attitude assumed by the governments at the demand of China has been to encourage the tsung-li yamèn in abstaining from efficacious action, thus rendering the provincial and local authorities virtually independent of the Central Government in all questions referring to foreign interests.

Your highness and your excellencies will understand that this state of things can not continue any longer without seriously endangering the friendly relations between the treaty powers and China. The former have the right to expect that the Chinese Government will instruct and, when necessary, force the provincial and local authorities to protect the persons and property of foreigners in the treaty ports, as well as inland, and that when outrages against them are committed the culprits will be apprehended and punished. The undersigned must particularly insist that this shall be done with the cases still pending in which no redress has been obtained so far, and especially with the latest outrage at Wuhu. They would regret very much if the continued inaction of the tsung-li yamèn should oblige them to report to their governments that neither protection nor redress were obtainable at the hands of the Central Government, and that they would have therefore to look to their own means for protecting the persons and property of their nationals and obtaining on the spot redress for injuries or insults inflicted on them.

The undersigned avail themselves, etc.

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*Mr. Denby to Mr. Blaine.*

No. 1309.]

LEGATION OF THE UNITED STATES,  
*Peking, May 22, 1891. (Received June 30.)*

SIR: I have the honor to inform you that I wired the admiral the 20th instant that it was advisable to send a vessel to Chingkiang for the protection of Americans residing there. I presume that he will do so. I take it for granted that Consul Jones will particularly report on the late outrages at Wuhu and other riots that have occurred at points on the Yangtse.

The latest reports received here are to the effect that the mob burned down all the Catholic mission premises, the orphanage, the cathedral, and some houses belonging to the mission in which a number of the customs people resided. The houses were all looted before being set on fire. It is stated, also, that the British consulate was sacked, but there is some doubt about the truth of this statement. The foreign residents all took refuge on the hulk lying in the river off Wuhu. Dr. G. A. Stuart, of the Methodist Mission, and Rev. W. Q. Knapp, of the International Missionary Alliance, both Americans, with their families, have proceeded to Shanghai, having left their missions in charge of English missionaries. They suppose that the trouble at Wuhu is now over. It is difficult to find any real cause for such outbreaks as this. There have, within a few years, been riots at nearly every important point on the Yangtse. Chungking, Chingkiang, Yangchow, Hankow, slightly, and Wuhu have all suffered.

It may be said that the people have no grievances against the missionaries. But the same old pretense that the orphan children in care of the Sisters of the Catholic denomination are abused is now and again availed of to destroy harmless and beneficial asylums. This was the cause of the trouble at Tien-Tsin in 1870, and was the ostensible cause of the Wuhu riot.

It is not doubted that the officials in charge of the provinces are much opposed to outbreaks. They tend to bring officials into disrepute with the Imperial Government. It is supposed that the secret societies are at the bottom of these riots. The valley of the Yangtse is notorious for the existence of these societies, and they are uniformly hostile to foreigners. They are a terror no less to the officials. While their original aims are political, and look to the overthrow of this dynasty and the putting of a Chinese Emperor on the throne, they naturally drift into robbery and murder. The late burning of the steamer *Shanghai*, by which occurrence hundreds of lives were lost, is ascribed to agents of these societies. Wuhu is said to be the center of these societies.

The startling fact apparent in all these cases of outrage is that no rioter has ever been punished. The foreign representatives have determined that the recent riot shall be made the basis of demands on China, not only for indemnity, but also for the severe punishment of the ringleaders. It will be the cause, also, of strenuous demands that the naval forces of the treaty powers shall at all times be conveniently located so as to reach threatened points. It is said that Great Britain has twenty-two ships on this station, yet when the outbreak occurred there was not one at Shanghai or on the Yangtse. All the other nationalities were in the same unfortunate condition, except that the Germans had a gunboat at Hankow. Foreigners at the open ports live, as has been often said, on a volcano. Riots occur on trivial causes and without premonition.

I have, etc.,

CHARLES DENBY.

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*Mr. Denby to Mr. Blaine.*

No. 1311.]

LEGATION OF THE UNITED STATES,

*Peking, May 25, 1891. (Received July 2.)*

SIR: I have the honor to inclose two cuttings from the North China News of the 18th instant, giving accounts of the late riots at Wuhu. At the present writing quiet seems to prevail there.

I have, etc.,

CHARLES DENBY.

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[Inclosure in No. 1311.]

*The riot at Wuhu. From a French missionary.*

In order to prevent misconception from incomplete and erroneous reports, I beg to give you the following particulars with regard to the recent outrage in Wuhu, which has been furnished by Fathers Havret and Debrix, just arrived by the *Tehhsing*.

For the last three years the Catholic missionaries had been living peacefully in that city, which was their center for the management of the province of Nganhui. Neither themselves nor their Christians had ever had any difficulty with the people, and nothing whatever had happened that could make us foresee the last sudden and unprovoked outrage.

On the evening of Sunday, the 10th of May, two Christian ladies employed by the mission had gone out of their establishment and were crossing one of the streets of the quarter south of the canal, not far from the taotai's yamèn, when they were suddenly set upon, brutally arrested, and dragged to the office of the local police officer. They were accused of having bewitched two children by the use of a drug; and in proof of the charge two children 5 and 7 years old were brought forward, who, it was said, had been their victims.

The police officer was glad of an occasion of showing his zeal in favor of the ac-

cusers, and in the night he had the two ladies transferred to the tribunal of the chehsien.

The English consul, Mr. Ford, applied to by the missionaries, requested the taotai to interfere, but he contented himself with saying that it was a serious affair which he must let take its course.

The mob, in spite of the great distance, had followed the prisoners to the chehsien's office and was waiting for that magistrate's verdict.

The chehsien about midnight had both parties brought to his tribunal. After a summary examination, in which the two ladies gave the most formal denial to the charge of having drugged the children, the chehsien gave a provisory verdict, viz, that "the prisoners would be set at liberty as soon as the use of speech was restored to the children," for it would seem that the magical power of those poor girls had the effect of making the two witnesses dumb.

In the course of Monday the children had no patience to obey any longer the orders they had received; they spoke and thus relieved the chehsien from his engagement. About 2 p. m. he came himself to congratulate the Catholic missionaries and announce the release of the ladies, who, in fact, returned home about 4 p. m.

It was perfectly clear that it had been a scheme prepared beforehand. As early as the evening of Sunday the customs authorities were informed that sinister rumors were spread in the taotai's quarter, and that there was a plot to make a rush against the European quarter. They therefore sent word to the missionaries of the danger and invited them on the first sign to repair to the offices of the customs, from thence to be taken on board a steamer which was then loading rice in the river.

In spite, however, of these well-founded rumors, the whole of Monday and the morning of Tuesday passed without any outbreak. Nothing forboded the storm at hand, and the calumnies circulated in the tea houses and other public establishments were no signs of the riot that was preparing underhand.

On Tuesday, then, at 1 p. m., an unknown woman presented herself at the mission, followed by some 20 ill-looking fellows. Screaming out violently she claimed her child, whom the missionaries had stolen, as they had done in the case of two others whose corpses were within the walls of the Catholic establishment.

This was the signal for a new attack. The missionaries understood at once, and they went to beg Mr. Ford to appeal to the conscience of Chang Taotai, after which they came home to set in order some urgent affairs.

In the meantime the mob was increasing in numbers, and they began to surround the walls. About 3 p. m., on the request of the missionaries, a military officer had come to the rescue and had taken hold of one of the assailants who was just trying to break open a door with a stone. At the same time the chehsien, also applied to by the missionaries, made his way with great difficulty through the mob and stood before the main entrance, where he harangued the people, who were already uttering out hostile cries. These magistrates both declared they would be trampled to death rather than abandon their post. In fact, they remained to the last.

The wild clamor, however, was fast increasing, approaching nearer and nearer. About 4 p. m. the chehsien informed the missionaries that he felt unable to restrain the mob; the English consul ought to appeal again to the taotai.

Mr. Ford, on being applied to, answered that the taotai knew everything. But no one came, and such is the part taken by the first Chinese magistrate in defense of the Catholic Mission.

At 5 p. m. there began to fall stones and brickbats within the walls. The chehsien sent to the missionaries, beseeching them to take refuge in the English consulate, only separated from them by a narrow street; but they refused, unwilling as they were to compromise a family as innocent as themselves.

At last, at 5:50 p. m., one of the side doors of the façade gave way. The three European missionaries, who were still in the establishment, thought it was time to slip out by a back door. On their way they were insulted in the coarsest language, the qualification of *kwaitse* (children thieves) being predominant.

On board the hulk of the T'ai-ku Company they were most graciously received by Mr. Weatherstone, but, unwilling further to compromise a company which had already had so much to suffer from Chinese brigands, they went into a small boat, which took them to Chingkiang.

Before leaving the hulk the missionaries witnessed the burning of all the buildings of their establishment. Two telegrams for Shanghai intrusted on that evening to Mr. Weatherstone, together with another handed to the agent on the following morning, were refused, on the plea that the taotai had forbidden sending any dispatch from the Catholic missionaries.

On their arrival at Chingkiang on Thursday the missionaries heard that the fire of Tuesday had been followed by a pillage as complete as shameful, without any interference of the Chinese authorities.

The doctor of the Protestant Mission, who came down with Fathers Havret and Debrix, assured them that the tombs of two missionaries had been broken open.

## CORRESPONDENCE.

METHODIST EPISCOPAL MISSION,  
Wuhu, May 14, 1891.

To the Editor of the North China Daily News:

SIR: News will doubtless have reached you of the disturbance we have had here for the last few days.

It appears that two Chinese Sisters connected with the Jesuit Mission here were out on Sunday afternoon last, and as they proceeded along the street were greeted with the usual cry of the beggars and children. They are said to have spoken kindly to two of the children and patted them on the head, at which the people set upon them, saying they were using medicine to stupefy and take away the speech and hearing of the children that they might steal them and send them to Shanghai. A great crowd gathered and took both the women and children to the local official, who, becoming frightened, sent them to the hsien.

The crowd continued to increase and become more noisy, and call for the destruction of the Jesuit Mission property. The hsien, however, managed to quiet them down, though they did not disperse.

On Tuesday they got more vociferous and in the afternoon went in a body to the Jesuit Mission premises; but the priests had already fled, so that after but slight resistance on the part of the Chinese attendants the gates were smashed in and the walls pulled down, the crowd rushing in hooting and yelling.

Spades were called for, and some of the graves of those buried in the compound were opened and the contents held up as proof positive of foul play. The bodies were too much decomposed to be recognized, yet they were declared to be the remains of Chinamen cut up by the foreigners. At the sight of these the crowd broke into cries to destroy the premises, so oil was brought and thrown over everything and lighted; the whole place soon became enveloped in flame, and all that now remains of the fine buildings are bare and blackened walls and broken bricks.

About dusk the crowd broke into the English consulate, causing the consul and his wife to beat a hasty retreat in disguise.

About this time the taotai arrived with soldiers and surrounded the consulate, thus preventing its destruction, though a great deal of damage was done to the walls and grounds.

The attention of the mob was now turned to several large blocks of buildings belonging to the Jesuits, including the customs premises and the residences of nearly the whole of the staff, much of which was new property and had only been occupied a few days. Here, however, they met with resistance.

Our gallant commissioner and his brave staff were determined to defend their premises to the last. Each was armed with a musket and bayonet, the streets were barricaded, and patrols set.

Such was the determination of the mob to destroy the customs that the defenders had to rally time after time and led by the commissioner charge the mob, many of whom can now tell to a trifle the weight of a musket.

Wednesday morning all the foreign residents were called to the *Tehhsing* by the consul, who had detained the steamer.

On Wednesday evening three Chinese men-of-war which were passing up river (one of which had the futai of Nganhui on board) came to anchor in front of the concession and fired a broadside or two; this, with the aid of a good shower of rain, quickly scattered the people.

We can not speak too highly of the bravery of the commissioner and all the members of both the indoor and outdoor staff, as well as of some of the other foreign residents who kept constant guard for nearly forty-eight hours.

It is without doubt entirely owing to this prompt and vigorous action that the rest of the foreign residences were not destroyed and probably some lives lost. The generous kindness of Mr. T. Weatherstone, agent of Butterfield & Swire, and Capt. Cain and officers of the steamship *Tehhsing* demand the thanks of the whole community, most of whom are in some way indebted to them for services rendered.

Capt. Cain and his officers did all they could to make the ladies and children comfortable by giving up their rooms and supplying all their needs.

I have just come away from the scene of the riot, and can only say that the destruction is complete; what the fire left the people systematically tore down and carried away, several of them losing their lives by falling walls in their eagerness to get all they could.

The port is much quieter now, and we are expecting the English and French gunboats up at any time.

I am, etc.,

JOHN WALLEY.



*Mr. Denby to Mr. Blaine.*

No. 1312.]

LEGATION OF THE UNITED STATES,  
Peking, May 27, 1891. (Received July 2.)

SIR: I have the honor to inform you that I have received from the consul-general two telegrams of the 25th and 26th instant, respectively, as follows:

Jones telegraphs pillage at Nanking has commenced.

Mob checked at Nanking, but American Methodist Girls' School fired and looted and others attacked. Soldiers dispersed mob.

Nanking is situated on the Yangtse, 204 miles from Shanghai and 47 from Chingkiang. It is possible that the new viceroy has not taken over the government of the province. From his former reputation, I should judge that no mob would occur while he was present in Nanking.

This occurrence surprises me very much. I have personally visited Nanking and was much gratified to learn that the best of feeling prevailed towards the American missionaries. Within the last few weeks I have had accounts of the extraordinary ovation which Dr. Beebe, the hospital physician, received when he was leaving the city. The local authorities attended him to his boat, he was followed by an immense procession of grateful people, and many presents were made to him. But these dispatches indicate that hostility to orphan asylums and girls' schools is deeply embedded in the minds of the Chinese, and that it may break out at any moment in acts of outrage. I have done what I could here to meet this extraordinary emergency. I have demanded protection of the yamèn and wired the admiral to send a ship immediately to the Yangtse. Besides addressing the yamèn in writing, as shown by my dispatch No. 1304, of May 20, a committee of the foreign representatives had a conference lasting four hours with the yamèn yesterday. The proceedings were somewhat stormy, but after a full discussion the yamèn agreed that the ringleaders of the various riots shall be punished; that the Emperor shall issue a proclamation warning the people against rioting and maltreating foreigners; and that the local authorities shall be held personally responsible for all riots in their respective jurisdictions.

I very much fear that the mob spirit will reach Chingkiang, and sincerely hope that the *Monocacy* may arrive in time to overawe the populace. Peking may possibly be safe, owing to the actual presence of the Emperor here; but the missions located here are scattered and far apart, and native violence against them could wreck its purposes before any aid could be afforded. No city is safe, not even Shanghai. The vice-consul at Tien-Tsin writes me that no hostile movement or combination can be discovered among the people in that city. Still a dread pervades all minds here that there may be serious riots at Tien-Tsin. I very much fear, also, for Hankow, where there is an immense orphan asylum under Catholic control. The only hope is in the firmness of Chang Chi Tung, the present viceroy. As I write a telegram to the chargé of France reaches me to the effect that the Catholic Mission at Nanking was also attacked. No lives were lost. All the missionaries have left Nanking. Grave fears are entertained even at Shanghai.

I have, etc.,

CHARLES DENBY.

*Mr. Denby to Mr. Blaine.*

No. 1314.]

LEGATION OF THE UNITED STATES,  
Peking, May 28, 1891. (Received July 2.)

SIR: I have the honor to inclose herewith a copy of an interview had by a committee of the foreign representatives with the members of the foreign office on the 25th instant.

It was agreed that the ringleaders of the riot at Wuhu should be punished; that two native Sisters of Charity, who are charged with witchcraft, should be discharged from custody; that the officials who were negligent should be punished; and that an imperial edict should be issued denouncing attacks on missionaries and converts and rendering local officials responsible for the protection of foreigners.

I have, etc.,

CHARLES DENBY.

[Inclosure 1 in No. 1314.]

*Report of interview with the tsung-li yamén.*

At a conference at the tsung-li yamén on May 25, 1891, at which were present on the Chinese side his highness Prince Ching and their excellencies Hsü Keng Shen, Sun-yi-wên, Hsü Yun-i, Chang Yin-huan, and on the foreign side the representatives of France, Germany, and Great Britain, acting for and on behalf of the representatives of treaty powers present at Peking.

The ministers of the tsung-li yamén, after a long discussion, during which, on their part, the calumnies brought forward against missionaries in general and founding asylums in particular were repeatedly mentioned as a fit subject of judicial inquiry, a view strongly objected to by the foreign representatives, finally made the following promises:

(1) With regard to the Wuhu affair, that the ringleaders would be punished, as also the officials who had shown want of forethought and energy, and that the judicial proceedings against two native Sisters of Charity, who had been accused of witchcraft, would be stopped.

(2) With regard to the general question of the protection of foreign lives and property and the settlement of pending affairs, that the members of the yamén would consult together and place before the Emperor a memorial praying for the issue of an edict or edicts ordering the issue of proclamations by the high provincial authorities in the Yangtse provinces, by imperial order, denouncing the accusations brought against missionaries and converts, by placards and otherwise, as unfounded and calumnious and threatening punishment against all who spread such accusations, rendering the provincial authorities responsible for the protection of foreigners within their jurisdiction, and ordering the settlement of all pending cases in accordance with the requirements of justice.

On their side the Chinese ministers pointed out that missionaries should be warned to be more careful in future in the selection of their converts, and that they (the missionaries) should not be allowed to protect their converts and interfere on their behalf with the action of the Chinese authorities.

The foreign representatives present replied that it would be exceedingly difficult to invite the missionaries to greater care in the selection of their converts, as even in the service of the Chinese Government bad characters were not infrequently found out only after a considerable number of years, but that, if the tsung-li yamén would add to their note in which they would inform the foreign representatives of the issue of the imperial edicts which had formed the subject of to-day's conference what they had just stated, the foreign representatives would in their answer willingly repeat the declaration that the fact of a Chinaman adopting the Christian religion did not withdraw him from the Chinese jurisdiction; but, on the other hand, they must insist that, according to the treaties, nobody was molested or persecuted for following or professing the Christian religion.

[Inclosure 2 in No. 1314.]

*Joint dispatch from the representatives of France, the German Empire, and Great Britain with reference to the decree mentioned in the interview above.*

PEKING, May 27, 1891.

The representatives of France, the German Empire, and Great Britain have the honor to draw the attention of his highness Prince Ching and their excellencies the ministers of the tsung-li yamèn to the necessity of the imperial decree or decrees, for which the tsung-li yamèn promised, at the conference held on the 25th instant, to memorialize the Throne, being published by the Peking Gazette.

They also beg to point out to his highness and their excellencies that, in order to avoid misunderstandings and a future reopening of the question, it would be very desirable that the yamèn should communicate, informally, to them the draft of the memorial they intend to present to the Throne, so as to allow them to point out any alteration which, in their opinion, would contribute to a satisfactory settlement of the question before them, the gravity of which they can not but impress most seriously upon the members of the yamèn.

The representatives of France, the German Empire, and Great Britain avail themselves, etc.

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*Mr. Denby to Mr. Blaine.*

[Extract.]

No. 1316.]

LEGATION OF THE UNITED STATES,

*Peking, June 4, 1891. (Received July 9.)*

SIR: In my dispatch No. 1304, of the 20th ultimo, I inclosed a copy of a communication of that date sent by the foreign representatives to Prince Ching, the head of the tsung-li yamèn, relating to the remissness of the Chinese Government in preventing or putting down riots against foreigners occurring in China.

I have now the honor to inclose a translation of the answer of the yamèn to this communication. After reciting the substance of the statements made by the foreign representatives, the yamèn proceeds to assert that the local authorities have not failed to adopt proper measures for the settlement of missionary cases; and that on representation made to the yamèn it has always urged the local authorities to take proper action, but circumstances had sometimes produced delay. Regarding the Wuhu riots, the yamèn says that everything that was possible was done to put down the riot and to arrest the rioters. In Auching and Shanghai precautionary measures have been taken to give protection to foreigners. In the communication to the yamèn above cited the foreign representatives have said in substance that when Mr. Burlingame, in 1868, was sent to the governments of the treaty powers, one of his objects was to obtain the assurance that the treaty powers would abstain from holding the Chinese provincial and local authorities directly responsible for outrages committed within their jurisdiction, and would look to the Central Government for redress, and that the treaty powers had complied with the promise then made, but that the Chinese Government had failed to do its duty in that regard and had abstained from efficacious action.

I have, etc.,

CHARLES DENBY.

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[Inclosure in No. 1316.—Translation.]

*The tsung-li yamèn to the foreign representatives.*

PEKING, May 30, 1891.

YOUR EXCELLENCY: Upon the 20th of May, 1891, the prince and ministers had the honor to receive a joint communication from the foreign ministers to the effect that they have had occasion during the past few years to remonstrate more or less frequently with the tsung-li yamèn against the remissness of the Chinese Gov-

ernment in protecting the persons and property of their nationals residing in China under the stipulations of treaties. Incendiary placards, infamous publications, insults, attacks upon life and property, have formed the subject of these remonstrances. In some cases indemnities have been paid, in others proclamations issued, but in not one single case has any of the culprits been punished. The foreign ministers recite the Wuhu case and ask that stringent orders be issued for the punishment of the rioters; that protection be given to foreigners residing in China; and that all pending cases be settled and the culprits punished, etc.

In reply, the ministers would observe that, with regard to the unsettled missionary cases in the provinces, the governors-general and governors have never shown a disposition not to adopt measures and take action therein. And the tsung-li-yamén has again and again addressed these high provincial authorities to speedily bring them to a close. Whenever the foreign ministers have addressed the yamén in regard to cases that arise, the provincial authorities concerned have been communicated with at once urging that action be taken in the premises. But the circumstances attending cases vary. Those cases that can be brought to a speedy settlement are certainly not allowed to drag on by the provincial authorities. But, on the other hand, there are those cases that can not be brought to a speedy close, say, for instance, on account of a failure to get witnesses in court to ascertain the rights and wrongs of the question at issue, which renders delay unavoidable. It is not the case that the yamén or the governors-general and governors of the provinces persist in evading their responsibility and are unwilling to have cases brought to a close without delay. With regard to the Wuhu case, the yamén, on hearing of it, dispatched frequent telegrams to the minister superintendent of southern trade and to the governor of Nganhui to depute officers and transport troops to the scene of the riot, suppress the mob, and give due protection; further, to arrest the rioters, rigidly examine them, and take the necessary action in the premises. From the various telegrams received, soldiers have been already dispatched, gunboats sent, and civil and military officers of both low and high rank ordered to Wuhu to protect the foreigners and suppress the rioters. Several of the rioters have been arrested who have been strenuously examined by punishment. In Aunching and Shanghai there have been rumors everywhere and placards posted, but the local authorities took precautions in time to give the necessary protection, and the would-be rioters, on hearing this, dispersed. At present at Aunching the local authorities have been earnest and thorough in the diligence shown to give protection to the missionaries. Full particulars of this were represented to Mr. von Brandt, Sir John Walsham, and Mr. Ristelhueber at the personal interview some time ago.

In the communication under acknowledgment the foreign ministers allude to the questions that were discussed and considered by Mr. Burlingame with the treaty powers when he went abroad in 1868. The yamén admit all this, but they have only to regret, however, that the treaty concluded by Mr. Burlingame between China and the United States has been made null and void by the action of the latter power, a fact well known to all nations.

As in duty bound, the prince and ministers send their communication in reply for your excellency's information.

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*Mr. Denby to Mr. Blaine.*

No. 1317.]

LEGATION OF THE UNITED STATES,  
*Peking, June 5, 1891. (Received July 23.)*

SIR: I have the honor to inform you that the Chinese Government has taken active measures against the rioters at Wuhu. Over twenty rioters have been captured. It is said that two of the leaders have been decapitated. Workmen have been hired by the Chinese authorities to repair the ruined walls of the Catholic church. The Catholic fathers have returned to Wuhu. Rewards have been offered for the arrest of the leaders of the riot.

I inclose herewith a clipping from the North China Daily News of the 29th ultimo, giving a graphic account of the riot at Nanking. Mr. Nichols, an American missionary, acted with great courage and saved the fine Methodist hospital from destruction.

I have, etc.,

CHARLES DENBY,

[Inclosure in No. 1317.]

*Clipping from the North China Daily News of May 29, 1891.*

I mentioned in my note of Monday the proposed departure of the ladies and children from Nanking. Several warnings had come from different sources, all from official friends, who by their high connection had every opportunity to know the real extent of the danger, and who assured us most solemnly that the riot would come off at the appointed time. These friends urged us to send the women and children out of the city if we would save them from injury. Such a step had not been suggested before at any of our conferences. We feared the effect of such a course upon the people. It might bear the appearance of flight and invite the very calamity we desired to avoid; still, there seemed nothing else to do. Ten days had passed since information of the state of affairs had been sent to the consuls, and, although the American consul, Gen. Jones, was exerting himself most earnestly in our behalf, the gunboat sent for (the *Palos*) had not yet arrived. We are differently situated, too, from any other foreign community on the river. The nearest mission house is 3 miles from the steamer landing. These houses are not situated in one quarter, but separated, some of them by considerable distances. At the river, too, there are no hulks in which we may take refuge in times of danger, the only hulk there being wholly in charge of Chinamen. There was therefore no place to which the ladies and children could be sent in case of a riot, and the warnings being so distinct and weighty we did not dare to neglect them.

On Monday morning all the women and children repaired to the landing and took the *Kiangyü* for Shanghai. Several were quite ill and in no fit state for traveling, but there was no other course to take. There was considerable excitement at the landing when it was noticed that many foreigners were leaving, and I overheard one man saying to another, "There's nothing left in the foreign houses; they sent it all aboard the boat." I imagined there was a tone of sadness in his voice as he spoke. Before the boat had left word came that the Methodist Hospital was being looted, but we didn't believe it; and before the boat was out of sight another messenger came in hot haste with the report that Mr. Ferguson's house was being looted. We rode as fast as mules and donkeys could take us and found that the reports were all too true. There had been hardly any time for a report that the foreigners were going to spread, for the movement had been decided upon Sunday evening, and on Monday morning early, before they were fairly off, the attack began as if by prearrangement at five different places—the Roman Catholic Mission, the Methodist Episcopal Hospital, the compound containing Mr. Ferguson's house and the Methodist Girls' School, the Presbyterian Mission, and a native house occupied by Messrs. Saw and Hearnden.

Mr. Nichols had gone with his family to the west gate to see them safely on the house boat, and returning met a messenger saying the hospital was being demolished. Sending a man with a message to the yamen, he rushed home and found the hospital already in possession of the mob, but forced his way in and discovered the ringleader preparing to fire the building and urging his followers to hasten the destruction of the place. Among other things, he said: "They may take off my head, but I'm bound to destroy this building." Mr. Nichols caught him and gave him a severe drubbing with a rattan cane, and, in spite of all efforts to rescue him, dragged him out of the building, though in doing so he was plentifully assaulted with brick-bats and other missiles. As soon as the fellow was released he drew a long knife and threatened dire vengeance; but Mr. Nichols pulled out a revolver and held the crowd at bay for what seemed to be a full hour, when a mandarin and soldiers appeared. He then sprang forward and caught the rascal again and held him, in spite of all attacks, until the soldiers secured him. The official then gave him a most merciless beating, put him in a cangue, and sent him up. It is said he will lose his head. Another young fellow was arrested and beaten, but on Mr. Nichols's intercession he was released. The leader is a native of Nanking, a Mohammedan, and proprietor of a small store on one of the chief thoroughfares of the city. He is known as a most desperate character. At the same time an attack was being made at the Roman Catholic Mission, and the fathers were just preparing for flight when timely aid arrived and the mob was dispersed. Two of the priests, however, had left in the morning by the *Kiangyü*. Mr. Ferguson having been compelled to attend his wife and child (both ill) on board the steamer, there was no foreigner left at his compound, and the rioters for some time had their own way. They first broke into the girls' school, demolished doors, windows, and shutters, scattered books, maps, and clothing about in search of treasure, it is presumed, destroyed furniture, carried off what they liked, and set fire to the fuel house. The flames communicated to the shutters of the second-story windows, and the house in a few minutes would have been destroyed had not a body of soldiers arrived and extinguished the flames. The rioters broke into the young ladies' home also, as well as into Mr. Ferguson's house.

but were driven off before much damage was done. They opened all the cisterns, however, as they did at other places, looking for the bodies of children said to have been killed.

Crowds collected at the other mission houses, but were scattered before much mischief was done, and no serious attack was made where there were foreigners in charge, except at the Catholic Mission. Several arrests have been made, among them some soldiers, for looting. One of these, captured by Mr. Ferguson, was ordered to be released by the mandarin, because, as he said, "he is one of the Hunan men." A strong guard kept watch at each mission house all through the night. No further attacks have been made to-day; but, strange to say, most of the soldiers have been withdrawn to-night, and to-morrow is the day appointed for the uprising. There are rumors of disaffection among the troops over the arrest of some of their number. The general opinion among the people is that the Ko-lao Society is at the bottom of the outbreak and the attack on foreigners merely a cover to more ambitious designs. It is thought that by embroiling the Government in a war with foreign powers they may be able to make rebellion a success.

A gentleman just arrived from Fung-Yang reports an attempt made a few days since by the White Lily Society to stir up trouble there. Some of the best-informed officials in Nanking express the opinion that these outbreaks are but the prelude to a general uprising, and that no security should be felt because the present riots are quelled. In that case the duty of foreign powers to keep a strong fleet on the Yangtse is quite evident. As yet no foreign gunboat has put in an appearance here.

May 26, Wednesday morning.—No trouble last night. All quiet at present.

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*Mr. Denby to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,

*Peking, June 7, 1891.*

Mr. Denby reports that riots may be expected throughout China, and that the situation is serious; that riots were in progress at Nanking and other places; that two foreigners had been murdered at Wusueh, and that the *Palos* had gone there, but that so far no Americans had been injured. He also states that the Emperor delays issuing edict for the protection of foreigners.

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*Mr. Denby to Mr. Blaine.*

[Extract.]

No. 1318.]

LEGATION OF THE UNITED STATES,

*Peking, June 8, 1891. (Received July 23.)*

SIR: Since I wired you on the 21st day of last month a riot has occurred in Nanking, which has been described in my late dispatches. There have been attempts at riots at other points near the Yangtse. It is now definitely settled that two Englishmen were murdered at Wusueh. This place is about 25 miles above Kiukiang. There were no Americans there. No American has as yet been injured. The apparent cause of the riots has been the old pretense that the Catholic Sisters buy children for the purpose of using their eyes for medicinal purposes. It is probable that sometimes children are stolen from their parents and are delivered to the Sisters, who receive them, not knowing the facts, and pay some small sum for the trouble taken. At least the Chinese believe this and make it a pretext for attacking all foreigners. Discontent spreads from place to place, and before the authorities, who more or less sympathize with the populace, can do any-

thing, the work of destruction has been completed. The situation is very grave. The foreign representatives have acted with great energy, but the Chinese Government does not seem to realize the danger to the public peace and even to the stability of this dynasty. The urgent demand of the foreign representatives has been that, in addition to other protective and preventive measures being taken, an imperial edict should issue immediately commanding peace and quietness, and enjoining great diligence on the local authorities, and holding them personally responsible for any injury done to foreigners or their property. The yamèn agrees that an edict shall issue, but desires to postpone its issuance to some future time, when all the facts are known. This delay destroys the main advantage of the circulation of such an edict. It is wanted as a preventive measure, and, as each day brings notice of new outrages, the necessity for its immediate issuance is apparent. The foreign representatives have sent to the yamèn another strong demand for action by the Emperor, a copy whereof will be forwarded to you shortly. They have also verbally presented their demands.

It has been repeatedly stated that threatening placards have been posted on the city gates at Peking; but the foreign community, while somewhat agitated, are not alarmed. It is thought that the Emperor's presence here will insure protection.

I have, etc.,

CHARLES DENBY.

*Mr. Wharton to Mr. Denby.*

No. 623.]

DEPARTMENT OF STATE,  
*Washington, June 10, 1891.*

SIR: I have to acknowledge the receipt of your telegram of June 7.

I have not delayed to communicate these facts orally to the minister here, and to ask that his Government may be informed by telegram at once of the anxiety for our citizens in China which these riots occasion to the Government of the United States, and of our hope that immediate steps may be taken to protect foreign residents. Mr. Tsui said in reply that he would reflect upon this suggestion and inform me of what he should conclude to do.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Mr. Denby to Mr. Blaine.*

No. 1320.]

LEGATION OF THE UNITED STATES,  
*Peking, June 10, 1891. (Received July 23.)*

SIR: I have the honor to inform you that news of riots against foreigners reach me every day. To this date there have been riots at Vanyang, Wuhu, Nanking, Yanking, Yangchou, Wusueh, and Kiukiang.

This morning news reached Peking that the important Catholic mission at Woosih, situated 80 miles northwest of Shanghai on the Grand Canal was completely destroyed on the 7th instant. We have no missionaries there.

Vanyang is about 20 miles from Chingkiang. The Catholics had an

ancient establishment there dating from the previous dynasty. They had a great many converts. There were a church, residence, and two schools. All the buildings were burnt, but nobody was hurt.

At Nanking means have already been provided by the authorities to rebuild the Methodist Girls' School building, and the repairs are nearly completed.

So far the destruction of this school is the only actual outrage that has been committed against Americans. At Kiukiang, where the Methodists have an important mission, the riot was suppressed before any injury was done. Still, the ladies and children all left and went to Hankow.

The ladies and children also left Tessfield, which is an American Episcopalian college and orphanage, about 3 miles from Shanghai.

The Chinese Government is now thoroughly alarmed. The yamên realizes its error in not procuring an imperial edict to be issued as soon as the first riot occurred, and now agrees to memorialize the Emperor to issue an edict immediately. Such an edict will define the relation of the missionaries to China and will enjoin their protection. It will probably do good, but there is no foreseeing what harm may be done before it is circulated.

It seems at present that the Catholic establishments in the valley of the Yangtse away from great centers are doomed.

I have, etc.,

CHARLES DENBY.

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*Mr. Denby to Mr. Blaine.*

[Extract.]

No. 1321.]

LEGATION OF THE UNITED STATES,  
*Peking, June 11, 1891. (Received July 23.)*

SIR: I have the honor to inclose a copy of a communication sent by the foreign representatives to the foreign office on the 9th instant. The foreign representatives are determined that the attitude of China toward foreign missionaries and other foreigners shall be accurately defined. They demand that the ringleaders and participators in the disturbances at the Yangtse ports and in the interior shall be quickly and severely punished; that those officials whose attitude during or after the riots has given rise to just complaints shall be publicly disavowed by the Imperial Government and punished; that by an imperial edict, to be published without delay in the Peking Gazette, the highest provincial authorities shall be ordered to issue proclamations informing the people of the calumnious character of the accusations brought against missionaries and converts, and threatening to punish the propagators of such calumnies; that by the same edict the provincial authorities shall be instructed to provide better means of protection than heretofore for foreigners at the open ports and in the interior, rendering the local officials personally responsible for their safety; and, finally, that by the imperial edict the provincial authorities shall be instructed to settle, according to right and justice, within the shortest possible time, the pending cases of complaints, many of which have been waiting in vain for adjustment for a number of years. These demands are strong and pointed, but they are fully warranted by the conditions now existing in China. Unless they are substantially complied with, the residence of foreigners in China will become practically impossible, and China will re-



vert to the isolation from other nations which prevailed until the treaties were formulated. The foreign office has acceded to these demands, and an imperial edict will shortly issue.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1321.]

*The foreign representatives to the tsung-li yamèn.*

PEKING, June 8, 1891.

YOUR HIGHNESS AND YOUR EXCELLENCIES: The undersigned, representatives of Belgium, France, the German Empire, Great Britain, Japan, the Netherlands, Russia, Spain, and the United States, have had the honor to receive the note which your highness and your excellencies have addressed to them on May 30 in reply to their joint note of May 20. They regret to have to state that they can not but consider the yamèn's reply to their note and the demands contained in it as entirely unsatisfactory; they do not wish to enter into a discussion with your highness and your excellencies on the subject of the instructions forwarded by the yamèn on the occasion of the last or former outrages against foreigners in China, but they maintain the statement made in their joint note of May 20 that in no single instance during the last four or five years had Chinese engaged in an attack upon foreigners been punished, nor had satisfaction of another kind, except the payment of indemnities in some isolated cases, been obtained; and they challenge your highness and your excellencies to quote to them a single case in which the action of the Chinese Government or the provincial and local authorities had brought about the punishment of the offenders, though in more than one instance the names of ringleaders and instigators of outrages and attacks have been given to the yamèn and the local authorities. Placards inciting the population to the murder or expulsion of foreigners have been known to remain posted up in prefectural and other cities for months and years without being removed, and the officials in whose districts such things took place, instead of being punished for their remissness, have been rewarded for the efficiency of their administration.

Even during the last outrages the measures adopted by the provincial and local authorities have been in most of the cases insufficient to protect foreigners, and, though your highness and your excellencies have been informing us of the punishment inflicted upon some of the ringleaders and rioters at Wuhu, this action seems neither to have had the desired deterrent effect, later telegrams announcing the going on of disturbances and outrages in the valley of the Yangtse and elsewhere, nor can it be considered sufficient if at one place some rioters are punished while at all the other places where outrages have occurred nothing is done to mete out punishment to those who so richly deserve it. Your highness and your excellencies seemed inclined at the conference of the 25th of May to throw some blame upon the foreign missionaries for not making a careful enough selection among the persons admitted to the Christian faith, and for attempting to screen native converts against the Chinese authorities. Your highness and your excellencies were then told that, while great prudence in general might be recommended to missionaries, the principle that the conversion of a Chinaman to Christianity did not withdraw him from the jurisdiction of his own authorities could easily be once more expressly recognized by the foreign representatives. The undersigned fully agree with this declaration; but they must also remind your highness and your excellencies, as the representatives of France, the German Empire, and Great Britain did already at the before-mentioned conference, that under the treaties every Chinaman is free to embrace, to exercise, and to propagate the Christian religion, and that the treaties assure to him protection against molestation and persecution on religious grounds. They must insist that these stipulations of the treaties shall be better observed in future than they have been in the past, and they most emphatically declare that they will not permit members of Christian communities to be prosecuted judicially for accusations of witchcraft, or of those abominable crimes which ignorance and hatred attribute to missionaries and converts alike. Your highness and your excellencies are perfectly aware how utterly baseless and calumnious such accusations are, and the undersigned have the right to demand that the Chinese Government shall openly declare them to be so, and shall instruct the provincial and local authorities that, if such accusations are brought forward against Christians again, the accusers shall be arrested and punished, and not the accused.

The latest outrages at Wuhu, Auking, Nanking, Tanyang, and other places, and the very-much-to-be-regretted position taken up by the taotai of Wuhu during and after the disturbances which have occurred at that place, make it absolutely neces-

sary that steps should be taken without delay by the Chinese Government to protect foreigners at the open ports and in the interior against the recurrence of similar outrages.

The undersigned must therefore repeat the demands which the representatives of France, Great Britain, and the German Empire have addressed to the yamèn in the name of all representatives of treaty powers at the interview of May 25, and in the "note verbale" of the 27th of the same month, *i. e.*, that the ringleaders and participants in the disturbances at the Yangtse ports and in the interior shall be quickly and severely punished; that those officials whose attitude during or after the riots has given rise to just complaints shall be publicly disavowed by the Imperial Government and punished where necessary; that by an imperial edict, to be published without delay in the Peking Gazette, the highest provincial authorities shall be ordered to issue proclamations informing the people of the calumnious character of the accusation brought against missionaries and converts, and threatening to punish the propagators of such calumnies; that by the same edict the provincial authorities shall be instructed to provide better means of protection than heretofore for foreigners at the open ports and in the interior, rendering the local officials personally responsible for their safety; and, finally, that by imperial edict the provincial authorities shall be instructed to settle, according to right and justice, within the shortest possible delay, the pending cases of complaints, many of which have been waiting in vain for adjustment for a number of years. The undersigned would consider it in the interest of a speedy and satisfactory settlement of the present difficulty and as the best means of preventing the further spread of the disturbances now reigning in the valley of the Yangtse if your highness and your excellencies would communicate to them, in advance and in an informal manner, the terms of the memorial to be presented to His Majesty the Emperor by the yamèn, so as to allow them to offer any suggestions the necessity for which might present itself to them; but they must, at the same time, beg your highness and your excellencies to understand that if the yamèn should object to a previous understanding about the contents and terms of the memorial to be presented to the Throne being arrived at they will not consider as a satisfaction for the past outrages or as a guaranty for the future any imperial edict the terms of which should leave the slightest doubt as to the firm determination of the Imperial Government to prevent the repetition of similar acts and to see the instigators and the perpetrators of them punished. The impression produced by the silence of the Chinese Government, which, though the outrages at Wuhu, Auking, and Nanking are over a fortnight old, have neither seen fit to express their regret for what has taken place, nor taken any measures to show their disapproval of the position taken up by some of the local authorities, especially the taotai of Wuhu, is certainly a very unfavorable one, and can not but be considered as a proof that the Imperial Chinese Government appreciate fully neither the gravity of the situation nor the duties which the presence of foreigners in China imposes upon them. It is, however, impossible for the undersigned to accept any longer the responsibility of seeing the present situation prolonged; they have, therefore, the honor to inform your highness and your excellencies that, unless they should have received within a reasonable number of days the published text of the imperial edict demanded in this note, they will at once and without further delay communicate with their respective governments and inform them of their inability to obtain from the Imperial Government the adoption of those measures which they can alone consider as an at least partial satisfaction for the past and a guaranty for the future.

The undersigned avail themselves,

(Signed by all the foreign representatives in Peking.)

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*Mr. Denby to Mr. Blaine.*

No. 1323.]

LEGATION OF THE UNITED STATES,  
*Peking, June 13, 1891. (Received July 23.)*

SIR: I have not found it necessary to continue to wire to you the accounts received here of the daily outbreaks in China against the missionaries, because you have been sufficiently informed of the general situation, and everything that is possible has been done by the diplomatic corps and the naval forces on this station. The imperial edict has not yet appeared. The following telegram was received yesterday from the consul-general of France by the chargé at Peking:

New outrages have taken place in the neighborhood of Kiukiang; the situation at Shanghai very serious; the *Villars* and the *Aspic* have arrived here; Admiral Besnard expected on Monday.

It is understood that the whole French squadron on this station has been ordered to China. I have heard that a dispatch came from Chang Chi Tung that trouble is anticipated at Hankow. It is very much to be feared that if these troubles are not checked there will be war between France and China. No American has been injured so far.

I have, etc.,

CHARLES DENBY.

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*Mr. Denby to Mr. Blaine.*

No. 1324.]

LEGATION OF THE UNITED STATES,  
*Peking, June 18, 1891. (Received August 8.)*

SIR: I have the honor to inclose herewith a translation of the communication of the foreign office covering the text of the imperial edict just issued on the subject of the late anteforeign riots in China. It is the first paper of the kind that has appeared during the present reign, and if its injunctions are obeyed by the local officials and the people we may reasonably hope for peace and quietness.

The edict condemns in the strongest manner the rioters, and orders that they be punished, and that unrelenting measures be taken to prevent the recurrence of the riots. Protection to missionaries is enjoined. It is plainly hinted that the object of the ringleaders is to fan discontent against the Government, and incidentally to plunder and rob.

The local authorities are ordered to arrest, try, and decapitate all rioters.

It is stated that the doctrine of Christianity has for its purpose to teach men to do good. Chinese converts are none the less Chinese subjects.

The Tartar generals, governors-general, and governors are ordered to issue proclamations warning the people not to listen to false reports. Rigorous punishment must be meted out to persons putting up inflammatory placards. Local officials who fail to protect foreign merchants and missionaries will be degraded. Prompt action on all missionary cases is enjoined.

This decree has been sent by couriers traveling 600 li (200 miles) a day all over China.

In its communication transmitting this decree the yamên expresses the desire that the consuls should inform the missionaries that their converts are still amenable to the local authorities; that Chinese professing to become converts should not be received unless they are of good character; and that missionaries should not protect converts in their lawsuits before the local authorities or interfere in such cases.

These propositions, as far at least as American missionaries are concerned, are all truisms. None of them, I think, has been violated by any American.

I have, etc.,

CHARLES DENBY.

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[Inclosure in No. 1324.—Translation.]

*The tsung-li yamên to Mr. Denby.*

PEKING, June 15, 1891.

YOUR EXCELLENCY: On the 8th of June the prince and ministers had the honor to receive a joint note from the foreign ministers, wherein they acknowledge to have received the prince's and ministers' note addressed to them on the 30th of May in reply to their joint note of the 20th of May, and stated that they can not but consider the yamên's note as entirely unsatisfactory, and asked that the demands which

the representatives of France, Germany, and Great Britain addressed to the yamèn at the interview of May 25 and in the "note verbale" of the 27th of the same month be complied with. The yamèn look upon the various outrages against missionaries in the provinces bordering on the Yangtse as a matter of serious importance, and the representations expressed in the communications under acknowledgment are viewed by the prince and ministers in the same light as the foreign ministers. The yamèn therefore memorialized the Throne, asking His Majesty to issue an edict, and on the 12th instant the imperial commands were issued in the following sense:

"IMPERIAL DECREE OF JUNE 12, 1891.

"The tsung-li yamèn has memorialized us in regard to the missionary cases that have occurred in the various provinces, asking that we issue stringent instructions to the governors-general and governors to lose no time in devising means for a settlement thereof. It is represented by the yamèn that in the month of May the missionary premises (Catholic) at Wuhu, in the province of Nganhui, were fired and destroyed by a mob of outlaws. At Tan Yang Huen, in the province of Kiangsu, and at Wusueh, in the province of Hupeh, similar outrages have been committed on missionary establishments there, and it is now necessary that the miscreants should be arrested and unrelenting measures taken in good time to provide against further outrages of this kind. The propagation of Christianity by foreigners is provided for by treaty, and imperial decrees have been issued to the provincial authorities to protect the missionaries from time to time. For years peace and quiet have prevailed between Chinese and foreigners. How is it that recently there have been several missionary establishments burnt out and destroyed, and all happening at about the same time? This is decidedly strange and incredible. It is evident that among the rioters there are some powerful outlaws, whose object is to secretly contrive and plan to fan discontent among the people by circulating false, rumors and causing them to become agitated and excited, and then to avail themselves of the opportunity to rob and plunder, and peaceable and law-abiding persons are enticed and led to join them, resulting in a tremendous uprising. If strenuous action is not taken to punish the miscreants, how can the majesty and dignity of the law be maintained and peace and quiet prevail? Let the governors-general and governors of the Liang Kiang, Hu Kwang, Kiangsu, Nganhui, and Hupeh issue without delay orders to the civil and military officers under their respective jurisdictions to cause the arrest of the leaders of the riots, try them, and inflict capital punishment upon them as a warning and example to others in the future. The doctrine of Christianity has for its purpose the teaching of men to be good. Chinese converts are subjects of China and are amenable to the local authorities. Peace and quiet should reign among the Chinese and missionaries. But there are reckless fellows who fabricate stories that have no foundation in fact for the purpose of creating trouble. Villains of this class are not few in number, and are to be found everywhere. Let the Tartar generals, governors-general, and governors issue proclamations warning the people not to listen to the idle rumors or false reports which lead to trouble. Should any person secretly post placards containing false rumors with a view to beguile the minds of the people, strenuous steps must be taken to cause his arrest and vigorous punishment be meted out to him. The local authorities must protect the lives and property of foreign merchants and missionaries and prevent bad characters from doing them injury. Should it transpire that the measures taken to protect them have not been adequate, and trouble in consequence ensues, the names of those officers that have been truly negligent are to be reported to us for degradation. In the matter of all missionary cases that are still pending, let the Tartar generals, governors-general, and governors cause a speedy settlement of them. They must not listen to the representations of their subordinates that the cases are difficult to settle and thus cause delay, to the end that a settlement of them may be effected. Let this decree be universally promulgated for the information of the people."

Copies of the above decree have been reverently prepared by the yamèn and transmitted to the Tartar generals, governors-general, and governors of all the provinces, to be observed and action taken in accordance with its terms. The yamèn, as in duty bound, also transmits a copy of it for your excellency's information. In the communication to which this is an answer it is stated that the representatives of France, Germany, and Great Britain, at the conference, agreed to instruct their respective missionaries to exercise the greatest prudence in the selection of Chinese converts, and to investigate and ascertain the facts regarding each. The foreign representatives also recognized and stated that Chinese, whether converts or not, are all amenable to the jurisdiction of the local authorities. The prince and ministers are very desirous that their excellencies should instruct their consuls at the treaty ports to enjoin upon the chiefs or superintendents of the various missionary bodies to act accordingly; that in future, when Chinese present themselves for ad-

mission into the Christian faith, they should thoroughly investigate their character and standing, and if it be found, beyond doubt, the persons are orderly and virtuous, then they may be admitted into Christian fellowship. Actions at law arising between Chinese and converts are to be tried and determined by the local authorities. The missionaries must not protect nor interfere with converts in such cases, thus showing due observance of treaty stipulations.

A necessary communication addressed to his excellency Charles Denby, etc.

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*Mr. Denby to Mr. Blaine.*

No. 1328.]

LEGATION OF THE UNITED STATES,  
*Peking, June 23, 1891. (Received August 8.)*

SIR: I have the honor to inclose herewith a copy of a communication sent by the foreign representatives to the foreign office this day.

The foreign representatives therein state that it would seem that the yamén holds the missionaries responsible for the late outrages, and they deny the justice of this charge. They then recite at some length the benefits conferred upon the Chinese, whether Christians or non-Christians, by the philanthropy of the missionaries. These benefactions have never been acknowledged by the Chinese Government, and hence ignorant people have been induced to engage in rioting.

They complain, further, that the local officials have not done and are not doing their duty; that rioters are unpunished and depredations still continue.

The imperial edict of the 13th instant is treated as a first installment of what is expected by the foreign powers, and, if it is not obeyed and executed in the provinces, further action by the foreign powers may be expected. What that action may be no one seems to apprehend. The foreign residents talk loudly of reprisals and of bombarding the offending cities. Such action, it seems to me, would only complicate the situation and would furnish discontented Chinese subjects with an opportunity for another rebellion. Disorder would prove destructive to foreign trade and in the end would not benefit missionaries.

I have, etc.,

CHARLES DENBY.

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[Inclosure in No. 1328.]

*Joint dispatch to the tsung-li yamén.*

PEKING, June 23, 1891.

YOUR HIGHNESS: The undersigned, representatives of Belgium, France, the German Empire, Great Britain, Italy, Japan, Russia, Spain, and the United States, have had the honor to receive the separate replies which your highness and your excellencies have addressed to them on the 15th instant in answer to their joint note of the 8th instant. To these replies a copy of the imperial edict issued on the 13th instant was annexed.

At the same time your highness and your excellencies, while recognizing the justice of the remarks contained in the joint note of the 13th instant and the gravity of the situation, add the request that the undersigned should instruct their respective consuls to advise the bishops and missionaries that they shall, if a Chinaman wishes to adopt the Christian faith, first inquire if the person in question belongs to the law-abiding classes of the population, and that only after they have obtained indisputable proofs of this, they shall be allowed to receive him into the Christian community. Your highness and your excellencies further state that all disputes between Christians and non-Christians must be decided by the local authorities, and that, according to existing treaties, the missionaries are neither to attempt to grant their protection in

the presence of the authorities to an accused person nor meddle with the duties of the local officials.

Your highness and your excellencies request the undersigned to make the foregoing also the subject of orders to their respective consuls, and you base this request, as well as the former one, upon statements you declare to have been made to the yamèn by the representatives of the treaty powers of their willingness to do so.

Your highness and your excellencies will allow the undersigned to state that, while they have recognized the desirability of recommending great prudence in general to all missionaries, the representatives of France, the German Empire, and Great Britain have already, at the conference held at the yamèn on May 25, stated that even the greatest prudence shown in the selection of persons admitted to the Christian faith might prove useless, as nobody could foresee the future, and that even in the Imperial Chinese Government service some persons in whom great confidence had been placed turned out after some time as utterly worthless of it. And certainly, if the Chinese Government, with all the means of information at their disposal, can not prevent worthless subjects from entering their service, how could a missionary be held even only morally responsible if, notwithstanding all his prudence and all the precautions taken, an unworthy person managed to enter the Christian community of which each missionary is the spiritual head.

With regard to the principle that the fact of a Chinaman being converted does not withdraw him from his native jurisdiction, the undersigned have already formally stated their entire adhesion to it, and they here repeat it once more. But your highness and your excellencies will understand that the practical application of this principle is dependent upon the strict execution of the engagement taken by the Chinese Government in the treaties with foreign powers, that no Chinaman shall be molested or prosecuted for embracing, exercising, and propagating the Christian religion.

If this engagement is strictly kept and executed by the Chinese authorities, if no false accusations are brought forward against Christians and acted upon by the authorities as has been unhappily too often the case, the necessity for a missionary to interfere with the local authorities for the protection of native Christians will never present itself.

The insistence of your highness and your excellencies in demanding at the present moment from the foreign representatives a declaration enjoining upon the foreign missionaries the necessity of great prudence in admitting applicants into the Christian communities and forbidding missionaries to extend illegal protection to the native members of Christian communities, as well as the request put forward in the yamèn's letter of the 14th instant, at the recommendation of his excellency Chang Chi Tung, that no children should be received for the moment at the Christian orphanages, would seem to indicate on the part of the tsung-li yamèn a certain desire to hold foreign missionaries and Christian converts, to a certain extent at least, responsible for what has been going on in the valley of the Yangtse during the last five weeks.

If such should be the meaning of the yamèn's demands, the undersigned would have to protest most energetically against any such attempt, not the slightest pretext having been given by missionaries or converts for the horrible and disgraceful outrages of which the valley of the Yangtse has lately been the theater.

Whatever misfortune has fallen upon a part of the Chinese Empire, missionaries of every denomination have, ever since the great famine in 1877-78, come forward to offer substantial aid and assistance to those whom misery and death stared in the face. Hundreds of thousands of taels have been subscribed in China by foreigners and still larger sums in Europe and America, and the money has been most carefully distributed to the sufferers without inquiring if they were Christians or un-Christians; many tens of thousands of children have been saved by being received at the Christian orphanages, where they have been fed and educated to become useful members of society; tens of thousands of lives of Chinamen have been preserved by sick people being admitted gratuitously or for a nominal fee to hospitals founded and kept by missionaries; thousands of boys and girls have been educated at schools kept by missionaries. But never a word of praise or acknowledgment has been uttered by the Chinese Government for all these benefits conferred modestly and silently upon innumerable Chinese, not even when, at the conference at the yamèn on the 10th instant, Her Britannic Majesty's minister had drawn the attention of the yamèn to the above-enumerated facts, and when your highness and your excellencies had promised that the omission should be repaired in the imperial edict to be issued.

It is to this want, not only of sympathy, but of justice, shown by the Chinese Government that the adverse feelings of the masses against Christianity must be attributed, and if to this the absence of energy on the part of the Chinese provincial and local authorities are added, and the open hostility of some of the officials who are not ashamed to make themselves—as in the case of the taotai of Wuhu—the mouthpiece of the foulest and most calumnious accusations against Christians, it

can not be wondered at that ignorant persons should imagine that they serve their country in destroying chapels, schools, and hospitals and persecuting their Christian countrymen and foreign missionaries.

The undersigned regret that, notwithstanding all the promises and declarations of the yamèn, hardly anything has been done so far in the valley of the Yangtse either to put a stop to further depredations and outrages or to punish the rioters and to remove those officials whose want of energy or tact has rendered these outrages possible. The band of rioters who destroyed the missionary establishment at Tanyang has been permitted to proceed to Wuhu and resume their outrages there, though at this latter place Chinese soldiers are quartered in the immediate neighborhood of the missionary establishment. None of the rioters at any other place than Wuhu seem to have been punished so far, and those officials who, like the taotai of Wuhu, have by their, to say the least, highly imprudent behavior, caused the riots to spread, are still in possession of their posts and functions.

The imperial edict of the 13th instant is a first installment of what must be done by the Chinese Government to give satisfaction for the past and guaranties against the repetition of similar outrages; but your highness and your excellencies must understand that the edict communicated to the undersigned has any value only so far as the orders contained in it are practically executed, and that the further action of the powers having treaties with China will depend in a great measure upon the straightforwardness and energy shown by the provincial and local authorities in the execution of the provisions of the edict.

The undersigned, while hoping to receive before long a communication from the yamèn informing them of the steps taken by the provincial authorities for the execution of the edict of the 13th instant, avail themselves, etc.

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*Mr. Denby to Mr. Blaine.*

No. 1330.]

LEGATION OF THE UNITED STATES,  
*Peking, June 28, 1891. (Received August 17.)*

SIR: With the view of keeping you informed of the condition of things in China, I have the honor to inclose a copy of a letter from a missionary doctor at Liao Yang, in Manchuria, describing some of the reports that are circulated amongst the people against foreigners.

That credence should be given to rumors that foreigners buy lice, poison them, and scatter them among the people, and that they poison eggs would seem incredible if we did not know that more improbable stories have already caused twenty riots. My advices are that great disaffection exists in Manchuria.

The secret societies are at the bottom of it, of which the Tsai Li is supposed to be the most important. Antiforeign placards have been posted in Manchuria, but Gen. Tso, who coöperated heartily with the missionaries in relief work some years ago, is confident of his power to protect the missionaries. He is a Mohammedan.

At Newchwang the residents seem to think that there is no danger of a riot, but they live in dread nevertheless.

The excitement prevailing in central and western China has not reached the south. If it ever becomes rife among the excitable people of that section, I fear that dreadful scenes will be enacted.

For some days now there has been no new report of outrages. It is to be feared that the summer inundations, with their attendant starvation and misery, will greatly aggravate the unfavorable conditions now existing in China.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1330.]

*Dr. Westwater to Mr. Bandinel.*

LIAO YANG, June 17, 1891.

DEAR MR. BANDINEL: \* \* \* Regarding your query as to the state of Chinese feeling with reference to foreigners in this province, there is no doubt whatever that at present there is considerable and widespread excitement. At our return from Moukden I found the city in a great state of excitement and a great many absurd rumors afloat. Some of these I may mention:

(1) The foreigners were buying lice at 2 or 3 cash each; they gave them poison and then scattered them abroad among the people, and their bite was fatal in a very short time. This may seem a very absurd story, but it was sufficient to have a very powerful effect on the people. A man was actually found buying these animals, and, on being asked who for, he said it was for the hospital; he unfortunately made off before he could be got hold of. It was also given out that at the great spring fair held here last month these poisonous lice would be thrown among the people, and the result was a very meager attendance at the festival and theater.

(2) Eggs also were said to be poisoned, and these were a drug in the market for some time.

(3) Tufts of hair were said to have been mysteriously cut off from the heads of many in the city, and special cord was sold in the streets guaranteed to act as a charm and effectually prevent this disaster.

Then they heard that there had been difficulties in the south and a lot of foreign gunboats at Tien-Tsin, etc. Next, when we left for Moukden, the story got abroad that we had all fled to foreigndom; crowds went off to see the new premises that we are building and, it being Sunday, work was stopped, and this fact was taken as proof positive that we had cleared out. At my return I received cards and inquiries from all directions, and, finding really very great excitement among the great majority of the people, I at once showed myself in the streets and rode up and down the city a good deal during the next few days.

After our return I found the excitement rapidly subside, and matters now are perfectly quiet again. During the three first days of the Chinese month when the dispensary was opened the attendance was only about 15 patients a day, instead of from 70 to 100, which showed the scare the people were in.

The "lice" story is not local, but is circulated all over the province, and I have no doubt it is the work of one of the secret societies.

Of the stories afloat in Liao Yang the "lice" story was the one distinctly ascribed to us, but for the others the people blamed the Pai-lien Chiao, or White Lily sect, as well as the foreigners. I don't think, however, the sect is very powerful here. \* \* \*

Yours sincerely,

A. MACDONALD WESTWATER.

*Mr. Denby to Mr. Blaine.*

No. 1331.]

LEGATION OF THE UNITED STATES,

*Peking, June 29, 1891. (Received August 17.)*

SIR: I have the honor to inform you that a riot occurred at Wu Ney Chen the 12th instant, during which the American Foreign Christian Missionary Society's house was destroyed.

This place is situated in the province of Nganhui, distant 90 li (30 miles) from Wuhu. It is an inland town and is within Consul Jones's consular district. The missionaries left the place and went to Wuhu. None were injured.

Consul Jones has advised the viceroy at Nanking of the circumstances, and will immediately proceed to secure compensation for the injuries done and the return of the missionaries.

It is painfully apparent that the local authorities are unable or unwilling to prevent these riots. They are afraid of the secret societies and the people. Much good, however, is hoped from the operation of the recent imperial edict which issued the 15th instant.

I have, etc.,

CHARLES DENBY,



*Mr. Denby to Mr. Blaine.*

[Extract.]

No. 1337.]

LEGATION OF THE UNITED STATES,

*Peking, July 3, 1891. (Received August 17.)*

SIR: I have the honor to inform you that news has reached Peking of the destruction by a mob of the French orphanage at a place called Haimen, directly opposite the island of Tsung Ming. This island lies at the mouth of the Yangtse and is only 47 miles from Shanghai.

There are reports also that a riot is in progress at Wenchow. This is one of the five ports opened to foreign trade by the Chefoo convention. It is the chief town of the department of the same name, occupying the southeast corner of Chekiang province. There are no Americans living there and but few foreigners. Two English missions have small stations there. Great Britain has a consul who acts also for Austria-Hungary and Germany, and Sweden and Norway have a consular agency.

The troubles originated between a band of brigands and the regular troops. The troops were taken captive and the brigands seem to have taken charge of the place and to have afterwards threatened to drive out the foreigners. These incidents indicate that the secret society, the Ko-lao Hui, has not been overawed by the imperial edict.

I have, etc.,

CHARLES DENBY.

*Mr. Denby to Mr. Blaine.*

No. 1340.]

LEGATION OF THE UNITED STATES,

*Peking, July 6, 1891. (Received August 17.)*

SIR: I have the honor to report to you that a committee of the foreign representatives, consisting of the ministers of Germany, Great Britain, and France, had a lengthy interview with the members of the foreign office on the 29th ultimo. The committee charged that proper steps had not been taken with regard to the arrest and punishment of the leaders of the recent riots. The Chinese ministers denied this charge. They stated that seven arrests had been made at Ten Yang, six at Wuhu, and two at Wusueh. I learn since the interview that two decapitations took place at Wusueh. Two men were also beheaded at Wuhu. The yamèn stated that it was in constant communication with the local officials and was urging energetic action. It was then said by the committee that some of the officials who had done their duty had been dismissed, and others who had not done their duty were retained. The yamèn answered that the officials retained were inferior officers and were not responsible for the happening of the riot, but that the superior officers were dismissed on the ground that a riot had occurred in their jurisdiction. The dismissal of the taotai at Wuhu, who had not done his duty, was then demanded. The yamèn answered that the taotai of Wuhu depended on the governor of Nganhui, and his report would have to be received before action could be taken. The committee then stated that the riot took place May 12, and an abundance of time for a report to be made had intervened. The committee then called the attention of the yamèn to a very abusive proclamation that had been issued by the provincial authorities addressed to the governor-

general and tartar-general of Szechuen. This proclamation stated that a copy had been forwarded to the yamèn. The yamèn at first denied that such a proclamation had been received, but afterwards admitted that fact, and stated that it issued before the imperial edict appeared, and now it would inquire about the proclamation, and would telegraph to the governor-general of Szechuen to withdraw it. The representative of France then called the yamèn's attention to the terrible persecutions that Christian converts had suffered in Szechuen, and demanded that stringent measures be taken to put an end to them. The yamèn, being asked whether it had any information of the receipt of the imperial edict in the provinces, answered that it had not, because, according to Chinese etiquette, an imperial edict could not be acknowledged by telegraph. Attention was called to the fact that even at Tien-Tsin, 80 miles from Peking, no steps had been taken to publish the edict until the 27th ultimo. The yamèn replied that it had been published in the Gazette, and everybody had seen it. The yamèn having tried to throw the blame of the riots on the native Christians, the committee demanded to know one instance in which the class had acted badly. The yamèn was unable to furnish any such example. The committee stated that the native Christians were allowed to be attacked by all the officials and nobody defended them; that it was quite natural that the people should follow the example of the officials; and that this conduct prevented the execution of the treaty stipulations, and the Government would be held responsible, and no attempt to shift this responsibility on the local officials would be permitted. The yamèn regretted that the foreign representatives had no confidence in it, but stated that the Government understood perfectly the situation and was doing its best to arrive at a solution. One of the ministers, Sun-yi-wên, stated that after a solution was arrived at stringent regulations would have to be elaborated with regard to the missionaries. He intimated that children under 12 years of age would not be allowed to be received at the orphan asylums.

I have, etc.,

CHARLES DENBY.

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*Mr. Adee to Mr. Denby.*

No. 637.]

DEPARTMENT OF STATE,  
Washington, July 8, 1891.

SIR: The Department has to commend your efforts toward securing due protection for our citizens in China, whose lives were endangered by the late riots, as reported in your No. 1314, of the 28th of May last, acknowledging at the same time your No. 1311 of 25th, and your No. 1312 of 27th of May, relating particulars of the riots.

I am, etc.,

ALVEY A. ADEE,  
Acting Secretary.

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*Mr. Denby to Mr. Blaine.*

No. 1341.]

LEGATION OF THE UNITED STATES,  
Peking, July 11, 1891. (Received August 17.)

SIR: I have the honor to inclose a translation of a communication of the foreign office, addressed to the dean of the diplomatic body, on the

subject of the action taken by the Chinese Government on the recent riots. The yamèn states that it has received reports that the imperial edict has been circulated, that the provincial governments are taking active steps for the protection of foreigners, and that many rioters have been arrested and some decapitated.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1341.—Translation.]

*The tsung-li yamèn to Mr. von Brandt.*

JULY 4, 1891.

YOUR EXCELLENCY: On the 29th of June your excellency came to the yamèn and in a personal interview stated that from the date of the promulgation of His Majesty's decree, namely, the 13th of June, to the present more than half a month had elapsed and you had not yet received any information from the yamèn as to what action had been taken by the governors-general and governors of the various provinces in the missionary cases. This yamèn at once made inquiries by telegram of the various provincial authorities as to the details of their action and requested an immediate reply. We have now received in succession replies from the southern superintendent of trade and from the governor-general of Hu Kwang by telegraph, stating that the imperial edict of the 13th of June has already been reverently copied and posted in proclamations for the information of the people; that the provincial governments of the Chiang-nau provinces are most diligently exerting themselves in protective measures; that in the localities under their jurisdiction the condition of affairs has recently materially improved. They state that at Chin-Kuei two criminals have been arrested, and that at Yang-hu several more have been apprehended, but that the truth has not yet been elicited by examination. Further orders have been issued for arrests, and not a day passes without the issuance of the most urgent and stringent instructions. Moreover, inasmuch as the guilty parties have concealed their traces, deputies have been secretly dispatched in all directions to obtain information concerning them, with directions that the real leaders thereof must be caught and severely dealt with as a warning to others. More than twenty of the rioters engaged in the missionary case at Wusueh have been arrested. Investigation showed Kuo Lin Shon and Tai Yen-yii to be the heads of the uprising, the former being guilty of the death of the tidewaiter, O-Ko, and the other of the death of Argent, the missionary. The consul deputed the two missionaries to represent him at the trial. They came to Kwang-ch'i and assisted at the examination. The two criminals admitted their guilt in open court without reserve. The missionaries did not dissent in the slightest particular from the judgment rendered, and it was at once ordered that the two convicts should be decapitated and their heads exposed as a warning. There were five prisoners, the circumstances of whose crime were less to be condemned, who were imprisoned or sentenced to wear the kang, according to their degrees of guilt. The yamèn has also received a telegram from Wuhu stating that, in obedience to telegraphic orders, no further action will be taken in the case of the two Sisters of Charity, Chu and Su. At southern Tung-Chon and Huai-an Fu there were rumors at first, but subsequently a report was received from Chang, an official at Hwang-mu, stating that in obedience to telegraphic orders the most ample measures had been taken for affording protection. At the city of Ju-Kao Hsien, however, a church had been destroyed by fire; that in the jurisdiction of the said Hsien there were more than ten other churches, and orders had already been given to Chang, general at Chiang Yin, to transfer braves to that locality with the greatest speed, to remain there on guard. As in duty bound, we communicate to your excellency the details of the action taken in the various provinces.

With compliments and cards.

*Mr. Denby to Mr. Blaine.*

No. 1343.]

LEGATION OF THE UNITED STATES,

*Peking, July 12, 1891. (Received August 31.)*

SIR: I have the honor to inclose a translation of a communication from the foreign office relating to the anteforeign riots which have lately occurred in China. The yamèn asserts that in its memorial to

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the Throne it spoke in terms of praise of the missionaries, and that the Emperor substantially repeated its words in his edict. The yamèn contends that outrages against missionaries break out suddenly and can not be easily repressed. It denies that the local officials regard injuries to missionaries as a public service. It goes on to recite the punishments that have been inflicted in divers places on the rioters. It excuses the delay in the execution of the edict by stating the great distances to which it had to be sent. It strongly recommends that the orphan asylums cease for the present to receive young children.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1343.—Translation.]

*The tsung-li yamèn to the foreign representatives.*

JULY 4, 1891.

YOUR EXCELLENCIES: On the 23d day of June this year the yamèn had the honor to receive your excellencies' joint dispatch, in effect as follows: That on the 15th June you had received the yamèn's dispatch, forwarding a copy of His Majesty's edict, which you had carefully perused; that you had attentively noticed the request therein for certain instructions to be forwarded to the missionaries, as well as the suggestion of Governor-General Chang, contained in our dispatch to Mr. von Brandt of the 12th June, to the effect that telegraphic orders be sent to the missionary churches not to receive young children; that this seemed to indicate a desire on the part of the yamèn to place the responsibility for the disturbances that have been going on in the valley of the Yangtse on the missionaries and their converts; that no mistake could be made in pointing out the cause of the injuries and misfortunes which have occurred in various localities; and that you would have to protest most energetically against any such attempt on our part. You observe that ever since the calamities in Shansi in 1878 all the missionaries of every denomination resident in China, without exception, exerted themselves in the work of succor; that foreigners of all nationalities in the various provinces of China subscribed not a little money to relief funds, while Europe and America forwarded hither immense sums; that, although Sir John Walsham, at the conference of the 9th June, drew attention to these facts, and the yamèn promised, in the memorial to the Throne asking for a decree, to utter some words of praise and acknowledgment, up to the present not a sentence of that character has appeared. Further, you state that the high officials and the local authorities have not exerted themselves in any way; that many men were engaged in the disturbances, but, excepting the single place of Wuhu, you had not heard of any attempt to seriously deal with them; that at Wuhu the conduct of the taotai and the other officials had been the cause of the riots, but you had not heard of anyone being degraded therefor. With respect to what must be done by the Chinese Government, your excellencies are of the opinion that the edict now issued must be universally executed as a guaranty against a repetition of similar outrages, and that the further action of the treaty powers will depend upon the straightforwardness and energy shown by the provincial and local authorities in the execution of the provisions thereof. You further hope that early information will be given you of the steps taken in the enforcing of the edict in the various provinces.

This yamèn has to observe that in its memorial to the Throne it said that missionaries rejoice in virtuous deeds and delight in the practice of charity, nor is their conduct influenced by a love of fame; that truly they are worthy of praise. The one statement in the Emperor's decree pointing out that missionaries practice virtue contains all this by implication.

In various places missionary troubles unexpectedly occur; they are not planned beforehand. At present gatherings of the people are frequent and can not be easily repressed. If it is asserted that the local officials regard as a public service, and not as wrongdoing, the attacks upon and destruction of missionary churches, such is emphatically not the case. This yamèn has repeatedly telegraphed the several governors-general and governors urging them to pursue and arrest the chief offenders. Thus at Wuhu two of the leaders in the riot were tried and have already been beheaded, and orders have been issued for the relentless seizure of the others who were their accomplices.

Many persons, also implicated in the riots at Tanyang, Wu-hisi, and Wu-hsieh, have been captured; but, the trial having elicited no trustworthy evidence, it is as yet difficult to render judgment.

In fact, it can not be asserted that this yamên and the governors-general and governors have lacked in zeal in dealing with this matter. His Majesty's edict having now been issued, the chief provincial authorities will certainly act in obedience to its commands; but they are removed from the capital by unequal distances, some being long journeys distant and others nearer, and it is unavoidable that there should be some delay before the edict is received and proclamations posted in all their jurisdictions. The edict is not like a newspaper, which is easily distributed abroad. Your excellencies should consider somewhat these circumstances and should not lightly pronounce censure.

As to Governor-General Chang's proposal that telegraphic orders be sent to the missionary churches to temporarily cease to receive for support children of tender age, this practice being the source whence all the idle rumors spring, arousing amongst the multitude suspicions which can not be dismissed, like one who imagines he sees the shadow of a snake in his wine cup,\* this proposal is like pulling out the fuel from under the pot to cause the boiling water to subside,\* a plan to remove from simple people the cause of their suspicions and to deprive bad characters of any ground on which to base their statements. This plan is sincerely for the purpose of protecting all the missionary churches and has no other motive. The missionaries, we suppose, will recognize the justice of it and will accede thereto.

As in duty bound, we make this communication for your excellencies' information with the hope that all the ministers will give the contents their consideration.

A necessary communication to the representatives of the nine treaty powers.

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*Mr. Denby to Mr. Blaine.*

No. 1344.]

LEGATION OF THE UNITED STATES,  
*Peking, July 12, 1891. (Received August 31.)*

SIR: I have the honor to inform you that the destruction by mobs of the Roman Catholic chapels still continues. On the 29th of June the buildings at Tankao were destroyed. Tankao is situate in the province of Kiangsu and is not far from Tongchow, an important town. In Kiangsi, near the city of Fuchau, four chapels have been recently destroyed. It is expected that the destruction of the Lazarist establishment at Nanchang Fu, the capital of Kiangsi, on the Poyang Lake, will shortly take place. There is great excitement at Canton, owing to hostile placards having been put up, and the foreigners are organizing for defense. There can be little question that there is an organized scheme to destroy all the Roman Catholic establishments in the interior. Other missions will be more or less involved. There are also rumors of insurrections in Kiangsu and Shensi. It remains to be seen whether these outrages owe their origin to the secret societies or are the product of antiforeign sentiment only. It is said here that France has demanded 8,000,000 taels damages. According to all appearances, the bill will be increased by the happening of further outrages.

I have, etc.,

CHARLES DENBY.

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*Mr. Denby to Mr. Blaine.*

No. 1346.]

LEGATION OF THE UNITED STATES,  
*Peking, July 13, 1891. (Received August 31.)*

SIR: I have the honor to inclose a translation of a communication from the foreign office, covering its memorial to the Throne, wherein it requested that an imperial edict should be issued ordering the governors-

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\* Classical allusion.

general and governors to devise measures for dealing with the perpetrators of the late riots. The edict of June 15 followed this memorial.

The sentiments of this memorial are in every way commendable.

I have, etc.,

CHARLES DENBY.

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[Inclosure in No. 1346.—Translation.]

*The tsung-li yamén to Mr. Denby.*

JULY 5, 1891.

YOUR EXCELLENCY: The yamén has the honor to state that on the 13th June last it memorialized the Throne, requesting the issuance of stringent orders to the governors-general and governors to immediately devise measures for dealing with the missionary cases which have successively arisen in their several provinces.

A copy of the decree, which was received on the same day, was forwarded on the 15th June, as will be remembered, to your excellency, and the yamén now incloses for your information a copy of the said memorial.

A necessary communication to his excellency Charles Denby, United States minister, Peking.

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[Inclosure.—Translation.]

*Memorial of the tsung-li yamén to the Throne.*

The tsung-li yamén humbly begs the sacred glance upon a respectful memorial, requesting the issuance of stringent orders to the governors-general and governors to immediately take action in the missionary cases which have successively arisen in their several provinces, in order that peace may be restored to those localities and cause for future trouble be removed.

In the early part of the fourth moon the yamén learned of the destruction of a cathedral at Wuhu. A telegram was at once sent to his excellency the superintendent of southern trade to dispatch gunboats thither to repress the uprising and protect property, and at the same time officials were promptly ordered there to inquire into and deal with the matter. As there had been anonymous placards circulating false rumors simultaneously posted up at Nganking, Shanghai, and other places, orders were also given to exercise unusual precaution in taking measures for the defense of those localities. Subsequently we received from the governor of Nganhui, the superintendent of southern trade, a telegram stating that the uprising at Wuhu was due to the spreading abroad of a rumor that two Sisters of Charity bewitched children. The suspicions of the populace were aroused and could not be allayed; a crowd gathered together, a riot took place, and the cathedral was forthwith demolished. Two of the rioters were at once arrested, and were beheaded as a warning to the mob. Peace in that vicinity was restored, but shortly afterwards a church was burned at Tanyang and another at Wu-hsiieh, in Hupeh, where also we learn that two foreigners were killed; but the details of this affair have not yet been fully ascertained. Besides these instances, bad characters also created disturbances at Nanking and Kiukiang; but luckily the local authorities protected property and arrested some of the rioters, whom they immediately dispersed.

These disturbances occurring thus one after the other, the minds of both natives and foreigners are unavoidably filled with alarm. If we trace to its source the cause of these outbreaks, it is to be found in the wandering braves combined in lawless bands, who are found in large numbers everywhere throughout the provinces of the Yangtse Valley. They post up proclamations, doubtless wishing in this way to excite men's minds and to avail of the opportunity thus afforded to cause trouble. These deeds are in no sense those of the peaceable and honest population.

The religion of the West seems fundamentally to have for its object to persuade men to live uprightly. It prevails in all the countries of the West, having come down to them from remote antiquity. Ever since the introduction of foreign trade the treaties have clearly provided that all converts to and propagators of the doctrines of the Catholic and the Protestant churches in China should be entitled to protection of their persons and property, and should have the right to meet for worship and praise. The hospitals and orphanages supported by these religious bodies are all in order to do good. In the calamities which in recent years have afflicted various provinces missionaries in large numbers have subscribed money for charitable purposes. They are certainly deserving of praise for the pleasure they take in virtuous actions and in bestowing charity. Although among the adherents of these creeds are found both good and bad, yet they are all alike citizens

of China continuing subject to the jurisdiction of the local officials. Should litigation arise among them, the missionaries can not interfere therein. These creeds and the people can certainly rest in peace with one another.

People fond of disturbances, however, constantly fabricate groundless rumors, which they spread abroad until the suspicions of the populace are excited, and dishonest rascals rely thereon to cause uprisings, hoping to have a chance to plunder. If stringent protective measures are not early taken, it is sincerely to be feared that merchants and people, both native and foreign, will be unable to live in peace, and that most serious consequences will ensue. It is our duty, therefore, to request an edict ordering the Tartar generals, governors-general, and governors of the several provinces to issue proclamations instructing the people on no account to lightly give heed to idle rumors and recklessly stir up trouble. Should any persons post up anonymous placards promulgating stories tending to arouse the masses, they should be relentlessly seized and dealt with with the utmost severity. The local officials are bound, when occasion demands, to take steps to protect the persons and property of merchants, missionaries, and citizens of all countries. They must not be guilty of negligence. Should their preventive measures be wanting in energy or their protection in zeal, so that cause for complaint should arise, it will be proper to report them to the Throne for punishment.

As to all these recent cases, except Wuhu, where the leading offenders have already been executed, it should be made the duty of the governors-general of the Liang Chiang and Hu Kwang, and the governors of Kiangsu, Nganhui, and Hupeh to immediately command the arrest of the ringleaders and to punish them with the utmost vigor, as a warning for the future. With regard to previous cases in the various provinces which remain unclosed, the proper high provincial authorities should take steps for their immediate settlement. No heed should be given to subordinate officials whose fear of difficulties causes them to delay. In this way will accumulated litigation be cleared away.

For this purpose this respectful memorial is submitted, upon which His Majesty's sacred glance is humbly requested and his instructions with reference thereto.

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*Mr. Denby to Mr. Blaine.*

No. 1363.]

LEGATION OF THE UNITED STATES,  
*Peking, July 29, 1891. (Received September 8.)*

SIR: I have the honor to inform you that I have received from Consul Seymour advices that placards have been posted at Canton to the effect that the Catholic cathedral, the Protestant chapels, and the buildings on Shameen are to be destroyed by fire about the 1st of next September.

This date has been fixed because it is the occasion of the assembling of twenty or twenty-five thousand students at the triennial examinations. An announcement made so openly and so far in advance naturally raises the suspicion that it has no real foundation. Still, large gatherings of students always bring danger to the foreign communities in China. If there had been no placards posted, precaution would still be desirable.

I have informed Rear-Admiral Belknap of the condition of affairs, and have no doubt that proper steps will be taken in the premises. I have also suggested to him that it might be advisable for the admirals who command fleets on this station to take some concerted action as to the localities to which ships should be ordered, so as to secure the most certain and most widely diffused protection to the foreign communities. Formerly this system prevailed on this coast, latterly it has fallen into disuse. Foreign interests require that it should be renewed. When the riots broke out in the valley of the Yangtse there was but one ship—a German gunboat at Hankow—on the river. The newspapers and the people gave voice to many complaints on this ground.

Recent riots at and near Tat-shuan, 5 miles from Canton, accentuate the information herein reported. There were no Americans at the scenes of the riots. The Catholics chiefly suffered.

I have, etc.,

CHARLES DENBY.

*Mr. Denby to Mr. Blaine.*

[Extract.]

No. 1368.]

LEGATION OF THE UNITED STATES,  
*Peking, August 14, 1891. (Received September 19.)*

SIR: I have the honor to inclose herewith a copy of a joint communication from all the foreign representatives at Peking which was sent to the foreign office on the 13th instant. This document was called forth by statements made by the Chinese representatives in Europe that China had substantially done all it could do in the matter of quelling the recent riots and in punishing the rioters. These statements were communicated to the British, French, and German ministers here and called forth a denial from these gentlemen. It appears that these governments then issued instructions to their representatives to demand more stringent action on the part of China. The paper now inclosed recites the shortcomings of China in matters connected with the recent riots, and a general failure to properly protect foreigners, and embodies various specific demands for appropriate action. As this paper was originally drawn it contained the statement that all the foreign representatives had been specifically instructed to make the charges and demands therein stated. As I had received no such instructions, I procured a modification to be made, which made no change in the force of the paper. It may in the future, however, be necessary to urge that the action that the ministers may deem it necessary to take has been dictated by their governments. I ask authority to that effect, and that I be so informed by cable. In passing upon the propriety of the charges and demands made in the inclosure it must be borne in mind that this is an absolute and autocratic Government; that every official holds his office at the sole will of the Emperor; and that there are no self-governing divisions of the Empire, but all parts are ruled in all respects by one imperial head.

In view of the fact that the inclosure was signed by the representatives of all foreign powers in China, it must be remembered that united action is absolutely necessary on the part of foreigners in China for self-protection. The Chinese mob knows nothing about race or nationality. It regards all foreigners as enemies, and destroys all alike. It is true that the recent riots were chiefly directed against Catholics, but two Englishmen were murdered at Wusieh, and many injuries have been done to English chapels. Americans slightly suffered, but in various places the missionaries were compelled to flee for their lives. I have had no hesitation, therefore, in joining with my colleagues in earnest demands for redress of wrongs, punishment of offenders, and better assured protection to foreigners.

The time is now appropriate for a definite settlement of the rights of foreigners in China. If it comes to be understood by the people that rioting may be indulged in without fear of punishment, the residence of foreigners in China must cease. It must not be imagined that the Government of China favors or fomenters riots. The Emperor thoroughly understands that these outrages are injurious to his dignity and power, and he is impressed also with the idea that the ringleaders are looking to the destruction of the Manchu dynasty. Very excellent proclamations have been issued, but, as the inclosure states, there has been little actual repressive or punitive work done. I sincerely hope that the yamèn will respond favorably to the demands made in the inclosure, and thus avoid complications which may possibly lead to hostile acts on the part of the powers that are most aggrieved.

I have, etc.,

CHARLES DENBY.



[Inclosure in No. 1368.]

*The foreign representatives to the tsung-li yamén.*

The undersigned, representatives of Belgium, France, Germany, Great Britain, Italy, Japan, the Netherlands, Russia, Spain, and the United States of America, have the honor to address the following communication to his highness Prince Ching and their excellencies the ministers of the tsung-li yamén:

The Chinese representatives in Europe having, by order of their Government, stated officially to the governments to which they are accredited that, two executions having taken place at Wuhu and two at Wusueh, the Chinese Government did not see their way to inflict any more capital punishment, for fear of exciting instead of appeasing the population, that a certain number of officials had been dismissed from their posts, and that in the disturbed provinces peace and security had been restored, those of the undersigned representatives to whom their governments have referred these declarations emanating from the Chinese legations have felt themselves obliged to state in reply that to their great regret they could not share the favorable appreciation which the Chinese Government seemed to have of their own action and of the general state of things. In fact, the promises contained in the imperial edict of June 13 may be said to have so far remained almost unfulfilled. Instead of the edict itself having been published generally throughout the country, there are many districts and even provinces where it has not been published at all, while in some places where, on account of former riots, its publication would have been of the most vital importance, it has been published only in an incomplete form. Besides, wherever it has been published, publication has taken place only after undue delay, a month and more having been allowed to elapse in some instances. The arrests of rioters hitherto made are very few in number, although thousands have been engaged in destroying property and threatening or taking life; and those who were known as ringleaders have been permitted to escape, either by the apathy or the neglect or even with the connivance of the native officials. The punishments meted out so far, either capital or other, are not at all in proportion to the gravity of the offenses committed; on the contrary, the leniency shown by the authorities in the instances of the riots in the Yangtse Valley and elsewhere contrasts very unfavorably with the requirements of the criminal code and its application in cases in which no foreigners or Christians are concerned, as can be shown by numerous reports and edicts published in the Peking Gazette. No official information has as yet reached the undersigned of any punishment having been inflicted upon Chinese officials for their attitude before, during, or after the riots, and certainly the only punishment repeatedly demanded and insisted upon by the foreign representatives, namely, the removal of the taotai of Wuhu from his post, has not yet been carried out. No mention has been made in the Peking Gazette of the results of the investigations into the causes of the riots or of the punishments inflicted, and the great mass of the Chinese population must therefore continue to believe that the destruction of foreign life and property is an offense considered as a venial one by the Chinese authorities. Instead of security having been reestablished, the troubles and riots are spreading everywhere, and foreign missions and chapels are attacked and destroyed, while the native Christians, though the peaceful and undisturbed exercise of their religion has been guaranteed to them by treaty, are pillaged and expelled without any interference for their protection or for the execution of treaties being undertaken by the Chinese authorities. The undersigned have for the last two months tried in vain, singly and collectively, verbally and in writing, to obtain redress and induce the Chinese Government to understand the grave responsibility they are assuming by their refusal to interfere more energetically for the protection of foreign life and property, as well as for the protection of native Christians against attacks and insults. All their endeavors have constantly been met by the statement that the Chinese Government could not interfere with the action of the provincial authorities. Such a state of things, however, can not be allowed to continue. The attempt of the Chinese Government to repudiate all responsibility for the acts of the population, as well as of the local and provincial authorities, and their evident determination not to interfere with what they consider to be exclusive domain of those authorities, can not but lead to serious complications between foreign governments and China. The undersigned are accredited to the Chinese Government, they address the latter by order and in the name of their governments, and they have not only the right, but it is also their duty, to require that they shall be put into communication with an office representing the views and the policy of the Government and willing as well as able to exercise such power and influence as generally belong to an office which is intrusted with the maintenance of the foreign relations of a country. If the present constitution of the tsung-li yamén should not give that body the powers regularly to place before His Majesty the Emperor the course and the results of their relations with the representatives of foreign powers and to solicit the issuance of such

imperial orders as may be necessary to oblige local and provincial authorities to bring their conduct into accordance with the requirements of the foreign policy of the Empire, the undersigned must ask that the tsung-li yamen should lose no further time in exerting themselves to obtain such changes in the constitution of their department as would be necessary to give them the power indicated above. The representatives of foreign powers are no longer in a position to admit the refusal of the yamen to consider and act upon the representations addressed to them in the regular course of international business. In the meanwhile the undersigned have the honor formally to request his highness and their excellencies to give directions for insuring the immediate promulgation everywhere and *in extenso* of the imperial edict of the 13th of June.

They must further formally request that the investigation of the riots in the Yangtse Valley and elsewhere shall be conducted with greater energy and in more complete conformity than hitherto with the requirements of the Chinese criminal code; that those Chinese officials who have been remiss in their duty either before, during, or after the riots shall be removed, and that such a measure shall at once be applied in the case of the taotai of Wuhu; that the foreign representatives shall be furnished officially with the reports of the provincial and local officials on the subject of the riots, as well as with the results of the judicial investigation of the cases of arson, of destruction of property, or of loss of life; that not only these reports, but also any measures for the punishment of officials, shall be published in the Peking Gazette in the same form as is followed in cases purely Chinese; and, finally, that the Chinese Government shall provide for the due protection of the Christian population of the Empire against attacks and spoliations, and shall at the same time guaranty to them the free exercise of their religion. There being nothing in these demands which has not already been repeatedly placed before the Chinese Government by the foreign representatives, and the acceptance of which has not been urged upon the former verbally and in writing, the undersigned have the honor to inform his highness and their excellencies that if they should not receive, within a reasonable time, the assurances and the proofs that the Chinese Government is willing to act in accordance with the demands in question, the necessity for which has been pointed out to them, the undersigned will be compelled to inform their respective governments that their efforts to bring the Chinese Government to comprehend either the gravity of the situation or their own responsibility have been unsuccessful, and that they must await further instructions as to the line of conduct which they should pursue under the circumstances.

The undersigned avail themselves, etc.

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*Mr. Denby to Mr. Blaine.*

No. 1374.]

LEGATION OF THE UNITED STATES,  
*Peking, August 21, 1891. (Received October 10.)*

SIR: I have to report to you that news has reached Peking that an antiforeign riot has taken place in Manchuria. A medical missionary by the name of Grieg, an English subject, was lately taken from his bed by a party of men at midnight, near Kirin, and was beaten and kicked, and finally hung up by the arms for several hours. He suffered greatly and frequently swooned. The pretense for this violence was the old one that he had mutilated children for medical purposes. Great excitement prevails in Manchuria, and other riots may ensue.

I have, etc.,

CHARLES DENBY.

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*Mr. Denby to Mr. Blaine.*

[Extract.]

No. 1375.]

LEGATION OF THE UNITED STATES,  
*Peking, August 28, 1891. (Received October 10.)*

SIR: The recent antiforeign riots in China are likely to produce, or may rather be said to have already produced, results which are the most important events that have ever transpired in China.

The Emperor's edict of the 13th of June, a translation whereof was

sent to you in my dispatch No. 1324, of June 19, 1891, and the memorial of the foreign office to the Throne which produced that edict, a translation whereof was sent to you in my dispatch No. 1346, of July 13, 1891, are the two most important State papers that were ever issued in China.

To make this plain I propose briefly to review the attitude of China as to the toleration of Christianity up to the present time.

During the first period of the existence of Christianity in China it received no protection from foreign governments. Williams, in his "Middle Kingdom" (vol. II, p. 290), and Dr. Henry Blodgett, a learned writer, fix this period as commencing about the year A. D. 506 and ending with the making of the first treaties in 1842 and 1844.

The Emperor T'ai Tsung, of the T'ang dynasty, who came to the throne in 620, received the Nestorians kindly. His successors in this dynasty were not unfavorable to Christianity. While, as Abbé Huc says, the Emperor T'ai Tsung was not convinced of the truth of Christianity, as he did not himself believe in any creed, he allowed all creeds to be propagated under his protection or his indifference. Even in the day of this Emperor, however, and of his immediate successors, there were persecutions, as that by the Buddhists in 699 and by the Confucianists in 715. In the year 845 the Emperor Wu Tsung issued an edict commanding 3,000 Nestorian priests to quit the observances of their religious rites.

The first missionary of the Roman Catholic Church to China was named John de Monte Carvino. He arrived at Peking A. D. 1293. He was received kindly by the Mongol Emperor Kublai, and was allowed to prosecute his labor of propagandism.

During the eighty-eight years that this dynasty survived Christianity was tolerated.

On their accession to the throne the Emperors of the Ming dynasty, in the year 1368, put a stop to the coming of Christian missionaries from the West.

The Roman Catholic missions in China, which still exist, were begun by the Dominicans in 1555. It may be said that between that date and 1844 the Catholic missionaries were alternately tolerated and persecuted.

Mathew Ricci reached China in 1581. He was highly educated, accomplished, and of pleasing address. He succeeded in establishing missions at four places in China, Peking being one. There was no persecution until he died, in the year 1610. In 1616 a violent persecution broke out. All missionaries were ordered to leave China.

In 1622 persecution ceased, to break out again in 1664. In 1671 the Christian missionaries were again allowed to return to China, and in 1692 complete toleration was allowed.

In the year 1718 Christianity was again proscribed and so remained down to the year 1844. Successive Emperors issued edicts against it. The criminal code in 1814 contained clauses providing for the punishment of Christians. The Christians suffered death, torture, imprisonment, and banishment. Nevertheless Williams estimates (Middle Kingdom, vol. 2, p. 315) that in 1839 there were in China 57 foreign priests, 114 native priests, and 303,000 converts.

The second period begins with the protection secured to missionaries in the treaties made with Great Britain, France, and the United States, 1842-1844. Similar clauses were inserted in the treaties of Tien-Tsin, 1858-1860, with the same powers and with Russia. An imperial rescript in favor of the Roman Catholics was issued in 1862.

The toleration clauses in these treaties allow missionaries to reside at

all open ports and to prosecute their religious and charitable work. They may also travel in every province.

By the gradual insistence of the missionaries and the tacit acquiescence of the Government, missionaries now practically go where they please and establish themselves permanently in the interior. In the treaties, therefore, we find the warrant of toleration, but the treaties are not generally known to the nonofficial Chinese. They are regarded as foreign documents with which ordinary Chinese have nothing to do. What was wanted was that at the beginning of the reign of the present Emperor, Kuang Hsii, a decided stand should be taken in favor of toleration. Tsai T'ien, the present Emperor, is the grandson of the Emperor Tao Kuang, nephew of the Emperor Hsien Feng and first cousin of the Emperor Tung Chih. He has assumed the appellation of Kuang Hsii (illustrious succession) as the title of his reign. According to English reckoning, he became of age on the 31st of July, 1891. He has ruled in his own name during two years and four months.

Had there been no riots it is not probable that he would ever have issued an edict commanding toleration of Christianity; but, as one of the steps toward securing protection to foreigners, the foreign representatives demanded of the Throne an edict which should specifically define the rights, under the treaties, of foreigners, and particularly of missionaries, and should enjoin on the local officials under pains and penalties the duty of protection. The result was the edict of June 13, 1891.

The memorial to the Throne presented by the tsung-li yamèn is scarcely less important than the edict itself.

I call special attention to the following quotation from this memorial, because it embodies the strongest statement in favor of toleration to be found in the Chinese language:

The yamèn beg to point out that the fundamental principles of the Christian religion are to educate mankind to lead a virtuous life; that it is spread over all occidental countries; and that the treaties concluded with foreign lands stipulate that the followers and teachers of the Christian religion in China (Catholic or Protestant) shall enjoy full security for their persons and property and freedom for the exercise of their religion. Furthermore, the hospitals, dispensaries, and orphanages connected with the missions are benevolent institutions, and very many missionaries always have of late years, whenever any part of the country was suffering from inundations or droughts, collected contributions and distributed them amongst the distressed people. This readiness to help and to benefit the people is deserving of every acknowledgment.

The yamèn then proceeds to petition that a stringent edict be issued commanding that protection be assured to foreigners.

On the 13th of June last the imperial edict was issued. I quote a few paragraphs from it as follows:

The propagation of Christianity by foreigners is provided for by treaty, and imperial decrees have been issued to the provincial authorities from time to time to protect the missionaries.

Let the governors-general issue without delay orders to the civil and military officers under their respective jurisdiction to cause the arrest of the leaders of the riots and inflict capital punishment upon them as a warning and example to others in the future.

The doctrine of Christianity has for its purpose the teaching of men to do good. Chinese converts are subjects of China and are amenable to the local authorities. Peace and quiet should prevail among the Chinese and the missionaries.

The local authorities must protect the lives and property of foreign merchants and missionaries and prevent bad characters from doing them injury.

Stronger language than the foregoing could scarcely be used. If the imperial commands are executed in their spirit and intent, the most perfect toleration will hereafter exist in China.

I have, etc.,

CHARLES DENBY.

*Mr. Denby to Mr. Blaine.*

No. 1378.]

LEGATION OF THE UNITED STATES,  
*Peking, August 29, 1891. (Received October 10.)*

SIR: In my dispatch No. 1368, of August 14, I inclosed a copy of a communication sent by the foreign representatives to the foreign office relating to antiforeign outrages in China.

I have now the honor to inclose a translation of the answer of the foreign office to that dispatch, bearing date the 22d instant, and a copy of the reply of the foreign representatives to the communication of the yamèn, bearing date the 26th instant. It will be seen that the foreign office takes up, seriatim, the points made by the foreign representatives and undertakes to answer or explain them away.

These explanations not being satisfactory, further representations are made in the paper set out, which may be summarized as follows: Guaranties against a recurrence of similar outrages must be arranged by the Imperial Government and not by the local authorities; the reasons given for delay in circulating the imperial edict are not satisfactory; important parts of the edict have been omitted in publishing it; there has been negligence in punishing the rioters and the publishers of defamatory placards; if these riots had been against the Chinese and not against foreigners, great diligence would have been used in suppressing them. The foreign representatives then repeat their demands that the edict be immediately published all over the Empire; that the rioters be arrested and punished; that official reports be made to the foreign representatives of the doings of the local officials; and that publication thereof be made in the Peking Gazette. The yamèn is informed that no discussion will be permitted as to the conduct of native Christians until sufficient guaranties are furnished of the future protection of foreigners. I hope that you will find these demands reasonable and proper. In view of the serious outrages that have been committed over a large part of China, they seem rather moderate. The well-established Chinese idea is that there is nothing to do after a riot except to order the local authorities to pay damages. The whole affair is thus withdrawn from imperial cognizance, and nobody suffers but the local officials. As they contrive to squeeze the amounts paid as indemnity out of the people by small exactions, it does not appear that there is much risk to run in getting up riots. At the present time, however, the representatives of the foreign powers are thoroughly aroused, and the payment of indemnity will not be accepted as sufficient satisfaction for the wrongs committed.

I have, etc.,

CHARLES DENBY.

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[Inclosure 1 in No. 1378.—Translation.]

*The tsung-li yamèn to the foreign representatives.*

PEKING, August 22, 1891.

Upon the 12th instant the prince and ministers had the honor to receive a joint note from the foreign ministers respecting the recent outrages, wherein they remarked that the Chinese representatives in Europe had by order of their Government stated officially to the governments to which they were accredited that executions had taken place, etc. Their excellencies also made certain observations and requested that the provincial authorities be directed to act in accordance therewith and that a reply be sent to the note under acknowledgment, etc.

The prince and ministers would make the following observations to the points raised:

With regard to the question raised *re* the immediate promulgation everywhere of the imperial decree of the 13th June, according to Chinese law or custom, when imperial decrees are issued to be proclaimed throughout the provinces, the provincial authorities must wait until they have received them from the proper board, when they are reverently proclaimed. Hitherto such documents have not been proclaimed upon telegraphic information for fear of mistakes in the transmission of cablegrams. The location of the provinces are not the same, some near and others distant, and the promulgation of the Emperor's decree would be made earlier in some places than in others; but the officials would not dare to cause delay in the matter. It is a frequent occurrence to give abstracts (of decrees) in official communications and proclamations, but they must be clear and intelligible and not proclaimed in a careless manner. As to the point that severe punishment should be meted out to rioters after trial, the prince and ministers would remark that there is the penal code which governs China in the action to be taken in all cases. If very severe punishment is necessary for crime committed, no leniency in the least is shown. The punishment inflicted on a chief offender would be different to that on an accessory. Take the cases at Wuhu and Wusueh. At both places two of the principal leaders in the riots suffered capital punishment and their heads were exposed as a warning to others—a severe form of punishment. Among the rioters in the Wusueh affair, one has been banished to a garrison for life, four banished for three years, and two banished for one year and a half; while two others have been punished with the bamboo. The punishment meted out in the above cases is as provided by the code, and has received the approval of the consul (†) stated in a note from him. It will thus be seen that no leniency has been shown. As to some of the rioters who are still at large, frequent telegrams have been received from the governors-general and governors of some of the provinces to effect that detectives are on the lookout for them and rewards have been offered for their apprehension. It is necessary that in the arrest of criminals scrupulous care be taken to find the real ones. Another point is raised: that the local officials concerned should be removed from office. To this the prince and ministers would observe that when local officials have failed in the proper discharge of the duties incumbent upon them they should be punished; but this is a matter within the jurisdiction of China herself to determine, and it is for their superior officers to inquire into the matter and take action in the premises. This is the governing rule that has hitherto prevailed in China. The yamén on the 8th of August, in answer to the inquiry made by Monsieur Ristelhueber, chargé d'affaires for France, informed him of the action taken in the various cases and the officials who had been removed and relieved of their buttons. Upon the 9th of August the yamén received a telegraphic communication from the minister superintendent of southern trade stating that Cheng, taotai of Wuhu, had been dismissed from office, and his place was to be taken provisionally by the expectant taotai, Penghu, who will assume charge of the office on the 19th of August. The former magistrate of Wuhu, Wang, on account of being remiss in the discharge of the duties incumbent upon him, has been removed from office—a punishment he deserved. He has, however, been ordered to assist Mr. Taotai Peng, in order to give him an opportunity to atone for the punishment inflicted upon him. Mr. Magistrate Cha, of Yang, has been denounced to the Throne and degraded. As to the point that the foreign representatives be furnished officially with the reports of the provincial authorities on the subject of the riots, as well as the results of the judicial investigations of the cases of arson, of destruction of property or loss of life, etc., the prince and ministers would observe that in the matter of the riots that occurred at Wusueh, Jukao, Tan Yang, Chiung Yin, and Yang Hu a clew has already been found (and a settlement of the cases will be effected), and a summary of the circumstances attending each has been received by telegram. On a settlement of the other cases having been effected, the governors-general and governors concerned will naturally report the fact by telegram in due course. On receipt of full particulars officially the prince and ministers will then communicate them to the foreign ministers. To the point raised that the measures taken for the punishment of the officials, etc., shall be published in the Peking Gazette the same as other cases, the prince and ministers would state that matters of business submitted to the Emperor by either the metropolitan or provincial officials are published or not in the Peking Gazette, as His Majesty may direct. As to whether the reports of the settlement of pending missionary cases will be proclaimed in the Peking Gazette or not, this is a matter upon which the yamén can not in advance express an opinion. As to the point raised that the Chinese Government shall provide for the due protection of the Christian population of the Empire against attacks and spoliations and shall at the same time guaranty to them the free exercise of their religion, the prince and ministers would observe that the free exercise of the Christian religion by native converts is specified in the treaties.

That protection be guarantied to them is also provided for by the treaties. That there are native converts who are not free from faults is a matter known to the foreign ministers. After the cases in hand have been settled, the question of adopting a plan for the better protection of native converts can be taken up. As to converts being insulted, this is a matter that certainly should not cause anxious thoughts. The prince and ministers have thus answered in a clear manner the points raised by the foreign ministers. In a word: friendly relations have long existed between China and the various foreign powers, and in the conduct of international questions China has not evaded her duty. The Government of China is aware of the various missionary cases, and His Majesty has issued his commands that action be taken in the premises. The yamèn has not ceased to keep in steady communication, not only in writing but by wire, with the provincial authorities. But as to whether cases can be settled, some earlier and others at a later period, depends on the circumstances attending them, as to their being easy or difficult to manage. This condition of things exists in foreign countries as well as in China. The yamèn will from time to time inform the foreign ministers respecting every case where a clew or basis of action for a settlement has been effected. Their excellencies need not continue to trouble themselves and think about the cases pending and press the yamèn for action thereon. The prince and ministers would refer to the following instances:

On the 4th of August the yamèn received a telegram from the minister superintendent of southern trade stating that Taotai Hwang, of Chingkiang, had reported that in the matter of the missionary establishment at Jukao and the property of the Christians at Fenghi the local authorities had already taken these cases in hand, and they were about decided and settled. This information was laid before Mr. Ristelhueber, chargé d'affaires for France, by note on the 6th day of August. On the 7th of August the governor-general of Hu Kwang telegraphed that, in the matter of the Wusueh case, the chief rioters and accessories have been punished; when further arrests have been made the culprits will also be dealt with. Everything will be satisfactorily conducted to the end that the cases pending may be settled. On the 8th of August the yamèn, in a note, informed Sir John Walsham of this. On the 14th of August the yamèn received a telegram from the minister superintendent of southern trade that the missionary case at Tan Yang has been arranged by the local authorities and the missionaries; a paper had been drawn up and sealed in the presence of the British consul. On the 15th of August another telegram was received from the same officer to the effect that the cases at Chaing Yin, Yang Hu, and Wusih had been taken up in their order and a settlement of them being arranged. On the same day the yamèn received a telegram from the governor-general of the Hu Kwang provinces to effect that the case at Wusueh is being considered with the consul concerned, to the end that it may be brought to a close. The yamèn has strenuously urged the various provincial authorities to bring about a settlement of all cases pending.

As in duty bound, the prince and ministers send this reply for the information of the minister of Germany, and would ask his excellency to make the contents of this communication known to his colleagues.

A necessary communication, addressed, etc.

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[Inclosure 2 in No. 1378.]

*The foreign representatives to the tsung-li yamèn.*

AUGUST 25, 1891.

The undersigned, representatives of Belgium, the French Republic, the German Empire, Great Britain, Italy, Japan, Russia, Spain, and the United States, have the honor to acknowledge the receipt of the note which his highness Prince Ching and their excellencies the ministers of the tsung-li yamèn addressed to them on the 19th instant in answer to their joint note of the 12th of August.

The undersigned have learned with satisfaction that the taotai of Wuhu has been recalled, and that the former magistrate at that port has been reinstated in his post; but they must express their regret that it should have taken nearly two months to convince the Chinese Government of the impropriety of allowing an official so deeply compromised by his own action to conduct the inquiry into the origin and the consequences of the riots.

Before entering on the other subjects contained in the yamèn's note, it is the duty of the undersigned to point out to his highness and their excellencies that while the question of indemnities must almost of necessity have been primarily treated at the spot, that of the riots themselves, of the satisfaction for them, and of the guaranties against a recurrence of similar outrages is one which can be discussed and

arranged only by the governments and their accredited agents, and not by provincial and local authorities or consuls and missionaries.

The reasons given in the yamèn's note for the delay in the publication of the imperial edict and the alterations introduced into it in some instances can not be entertained. At a great many places which can be reached by ordinary means of conveyance within a fortnight the edict has been published only after a delay of six weeks or more, while at many other places quite as easily accessible it has not yet been published at all.

The undersigned also beg to point out that it is not of slight verbal alterations they have complained, but of the omission of important parts of the edict, as in the cases of its publication by their excellencies the governors-general at Nanking and Fuchau; and they would remind his highness and their excellencies the ministers of the yamèn that imperial decrees are in China invariably quoted with scrupulous exactness.

With regard to the punishment of rioters and officials, the undersigned are quite unable to look upon the action of the provincial and local authorities with the same satisfaction as the yamèn seems inclined to do. In the case at Wusueh, where thousands were implicated in the riots and in causing the death of unoffending foreigners, it was due solely to the strenuous and unceasing efforts of foreign officials that some eight or nine persons have been brought to justice and punished. The undersigned, therefore, entirely fail to see what proof of activity or zeal was given by the Chinese authorities on the occasion. Not a single ringleader, not a single author or distributor of the infamous placards and pamphlets, which have done more to create the riots than almost anything else, has been so far arrested or punished. The undersigned have never asked that indiscriminate punishment should be administered or that innocent persons should be condemned without trial; what they have demanded, and shall continue to demand, is that those who are guilty shall not be allowed to escape.

The rumor of the riots has spread rapidly over the whole of China, and in more than one place has been the cause of the issue of inflammatory placards and of menaces against foreign missionaries and native Christians, which in some cases have been actually carried out.

The undersigned had the right to expect that the Imperial Government would have done their utmost under such exceptional circumstances to bring as speedily as possible to the knowledge of everybody the punishments inflicted for the commission of crimes, so that ill-disposed persons might have been duly warned and the hands of officials thus strengthened.

Had there been no foreigners concerned, had the outrages been committed by Chinese on Chinese, there would have been no lack of energy and activity in dealing with the offenders, and the Gazette would have been filled with the accounts of punishments awarded and rewards bestowed for meritorious services in discovering and bringing to justice the guilty parties; but, as usual, nothing of the kind has now been done, and, while the reports of successful attacks on foreigners and native Christians have spread over the whole Empire, the great mass of the population has been persistently left, and is still being left, in absolute ignorance of the measures taken to bring the guilty parties to justice.

Some considerations referring to arrests, punishments, and indemnities have, it is true, lately been addressed to some of the foreign legations; but the form adopted by the yamèn even for these communications, namely, the semiofficial and not the official one, affords another proof of the evident wish and determination of the Chinese Government to divest themselves of all direct connection with the pending question, and to treat the riots simply as a mere ordinary local disturbance, to be settled by the local authorities when and how they can, rather than as acts involving in the highest degree the responsibility of the Imperial Government itself.

The undersigned can therefore only repeat the demands contained in their joint note of the 12th instant, *i. e.*, the issue at once of telegraphic orders to the provincial authorities for the immediate publication *in extenso* of the imperial edict at those places where it has not yet been published or not fully so; the employment of far greater activity and energy on the part of the authorities in the arrest and punishment of rioters than has hitherto been shown; the official communication to the foreign legations of the reports received from the provincial and local authorities on the disturbances, with the result of subsequent inquiries; and the publication in the Peking Gazette without delay of the punishments so far inflicted or to be inflicted upon rioters and officials, with the reasons for these punishments, precisely as would unquestionably have been done if the case had been one of purely Chinese interest.

If the tung-li yamèn should not be in a position to obtain an order for the insertion of these punishments in the Peking Gazette without appealing to the highest power in the land, the undersigned have the right, and it is their duty, to require that their correspondence with the yamèn and the demands contained in it shall be placed before the eyes of the Emperor, so as to enable His Majesty to judge himself of the sit-



uation, the gravity of which does not yet seem to have been fully appreciated by the yamèn.

But the statement contained in the yamèn's note as to the inability of ministers to obtain the insertion in the Gazette of matters referring to foreign affairs is another proof, if one were wanted, of the necessity for a reorganization of that State department, a necessity to which the undersigned had the honor to refer in their joint note of the 12th instant.

With regard to the intention of the yamèn, as expressed in their note under reply, to open negotiations with the undersigned on the subject of measures to be taken in respect of the pretended unfriendliness of the population towards native Christians, the undersigned can only refer the yamèn to the declarations contained in their joint notes of June 8 and 23; but they must, at the same time, give his highness and their excellencies clearly to understand that they will certainly not be disposed to receive or discuss any such proposals of the Chinese Government before and until sufficient guaranties shall have been given to them for the future effective protection of foreign missionaries and of native Christians in the exercise of their religion, and until steps shall have been taken for suppressing energetically the attempts of a certain class of literati to assume authority in matters which do not in the least concern them. It is to this class of society and not to the lower orders of the population that the ill-will towards foreigners is mainly attributable.

The undersigned would deeply regret to learn that the Chinese Government were unwilling to give effect to the above-recorded demands. Should such, however, unfortunately turn out to be so, the undersigned would beg that they may be made acquainted as soon as possible with the final decision of the Chinese Government, as they would not be justified in any longer withholding from their respective governments the very unsatisfactory state of affairs in China and the impossibility of prevailing upon the responsible ministers of the Emperor to attend to the just representations of the foreign ministers accredited to His Majesty.

The undersigned avail, etc.

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*Mr. Denby to Mr. Blaine.*

No. 1380.]

LEGATION OF THE UNITED STATES,  
*Peking, August 31, 1891. (Received October 16.)*

SIR: I have the honor to inform you that on the 19th instant I addressed to the foreign office a communication relating to the troubles at Chinanfu, a copy whereof is herewith inclosed. I inclose also a copy of the yamèn's reply to this communication.

The statements made by me were based on reports made to me by Rev. Gilbert Reid.

It is known to you that the troubles at Chinanfu are of long standing. Everything was finally settled about a year ago by the granting to the missionaries of a piece of land and putting them in peaceable possession thereof. I then confidently hoped to hear no more complaints from Chinanfu, but from the recent statements made to me it appeared that, when the missionaries proposed to build on the land granted, the gentry came forward again with the old objection that buildings would interfere with the *feng shui* of the city.

As will be seen from the inclosures, I strongly protested against any action adverse to the missionaries and demanded that their rights be immediately secured to them.

It will be noticed that I suggest to the yamèn that it should be made publicly known that taotais and other officials should take up and settle all missionary cases in a given time, and that rewards should follow diligence, and punishments should be inflicted when unwarrantable delays occur.

In view of the communication sent to me by Rev. Gilbert Reid, the answer of the yamèn is a surprise. The yamèn informs me that the missionaries still want a place in the suburbs, and have expressed their willingness to give up the tract of land they now hold. It proceeds to

state that the gentry have come to the conclusion that the newly desired location can not be secured; that the missionaries are now in possession of more than 20 Chinese acres of land situated outside the western suburbs; that their title to it is assured; and that they should not now undertake to surrender it, etc. It is distinctly stated in the yamên's paper that the ground now held is "fully ample and sufficient for building purposes," thereby implying that there is no objection to building thereon.

These statements do not accord with those made to me by Mr. Reid. Before again addressing the yamên I shall send to him a copy of the yamên's paper and ask an explanation.

I have, etc.,

CHARLES DENBY.

[Inclosure 1 in No. 1380.]

*Mr. Denby to the tsung-li yamên.*

AUGUST 19, 1891.

YOUR HIGHNESS AND YOUR EXCELLENCIES: I am compelled, very much to my regret, to call your attention again to the condition of affairs at Chinanfu. Your highness and your excellencies are aware that the long-existing trouble between the gentry and the American missionaries relative to the procuring of a piece of land on which the missionaries might carry on their religious and philanthropic work was supposed some time ago to have been settled.

The missionaries yielded the most of their demands for the sake of peace and procured a piece of land in the east suburb of the city. Now, when they propose to build on that land, the gentry have again stepped forward in opposition and make the same pretense that buildings would hurt the *feng shui* of the city.

The taotai has informed the gentry that if they object to the missionaries building on the land already acquired, they must themselves point out another piece of ground that the missionaries may procure. The missionaries, rather than to have trouble, have again consented to accept another piece of land in lieu of the one now in their possession.

It is feared, however, that this action of the gentry is simply for delay, and that, while the missionaries will be prevented from building on the land now held, nothing whatever will be done as to pointing out and securing any other tract of land.

As I read the edict of His Majesty the Emperor of June 13, 1891, and your highness and your excellencies' memorial to the Throne, I draw from it the conclusion that reasonable facilities will be afforded missionaries to enable them in comfort to carry on their business.

The trouble at Chinanfu has existed for four years, and I do not think it will ever be ended unless your highness and your excellencies will issue the most stringent orders to the local authorities either to protect the missionaries in their possession of the tract of land now occupied and permit them to erect suitable buildings thereon or to put them immediately in possession of another tract and to secure the right of building thereon and the peaceable ownership thereof. In such cases as this delays are dangerous. Officials are changed. The new officials prefer to have nothing to do with old cases. I therefore most urgently ask that this case be immediately settled, and that no delays be permitted to ensue.

As I read the imperial edict above cited His Majesty the Emperor orders that cases in which missionaries are interested should not be permitted to drag on but should be rapidly settled.

I beg leave to suggest that it should be made publicly known that hereafter in all cases of riot or litigation with missionaries, the officials be made responsible and a limit be set to time for action and settlement. If the officials succeed in effecting a settlement it would be wise to commend them therefor, and if they fail and are shown not to have done their duty that some appropriate punishment be awarded.

While your highness and your excellencies have before you the general subject of outrages committed against foreigners in China, I hope that the Chinanfu case will not be passed by, but that an immediate settlement be had.

I have, etc.,

CHARLES DENBY.

[Inclosure 2 in No. 1380.—Translation.]

*The tsung-li yamén to Mr. Denby.*

PEKING, August 25, 1891.

YOUR EXCELLENCY: Upon the 20th of August the prince and ministers had the honor to receive a communication from the minister of the United States in regard to the American missionary case at Chinanfu, wherein he stated that the missionaries had procured a piece of land in the east suburb of the city; that when they proposed to build on that land the gentry have again stepped forward and make the same pretense that buildings would hurt the *feng shui* of the city; that the taotai has informed the gentry that if they object to the missionaries building on the land already acquired, they must themselves point out another piece of ground that the missionaries may procure, but it is feared that the action of the gentry is simply for delay, and that nothing whatever will be done as to pointing out and securing any other tract of land; and the minister expressed the hope that while the prince and ministers have before them the general subject of outrages committed against foreigners in China, measures would be adopted to bring about an immediate settlement of the Chinanfu case, etc. The prince and ministers would state that the yamén has just received a report from the governor of Shantung as follows:

With regard to the case of the leasing of property by the American missionaries at Chinanfu, they still want a place in the suburbs and have expressed their willingness to give up the tract of land they now have. Under instructions, the taotai reported that he had invited the gentry of the city and suburbs together, and clearly explained matters to them so that the question could be properly considered and action taken in the premises. A general petition was presented by the gentry signed by Wu Meing Lung and others, wherein they stated that "there were no homes available in the northern suburb of the city of Chinanfu, and the eastern suburbs are small in area with a thick population. Hitherto there have never been many vacant houses or pieces of land in these suburbs. Of recent years the country people who have suffered from the floods have brought their families there and rented places to live in. They have been coming incessantly, and if there happen to be a vacant lot there sufferers have erected mat sheds for their accommodation. At other places affecting the geomantic influence of the city the gentry and people could not themselves of their own will and pleasure erect buildings. The gentry have for days made inquiries and searched (for a place). At present, in all the suburbs the people are living close together, and there are no available houses or ground whatever that the people are willing to sell. Action can not be forced in the premises under the difficult condition of things. The American missionaries some time ago purchased from Tan Tang Ching a tract of land measuring over 20 Chinese acres situated in Hwang Chia Tung, outside the western suburbs. On account of its being public property held by the family Tan, an action at law was commenced, but the former magistrate commanded the gentry to devise a plan whereby the question could be satisfactorily arranged. After a great deal of labor and pains in talking over the matter, the land was finally sold to the missionaries, thus giving them a place where they could carry on their religious work. The deeds and tax receipts were handed over to the missionaries. This all took place about a year ago. The Rev. Gilbert Reid now comes forward all of a sudden and says he is willing to give up the land. Considering that the land has already been purchased and the sale completed, it is not in accordance with reason and governing principle to give it back or to refuse to accept it. Furthermore, there is no objection on the part of the people to their holding their land, and hence there is no need for them to surrender it. In presenting this petition the gentry beg that it be laid before the governor." The taotai would observe that missionaries, in renting or leasing houses for the propagation of religion, are to be protected by the officials as provided by treaty stipulations. Now, the Rev. Gilbert Reid is desirous of leasing house property within the suburbs of the city for the purpose of preaching the gospel and for medical missionary work, and it would be right and proper to try to devise means to assist him, thus showing a desire to regard with respect the Emperor's wish to be kind and gracious to strangers; but the gentry have been hunting to find a place, and in each of the suburbs the population is dense and there are no vacant houses that can be rented or leased. The taotai has carefully investigated the matter himself, and finds that the representations made by the gentry are perfectly true. Besides, as to the tract of land purchased some time ago by Mr. Reid from the Tan family, the deeds were made over to the mission, the original owners finally agreed to the sale, and there is now no use to surrender it. The taotai at the time instructed the deputy of the office of foreign affairs to tell Mr. Reid to hand over the deed to the house property of Lin Ming Kuei, which was sent to the magistrate of the Li Cheng district, who after examining it canceled it. The purchase money, 2,400 tid Peking cash, was on the same day handed over to Mr.

Reid, and a receipt given for the amount. This case should therefore be regarded as canceled, and the correspondence relating to it closed.

The governor submits the above report for the information of the yamén. The yamén would state that with reference to this case, according to the report of the governor of Shantung, the Rev. Gilbert Reid has returned the deed (to the original property purchased), and has received the purchase money, so that the case is closed. The minister of the United States has stated that the said missionaries did not insist on any particular spot for the purpose of erecting buildings, but they only wanted peace. This is right and proper. The yamén, in carefully considering the governor's report, would state that the tract of land purchased by the missionaries—measuring over 20 Chinese acres—is fully ample and sufficient for building purposes, and it is proper to request that they be instructed not to show a feeling of ungratefulness, but should abide by the original course they agreed on, close the case, and not again wrangle over the matter.

The yamén were about sending this reply when the United States minister's communication of the 20th of August was received, in the matter of Dr. Hunter being arrested and driven out of Chining-Chow, wherein the minister requested that instructions be issued to the local authorities to arrest and punish the men who headed the riot; that compensation be paid to the missionaries for their losses; and that they be allowed to resume their residence in Chining-Chow. In this matter the prince and ministers would state that they have addressed the governor of Shantung to investigate and take proper action, and on a report being received they will inform the United States minister of its contents.

The prince and ministers, as in duty bound, send this reply to the two communications received.

A necessary communication, addressed to his excellency, Charles Denby, etc.

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*Mr. Denby to Mr. Blaine.*

No. 1381.]

LEGATION OF THE UNITED STATES,  
*Peking, August 31, 1891. (Received October 16.)*

SIR: In my dispatch No. 1261, of the 10th of March, 1891, I gave you the particulars of a riot which had occurred at Chining-Chow, as a result whereof some of our missionaries were forced to leave that city.

As nothing seemed to come of my written communication to the yamén or of a personal interview that I had with its members on the subject on the 20th instant, I addressed the prince and ministers a communication, of which a copy is inclosed. I received an answer on the 26th instant, of which a translation is inclosed,\* it being the concluding part of a communication relating to Chinanfu.

It will be seen that the governor of Shantung has been ordered to take prompt action.

I have, etc.,

CHARLES DENBY.

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[Inclosure in No. 1381.]

*Mr. Denby to the tsung-li yamén.*

AUGUST 20, 1891.

YOUR HIGHNESS AND YOUR EXCELLENCIES: I beg leave to call attention to the fact that I addressed a communication to your highness and your excellencies on the 25th of February, 1891, wherein I informed you that certain American missionaries had been driven out of Chining-Chow by a mob.

A few days afterwards I had a personal interview with your highness and your excellencies on the subject, wherein I understood that the missionaries would be permitted to return to Chining-Chow, but that it could not immediately be arranged. I understood that the same assurances were made to his excellency Mr. Von Brandt as to some missionaries of his nationality. Nothing, however, has been done toward settling either the damages that have accrued or permitting the ejected missionaries

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\* For this inclosure, see inclosure 2 in No. 1380.

to return. Rev. Gilbert Reid, who has charge of the matter in the absence of Dr. Hunter, represents to me that he has frequently petitioned the taotai on the subject, but that he has done nothing. I must therefore request your highness and your excellencies to issue orders to the local authorities that they investigate the matter, and that the men who headed the riot be punished, and that compensation be made to the missionaries for their losses, and that they be allowed to assume their residence in Chining-Chow.

It is the direct command of His Imperial Majesty the Emperor, in his edict of June 13 (to which I have alluded in another communication to your highness and your excellencies), that there be no delay in settling troubles affecting missionaries.

I trust that the Chining-Chow case will not be permitted to drag on, but that an immediate settlement thereof will be ordered.

I have, etc.,

CHARLES DENBY.

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*Mr. Denby to Mr. Blaine.*

[Extract.]

No. 1387.]

LEGATION OF THE UNITED STATES,  
*Peking, September 13, 1891. (Received October 27.)*

SIR: In my dispatch No. 1378, of August 29, I inclosed a copy of a joint communication of the foreign representatives to the foreign office on the subject of the antforeign riots. I have now the honor to inclose a translation of the answer of the yamèn to that communication and a copy of the reply of the foreign representatives thereto.

In the first inclosure the yamèn seeks to defend itself against the charges of unwillingness on the part of China to protect foreigners and of negligence. The excuses made were not satisfactory to the foreign representatives. Before any reply, however, could be sent to the yamèn the news reached Peking that a serious riot had occurred on the 2d instant at Ichang, during which all the buildings belonging to the missionaries resident there had been destroyed and three French missionaries had been injured. The English consulate and the building occupied by the foreign customs were not injured. All that saved them from destruction was the fact that they were temples. I have at this time only a brief telegraphic account of the riot. Ichang is a prefectural city of considerable official importance in the province of Hupeh. It is situated on the Yangtse, about 363 miles above Hankow. It was opened to foreign trade April 1, 1887. It is a considerable distributing center, and its inward transit trade is second to that of Hankow. The population is about 35,000. An American church mission is located there, whose members are Rev. and Mrs. Lowerby. The established church of Scotland and the Catholics have missions there, the latter being very large and mostly composed of Germans. This new outbreak, following so closely an outrage in Manchuria, taken in connection with minor displays of hostility to foreigners and missionaries in all parts of China, led the foreign representatives to believe that it was necessary and important that an appeal should be made to the respective governments represented at Peking to bring to bear on China their joint influence to secure protection for foreigners or to adopt such action as might be advisable. It must be borne in mind that the riots commenced in May; that the imperial edict issued June 13; that the riots have been the incessant subject of discussion by the foreign representatives and the Chinese foreign office until the present time. It is said that at Swatow some armed resistance was made to the mob; but at no other point have proper preventive measures been taken, except at Kiukiang, where two or three

foreign gunboats were lying. It can not be doubted that if any one of the numerous riots that have occurred against foreigners had been directed against Chinese subjects prompt recourse would have been had to repression by firing on the rioters. There have been some punishments inflicted, and indemnities will be paid by the local authorities; but what the foreigner needs in China is prevention of injury, and not simply punishment of offenders or compensation for loss of property. In the midst of incessant alarms both mission work and commerce must languish. At several points on the Yangtse, though the mission buildings were untouched, the American missionaries thought themselves compelled to flee to save their lives. It is plain that this condition can not be permitted to endure in China without nullifying the letter and spirit of the treaties. Unless permanent peace can be restored, it will not be possible for foreigners to continue to live in China. In this emergency, having exhausted all means at their own disposal, a joint appeal to the governments of the treaty powers has been prepared, to be sent to each government by the respective foreign representatives.

The perusal of this paper, which will be mailed to you as soon as possible, will satisfy you, I think, that the dangers to foreigners in China have not been exaggerated. I make mention now of this paper because I will not be able to forward a copy of it for several days. The existing danger is plain; the inaction of the Government of China is also plain; the trouble arises over the remedy for the extraordinary condition in which foreigners find themselves in this country.

I have, etc.,

CHARLES DENBY.

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[Inclosure 1 in No. 1387.—Translation.]

*The tsung-li yamén to the foreign representatives.*

SEPTEMBER 3, 1891.

The prince and ministers of the tsung-li yamén have the honor to acknowledge the receipt of the joint note which the foreign representatives addressed to them on the 25th August. Their excellencies state that they have received the yamén's communication of 18th August, being an answer to their former note of 12th August on the subject of the recent riots, and in proceeding to an exhaustive consideration of the various points raised by the yamén, they ask that instructions should be issued for giving effect to their demands. With reference to this, the yamén would observe that, in acknowledging the repeated joint notes which the foreign representatives addressed to them respecting the outrages committed on missionary establishments in the valley of the Yangtse during the fifth moon of the present year, they have already furnished full details of all that has been done in the matter. Having regard for the urgent nature of the further communication which they have now received, they beg to reiterate and place on record once more their views on the various points enumerated.

The note in question states that at places which can be reached by ordinary means of communication in fifteen days the edict had been published only after the long delay of forty-five days; that at Nanking, Fuchau, and other places important portions of the document had been suppressed. The yamén would observe that the printing and publication of proclamations and the transmission of instructions to subordinate authorities for having them promulgated everywhere can not be carried into effect immediately on the receipt of the dispatch containing the imperial decree. As regards abridgment in such publications, it is, as a matter of fact, a procedure adopted in China, as was fully explained in the yamén's previous dispatch. If it is meant to assert that the authorities at Nanking and Fuchau were guilty of deliberate suppression, the yamén must deny most positively that such is the case. From information now received the yamén learn that a supplementary and very considerable issue of copies of the proclamation has been made in succession in the various provinces, and, as all classes of people in the places where it has already appeared in an abbreviated form are fully acquainted with its tenor, any further promulgation of the document would bear the appear-

ance of needless repetition. The yamèn would therefore beg their excellencies to give themselves no undue concern on this point. Again, it is stated that, although the rioters at Wusueh numbered not less than several thousands, it was only after foreign officials had exercised the utmost pressure that eight or nine persons were brought to justice. Inflammatory placards were, it was added, largely responsible for the disturbances that had occurred, and yet not a single ringleader among the rioters nor a single author of these placards had been arrested or punished. Seeing that the infamous language complained of occurs in anonymous placards, by what means can the offenders be individually traced and arrested? The yamèn have communicated with the authorities in the different localities, urging them to take active measures of a repressive nature. As regards the number of people connected with the riots, it was no doubt large; but the majority were ignorant and foolish persons, who joined the crowd at the moment and did not necessarily take any active part in the movement. Punishment can not be made general, and all that can be done is to deal severely with those who were guilty in a grave degree. In both the Wuhu and Wusueh cases the men who suffered the extreme penalty of the law were all arrested and brought to justice immediately after the occurrence, without waiting for any pressure on the part of the foreign officials. More than one local official has been denounced and removed from office in consequence of his failure to deal properly with such cases, and a knowledge of this has been disseminated everywhere without waiting for the memorials reporting the termination of the whole question. The note further states that authority was given for treating the question of indemnity on the spot. It is pointed out, however, that in writing to one or two of the foreign representatives respecting arrests and indemnities the yamèn had used the semiofficial and not the official style of address, and this was regarded as a proof that the yamèn was disposed to treat the question as merely one of ordinary importance. In dealing with international questions the yamèn invariably reply officially to every official communication that reaches them. His excellency the French chargé d'affaires, Monsieur Ristelhueber, having asked them some time ago to inform him occasionally of what was being done in the provinces with regard to this matter, the yamèn accordingly communicated semiofficially the contents of every important telegram they received, in the hope of thus saving time, and intending as soon as the memorials and dispatches were received to write officially on the subject. Their excellencies the foreign representatives now, however, make an important point of this, and in doing so surely show a great want of consideration. The various points alluded to in this note have already been answered in detail in the yamèn's communication of the 12th of August.

To sum up: Both the yamèn and the high provincial authorities along the Yangtse have in every case shown the utmost earnestness, energy, sincerity, and justice in dealing with these missionary troubles. All the criminals who have been arrested have been punished with extreme severity. The occurrence of missionary questions in such numbers is unprecedented. When the memorials shall have been handed down (by the Emperor to the grand secretariat), they are certain to receive publicity in the Peking Gazette.

As regards the remedial measures to be introduced for the future, it will be proper, as soon as the present questions shall have been brought to a termination, that the yamèn and their excellencies the foreign representatives should arrive at some permanent arrangement, the essential being that the scheme should be practicable, so as to obviate as far as possible all contention on either side. The practice of sending joint notes in official intercourse is not warranted in international usage in Europe, and, now that the missionary troubles in the valley of the Yangtse are gradually subsiding, it would seem as if their excellencies the foreign representatives need not give themselves the trouble of again resorting to this form of correspondence.

The yamèn have the honor to forward this reply to the German minister, and hope that his excellency will be good enough to communicate to his colleagues, the representatives of the other powers.

The prince and ministers avail, etc.

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[Inclosure 2 in No. 1387.]

*The foreign representatives to the tsung-li yamèn.*

PEKING, September 10, 1891.

The undersigned, representatives of Belgium, the French Republic, the German Empire, Great Britain, Italy, Japan, Spain, Russia, and the United States, have the honor to acknowledge the receipt of the yamèn's note dated the 3d instant. Inasmuch as the Imperial Chinese Government decline to entertain the very moderate

demands which at the present crisis it has been the duty of the undersigned to address to the tsung-li yamèn, with a view to procure for foreigners in this country such security in respect of life and property as they have a right to claim at the hands of the responsible authorities of His Majesty the Emperor, and seeing that what has unfortunately occurred at Ichang within the last few days proves how unfounded is the assertion of the ministers of the yamèn that the outbreaks have been met with becoming energy and resolution, the undersigned can see no possible advantage in continuing with his highness and their excellencies the ministers of the yamèn the discussion of the several points at issue between them and the foreign representatives. The undersigned, therefore, are about to acquaint their respective governments with the very unsatisfactory results of their united endeavors to induce the Government of China, through the imperial department for foreign affairs, to do more than issue to provincial and local authorities absolutely inadequate instructions, and then to flatter themselves that they have thus amply fulfilled their obligations to the governments and subjects of treaty powers; whereas, in reality, neither the measures employed for the suppression of the outbreaks nor the assurances offered for the protection of foreigners can be accepted either as a satisfaction for the past or as a guaranty for the future. As soon as the undersigned shall have heard from their governments they will have the honor to communicate again to the ministers of the tsung-li yamèn. In the meantime they hold the Chinese Government responsible for all injuries and losses which foreigners or native Christians may have already suffered or may suffer through outrages committed by Chinese, and they hereby place on record their unqualified dissent from the contention of the yamèn ministers that everything has been done that could or ought to have been done in an emergency like the present one.

With regard to the singular statement contained in the yamèn's note that "joint notes" are not recognized by the international law of Europe, the undersigned will content themselves by simply stating that "joint notes" are invariably used in cases where a certain number of governments or their representatives are pursuing jointly, as in the present instance, the same policy, and where the ordinary and usual forms of individual or identic notes are not deemed suitable on account of the gravity of the situation. The end in view, namely, the security of life and property for foreigners residing in China under treaty, being precisely similar for all governments having relations with China, the undersigned beg leave to signify to the yamèn that they have no intention of adopting any other form of communication until they shall have obtained such formal guaranties as will enable them to consider their nationals residing in China as being completely secure against further attacks and outrages both now and hereafter.

The undersigned avail themselves, etc.

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*Mr. Denby to Mr. Blaine.*

[Extract.]

No. 1388.]

LEGATION OF THE UNITED STATES,  
*Peking, September 14, 1891. (Received October 27.)*

SIR: I have the honor to inform you that the British Government has chartered a steamer at Hankow, and has put aboard of it a company of marines, and has dispatched it to Ichang. It is understood that this company is not to land unless further action of the mob shall make it necessary to do so in order to protect foreigners.

The antforeign feeling at Ichang is represented to be still very strong, and further outbreaks are anticipated. The commander of a British gunboat lying at Hankow called the day before yesterday, with Her Britannic Majesty's consul, on the viceroy, Chang Chi Tung, at Wuchang, which is opposite to Hankow, and informed him that his orders were to open fire on the mob as soon as it appeared that one was organized. The viceroy was much surprised, and asked if the gunboat would really fire on the people. The commander answered that such were his orders, and that they would be unhesitatingly obeyed.

When the foreign office was informed by Her Britannic Majesty's minister that the above action had been taken, the prince and minis-



ters manifested great regret, and expressed the fear that there would be a collision between the marines and the people, which would still further complicate matters; but they were told that as it sufficiently appeared that China was unable or unwilling to protect foreigners, their own Governments were compelled to take steps to protect them.

Grave fears are entertained here that Chungking will be the next scene of rioting. This city is situated at the junction of the River Kiating Kiang with the Upper Yangtse, about 1,250 miles from its mouth. It has a population of 250,000. Vessels propelled by steam have never reached it.

We have two missions there—the American Baptist Missionary Union with four resident members and the Methodist Episcopal Mission with six members. The Bible Christian Mission, the China Inland Mission, the Friends Foreign Mission, the London Missionary Society, the National Bible Society of Scotland, and the Catholics are also represented at Chungking.

The city was the scene of extensive riots in 1886.

As the dreaded gunboat can not reach Chungking, the foreigners are at the mercy of the populace.

I have, etc.,

CHARLES DENBY.

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*Mr. Denby to Mr. Blaine.*

[Extract.]

No. 1389.]

LEGATION OF THE UNITED STATES,  
*Peking, September 17, 1891.* (Received November 10.)

SIR: I have the honor to inclose a copy of a joint protocol which has been signed by all the representatives of the treaty powers at Peking who are now present. The minister of the Netherlands would no doubt have signed it if he had been at Peking.

This paper presents the deliberate views of the foreign representatives on the condition of affairs in China, arrived at after very full and frequent consideration of the points involved. It is difficult to summarize the contents of this important document, but a brief reference may be made to its salient points.

It asserts that the outrages against and attacks upon foreign lives and property in China which, since the middle of May last, have taken place are the result of a systematic course of hostility instigated by the literary class; that this hostility is exemplified by corrupt publications; that the Chinese authorities have done almost nothing to prevent the dissemination of this infamous literature; that the foreign office asserts that the authors and propagators of these libels on Christians can not be punished, because they are unknown; that the local authorities have proved themselves in the recent difficulties to be mostly hostile to foreigners, and some of them have issued proclamations denouncing foreigners; that little has been done to punish the rioters; that the foreign office has acted reluctantly, ungraciously, and only under strong pressure in issuing orders to protect foreigners; that the imperial edict of June 13, demanded by the foreign representatives on May 25, was retarded and has been insufficiently circulated; that reports of punishments inflicted on the rioters have not been published in the Peking Gazette; that energetic action has not been taken in repressing the riots; that new riots break out day by day and are still to

be apprehended; that the foreign representatives can under existing circumstances put no faith in the assurances of the Chinese Government; that on the Yangtse, at Shanghai and Canton, foreigners can not be safe unless protected by foreign men-of-war; that the native Christian has been ruthlessly persecuted and should, in accordance with the treaties, be protected; that the situation is exceedingly serious, if not actually critical; and that, unless the Chinese are impressed with the fact that the foreign powers are in earnest in their intentions to protect their citizens, further outrages and attacks may be expected, which may lead to graver complications. This paper was agreed to on the 9th instant, but some delay ensued in its preparation and circulation and in its being copied. I respectfully call your earnest attention thereto.

I have, etc.,

CHARLES DENBY.

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[Inclosure in No. 1389.]

*Protocol.*

The undersigned, representatives of Belgium, the French Republic, the German Empire, Great Britain, Italy, Japan, Russia, Spain, and the United States, having met to consider the state of affairs existing in China at the present time and the danger which it carries with it for the interests of foreign governments and subjects, have arrived at the following conclusions:

The outrages against and attacks upon foreign lives and property which, since the middle of May of this year, have taken place in the valley of the Yangtse and elsewhere, and of which the last instance so far has been the riot at Ichang on the 1st instant, are not so much the outcome of deep-rooted animosity on the part of the lower classes toward Christianity and Christians, which the yamen pretends to believe and wishes the foreign representatives to believe is the case, as the result of a systematic course of hostility instigated by antiforeign and anti-Christian members of the literary class, whose headquarters and center must be considered to be the province of Hunan, but whose acolytes are distributed over the whole Empire and are represented even among the highest officials of the realm.

It is only necessary to refer to the part the pamphlet entitled "A Deathblow to Corrupt Doctrines" played in the antiforeign and anti-Christian movement that terminated in the massacre at Tien-Tsin in 1870 to understand the influence which the unceasing and unfriendly activity of the literati must have upon the masses. For some years this activity has been less apparent, but during the last two years the valley of the Yangtse and most of the provinces of China have been absolutely inundated with the foulest and most infamous publications in the form of pamphlets and placards.

In scarcely any instance have the Chinese authorities done anything to suppress the production of this literature or to prevent its dissemination through the country. Even where the attention of the Government or of the provincial or local authorities has been drawn to incendiary pamphlets and placards, the utmost that has been done has been the removal of some placards; but in not a single instance have the authors, printers, or promulgators been punished. It has even happened that local officials who were instructed to remove such placards have reproduced them in their entirety in the proclamations issued to announce the reception of orders for their suppression, while the highest provincial officials, amongst others the governor-general and the Tartar general of Szechuen, have not hesitated to issue proclamations openly accusing and vilifying the Christian missionaries and native converts; and in none of these cases have the Central Government or the higher provincial authorities taken any measures to inform the great mass of the population of their disapproval of such acts and of the punishment inflicted for their commission.

The tsung-li yamen, having been appealed to to take steps to suppress such infamous publications by punishing the authors and propagators thereof, have declared officially their inability to do so under pretext that the publications in question were always anonymous.

While, thus, nothing has been done to suppress the source of the evil, the Central Government, as well as the provincial and local authorities, have been equally remiss in preventing the effects calculated to be produced by these scurrilous productions.

In most of the cases of recent riots the local authorities, if not openly hostile to foreigners and Christians, have proved themselves at the least lukewarm protectors of those confided to their care; their influence, if it has made itself felt, has done so only after lives had been sacrificed, property destroyed, and foreign missionaries and native Christians driven from their homes.

In only two instances would native troops appear to have contributed to the maintenance of peace and order, namely, at Soochow and Kiukiang; but in the latter place the crews of three foreign gunboats were ready to be landed for the protection of the foreign settlement, and it may be therefore fairly supposed that to the presence of these vessels and to the determined attitude of their commanders the greater energy shown in this particular instance by the native authorities was mainly due.

If little or nothing has been done by the Chinese authorities to prevent an outbreak or to protect foreigners and native Christians against the consequences of it, not much more has been done to punish the rioters and the ringleaders.

While in more than twenty places foreign lives have been placed in jeopardy and foreign property ruthlessly destroyed, hardly as many persons have hitherto been punished—to the knowledge of the undersigned at least—and yet thousands of rioters took part in the disturbances. The punishments which have been meted out so far must be considered as being neither adequate nor in accordance with the prescriptions of the Chinese criminal code, if the four capital punishments inflicted be excepted; but here again it must not be forgotten that grave doubts are entertained as to the participation in the riots of the two persons executed at Wuhu, the length of the hair on the exposed heads seeming to warrant the supposition that the criminals executed had been kept in prison for a longer time than would have been the case had they been arrested only after the Wuhu riots.

The tsung-li yamên itself has been not less remiss in providing for the protection of foreigners and their property; what has been done by that body has been done reluctantly, ungraciously, and only under strong pressure, and as, moreover, it has been incompletely executed, the effects which the undersigned had a right to expect from the measures they had urgently pressed upon the yamên have not been produced.

The issue of the imperial edict demanded by the undersigned for the first time on May 25 and repeatedly insisted upon did not take place until June 13, while its subsequent publication in the interior was undoubtedly retarded by the fact that, instead of being forwarded by telegraph, it was sent by other and slower means of conveyance. In fact, the edict did not appear anywhere in the provinces until thirty days after its publication in the Peking Gazette. In some cases the delay amounted to from forty to fifty days, and in many parts of the Empire easily reached within two or three weeks it has not yet been published at all. In other instances it has been published in an imperfect form, important portions of it having been omitted entirely.

The contention of the yamên that imperial edicts can not be forwarded by telegraph is contradicted by continually recurring statements in the Peking Gazette of imperial edicts having been thus transmitted. But, even if such precedents had not existed, it seems that the gravity of the present situation might well have warranted the Government in making use of the most rapid mode of conveyance at their disposal, in order to bring the expression of the imperial will as soon as possible to the knowledge of the officials and of the great masses of the population.

The publication of the memorial of the yamên to the Throne soliciting the issuance of the edict of June 13 was delayed still longer, and it was only on the 18th of July, *i. e.*, thirty-five days after it had been handed in, that it was published in the manuscript Peking Gazette and some time later in the printed one.

Notwithstanding the repeated demands that the punishments so far inflicted upon officials guilty of connivance or negligence or upon rioters should be published in the Peking Gazette, in order that the hands of the officials might be strengthened and the rioters deterred from the commission of further crimes, the yamên have absolutely refused to accede to those demands, alleging that only the reports from the provincial authorities could be published, and that those reports, made only after the complete termination of an affair, had not yet reached the Government; that telegrams could be made neither the subject of a report to the Throne nor of a publication in the Gazette; and, finally, that the yamên had not the power to order anything to be published in the Gazette.

These statements of the tsung-li yamên are not in accordance with facts.

For instance, during the negotiations preceding the settlement of the Franco-Chinese difficulty in 1885 telegrams formed not only the subject of memorials to the Throne, but imperial edicts were issued upon them and were promulgated in the Gazette.

The statement that no reports referring to the punishment of persons connected with the riots had so far reached the Throne, or could have reached it, is equally

incorrect. Already in the last August numbers of the Gazette the edicts referring to the dismissal of several officials connected with the outbreaks have been published, although without any other reference being made to the cause of these dismissals than that the officials in question were idle and stupid.

It is equally incorrect that the yamèn is not in a position to cause anything to be published in the Peking Gazette. Most of the foreign representatives have had occasion to demand the insertion of something or other in the Gazette, which has been invariably agreed to by the yamèn without reference to the necessity of obtaining the imperial sanction for such publication; for instance, the insertion of the fact that the foreign representatives had been received in audience by His Majesty the Emperor was informally demanded by the doyen and as informally agreed to by Prince Ching in March of this year.

It is possible that the so-called cabinet may be the board which has to decide about the admission of papers into the Gazette, but, two members of the yamèn being also members of the cabinet, it seems that no difficulties could arise from the existence of that rule.

It is only in one direction that the tsung-li yamèn and the provincial authorities have shown some activity, *i. e.*, in the settlement of the indemnities due for the destruction of foreign property by direct negotiation with the missionaries; but they have done so with the evident intention of depriving the foreign representatives of any pretext for interference in a matter which the Chinese Government was anxious to treat, and have treated, as a simply local affair, to be settled on the spot by the local authorities without any intervention on the part of the higher Chinese or foreign officials of the respective governments.

But while the yamèn have thus done little or nothing to protect the lives and property of foreigners residing in China under treaty, they seem very anxious to avail themselves of the opportunity offered by the outbreak and the apparent cause of it—*i. e.*, the hostility of the masses against missionaries and native Christians—to open negotiations with the foreign powers in order to curtail the treaty rights of missionaries and subject them to restrictions neither provided for nor intended by the treaties.

To conclude, nothing whatever has been done to put a stop to what is the source of the evil, namely, the publication of inflammatory and insulting pamphlets and placards, and the Chinese Government have declared themselves unable to prevent such publications or punish the authors thereof. Little or nothing has been done to provide against outrages or punish ringleaders, rioters, or guilty officials, while the measures taken by the Chinese Government have been adopted under pressure only and have been so incompletely executed that up to the present moment the great mass of the Chinese population has neither the official information nor the conviction that their Government intend to have riots put down, if necessary, by force, and that the guilty have been punished and will be punished according to the provisions of the criminal code.

The Chinese Government have thus shown themselves so far neither willing nor able to cope with the difficulty. The repeated assurances of the tsung-li yamèn that order was restored and no new riots to be apprehended have always been belied by the facts. The statement that order was restored contained in the yamèn's note of June 4 was immediately followed by the outbreak at Wusueh on June 6; while on the same day on which the undersigned received the yamèn's note of September 3, containing a similar assurance on the part of the Chinese Government, the news of the riots at Ichang, during which not only property to a large extent was destroyed, but several persons, Sisters of Charity and a Catholic missionary, were seriously wounded, reached the yamèn and the foreign representatives.

Under these circumstances the undersigned can not but declare that no faith can be put in the assurances of the Chinese Government.

They must at the same time give expression to their conviction that, for the present and for a long time to come, the foreign communities at the open ports on the Yangtse, at Shanghai, and at Canton can be considered secure so long only as they are protected by foreign men-of-war.

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Serious and efficacious measures against that class of literati which are the authors of the anti-foreign and anti-Christian feeling now undoubtedly existing to a very dangerous extent, the settlement of outstanding cases, and general instructions to the provincial and local authorities to observe treaty stipulations by which the free and undisturbed exercise of the Christian religion is secured to native converts are the guaranties which, in the opinion of the undersigned, the foreign powers, while recognizing the fact that Christian converts remain as much subject to Chinese law as the non-Christian natives, must insist upon before any negotiations can be opened with the yamèn on the subject of alterations to be introduced into the status of missionaries and missionary establishments.

The undersigned can only state once more their conviction that the situation is an

exceedingly serious, if not actually for the moment a critical, one, and that, unless it be possible to impress upon the Chinese Government and the people that the foreign powers are fully prepared to see their subjects and citizens protected and the stipulations of the treaties carried out, further outrages and attacks of much greater importance even than those which have already taken place the last four months may be expected with certainty, and will in that case probably lead to graver complications than if a determined stand were now made by all the treaty powers conjointly as a formal warning to China that she will not be allowed to set at naught her solemn engagements.

Peking, September 9, 1891.

M. VON BRANDT.  
CHARLES DENBY.  
JOHN WALSHAM.  
K. OTORI.  
A. PANSÁ.  
C. KLEIMÉNOW.  
G. RISTELHUEBER.  
HENRY LOUMYER.  
J. STA. DEL ARROYO.

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*Mr. Denby to Mr. Blaine.*

[Extract.]

No. 1390.]

LEGATION OF THE UNITED STATES,  
*Peking, September 21, 1891. (Received November 10.)*

SIR: I have the honor to inclose a clipping from the North China Daily News of the 11th instant, which gives the fullest account that I have seen of the recent riot at Ichang.

You will notice that at Ichang the first mission that was attacked was the small station of the American Episcopal Mission to which no wrong whatever was imputed. In this as in all other cases the mob did not distinguish between foreigners, but attacked all alike.

I have, etc.,

CHARLES DENBY.

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[Inclosure in No. 1390.—From the North China Daily News, September 11, 1891.]

*The Ichang riot—from an eyewitness and sufferer.*

For several months a riot at Ichang has been feared by those having access to reliable sources of information, yet at 12:30 p. m., on Wednesday, 2d September, it came like a thunderbolt from a clear sky, taking the most wary by surprise, and the programme was carried out with a thoroughness and dispatch which are altogether unprecedented. There was no indication of danger until the signal of attack was given, and in twenty minutes all was over. Nothing was left to chance; everything was carefully planned, and in no sense can the Ichang riot be attributed to popular excitement or the rash act of a European. The pretext for collecting a crowd was cunningly devised. On Tuesday, 1st September, a child was brought to the Roman Catholic convent, and the ordinary papers were duly signed making it over to the Sisters. The child was represented to be a girl (only girls were received at the convent), and when it was discovered to be a boy the circumstance caused some uneasiness. On Wednesday morning parties appeared at the convent declaring their child had been stolen and saying it was within. In due course the child was produced and delivered to the claimants. Meanwhile a crowd had collected, but nothing serious was suspected, although, as was proper under the circumstances, information was sent to the magistrate. But the ringleaders had also gone clamoring to the yamén, collecting the dregs of the city as they went along. Instead of shutting the yamén doors and keeping all parties concerned under restraint until the case was investigated, the magistrate, with his runners and bodyguard, proceeded to the convent, taking the crowd from the city along with him. The military commandant of the rank of chéntai was also on the scene with a large number of soldiers, and

some show was made of protecting the convent. All at once a rush was made for the house in the adjoining compound, belonging to the American Episcopal Mission. The gate was smashed in, two trumpets were blown, and a man, beating his breast, shouted out: "Come on, brothers, slay the foreigners; I am willing to die for you." The riot had commenced, yet up to the last moment so paltry did the whole thing appear, and so little sign was there of anything stirring going to happen, that the coolies whom the Rev. Mr. Sowerby had carrying earth in the compound never left off their work or went to see what was doing next door.

In came the rioters with a rush, one of the foremost men snatching a spade from a cooly and aiming a murderous blow at Mr. Sowerby, who managed to disarm this assailant and evade another. The coolies shouted at him to run for his life, and none too soon, for the mob was of the most desperate character and bent on murder from the very first. By jumping a fence and running for life, Mr. Sowerby was just able to reach the consulate in an exhausted condition, with a sprained ankle, and exposed hatless to the midday sun. From the consulate Mr. Sowerby was able to get on board the *Paohua* with no further adventure.

To set fire to the American mission house was the work of an instant, and as soon as the signal of destruction was given yamen runners and soldiers fell back, nor did either military or civil mandarins give a single order to protect life or property. It is particularly to be noted that against Mr. Sowerby, whose house was the first to be burned, there was not even the semblance of a grudge. In less time than it takes to write it the torch was applied to the convent, the Sisters, seven in number and of various nationalities (French, German, and British), escaping as best they could down a lane to the river, escorted by Father Braun, a very powerful man and formerly an officer in the German army. To give them their due, officials and soldiers also escorted the Sisters. The mandarins seemed to receive some rough usage, the chentai's hat being knocked off, an indignity which the natives speak of with bated breath, and evidently consider of more gravity than anything else that has occurred. As soon as the steep bank of the river was reached the Sisters were thrown headlong over it by the very soldiers who had aided in their protection so far, an incident fortunately noticed on board the *Paohua*, which was anchored opposite, and Capt. Lewis instantly launched a boat, which proceeded to the rescue and found the Sisters and Father Braun exposed to the full fury of a shower of missiles in a sampan, without oars, into which they had scrambled. The ship's boat took the sampan in tow, and the whole party were soon in safety on board the *Paohua*, which had steam up to run down any boat loads of rioters who might attempt to board, and was defended by the repeating rifles of Capt. Lewis, Mr. Moore, and Mr. Grouleff. Right down to the river bank the orphans in the convent had clung to the Sisters, but here they were violently seized by the soldiers and kept back. It is suspected that a number of children must have been burned in the convent; one, unable to walk, could not have escaped. On reaching the *Paohua* the Sisters presented a pitiable sight, their long robes being covered with blood, and one has been so badly wounded that she is still unable to rise. Father Braun, who acted nobly throughout, shielding the Sisters with his own person, has received a very severe cut on the head, not to mention contusions and bruises all over his body.

From the convent the rioters made a rush to the river front and went tearing down the Bund, the ringleaders armed with pickaxes and knives, and the rest with such weapons as they could lay their hands on.

Down the lane at the end of the consulate and along the street in front of it they swept with the violence of a tropical storm, but not a finger was lifted against the consulate. The house, owned by a native—a mandarin's secretary—in which the Rev. Mr. Deans and Dr. Pirie, of the Church of Scotland Mission, lived; Capt. Cain's house (empty), the mat shed in front of Messrs. Jardine, Matheson & Co.'s godown, Mr. Creagh's house, inhabited by Dr. Aldridge, of the customs, and the Franciscan Mission, were fired simultaneously. The pickaxes made short work of the doors, and no time was wasted by the slightest attempt to loot. Mr. Cockburn was in a boat on the river within 50 yards of the scene and saw the whole thing done with a quickness and precision which leave no room to doubt that all had been planned beforehand, and that each man knew exactly what to do, a conclusion which is forced home by the fewness of the numbers of the active rioters, not over half a hundred at the outside, and the strange coincidence that no attempt whatever was made to burn Mr. Cockburn's own house, which adjoins Messrs. Jardine, Matheson & Co.'s on the one side and Dr. Aldridge's on the other.

This is what took place at one house, and it is substantially what took place at all: As soon as the door was staved in the boy was seized and at the risk of his life asked to point out where the foreigner kept his silver. "He keeps none, but changes Hankow checks at the native cash shops." "Then where is your kerosene tin?" and the house was blazing in an instant.

The plans were well laid, and, what is far more difficult to secure, the ringleaders kept perfect command all through the proceedings. As has been remarked, Messrs.

Jardine, Matheson & Co.'s property was fired and the mat shed burned down. On this their Chinese agent and compradores fell on their knees and implored the rioters not to burn the godown, as it contained only goods belonging to natives. The request was granted on condition that the goods were removed within three days, when the godown would be burned. A petition was also made that Mr. Cockburn's house might be spared, as it adjoined the godown, and the one would set fire to the other. A mandarin was also in Mr. Cockburn's compound vociferating, "Do not burn Mr. Cockburn's house; you all know him; he has been here over ten years and does works of charity (*hao-sz*); take anything you want, but do not burn his house." Some sinologue may be able to explain whether it would be more honorable to have one's goods stolen than burned as being too vile for a Chinaman to handle. One fact is clear; the original plan was to loot and not to burn the house of the Rev. Mr. Cockburn, of the Church of Scotland Mission. With the celerity with which all others were fired by the ringleaders, who carried kerosene and gunpowder along with them, all entreaties to spare it came too late.

As for the consulate, a native building belonging to Mr. Little, it was never attacked, and the consul remained inside in perfect security. No pretense of protecting it by soldiers was made until all was over.

There is a shrewd suspicion that the ringleaders may have taken their cue from a remark of his excellency the viceroy of the province, that those murdered at Wusueh were nobody in particular, and concluded that so long as they kept their hands off officials the punishment meted out would not be grievous.

True to the traditions of the service, the customs staff stood to arms, but had only to present their bayonets to keep back stragglers, for here also the rioters made no real attack. Yet they made it sufficiently clear that their favors were distributed to all foreigners with strict impartiality. The land bought for the site of a new custom-house was taken possession of, the fine tennis lawn destroyed, and such other mischief done as the place afforded opportunity.

At the new consulate, in course of building, the strong gate of the compound was broken to pieces, the teakwood doors and window frames torn from their positions, the place becoming a thorough wreck. All the wood and builders' materials and quantities of the very bricks were carried off, and at the date of writing the public are freely helping themselves to whatever remains.

A freak of the riot which would tax even the perfervid imagination of the author of *Defensio Populii* to explain is that the extensive mission premises of the Church of Scotland, within the city, remain intact. Up to the very moment of the riot, male and female schools, dispensary, hospital, not to speak of that terrible red rag preaching in the church both forenoon and afternoon, were carried on.

Amidst all the ferment the very existence of the mission was overlooked alike by mandarins and rowdies. The only people who manifested the slightest interest were the patients, who came in nearly the usual number and took no pains to conceal their annoyance that Dr. Pirie was prevented from attending to them in the ordinary way. Not till Friday did the mission receive any attention. Long before that time the Bund was covered with the tents of soldiers guarding the blackened and battered ruins. Already some twenty scholars, children of heathen parents, had resumed their places in the school; but casual remarks were now heard on the street that the premises had been left without official recognition or protection.

The schoolmaster now went to the *yamén* and stated that when all the officials had gone out of the city and proved themselves unable to prevent a riot, he had remained at his post and succeeded in preventing any mischief being done to property within the city walls; but the time had come when he must either be told to leave, in which case the property would be left to its fate, or something must be done to show publicly that the place was protected. A ray of hope dawned on the magistrate at once. He could at least report all foreign property within the city to be safe and sound. Without delay four runners were sent by the *chihhsien*, and a like number by the *chifu*, with strict injunctions to arrest anyone causing the slightest annoyance. The American Episcopal Mission in a native house within the city, the Roman Catholic Mission within the city, also in a native house, and the Church of Scotland Mission station outside the north gate are all of them safe. No protection was given, but everything was as quiet as on ordinary occasions. If Christianity be offensive to the Chinese and mission work felt to be a grievance, it is passing strange that the very centers of proselyting should not have a single stone cast at them. What happened at Ichang should convince all parties that it is not this or that individual class of Europeans that is aimed at, but all Europeans, without distinction of nationality or occupation.

But it is time to tell how it fared with the residents about whom you have not already heard. They were Mrs. Roberts and daughter, of Shanghai, visitors to Ichang; Mr. and Mrs. Cockburn and five children, Dr. Pirie, Mr. Deans, and Mr. McNair, of the C. I. M., from Shasi. After a variety of adventures and remarkable concomitances of favorable incidents, all reached the steamship *Paohua* in safety, for which a debt of

gratitude is due to Capt. Lewis, the ship's boat in command of Mr. Grouleff having not only rescued the Roman Catholic missionaries, but also picked up Dr. Pirie, Mr. Deans, and Mr. McNair, similarly exposed to a shower of stones, in a sampan with a broken oar.

Mr. Cockburn brought off Mrs. Roberts and daughter with his own family to the steamer, and immediately returned to see if he could carry from his house a few things of special value that can never be replaced. He was too late, but succeeded in getting an excellent view of what actually took place. Seeing numbers of soldiers mixed in the crowd, he insisted on the boatman putting him ashore, feeling confident he would be protected from personal violence. The reply he got was, "Soldiers will not strike soldiers." "That one, and that one, and that one," pointing to men armed with pickaxes and foremost in the riot, "these are all soldiers with their coats of." Seeing how matters stood, and with stones coming from the shore fast and thick, there was no help for it but to return to the steamer by a long detour.

Were anything more needed to show the utter helplessness and incompetence of the mandarins the proof is not far to seek. On Wednesday afternoon two of the customs staff walked down to Mr. Cockburn's house, and amidst the general wreck particularly noticed that the carpet was still on the sitting-room floor, whilst the compound was already occupied by a lieutenant and company of soldiers, who, to make doubly sure that no stragglers should enter, had barricaded the door and pitched a tent across it. Mr. Cockburn and Dr. Pirie went to the house on Thursday and found the carpet gone, the floor bearing evidence of the tacks having been carefully extracted. The inevitable conclusion is that the carpet was appropriated by the lieutenant himself. During the whole time the Bund has been full of mandarins on horseback and in chairs rubbing shoulders with people openly carrying away plunder of every description, from half-burnt wood to a silver tea service, which was observed to be taken to a house next door to a yamen. By Friday everything worth taking was gone, and then the official wrath burst forth against the poor people who came to get a little firewood cheaply.

Crowds of those caught with burdens of charred wood have been lodged in the yamen, but the mandarins durst not lay a finger on any of the real criminals. They are no doubt prepared to inflict any punishment demanded by foreign powers on the miserable creatures they have arrested, the very utmost limit of whose offenses does not exceed petty theft. More than all this, there was an open attempt to commence the riot ten days before it actually occurred. At that date three Chinese entered the Scotch Mission by the back door, loudly demanding to be shown the place where the foreigners picked out children's eyes. Making their way to the church, in which a native helper was preaching, they commenced tossing the seats about and shouting abuse which need not be repeated. Then seeing the various proclamations which have been issued in reference to the riots on the lower river posted up in front of the church, one of them went up to them and shouted out, "These too are fabrications of the foreigners; not one of them is genuine, nor bears the proper seals; I am an official myself and know the seals to be forgeries; see, here is a proper seal," pulling something from his pocket. By this time a crowd had collected; but, contrary to expectation, the people of the neighborhood, among them a military graduate, stoutly interfered, saying they all knew what was done in the mission and they would permit no disturbance to be raised by such slanderous statements. Then, taking him by the shoulders, they forcibly ejected him and saw him in safety to his home. What he said was not all false. He actually turned out to be a military officer named Wang, of the rank of wai-wei. Through the consul, who personally examined the witnesses, the chentai was informed of what had taken place, and a reply was received that Mr. Wang had got a black mark put against his name, three of them being enough to ruin a man. After what has transpired, the sooner the other two black marks are added the better.

The bearing Ichang has on the rest of China can not be appreciated without knowing that the chentai is an official of exceptional honesty and energy, who has hitherto been regarded with good reason as very friendly to Europeans. For China his soldiers are in an excellent state of discipline. But he is a Hunan man, and his soldiers are from Hunan. Hunan people in the employment of officials are at the bottom of everything. Of the chihsien not much need be said. He was on the Chinese commission as to steamers running to Chungking, and was looked up to as a sort of leader, having had experience in dealing with foreigners at some former period of his career. Such a name did he make for himself when the steamship *Kuling* was stopped from going to Chungking that he is now made the ruler of Ichang.

There is but one recommendation to make as to settlement. Let the punishment fall on the officials, the only culpable if not criminal parties that can be found. Let there be no demand for the cutting off of heads; the creatures taken into custody on Friday are deserving only of our pity.

The writer can not conclude without a public acknowledgement to Capt. Lewis,



Mr. Moore, and Mr. Grouleff, of the steamship *Paohua*, the only parties who could render assistance to those in danger. The customs staff could and would have made short work of the rioters before they had gone very far; the most courageous of Hunan braves respect a foreigner with a rifle. Greatly to their own chagrin, they had no option but to stay on the customs premises. The kindness shown to the fugitives on board the steamship *Paohua* was unbounded. Rooms, wardrobes—everything was placed at their service and pressed on their acceptance, those in command sleeping on deck. Those who were at Ichang on the 2d of September have no higher hope than to be near practical seamen in the next trouble they may get into.

It only remains to be stated that those in the riot simply escaped in the clothes they stood in. They saved absolutely nothing, and the houses fired were burned to the ground. Mr. Cockburn's house is as completely wrecked and ruined as if it had been burned with the rest. Without a single hitch the rioters carried out their plans with thoroughness with the single exception of Messrs. Jardine, Matheson & Co.'s godown, where a compromise was effected. Fortunately there has been no loss of life, but infuriated men brandishing knives mean murder, and had the *Paohua* not been in port there would have been a sadder tale to tell.

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Another correspondent, under date 4th instant, says that the mob, after burning down Capt. Cain's house, pulled down the walls and uprooted the trees in the compound. The foreigners, to the number of nine, were under arms to protect the consulate and customs. They each received 20 rounds of ball ammunition, but did not need to fire their guns, for their bayonets were sufficient to keep the mob back. The *Paohua* was kept back until the arrival of the *Tehhsing*. The people in the city were still very excited on the 4th, but otherwise things were quiet. The mandarins, however, were quite unable to cope with the rioters. None of the C. N. Co.'s property was burnt.

From another letter we learn that the mob on the 3d threatened to blow up the custom-house with bags of gunpowder, but fortunately they did not carry out their threat.

Information received by Her Britannic Majesty's office of works at Shanghai confirms the news of the destruction of the new British consulate at Ichang. At the time of the outbreak the walls, which were of brick, had reached a height of about 4 feet from the ground, and the scaffolding had just been fixed. The rioters tore down the scaffolding and all the woodwork and carried it off, besides knocking down all the brickwork they had time to attend to. All the materials for the building had been sent from Shanghai, a process which will now have to be repeated at Ichang's expense.

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#### *Correspondence—Wusueh and Ichang.*

*To the Editor of the North China Daily News.*

SIR: In the September number of the Messenger, just to hand, there is an account given of the Wusueh riots, in which the following sentences occur: "The crowd were about to proceed to further roughness, when luckily the erh-fu arrived in the nick of time with his guard and rescued the ladies and the children they had with them. Great credit is due to the erh-fu for his humane and resolute conduct on this occasion. He took and sheltered the refugees in his yamen, where they had the happiness of being reunited to some of their children who had been missing during the progress of the whole riot."

As the above account of the erh-fu's conduct is quite misleading, and as it is very important that all the information published at this time on matters connected with these riots should be thoroughly trustworthy, I shall feel obliged if you will find space for the insertion of the following statement of facts in the columns of the Daily News. Being based upon information received direct from C. T. Gardner, esq., Her Britannic Majesty's consul at Hankow, the statement may be regarded as perfectly reliable. At Wusueh there are three Chinese officials. The head official is called the erh-fu; the other two are called lungpingsze and the makowsze. On the evening of the 5th of June Mr. Green was on duty by the river with Mr. Argent, who was waiting for the steamer to return to Hankow in it. The ladies were quietly sitting at home. At 7 p. m. a mob broke into the ladies' houses and set fire to them. The ladies had just time to get their children and try to fly, accompanied by two native servants and some native Christians. The streets were crowded with men, who struck the ladies and children with poles. Some of the mob only

pretended to strike, and really warded off blows. Two of the ladies, Mrs. Boden and Mrs. Warren, got separated from the other and went for protection to the official residence of the makowsze, who, in spite of the entreaties of his own women folks, turned them out to the fury of the mob. Afterwards these two ladies and two children got into the mat hut of a market gardener, who allowed them to lie on his wife's bed, and there they remained, wounded and sore, but safe. The other lady, Mrs. Protheroe, also managed to get into the official residence of the makowsze, but he turned her out in the same brutal way he had turned out the other ladies.

The Christians appealed again and again to the erh-fu for men to quell the riot, but he refused. The lungpingsze, on the other hand, was doing his duty. He applied three times to the erh-fu for men, and the erh-fu each time refused. The solitary lady, Mrs. Protheroe, was still exposed to the fury of the mob, when a man said: "I will have her ring," and, seizing her by the hand, dragged her through the mob to the erh-fu's residence. Here he turned suddenly round, faced the mob, and threatened it that if they touched the lady they should be punished. The erh-fu kept Mrs. Protheroe at his door for more than fifteen minutes, and was only persuaded by the threats of Chinese friendly to us to open it and give her shelter. He was also induced by the same threats and the earnest entreaties of Mrs. Protheroe to send and search for the other ladies and the children. Not till Mrs. Protheroe was admitted was any attempt made to discover, help, or rescue the other ladies. But they were actually rescued by the Christians, with the help of a few of the more well-disposed heathen. One child was being carried by a Christian. The Christian was knocked down; the baby, however, was caught up by a native woman (a non-Christian), who faced the fury of the mob for three-quarters of an hour and declared that they should rather kill her than the innocent child. One child was hidden in a cellar by one of the missionary's servants. This boy, a lad of 17, went to warn Mr. Argent and Mr. Green of what was happening. He met Messrs. Green and Argent, who, seeing the conflagration, were coming to put it out. He begged them to turn back, but of course they would not. The mob was very violent, and Argent tried to escape by running into a shoemaker's shop. The shoemaker cried out, "Kill him outside and not in my shop." Argent was pushed outside the shop and brutally killed, in spite of the efforts of the Chinese boy to save him, by having his brains dashed out with huge blocks of stone used as hammers. Green escaped into a pond, where he remained two hours, but at last came out under the promise that his life would be spared. When he came out he was hacked in pieces by swords.

The Christians found and took the other two ladies to the erh-fu's residence, whence in a short time they were taken on board the steamer and brought to Hankow.

Such is the true story of this riot. The lungpingsze did his duty well; the Christians acted splendidly, and some of the non-Christian natives showed great kindness. But what about the erh-fu? Mr. Bramfitt, one of the missionaries of the Wesleyan Mission, charged the erh-fu with culpable neglect, and in open court sustained the charge. To speak of this official as worthy of great credit, and of his conduct as humane and resolute, is simply ludicrous. I hear that this heartless man has been cashiered. Why was he not deprived of his button? Two men have been beheaded and ten more have been variously sentenced. The sum of \$25,000 as indemnity has been sent in, and \$40,000 has been offered as solatium to the mothers of the deceased. All this is very well in its way, but it was a great mistake to allow the erh-fu to escape so lightly. Of all the sinners in that riot there was no greater than he, and if one man more than another deserved to be made an example of, surely the erh-fu was that man.

The steamer of to-day will bring you full account of the riot in Ichang. It has been supposed by many that these riots are purely antissionary. The Ichang riot will, it is hoped, convince all such that they are antifeign.

The aim of the rioters was to destroy all foreign property, whether mission or otherwise, and to drive all foreigners from the place. It has also been maintained that these riots are to be ascribed to the hatred of the missionaries among the masses of the Chinese people. So far as the Ichang riot is concerned, it can be proved that the masses of the people had very little to do with it, and that it was got up by the soldiers under whose protection the foreigners are supposed to be. The intercourse of the missionaries with the people of Ichang has been of the most friendly nature. In the beginning of last year I received an invitation from Mr. Cockburn to come and assist at the opening of his new chapel at Ichang. Having had something to do with the establishing of the mission twelve years previously, and having taken a deep interest in its work and welfare ever since, I felt it to be both a duty and privilege to comply with my friend's request. Whilst walking with Mr. Cockburn in the city and the surrounding country I could not but observe how well he was known to the people as a teacher and friend. For some time he had been the doctor as well as the clergyman of the place, and both the natives and the foreigners

seemed to depend upon him for physical healing as well as spiritual instruction. The kindness of Mr. and Mrs. Cockburn seemed to have won many hearts among the natives, and wherever we went we were treated with the greatest respect and friendliness. My first visit to Ichang was in 1868, before any missionary had settled down in the place. The change for the better in the bearing of the people toward me was very marked, and I could not but ascribe it in a large measure to the presence and work of the missionaries in their midst.

We have been brought face to face with another great crisis in China. I believe that there is a deeply laid plot which has for its aim the immediate expulsion of all foreigners from the Yangtse Valley, and ultimately from all China. "Can you control your own people?" asks the British Government. The yamèn has given its answer to that question, and so has Ichang. It behooves the foreign powers to consider carefully and well the Ichang answer, for it is significant. It is reported that a grand conclave was held in Wuchang last week, at the head of which were many influential Hunanese. The resolution come to was that no foreigners are to be allowed to dwell in the provinces of Hunan, Hupeh, and Kiangsi. This morning two anonymous placards were found in the compounds of the Roman Catholic and London missions in the city of Wuchang, warning the foreigners of the coming storm. Hunan is bent upon mischief. How to deal with it I can not tell; but I am anxious to call attention to the fact, and that for the sake of the people of China as well as for our own sake.

I am, etc.,

GRIFFITH JOHN.

HANKOW, September 7.

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*Mr. Denby to Mr. Blaine.*

No. 1391.]

LEGATION OF THE UNITED STATES,  
Peking, September 23, 1891. (Received November 10.)

SIR: I have the honor to inclose a translation of a communication from the foreign office to me of the 19th instant.

I took occasion a few days ago to represent to the yamèn that my advices were that there was great danger of a riot at Wuchang, and to urge the necessity of taking strong measures for the protection of the missionaries located there, some of whom are Americans.

It will be seen from the inclosure that the necessary orders have been issued.

We have no news of any riot since the one at Ichang.

I have, etc.,

CHARLES DENBY.

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[Inclosure No. 1391.]

*The tsung-li yamèn to Mr. Denby.*

PEKING, September 19, 1891.

YOUR EXCELLENCY: We have had the honor to receive your excellency's note (of the 15th instant) to the effect that you had received a telegram from the American consul at Hankow, wherein he reports that there is danger of a riot at Wuchang, and he desires that immediate instructions be sent to the viceroy to protect foreigners, and recommends that a high official be sent to inquire into disturbances in Hupeh, etc.

The yamèn some days ago, having heard certain reports, telegraphed to the governor-general of the Hu Kwang provinces to take precautionary measures to prevent any trouble. On the 15th of September the yamèn received a telegram in reply from that officer, stating "that strenuous measures must be adopted to give protection." He further stated that he had already instructed both the civil and military authorities under his jurisdiction to use every effort in seeing that foreigners were duly protected.

"The cause of the recent riots against missionaries in the several provinces has been the posting of anonymous placards. These have been of the greatest evil and injury. Some have been in the form of pictures and others in verse. The false

H. Ex. 1, pt. 1—29

reports have been circulated broadcast, and the ignorant people, believing them, have become excited and their feelings aroused.

"Proclamations have been put up offering rewards, and on the arrest of the persons who have circulated these anonymous placards they will at once be punished by decapitation."

We (the ministers) would observe that Wuchang is not a treaty port and there are no foreign hong established there, only missionaries. The governor-general of Hu Kwang has already taken precautionary measures and deputed officials to give the necessary protection, and we think there will not be any trouble. Besides, strenuous prohibitory proclamations have been published against the circulating of false rumors, and those guilty of this will have capital punishment meted out to them.

The action taken to protect foreigners by the authorities of said province may be said to be in accordance with treaty stipulations, and they have not shown a want of energy in this respect.

As to the statement in your excellency's dispatch about deputing an officer to investigate matters in Hupeh, we would remark that the governor-general of Hu Kwang is an official of high rank. He has been scrupulously careful in the action he has taken, and it would therefore seem unnecessary to appoint another officer, thus dividing the responsibility, which would prove embarrassing and detrimental.

Cards with compliments of ministers.

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*Mr. Denby to Mr. Blaine.*

No. 1393.]

LEGATION OF THE UNITED STATES,  
*Peking, September 26, 1891. (Received November 10.)*

SIR: I have the honor to inclose a copy of a dispatch to me from Consul Andrews, giving a description of the riot at Ichang. Mr. Sowerby, who was injured by the mob, proves to be an Englishman. It is gratifying to know that amid all the trouble and danger of the past four months no American has been injured.

I have, etc.,

CHARLES DENBY.

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[Inclosure in No. 1393.]

*Mr Andrews to Mr Denby.*

CONSULATE OF THE UNITED STATES,  
*Ichang, September 5, 1891.*

SIR: I have the honor to advise you that, arriving here last night at midnight, I found a most serious riot had taken place on the 2d instant. The facts are about as follows:

On Tuesday, the 1st, a Chinaman came to the Roman Catholic Orphanage with a child and stated that his wife was dying; that they were very poor and could not take care of the child, which he stated was a girl, and begged the favor of the fathers to leave the child with them. His story, apparently correct, the Fathers acceded, received the child, and the Chinaman left. Shortly after it was discovered the child was a boy, not a girl as represented.

Wednesday morning early a man came to the orphanage, having been all round the city beating a gong and crying that he had lost his son. The Fathers told him of the child left with them Tuesday, the circumstances connected with its receipt, and produced the child, which the man at once claimed as his. Taking the child, he proceeded around to the front of the orphanage, raised a big noise, and soon a crowd was collected.

Count d'Arnoux received word at the custom-house and sent word at once to the prefect (the taotai being absent) and the major-general of the soldiers. They responded promptly and appeared on the scene, apparently quieted the mob, and told the commissioner (Count d'Arnoux) there would be no trouble. The commissioner left the orphanage about 11 o'clock, going to the custom-house. At a quarter of 12 o'clock the mob reassembled and attacked the American Church Mission, which is immediately next to the orphanage. They had just finished a fine new brick building, two stories, and having sixteen rooms. Mr. Sowerby, an Englishman, was

in charge and had only native Christians with him. His wife and family were away in Hankow. They broke into his compound, and, finding Mr. S. in the garden, attacked him. Urged by the gardener, Mr. S. took flight, was struck on the head by stones, knocked down, but, not being seriously hurt, regained his feet and finally reached the English consulate. The house was fired and completely destroyed. The fence on two sides was of plank and was torn down and carried off, and not so much as a foot of it was left. Next the mob attacked the Roman Catholic Orphanage (French) and set it on fire, driving out the one priest who was there and seven Sisters. By good fortune they were able to get through the mob by the assistance of some of the soldiers, reach the river, and were taken off by boat from the steamer *Paohua*. By this time a large number of Chinese huts between the orphanage and the custom-house were fired and burning fiercely. A change of wind and three large trees intervening saved the custom-house from the fire, but it was a narrow escape.

Proceeding down the river, passing the English consulate, they fired a house belonging to Capt. Cain, at the time vacant, destroyed utterly his fine garden, and carried off everything but the hot bricks. Next was a house belonging to the Church of Scotland Mission and occupied by Mr. Cockburn. Mr. C. and family were away across the river for the day and so escaped the mob. The house is looted and destroyed with all its contents, as far as can be done without fire. The large Catholic college and priest's house next was attacked and burned, but without any loss of life. Then, returning up the river to the custom-house, the mob made an attack, but Commissioner d'Arnoux had eight foreigners of his staff armed with rifles and bayonets and drove the mob back at the bayonet point, pricking a number of them, but not firing on them. Night closed on the scene with all the foreign houses in the place destroyed, the custom-house and consulate alone being left. I have been carefully over the ground since I got here, and I don't think the loss will vary much from 225,000 taels, putting the things in at an actual value. Still, no steps have been taken as yet, and the claims may be very much greater.

The Chinese soldier, as usual, was of no use, and charges are freely made that soldiers with coats turned over were in the mob and assisted at the burning. The godowns of the steamer companies are all in the hands of Chinese, and by bribery and urging that the goods belong to Chinese the godowns were spared. The leaders of the mob were well dressed and not Ichang men. Rumors of further trouble are rife, but I do not believe in it, as doubtless the leaders have left.

HENRY W. ANDREWS,  
Consul.

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*Mr. Denby to Mr. Blaine.*

No. 1399.]

LEGATION OF THE UNITED STATES,  
*Peking, October 5, 1891. (Received November 18.)*

SIR: In my dispatch No. 1380, of the 31st of August last, I sent you a translation of a communication of the foreign office to me relating to the Chinanfu troubles.

Having obtained from Rev. Gilbert Reid more specific information as to the condition of affairs at that city, I sent to the yamen on the 1st instant a communication, of which I inclose a copy. I therein briefly recite the steps that have been taken in this troublesome affair, and I urgently ask that stringent orders be sent to the local officials that the missionaries be allowed to hold, occupy, and build on the lot in the east suburb which they bought last March.

I have, etc.,

CHARLES DENBY.

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[Inclosure in No. 1399.]

*Mr. Denby to the tsung-li yamen.*

LEGATION OF THE UNITED STATES,  
*Peking, October 1, 1891.*

YOUR HIGHNESS AND YOUR EXCELLENCIES: In reply to your communication of August 25, relating to the Chinanfu troubles, I beg leave to make a statement in brief of the case, as it seems to me that it is not properly understood.

In the autumn of 1887, with the consent of the officials, the American Mission leased a house of Mr. Lin Meng Kuei. Opposition on the part of some persons arising, the officials desired the missionaries to consent to an exchange. The missionaries consented, provided a suitable exchange could be made.

In the winter of 1888 Robert Colman purchased a piece of land a few li from the west suburbs. The taotai asked the mission to take the land in the country as an exchange for the property in the south suburb, but the mission refused to do so, as the cases were distinct.

The deed to the country land was stamped; the other case remained unsettled. Later on the mission consented to give up the property in the country and continued to press its desire for a suitable piece of property in the suburbs. On the 14th of February of the present year the taotai wrote to the mission in regard to finding an exchange in the suburbs. This was done in obedience to the orders of your highness and your excellencies.

That there was no difficulty in procuring land in the east suburb was shown by the fact that a man named Fu leased to the mission a piece of land in that suburb. This is the land in question.

When the purchase thereof was reported to the taotai, the missionaries stated that they would be willing to let all other matters be regarded as settled, provided they were allowed to retain possession of this piece of land lying in the eastern suburb.

But opposition on the part of a few persons has again arisen. The missionaries are willing to grant another exchange if suitable land be furnished them. There is now no sign of an exchange being made. The missionaries have occupied this land for eight months. They have raised a crop on it. I urgently ask that your highness and your excellencies will issue stringent orders that the missionaries be allowed to hold, occupy, and build on the lot in the east suburb without let or hindrance from anyone.

If this is not done, the whole Chinanfu question will be opened up again, and four years' discussion will go for naught.

I have, etc.,

CHARLES DENBY.

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*Mr. Denby to Mr. Blaine.*

No. 1410.]

LEGATION OF THE UNITED STATES,  
Peking, October 24, 1891. (Received November 28.)

SIR: I have the honor to inform you that I have received from the foreign office a communication relating to the recent riots, of which a copy is inclosed.

I have, etc.,

CHARLES DENBY.

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[Inclosure in No. 1410.—Translation.]

*The tsung-li yamen to Mr. Denby.*

PEKING, October 18, 1891.

YOUR EXCELLENCY: This yamen has recently received from the southern superintendent of trade a telegram as follows:

"Tsao-i, a member of an unlawful secret society, has been arrested and has testified under examination that he had solicited men to enter the society and had issued certificates of membership. Tang Yü-ting, a leader in the conspiracy to burn chapels, admitted under examination that many people had become members of the society. Hwang taotai also submits the testimony of some of those engaged in attacks on chapels, and orders have been issued to him to execute them on the spot and expose their heads. Chiang Kuei-fang and others, who have already been informed against and who are in hiding, have been enumerated in notices which have been sent to all the provinces so that they may be seized wherever they may be. Three of the criminals who at Chin Kuei acted on the instigation of others have been arrested and have been sentenced to wear the kang."

No. 1411.]

*Mr. Denby to Mr. Blaine.*

LEGATION OF THE UNITED STATES,  
*Peking, October 24, 1891. (Received November 28.)*

SIR: I have the honor to inform you that I have received from the foreign office a copy of a very long memorial forwarded by Chang Chi Tung, the viceroy of Hu Kwang, on the subject of the recent riots in the province of Hupeh at Wusueh. I have thought that, owing to its extreme length, an abstract thereof would be more acceptable than the entire document. The viceroy substantially makes the following statements:

After the riot at Wuhu in May last great popular excitement existed in the whole valley of the Yangtse. He issued instructions to the officials ordering them to adopt stringent measures of a precautionary nature. At Wusueh there was an English church, but no founding hospital. The natives and foreigners had always got along well together. However, on the 5th of June last a native of the Kuang-chi district, a Catholic, arrived at Wusueh carrying four children, whom he said he was taking to the Catholic asylum at Kiukiang. Some depraved villains, seeing the man, imagined the incident to be a confirmation of the prevalent rumors, and in a moment a turbulent crowd assembled. This crowd threw stones through the windows of the missionary premises, with the result that a kerosene lamp upset and a fire broke out which destroyed all the buildings. Some property was stolen by the members of the crowd. A native customs deputy and a subprefect hastened to the scene of the riot to restore order, but they were stoned and driven away. Two of the missionaries connected with the English chapel were absent, but their families remained there. A British subject named Green, a customs tidewaiter, and a British missionary named Argent attempted to put out the fire and were killed by the mob. The ladies of the mission went first to the office of the deputy magistrate. He refused to let them enter his premises. They were afterwards escorted by some soldiers to the house of the subprefect. The three ladies had been beaten and wounded. The viceroy sent troops from Wuchang to Wusueh to restore order. The magistrate of Kueng-che proceeded to the scene and made many arrests. Ten prisoners were found to be the real culprits. A trial took place. The depositions of the members of the Wusueh mission were taken at Hankow and forwarded to the court. The evidence taken showed that the riot originated in the suspicions as to the conveyance of the children above mentioned. The disturbance was sudden and without warning. It had not any origin in the desire of plunder. An iron safe in the premises was untouched. Three men admitted that they had incited the riot and two of them that they had stabbed the missionary Argent. Two of them were immediately decapitated and their heads exposed by way of warning. The other prisoners were punished by bambooning, branding, and banishment to various distances. The law was exactly followed in these sentences. The magistrate who refused to allow the ladies to enter his premises has been ordered to be removed from office and deprived of his button. Measures have been taken to arrest offenders who are still at large. The viceroy is to give to the families of Argent and Green \$20,000 each, as the missionaries at Wusueh were in no wise to blame for the riot. The sum of \$25,000 is to be paid as damages for all other injuries, making \$65,000 in all to be paid. The settlement has been reported to the British minister, but no answer has been received.

The viceroy says that the riots in the Yangtse Valley mostly originated out of the practice of receiving and bringing up young children in asylums. False rumors of bad treatment of these children circulate and all of a sudden there is a riot. The consuls at Hankow were requested to direct the missionaries to desist for a time from receiving young children into their establishments. Hereafter there are to be periodical inspections by officials and gentry of these asylums.

If compliance with such regulations is secured, there will be no further trouble. Rewards are to be offered for the arrest of all persons who put up incendiary placards. Two other cases affecting the English have been settled.

This report "is reverently submitted to the sacred glance" by the viceroy.

I have, etc.,

CHARLES DENBY.

*Mr. Denby to Mr. Blaine.*

[Extract.]

No. 1415.]

LEGATION OF THE UNITED STATES,  
*Peking, October 31, 1891. (Received December 11.)*

SIR: I have the honor to inform you that I have received from the foreign office a communication, a translation whereof is inclosed. It appears therefrom that the difficulties heretofore existing at Chinanfu, in Shantung, "have all been cleared away." Mr. Reid has been authorized to acquire land, and there is no objection thereto on the part of the literati or people. This happy termination of a long-standing controversy is the cause of special joy to this legation, which I hope will be participated in by the Department.

It is proper to state, however, that the claim of the American Episcopal Mission for damages for the destruction of its property at Ichang is not settled, and that it may finally reach the legation.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1415.—Translation.]

*The tsung-li yamen to Mr. Denby.*

Informal.]

PEKING, October 30, 1891.

YOUR EXCELLENCY: We have the honor to state that we have received a telegram from the governor of Shantung reporting that the case involving the purchase of land by Gilbert Reid at Chinanfu, in Shantung, has been settled. In our recent personal interview we informed your excellency of this. The telegram which we had then received, however, was not very explicit, and we telegraphed for further details. We have now received a reply that all the difficulties in Mr. Reid's affairs have been cleared away. The authorization to him to find a house for a dispensary has been explained by authorized subordinate officials to the satisfaction of the literati and people, and no objections thereto exist among them.

Your excellency has, we suppose, already received a letter to this effect from Mr. Reid.

In making this communication for your excellency's information, we avail of the occasion to wish you prosperity.

Cards inclosed.



## CORRESPONDENCE WITH THE LEGATION OF CHINA AT WASHINGTON.

*Mr. Tsui to Mr. Blaine.*CHINESE LEGATION,  
*Washington, December 18, 1890.*

SIR: I have the honor to inform you that I received on the 15th instant a cablegram from the foreign office in Peking, announcing the issuance, on the 12th instant, of the following imperial decree through the grand council of state:

Ever since treaty relations have been established between China and other nations, we have yearly and without omission sent our greetings by sealed letters, and consequently our long-standing friendship, as years go by, has become more and more cordial and firm.

It is very gratifying to me to state that all the ministers plenipotentiary who represent their respective governments in this court have been signally successful in the observance of good faith, maintenance of amity, and the promotion of harmonious international intercourse.

In the first and second months of last year, on account of repeated joyful events, the foreign office, in pursuance of Her Majesty the Empress Regent's command, banqueted all the ministers, so as to have representatives of all nations unite in the enjoyment of the jubilant occasions. As it is two years since we assumed the reins of government, it is appropriate that we should, following the precedent of the 12th year of Tung Chi (1873), grant all the ministers at this capital an audience, and thereafter an annual one, as an evidence of marked courtesy extended to them. So let the foreign office name in its memorial a certain day in the first month of next year for the audience, as above mentioned, to the ministers and chargés d'affaires at the capital, and on the day following entertain them at a banquet in the foreign office. In the first month of every succeeding year these observances shall be regularly kept up. Any minister who arrives after that date shall have an audience on the regular annual day. When there is a national joyful event, wherein both the native and foreign officials join in the enjoyment of the jubilant occasion, let the foreign office memorialize to the Throne, praying for permission to give a banquet to them, in order to manifest the sincere and ever-increasing desire of the imperial court in cultivating the friendship of its neighboring courts. Further, let the foreign office beforehand memorialize to the Throne all the ceremonies necessarily pertaining to and befitting the occasion.

Implicitly obey this command.

Accept, etc.,

TSUI KWO YIN.

*Mr. Pung to Mr. Blaine.*CHINESE LEGATION,  
*Washington, March 9, 1891.*

SIR: I have the honor to bring to your kind notice the gratifying announcement of the following cablegram from the foreign office in Peking, received yesterday:

All the ministers had an audience on the 25th day of the present month (March 5th, instant), and were banqueted on the following day (March 6, instant). Appropriate ceremonies were most pleasantly observed on both occasions. Please communicate the above to the honorable Secretary of State of the United States.

Accept, etc.,

PUNG KWANG YU.

*Mr. Blaine to Mr. Pung.*

DEPARTMENT OF STATE,  
Washington, March 11, 1891.

SIR: I have the honor and pleasure to acknowledge the receipt of your note of the 9th instant, in which you courteously inform me of the intelligence which has been communicated to you by cable, that all the foreign ministers at Peking had audience of His Imperial Majesty on the 5th instant, and were banqueted on the following day, March 6, with observance of the appropriate ceremonial on both these pleasing occasions. A telegram has been received from the minister of the United States at Peking to the same effect.

Awaiting the report which Mr. Denby will make of this auspicious event, I take this opportunity to express the deep gratification it gives this Government to behold this signal proof of the good will of China toward the states with which the Empire is associated in the great family of nations, and of the purpose of His Imperial Majesty's Government to cultivate the courteous amenities of intercourse whereby the friendly relationship is shown and fostered.

Accept, etc.,

JAMES G. BLAINE.

*The Chinese consul-general to Mr. Tsui.*

[Telegram.]

SAN FRANCISCO, May 29, 1891.

Two Chinese merchants and one student holding certificates issued by Chinese consul at Yokohama properly viséed by American consul arrived per steamship *City of Peking*. Collector refuses to land them, mainly on the ground that Chinese consuls have no right to issue certificate or passport to Chinese merchants or exempt class residing at their ports to come to the United States. See Department on the matter immediately. Steamer departs June 2.

LI YUNG YEW,  
Chinese Consul-General.

*Mr. Wharton to Mr. Tsui.*

DEPARTMENT OF STATE,  
Washington, June 1, 1891.

SIR: Referring to our interview of to-day, and to the copy before me of a telegram of the 29th ultimo, sent you by the consul-general of your Government at San Francisco, I have the honor to say that the Secretary of the Treasury has telegraphed the collector at that port to permit the landing of the two Chinese merchants and the student to whom the consul-general refers.

In view of that part of the consul-general's telegram which reads:

Collector refuses to land them mainly on the ground that Chinese consuls have no right to issue certificates or passports to Chinese merchants or exempt classes residing at their ports to come to the United States—

I have the honor to suggest that you address to me a formal note, confirming the statement made in your interview with me to-day, that the Chinese Government authorizes the Chinese consuls to issue certificates or passports to the privileged classes, to the end that I may communicate a copy thereof to the Secretary of the Treasury as a basis for general instructions to the collector at San Francisco designed to preclude future embarrassments.

Accept, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Mr. Tsui to Mr. Wharton.*

CHINESE LEGATION,  
*Washington, June 2, 1891.*

SIR: Confirming the statement made by me to you in our interview of yesterday, I have the honor to inform you that the Imperial Chinese Government, in order to facilitate a more perfect compliance with the terms of section 6 of the law of the Congress of the United States of July 5, 1884, has authorized the consuls of China in foreign countries to issue, in behalf of their Government, to the exempt class of Chinese residents in said countries the certificate of identity required by said law.

I shall therefore be greatly obliged if you will communicate the foregoing fact to the honorable Secretary of the Treasury, in order that he may issue such general instructions to the collectors of customs of ports of the United States as shall secure a recognition by them of the validity of certificates of Chinese consuls of the character named.

I am, etc.,

TSUI KWO YIN.

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*Mr. Tsui to Mr. Wharton.*

CHINESE LEGATION,  
*Washington, June 8, 1891.*

SIR: If you wish me to communicate by telegraph to my Government the subject of our conversation which we had together this morning, I beg that you will kindly send me a copy of the telegram \* in question.

In my humble opinion, Mr. Denby, the United States minister at Peking, is attending to the matter, and even my telegraphic dispatch would not be prompt enough, and it might be as well for me to communicate by writing. Let me know, therefore, whether you desire me to send a telegraphic dispatch; if so, I will do so in compliance with your wishes.

I have, etc.,

TSUI KWO YIN.

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\* Mr. Denby's telegram of June 7, 1891.

*Mr. Tsui to Mr. Wharton.*

CHINESE LEGATION,  
Washington, June 9, 1891.

SIR: Referring to the note which I sent to you yesterday, I beg to state that my object in asking a copy of Minister Denby's cablegram, respecting the reported troubles in China, was for the purpose of telegraphing to my Government more accurately the localities where riots were feared by him.

I have now the honor to inform you that, not having received a response to my note, and fearing that further delay might not be prudent, I have this morning sent by telegraph a message to the tsung-li yamèn, expressing the anxiety your Government feels on account of the news received from Minister Denby, and your desire that measures should be taken for the protection of American residents in the locality named in Minister Denby's telegram.

Should you see proper to give me detailed information as to the localities and facts mentioned in Minister Denby's telegram, I shall take great pleasure in further confirming my telegram of this morning by sending the additional details to the tsung-li yamèn.

Accept, etc.,

TSUI KWO YIN.

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*Mr. Wharton to Mr. Tsui.*

DEPARTMENT OF STATE,  
Washington, June 10, 1891.

SIR: I have the honor to acknowledge the receipt of your polite note of the 9th instant, and to thank you for the transmission of your telegram of the same date apprising the tsung-li yamèn of the anxiety of this Government touching our citizens who reside in parts of China exposed to recent riots.

In further reply to your valued note, I have the honor to say that, according to Mr. Denby's telegram of the 7th instant, the riots were at "Nanking and other places" and at Wusueh.

I have received to-day a further telegram (from the consul-general at Shanghai), stating that riots have occurred at Kiukiang; that the French mission, 20 miles from Chingkiang, was burned on the 5th instant; that two Englishmen were murdered at a town on the Yangtse, above Kiukiang; and that a French mission, 100 miles from Shanghai, has been destroyed.

Thanking you again for the transmission of the telegram to the tsung-li yamèn, I avail myself, etc.,

WILLIAM F. WHARTON,  
Acting Secretary.

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*Mr. Tsui to Mr. Blaine.*

CHINESE LEGATION,  
Washington, June 13, 1891.

SIR: Referring to my note of the 9th instant, in which I informed you that I had telegraphed to my Government the anxiety expressed by you for the safety of American subjects in China, I now have the

pleasure to inform you that I am in receipt of a cablegram in reply from the tsung-li yamén, stating that protection to American residents in the localities named by Minister Denby is assured, as guarantied by treaty stipulations between the two countries, and I am instructed to communicate this intelligence to you in order that you may be relieved from further anxiety.

In thus executing the orders of my Government, it is pleasant for me to again assure you, etc.,

TSUI KWO YIN.

*Mr. Wharton to Mr. Tsui.*

DEPARTMENT OF STATE,  
*Washington, June 16, 1891.*

SIR: I have the honor to acknowledge the receipt of your valued note of the 13th instant, by which you communicate the assurances of your Government that American citizens residing in the localities named in the telegram of our minister at Peking of recent date as the scenes of riot will receive due protection.

Sincerely thanking you for your courteous and efficient action on behalf of our citizens in China, I avail myself, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Mr. Wharton to Mr. Tsui.*

DEPARTMENT OF STATE,  
*Washington, June 17, 1891.*

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant, and to say in reply that, having made known its contents to the Secretary of the Treasury, he has decided that there are no objections to the acceptance by our customs collectors of the certificates of identity, which, under authority of the Imperial Government, are issued by its consuls in foreign countries to certain Chinese subjects of the exempt class contemplated in section 6 of the act of May 6, 1882, as amended July 5, 1884, and will take action accordingly. I inclose a copy of his letter.

Accept, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

• [Inclosure.]

*Mr. Foster to Mr. Blaine.*

TREASURY DEPARTMENT,  
*Washington, June 12, 1891.*

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, transmitting a copy of a note from the Chinese minister at this capital, in which he states that the Imperial Government, in order to facilitate a more perfect compliance with the terms of section 6 of the act of May 6, 1882, as amended by the act of July

5, 1884, has authorized the consuls of China in foreign countries to issue, in behalf of their Government, to the exempted or privileged class of Chinese residents in such countries the certificate of identity required by said section, and requests that this Department may give such general instructions to collectors of customs in the United States as shall secure a recognition by them of the validity of certificates of Chinese consuls of the character named.

The language of the section of law above referred to is as follows, viz:

"That in order to the faithful execution of the provisions of this act, every Chinese person, other than a laborer, who may be entitled by said treaty or this act to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign government of which at the time such Chinese person shall be a subject, in each case to be evidenced by a certificate issued by such government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued, and that such person is entitled by this act to come within the United States. If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid: *Provided*, That nothing in this act nor in said treaty shall be construed as embracing within the meaning of the word 'merchant' hucksters, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation. If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired. The certificate provided for in this act, and the identity of the person named therein, shall, before such person goes on board any vessel to proceed to the United States, be viséed by the indorsement of the diplomatic representatives of the United States in the foreign country from which said certificate issues, or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue, it shall be his duty to refuse to indorse the same. Such certificate viséed as aforesaid shall be prima facie evidence of the facts set forth therein, and shall be produced to the collector of customs of the port in the district in the United States at which the person named therein shall arrive, and afterwards produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities."

In the opinion of this Department, the delegation of such authority by the Chinese Government to its consuls in foreign countries is not incompatible with the intent of the above section, and, inasmuch as this Department has already recognized such delegation of authority in its telegram of the 1st instant, addressed to the collector of customs at San Francisco, in the case of two Chinese merchants and one student, subjects of China, arriving at that port per *City of Peking*, holding certificates from the Chinese consul at Yokohama, properly viséed by the American consul, I will thank you to furnish the Chinese minister with a copy of this letter, and inform him that this Department perceives no objections to the acceptance by collectors of customs of certificates of the character mentioned, issued by Chinese consuls in other countries to Chinese subjects, and that action will be taken accordingly.

It may be mentioned that Department's circular of January 14, 1885, paragraph 5, as amended by its letter of July 13, 1885, contemplates the issuance of such certificates by Chinese diplomatic and consular officers to Chinese subjects, not laborers, desiring to come to the United States from countries other than China.

It is suggested that United States consular officers be advised of the fact of such delegation of authority.

Respectfully, yours,

CHARLES FOSTER.

*Mr. Tsui to Mr. Wharton.*

CHINESE LEGATION,  
Washington, June 24, 1891.

SIR: I have had the honor to receive your note of the 17th instant, with which you inclose a copy of a letter from the honorable Secretary of the Treasury, containing the gratifying information that his Department has decided that collectors of customs may accept the certificates of identity of Chinese subjects in foreign countries.

I take pleasure in acknowledging this equitable action of your Government, and shall communicate it without delay to the Imperial Government, which on its part will also receive it with much gratification. I repeat, etc.,

TSUI KWO YIN.

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*Mr. Wharton to Mr. Tsui.*

DEPARTMENT OF STATE,  
Washington, July 11, 1891.

SIR: I have the honor to state that the Department communicated, on the 3d instant, a copy of the memorandum left here by you upon that day, relative to alleged defects in certificates held by certain Chinese subjects recently arrived at San Francisco, to the Secretary of the Treasury. As appears by letter of the Treasury of the 9th instant, instructions were sent to the collector at San Francisco on the 7th, giving the substance of your memorandum, and closing as follows:

If the defects in the certificates are of the character described by the Secretary of State, the Department is of the opinion that they may properly be accepted as prima facie evidence of the right of the holders to land in the United States; and you will be governed accordingly.

Accept, etc.,

WILLIAM F. WHARTON,  
Acting Secretary.

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*The Chinese consul-general to Mr. Tsui.*

[Telegram.]

SAN FRANCISCO, July 24, 1891.

The Chinese merchants at Vallejo, Cal., have recently been repeatedly outraged, robbed, and murdered. Please communicate with the State Department, with a request that instructions be sent by telegraph to extend protection to them.

LI YUNG YEW.

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*Mr. Wharton to Mr. Tsui.*

DEPARTMENT OF STATE,  
Washington, July 25, 1891.

SIR: I have the honor to say, with reference to the telegram of yesterday of the imperial consul-general at San Francisco, of which you

left with me a translation to-day, that I have telegraphed to the governor of California, asking an immediate investigation of the alleged outrages on Chinese subjects at Vallejo and transmission of the facts to this Department.

Accept, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Mr. Wharton to Mr. Tsui.*

DEPARTMENT OF STATE,  
*Washington, August 11, 1891.*

SIR: Referring to my note of the 25th ultimo, I have the honor to inclose a copy of a letter of the governor of California and of its accompaniments relative to the alleged recent injuries inflicted on Chinese residents of Vallejo.

Accept, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

[Inclosure.]

*Governor Markham to Mr. Wharton.*

EXECUTIVE DEPARTMENT,  
*Sacramento, Cal., August 3, 1891.*

SIR: In response to the request contained in your telegram of July 25 in regard to the claim of the Chinese consul-general at San Francisco that Chinese merchants at Vallejo, this State, had recently been repeatedly robbed, outraged, and murdered, I beg leave to say that I have made a careful, and as I believe a searching, investigation of the question, and transmit herewith copies of the letters received by me from his honor A. J. Buckles, judge of the superior court of Solano County; O. P. Dobbins, esq., district attorney of Solano County, who prosecuted the cases; G. C. Demmon, the justice of the peace before whom the cases were tried and a part of them still pending; the Hon. George J. Campbell, State senator, representing the eleventh senatorial district, this State; Joseph R. English, cashier of the Vallejo Savings and Commercial Bank; and T. L. Robinson, attaché of the United States navy-yard, Vallejo, Cal.

All of which is respectfully submitted.

H. H. MARKHAM,  
*Governor.*

*Judge Buckles to Governor Markham.*

EN ROUTE TO DETROIT, *July 28, 1891.*

SIR: I have the honor to acknowledge the receipt of your letter of July 25, which was handed me at Suisun last night as I passed en route to Detroit. I am aware that the district attorney of Solano County has been putting forth every effort at his command to bring the guilty parties in the Vallejo trouble to justice, and I have referred your letter to him, with a request that he furnish your excellency with a statement of the trouble and what his efforts have been. Knowing the efficiency of police officers of my court and the zeal of the district attorney to bring offenders to justice, I assure you no effort will be spared to this end.

I have, etc.,

A. J. BUCKLES,  
*Judge, Fairfield, Solano County, Cal.*



*District Attorney Dobbins to Governor Markham.*

FAIRFIELD, July 23, 1891.

SIR: Your favor of 25th instant, containing a copy of telegram received by you from the Acting Secretary of State at Washington, in which it is stated that the Chinese consul-general at San Francisco has complained to the Department of State at Washington "that Chinese merchants at Vallejo have recently been outraged, robbed, and murdered, and urging the Department to request of you due protection for Chinese subjects," has been duly received. In reply will say, that as prosecuting officer of this county I had thoroughly examined into the matter complained of before receiving your communication, and the facts, briefly stated, are about as follows:

About 11 o'clock on the evening of July 4 a fire broke out in a house in Vallejo occupied by Chinese as a store and wash house. The origin of the fire is unknown, the Chinese themselves making no claim that it was incendiary. As soon as the alarm was sounded the fire company of Vallejo responded, but by the time they arrived there the fire had been about extinguished by the Chinese and other persons who in the meantime had collected there. The house where the fire caught is a very low one-story shanty and is situated in the very heart of the city. While the house was burning the front door was broken open by a person whom the testimony showed was a fireman, and a number of people entered the building, and a good deal of stuff was taken from the house and carried into the street to save it from burning, and, as I understand, was afterwards burned up either accidentally or on purpose, and without doubt a good deal of damage was done them according to the testimony of the Chinese, but it is hard to say whether designedly or accidentally.

According to the testimony of the Chinese, about ten minutes after the fire mentioned above was extinguished a number of persons entered the house and began pulling out drawers and opening boxes and rifling them of their contents, and one of the persons, a negro man, they say, attempted to set fire to the house. The negro was arrested for arson on the complaint of the Chinese, and his examination was set for Monday, the 20th of this month, before a justice of the peace in Vallejo.

In the meantime the Chinese also had seven or eight young men, residents of Vallejo, arrested for robbing alleged to have been committed at the same time. The Chinese employed special counsel here at Fairfield to assist in the prosecution of these cases. On the 20th instant the special counsel and myself represented the State at the examination of the person charged with arson, and a thorough examination was had of the entire matter, both as to the charge of arson and the charge of robbery. The attorney who represented the defendant made no objection to the course pursued by us. There were but two witnesses for the State to any material facts or who could identify the party whom they claimed attempted to set the fire or who committed the robbery. Against these two Chinese witnesses were a number of white witnesses, who swore positively that the parties whom it was alleged were in the house at the time of the robbery were not there at all. At the time that the two Chinese say that the robbery was committed, damage done, etc., there were a number of Chinese in the house, besides the white men who were there, and there is nothing to show but that they were as much interested in the robbery of the storekeeper as anyone else. After a thorough examination of the case on the 20th, the court suggested that, unless further testimony was produced by the State connecting the defendant with the alleged offense, he would be compelled to dismiss him. The further hearing of the case was then continued until Wednesday, 22d instant, to give the prosecution further opportunity to produce testimony. On that day the special counsel for the Chinese from Fairfield did not attend the examination, having seemingly abandoned the prosecution. And when the case was called on Wednesday, 22d instant, another special counsel from San Francisco appeared to assist the prosecution, who, after looking around Vallejo for awhile, returned from where he came, and the case was again continued to Saturday, 25th instant, to still give the State time to procure further proof. On that day I attended before the magistrate at Vallejo, and, neither of the special counsel appearing and there being no further testimony produced, the case against the defendant was dismissed by the court.

The case of robbery is still pending against the young men, and as soon as the special counsel for the Chinese are ready the charges against them will be duly investigated in a court of law.

On the 19th of this month, at about 9 o'clock in the evening, another fire broke out in a house occupied by Chinese, adjacent to the house which caught fire the night of July 4. When discovered the fire was coming through the roof from the inside of the house. No one was in or near the house, as far as can be ascertained, but Chinese; the house was entirely consumed, and a Chinese infant was burned to death in the building. No claim is made by anyone, to my knowledge, that the fire was incendiary. The belief of everyone to whom I have spoken about the matter is

that a Chinese woman was smoking opium and fell asleep while so doing, and that the fire caught in the bed clothes from her pipe, and that idea is borne out by the fact that the fire started from the inside of the house and from her room. The claim of the Chinese consul that anyone was murdered is not true. No life was lost except that of the child above mentioned.

In the arson case the facts of both cases were necessarily brought out, and were thoroughly investigated by the tribunal provided by the law of this State for that purpose, and the court has officially said in the arson case that there was not sufficient cause from the testimony adduced to believe the defendant guilty of a public offense, and also intimated to the prosecution that if the proof was the same in the robbery cases, he would feel it to be his duty to dismiss them also.

Respectfully, etc.,

O. P. DOBBINS,  
*District Attorney, Solano County.*

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*Justice of the Peace Demmon to Governor Markham.*

VALLEJO, CAL., July 28, 1891.

DEAR SIR: In reply to your letter requesting information relative to Chinese merchants having been outraged, robbed, and murdered recently at Vallejo, I would respectfully state the following facts, out of which the charge has probably grown: On the night of July 4 a fire was discovered in a building occupied by a Chinese merchant. While the local firemen were engaged in extinguishing the flames, it is alleged that a quantity of the merchandise was stolen. L. G. Harrier, the assistant district attorney of Solano County, immediately began an investigation, resulting in a complaint being sworn to and warrant of arrest issued for one Wilson Anderson (negro) upon a charge of arson, and at the hearing held before me as justice of the peace on July 18, 1891, the district attorney of Solano County, O. P. Dobbins, Assistant District Attorney L. G. Harrier, and George A. Lamont, the latter being specially retained to assist the prosecution on behalf of the Chinese, were present. At the request of the attorneys for the prosecution the case was continued until July 22, 1891, for the purpose of enabling them to secure desired evidence, and again continued until July 25, 1891, at which time there not being sufficient to warrant the detention of the accused, on motion of the attorney for the defendant, the district attorney being present and acquiescing, the case was dismissed and the defendant discharged. On July 16, 1891, as a further result of the investigation of the assistant district attorney, a complaint was made charging twelve young men with the crime of robbery, a warrant was issued thereon, and the accused arrested and brought into court, and, owing to the fact that the prosecution is entirely without evidence to substantiate the charge, no further proceedings have been had.

On July 19, 1891, between 9 and 10 o'clock at night, another fire was discovered in a building occupied by Chinese and adjoining the one where the fire occurred on July 4. This fire consumed the building, which was not the case with the previous one, and it was afterwards learned that a Chinese child about 3 years of age was burned to death. With reference to the origin of the fire on July 19, 1891, I would state that I have heard of no charge of its being incendiary having been made, and would explain that the charge of arson with reference to the first fire was based upon circumstances which occurred after the fire was in reality extinguished, it being alleged that the person arrested was engaged in endeavoring to rekindle the fire.

In conclusion, I would state that, while it is possible some merchandise may have been carried off during the confusion incident to a fire, I am positive that the other charges of outrages and murder are entirely without foundation.

Yours, very truly,

G. C. DEMMON,  
*Justice of the Peace.*

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*Mr. Campbell to Governor Markham.*

VALLEJO, CAL., July 27, 1891.

YOUR EXCELLENCY: Yours of the 25th instant at hand. In your letter you state that the minister of China had represented to the Acting Secretary of State at Washington that he had a telegram from the Chinese consul-general at San Francisco stating that Chinese have recently been outraged, robbed, and murdered in Vallejo. You desire that I shall inform you at once what truth there is in the charge. I have taken some pains to inform myself as to the truth or falsity of said charge, and will

say that to the best of my knowledge there is no truth whatever in it. The charge grew out of the following circumstances:

On the night of the 4th of July, at five minutes to 12 o'clock, a small Chinese house caught fire on the roof from fireworks. The fire department was promptly on hand and put out the fire. While the fire department was engaged in putting out the fire the Chinese claim that a colored boy by the name of Wilson attempted to set fire to the house in a new place, and they turned him out, and they also claim that while the fire was burning that several young men carried away some property found in the house. They swore out a warrant for the arrest of Wilson on a charge of arson and nine others on a charge of robbery, all of whom were arrested.

Mr. O. P. Dobbins, district attorney, and L. G. Harrier, his assistant, aided by George Lamont, the ablest lawyer in the county, as special counsel for the Chinese, prosecuted the case before his honor George C. Demmon. They had the case against Wilson continued three times, and the Chinese consul-general sent up from San Francisco the well-known lawyer Mr. T. D. Reardon to assist in the prosecution. Yet nothing could be shown to prove Wilson guilty, and so weak was the case that Mr. Lamont and Mr. Reardon only came here once, and, for lack of evidence, the court was compelled, on July 25, to dismiss the case and discharge Wilson. The charge of robbery is still before the court, and whenever the attorneys for the Chinese think they have sufficient evidence to warrant them to call up the case it will be called up. So much for the outrage and robbery.

There never has been a case of Chinese murder in this city in the eighteen years that I have lived here, although there have been many white men murdered here in that time.

On the night of the 19th instant a fire broke out in a Chinese house, in which a Chinese child 3 years old was burned to death. This fire occurred at about 9 o'clock p. m. It was a moonlight night. The gas was also burning. The house was located at one of the most frequented streets in the city. This may be the case which is claimed to be the murder recently committed here. Yet no such statement has ever been made here. The parents of the dead child have made no charge either in the courts or newspapers of the city, although both are open to them the same as to the rest of the population. Whilst every person in this community regretted the death of the poor child and sympathize with its parents, there is none who believe that the place was set on fire by any white person. We love justice, and this one fact you may believe, that the protection of the law is given to the Chinese in this city as fully and as fairly as to the white portion of our population.

These are the facts in the case as far as I have been able to ascertain them. They are all that is known of the matter here.

Hoping they may be satisfactory to you, I remain, etc.,

GEO. J. CAMPBELL, SR.

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*Mr. Robinson to Governor Markham.*

VALLEJO, July 29, 1891.

DEAR SIR: I am in receipt of yours dated the 27th instant and in reply will say that I have had an interview with the Chinese here regarding the fire, robbery, etc., of which you ask, and will try and give you a brief idea of the circumstances.

On the night of July 4 one of the frame buildings in the Chinese quarter took fire, and the firemen, as they claim, "rushed in, the crowd followed, and immediately began to demolish everything." The building being occupied by one of the Chinese merchants, he, of course, makes the amount of his loss appear as large as possible.

The Chinese also claim that after the fire was extinguished some of those present tried to rekindle it, and even went so far as to take some of their effects out into the street and set fire to them. They consequently had the parties arrested and tried here in Vallejo, resulting in their dismissal for lack of evidence to hold them.

The Chinese were represented by some of the best legal talent in the country. I was not present at the trial, but no doubt you can get a copy of the evidence or all the desired information from George C. Demmon, justice of the peace, where the case was tried. As regards the murder, I have never known a Chinaman being murdered here in Vallejo. No doubt the case to which you refer is the one where one of the Chinese children was burned in the last fire, about a week ago. This fire burned another of their houses, and this they also claim was incendiary. No arrests have yet followed this last. Any further information I am at present unable to give, but think the report has been greatly exaggerated.

Very truly, yours,

T. L. ROBINSON.

*Mr. English to Governor Markham.*

VALLEJO, CAL., July 27, 1891.

DEAR SIR: In reply to your favor of the 25th instant, requesting that I should "cause immediate investigation" of the complaint of the "Chinese consul-general, San Francisco," as to outrages committed against Chinese merchants in Vallejo, I beg to say that I think the complaint is exaggerated. On the night of July 4 one of the houses in the Chinese quarter took fire, and during the fire said house was considerably broken up, and the merchants claim that considerable merchandise and clothing was stolen. Our officers here arrested a young man on suspicion of arson in setting fire to said premises. The case was tried several days ago in Justice G. C. Demmon's court, and by advice of our county district attorney was dismissed for lack of evidence. On the night of July 19 another fire took place in Chinatown, in the house immediately adjoining the one of July 4. The building was completely destroyed and with it a little Chinese girl aged 3 or 4 years, who was burned to death. Suspicion was at once aroused that this was the work of an incendiary in revenge for the arrest of the man arrested on suspicion as to the first fire, but investigation seemed to prove that the last fire caught from the inside of the premises. For further information I would refer you to Justice Demmon. If there is anything I can do further to assist in this matter, command me.

Yours, very respectfully,

JOS. R. ENGLISH.

*Mr. Tsui to Mr. Wharton.*

CHINESE LEGATION,  
Washington, August 13, 1891. (Received August 14.)

SIR: I have heretofore been under the necessity of bringing your attention to the riotous proceedings of a band of lawless people of the town of Vallejo, Cal., directed against certain peaceable and law-abiding Chinese subjects, merchants of said town of Vallejo.

It is now my duty to lay before you an official communication from the imperial consul-general at San Francisco, containing a detailed account of the riotous events referred to and of the losses and damages sustained by the Chinese subjects therein named.

In view of the statements made in said communication, if any further action of the part of the National Government can, in your judgment, be taken to secure the punishment of the guilty parties and protection of the Chinese subjects from further violence and loss, it will be very gratifying to my Government.

Accept, etc.,

TSUI KWO YIN.

[Inclosure.]

*Translation of the letter of Li Yung Yew, the Chinese consul-general at San Francisco Cal., to the Chinese minister at Washington.*

YOUR EXCELLENCY: I am in receipt of a petition from Sze-toe Hing Fat, Sze-toe, Shing Shune, and Sze-toe Shing Cheek, all Chinese merchants, residing in the United States, who represent that they have been in partnership in the Kwong Tai Shing grocer store, in the town of Vallejo, in the State of California; that on the night of the 4th of July last some residents of said town let off some crackers and threw them at the front of their store, which soon caught fire; one of the partners discovered it, and at once raised an alarm, but fortunately the fire was soon quenched; that the wicked persons who had tried to prevent the fire from being put out then advanced in a body, armed with firearms and other weapons, broke open the door of the store and rushed in, robbed them of their goods and money (a list of same being herewith appended), assaulted and wounded 3 of the Chinese who were assisting in quenching the fire, saturated the store with kerosene oil, to which they set fire, and then went away; that they, the petitioners, without delay repaired to the court in

the town to present their complaint, which the court refused to entertain, the court not allowing the charges of incendiarism and burglary being preferred, but suggested that they should be modified; that, as the charges were true and borne out by facts, they insisted on the court receiving their complaint, but it did not entertain it until the 15th day of the sixth month (the 19th of July last), when it issued a warrant for the arrest of 8 of the perpetrators only on the charge of robbery; that those men, after their arrest, were soon bailed out on bonds varying from the sum of \$1 to \$2; subsequently 6 of them were declared not guilty and discharged, and only 2 are still held, pending trial; that since the local authorities have been thus partial in screening them, the wicked parties will show greater boldness, and it is impossible to guard against future danger; consequently they deem it necessary to bring the above facts to my notice and request me to submit them to your excellency's consideration, to the end that a communication may be sent to the State Department, with a solicitation that protection accorded by treaty stipulations be extended to them, the guilty parties be punished, and compensation be awarded for the loss of their property.

I have further received a petition from Fong Mun Kwan and Fong Foo Lit, Chinese subjects, who represent that they are uncle and nephew by relation, having resided in the town of Vallejo, in the State of California, for some years; that in the sixth month of the thirteenth year of Kwung Su (between July and August, 1887) Fong Mun Kwan married a daughter of a family surnamed Chew (during the several years since the marriage two girls were born to them, and recently a boy baby, not quite one month old); that, owing to several of their countrymen having been arrested on the charges preferred by the Kwong Tai Shing store of incendiarism and burglary committed on the night of the 4th of July last, some wicked men, through bitter hatred of the Chinese and with a view to revenge, on the night of the 19th of July last, set their, the petitioner's, house on fire by first saturating with kerosene oil the wooden side of the house from outside and igniting it. On that night, about 8 o'clock, Chew She, wife of Fong Mun Kwan, had retired early to bed with her babe and two daughters, while the petitioners slept in their employer's house, never dreaming of such a disastrous occurrence that would befall on them; that fortunately a Chinese subject, named Yu A Yem, saw, in the moonlight, a young man in the act of setting the house on fire, who escaped on his approach, otherwise there would have been not the least clew as to the cause of the fire; that when Chew She was awakened by the flames that danced around her, she, almost choked by the smoke and badly scared, snatched her baby and younger daughter from her bed and ran out of the house with them, but when she returned to save the elder daughter she found her enveloped in flames and burned to [a] crisp; that they have prepared a list of their property and money lost on that occasion, amounting to \$1,384.45; that Chew She, in her endeavors to save the other daughter, got burned about the forehead and head; that when the fire was over the body of the elder daughter was dug out of the ruins; its head had been burned off and the body entirely burned into a crisp—the worst and most cruel result of an incendiarism ever seen; that it being a crime of incendiarism admits of no doubt, and according to treaty stipulations of both nations proper protection should be extended to the Chinese residents in this country and outrages committed upon them should be visited with severe punishment; that the cruel death met by the elder daughter and the heavy loss of property through the fire suffered by the petitioners are facts which can not but enlist all sympathies; that they wanted to enter a complaint in the local court, which refused to entertain it, and, being apprehensive of more outrages of like character which no precaution could guard against, they have brought the matter to my notice, and pray that the same be submitted to your excellency for your information, so that your excellency may communicate with the State Department on the subject, to the end that instructions may be issued for an investigation of the matter, the arrest of the perpetrators of the crime and their punishment, and also a compensation for the loss of their property.

The wicked people had since tried for several nights consecutively to set fire to the houses occupied by the Chinese subjects, and, though the latter have been vigilant in their watch against such attempts and have so far averted immediate danger, yet as there might be the possibility of the former's success in carrying out their evil designs, I hastened to telegraph the circumstances to your excellency with a request that an immediate communication should be made to the State Department for the issuance, by telegraph, of instructions to the local authorities to the end that proper protection might be extended so as to prevent any further outrages being committed.

In the case of Fong Mun Kwan no foreigner would come out to give evidence for him, and the local authorities are shielding the perpetrators of the crime, which is a matter of regret.

Herewith I send the inclosed list of property lost as above stated.

I have, etc.,

LI YUNG YEW.

Sze Toe Hing Fat and others claim \$1,800 as the loss of property, etc. Fong Mun Kwan, Fong Foo Lit, Fong Pung Shum, Fong Foo Tsune, Fong Yut Wai, Fong Low Tok, Fong Show Tsun, Fong Pung Kong, Fong Foo Heen, and Fong Foo Tsun, claim \$1,484.45 as the amount of their loss in property destroyed by fire.

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*Memorandum of an interview between Mr. Wharton and Mr. Tsui.*

WASHINGTON, August 17, 1891.

The Chinese minister informed me to-day that he had received a telegram Saturday from the tsung-li yamèn to the effect that the riots had almost ceased in China. He stated also that he was very glad to be able to say that no American, so far, has been injured. He further said that his Government had expressed some feeling that the United States should consider it necessary to send a fleet of vessels to Chinese waters, as his Government had heard was the intention of the President.

I assured the minister that it was not the intention of the President to send a fleet. He only intended to send three vessels at the present time.

The minister asked whether the vessels were sent to protect the interests of the missionaries especially, or to look after the interests of the United States generally. I informed him that vessels were sent to look after the interests of all United States citizens in China.

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Memorandum of an interview between Mr. Wharton and Mr. Tsui.*

SEPTEMBER 25, 1891.

The Chinese minister called to-day and said that he had received a telegram from the Chinese minister in London to the effect that on the 12th day of September a vessel arrived in Shanghai from Hongkong (nationality not stated), upon which the customs officers at Shanghai found thirty-five cases of arms among the freight and 5 pounds of dynamite among the baggage of an Englishman named Maying, who is deputy commissioner of customs at Chingkiang. This news was telegraphed to Peking, when the foreign office ordered an investigation through the inspector-general, Sir Robert Hart. Upon inquiry made, the deputy commissioner ascertained that an Englishman (Esmy by name) shipped the goods in question from Hongkong for the secret society at Chingkiang. Among the persons belonging to the society is an Englishman named Tyson, who is supposed to be the head of the society, and six other foreigners, all belonging to the same society. These persons live in Shanghai. The foreign office has communicated with the British minister in Peking, asking him to instruct the British consul at Shanghai to have these persons arrested. The minister says that the foreign office expresses much concern that after the trouble the Chinese Government has had to suppress the riots it should find foreigners inciting and aiding the rioters. There is nothing to show that any of the foreigners who are accused of being implicated in this transaction are citizens of the United States.

WILLIAM F. WHARTON,  
*Acting Secretary.*

## COLOMBIA.

*Mr. Abbott to Mr. Blaine.*

No 164.]

LEGATION OF THE UNITED STATES,  
*Bogotá, December 17, 1890. (Received January 13, 1891.)*

SIR: I have had my desired conferences with the minister of foreign affairs in relation to the question of the interpretation of the consular convention, raised by the settlement of the estate of Mrs. Smith.

I presented, verbally, the views of the Department as embodied in previous instructions. The minister evidently recognized the strength of our position and gave me his best attention. He was careful, however, not to commit himself, and made no attempt to defend the Colombian interpretation. The impression he made upon me was that he had never given the matter his personal consideration. He promised to do so, however, and will now have ample opportunity, as Congress is about to adjourn. I have always been extremely desirous to have this matter so presented to Dr. Roldán's attention as to insure his own personal study, and believe that this has now been accomplished.

He told me on a former occasion that he had no desire to maintain the Colombian interpretation at all hazards, and that he was prepared to yield the point if he could be convinced of any error in conclusions reached.

As the minister will soon leave the city for the summer vacation, I have prepared and sent to him a note, of which I inclose a copy. I do not expect a reply until after the vacations are over in January or February.

It seems to me that there can be no question of ultimate success in this matter, and I think that the friendly but persistent representations which have been made to the minister from time to time will impress him with the importance attached to the question by the United States and will gain his personal and careful consideration.

I am, etc.,

JOHN T. ABBOTT.

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[Inclosure in No. 164.]

*Mr. Abbott to Señor Roldán.*

LEGATION OF THE UNITED STATES,  
*Bogotá, December 16, 1890*

SIR: I have the honor to invite your excellency's careful attention to the circumstances attending the settlement of the estate of Susannah Smith, a citizen of the United States, who died in Colon intestate during the year 1888.

Mrs. Smith left, *inter alia*, two tenement houses situated in Colon upon land leased from the Panama Railroad Company.

In accordance with the provisions of article III, section X, of the existing consular

convention between our respective countries, the consul of the United States at Colon proceeded to settle Mrs. Smith's estate, and in the exercise of such functions sold the two houses in July, 1888, and applied the proceeds to the payment of Mrs. Smith's debts in Colombia. Several months after the due settlement of the estate had been made the local authorities intervened, and are now proceeding to settle the same under the provisions of the statute law of Colombia. Such intervention and proceeding seem to be contrary to the plain meaning of the above-cited section of the treaty of 1850, and it is believed that a due consideration of the law and the facts of the case by your excellency's Government will lead to an immediate withdrawal of further action by the local authorities of Colon and to a recognition by Colombia of our consuls' right to settle the estates of their countrymen dying here, so far as relates to personal property. In support of my Government's belief that the action of our consul should not be disturbed, I beg leave to submit the following considerations:

The tenth paragraph of the third article of the consular convention of 1850 between the United States and New Granada contains, in reference to the powers of consular officers, the following provisions:

"They may take possession, make inventories, appoint appraisers to estimate the value of articles, and proceed to the sale of the movable property of individuals of their nation who may die in the country where the consul resides without leaving executors appointed by their will or heirs at law. In all such proceedings the consul shall act in conjunction with two merchants, chosen by himself, for drawing up the said papers or delivering the property or the produce of its sales, observing the laws of his country and the orders which he may receive from his own Government; but consuls shall not discharge these functions in those States whose peculiar legislation may not allow it. Whenever there is no consul in the place where the death occurs, the local authority shall take all the precautions in their power to secure the property of the deceased."

The first question that arises in the present case under this paragraph is whether the United States consul in Colon had, in 1888, when he sold the houses, the right to take possession of and sell the movable property of his deceased countryman in that place. My Government is of opinion that he had.

The "contracting parties" named in the convention are New Granada and the United States. By the convention the right to take possession of and sell the movable property of their deceased countrymen is accorded to the consuls of the "contracting parties." Therefore, neither of the "contracting parties"—that is to say, neither New Granada nor the United States—can make any law prohibiting or interfering with the exercise of these functions by consuls of the other "contracting party" which will not be in contravention of the convention. The existing law of Colombia (New Granada), under which it is claimed that such consular functions can not be exercised, is a law made by a "contracting party" to the convention, and therefore (admitting for the sake of argument that this law does not allow the exercise of such functions) is clearly contrary to the provisions of that treaty.

When the convention was concluded New Granada was a centralized republic. So far as I have been able to ascertain there was no general law defining or limiting the powers of consuls with respect to the settlement of the estates of their deceased countrymen. Nor were there any political divisions under any name that had legislative jurisdiction in the premises. It is true that after the creation of the United States of Colombia the separate States of the Republic adopted legislation of their own upon the subject. But the rights of consuls under that state of affairs is not now under discussion. In 1886, however, the Republic of Colombia supplanted the United States of Colombia. The States became departments, and much of their prior legislation became inoperative.

The National Government of the Republic has the sole power to legislate upon matters of the kind under discussion, and has exercised that power since August 6, 1886.

What may be the construction of the laws of Colombia made by the central authority appears to my Government to be immaterial. In this case there is a pertinent and comprehensive treaty stipulation, which, it is needless to argue, is of paramount obligation upon the contracting parties.

The only exception to the exercise of the powers conferred by the said section of the convention is found in the provisions that "consuls shall not discharge these functions in those States whose peculiar legislation may not allow it." The reason and effect of this are clear: In the United States, just as was formerly the case in Colombia, legislative power in respect to the settlement of estates is vested in the several States. It has always been controverted whether the exercise of this power could constitutionally be controlled by the Government of the United States either by law or by treaty. In order to meet this difficulty, it was provided in the convention that the consuls should not exercise the functions of settling estates in States "whose peculiar legislation might not allow it."

The term "peculiar legislation" means simply the legislation of particular polit-



ical divisions of the country possessing legislative power with respect to the subject-matter. The term "those States" was also obviously employed in reference to the same political divisions, and could not have been used with reference to the contracting parties or Governments. So far as those Governments are concerned, they bound themselves, in all places where they possessed the necessary jurisdiction, to permit consuls to exercise the functions in question. So clear does this appear to be that my Government does not perceive how any other construction can be placed upon the treaty, and is therefore of opinion that the consul at Colon had authority under the treaty to take possession of, inventory, appraise, and sell the movable property of Mrs. Smith.

It now remains to consider the question whether the houses the consul sold, built upon land leased from the Panama Railroad Company, were movable property within the meaning of the treaty. If they were, the consul had, under the construction herein maintained, the right to take possession of and sell them.

Among the methods by which it is held that property in goods and chattels may be acquired is that of accession. This right existed under the Roman law, from which it found its way into the jurisprudence of England and the United States.

"The right of accession," says Kent, "is defined in the French and Louisianian codes to be the right to all which one's property produces, whether that property be movable or immovable, and the right to that which is united to it by accession, either naturally or artificially" (2 Kent's Comm., 360). This definition, it is believed, correctly defines the right wherever it is recognized, and it is understood to be recognized in the law of Colombia.

Under the doctrine of accession it is held that if one built with his own materials a house upon the land of another, the owner of the land acquired by the right of accession the property in the building. Such is the general principle, but it is by no means without exception. There are many cases in which a man may own as personal property a building erected upon the land of another. This has been held to be so even in the absence of an express agreement between the owner of the land and the builder of the house. But it appears to be as unquestionable as it is just and reasonable, that where it is understood and agreed that the title to the building shall not be merged into the title of the land, the property in the two things remains distinct and the building is treated as personality. In this case the owner of the land waives his right of accession, and, having waived it, he can not in turn claim the benefit of it. Such a waiver appears to have been made in the case of Mrs. Smith's houses.

I have in my possession and at your excellency's command a blank form of the lease which was made by the Panama Railroad Company to Mrs. Smith. The sixth article of the lease, translated, reads as follows:

"It is also a condition of this contract, that on its expiration, whether by the ending of the term of five years above fixed, or by its having been terminated or rescinded before that term —, the lessee, —, binds himself to return to the company the leased land, clearing it entirely, the expense of the operation of pulling down the house and removing the materials being upon the lessee."

This seems to contain a clear renunciation of the right of accession.

It is also observed that in the fourth article of the contract it is provided that if the lease shall be determined by reason of the failure of the lessee to pay his stipulated rent, any building which may have been erected shall remain at the disposal of the competent judge, in order that it may be subjected to the sentence which he may pronounce.

And the fifth article provides expressly that the lessor shall in no case have a right to the improvements made on the land leased.

These various provisions appear completely to have destroyed the right of accession and to have placed the houses erected by Mrs. Smith in the category of movable property, which the consul had a right to take possession of and sell.

In this connection, I desire to say that a copy and translation of that portion of your excellency's message to Congress relating to this question have been transmitted to Washington for the examination of the United States State Department. After due and careful consideration of the arguments therein advanced, my Government is unable to yield its assent to the view therein maintained, and believes that the foregoing observations constitute a complete answer to the arguments therein presented.

I have delayed to make a written representation of this case on account of the multifarious duties imposed upon your excellency by reason of the sessions of Congress. In doing so at this time permit me to express the hope that this so important matter may receive your excellency's serious and early attention.

I avail, etc.,

JOHN T. ABBOTT.

*Mr. Blaine to Mr. Abbott.*

No. 145.]

DEPARTMENT OF STATE,  
*Washington, January 16, 1891.*

SIR: I have received your No. 164, of the 17th ultimo, in regard to the interpretation of section 10 of article III of the consular convention of 1850 between the United States and Colombia, relating to the administration of the estates of deceased persons by consular officers.

I approve the tenor of your note on the subject to Señor Roldán.

I am, etc.,

JAMES G. BLAINE.

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*Mr. Abbott to Mr. Blaine.*

No. 190.]

LEGATION OF THE UNITED STATES,  
*Bogotá, February 26, 1891. (Received March 31.)*

SIR: With my No. 164, of December 17 last, I forwarded a copy of my note to this Government relative to the interpretation of article III, section 10, of the consular convention of 1850.

On the 24th instant I received your No. 145, of January 16 ultimo, approving the tenor of my communication.

On the 11th instant I received from this Government a reply to my note, a translation of which is herewith inclosed. The translation forwarded is believed to express the idea of the minister's reply; but I have not expended much time upon that portion quoted from Dalloz, since you undoubtedly have the original, to which reference should be made. With this exception, I think the translation may be depended upon.

It will be perceived that the foreign office continues to dissent in the most radical manner from the views presented by the Department.

It will be unnecessary to weary you with any comments upon the learned argument to which the minister has felt inclined to affix his signature. I have deemed it prudent to refrain from attempting any reply thereto, in view of the fact that you will undoubtedly desire to consider, before further action, that portion of the document which says in effect that Colombia will denounce the convention rather than accept the interpretation contended for by the United States, a course which would involve the termination of the general treaty of 1846. This position might easily be construed as notice to the Department that the presentation of further considerations in support of our claim will be ineffectual, even if Colombia should thereby be compelled to admit their validity. If such be the intention of this Government, it is entirely consistent with its every act since the discussion of this matter arose.

Of the manner in which it has responded to the extremely cautious and friendly attempts of the legation and the Department to secure a candid discussion of the questions involved without wounding the susceptibilities of Colombia or prejudicing the original situation of the parties interested, you are fully informed in my previous dispatches.

The fact that certain officials of the foreign office have nourished their opposition to our claims with an almost passionate fondness has always been well known to me. But I have cherished the hope that a calm and dispassionate consideration of the case by the minister himself would lead to an acquiescence in our position, so evidently sound as to command the unqualified approval of every interested foreign representative at this capital.

The fact that the minister would prefer to denounce the convention

than yield his assent to our claims is, however, unexpected, and it is not impossible that he has taken this position because he has recognized the strength of our contention and the weakness of his own, so far as ordinary argument is concerned.

It will be noted that in his report to Congress upon the Smith estate, transmitted with my No. 120, of August 22 last, the minister gave notice that, on account of the great delays sometimes occurring in the settlement of the estates of foreigners, reforms in the existing laws would be proposed.

The foreign representatives here whose countries are wholly (as in the case of France) or partially (as in the cases of Germany and Italy) without the supposed advantages of treaty stipulations conceding consular powers in the matter under discussion presented to the foreign office their views of such modifications as they hoped might be recommended. They earnestly dissented from certain provisions of the proposed law and repeatedly urged a reconsideration on the part of the Government.

Depending, as we do, upon a plain treaty stipulation to regulate the settlement of the estates of our citizens, I declined to manifest any interest in the proposed changes and refrained from making any suggestions in regard thereto.

But I am informed that the representations of my colleagues were entirely without effect, and that the law passed as originally framed in the foreign office. I forward a copy of this law, but hardly regard a translation necessary. Its chief aim and purpose is to render more explicit and mandatory the duty of local authorities to assume jurisdiction over the estates of deceased foreigners. It has the merit of attempting to provide more carefully for the preservation of the property of the deceased. The most commendable provision is the reduction of the time when the final settlement of an estate may be hoped for from four to two years. A most objectionable provision to my colleagues is that subjecting the proceeds of an estate to the order of the local judge having jurisdiction thereof. I bring the foregoing suggestions to your notice to show the evident determination of the Government not to yield its control over the estates of deceased foreigners, nor to listen to any modifications proposed by other interested nations. On the whole, however, the law will probably facilitate the final settlement of estates.

Returning to the communication of the minister, I call attention to his statement relative to the action of Great Britain in the matter of the subsidiary labor tax. A perusal of my previous dispatches and inclosures relative to this matter will, I think, show that Great Britain only consented not to oppose the interpretation contended for by Colombia, given certain conditions, but never agreed to the restrictive interpretation as stated in the minister's note. I further call attention to the claim that custom, in a measure, makes the rule of interpretation. Various cases are cited in which this legation has acquiesced in the jurisdiction of Colombian courts over the estates of our citizens, deceased intestate. Before speaking of the individual cases mentioned, I would say that I can produce scores of instances since 1850 where American, British, and German consuls have settled the estates of their fellow-countrymen dying here, with no objection whatever on the part of the authorities. My information is that the cases in which the local authorities have intervened have been rare in comparison with the whole number of decedents. It is only recently that the Government has begun to insist upon taking jurisdiction in such cases, although I am not aware that it has ever admitted officially in any way anything which would militate against the position now assumed.

The first case cited is that of Jacinto Rodriguez, who is said to have died in Rio Hacha in 1853. On an examination of the legation records, I find that on December 5, 1859, Mr. Jones, our then minister, in a note to the foreign office, said :

I beg leave again to call your attention to the case referred to in the accompanying letter and copy of your papers referred therein [sic], and to beg that you will use your potential influence with the proper authorities at Rio Hacha for an early settlement of Mr. Jacinto Rodriguez [sic].

The note also requests that collections made be forwarded to Boston for the widow of the deceased. The previous correspondence which had evidently taken place is not of record. May 18, 1860, Mr. Jones, in a note to the foreign office, said :

\* \* \* May I ask that you will direct the proper authorities to pay over said amount and whatever may be here collected to the legal representatives of said Rodriguez, who, etc.

This is all I can find about this case. Whether we had a consul at Rio Hacha from 1850 to 1860 I am uninformed.

It will be noted that the above is the only case cited by the minister which occurred during the existence of the "Confederation of New Granada," the Government with which the convention was concluded. All the other cases occurred during the time of the "United States of Colombia," when the centralized form of the New Granada Government had given way to the system of independent States. In this connection, I suggest that it would be desirable for me to know whether the Department is of opinion that the consular functions ceased or not during the time of the "United States of Colombia" and whether it is considered that the States of the United States erected since the date of the convention stand on the same footing as those then existing.

The next case named is that of Frederick E. Gilbert in 1865, the correspondence in which will be found in Mr. Burton's No. 215 to Mr. Seward, dated January 26, 1866, and in dispatches therein referred to.

The correspondence in the case of Carlos Hoffman will be found in Mr. Burton's No. 216 to Mr. Seward, dated January 28, 1866.

That in the case of Martin P. Morris will be found in Mr. Burton's No. 231 to Mr. Seward dated May 3, 1866.

The case of Gustavus Wall occurred during the term of Mr. Hurlbut. After a careful search I am unable to discover a single one of his letters to this Government among the archives of this legation.

The case of Alexander Henry is fully explained in my No. 121, of August 22, 1890.

The British and German legations take great interest in the result of the discussion of this question, since by reason of the favored-nation clause England and the Hanseatic cities are entitled to the benefits of our convention.

I think that in the light of past events all interested parties are convinced that there has never been any intention on the part of Colombia to yield to any theory of interpretation that would invest consuls with any rights or privileges not granted by Colombian statute law. The intimation of the minister of a possible denouncement of the convention seems to confirm this supposition.

I would further suggest that a statement, showing in what parts of the United States Colombian consuls are deprived by reason of State laws of the privileges stipulated for in the convention, might be interesting.

I am, etc.,

JOHN T. ABBOTT.

[Inclosure in No. 190.—Translation.]

*Señor Roldán to Mr. Abbott.*

REPUBLIC OF COLOMBIA, MINISTRY OF FOREIGN AFFAIRS,  
*Bogotá, February 10, 1891.*

SIR: I have the honor to answer the note which you addressed to this ministry upon December 16 last, relative to the settlement of the estate of Susannah Smith.

In the inclosed memorandum will be found expressed the reasons which induce the Government of this Republic to adhere to its former opinion concerning this case, thus differing, although with regret, from the conclusion of your excellency, to whom I with pleasure reiterate the assurances, etc.

ANTONIO ROLDÁN.

[Inclosure.—Translation.]

*Memorandum.*

The local judges of the department of Panama have taken cognizance of the settlement of the estate of Susannah Smith, a citizen of the United States of America, who died in Colon without leaving a will.

The Government of the Republic authorizing, as it has authorized, this judicial proceeding has taken into account reasons which still subsist, notwithstanding the contrary opinion set forth in the name of his Government by the minister of the United States in his note of December 16 last.

The course of the judges, undoubtedly correct in the light of international law, which subjects every foreigner to the local jurisdiction of his place of abode or domicile, and in the light of the Colombian public law, which contains the same principle in article 10 of the national constitution, is also so considered in relation to the stipulations of the existing consular convention between this Republic and the United States.

Article 3 of the consular convention, which is that which touches the present case, reads thus:

"ARTICLE III. The consuls admitted in either Republic may exercise in their respective districts the following functions:

"10. They may take possession, make inventories, appoint appraisers to estimate the value of articles, and proceed to the sale of the movable property of individuals of their nation who may die in the country where the consul resides without leaving executors appointed by their will or heirs at law. In all such proceedings the consul shall act in conjunction with two merchants, chosen by himself, for drawing up the said papers for delivering the property or the produce of its sale, observing the laws of his country and the orders which he may receive from his own Government; but consuls shall not discharge these functions in those States whose peculiar legislation may not allow it. Whensoever there is no consul in the place where the death occurs, the local authorities shall take all the precautions in their power to secure the property of the deceased."

In the opinion of the Government of the United States, the contracting parties, in agreeing upon the above-quoted article, did not contract equal obligations, either at the time when the treaty was signed or for the future. According to that opinion, this Republic ceded absolutely and unconditionally to the consuls of the United States of America a very considerable part of its jurisdiction, while the United States did not promise an equal privilege to Colombian consuls, except on condition that the laws of the integrant States of the North American Union might not forbid it.

The basis of this opinion is derived from the form of Government which New Granada, to day Colombia, had at the time of the making of the consular convention.

Since that form of government was a centralized one, it is said that the phrase "those States" which appears in the article can only have reference to the North American Union; all the more so, since the same article speaks of the special legislation of those States, a thing incompatible with the circumstances of the Republic in 1850.

The argument would be conclusive if the stipulation had referred solely to the state of things at that time, and if it had excluded the subsequent changes and modifications which might occur in the legislation and form of government of the contracting parties.

Since this was not the case, but rather the contrary, the reasoning necessarily loses its force.

If the clause had said, *e. g.*, "This privilege shall only be operative in those States whose special legislation allows it," (*permite*) there would be no doubt but that New Granada had made the concession just as the Government of the United States claims, because it would have referred exclusively to the States and special legislation then existing; but, as the clause provides that the privilege shall only take effect in those States whose special legislation may allow it (*permite*, a word which has a signification applicable to the future), it must be admitted that the contracting parties not only took into account the existing circumstances at the date of the treaty, but also those of the future. The foregoing is further supported when it is considered that the United States, in the applications which it may have made or may have been able to make of the above-examined stipulation, has been obliged to take into account the legislation of the States created in that country since the year 1850.

If the contrary were true, the convention would appear to have been framed, not upon any just or scientific principle, but upon mere caprice, since it would lay down a rule for certain circumstances existing at one period and would lay aside that rule under identical circumstances which might present themselves in the course of time.

Now, then, if natural reason, founded in the letter itself of the convention, leads to the conclusion that the conditions of the referred-to privilege ought not to be limited to the state in which things were in 1850, the treaty could not have stipulated unequal obligations. Therefore, the form of the Government of New Granada having been modified by the creation of Federal States, they ought to be comprehended in the clause under consideration, since the convention does not confine to one of the two parties the supposition of federation.

The federation of this Republic was changed in its turn, and the separate States with their corresponding laws disappeared, and one single State or nation, called the Republic of Colombia, became their heir. It being a rule of law that variations in the form of government of states or nations do not alter the rights and obligations derived from public treaties, it is entirely reasonable that if the United States of Colombia had need to consult the codes and special laws, in order to concede to the consuls of the United States the privilege in question, the Republic of Colombia, in granting the same privilege, must equally examine whether it is so authorized by the general legislation of the country.

It is necessary to remember, however, that this case, by a series of events which have occurred relative to the conditions of the privilege, and on account of the reading of the clause, which may not be clear to everyone, is among those which the law of nations classes as doubtful. Therefore, it must be interpreted in harmony with the practices of nations, the dictates of natural law, and the opinions of publicists who are authorities.

## II.

According to the universal doctrine, international treaties are contracts of good faith, on account of which their scope is determined, more than that of any other agreement, by reasons of equity, and not by arguments of strict right, which might be founded in the obscurity or deficiency of language.\*

In the present case equity demands that the convention be interpreted so that it may produce equal obligations, as the Republic claims, instead of advantages in favor of one party alone, as the Government of the United States maintains.

This is frequently applied in the relations of states. We will cite, not to go far back, what has recently occurred in respect to article 16 of the existing treaty between Colombia and Great Britain.

That article, considered in its grammatical sense, exempted British subjects from the payment of certain general contributions authorized by international law and by the constitution and local laws. This Republic expressed to the Government of Her Majesty that in its opinion it was a case for a restrictive interpretation of that stipulation, since in any other manner results would be produced contrary to equity, and the British Government agreed to such interpretation.

The above rule is akin to that which considers the results of an interpretation as a means of determining the most reasonable and convenient interpretation. Generally the interpretation which produces the most humanitarian and most advantageous effects for both parties, and those most in harmony with public law and with the legislation of the contracting states, ought to be preferred to that which gives opposite results.

If the clause in question were interpreted as the Government of the United States claims, it would impose upon this Republic an obligation altogether too onerous, which would affect unfavorably the administration of justice in the country and would eventually vest in the citizens of the United States a privilege repugnant to the laws and the constitution of this Republic.

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\* Savigny, Dr. Rom., 1-4. Phillimore Inter. Law 5, 8, 64.

On the contrary, the interpretation sustained by Colombia avoids this so serious inconvenience and harmonizes with the universal practice relative to consular rights.\*

To-day consular attributes may be considered as fixed by custom and by the treaties of civilized nations; the exaggerated privileges with which, in another time, some nations undertook to invest them have been laid aside. Especially in the matter of the settlement of estates these privileges are seen to be exceedingly prejudicial, since it often happens that the public treasury or some native or foreign creditors may have claims against the estate of the deceased.

To define and make effective these claims it is indispensably demanded that the judicial authorities should intervene, determine the case, and pronounce sentence according to law, since in any other manner those claims might suffer injury.

On the other hand, if the doctrine which the United States defends in the present case were that ordinarily received, it would result that the transmission of personal property of foreigners dying intestate to their successors or heirs, would take place in an entirely private manner, and without the judicial character which seals and sanctions the acquisition of rights in Christian states.

It thus follows that the rule of interpretation which teaches that these interpretations contrary to the principles universally accepted by civilized peoples ought to be rejected is applicable in favor of the interpretation maintained by Colombia.†

The inconveniences of the interpretation defended by the Government of Washington would be multiplied by the fact that other nations with which this Republic cultivates relations are by virtue of treaties in the same position as the United States respecting the prerogatives and rights of consuls. As a matter of fact, the most-favored-nation clause is found to apply to this matter in the existing treaties between Colombia and Chile, Ecuador, Great Britain, Holland, and Portugal, and in those which may be held to exist with the cities of Lubeck, Bremen, and Hamburg, and with the state succeeding the ancient Kingdom of Sardinia.

Such great inconveniences would oblige this Republic to take steps to put an end to a compact which would eventually produce a profound revolution in its legislation, and to leave its cordial and valued relations with the United States to be governed by those general principles which rule in the absence of treaties.

Fortunately the necessity of going to this extreme appears remote, since the United States, the same as other interested nations, have practically given to the stipulation under consideration an interpretation which entirely conforms to that which the Colombian Government defends.

This has been the case as to the settlement of various estates consisting of personal property of citizens of the North American Union dying intestate in Colombia, which have been submitted to local jurisdiction with the knowledge and acquiescence of the Government of the United States.

Certain cases are cited as examples:

In the year 1853, on the death in Rio Hacha of the United States citizen Jacinto Rodriguez, the probate proceedings took place before the judge of that circuit.

The legation of the United States, in charge of the Hon. George W. Jones, received from the secretary of foreign affairs documents relating to the cause, and confined himself to asking that a sum of dollars might be delivered to the attorney of the heirs, and that the settlement of the estate might be hastened.

The Hon. Allan A. Burton, minister resident of the United States, in his note of May 8, 1865, in thanking the Colombian Government for the intervention of the authorities of Cauca in the management of the effects which remained after the death of Frederick E. Gilbert, expresses the opinion that the latter was a debtor to Colombian citizens and asks that the local authorities may cause the estate to be administered.

The same representative solicited of the Government of the Republic, July 10, 1865, a report upon the property of Carlos Hoffman, deceased.

October 13, 1865, and January 10, 1866, he acknowledged receipt of the reports which had been transmitted to him. The property amounted to \$153.50.

April 20, 1866, he acknowledged receipt of the report which the Colombian Government had sent him relative to the effects belonging to the estate of Martin P. Morris, who died in Cali, and expresses his thanks for the intervention of the local authorities in the matter.

In his note of April 12, 1870, the Hon. S. A. Hurlbut, minister resident of the United States, requested that a report might be asked of the competent local authorities as to the value and kind of the property, debts, and credits of the estate of Gustavus Wall, who died in Socorro. In conclusion, he added: "The undersigned also requests that the papers, letters, and other private documents of the deceased which

\* Grotius, *De Jure Belli et Pacis*, 216, 27. Fiore, *Dir. Inst. Pub.*, 1038.

† Fiore, *Ib.*, 1043.

may not be necessary for the settlement of the estate and of any value to his kindred may be forwarded to this legation."

The Hon. V. O. King, chargé d'affaires, in acknowledging receipt, July 10, 1886, of the note in which the legation of the United States was informed that Mr. Alexander Henry had died in Handa intestate, did not question the right of this Republic to intervene in the settlement of the estate of his fellow-citizen. Referring to the instructions sent to the local authorities to proceed according to the provisions of the law in such cases, he said: "I know of no facts to justify any other course than that pursued in the case, and therefore for the present fully acquiesce in your excellency's conclusions."

The same is applicable to the other nations whose rights, as above explained, might be compared, as to the prerogatives of consuls, to those which the Government of the United States may have, since not one has made any objection to the execution of the Colombian law in the sense which the Republic upholds.

This conduct constitutes what is customarily called "usual interpretations," whose authority is decisive in doubtful cases.\*

### III.

As the stipulation in question requires, besides the authority of the local law, another condition in order that the consular prerogative should obtain, which is that the property should be personal, it remains to determine the character which under this view is possessed by the houses left by the late Mrs. Smith.

According to the civil code of the Republic, which is the law applicable to the case in point, houses are real estate, since in them is realized the nature of this class of property. Although the denominations "movable" and "immovable" signify literally that which is susceptible and that which is not susceptible of being moved, these terms, as is obvious, are rather the equivalents of objects which are not attached to the soil and of those which are so. A house like that left by Mrs. Smith, whatever may be its materials, and although it may be built upon the land of another proprietor, fulfills that condition; therefore, it must be considered as real estate. It is so declared by the Colombian law, and where the law does not establish distinctions there is no room to make them.

It is true that the houses were perhaps designed to remain for a limited time upon the land of the Panama Railway Company, but it is also true that property which is found in a similar condition—for example, growing crops and produce—is classed as real estate. In this respect Dalloz says, in his great dictionary of jurisprudence: "It seems to us that they go too far (certain authors) when they exact as a condition of the immovability of an edifice that its incorporation with the soil may have been made in perpetuity. In our opinion here is inconsiderately applied to things declared real by their nature a rule established only, as we shall see presently, with respect to what are real by reason of the uses for which they are designed. We can not admit, for example, that a building, the foundations of which rest upon the ground, lacks the character of realty from the mere fact that, in the mind of the proprietor by whom it was constructed, it may only possess a temporary character, or may be replaced some day by another larger or more substantial structure. The intention of the proprietor is indeed worthy of consideration when it is attempted to fix the character of an object which, being naturally personal, only obtains by virtue of such intention a fictitious immovability; but with respect to a building the law takes into consideration exclusively its nature and not the will, often uncertain, of the proprietor."†

It is equally true that the system of construction of houses permits, perhaps, that they should be taken apart and transported from one point to another, but being attached to the ground their removal would have to be effected by forcing, in some manner, such connection, as in the case of the flags of a pavement or the tubes of an aqueduct, which the civil code classes as real estate, even when they are essentially removable. On the other hand, by the same argument, it would be possible to demonstrate the personal character of whatever building, since the progress in mechanics promises the means for removing even the heaviest.

The fact that the owners of the house and of the land are distinct does not destroy the character of the building. It is not deemed that in this case the old principle *res solo cedit* is inapplicable, and that for the same reason there is no room for accession, since the lease forbids it. The doctrine of Kent, cited in the note of the minister, is unobjectionable; but the case is not decided by that, since accession is not always the lawful criterion for determining the character, as realty, which a

\*Phillimore, *loc. cit.*

†Voz Biens, Dist. des biens, 2, 11, 19.



thing may possess. This character is based upon the nature itself of the buildings or, it may be, upon the circumstances of their being affixed to the soil.

The opinion of Dalloz is also conclusive as to this proposition:

"A building does not cease to be real estate even when it may have been constructed by another than the owner of the soil. M. Deloincourt has expressed a contrary opinion, founded upon the fact that the building, not being real estate, except as accessory to and a part of the soil, can only belong, as such and while not demolished, to the proprietor of the soil. But the reasonable answer is, in the first place, that a building belongs to the owner of the soil, although it may have been constructed by another (C. Cir. 553-5), and in the second place that it is not correct to claim that a building is only real estate in so far as it belongs to the owner of the soil; indeed, on the contrary, it can not be denied that an owner may well sell his house, reserving the ownership of the land upon which it is built."\*

Neither can we accept the distinction between the character of the rights of the owner of the house and that of the rights of the proprietor of the soil, calling personal the first and real the second, pertaining as they do to the same object. Such a distinction, besides being unfounded and too subtle, would in the present case entail grave inconveniences. The Government of this Republic should consider the well-known character of these houses as real estate, without undertaking to make distinctions which pertain to courts, which are the proper authorities to decide whether the houses which Mrs. Smith left belong to the owner of the soil or to the heirs, assigns, or purchasers thereof. To accept the practical effects of that distinction would be in a certain way to prejudge a point the decision of which belongs exclusively to the courts.

As to this point the opinion of Dalloz is also decisive, who, after having considered various decisions of certain tribunals upon the same question, says:

"Nevertheless we are inclined to adopt the decision of the supreme court as being conformable to article 518, which declares generally that houses are real by their nature, without distinguishing between the case of those which may be constructed by the proprietor of the soil and those which may have been built by another. In order to create an exception to so absolute a rule, very serious motives not within our reach would be required. Undoubtedly he who has built upon the land of another has rights distinct from those of the proprietor of the soil; undoubtedly these rights will be made definite according to the will of the latter, either by a pecuniary indemnification or by removing the materials, what is equivalent in both cases to something purely personal; but from this it does not follow that the building, while it is in existence and while he who built it retains possession, is as to the latter personal property also. No, this building is real, as the law says. The right which the builder has to enjoy it is therefore a right in realty. This right will be transformed later into a right in personality, since then its purpose will be changed, being applied not now to a building, but to materials or to an indemnity; but at present it partakes of the nature of the thing upon which it stands, which is real, and if the builder conveys it to a third person the grant which takes place is also in fact real." And later he concludes: "The buildings erected upon the soil of another are real estate, not only when the proprietor of the latter has the right or is obliged to retain them in virtue of law or by contract at the expiration of the enjoyment of the builder, but also when the latter has expressly reserved the right to demolish them and take away the materials, so that it results from the judgments of the supreme court already cited that in both cases it has decided to the same effect, and indeed we do not see why the same rule should not be applied to both hypotheses."†

Demolombe explains this whole doctrine in the following terms:

"It is necessary to include under this heading of buildings, employed in article 518, all constructions and works, whatever they may be, superficial or subterranean, of whatever material or form, or for whatever purpose, from the time that such works are incorporated with the soil and become an integral part thereof, whether they be dwellings, barns, storehouses, walls or inclosures, excavations, etc., it does not matter.

"There is no object in inquiring by whom, nor with whose funds, nor with what materials the building or work has been constructed; whether by the owner of the soil itself, or by a lessee, tenant at will, or any other holder.

"The building once constructed is real estate by its nature; that is to say, in a manner absolute and independent of the character of the builder. Undoubtedly, when the proprietor builds upon his land with materials of another, or when an individual builds upon the land of another with his own materials, there is room upon the part of both for an arrangement, and now we shall see that, in fact, the Code Napoleon has foreseen these two hypotheses. But as to the character of the building itself,

\* *Ib.*, 2, 11, 20.

† *Ib.*, 2, 11, 24, and 25.

viewing it in its nature as realty, the principle remains the same always and in every case." \*

These opinions are very probably correct, not only on account of the evident validity of the reasons upon which they are founded, and the great respectability of their authors, but, also, because they relate to legislation which is the source of the civil code of this Republic. If any tribunal or jurisconsult shall have given a different opinion, it is certain that their moral authority will not have the force of that of the supreme court of France, nor of that of the learned expositors who support the opinions of the ministry for foreign affairs. But if uniformity of opinion should be demanded, a thing which can not be demanded in these matters, it could be admitted, by way of hypothesis, that the character of the houses left by Susannah Smith is doubtful—a concession the same as that which was made respecting the meaning of the words of article 3, clause 10, of the consular convention.

On this supposition the considerations set forth in No. 2 of this memorandum, founded upon the rules which the law provides for interpreting doubtful clauses of treaties, will become at once applicable.

BOGOTÁ, *February 10, 1891.*

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*Mr. Wharton to Mr. Abbott.*

No. 193.]

DEPARTMENT OF STATE,  
*Washington, June 17, 1891.*

SIR: I have to acknowledge the receipt of your No. 190, of February 26 last, in relation to the settlement of the estate of Mrs. Susannah Smith, a citizen of the United States, who died not long ago at Colon, and to the general question of the right of consuls of the United States in Colombia and of Colombian consuls in the United States to settle the estates of their deceased countrymen, including the taking possession and the sale of their personal or movable property.

It is scarcely necessary to say that the Department has read the memorandum of the Colombian foreign office with not a little surprise and regret. The Department desired—and its desire was repeatedly expressed by you to the minister of foreign affairs—a full, frank, and friendly discussion of the question at issue. It has not succeeded in obtaining such a discussion. On the contrary, it has received, in reply to its courteous representations, an argument in which its position is entirely misrepresented and of which the tone can hardly be considered as friendly or as conducive to a good understanding between the two governments. Under these circumstances it seems to be futile to continue the controversy, but the Department is unwilling to rest under the misconception to which it has been subjected without making a statement of what its position actually is.

In the first place, it is asserted in the memorandum of the ministry of foreign affairs that, according to the opinion of the Government of the United States, Colombia ceded, absolutely and unconditionally, to our consuls a very considerable part of her jurisdiction, while the United States did not promise an equal privilege to Colombian consuls, except on condition that the laws of the several States of the Union should not forbid it. It is alleged that the Government of the United States bases this opinion upon the form of government which Colombia (then New Granada) had at the time of the conclusion of the treaty; and, as that form was a centralized one, it is said that the United States maintains that the reservation respecting the laws of the States of the contracting parties applies only to the United States and not to Colombia.

The views of the Department on the question under consideration

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\* Code Napoleon, 2, 11, 103 and 104.

are set forth in its No. 67, of May 29, 1890. A careful perusal of that document fails to disclose any passage from which such an opinion can be deduced as that which is attributed to this Government and combated in the memorandum of the foreign office. While it is true that this Department, in the instruction referred to, adverted to the fact that at the time of the conclusion of the consular convention, in 1850, New Granada was a centralized government, and observed that later on, when the United States of Colombia were formed, the several States adopted legislation on the subject of the administration of estates, the Department declared that it did not deem it material to enter into the merits of the pretension of this Government, in 1871, that the consuls of the United States in Colombia had a right under the treaty to administer on the estates of their deceased countrymen in that country, notwithstanding the legislation of the Colombian States. In this relation the Department observed that "in the United States, just as was formerly the case in Colombia, legislative power in respect to the settlement of estates is vested in the several States," and that the term "peculiar legislation" in the treaty "means simply the legislation of particular political divisions of the country possessing legislative power with respect to the subject-matter." The Department was careful not to draw, in this particular, any distinction between the United States and Colombia, and it expressly declared that it based its present claim upon the fact that "in 1885 the United States of Colombia became the Republic of Colombia; the States were reduced to departments, and the most of their prior legislation became inoperative." Under this new constitutional arrangement, by which the National Government regained legislative power over the settlement of estates, the Congress of the Republic in 1887 passed a law on the subject, and it was at this law that the objection of the Department was directed, as being in conflict with the treaty, for the reason, as stated in the instruction already quoted, that by the treaty of 1850 the contracting governments "bound themselves, in all places where they possessed the necessary jurisdiction, to permit consuls to exercise the function in question."

The Department regrets to have been compelled to say so much for the sole purpose of disavowing an opinion that it has never held or expressed.

It has not been thought necessary to ascertain the particular States of the United States whose legislation forbids the assumption by consuls of the functions which they are authorized by the treaty of 1850 to assume. It is only necessary to say that treaties, being by the Constitution of the United States the supreme law of the land, Colombian consuls may everywhere exercise in this country the privileges with which the treaty of 1850 invests them, subject to the exception expressly stipulated in respect to the contrary legislation of separate States.

The Department has not contended, and does not now contend, that the treaty of 1850 is to be construed according to the precise conditions which existed in the two countries at the date of its conclusion. It not infrequently happens that provisions are inserted in treaties to meet present exigencies, and in such a case they are to be construed in reference to what existed at the time. But a general stipulation touching the settlement and possession of estates is in its nature continuous, and can not be confined in its operation to the particular circumstances existing at the time of its conclusion.

The Department has no desire to follow the memorandum of the Colombian foreign office in its discussion of the question as to the character

of the houses of Mrs. Smith on land leased from the Panama Railway Company. The instruction No. 67, of May 29, 1890, covers the subject. To attempt, as is done in the memorandum of the foreign office, to answer the Department's argument by saying that it means that the distinction between real and personal property must vary with the improvement of mechanical appliances for moving structures, is merely to exhibit misapprehension both of the law and of the Department's position. The question of the right of accession, a right which the Panama Railway Company waived, is not conceived to be determinable by such a method of discussion. It surely does not depend, as the Department stated it, upon the existence of mechanical appliances for removing structures. But, waiving all this, it can scarcely be deemed a prudent thing to attempt to cast ridicule upon a distinction between movable and immovable property. Whatever purpose such an attempt may serve, it would be wiser to restrict it to a discussion of what the law is rather than of what it should be. It has not been the purpose of the Department to consider whether the effect which has in all times and places, and in all systems of law, been given to the mobility or immobility of property is a sound and logical one or a proper subject for ridicule. The Department has not ventured upon such a task. It has merely taken the law as it has always been, and as it exists to-day in Colombia as well as in the United States.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Mr. Abbott to Mr. Blaine.*

No. 275.]

LEGATION OF THE UNITED STATES,  
*Bogotá, October 17, 1891. (Received November 27.)*

SIR: I have received Mr. Wharton's No. 193, of June 17 last, relative to the settlement of the estate of Mrs. Susannah Smith.

Upon my return to my post in August last the acting minister for foreign affairs introduced this subject during a friendly conversation at this legation. He asked me if I did not think it would be well to submit the whole question to the decision of a friendly arbitrator. I replied that I thought it would be an excellent idea, and that any reasonable proposition of that character made by the Colombian Government would be transmitted to Washington with my approval. I said that I had instructions to answer his last note, but I acceded to his request to delay until he could consider further the question of arbitration.

About two weeks after this conversation I asked the minister whether he had formulated any basis for a proposition of the character named. He replied that he had concluded that no arbitration could be proposed or accepted, because the question as to the character of the houses could only be decided by the courts of Colombia; that he might agree to an arbitration of the first point if it were not so intimately connected with the second. I expressed my regret at his conclusion, and we had some pleasant and friendly conversation, in which I endeavored to dissuade him from his expressed views.

Some weeks later I sent the clerk of the legation to represent again to the minister my desires in the matter, hoping that a full statement thereof in good Spanish might present to his excellency some hitherto unconsidered phase of the situation which would lead to a modification of

his views. The minister in that conversation seemed impressed with the idea that an arbitration of the second point would be an admission of the right of foreign powers to interfere in legal questions which are only determinable by Colombian courts, and he refused to consider further the question of an arbitration.

I subsequently explained the case to the minister of Government, Dr. Roldán, but no result came of it.

The local judge then wrote a note to Vice-Consul-General Boshell, requesting him to unite with the court in the choice of a "curador" for the estate of Alexander Henry. As this case, with which you are familiar, still continues to be cited against us in the Smith case, I was unwilling to allow Mr. Boshell to take any part in the matter, and directed him to ask the judge the precise date when the judge of the second civil circuit of Tequendama assumed jurisdiction in the cause.

I felt that the time had then arrived to forward to the foreign office the substance of the Department's instructions, which I did upon October 2.

I took the letter to the minister personally and asked if there remained any hope of an agreement of any kind looking to a final settlement of the matter. He replied that he saw none and again repeated his views, whereupon I delivered to him my note.

I have to-day received the minister's reply. Copies of the correspondence are inclosed.

The minister is fully aware of the difficulties sustained in settling the estates of foreigners under Colombian laws, and proposes to present to the next Congress a law which shall have been previously submitted to the judgment of the diplomatic representatives here. I informed him that I could not undertake to examine or pass upon any such law, since the United States depends for its rights upon the stipulations of the consular convention, and not upon Colombian laws which are or may be framed in avoidance of that convention.

All my conversations with the minister have been most polite and friendly. But our difference of views seems to be irreconcilable for the present.

This is to be regretted, as difficulties must necessarily arise between consular officers and local authorities, which will be very disagreeable.

I suppose that such troubles must result in the consuls yielding up the possession of the estate in any given case to the local courts, as we could hardly counsel forcible resistance to the constituted authorities. But, in case of necessity, I shall instruct consuls not to join with local courts in naming a "curador" under the Colombian statute, but shall leave the whole responsibility upon the authorities of this country.

I should be pleased to have you reëxamine my previous dispatches and their inclosures of the laws and indicate whether you would approve this course.

I am, etc.,

JOHN T. ABBOTT.

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[Inclosure 1 in No. 275.]

*Mr. Abbott to Señor Suarez.*

LEGATION OF THE UNITED STATES,  
Bogotá, October 2, 1891.

SIR: I have the honor to acknowledge the receipt of the note of your excellency's predecessor, dated February 10 last, in which I am informed that the Government of

this Republic continues in its former opinion respecting the settlement of the estate of Susannah Smith.

In the course of my conversations with your excellency's Government up to the 4th day of August, 1890, neither its representative nor myself had ever intimated our respective views of the subject under consideration, but had confined our efforts to arranging for a time when a full and friendly verbal discussion of the case might be had.

Upon that day, however, the distribution of the biennial report of the minister of foreign affairs to the Congress brought to my notice the position which the Colombian Government had decided to assume, and rendered the results of the proposed verbal discussion so problematical that it never was undertaken.

The publication of the Government's views had, however, prepared me to read without surprise its adherence thereto, notwithstanding the reasons presented in my note of December 16 last.

I have the honor to inform your excellency that copies and translations of the note I now have the honor to answer, and of the memorandum therein contained, have been duly forwarded to my Government.

In view thereof, I have to say that the Department of State has read the said memorandum with not a little surprise and regret. The Department desired, and that desire was repeatedly expressed by me to the foreign office, a full, frank, and friendly discussion of the question at issue. The Department does not feel that it has succeeded in obtaining such discussion. On the contrary, it has received in reply to its courteous representations an argument in which its position is entirely misrepresented, and of which the tone can hardly be considered as conducive to a good understanding between the two Governments.

Under these circumstances it seems to be futile to continue the controversy; but the Department is unwilling to rest under the misconception to which it has been subjected without making a statement of what its position actually is.

In the first place, it is asserted in the memorandum of the minister of foreign affairs that, according to the opinion of the Government of the United States, Colombia ceded absolutely and unconditionally to our consuls a very considerable part of her jurisdiction, while the United States did not promise an equal privilege to Colombian consuls, except on condition that the laws of the several States of the Union should not forbid it.

It is alleged that the Government of the United States bases this opinion upon the form of government which Colombia, then New Granada, had at the time of the conclusion of the treaty; and, as that form was a centralized one, it is said that the United States maintains that the reservation respecting the laws of the States of the contracting parties applies only to the United States and not to Colombia.

The views of my Government on the question under consideration are set forth in my said note of December 16, 1890, to your excellency's distinguished predecessor.

A careful perusal of that note fails to disclose any passage from which such an opinion can be deduced as that which is attributed to my Government and combatted in the memorandum of the Colombian foreign office.

It is true that I adverted to the fact that at the time of the conclusion of the consular convention in 1850 New Granada was a centralized government, and observed that later on, when the United States of Colombia were formed, the several States adopted legislation of their own on the subject of the administration of estates; but, as my Government did not deem it material to enter into the merits of any pretension that may have been heretofore made as to the rights of our consuls, under the treaty to administer on the estates of their deceased countrymen in this country, notwithstanding the legislation of Colombian States, I said in that immediate connection, "But the rights of consuls under that state of affairs are not now under discussion."

In this relation, I further observed that "in the United States, just as was formerly the case in Colombia, legislative power in respect of the settlement of estates is vested in the the several States," and that the term "peculiar legislation," in the treaty, "means simply the legislation of particular political divisions of the country possessing legislative power with respect to the subject-matter."

I was careful, in accordance with my instructions, not to draw in this particular any distinction between the United States and Colombia.

After stating that the powers of our consuls under the laws of the United States of Colombia are not now under discussion, I said: "In 1886, however, the Republic of Colombia supplanted the United States of Colombia. The States became departments, and much of their prior legislation became inoperative"—thereby expressly basing our present claim upon that fact.

Under the new constitutional arrangement, by which the National Government regained legislative power over the settlement of estates, the competent national legislative authority passed a law on the subject, and it was at this law that the objection of my Government was directed as being in conflict with the treaty, for the reason, stated in my note already quoted, that by the treaty of 1850 the contract-

ing Governments "bound themselves in all places where they possessed the necessary jurisdiction to permit consuls to exercise the functions in question."

My Government regrets to have been compelled to say so much for the sole purpose of disavowing an opinion that it has never held or expressed.

The Department of State has not thought it necessary to ascertain the particular States of the United States whose legislation forbids the assumption by consuls of the functions which they are authorized by the treaty of 1850 to assume. It is only necessary to say that, treaties being by the Constitution of the United States the supreme law of the land, Colombian consuls may everywhere exercise in my country the privileges with which the treaty of 1850 invests them, subject to the exception expressly stipulated in respect to the contrary legislation of separate States.

My Government has not contended, and does not now contend, that the treaty of 1850 is to be construed according to the precise conditions which existed in the two countries at the date of its conclusion. It not unfrequently happens that provisions are inserted in treaties to meet present exigencies, and in such case they are to be construed in reference to what existed at the time. But a general stipulation touching the settlement and possession of estates is in its nature continuous, and can not be confined in its operation to the particular circumstances existing at the time of its conclusion.

My Government has no desire to follow the memorandum of the Colombian foreign office in its discussion of the question as to the character of the houses of Mrs. Smith on land leased from the Panama Railway Company. That subject is fully covered in my former note. To attempt, as is done in the said memorandum, to answer the argument of the United States by saying that it means that the distinction between real and personal property must vary with the improvement of mechanical appliances for moving structures, is merely to exhibit misapprehension both of the law and of the position taken by the Department of State. The question of the right of accession, a right which the Panama Railway Company waived, is not conceived to be determinable by such a method of discussion. It certainly does not depend, as I stated it, upon the existence of mechanical appliances for removing structures.

The Department of State has not ventured upon the task of considering whether the effect which has in all times and places and in all systems of law been given to the mobility or immobility of property is a sound or logical one or a proper subject for arguments savoring of ridicule. It has simply taken the law as it has always been and as it exists to-day in Colombia, as well as in the United States. To attempt an opposite course would scarcely be deemed a prudent thing and would be more satisfactorily restricted to a discussion of what the law should be rather than of what it is.

I avail, etc.,

JOHN T. ABBOTT.

[Inclosure 2 in No. 275.—Translation.]

*Señor Suarez to Mr. Abbott.*

REPUBLIC OF COLOMBIA,  
MINISTRY OF FOREIGN AFFAIRS,  
*Bogotá, October 15, 1891.*

SIR: I have the honor to refer to your note of the 2d instant, in which you have again been pleased to discuss the question of the estate of Susannah Smith.

The Government of this Republic, which considers its interpretation of section 3, article 10, of the existing consular convention between Colombia and the United States to be equitable and correct, understands that the Government of your excellency does not desire to continue the discussion heretofore begun relative to this point.

Such discussion, indeed, would be without practical result, because, even supposing that the interpretation defended by the Government of the United States could be accepted by that of Colombia, the question of determining whether the houses left by Mrs. Smith were real or personal property would always be pending.

The determination of that point belongs exclusively to Colombian judges, who have already decided it in accordance with the civil code of the Republic. Such a decision as to the local law made by judges of the country concerning things located in Colombia can not be revised by diplomatic negotiations.

The tone which I ought to employ in this class of correspondence deters me from commenting upon certain terms employed in the note I am answering, which, however, I resent in the name of my Government.

I reiterate, etc.,

MARCO F. SUAREZ.

*Mr. Blaine to Mr. Abbott.*

No. 228.]

DEPARTMENT OF STATE,  
*Washington, December 2, 1891.*

SIR: I have received your dispatch No. 275, of the 17th of October, relative to the estate of the late Susannah Smith. I regret that the position taken by the Colombian Government does not promise an early settlement of the general question at issue between that Government and this. Our consuls, however, should not forcibly resist the constituted authorities; but I approve your proposal to instruct them, in case of necessity, not to join with the local courts in naming a "curador" under the Colombian statutes, leaving the whole responsibility upon the authorities of that country.

I am, etc.,

JAMES G. BLAINE.



## DENMARK.

*Mr. Carr to Mr. Blaine.*

[Extract.]

No. 52.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, September 8, 1891.* (Received September 21.)

SIR: I telegraphed you to-day as follows:

COPENHAGEN, *September 8, 1891.*

BLAINE, *Secretary of State, Washington:*

The minister of interior has to-day issued order removing restrictions on the importation of American pork. Hereafter all our pork bearing proper certificates of inspection will be admitted into Denmark.

CARR, *Minister.*

The order in relation to this important matter simply quotes the order of exclusion made in 1888 and declares it annulled as to all pork coming from the United States which bears evidence of inspection under our laws, unless it shall upon inspection after its arrival here appear to be unwholesome.

The minister of the interior issued the order while I was at the department, where I had gone especially to urge his excellency to do so, and was kind enough to say that he made the order in my presence as a personal compliment.

Now that this just concession has been made I can not too earnestly urge that care be taken to continue the most thorough inspection of our meats. Such a course will not only prevent a recurrence to the unjust exclusion so long existing, but will popularize our meats in Europe and add largely to the demand. A continuous, careful, rigid inspection of our meats for export will return to our dealers and producers far more than its cost.

I have, etc.,

CLARK E. CARR.

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*Mr. Carr to Mr. Blaine.*

No. 53.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, September 9, 1891.* (Received September 23.)

SIR: Referring to my telegram and my dispatch No. 52, both dated on yesterday, I hasten to give you inclosed herewith a translation of the note of the minister of foreign affairs, announcing the removal of restrictions upon the importation of pork from the United States, which has only just come to hand.

It will be observed from this that the concession applies to all hog products, and that the order took effect on the 8th instant, the day of its promulgation.

I have, etc.,

CLARK E. CARR.

[Inclosure in No. 53.—Translation.]

*Baron Lehn to Mr. Carr.*

MINISTRY OF FOREIGN AFFAIRS,

*Copenhagen, September 9, 1891.*

MR. MINISTER: In having the honor to acknowledge the receipt of your note of the 5th instant on the subject of the free importation of American pork, I hasten to inform you that the minister of the interior has on the 8th instant removed the prohibition of March 10, 1888, against the importation from the United States of the flesh of swine and the other raw products of this animal, bladders and steam lard, which are supplied with a certificate from competent American authority that the product in question was before its departure from the said United States inspected in conformity with the laws of said States, and that by this examination it has been found wholesome and proper for human food.

In adding that this order went into effect at the date of its promulgation by the minister of the interior, I seize, etc.

O. D. ROSENÖRN LEHN.

*Mr. Carr to Mr. Blaine.*

No. 55.]

LEGATION OF THE UNITED STATES.

*Copenhagen, September 14, 1891. (Received September 28.)*

SIR: Referring to my two dispatches Nos. 52 and 53, and to my telegram of the 8th instant concerning the removal of the prohibition of the importation of American pork into Denmark, I have the honor to inclose herewith a translation of the decree of his excellency the minister of the interior by which the prohibition was removed.

I have, etc.,

CLARK E. CARR.

[Inclosure in No. 55.—Translation.]

*Decree touching the importation of pork and other unmanufactured swine products from the United States of North America.*

The prohibition notified in the decree of the ministry of the interior of March 10, 1888, against the importation into this country from the United States of North America of pork and other unmanufactured swine products, including swine bladders and unpurified steam lard, is hereby withdrawn as regards those products which are furnished with certificates under the hands of the proper authorities to the effect that the article in question, before leaving the United States, has been subjected to an examination in compliance with the legislation in force in the States, and has been declared at such examination to be found untainted, sound, and fit for human food.

This decree takes effect at once.

To all whom it may concern.

Ministry of the Interior, September 8, 1891.

INGERSLEV.

*Mr. Wharton to Mr. Carr.*

No. 43.]

DEPARTMENT OF STATE,

*Washington, September 23, 1891.*

SIR: Your dispatch No. 52, of the 8th instant, in relation to the decree of the Danish Government admitting American pork into Denmark, has been received and a copy thereof communicated to the Secretary of Agriculture.

The Department received the intelligence of this act of friendly justice on the part of Denmark with great satisfaction.

Adding that the Department appreciates your zealous and efficient coöperation in bringing this matter to a favorable conclusion,

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

## FRANCE.

*Mr. Wharton to Mr. Reid.*

No. 285.]

DEPARTMENT OF STATE,  
*Washington, June 8, 1891.*

SIR: I inclose herewith, for your information, copy of a letter from the Secretary of Agriculture, dated the 3d instant, inquiring as to what steps are being taken by your legation for the removal of the restrictions maintained by France on the importation of American meats, and as to what would be the probable effect upon the agricultural products of this country of certain legislation pending in the French Chamber of Deputies.

You are requested at your earliest convenience to make a report as to the present state of the subject of the importation of American meats and agricultural products into France, summarizing the recent action of your legation in the premises and giving your views as to the prospect of an early removal of the existing restrictions upon the importation of American products into France.

It is desired that your dispatch in reply to this instruction may contain a very full presentation of the whole subject for the benefit of the Secretary of Agriculture.

With reference to that portion of the letter of the Secretary of Agriculture which earnestly requests that instructions may be given to you to insist in every way possible upon the early removal of the present restrictions on our animal products, I have only to say that the Department, being fully aware of the watchful attention that you have constantly given to this subject, does not deem it necessary to do more than confirm the instructions heretofore given to you relative to the matter in question.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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[Inclosure in No. 285.]

*Mr. Rusk to Mr. Blaine.*

DEPARTMENT OF AGRICULTURE,  
OFFICE OF SECRETARY,  
*Washington, June 3, 1891. (Received June 4.)*

SIR: I have the honor to inquire as to what steps are being taken by our minister to France for the removal of the restrictions maintained by that country on the importation of American meats.

Some time has elapsed since the passage of the act of Congress of March 3, 1891, providing for the inspection of live stock and their products in this country and their certification for export to foreign countries, and the issuance of the regulations made by this Department for the proper execution of said law, and I am of the opinion that the time has arrived when France should be requested to indicate its intention, in view of this system of inspection, of removing its prohibition against our live-stock products.

My attention has been called to legislation now pending in the Chamber of Deputies of France having for its object the increasing of duties on meats imported into that country, and, from the nature of the debate there carried on, having reference especially to American meats.

I would ask whether this proposed legislation contains any provision looking to the removal of the existing prohibition against the introduction of American hog products into France, and that our minister to France be requested to furnish this Department full information as to the effect of said legislation, when enacted, on the agricultural products of this country.

I would further urgently request that our minister to France be instructed to insist in every way possible for the early removal of the present restrictions on our animal products.

I have, etc.,

J. M. RUSK.

*Mr. Reid to Mr. Blaine.*

[Extract.]

No. 392.]

LEGATION OF THE UNITED STATES,  
*Paris, July 23, 1891.* (Received August 3.)

SIR: Referring to telegrams of July 17 and July 20, I now have the honor to report the circumstances to which they relate in somewhat greater detail.

The minister of foreign affairs had assented cordially though guardedly to the representations made as to the President's desire for the early withdrawal of the prohibitory decree on American pork. He accordingly accepted my suggestion that the duty now substantially agreed upon by the chambers should be henceforth presented in a separate bill and passed through both chambers at the request of the Government under the demand of urgency. He expressed, however, some apprehension as to the way this would be received, particularly in the Chamber, where, he said, the question was still a very delicate one. After consultation in the cabinet, and with the cordial support of Mr. Jules Roche, minister of commerce, and of Mr. Méline, former president of the Chamber and now president of the large commission on the tariff, the bill was introduced. Mr. Méline, in a speech supporting it, distinctly indicated that the object of the Government in pressing it was to be agreeable to the Government of the United States.

The opposition protested against the introduction of such a measure at the close of the session, repeated the old stories about trichinæ in American pork, and raised the cry of danger to the health of the French and particularly of the French army. The Government side was vigorously supported by Mr. Felix Faure, one of the deputies from Havre, by Mr. Méline, Mr. Jourde, and by Mr. Pallain, director-general of customs. The bill was carried by nearly 3 to 1, the exact vote being 381 for and 105 against it.

After an interval of twenty-four hours the bill reached the Senate upon the last day of the session. It was promptly referred to the committee on the tariff, of which Mr. Jules Ferry is president. This committee had not reported when, at half-past 5 o'clock in the afternoon, Mr. de Freycinet arrived with the President's decree proroguing the session.

An active canvass had been carried on, however, by the friends of the bill, and great hostility had been manifested, particularly by the senators of the Right.

Yesterday being the regular diplomatic reception day, I called on the minister of foreign affairs. Mr. Ribot referred to the failure in the Sen-

ate, and expressed his deep regret. He told me that every effort had been made to put the bill on its passage in the Senate, but that Mr. Jules Ferry, who was himself favorable, was finally compelled to send word to the Government that it would lead to a long debate, and that therefore its passage before the adjournment was out of the question. The Government could secure a majority in the Senate, as in the Chamber, but under the circumstances a vote could not be reached in time.

I then asked Mr. Ribot if there was not some way in which the decree could still be withdrawn during the vacation, either leaving the present duty in force, since the Chamber had failed to fix a new one, or accepting the duty on which the two houses seemed agreed, and fixing this by a presidential decree until the chambers should take action.

Mr. Ribot replied that there was an old law of 1848, he believed, under which it was barely possible that the President might have authority for this latter course, and he promised that he would look into it at once. As to withdrawing the decree and leaving the present duty in force, he feared that, after having apprised the chambers of the Government's intentions and having invited them to fix a rate, it would be unwise to withdraw the decree before they had had time to fix it. On the whole, he seemed to think it doubtful if anything could be done either way.

He advised me that the chambers would probably reassemble on the 6th of October, and in answer to my request promised that if no solution had been reached before that time, the Government would do its utmost to have the bill taken up in the Senate and passed within the first few days of the session. He still seemed to be confident that the Government could carry it, but dwelt upon the hostility of the Right and of a certain section, also, of the Left.

I have, etc.,

WHITELAW REID.

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*Mr. Reid to Mr. Blaine.*

[Extract.]

No. 428.]

LEGATION OF THE UNITED STATES,  
*Paris, October 8, 1891.* (Received October 20.)

SIR: I have the honor to send the following report of the circumstances in the case of John Maurice Hubbard. This is a young man living in Paris who anticipated that he would be called by the French Government to perform military service in France and requested this legation to claim him as an American citizen. He was informed by Mr. Vignaud that this could not be done without authorization from the State Department, an authorization which in his case was not likely to be given.

The mother of Maurice Hubbard is the divorced wife of an American citizen, who married her while United States consul, or consular agent, in Haiti, and who had by her two sons and two daughters. Mrs. Hubbard was born in Haiti from a French mother, and for many years—more than twenty—she has been living in France with her four children. Her youngest son, Maurice, called at the legation some four months ago and explained that as he had been born in France and was about coming of age he was, according to the new French law on citizenship, considered as French, and in that capacity liable to military service unless he disclaimed French citizenship and supported his disclaimer

by a certificate from the United States Government claiming him as an American citizen. Mr. Hubbard, whose language is French, having stated further that he had never been in the United States, was told that under the circumstances the legation could not claim him, at least without referring his case to the Department. He seemed astonished, and said it had been intimated to him that the United States consul at Havre, where he was born, could furnish him with the citizenship papers he needed. He was then advised to apply to the consul. He did so, or at least his mother did so, for under date of August 20 she wrote to inquire if a fee of 384.80 francs, which the consul had charged her for issuing the papers she required, was not excessive. The next day, however, her son called to say he had received from the consul a note explaining that he had made a mistake in adding the items of his bill, and reducing his fee to a more moderate figure. It has been ascertained since that the papers given by the consul were deposited with the French authorities by young Hubbard, who hopes they will be finally accepted.

In my dispatch No. 29, of July 16, 1889, I explained the object and purport of the French nationality law above referred to and gave a translation of its essential clauses. The clause which affects Mr. Hubbard is the fourth of article 8, which defines as a French citizen—

Any person born in France of foreign parents and who at the time of his majority is domiciled in France, unless within the year following such majority, as fixed by French law, he has declined French nationality and proved that he has retained the nationality of his parents by means of an attestation in due form from his Government, which attestation shall remain annexed to his declaration, and by producing besides, if there is occasion to do so, a certificate showing that he has complied with the call to perform military service in accordance with the military laws of his country.

A circular issued by the minister of justice, under date of August 23, 1889, gives as follows the form of the disclaimer:

*Declaration in view of declining French citizenship.*

This ———, before me, justice of the peace of ———, personally appeared ———, who declared that, being born in France, at ———, on the ———, from ——— (name of parents), and being domiciled in France, he desired to decline French citizenship conferred upon him by article 8, clause 4, of the code, and claimed the citizenship of ——— (name of country). In support of his declaration the said ——— has produced—

1. His birth certificate.
2. His father's birth certificate or certificate of marriage.
3. An attestation, in due form, from the government of the country to which he claims to belong showing that he is considered as a citizen of that country.
4. A certificate showing that he has complied with the laws of his country of origin as to military service.

If there is no military service in that country, the certificate should state so.

As to the attestation required from the foreign government claiming a person born in France, there is no fixed form. Here is the one adopted by the Belgian Government and accepted by the French authorities:

*Certificate of citizenship.*

We, envoy extraordinary and minister plenipotentiary of His Majesty the King of the Belgians near the French Republic, certify that ———, born at ———, the ———, has retained Belgian nationality.

In faith of which we have given him the present certificate.

Paris ———.

[SEAL.]

[Signature.]

I have, etc.,

WHITELAW REID.

*Mr. Reid to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Paris, October 29, 1891.*

Senate to-day accepted principle of Chamber bill on pork by vote of 2 to 1, leaving exact figure of duty to be discussed to-morrow. This absolutely assures removal of prohibition just as soon as the two houses agree on duty, probably within a week. Government agreed to this removal year ago, and it has only been held back for their new tariff. Government put duty at 12 francs in tariff submitted to Chamber last winter and has steadily resisted advance. Chamber, however, raised it to 20 francs, and Senate committee now insists on making it same as in Germany and Italy, namely, 25 francs the 100 kilograms. This figure is to be voted on to-morrow in Senate. Government will resist it and try to prevent any advance above 20 francs. Jules Roche, minister of commerce, made very able and convincing speech to-day, repelling charges against American pork and fully sustaining justice our claim for removal prohibition.

WHITELAW REID.

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*Mr. Blaine to Mr. Reid.*

No. 353.]

DEPARTMENT OF STATE,  
*Washington, October 30, 1891.*

SIR: Your dispatch No. 428, of the 8th instant, in relation to the question of the right of Mr. John Maurice Hubbard to elect American citizenship on coming of age, has been received.

The facts, as they are represented to the Department, are as follows:

John Maurice Hubbard is the son of Gorham Eustis Hubbard, a citizen of the United States, now residing in the United States, who is said to have been at one time consul of the United States at a Haitian port, although no record of such appointment is here found. Whether he was in fact a consul there, as stated, is however immaterial to what follows. It suffices to know that while abroad he, an American citizen, married the daughter of a citizen of Haiti.

John Maurice Hubbard was born at Havre, France, during the sojourn of his parents at that place.

Some years ago the elder Hubbard procured a divorce from his wife, and she went to France to live with her mother, who had returned thither. The latter, dying some years since, left some property to her grandchildren, one of whom was John Maurice Hubbard. The French probate courts decided that the minor grandchildren to whom her property descended were American citizens, and that it was necessary to have a guardian appointed in the United States to receive the property. Mr. Robert M. Thompson, of New York, was so appointed and received the property. On several occasions since then Mr. Thompson has exercised the duties of guardian, conformably to French requirements as regards the acts or status of his minor wards, still living in France.

John Maurice Hubbard, one of the wards aforesaid, is yet a minor, but will soon come of age.

By the French law of citizenship a person born in France of alien parents and domiciled in France at the time of reaching majority is al-

lowed one year after reaching majority to elect to retain the citizenship of his parents. In default of so doing, at the expiration of that period and if retaining French domicile, he is to be deemed a citizen of France. It is therefore evident that the acquirement of French citizenship is optional, not obligatory, and that the interested party, on becoming *sui juris*, is, in any event, as free to choose his citizenship as his domicile.

By the statutes of the United States Mr. Hubbard is by birth an American citizen. His right, however, to claim the protection of this Government abroad may be affected by the lawful claims of the Government within whose jurisdiction he was born. It depends also upon those considerations which prevail in the case of any citizen of the United States who takes up his residence in a foreign country. If he desires a passport, he should prove to the legation, as is requisite in such cases, that he has a fixed purpose to come to this country within a reasonable time with the intent of making it his permanent home.

John Maurice Hubbard's intentions in regard to his future domicile are not stated; but, from the circumstance of his resorting to the procedure prescribed by French law to legalize his status as an alien continuing his residence in France, it may be inferred that Mr. Hubbard intends to keep up his present domicile beyond the year following his coming of age. If this be so, the interest which this Government would have in assuring his claim to American citizenship for the purpose of indefinite residence abroad is not apparent. Both international and statutory law in this relation aim to insure to the Government of which the party claims to be a citizen the right and free opportunity to exact of him the fulfillment of the duties of citizenship, as much as to secure to the party the enjoyment of the rights and privileges of citizenship. The relation to be established is reciprocal, involving the allegiance of the person to the state which protects him, as well as the obligation of the state to protect him while he shall bear true faith and allegiance to it.

It rests, therefore, with Mr. Hubbard to determine his status on becoming *sui juris*. If he in good faith purposes to take up his abode in the United States and here perform the duties and enjoy the benefits of citizenship, he has clearly the right to do so and to be aided therein by his Government. But, if it be his purpose to remain indefinitely abroad, it is not incumbent upon this Government to assist him to evade the obligations of citizenship here and of domicile in France.

It appears that the consul at Havre has supplied Mr. Hubbard with documentary evidence to justify his claim to be a citizen of the United States, and that such evidence may suffice to determine his status as an alien under the French law you quote. It is desirable that the nature of the consul's intervention should be ascertained, and Mr. Williams will be called upon to report fully what he has done in the premises.

Should Mr. Hubbard resort again to the legation after attaining legal age, you will satisfy yourself as to his intentions respecting his future domicile, and; should it appear that he purposes in good faith to perform the duties of citizenship, a passport may be issued to him. The Department sanctions no other evidence of citizenship than this. But if it shall appear that Mr. Hubbard has no fixed intent to dwell in the United States, you will treat his case precisely as any other where the conduct of the applicant suggests a voluntary abandonment of the rights of protection claimed by him, and will withhold a passport.

I am, etc.,

JAMES G. BLAINE,



*Mr. Reid to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Paris, October 30, 1891.*

Mr. Reid reports that the demand for a duty of only 20 francs the 100 kilograms on American pork, being renewed by the Government to-day, was beaten by a large majority and the duty fixed at 25 francs, notwithstanding the strong stand made against the advanced duty by Messrs. Ferry, Develle, and Ribot. Mr. Reid thinks that this action was evidently influenced by German and Italian duties, senators arguing in debate that the French duty should not be less than the German, who, they claimed, received in addition a large concession from the United States. He states that the minister for foreign affairs answered this by showing advantages France had received in the McKinley bill over England and Germany. He also says that the bill will now go back to the Chamber, and that it is expected that prohibition will be withdrawn immediately upon the agreement on duty by the two houses.

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*Mr. Reid to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Paris, November 16, 1891.*

Chamber spent long and at times tumultuous session on Senate bill fixing duty on pork at 25 francs. Efforts made to amend by substituting 20 francs, by leaving hams at 25 francs and making other grades 20 francs, and by adding requirement of microscopic inspection in French ports. All amendments voted down by considerable majorities, and bill finally passed as it came from the Senate.

REID.

## GERMANY.

*Mr. Wharton to Mr. Phelps.*

No. 146.]

DEPARTMENT OF STATE,  
*Washington, September 8, 1890.*

SIR: I transmit herewith copy of a letter addressed to this Department under date of 23d ultimo by Mr. George Haberacker, of Cleveland, Ohio, in relation to the impressment into the Bavarian army of his brother, John Haberacker.

From this letter, and from the newspaper clipping which accompanied it, the facts of the case may be thus conveniently summarized:

John Haberacker was born in Windsheim, Bavaria, on August 18, 1869, and has but very recently attained his twenty-first year. His father was a subject of Bavaria, and died in that country in 1883, when John was 14 years old. His widow emigrated to the United States the same year (1883), bringing her minor children with her. Three years later (in 1886) the widow Haberacker married one Andrew Knauss, a Bavarian by birth, but then for thirty-three years a citizen of the United States by naturalization. About three months ago Mr. Knauss and his wife went to Bavaria to visit relatives at Windsheim, taking with them John Haberacker, who had not yet reached full age. They returned in July, leaving John in Windsheim for a further stay of a fortnight. On August 3, a few days before he had arranged to return to the United States, John Haberacker was arrested as liable to military service and taken to Uffenheim, where a partial examination was had. Thence he was taken to Anspach, where he was heard before a military court and adjudged liable to three years' service as a Bavarian subject in the armies of the Kingdom. He was accordingly assigned to the Fourteenth Regiment of Infantry, on duty at Nuremberg, where he was when last heard from.

The statutes of the United States applicable to the case are as follows:

SEC. 1994. Any woman who is now, or may hereafter be, married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

SEC. 2172. The children of persons who have been duly naturalized under any law of the United States \* \* \* being under the age of 21 years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof.

It has been held by our courts that the husband's citizenship confers citizenship upon the wife without application for naturalization on her part or the usual qualifications. There is also an express decision of the United States circuit court (13 Federal Reporter, 82) that upon the marriage of a resident alien woman with a naturalized citizen both she and her infant son, dwelling in this country, become citizens of the

United States as fully as if they had become such in the special mode prescribed by the naturalization laws.

It is conclusive, therefore, under the laws of this country, that John Haberacker, upon the marriage of his mother to Knauss in 1886, became a naturalized American citizen. That he shall be treated as such by the Royal Government of Bavaria, our treaty with that Government of May 26, 1868, only requires further that he "shall have resided uninterruptedly within the United States for five years."

It is the generally accepted theory in this country that a widowed mother may reasonably and in good faith change the domicile of her minor children. When the boy John Haberacker, therefore, came to this country to live, in 1883, with his mother, his only natural protector, the United States thereby became his domicile. It is understood that in some of the systems of European law a different view prevails, viz, that the minor's domicile is fixed by the father's death and can not be changed during minority by the mother. The Department is not informed, however, that the law of Bavaria in this regard is different from our own. And in any event, whatever view that Government may entertain as to the legal domicile of Haberacker, with respect, for instance, to such a question as the succession to property in that Kingdom, it is believed that they will agree with us that the facts in this case constitute such an uninterrupted residence in this country as is contemplated by the treaty and bring Haberacker's case within its provisions.

In this connection the stipulations of section III of the supplementary protocol of Munich, signed May 26, 1868, have a pertinent application. It is therein provided that while Bavarians "emigrating from Bavaria before the fulfillment of their military duty can not be admitted to a permanent residence in the land till they shall have become 32 years old" does not forbid a journey to Bavaria for a less period of time and for definite purposes, and the Royal Bavarian Government cheerfully undertakes, in cases of good faith, "to allow a mild rule in practice to be adopted." The emigration of a child of 14 in the care of his widowed mother suggests no bad faith. The child at that age could not have been enrolled for service under a draft, or stood in service under the flag, or broken a leave for a limited time, or failed to respond, while on unlimited leave, to a call into the service to which he belonged—which are the usual conditions under which service is exacted of Germans returning to Germany after naturalization abroad. The general rule now observed in practice throughout the German Empire corresponds with the specific rule laid down in article II of the treaty of naturalization of July 19, 1868, between the United States and Baden, and its reasonableness and justice commend it as equitably governing such cases. Under it emigration, even if transgressing other legal provisions on military duty than the cases of practical desertion or evasion of an accrued and existing obligation to service at the time, which are recited above, does not subject the emigrant on return to be held to military service or to be tried and punished for nonfulfillment of military duty.

In view of the above, I have to direct you to call the facts in this case to the attention of the Government of Bavaria, in the confident belief that that Government will be pleased to take steps looking to Haberacker's prompt release from his present enforced military service.

In conclusion, I must caution you not to allow the consideration of this case to be prejudiced by the statement in his brother's letter (George Haberacker) of August 19, 1890, that John, on reaching his legal age, "had intended to take out his full papers, if necessary, on his return."

The brother's supposition that some formal act of the court might be required to confirm his citizenship, but which we have found to be unnecessary, can have no bearing either way.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

[Inclosure 1 in No. 146.]

*Mr. Haberacker to Mr. Blaine.*

288 ST. CLAIR STREET,  
*Cleveland, Ohio, August 19, 1890. (Received August 21.)*

HONORABLE SIR: I most respectfully submit the inclosed clipping from a Cleveland paper of this date, which is a correct statement of the facts of arrest, etc., of John Haberacker, my brother, in Bavaria. He reached his twenty-first year yesterday, and had intended to take out his full papers, if necessary, on his return.

Praying you to see that justice is done him, his parents and the undersigned hopefully await your assistance.

Yours, most respectfully,

GEORGE HABERACKER.

[Inclosure.—From the Cleveland Plaindealer of August 19, 1890.]

*Newspaper account of the arrest of John Haberacker.*

A Cleveland boy sojourning in Bavaria has been arrested and forced into the military service of the Kingdom.

This is the plight that John Haberacker, whose home is in No. 288 St. Clair street, is in. The young man reached his majority only yesterday. His twenty-first birthday he will never forget as long as he lives. He celebrated it gloomily, despondently, and hopelessly in the uniform of a conscript.

John is a native of Bavaria, it is true, where he was born in 1869. When he was 14 years old his father died. His mother soon after, with her family, including John, came to America, coming direct to Cleveland. Here the widow Haberacker married Andrew Knauss, with whom John has ever since lived, the treatment he received from his foster father being that due a son in fact. He went to school until he had learning enough to prepare himself for whatever vocation he might choose. He determined to learn the art of printing. He did, and was for a long while, and when he went abroad, employed as a compositor on the *Waechter am Erie*. He was industrious, apt, and attentive to business, giving promise of getting along exceptionally well. He was popular with his friends, being possessed of many excellent traits not common in the modern-day youth. Last May Mr. Knauss concluded to visit his old home, Windsheim, a town in Bavaria. It was the former home also of his wife and John's birthplace.

So the three sailed from New York in the early part of that month, arriving all right at their destination, where they had a splendid time with their relations, friends, and acquaintances until July 23, when Mr. Knauss and his wife left on their return trip to America. But John remained behind. Boy like, he had not had his trip out and desired to stay in Windsheim two weeks longer, expecting in that time to meet Prof. Hamm, of this city, who is leader of the Harmonie Singing Society here, and who had been traveling in Europe, and is now on the water homeward bound. John planned to leave Windsheim August 7. On the morning of August 3, between 5 and 6 o'clock, before he was up, a military official came to his boarding place and alarmed the house. To the question, "Who is there?" he made known his official character, and when he was afterwards politely and fearfully asked his errand he said he came to arrest John Haberacker for fleeing from the country to avoid doing military duty, as required of all native able-bodied youth 18 years old and upward.

The intelligence was conveyed to John. He could not make it out. He was an American, he thought, having grown up with that idea, and how the Government of Bavaria had any claim on him as a subject he could not understand. He was dazed and had to be reminded that he was under arrest and must accompany the officer, who deigned no further explanation, assuring him, however, that he was carrying out his orders and that he had no alternative in their execution. John, trembling, accompanied him. There being no tribunal in Windsheim having jurisdiction of the case, he was transferred with much dispatch to Uffenheim the same day. A partial

inquiry into the facts was made, and the following morning, which was August 5, he was sent to Anspach, where he had a hearing in a military court. The finding was that he was liable to do military service as a Bavarian subject. He was sentenced, accordingly and in effect, to three years in the army. There being a garrison at Nuremberg, he was assigned the same day to the Fourteenth Infantry, where he is now in a barracks doing such duty as is required of a private soldier. His brother George, who is a dealer in picture frames at No. 288 St. Clair street, received two letters from him yesterday. In them he recites the story told in the foregoing narrative. He gives evidence of despair while he appeals for deliverance. While, he says, he has not been treated harshly, still no encouraging words are spoken, and he is left under the impression that there is no escape for him.

In extenuation of the Bavarian authorities, they urge that he is a citizen of Bavaria and as such owes allegiance to that Government, because his father was born and died there. While he will not admit that, and knows that it had always been his intention to become a citizen of the United States, if he was not already, coming to Cleveland as he did with his only surviving parent seven years ago to make this their permanent residence, he is uneasy, apprehensive, and discouraged. He dreads to have to throw away three of the best years of his life in a foreign army, there being nothing in it, not even profitable experience.

Mr. and Mrs. Knauss were seen at their residence. Both are worried almost sick over the matter. The brother George, too, is put out, but he has confidence in being able to get the Department of State at Washington interested in the outrage, and expects to secure John's early release. He has been advised that this may be accomplished if Secretary Blaine can be induced to lend his assistance and the power of his portfolio. The question involved is an international one, and must be determined by settling whether John is a subject of Bavaria or a citizen of the United States. At the time of his arrest and temporary absence from this country he was a minor, but his parents, his mother and stepfather, were citizens of the United States. The question presented, with the phases that the facts of this particular case give it, is a new one, and much interest will be aroused in its determination. Meantime poor John will be compelled to bear arms for a Government that he regards as alien. He is deserving of not only sympathy, but the interference of the city of Cleveland in his behalf. Such intercession should be made at Washington that he will be set free without the least delay, and the wrong should be completely vindicated. It is not John alone who has been injured. The city of Cleveland, the State of Ohio, and the United States have been grossly insulted, and satisfaction should be demanded. That means, first of all, that John should be given his liberty. Some of the friends of the unfortunate young man are at sea as to how to bring the case properly to the notice of Secretary Blaine. If the mayor happens to be in the city he should not hesitate to investigate the matter thoroughly; and when he has done that he will not be satisfied until John Habacker is discharged from the Bavarian army and permitted to return to Cleveland.

The family are respectable, intelligent, well-to-do folks. Mr. Knauss has been in the United States twenty-nine years. He has lived in this city much of that period. Seldom has a stronger case for the interference of the Government in defense of one of its citizens been made. Not the slightest provocation appears for this high-handed, cruel outrage, and the victim is a peaceful, orderly, quiet, sober, and in every way excellent young man, who had gone to Bavaria to visit the scenes of his early childhood, intending to come back to his home, his permanent residence—Cleveland.

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[Inclosure 2 in No. 146.]

*Mr. Habacker to Mr. Blaine.*

288 ST. CLAIR STREET,  
Cleveland, Ohio, August 23, 1890. (Received August 25.)

DEAR SIR: I respectfully and earnestly desire to call to your attention a matter which in my humble opinion is well worthy of your consideration. My brother, John Habacker, a resident of this city, was arrested in Bavaria on August 3, while on a visit there, and impressed into the Bavarian army against his will. He came to this country with our mother, a sister, and myself in October of 1883. My brother John was then 14 years of age, and reached his twenty-first birthday on the 18th. My mother was a widow upon coming to America, my father having died a citizen of Bavaria. Three years later she married Andrew Knauss, a native of Germany, but for thirty-three years a naturalized citizen of the United States. On attaining my own majority I duly became an elector in accordance with the laws, and my brother John fully intended to do likewise. Before it became possible, however,

for him to regularly take out his paper, lacking three months of being of age, my mother and stepfather went on a visit to relatives to Windsheim, Bavaria, and John accompanied them. There he was arrested and taken before the military court at Anspach and assigned to the Fourteenth Infantry regiment stationed at Nuremberg.

I do not know what the regulations of your high office are in such matters, nor do I know what information will be valuable in the case. I inclose an account of the case,\* which was published in the Cleveland Plaindealer on August 19 and is a clear and correct statement of the circumstances so far as is known by us. If you consider the matter worthy of your notice and will kindly let me know what further information is necessary, I will be very happy to serve you.

I have, etc.,

GEORGE HABERACKER.

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*Mr. Coleman to Mr. Blaine.*

No. 177.]

LEGATION OF THE UNITED STATES,  
*Berlin, September 23, 1890. (Received October 13.)*

SIR: Referring to the Department's instruction No. 146, of the 8th instant, relating to the case of John Haberacker, I have the honor to transmit herewith a copy of my note of intervention in behalf of that gentleman, addressed to the foreign office to-day. I have informed Mr. Haberacker of this action in his behalf through our consulate at Nuremberg, in which city the regiment in which he is performing military service is stationed.

I have, etc.,

CHAPMAN COLEMAN.

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[Inclosure in No. 177.]

*Mr. Coleman to Freiherr Marschall.*

LEGATION OF THE UNITED STATES,  
*Berlin, September 23, 1890.*

The undersigned, chargé d'affaires *ad interim* of the United States of America, has the honor, acting under special instructions from his Government, to request that his excellency Freiherr Marschall von Bieberstein, imperial secretary of state for foreign affairs, will kindly use his mediation in inviting the attention of the Royal Bavarian Government to the facts below summarized of the case of John Haberacker, a naturalized citizen of the United States now performing enforced military service in the army of Bavaria.

John Haberacker was born in Windsheim, Bavaria, on August 18, 1869, and has but very recently attained his twenty-first year. His father was a subject of Bavaria and died in that country in 1883, when John was 14 years old. His widow emigrated to the United States the same year (1883), bringing her minor children with her. Three years later (in 1886) the widow Haberacker married one Andrew Knauss, a Bavarian by birth, but then for thirty-three years a citizen of the United States by naturalization. About three months ago Mr. Knauss and his wife went to Bavaria to visit relatives at Windsheim, taking with them John Haberacker, who had not yet reached full age. They returned in July, leaving John in Windsheim for a further stay of a fortnight. On August 3, a few days before he had arranged to return to the United States, John Haberacker was arrested as liable to military service and taken to Uffenheim, where a partial examination was had. Thence he was taken to Anspach, where he was heard before a military court and adjudged liable to three years' service as a Bavarian subject in the armies of the Kingdom. He was accordingly assigned to the Fourteenth Regiment of Infantry, on duty at Nuremberg, where he was when last heard from.

The statutes of the United States applicable to the case are as follows:

"SEC. 1994. Any woman who is now or may hereafter be, married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

"SEC. 2172. The children of persons who have been duly naturalized under any law

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\* For this inclosure see inclosure to inclosure 1.

of the United States, \* \* \* being under the age of 21 years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof.

It has been held by the courts of the United States that the husband's citizenship confers citizenship upon the wife without application for naturalization on her part or the usual qualifications. There is also an express decision of the United States circuit court (13 Federal Reporter, 82) that upon the marriage of a resident alien woman with a naturalized citizen both she and her infant son, dwelling in the United States, become citizens thereof as fully as if they had become such in the special mode prescribed by the naturalization laws.

It is conclusive, therefore, under the laws of the United States, that John Habacker, upon the marriage of his mother to Knauss in 1886, became a naturalized American citizen. That he should be treated as such by the Royal Government of Bavaria, the treaty of the United States with that Government of May 26, 1868, only requires further that he "shall have resided uninterruptedly within the United States for five years."

It is the generally accepted theory in the United States that a widowed mother may reasonably and in good faith change the domicile of her minor children. When the boy John Habacker, therefore, came to the United States to live, in 1883, with his mother, his only natural protector, that country thereby became his domicile. The Government of the undersigned is not informed that the law of Bavaria, in this regard, is different from that of the United States. And in any event, whatever view that Government may entertain as to the legal domicile of Habacker, with respect, for instance, to such a question as the succession to property in that Kingdom, it is believed that they will agree with the Government of the United States that the facts in this case constitute such an uninterrupted residence in that country as is contemplated by the treaty and bring Habacker's case within its provisions.

In this connection, the stipulations of section III of the supplementary protocol of Munich, signed 26th of May, 1868, have a pertinent application. It is therein provided that while "Bavarians emigrating from Bavaria before the fulfillment of their military duty, can not be admitted to a permanent residence in the land till they shall have become 32 years old," does not forbid a journey to Bavaria for a less period of time and for definite purposes, and the Royal Bavarian Government cheerfully undertakes, in cases of good faith, "to allow a mild rule in practice to be adopted." The emigration of a child of 14 in the care of his widowed mother suggests no bad faith. The child at that age could not have been enrolled for service under a draft, or stood in service under the flag, or broken a leave for a limited time, or failed to respond, while on unlimited leave, to a call into the service to which he belonged—which are the usual conditions under which service is exacted of Germans returning to Germany after naturalization abroad. The general rule now observed in practice throughout the German Empire appears to correspond with the specific rule laid down in article II of the treaty of naturalization of July 19, 1868, between the United States and Baden, and its reasonableness and justice commend it as equitably governing such cases. Under its emigration, even if transgressing other legal provisions on military duty than the cases of practical desertion or evasion of an accrued and existing obligation to service at the time, which are recited above, does not subject the emigrant on return to be held to military service or to be tried and punished for nonfulfillment of military duty.

In view of the foregoing facts and considerations, the undersigned begs to give expression to the confident belief entertained by his Government that the Royal Bavarian Government will be pleased to take steps looking to Habacker's prompt release from his present enforced military service, and avails, etc.

CHAPMAN COLEMAN.

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*Mr. Phelps to Mr. Blaine.*

[Extract.]

No. 223.]

LEGATION OF THE UNITED STATES,  
*Berlin, January 24, 1891. (Received February 10.)*

SIR: I have the honor to call your attention to the debate, which occupied two sessions of the Reichstag, one on Wednesday, the other on Friday of this week.

The occasion was a resolution pertinent to a section in an appropriation bill, then pending, introduced by Dr. Barth, a leading member of

the Liberal party, to the effect "that the chancellor be requested to withdraw the order of March 6, 1883, which forbids the importation of swine, swine flesh, and sausage of American production."

The debate was opened by Dr. Barth. He referred to the origin of this policy of exclusion as so near in time and spirit to Germany's adoption of the protective system that one can not but draw the inference that it was a part of that system; and the probability that the policy of exclusion was one of protection and not of sanitation was used with more or less directness by all who subsequently spoke on his side, and as earnestly and uniformly denied by those who spoke for the Government.

On our side nothing new was or could be said. The swine was healthy, and its flesh was eaten in the United States, in England, and elsewhere without harm. German laborers needed it as a cheap nourishment. The United States ought no longer to be annoyed by such a severe and unjust reflection upon its great staple. The measure when passed eight years ago was passed as merely "temporary;" and, finally, the American Government had passed a measure intended to make so thorough an examination of the animal and its product as to remove any ground for apprehension as to its healthy condition.

The Government, speaking by von Boetticher, the vice-chancellor, answered some of these pleas and ignored others. He was willing to give the people cheap food, but he wanted it to be good food. He still maintained that our swine flesh was more trichinous than Germany's; claimed that English and Dutch used it with impunity because they never used it uncooked; found fault with the manner in which our slaughtering and preparing was done, on the statements of American journals, made apparently in local rivalry; and finally expressed dissatisfaction with our act of August 30, 1890, "providing for the inspection of meats for exportation," etc., because the examination was not compulsory and because it was made on the product already boxed.

He spoke of some new measures already introduced into our Congress, which, by supplying these conditions, admitted the defects of the present law, and finally closed, leaving the decided impression that, as his knowledge of the present law was evidently slight, he was making rather perfunctory objections to it, because his Government had not yet found time to thoroughly examine the provisions of this act and were fencing for time to learn them, and still more to learn what would be their practical effect after they had been longer in operation.

It was encouraging to find in the spirit, if not in the words, of his speeches that, under the influence of public opinion or its own convictions, the Government was moving towards repeal and waiting only for the fullest measure of sanitary security.

Von Marschall, the minister of foreign affairs, entered in the debate only to say that a careful investigation was being made of the facts of the case and of the efficiency of the act of Congress above referred to through the consular and other representatives of the German Government in the United States.

It was a great satisfaction to hear Windthorst, the great leader of the Central or Catholic party, which casts always a solid hundred votes, say that he was ready to remove restriction, and only waited, as the Government was doing, until the assurance was satisfactory that American swine flesh could be used without injury to German health.

The National Liberals, to the surprise of many, voted with Dr. Barth. The vote was 106 for the resolution and 133 against it.

I have, etc.,

WM. WALTER PHELPS.



*Mr. Phelps to Mr. Blaine.*

No. 224.]

LEGATION OF THE UNITED STATES,  
*Berlin, January 31, 1891. (Received February 18.)*

SIR: I am in receipt of your instruction requesting me to fully state the present condition of the case of Mr. John Haberacker.

The case of Mr. Haberacker was presented to the foreign office as urgent September 23 last. As nothing was heard of the case, either from the consulate at Nuremberg or from Mr. Haberacker himself, the legation had assumed that Mr. Haberacker had been discharged, and that the foreign office, as is often its practice under such circumstances, would either make such reply at its leisure or assume that its prompt recognition of the legation's request by the discharge of the soldier made a formal reply unnecessary.

It may be proper here to say that we have as yet had no direct evidence from Mr. Haberacker himself that he has any desire to leave the Bavarian army. He has never addressed a word to the legation, nor caused any word to be addressed to it by any person here in his behalf. I believe that Mr. Consul Black himself, though in the city where his regiment is stationed, has never heard from or seen him. This is so different from ordinary cases, where the soldier impressed generally takes every opportunity to announce his fate, to bewail it, and to clamor for a speedy deliverance from it, that it is inexplicable.

Immediately on the receipt of your instruction of January 12, Mr. Coleman went personally to the foreign office and insisted upon prompt action. They had nothing there to communicate except that the matter had been transmitted to Munich. This was not surprising, as the machinery of federal relations between the German Empire and the Bavarian Kingdom has never yet worked easily or smoothly. In every case since I have been in charge, notably in the case of Mr. Rosenwald's exequatur as consular agent at Bamberg, progress was made only after greatest delay by my almost personal influence and solicitation both at the Berlin and Munich ends.

Mr. Coleman received a promise that the case should receive speedy attention. If we get no fruits of the promise in a day or two, I will make formal and written inquiry. Before this personal interview at the foreign office, to assure ourselves that Mr. Haberacker was not already discharged, we telegraphed to Mr. Black. We inclose a copy of his written and telegraphic reply. You will notice that even there, at close range, there is so little expression of dissatisfaction, if any, on the part of Mr. Haberacker that the consul finds it difficult to find out for certain if the young man is still in the army or not. If in, he has all the liberty of the mail and of the consul's office, and his is the first case within the knowledge of the legation where a person in his circumstances has not used all these opportunities with annoying assiduity.

Notwithstanding Mr. Haberacker's indifference and the lack, apparently, of any request or wish from him for the intervention of our Government, I will, under instruction, follow up the case as if it had the usual form and merits, unless I receive word to the contrary from the Department.

I have, etc.,

WM. WALTER PHELPS.

Since the signature was appended to the above dispatch a communication on the subject has been received from the foreign office, a translation of which is herewith inclosed.

FEBRUARY 2, 1891.

## FOREIGN RELATIONS.

[Inclosure 1 in No. 224.]

*Mr. Black to Mr. Phelps.*

No. 36.]

CONSULATE OF THE UNITED STATES,  
*Nuremberg, January 27, 1891.*

SIR: I have the honor to inform you that I received from the colonel of the Fourteenth Regiment here an answer to my request for information as to John Haberacker.

While the answer is not direct, it, I think, undoubtedly shows that Haberacker is still in the military service here. Independent of that, however, my secretary informs me that when he went to the barracks to deliver my letter thanking the colonel for his information, the "Unterofficier" on duty in the colonel's office told him that John Haberacker is at present serving in the first company of the Fourteenth Regiment in this city.

I inclose you my letter to the colonel and his reply to the same, and when you have finished with them you will be kind enough to return them, so that I can place them on file in this consulate.

Upon this information I telegraphed you this afternoon as follows:

"Judge from reply is still here. Have written.

BLACK."

I have, etc.,

WM. J. BLACK,  
*United States Consul.*

[Inclosure A.—Translation.]

*Mr. Black to Col. Lindhamer.*CONSULATE OF THE UNITED STATES,  
*Nuremberg, January 26, 1891.*

DEAR SIR: His excellency the minister of the United States of America at Berlin instructs me to inquire whether John or Johann Haberacker or Haberacher is still serving in the fourteenth infantry regiment. I therefore have the honor to request that you will kindly give me the desired information at your earliest convenience and the date of his discharge in case it has taken place. I am instructed to give his excellency information by telegraph.

Very respectfully,

WM. J. BLACK,  
*United States Consul.*

[Inclosure B.]

*Col. Lindhamer to Consul Black.*NUREMBERG, *January 27, 1891.*

Answered briefly by the respectful statement that Johann Haberacker (typesetter), born at Windsheim, has on August 5, 1890, been mustered into the regiment (owing military duty), who might not otherwise be found for service when wanted (*unsicherer Dienstpflichtiger*).

LINDHAMER,  
*Colonel Fourteenth Infantry Regiment.*

[Inclosure 2 in No. 224.—Translation.]

*The foreign office to Mr. Phelps.*FOREIGN OFFICE,  
*Berlin, January 31, 1891.*

In response to the note of September 23 last, the foreign office has the honor to inform the American legation that negotiations for the discharge from military serv-

ice of John Haberacker have been entered into with the Royal Bavarian Government, and that it is expected that they will be concluded shortly.

As soon as the said Government will have made known its decision, the foreign office will not fail to make further communication to the American legation.

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*Mr. Phelps to Mr. Blaine.*

[Extract.]

No. 229.]

LEGATION OF THE UNITED STATES,  
*Berlin, February 6, 1891.* (Received February 26.)

SIR: I transmit herewith a copy of the communication made by me this day to the foreign office.

It was my original purpose, in pursuance of the policy I have deemed most likely to secure the admission of American pork, to take notice of the debate of January 21 and 23 in the Reichstag on Dr. Barth's resolution asking the chancellor to remove the restriction on its admission.

Afterwards I found in German discussion, newspaper and conversational, much stress laid upon the statement of the vice-chancellor, made in the debate, that the question of the healthfulness of our pork was answered favorably by those who ate it cooked, unfavorably by those—the Germans—who ate it raw. The distinction he made is not new, but is certainly receiving an attention it never had before, either because it was the only shadow of a reason the Government could give for retaining the restriction or because it was uttered from the ministerial bench by a vice-chancellor. Under these circumstances, in view of the unexpected attention this point was receiving, I changed my mind, and determined to open the old subject only enough to let in the suggestion I wanted to make as to the obvious answer to be made to the charge that American pork was unwholesome to those who ate it uncooked.

This was the sole purpose of my communication of this date to the foreign office, and anything else contained in it is put there only as a framework or setting for that suggestion.

I have, etc.,

WM. WALTER PHELPS.

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[Inclosure in No. 229.]

*Mr. Phelps to Baron Marschall.*

LEGATION OF THE UNITED STATES,  
*Berlin, February 6, 1891.*

The undersigned, envoy, etc., of the United States of America, has the honor to inform his excellency Freiherr Marschall von Bieberstein, imperial secretary of state for foreign affairs, that, in a natural curiosity to hear a debate on a subject in which the joint interests of Germany and the United States were in question, he attended the sessions of the Reichstag at the end of last month, when the proposition of Representative Barth that the chancellor of the Empire be requested to remove the restriction on the importation of American pork was the order of the day. The vice-chancellor of the Empire, intervening in the discussion, intimated that his Government still believed that the swine of America were unhealthy, and was not yet satisfied that the new tests provided by the United States Government, under the act of Congress of August 30, 1890, were sufficient to insure the health of American consumers against the dangers of trichinæ, which he still believed were to be found in American pork.

As his excellency Freiherr Marshall von Bieberstein promptly and clearly stated

subsequently in the debate that under the auspices of the foreign office investigations were being made in the United States as to the truth of both these propositions, and as the undersigned was and is sure that such investigations would establish the fact that this American product was at least as free from trichinae as that of Germany, and that the new American system of examination afforded sufficient guaranty against its exportation if any invoice should prove tainted or unsound, the undersigned deemed it unnecessary at the moment to formally traverse the statements of the vice-chancellor or to file a protest against the injustice of them.

Upon reflection, the undersigned has changed his conclusions so far only as to think it might be his duty to complete the record of this occasion, since the charge was made by briefly stating in behalf of his Government its unwillingness to admit the truth of the charge against the methods of examining it. He does not wish, in making this denial, to open a subject which has filled the files of the foreign office, where his excellency so ably presides, and of this legation, from which the undersigned's predecessors for more than ten years have sent testimony, argument, and appeal to show how unnecessary, how unjust, almost how unfriendly, was the exclusion of a useful American product on grounds which the experience and science of the world outside of Germany, and which the leading scientists in Germany, have declared untenable.

It would be useless to open the subject, for there is nothing new that can be said. Everybody knows that 65,000,000 Americans eat American pork, and that there has not been a case of illness or death reported as occurring from its use. The undersigned, whose life has been a public one, bringing him into contact with thousands of his countrymen of all classes and in different parts of the country, never heard of a case, nor an allusion to the subject, except one of wonder where the German Government could have found reasons for believing American pork unhealthy. Everybody knows that 35,000,000 Englishmen eat it, and that it is the staple and cheap nourishment of the British laborer, whose health and strength are models for emulation. Everybody knows that it is eaten with only desirable results all over the world, except in France, and everybody believes, even if everybody doesn't know, that in France, if American pork is longer to be excluded, which seems improbable, it is excluded on other than sanitary grounds; for the French Academy of Medicine long since declared it healthy, and the great French Exposition gave it its highest award in competition with the world.

The undersigned is informed that this almost universal testimony met with a single objection: American pork is harmless to Americans and other consumers, because they eat it cooked; is harmful to German consumers, however, because they use it uncooked. In answer to this statement, may it not be urged that 6,000,000 Americans born in Germany or from parents who were born in Germany probably retain to a great extent the tastes and habits of their Fatherland in this particular? Yet it has never been charged that American pork has done them any harm.

But the undersigned, as already stated, has no design to enter upon any discussion of the case on this occasion and has addressed his excellency at all only to place on record the denial of the charges that American pork is unhealthy.

The undersigned gladly avails himself, etc.

WM. WALTER PHELPS.

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*Mr. Phelps to Mr. Blaine.*

No. 245.]

LEGATION OF THE UNITED STATES,  
*Berlin, March 2, 1891.* (Received March 14.)

SIR: I transmit herewith the reply of the imperial foreign office to our intervention in the case of John Haberacker.

The Government of the Empire in this reply does nothing except to transmit under imperial form and in imperial words the conclusion, and the arguments to support it, of the Bavarian Kingdom, in whose army Haberacker is now serving.

In my dispatch No. 224, of January 31 last, treating of the case, I called attention to this peculiar feature: there was no evidence that Haberacker had applied for or even desired his release from military service. No word has been received from him nor sign made by him since that date.

Under these circumstances there seems no necessity of special dispatch in traversing and discussing the conclusion reached by the German Government, and I transmit its communication, asking for such suggestions for my reply as you may be pleased to send me.

I have, etc.,

WM. WALTER PHELPS.

[Inclosure in No. 245.—Translation.]

*Freiherr von Rotenhan to Mr. Phelps.*

FOREIGN OFFICE,  
*Berlin, February 28, 1891.*

Recurring to the note verbale of the 31st ultimo, the undersigned has the honor to inform the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. William Walter Phelps, that the Royal Bavarian Government does not consider the American citizenship of John Haberacker, now performing military service in Bavaria, as proven. In section 1993, Revised Statutes, the principle is laid down that the citizenship of the father decides that of the children, and it is not to be assumed that this principle, which coincides with all known views of law, was intended to be modified by section 1994 or section 2172.

As regards section 2172, it, in connection with the two above-cited provisions of law, may, according to the views of the Bavarian Government, well give rise to a doubt that the naturalization of both parents is requisite to convey American citizenship to their minor children also, or whether the naturalization of the father alone is sufficient. From this provision the conclusion can not, however, be arrived at, notwithstanding the conflicting decision of a single American court, that a minor whose father, as in Haberacker's case, has never lived in the United States should acquire American citizenship solely by virtue of the naturalization of his mother.

The Royal Bavarian Government therefore believes that John Haberacker should continue to serve with the flag, unless it is convincingly proven by appropriate American authority that by the law of the United States he has acquired American citizenship by the marriage of his mother with an American.

The undersigned avails, etc.,

ROTENHAN.

*Mr. Wharton to Mr. Phelps.*

No. 229.]

DEPARTMENT OF STATE,  
*Washington, March 26, 1891.*

SIR: I have to acknowledge the receipt of your dispatch No. 245, of the 2d instant, relative to the case of John Haberacker, held to military service in the Bavarian army, in which you transmit the reply of the imperial foreign office to your intervention in his behalf, in accordance with the instruction of this Department, No. 146, of September 8 last.

Article I of our treaty with Bavaria, concluded May 26, 1868, provides that—

Citizens of Bavaria who have become, or shall become, naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States for five years, shall be held by Bavaria to be American citizens and shall be treated as such.

The reply of the imperial foreign office admits Haberacker's requisite residence in this country, and that whether or not he has become a naturalized American citizen is to be determined solely by the local law of the United States. Hence that reply says:

The Royal Bavarian Government therefore believes that John Haberacker should continue to serve with the flag, unless it is convincingly proven by appropriate American authority that by the law of the United States he has acquired American citizenship by the marriage of his mother with an American.

This Government's view of Haberacker's citizenship is objected to on the ground that—

In section 1993, Revised Statutes, the principle is laid down that the citizenship of the father decides that of the children, and it is not to be assumed that this principle, which coincides with all known views of law, was intended to be modified by section 1994 or section 2172.

The Bavarian Government entirely overlooks the fact that section 1993, to which reference is made, is not a part of, and does not in any way relate to, our naturalization laws.

It and the previous section (1992) define who are native-born citizens of the United States. The first of the two sections adopts in its entirety the principle of nationality of origin dependent upon the place of birth. The second section adopts in part only the other theory of dependence upon the nationality of the parents. In this respect the laws of this country do not differ materially from the laws of most other countries, in which both elements *jus soli* and *jus sanguinis*, as a rule, exist, though not always the same one predominating. (Cockburn on Nationality, chap. 1.)

Section 1993 is a restrictive statute, and provides, as to children born out of the limits and jurisdiction of the United States, that only those are citizens thereof by birth whose "fathers" (1) were citizens, and (2) were such at the time of the birth of the child, and (3) have at some time resided in this country. These restrictions relate solely to the determination, under the laws of the United States, of the national status of a child at birth. Each of the restrictions may be presumed to have been used intentionally, and all of them, from their very nature, could not have been used in our naturalization laws, even if it had been desired. Excepting the case of posthumous children, every child at birth has a father, and if a child is to inherit citizenship it most properly takes that of the father. The United States could scarcely have claimed the citizenship of children born in a foreign country of an American mother and an alien father, while, on the other hand, if the father was a citizen the mother would be one also under our laws by virtue of her marriage.

There is no question as to Haberacker's status at birth. It is only on account of being born an alien that he comes within the purview of sections 1994 and 2172, which relate solely to citizenship by naturalization.

Those two sections point out some but not all of the several methods by which aliens can be and are admitted to citizenship in this country. Although section 1994 is not found in title xxx in connection with most of the laws on the subject of naturalization, it is nevertheless solely a naturalization law. It is uniformly held under it that an alien woman, who might herself be lawfully naturalized, by marriage to a citizen becomes herself a citizen without any previous declaration or act on her part, or without reference to the previous length of her residence in this country, as fully to all intents and purposes as if she had become a citizen upon her own application and by the judgment of a competent court.

Haberacker's mother, by her marriage to Knauss, a citizen, was accordingly "duly naturalized under any (a) law of the United States." It only remains to determine whether she is a "person" within the meaning of section 2172. If so, her minor son, residing with her at the time in this country, likewise became a citizen. The word "person" may be presumed to have been used as intentionally in this section as the word "fathers" was used in section 1993. By the death of the

father the mother often becomes the natural protector of the child. Such a child can only be excluded from the benefits of section 2172 by a forced construction of its language, which view is also strengthened by the fact that it reads: "The children of persons who have been duly naturalized under any law of the United States." It clearly contemplates the case of persons naturalized under other than the regular and usual provision with respect thereto.

The exact point at issue was decided in the case of the *United States vs. Kellar* (13 Federal Reporter, 82), to which reference was made in Department's instruction No. 146, of September 8. It was decided in the court of next highest jurisdiction to the Supreme Court of the United States, and by Mr. Justice Harlan, one of the most distinguished judges of the Supreme Court. The same question is not known to have ever been passed upon by the Supreme Court, but it is not a question of itself alone, appealable to that court. The decisions, however, of the State and Federal courts have been uniform with respect thereto.

Judge Harlan, in the course of his opinion, said:

The case seems to be so distinctly one of those embraced by the very language of section 2172 that argument could not make it plainer.

The *Kellar* case, decided in 1882, is not a "conflicting decision of a single American court." I find upon a little investigation that section 2172 has been construed in exactly the same way to confer citizenship upon the minor child of a widow marrying a citizen, in 1885, by the supreme court of the State of New York, in the case of the *People vs. Newell* (38 Hun., 78), and again in 1888 by the supreme court of the State of Missouri, in the case of *Gunn vs. Hubbard* (97 Mo., 321), and I fail to find any cases which, even by implication, throw any doubt upon the correctness of those decisions. In consideration of the uncontradicted opinion of the supreme courts of two of our greatest States and the decision of one of the justices of the Supreme Court of the United States upon this point, it is believed that the Royal Bavarian Government will accept this interpretation as correct in the premises and readily assent to treat Haberacker as an American citizen.

With reference to the suggestion in your dispatch whether Haberacker is really held to service against his will, I would say that his case was presented to the Department by his brother and strongly urged for immediate action. It has since that time also been the subject of repeated inquiry by the member of Congress representing the district where Haberacker's family resides. Until the contrary appears, therefore, the Department is bound to believe that he is so restrained. But it is only necessary to request that he be released if he so desires. The opportunity for that having been given, he of course may avail himself of it or not as he chooses.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Mr. Blaine to Mr. Phelps.*

No. 245.]

DEPARTMENT OF STATE,  
*Washington, May 1, 1891.*

SIR: Your attention is invited to the inclosed copy of a letter from the Secretary of the Treasury, dated the 29th ultimo, and to its accompaniment, copy of the affidavit of Nikolaus Bader, an alien who was,

on the 23d ultimo, refused permission to land by the superintendent of immigration at New York.\*

Bader declares in his affidavit that he is a native of Germany; that "his passage to this country was paid by the authorities in Stauzach, Germany," and that "in 1864 he murdered a girl with whom he was in love, and for which he was imprisoned and served one year, when he was declared insane and confined in an insane asylum, where he has been twenty-four years, and from which he was discharged somewhat over a year ago; that he requested to be sent to America, and the authorities then sent him here."

It is the wish of the Department that you present the case, by a temperate but firm and explicit note, to the consideration of the Imperial Government.

I am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 245.]

*Mr. Foster to Mr. Blaine.*

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, April 29, 1891.

SIR: I have the honor to inclose herewith a copy of the affidavit of Nikolaus Bader, an alien who, on arrival at the port of New York on the 23d instant on the steamship *Waesland* from Antwerp, was prohibited from landing by the superintendent of immigration at that port as belonging to the excluded classes, and has been returned by the same vessel to the port from which he came.

If Bader's statement be true as set forth in his affidavit, he was sent to this country by the authorities of Stauzach, Germany, with knowledge that he had been convicted and imprisoned for murder and afterwards confined for insanity.

The case is submitted to you as being one that might properly be brought to the attention of the German authorities.

Respectfully yours,

CHARLES FOSTER,  
Secretary.

[Inclosure.]

*Affidavit of Nikolaus Bader.*

CITY AND COUNTY OF NEW YORK, ss:

Nikolaus Bader, being duly sworn, deposes and says: That he is 59 years of age, is a native of Germany, and arrived at the port of New York on the 23d day of April, 1891, per steamship *Waesland* from Antwerp, and is accompanied by none. Deponent further states that his passage to this country was paid by the authorities in Stauzach, Germany, and that his intended destination is New York city, to which place deponent has passage tickets. Deponent's occupation is that of laborer, and that his object in coming to the United States is to seek work. Deponent says his health is pretty fair and he has with him \$1 in money and ——— of the value of \$——. Deponent has been an inmate of an almshouse, and has received public aid and support, and has been convicted of crime.

Deponent has no relatives or friends in this country; that in 1864 he murdered a girl with whom he was in love, and for which he was imprisoned and served one year, when he was declared insane and confined in an insane asylum, where he has been twenty-four years, and from which he was discharged somewhat over a year ago; that he requested to be sent to America and the authorities there sent him here.

NIKOLAUS BADER.

Sworn to before me this 23d day of April, 1891.

SVEN A. SMITH,  
Assistant Inspector.

\* For the balance of the correspondence in this case see Austria-Hungary.



*Mr. Wharton to Mr. Phelps.*

No. 257.]

DEPARTMENT OF STATE,  
*Washington, June 15, 1891.*

SIR: I inclose for your information a copy of a note\* sent to the German minister in this city in relation to the inspection recently put in operation by the Secretary of Agriculture, in accordance with the act of Congress of March 3 last, for the inspection of cattle and hogs and their products.

A copy of this law and the regulations under it was sent to you with instruction No. 234, of April 1 last, for submission to the German Government. It is presumed you have already brought this important document to the attention of the minister for foreign affairs, although no acknowledgment from you of its receipt has yet reached the Department.

In a brief interview which the German minister sought with the Secretary of State in New York last month, he gave intimation of the intention of his Government to accept the inspection provided under this act as satisfactory and to revoke the prohibition of American pork in Germany, but he also coupled this intimation with a desire to secure an assurance from the Government of the United States that the President would not exercise his power under section 3 of the tariff act of October 1, 1890, and reimpose duty on German sugars imported into the United States after January 1, 1892; and the minister has repeated this statement verbally and informally to officials of this Department. The President, however, does not at present see how the revocation of the pork prohibition should be made to depend upon his action under section 3 of the tariff act. The German Government has persistently adhered to the position that the origin and maintenance of the pork prohibition was based on the absence of, or imperfect, inspection of American pork, which, it was alleged, exposed German consumers to disease. If that Government recognizes the sufficiency of the present inspection, it hardly seems reasonable to ask that the United States should purchase the revocation of the prohibition by a promised concession of duties on sugar. The President is disposed to treat with the German Government respecting commercial reciprocity, under section 3 above cited, with the greatest spirit of liberality, and the prompt action of that Government regarding the pork inspection will have its due weight in determining the terms of the reciprocity arrangement; but it would hardly comport with the past contention of the German Government to make the revocation of the prohibition dependent upon an act having no relation to it.

The foregoing views are communicated to you for your information and for such use as your judgment may determine in case the subject may arise in your intercourse with the German Government. The Department has sympathized with your expressed desire not to embarrass the pork question by any undue haste or imprudent reference to the powers of retaliation with which Congress has clothed the President; but, in view of the great pains which this Government has taken to conform its inspection of pork to the requirements of the German Government, and of the prolonged exclusion of this important and healthful American product, the President feels that the time is near at hand when the prohibition should be removed.

The Department was advised in December last by Consul-General

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\* For this inclosure see note to German minister of June 15.

Edwards of the removal of the prohibition by imperial decree against the pork of Denmark, Sweden, and Norway, leaving the United States, so far as known here, the only country shut out from the German market; and the continuance of the prohibition after due notice of the inspection now established would seem to be such an unfriendly discrimination against the United States that this Government is unwilling to believe it can be contemplated by the imperial authorities.

Your attention is directed to the statement made in the inclosed note to the German minister that pork inspected under the existing regulations will be ready for exportation by September 1, and it is regarded as a reasonable expectation that by that date the German markets will be open to that American product.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Mr. Phelps to Mr. Blaine.*

No. 289.]

LEGATION OF THE UNITED STATES,  
*Berlin, July 1, 1891. (Received July 16.)*

SIR: I have the honor to inform the Department that I have to-day issued a passport to Christian Henne on his application, a copy of which is herewith inclosed.

About the 1st of December, 1889, the Department of State furnished for the use of the legation three kinds of forms of application for passports: (1) for a "native," (2) for a "naturalized" person, and (3) for a "person claiming citizenship through the naturalization of husband or parent." No instructions accompanied these blank forms, but under the "general instructions in regard to passports—1888" issued by the Department it has heretofore been the practice of the legation to use the third form—a copy of which is inclosed—in the case of children of naturalized parents, wherever born. An exception has been made to this general rule in the case of those children who were born in the United States, and who dwelt therein until they became of age and were competent of themselves to decide to which country they would give allegiance.

I have specially reported the case of Christian Henne in order to avail myself of the opportunity it occasions to ask of the Department answers to the following questions:

(1) Is the form of application for "native" or for "person claiming citizenship through the naturalization of \* \* \* parent," the latter requiring the production of the father's certificate of naturalization, to be used in the case of a child born in the United States of a naturalized father?

(2) In this connection, is it material whether the birth of the child took place within the United States before or after the naturalization of the father; and if so, what proof can be required of the correctness of statements in regard to the relative dates of these events?

(3) In considering the form of application to be used and its requirements, is it material whether the child born in the United States of a naturalized parent leaves the United States before he is twenty-one?

(4) In the sense of the Department, does the child born in the United States of a naturalized parent claim citizenship through such naturalization or through his American birth?

While awaiting the Department's reply to these questions the legation will continue the practice as under the present interpretation of previous instructions.

I have, etc.,

WM. WALTER PHELPS.

[Inclosure 1 in No. 289.]

*Christian Henne's application for a passport.*

NATIVE.

Issued July 1, 1891.

No. 923.]

I, Christian Henne, a native and loyal citizen of the United States, hereby apply to the legation of the United States at Berlin for a passport for myself.

I solemnly swear that I was born at Los Angeles, in the State of California, on or about the 21st day of February, 1873; that before his death my father was a naturalized citizen of the United States; that I am domiciled in the United States, my permanent residence being at Los Angeles, in the State of California, where I follow the occupation of student; that I left the United States on the 10th day of June, 1890, and am now temporarily residing at Mittenweida, Saxony; that I intend to return to the United States within two years with the purpose of residing and performing the duties of citizenship therein; and that I desire the passport for the purpose of identification.

OATH OF ALLEGIANCE.

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion: so help me God.

CHRISTIAN HENNE.

UNITED STATES CONSULATE,  
Chemnitz, Saxony.

Sworn to before me, this 19th day of May, 1891.

FREDERICK B. TUTTLE,  
Vice and Deputy Consul.

DESCRIPTION OF APPLICANT.

Age, 18 years; stature, 5 feet 11½ inches, English; forehead, square; eyes, gray; nose, straight; mouth, medium; chin, normal; hair, brown; complexion, fair; face, round.

[Inclosure 2 in No. 289.]

*Form of application for passport for person claiming citizenship through naturalization of husband or parent.*

No. —.]

Issued —, 18—.

I, —, a naturalized and loyal citizen of the United States, hereby apply to the legation of the United States at — for a passport for myself, —.

I, solemnly swear that I was born at — on or about the — day of —, 18—; that my — emigrated to the United States, sailing on board the — from —, on or about the — day of —, 18—; that he resided — years uninterruptedly in the United States, from — to — at —; that he was naturalized as a citizen of the United States before the — court of —, at —, on the — day of —, 18—, as shown by the accompanying certificate of naturalization; that I am the — of the person described in said certificate; that I am the bearer of passport No. —, issued by — on the — day of —, 18—, which is returned herewith; that I am the identical person referred to in said passport; that I have resided in the United States uninterruptedly for — years, from — to —, at —; that I am domiciled in the United States, my permanent residence being at —, in the State of —, where I follow the occupation of —; that I last left the United States on the — day of —, 18—, on board the —, ar-

living in — the — day of —, 18—; that I have resided in — since the — day of —, 18—; that I am now temporarily residing at —; and that I intend to return to the United States within — with a purpose of residing and performing the duties of citizenship therein.  
 I desire the passport for the purpose of —.

## OATH OF ALLEGIANCE.

Further, etc.

*Mr. Phelps to Mr. Blaine.*

No. 292.]

LEGATION OF THE UNITED STATES,  
*Berlin, July 6, 1891.* (Received July 16.)

SIR: I have the honor to inclose herewith a copy of my note addressed to-day to the foreign office referring to the removal of the restrictions on the importation of American pork, and to be, sir, etc.,

WM. WALTER PHELPS.

[Inclosure No. 292.]

*Mr. Phelps to Freiherr von Rotenhan.*

LEGATION OF THE UNITED STATES,  
*Berlin, July 6, 1891.*

Referring to the "Regulations for the safe transport of cattle from the United States to foreign countries," of which a copy was sent to the foreign office on the 24th of June last, the undersigned, envoy, etc., of the United States of America, wishes to call the attention of Freiherr von Rotenhan, acting secretary of state for foreign affairs, to the fact that this body of regulations completes a code for the inspection and care of domestic animals on sea and land and for the food produced from them which is more extensive and complete than anything of the kind ever before attempted.

The undersigned takes especial pleasure in informing the undersecretary of state that, of this code, those regulations which provide for the inspection of live hogs and the carcasses and products of these animals are now in successful operation, and that the pork inspected under them will be ready for exportation by September 1.

It is the object of this note to give this information and to ask if the German Government will be ready at that time to admit it. It seems to the President but a reasonable expectation that by that date the German markets should be opened to that American product. The German market had been originally closed to it and kept so under allegations of its unhealthfulness, which the Government of the United States never admitted, and which the experience of the American people, large and constant consumers of pork, disproved. Upon conviction, however, that the German Government was sincere in this opinion, and upon its repeated assurance that it excluded this product for no other reason, Congress passed an act which provided an inspection which should meet this objection.

The provisions of this act were not strict enough to satisfy the scruples of the German Government, and Congress passed a second act, now in force, and embodied in it every provision which was said to be lacking in the first. This act may be described as one containing every safeguard against disease which science suggested. Inspection is compulsory and made universal throughout the United States. The swine is examined before slaughter, and his body after slaughter, by the microscope, and the products which have passed examination are marked and identified through all stages of subsequent preparation for market. The chief inspectors employed in the examination are men tried in veterinary science, and the microscopists are under the direction of experienced scientists of that line. The only ground for refusing to the United States a right of commerce now extended to all other nations having thus been completely removed by an inspection which involves large expenditure, which was undertaken avowedly in order to satisfy the objections raised by the German Government, it seems unnecessary to urge upon the acting secretary of state the policy of meeting promptly and in the same spirit the advances of a friendly

Government, which feels that in this instance it has not been treated like other nations. It would seem that the 1st of September were a proper date to renew a trade which is sure to be beneficial to both peoples, and that prompt notice of the fact should be given, that the large interests affected by this peaceful revolution may provide for it.

The undersigned avails, etc.,

WM. WALTER PHELPS.

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*Mr. Wharton to Mr. Phelps.*

No. 271.]

DEPARTMENT OF STATE,  
Washington, July 18, 1891.

SIR: In view of the fact that the German minister at Washington has been given official notice of the establishment of the inspection of pork under the recent law and regulations, and that he is understood to be making reports to his Government of the character and progress of the inspection, it is not necessary at present to give you further instructions on the subject than those contained in Department's No. 257, of the 15th instant.

It is well, however, in your informal intercourse with the officials of the German Government, to have them bear in mind that pork inspected under the regulations will be ready for foreign shipment by September 1, and that it is expected that the prohibition of its admission into German territory will by that date be removed.

I am, etc.,

WILLIAM F. WHARTON,  
Acting Secretary.

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*Mr. Wharton to Mr. Phelps.*

No. 276.]

DEPARTMENT OF STATE,  
Washington, July 22, 1891.

SIR: I have to acknowledge the receipt of your No. 289, of the 1st instant, in regard to the various forms of application for passports. For convenience, your inquiries will be enumerated in their order and answered accordingly.

(1) Is the form of application for a "native" or for a "person claiming citizenship through the naturalization of \* \* \* parent," the latter requiring the production of the father's certificate of naturalization, to be used in the case of a child born in the United States of a naturalized father?

In this relation you inclose the application of Christian Henne, who, it appears, was born in California in 1873, of a naturalized father.

Your use of the "native" form in this case was correct.

(2) In this connection is it material whether the birth of the child took place within the United States before or after the naturalization of the father; and, if so, what proof can be required of the correctness of statements in regard to the relative dates of these events?

The practice of the Department is to issue a passport to all applicants as natives where they swear to their birth in the United States, whether prior or subsequent to their father's naturalization.

This practice has doubtless grown up in view of section 1992 of the Revised Statutes, which declares that—

All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

You ask, "What proof can be required of the correctness of the statements in regard to the relative dates of these events?" viz, whether the birth was before or after naturalization.

The Department does not require any proof. It trusts to the oaths of the applicant and his witnesses, as in reality it is obliged to do, unless extraneous circumstances suggest the statement to be false. The issuance of a passport is largely discretionary, and the Department is compelled to use its best judgment in every case, and so is a minister. It is not doubted that courts of this country, which are exclusively charged with the subject of granting certificates of naturalization, have been imposed upon by unscrupulous persons, and that, even where the production of such a paper to the Department has, for all practical purposes, decided the status of the person as entitled to a passport, the Department has frequently been imposed upon. So also in similar cases have our legations. But where one's best judgment is exercised in each particular instance, it is not perceived that more can be required in the absence of strong suggestion of fraud.

(3) In considering the form of application to be used and its requirements, is it material whether the child born in the United States of a naturalized parent leaves the United States before he is twenty-one?

Here again the question is to be decided by the special circumstances surrounding each case. Much necessarily depends upon the applicant's own statements and the features that attend the case, or that may be naturally deduced by reason of certain statements made or omitted.

A child born in the United States subsequent to the naturalization of the father is a citizen of the United States by exclusive right, and it is held that in such case the removal of the father with the minor child to the country of the father's origin does not affect the right of the child to citizenship, even should the father resume his original status during the child's minority. But in the case of a child born in the United States prior to the father's naturalization there may be a question should the father resume his original allegiance, taking the minor child with him. In such cases the child is held to have a choice of citizenship on reaching his majority. You will find several instructions on file in your legation dealing with this point.

In this connection you will recall the case of Miss Gudeman, which formed the subject of my instruction No. 262, of June 27, 1891.

In that it was alleged that Miss Gudeman was born in the city of New York of a naturalized father, and that you declined to issue the passport for which she had applied unless she should produce the certificate of her father's naturalization. After briefly reviewing the facts as they were reported in her case, the conclusion was reached that she was entitled to a passport, provided they should be found to be as stated. I then added:

While it is apparent that the Department does not make the exhibition of the certificate of naturalization of Miss Gudeman's father a condition precedent to the issuance of a passport, she having been born in the United States and being domiciled here, the Department is not to be understood as holding that in such a case as hers the claims of this Government to the citizenship of a person born here of foreign parents are, in the absence of the naturalization of the parent, exclusive.

The production of the father's certificate of naturalization is never required by the Department of an applicant who swears he was born in the United States. It is, however, invariably required of persons born abroad who claim citizenship through the subsequent naturalization of the parent in the United States.

(4) In the sense of the Department, does the child born in the United States of a naturalized parent claim citizenship through such naturalization or through his American birth.

Section 1992 of the Revised Statutes of the United States, to which I have heretofore referred, covers your inquiry, and the child becomes an American citizen, under that provision of law, in virtue of his or her birth in the United States.

It is not practicable to lay down fixed or arbitrary rules for the government of every case, but the foregoing general principles will, it is thought, while answering your several inquiries, aid you in dealing with future cases.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Mr. Phelps to Mr. Blaine.*

No. 324.]

LEGATION OF THE UNITED STATES,  
*Berlin, September 3, 1891. (Received September 21.)*

SIR: I have this day addressed to you the following telegram:

The decree repealing the decree excluding American pork has been signed. May I, through you, congratulate the President that under his auspices the long struggle to secure this right is successfully ended?

I do this upon the receipt of a telegram from Baron von Marschall, which tells me that the decree has been signed and will be published to-night in the Official Gazette.

With the kindness which has characterized the treatment extended to me by all connected with the foreign office, I was assured before leaving Berlin that I should receive immediate notice of the event. The delay following the agreement reached on the 22d of August in the correspondence between our acting secretary and Mr. von Mumm was due to the necessity, either one of constitutional necessity or of policy, of getting the consent of all the States of the Empire to the decree.

That seems to have been happily accomplished, and an important product of our country is now formally vindicated.

I inclose the text of the decree, from which you will see that the vindication is complete and without condition.

I need not give expression to the satisfaction I feel at the completion of a task to which for two years I have given so much time and attention.

I have, etc.,

WM. WALTER PHELPS.

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[Inclosure in No. 324.—Translation.]

*Decree repealing decree excluding American pork.*

We William, by the grace of God German Emperor, King of Prussia, etc., decree in the name of the Empire, the assent of the Bundesrath having been obtained, what follows:

SECTION 1. The decree respecting the prohibition of the importation of swine, swine's flesh, and sausages of American origin of March 6, 1883 (Imperial Law Gazette, page 31), ceases to be of force for living swine, as well as for such products as are provided with an official certificate stating the flesh has in the land of origin been examined pursuant to the rules in force there, and has been found free from qualities injurious to health.

SEC. 2. The chancellor of the Empire is empowered to adopt appropriate measures for the control of the character of the swine flesh imported from America.

SEC. 3. This decree enters into force on the day of its publication. In testimony whereof our own proper signature and the imperial seal are hereto affixed.

Done at Castle Schwarzman, the 3d of September, 1891.

[L. S.]

WILLIAM.  
VON CAPRIVI.

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*Mr. Phelps to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Berlin, September 12, 1891.*

Pork admitted on American inspection certificate. Germany imposes no other condition.

PHELPS.

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*Mr. Wharton to Mr. Phelps.*

No. 305.]

DEPARTMENT OF STATE,  
*Washington, September 22, 1891.*

SIR: Your dispatch No. 324, of the 3d instant, relative to the decree admitting American pork into Germany, has been received.

The Department learned with great satisfaction from your telegram of the 3d instant that the German Government, by a friendly act of simple justice, had terminated the exclusion of American pork from Germany. Thanking you for the very cordial and efficient manner in which you have coöperated with the Department in bringing about this happy result,

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Mr. Phelps to Mr. Blaine.*

No. 342.]

LEGATION OF THE UNITED STATES,  
*Berlin, October 17, 1891. (Received November 7.)*

SIR: I have the honor to transmit herewith, for the consideration and decision of the Department, an application for a passport received to-day from our consulate at Hamburg. The application is for Mrs. Wilhelmine S. Cadmus and her six minor children. With this application I also transmit one upon which a passport was issued by the legation under date of June 5, 1889, to Mr. Henry Cadmus, the husband, since deceased, of the present applicant.

The following circumstances make me doubt as to what my action should be in this case. Mrs. Cadmus has resided abroad with her children since 1873; all her children were born abroad, and she expresses the intention to stay here until their education is completed. Her youngest child is now only some 3 years of age.

I have informed Mrs. Cadmus, through our consulate at Hamburg,



that her application had been referred to the Department, stating the reasons for this action and promising to inform her so soon as a decision is reached.

I have, etc.,

WM. WALTER PHELPS.

*Mr. Phelps to Mr. Blaine.*

[Extract.]

No. 344.]

LEGATION OF THE UNITED STATES,  
*Berlin, October 21, 1891.* (Received November 7.)

SIR: I inclose a copy of the last note I addressed to the foreign office in regard to the case of John Haberacker.

You will notice that as far as possible I made my protest against the unfavorable decision of the case communicated to me on March 2 last entirely in the spirit and almost in the words of Mr. Wharton's instruction No. 229, of March 26. I could not conceive a better form in which to present our argument.

As yet I have received no answer.

I have, etc.,

WM. WALTER PHELPS.

[Inclosure in No. 344.]

*Mr. Phelps to Freiherr Marschall.*

LEGATION OF THE UNITED STATES,  
*Berlin, April 20, 1891.*

In acknowledging the receipt of the communication from the imperial foreign office, dated February 28, 1891, which conveys to the undersigned the conclusion of the Royal Bavarian Government that the claim made by John Haberacker, now performing military service in Bavaria, that he is an American citizen, is not proven, the undersigned, envoy, etc., of the United States of America, begs to submit to his excellency Freiherr Marschall von Bieberstein, imperial secretary of state for foreign affairs, the following consideration, as calculated to show that the Royal Bavarian Government, in its examination of the law and decision of the United States, fell into a misconception not unnatural in the circumstances.

Article 1 of the treaty between the United States and Bavaria concluded May 26, 1868, provides that "citizens of Bavaria who have become, or shall become, naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States for five years, shall be held by Bavaria to be American citizens and shall be treated as such."

The reply of the imperial foreign office admits Haberacker's requisite residence in the United States, and that whether or not he has become a naturalized citizen is to be determined solely by the local law there, and adds: "The Royal Bavarian Government believes that John Haberacker should continue to serve under German colors, unless it is clearly shown by American authorities that he has, under the law of the United States, acquired American citizenship through the marriage of his mother with an American."

The Government of the United States claims that Haberacker is a citizen under the facts of his case as stated in the original application for his discharge from military service. The Bavarian Government objects to the claim because "in section 1993, Revised Statutes, the principle is laid down that the citizenship of the father decides that of the children, and it is not to be assumed that this principle, which coincides with all known views of law, was intended to be modified by section 1994 or section 2172."

The Bavarian Government seems in this assumption to overlook entirely the fact, that section 1993, to which reference is made, is not a part of and does not relate in

any way to the naturalization laws of the United States. It and the previous section (1992) define who are native-born citizens of the United States. The first of the two sections adopts in its entirety the principle that nationality depends upon the place of birth. The second section adopts in part only the other theory—that the nationality of the person depends upon the nationality of the parents. In this respect the laws of the United States do not differ materially from the laws of most other countries, in which both elements *jus soli* and *jus sanguinis*, as a rule, exist, though not always the same one predominating.

Section 1993 is a restrictive statute, and provides as to children born out of the limits and jurisdiction of the United States that only those are citizens thereof by birth whose "fathers" (1) were citizens, and (2) were such at the time of the birth of the child, and (3) have at some time resided in that country. These restrictions relate solely to the determination, under the laws of the United States, of the national status of the child at birth. Each of the restrictions may be presumed to have been used intentionally, and all of them, from their very nature, could not have been used in the naturalization laws of the United States, even if it had been desired. Excepting the case of posthumous children, every child at birth has a father, and if a child is to inherit citizenship it most properly takes that of the father. The United States could scarcely have claimed the citizenship of children born in a foreign country of an American mother and an alien father, while, on the other hand, if the father was a citizen the mother would be one also under the United States laws by virtue of her marriage.

There is no question as to Haberaeker's status at birth. It is only on account of being born an alien that he comes within the purview of sections 1994 and 2172, which relate solely to citizenship by naturalization. These two sections point out some but not all the several methods by which aliens can be and are admitted to citizenship in the United States. Although section 1994 is not found in title xxx in connection with most of the laws on the subject of naturalization, it is nevertheless a naturalization law. It is uniformly held under it that an alien woman, who might herself be lawfully naturalized, by marriage to a citizen, becomes herself a citizen without any previous declaration or act on her part, or without reference to the previous length of her residence in the country, as fully, to all intents and purposes, as if she had become a citizen upon her own application and by the judgment of a competent court.

Haberaeker's mother, by her marriage to Knauss, an American citizen, was accordingly "duly naturalized under any (a) law of the United States." It only remains to determine whether she is a "person" within the meaning of section 2172. If so, her minor son residing with her at the time in the United States likewise became a citizen. The word "person" may be presumed to have been used as intentionally in this section as the word "fathers" was used in section 1993. By the death of the father the mother often becomes the natural protector of the child. Such a child can only be excluded from the benefit of section 2172 by a forced construction of its language, which view is also strengthened by the fact that it reads, "the children of persons who have been duly naturalized under any law of the United States." It clearly contemplates the case of persons naturalized under other than the regular and usual provisions with respect thereto.

The exact point at issue was decided in the case of the United States *vs.* Kellar (13 Federal Reporter, 82) to which reference was made in this legation's note of September 23 last. It was decided in the court of next highest jurisdiction to the Supreme Court of the United States and by Mr. Justice Harlan, one of the most distinguished judges of the Supreme Court. The same question is not known to have ever been passed upon by the Supreme Court, but it is not a question of itself alone appealable to that court. The decisions, however, of the State and Federal courts have been uniform with respect thereto.

Judge Harlan, in the course of his opinion, said: "The case seems to be so distinctly one of those embraced by the very language of section 2172 that argument could not make it plainer."

The Kellar case, decided in 1882, is not a "conflicting decision in a single American court." It is found upon investigation that section 2172 has been construed in exactly the same way to confer citizenship upon the minor child of a widow marrying a citizen, in 1885 by the supreme court of the State of New York in the case of the People *vs.* Newell (38 Hun., 78), and again in 1888 by the supreme court of the State of Missouri in the case of Gunn *vs.* Hubbard (97 Mo., 321), and no cases are found which even by implication throw any doubt upon the correctness of those decisions. In consideration of the uncontradicted opinion of the supreme court of two of the greatest States and the decision of one of the justices of the Supreme Court of the United States upon this point, it is believed that the Royal Bavarian Government will accept this interpretation as correct in the premises and readily assent to treat Haberaeker as an American citizen.

The undersigned avails, etc.,

WM. WALTER PHELPS.

*Mr. Blaine to Mr. Phelps.*

No. 330.]

DEPARTMENT OF STATE,  
*Washington, November 11, 1891.*

SIR: Your No. 342, of October 17 last, transmitting copy of the application of Mrs. Wilhelmine S. Cadmus for a passport for herself and her six minor children, and requesting instructions thereupon, has been received.

Mrs. Cadmus, being the widow of a citizen of the United States, would prima facie seem to be entitled by our statutes to the rights and privileges of American citizenship, and accordingly to a passport within the discretion of the Department, and such passport would, of course, properly include her minor children. But the facts as they are related in her case require a very liberal exercise of that discretion on my part or the denial of her application.

From your dispatch and her application it appears that Mrs. Cadmus is of German birth; that she has resided abroad since 1873; that she is now domiciled at Hamburg, in her native country; that all her children were born abroad; and that it is her intention to remain there until their education shall be completed, the eldest being 18 and the youngest but 3 years of age.

The advantages derivable from the foreign upbringing and education of the children of American citizens are not apparent, and this view of the case is rather emphasized than mitigated by the reflection that the children were born out of the country; but the fault is that of the parents or guardians, not that of the children. In other circumstances I would be inclined to deny the application of Mrs. Cadmus; but as the case stands I am disposed to instruct you to grant her a passport at this time, that the right of her sons to elect American citizenship on their majority may be preserved unimpaired. As they come of age, however, and separate passports become necessary to them, their right thereto must be determined independently and upon their own merits.

You may therefore comply with the pending request of Mrs. Cadmus.

I am, etc.,

JAMES G. BLAINE.

*Mr. Phelps to Mr. Blaine.*

No. 363.]

LEGATION OF THE UNITED STATES,  
*Berlin, December 3, 1891. (Received December 23.)*

SIR: Referring to the case of John Haberacker, now performing military service in Bavaria, I have the honor to inclose herewith a translation of a note to-day received from the foreign office in reply to my note of April 20, a copy of which has already been transmitted to you with my dispatch No. 344, of October 21.

I have, etc.,

WM. WALTER PHELPS.

[Inclosure in No. 363.—Translation.]

FOREIGN OFFICE,  
*Berlin, December 1, 1891.*

The undersigned, replying to the note of the 20th of April last (F. O., No. 211), has the honor to inform the envoy extraordinary and minister plenipotentiary of the

United States of America, Mr. William Walter Phelps, that the Royal Bavarian Government has made a renewed and thorough investigation of the case of John Haberacker, but finds no reason for discharging him from the Bavarian army.

The Bavarian Government is guided in this by the following considerations:

According to the treaty of May 26, 1868, subjects of the Kingdom of Bavaria are to be regarded as Americans only when they become "naturalized" citizens of the United States of America and have resided in that country uninterruptedly for five years. As only the latter of these preliminaries has been performed, it can not therefore be admitted that Haberacker was naturalized in America.

Under title xxx of the Revised Statutes, headed "naturalization," the manner in which the naturalization of foreigners is to be effected is determined, and in section 2165 it is expressly stated that this is to be done as prescribed therein "and not otherwise." True, it is stated in section 2172 that minor children of persons duly naturalized are to be regarded as American citizens; but if, on this account, Haberacker's personal naturalization would not be required, it would in all events be necessary that his mother at least had become naturalized. But even this is not the case.

Haberacker's mother became an American citizen by her marriage with an American citizen, according to section 1994 of the Revised Statutes. This legal provision, can not, however, be regarded as a special manner of naturalization. It is not to be found in title xxx of the Revised Statutes, headed "naturalization," but, as is the case with section 1993, in title xxv, headed "citizenship." In the envoy's note above referred to it is expressly stated that section 1993 is not a part of the American naturalization laws, and in no wise applies to naturalization. The same must be said of section 1994.

If the word "naturalized" had been omitted in the treaty of 1868, the above section might perhaps apply to a case such as that now under consideration. This view is debarred by the express use of that word, and it could hardly have been thought of when the treaty was negotiated. For, according to the principles of American law—which in this instance are precisely the same as the German—the marriage of an American woman to a foreigner can not deprive the children of her first marriage of their American citizenship.

From this standpoint it amounts to nothing that Haberacker, according to American decisions, is regarded as an American citizen. It is enough that he did not become a "naturalized" citizen of the United States.

The undersigned begs that this decision of the Bavarian Government be communicated to the American Government, and at the same time avails, etc.

ROTENHAN.

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*Mr. Blaine to Mr. Phelps.*

No. 381.]

DEPARTMENT OF STATE,  
Washington, March 19, 1892.

SIR: I have to acknowledge the receipt of your dispatch No. 363, of December 3 last, relative to the case of John Haberacker, in which you inclose a copy of a note dated December 1 from the German foreign office in reply to your note of April 20, 1891. It states that—

The Royal Bavarian Government has made a renewed and thorough investigation of the case of John Haberacker, but finds no reason for discharging him from the Bavarian army.

It is desirable to recall at this time the facts upon which the present difference in opinion of the two Governments arises. They were briefly summarized in instruction No. 146, of September 8, 1890, as follows:

John Haberacker was born in Windsheim, Bavaria, on August 18, 1869, and has but very recently attained his twenty-first year. His father was a subject of Bavaria and died in that country in 1883, when John was 14 years old. His mother emigrated to the United States the same year (1883), bringing her minor children with her. Three years later, in 1886, the widow Haberacker married one Andrew Krauss, a Bavarian by birth, but then for thirty-three years a citizen of the United States by naturalization. About three months ago Mr. Krauss and his wife went to Bavaria to visit relatives at Windsheim, taking with them John Haberacker, who had not reached full age. They returned in July, leaving John in Windsheim for a further stay of a fortnight. On August 3, a few days before he had arranged to return to the

United States, John Haberacker was arrested as liable to military service and taken to Uffenheim, where a partial examination was had. Thence he was taken to Anspach, where he was heard before a military court, and adjudged liable to three years' service as a Bavarian subject in the armies of the Kingdom. He was accordingly assigned to the Fourteenth Regiment of Infantry, on duty at Nuremburg, where he was when last heard from.

The foregoing statement of the case has not in the course of this protracted discussion been brought in question.

It was held in 1882, in the United States circuit court, by Mr. Justice Harlan, that—

Upon the marriage of a resident alien woman with a naturalized citizen, she, as well as her infant son dwelling in this country, became citizens of the United States as fully as if they had become such in the special mode prescribed by the naturalization laws. (*United States vs. Kellar*, 13 Fed. Rep., 82.)

You were instructed, therefore, and you so notified the imperial office, that Haberacker was a naturalized American citizen.

Article 1 of the treaty between the United States and Bavaria, concluded May 26, 1868, provides that—

Citizens of Bavaria who have become, or shall become, naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States for five years, shall be held by Bavaria to be American citizens, and shall be treated as such.

As there was no question that Haberacker had "resided uninterruptedly within the United States for five years," you were instructed to represent to the German Government the unlawfulness of his enforced detention for military duty, and to request his discharge.

Baron Rotenhan, in his note to you of February 28, 1891, said that—

The Royal Bavarian Government does not consider the American citizenship of John Haberacker, now performing military service in Bavaria, as proven.

And his note concludes with the statement that that Government "believes that John Haberacker should continue to serve with the flag, unless it is convincingly proven by appropriate American authority that by the law of the United States he has acquired American citizenship by the marriage of his mother with an American." This was important as limiting the real question at issue. It admitted the requisite residence of Haberacker in this country, and it also admitted, what this Government holds to be incontrovertible, that whether Haberacker is a naturalized American citizen is determinable solely by the local law of the United States.

In replying, on April 20, 1891, to the foregoing note, you pointed out that the exact question in issue had not only been decided by the United States circuit court in the case of the *United States vs. Kellar*, cited above, but also by the supreme court of the State of New York, in *People vs. Newell* (38 Hun., 78) and by the supreme court of the State of Missouri, in *Gumm vs. Hubbard* (97 Mo., 321). To these uncontradicted decisions might be added, also, that of the supreme court of the State of Illinois to the same effect in *Kreitz vs. Behrensmeyer* (125, 111, 141). Under our system of law, the decisions of the courts upon the construction and scope of a statute are conclusive. Haberacker's American citizenship, therefore, is as clearly established as if the language of the statute had been expressly drawn to cover his case. Although the language of Baron Rotenhan's note of December 1, 1891, is not so clear in that regard as might be desired, I understand from it that he does not longer contest that point. This relieves me from the embarrassment, under which I have heretofore labored, of attempting to discuss a case which, in the language of Mr. Justice Harlan, "seems

to be so distinctively one of those embraced by the very language of section 2172 that argument could not make it plainer."

But now the Royal Bavarian Government rests its case upon an entirely new point. Baron Rotenhan's note concludes as follows:

From this standpoint it amounts to nothing that Haberacker, according to American decisions, is regarded as an American citizen. It is enough that he did not become a "naturalized citizen of the United States."

The reasoning of his note, which, while impliedly admitting that Haberacker has become a citizen of the United States, denies that he is a naturalized citizen, and so comes within the provisions of article 1 of the treaty of 1868, I quote in full. It is as follows:

Under title xxx of the Revised Statutes, headed "naturalization," the manner in which the naturalization of foreigners is to be effected is determined; and in section 2165 it is expressly stated that this is to be done as prescribed therein, "and not otherwise." True, it is stated in section 2172 that minor children of persons duly naturalized are to be regarded as American citizens; but if, on this account, Haberacker's personal naturalization would not be required, it would in all events be necessary that his mother at least had become naturalized. But even this is not the case. Haberacker's mother became an American citizen by her marriage with an American citizen, according to section 1994 of the Revised Statutes. This legal provision can not, however, be regarded as a special manner of naturalization. It is not to be found in title xxx of the Revised Statutes, headed "naturalization," but, as is the case with section 1993, in title xxv, headed "citizenship." In the envoy's note above referred to it is expressly stated that section 1993 is not a part of the American naturalization laws, and in no wise applies to naturalization. The same must be said of section 1994. If the word "naturalized" had been omitted in the treaty of 1868, the above section might perhaps apply to a case such as that now under consideration. This view is debarred by the express use of that word, and it could hardly have been thought of when the treaty was negotiated, for, according to the principles of American law, which in this instance are precisely the same as the German, the marriage of an American woman to a foreigner can not deprive the children of her first marriage of their American citizenship.

The full meaning of such a contention is worthy of notice. If Haberacker is not a naturalized American citizen, it is simply because his mother is not. If she is not, then none of the wives of former subjects of Bavaria naturalized in this country are naturalized citizens and entitled to the protection of the treaty; and its intended scope would be most seriously reduced.

The inference drawn from these words, "and not otherwise," is a superficial one, which an understanding of their historical origin ought to dissipate and the decisions at least completely negative. Title xxx of the Revised Statutes, relating to naturalization, is based upon the act of Congress of the 14th of April, 1802. That act began as follows:

That any alien being a free white person may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise.

The foregoing language was substantially copied into section 2165, although between April 14, 1802, and the revision of the statutes in 1878 there were many general and particular acts of naturalization which were not brought into title xxx, and among them section 2 of the act of February 10, 1855, which is embodied in section 1994 of the Revised Statutes. But, giving the words "and not otherwise" full force and effect, they do not necessarily conflict with other modes of naturalization which the Revised Statutes point out. The same authority which enacted section 2165 also enacted section 1994. It is a fundamental rule of construction that such meanings are to be attributed, if possible, to the different parts of a code of laws that full effect may be given to the whole. That is accomplished in this case by understanding the words "and not otherwise" as limiting the procedure re-

quisite under the particular modes of naturalization pointed out in title xxx, and those modes only.

Whole classes of people, and all persons domiciled under certain conditions within designated geographical limits, have been naturalized by acts of Congress, and even by treaties with foreign powers, without any of the formalities provided for in title xxx. Mr. Chief Justice Fuller, in delivering the opinion of the Supreme Court in the late case of *Boyd vs. State of Nebraska*, decided February 1, 1892, says:

It is insisted that Boyd was an alien upon the ground that the disabilities of alienage had never been removed, because he had never been naturalized. Naturalization is the act of adopting a foreigner and clothing him with the privileges of a native citizen, and relator's position is that such adoption has neither been sought nor obtained by respondent under the acts of Congress in that behalf. Congress, in the exercise of the power to establish a uniform rule of naturalization, has enacted general laws, under which individuals may be naturalized, but the instances of collective naturalization by treaty or by statute are numerous.

The opinion cites numerous examples of such cases. Boyd, who was born in Ireland, had been elected governor of the State of Nebraska, to which office he was ineligible unless an American citizen. Although he had not been naturalized in the manner pointed out in title xxx, Revised Statutes, still the Supreme Court held that he had been otherwise naturalized, and that he was entitled to hold the office to which he had been elected.

There are two steps in the naturalization of Haberacker:

(1) The naturalization of his mother by her marriage to Krauss. This is provided for in section 1994, which is not found in title xxx.

(2) His naturalization by virtue of the naturalization of his mother. This is provided for in section 2172, which is a part of title xxx, and so there can be no question but that it is a naturalization law.

The whole matter, therefore, turns upon the point whether or not an alien woman, by her marriage to an American citizen, becomes a naturalized citizen. That she becomes a citizen is admitted, and that she becomes a naturalized citizen can be shown to be equally clear.

The expression "shall be deemed a citizen" in section 1994, or, as it was in the second section of the original act of February 10, 1855, "shall be deemed and taken to be a citizen," was the language of the bill as it was reported to the House of Representatives on January 13, 1854, by the Judiciary Committee. Mr. Cutting, who was instructed by the committee to report the bill, in doing so said that the section "was taken in so many words, or in nearly so many words, from the recent act of 1844, Victoria." That statute (7 and 8 Victoria, c. 66, sec. 16) provides:

That any woman, married, or who shall be married, to a natural-born subject or person naturalized, shall be deemed and taken to be herself naturalized, and have all the rights and privileges of a natural-born subject.

Mr. Cutting also said:

The section, in my opinion, ought to be immediately passed, for there is no good reason why we should put a woman into the probationary term required by the naturalization laws, nor to the inconvenience of attending at the necessary courts or places for the purpose of declaring her intentions and renouncing her allegiance, nor, again, put the husband to the expense of the proceeding. (Cong. Globe, first session Thirty-third Congress, p. 170.)

The intention of Congress was clearly to make the effect of the marriage of an alien woman to an American citizen, as regards citizenship, the equivalent of naturalization in the courts, or, as it is more fully expressed in the English statute, that by such marriage she should be deemed and taken to be naturalized.

If there were any doubt regarding the construction of this statute, the decisions of the courts are explicit and, under our system of jurisprudence, conclusive. The United States circuit court say, in *Leonard vs. Grant* (5 Fed. Rep., 16):

The phrase "shall be deemed a citizen," in section 1994, Revised Statutes, or, as it was in the act of 1855, "shall be deemed and taken to be a citizen," while it may imply that the person to whom it relates has not actually become a citizen by the ordinary means or in the usual way, as by the judgment of a competent court upon a proper application and proof, yet it does not follow that such person is on that account practically any the less a citizen. The word "deemed" is the equivalent of "considered" or "judged;" and therefore whatever an act of Congress requires to be "deemed" or "taken" as true of any person or thing must, in law, be considered as having been duly adjudged or established concerning such person or thing, and have force and effect accordingly. When, therefore, Congress declares that an alien woman shall, under certain circumstances, be "deemed" an American citizen, the effect, when the contingency occurs, is equivalent to her being naturalized directly by an act of Congress, or in the usual mode thereby prescribed.

And Mr. Justice Harlan, in *United States vs. Kellar*, cited above, says:

The marriage of the defendant's mother with a naturalized citizen was made by the statute an equivalent in respect of citizenship to formal naturalization under the acts of Congress. Thenceforward she was to be regarded as having been duly naturalized under the laws of this country.

The general purport of the decisions is that an alien woman of the class of persons that can be naturalized is as effectually naturalized, to all intents and purposes, by her marriage to a citizen as if by the judgment of a competent court.

A complete answer to the whole contention of the Bavarian Government is that there are only two classes of citizens known in our law, viz, natural-born citizens and naturalized citizens. Mr. Chief Justice Fuller, in the late case of *Boyd vs. State of Nebraska*, cited above, defines naturalization to be "the act of adopting a foreigner and clothing him with the privileges of a native citizen." And Attorney-General Black, in an opinion to the President, July 4, 1859, said:

What, then, is naturalization? There is no dispute about the meaning of it. The derivation of the word alone makes it plain. All lexicographers and all jurists define it in one way. In its popular, etymological, and legal sense it signifies the act of adopting a foreigner and clothing him with all the privileges of a native citizen or subject. (9 A. G., 359.)

The publicists are to the same effect. Calvo says (*Le Droit International*, fourth edition, par. 581):

La naturalisation est l'acte par lequel un étranger est admis au nombre des naturels d'un État et par suite obtient les mêmes droits et les mêmes privilèges que s'il était né dans le pays.

Where our law makes a child a citizen at the moment of birth, whether that be because born within the United States (as provided in section 1992 and in the fourteenth amendment to the Constitution) or because born of American parents abroad (as provided in section 1993), such a child is a natural-born citizen. If, however, a person is born an alien, there is no way by which he can be made a citizen except by adopting him and clothing him with the privileges of a native citizen, which is naturalization.

The position of the Royal Bavarian Government is not strengthened by the contention of Baron Rotenhan's note that by both the German and American law, which, he alleges, "in this instance are precisely the same," the marriage of a German or American woman to a foreigner can not deprive the children of her first marriage of their native citizenship. I refrain from any discussion whether the foregoing is, in fact,



American law, as in any event it is immaterial to the present case. The very cases contemplated by the treaty are those of conflicting claims to the allegiance of the same person. If by the laws of Bavaria every Bavarian that became a naturalized citizen of the United States ceased, *ipso facto*, to be a Bavarian subject, and by the laws of the United States every native American that became a naturalized citizen of Bavaria ceased likewise to be an American citizen, there would have been no occasion for the treaty. It was necessitated by the very fact that it was or might be possible for the same person to be claimed as a citizen or subject of both countries. By its provision it is wholly unimportant whether or not under Bavarian law Haberacker at his naturalization in America ceased to be a Bavarian subject. The treaty provides that, having been so naturalized and having resided within the United States uninterruptedly for five years, he shall be treated by Bavaria as an American citizen.

In my first instruction to you regarding this case, September 8, 1890, I said:

It is conclusive, therefore, under the laws of this country that John Haberacker, upon the marriage of his mother to Krauss in 1886, became a naturalized American citizen.

The foregoing was repeated, in its exact language, in Mr. Coleman's note to the imperial foreign office on September 23, 1890. At the very beginning it was admitted, as it must have been, that the determination of that question was dependent solely upon the laws of the United States. I can not refrain, therefore, from expressing regret that the deliberate and well-considered statement of this Government as respects its own law should not have been accepted by the Imperial Government of Germany. By reason of this protracted discussion Haberacker has already been held to more than one-half of the term of service to which, as it is thought must now plainly appear to its satisfaction, he was unlawfully adjudged. He is entitled to be released therefrom, and you are directed to present the foregoing views to the imperial foreign office, with a renewed request that action to that end may promptly be taken by the Royal Bavarian Government.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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## CORRESPONDENCE WITH THE LEGATION OF GERMANY AT WASHINGTON.

*Mr. Wharton to Count von Arco Valley.*

DEPARTMENT OF STATE,  
*Washington, June 15, 1891.*

SIR: I inclose herewith for your information a copy of the act of the Congress of the United States, approved March 3 last, and the regulations of the Secretary of Agriculture, dated March 25, in execution of the law providing for the inspection of live cattle, hogs, and carcasses and products of these animals intended for interstate commerce and for exportation to foreign countries.

It will be seen that under the provisions of the law this inspection for the commerce stated is made compulsory and of universal applica-

tion throughout the whole territory of the United States. It is also to be noted that not only is this inspection to be made of the live animals before they are slaughtered, but that a careful post-mortem inspection with microscopic examination is to be enforced immediately after slaughtering.

Not only is provision made for the proper disposition of all animals and their carcasses found upon such inspection to be diseased or unfit for food, but the products which have passed inspection are carefully marked and identified through all stages of preparation for, and shipment to, market.

I am requested by the Secretary of Agriculture to state to you that the above-mentioned microscopic inspection is now in operation in one of the most important centers of pork-packing operations in this country, and will be generally applied as speedily as possible, and that he will be pleased to extend to any representatives of your Government all necessary facilities for free and thorough examination of the manner in which this inspection is being enforced. He also desires to have you informed that pork products inspected in conformity to the said law and regulations will be properly cured and ready for shipment abroad on or before the 1st of September next.

I am directed by the President to say that he confidently hopes that, in view of this inspection made under the direction and at the expense of the Government of the United States, the German Imperial Government will no longer exclude this important product of the United States from the markets of the German Empire.

Accept, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Mr. von Mumm to Mr. Blaine.*

IMPERIAL GERMAN LEGATION,  
*Washington, September 3, 1891.*

MR. SECRETARY OF STATE: In conformity with orders received, I have the honor to advise you that the bulletin of the laws of the Empire of this date publishes an imperial ordinance, going into effect at once, by virtue of which the interdiction pronounced in the year 1883, for sanitary reasons, against the entry of swine, hog meat, and sausages of American origin shall be raised, provided the same (products) are officially examined in accordance with the provisions of the law of the 3d March of this year and the regulations of the 25th of March of this year and supplied with the prescribed certificates.

Accept, etc.,

A. V. MUMM.

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*Mr. Wharton to Mr. von Mumm.*

DEPARTMENT OF STATE,  
*Washington, September 10, 1891.*

SIR: I have the honor to acknowledge the receipt of your note of the 3d instant, by which this Department is advised that the interdiction pronounced by the Government of Germany in 1883, for sanitary

reasons, against the entry of swine, hog meat, and sausages of American origin has been raised, provided those products shall be officially examined in accordance with the law of the United States approved March 3, 1891, and the regulation issued by the Secretary of Agriculture March 25, 1891, providing for necessary certificates.

In reply I desire to express to you, and through you to the Government of His Majesty, the gratification of the President, not only that this long-pending question has been satisfactorily settled, but that the decree for the removal of the prohibition has been issued by the German Government so promptly after the agreement to that end had been reached.

Accept, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

H. Ex. 1, pt. 1—34

## GREAT BRITAIN.

*Mr. Phelps to Mr. Bayard.*

No. 825.]

LEGATION OF THE UNITED STATES,  
*London, September 12, 1888. (Received September 22.)*

SIR: Referring to the subject of the Alaskan seal fisheries, and to the previous correspondence on the subject between the Department and this legation, I have now the honor to acquaint you with the purport of a conversation which I held with Lord Salisbury in regard to it on the 13th of August.

Illness, which has incapacitated me from business during most of the interval, has prevented my laying it before you earlier.

One of the objects of the interview I then sought with his lordship was to urge the completion of the convention between the United States, Great Britain, and Russia, which under your instructions had previously been the subject of discussion between the secretary for foreign affairs, the Russian ambassador, and myself. This convention, as I have before advised you, had been virtually agreed on verbally, except in its details; and the Russian as well as the United States Government were desirous to have it completed. The consideration of it had been suspended for communication by the British Government with the Canadian Government, for which purpose an interval of several months had been allowed to elapse. During this time the attention of Lord Salisbury had been repeatedly recalled to the subject by this legation, and on those occasions the answer received from him was that no reply from the Canadian authorities had arrived.

In the conversation on the 13th, above mentioned, I again pressed for the completion of the convention, as the extermination of the seals by Canadian vessels was understood to be rapidly proceeding. His lordship in reply did not question the propriety or the importance of taking measures to prevent the wanton destruction of so valuable an industry, in which, as he remarked, England had a large interest of its own, but said that the Canadian Government objected to any such restrictions, and that, until its consent could be obtained, Her Majesty's Government was not willing to enter into the convention; that time would be requisite to bring this about, and that meanwhile the convention must wait.

It is very apparent to me that the British Government will not execute the desired convention without the concurrence of Canada. And it is equally apparent that the concurrence of Canada in any such arrangement is not to be reasonably expected. Certain Canadian vessels are making a profit out of the destruction of the seal in the breeding season in the waters in question, inhuman and wasteful as it is. That it leads to the speedy extermination of the animal is no loss to Canada, because no part of these seal fisheries belong to that country; and the only profit open to it in connection with them is by destroying the seal in the open sea during the breeding time, although many of the animals

killed in that way are lost, and those saved are worth much less than when killed at the proper time.

Under these circumstances, the Government of the United States must, in my opinion, either submit to have these valuable fisheries destroyed or must take measures to prevent their destruction by capturing the vessels employed in it. Between these alternatives it does not appear to me there should be the slightest hesitation.

Much learning has been expended upon the discussion of the abstract question of the right of *mare clausum*. I do not conceive it to be applicable to the present case.

Here is a valuable fishery, and a large and, if properly managed, permanent industry, the property of the nations on whose shores it is carried on. It is proposed by the colony of a foreign nation, in defiance of the joint remonstrance of all the countries interested, to destroy this business by the indiscriminate slaughter and extermination of the animals in question, in the open neighboring sea, during the period of gestation, when the common dictates of humanity ought to protect them, were there no interest at all involved. And it is suggested that we are prevented from defending ourselves against such depredations because the sea at a certain distance from the coast is free.

The same line of argument would take under its protection piracy and the slave trade, when prosecuted in the open sea, or would justify one nation in destroying the commerce of another by placing dangerous obstructions and derelicts in the open sea near its coasts. There are many things that can not be allowed to be done on the open sea with impunity and against which every sea is *mare clausum*. And the right of self-defense as to person and property prevails there as fully as elsewhere. If the fish upon the Canadian coasts could be destroyed by scattering poison in the open sea adjacent with some small profit to those engaged in it, would Canada, upon the just principles of international law, be held defenseless in such a case? Yet that process would be no more destructive, inhuman, and wanton than this.

If precedents are wanting for a defense so necessary and so proper, it is because precedents for such a course of conduct are likewise unknown. The best international law has arisen from precedents that have been established when the just occasion for them arose, undeterred by the discussion of abstract and inadequate rules.

Especially should there be no hesitation in taking this course with the vessels of a colony which has for three years harassed the fisheries of our country with constant captures of vessels engaged in no violation of treaty or legal rights. The comity of nations has not deterred Canada from the persistent obstruction of justifiable and legitimate fishing by American vessels near its coasts. What principle of reciprocity precludes us from putting an end to a pursuit of the seal by Canadian ships which is unjustifiable and illegitimate?

I earnestly recommend, therefore, that the vessels that have been already seized while engaged in this business be firmly held, and that measures be taken to capture and hold every one hereafter found concerned in it. If further legislation is necessary, it can doubtless be readily obtained.

There need be no fear but that a resolute stand on this subject will at once put an end to the mischief complained of. It is not to be reasonably expected that Great Britain will either encourage or sustain her colonies in conduct which she herself concedes to be wrong and which is detrimental to her own interests as well as to ours. More than 10,000 people are engaged in London alone in the preparation of seal skins.

And it is understood that the British Government has requested that clearances should not be issued in Canada for vessels employed in this business; but the request has been disregarded.

I have, etc.,

E. J. PHELPS.

*Mr. White to Mr. Blaine.*

No. 132.]

LEGATION OF THE UNITED STATES,  
*London, December 4, 1889. (Received December 14.)*

SIR: Referring to my dispatch No. 128, of the 30th ultimo, I have the honor to inclose herewith, for your information, cuttings from the Times of the 30th ultimo and the 3d instant, containing further correspondence with reference to the Behring Sea fisheries.

I have, etc.,

HENRY WHITE.

[Inclosure 1 in No. 132.—From the London Times, Saturday, November 30, 1889.]

*The Behring Sea question.*

*To the Editor of the Times:*

SIR: Mr. Staveley Hill has done a great public service in calling attention anew to the matters in dispute in regard to the seal fisheries in Behring Sea. He gives in his interesting letter information of the greatest value to those who would wish to understand the question. But, in order rightly to understand the question, it is necessary to supplement and even modify Mr. Staveley Hill's account—briefly indeed—on three main points.

First, then, as to the "pretended apathy of Great Britain." Certainly nothing has yet been done. But since I made my first inquiries on the Pacific coast in 1886, immediately after the troubles commenced, up to my visit to Vancouver Island in the spring of this year, I know that both the Imperial and the Canadian Governments have had the matter constantly in hand. The Behring Sea dispute was one intrusted to Mr. Chamberlain's commission, although for specific reasons it was not proceeded with at Washington. In the House of Commons, where I have taken occasion to call attention to each Behring Sea seizure as it has occurred, we have from time to time been told of negotiations in progress, and I doubt not but that when the next installment of official correspondence is published we shall find much strong and probably "vigorous" language in the diplomatic record.

Secondly, Mr. Staveley Hill's graphic description of the fisheries on the Pribyloff Islands would lead one to suppose that Canadian sealers captured the young males, "dry cows," and others of the seal community who can not find room on the rookeries. As a matter of fact, the Canadian sealers take very few, if any, seals close to these islands. Their main catch is made far out at sea, and is almost entirely composed of females. Again, Mr. Staveley Hill advocates a close time, excepting for the months of July, August, and September. But the Canadian sealers commence sealing in December, and seal continuously from then till August. Nor does a close time get over the difficulty of jurisdiction over the high seas, for the seals are chiefly captured 25 to 30 miles from land. But I will not now point out other numerous details which I gathered in my inquiries from the point of view of natural history. I have said enough to show how complex is the subject.

The third point I would mention in supplement is that American as well as Canadian sealers engage in, as they term it, this "marine fur industry;" and, as I know by personal inquiry among them, are just as indignant as the Canadians at the high-handed proceedings of the Alaskan authorities.

But, sir, as I have said on more than one occasion, I believe the matters in dispute can best be settled on economic rather than on diplomatic pleas. All sides wish the seals preserved; all wish to see the market prices of skins maintained. Judging by what I know to be the views held by officials in Washington, in Ottawa, and in London, by "marine sealers," whether Canadian or American, and by the Alaska Commercial Company, it would be easy on one condition to arrive at an international agreement embodying regulations which all would obey and all would accept as useful and right. These regulations would cover more than a close time, but all interested would accept them as a final close of a vexatious dispute.

The one condition of success is that these regulations be drawn up in the light of a full and complete knowledge of the natural history of the case. They must embody the one general view of the whole industry, and not the partial views either of the rookery-owners or of the "marine" sealers.

Mr. Staveley Hill has, with great point and ability, alluded to the hollowness of the case for Alaska in international law. I would venture to add that international law had best be called in now, with the view not so much of upsetting the past as of regulating the future.

The whole dispute is to many one of much intrinsic interest, but its extrinsic effect on the relations between Canada and the British Empire and the United States are of far higher import; and I earnestly trust that Lord Salisbury is even now working out some satisfactory solution of this Behring Sea difficulty.

I am, your obedient servant,

GEORGE BADEN-POWELL.

[Inclosure 2 in No. 132.—From the London Times, Tuesday, December 3, 1889.]

*The Behring Sea question.*

*To the Editor of the Times :*

SIR: Sir George Baden-Powell, in his valuable comments on Mr. Staveley Hill's letter upon the Behring Sea question, says truly that the one condition of success in all future regulations is that "they should be drawn up in the light of a full and complete knowledge of the natural history of the case."

Scarcely a century ago fur seals existed in numbers which appear now almost incredible on many coasts and islands of the Southern Ocean, Juan Fernandez, Chile, the Falkland Islands, South Georgia, South Shetland, Prince Edward Island, the Crozettes, some parts of Australia, Antipodes Island, and many more, mostly within our dominions or within British influence, all possessed "rookeries," or breeding places of seals, which, if protected, might have been still as populous and valuable as those on the Pribyloff Islands in the Behring Sea. Every one of these, however, has, owing to the ruthless and indiscriminate slaughter carried on by ignorant and lawless sealers, regardless of everything but immediate profit, been totally annihilated, or so reduced in numbers that it is no longer worth while to visit them. The only spot in the world where fur seals are now found in their original, or even increased, numbers is the Pribyloff group, a circumstance entirely owing to the rigid enforcement of the wise regulations of the Alaskan Commercial Company, which are based on a thorough knowledge of the habits of the animals. But for this, the fur seal might before now have been added to the long list of animals exterminated from the earth by the hand of man.

Of course, it is not my province to enter into the question of the recent alleged illegal or high-handed proceedings of the Alaskan authorities or the wrongs of the Canadian fishermen, so graphically described by Mr. Staveley Hill. They may be safely left in Lord Salisbury's hands; but if they have been such as to call the serious attention of both governments concerned to the necessity of coming to a definite understanding for the future protection of the seals, not only in the islands, but throughout the whole region of their migrations, these events will not have been without their use. The fact that the interests of the seals are also in the long run the interests of those who capture and destroy them has, unfortunately, not saved them from destruction elsewhere; but it is to be hoped that this sad history will not be lost sight of in dealing with them in their one remaining stronghold.

I am, your obedient servant,

W. H. FLOWER.

NATURAL HISTORY MUSEUM,  
*Cromwell Road, S. W., November 30.*

*Mr. Lincoln to Mr. Blaine.*

No. 394.]

LEGATION OF THE UNITED STATES,  
*London, January 24, 1891. (Received February 4.)*

SIR: I have the honor to inclose herewith, for your information, a cutting from to-day's Times, reporting an answer, in the House of Commons yesterday, of Sir James Fergusson to a question asked by Prof. Bryce as to the present status of the Behring Sea question.

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure in No. 394.—From the London Times, January 24, 1891.]

*The Behring Sea fisheries.*

Mr. Bryce asked the undersecretary for foreign affairs whether he could give the House any information regarding the present position of the negotiations between Her Majesty and the Government of the United States of America regarding the seal fisheries in Behring Sea; whether, in particular, he could state what was the nature of the proceedings reported to have been recently taken in the Supreme Court of the United States in connection with the seizure of a sealing vessel which was sailing under the British flag; and when it was intended to present to Parliament papers relating to this subject.

Sir J. Fergusson. Negotiations regarding the seal fisheries in the North Pacific Ocean are proceeding in ordinary diplomatic course. A long note was addressed by the United States Government to Her Majesty's minister at Washington on the 17th of December, to which a reply has not yet been made. The proceedings taken in the Supreme Court of the United States are a motion for a writ of prohibition to the district court of Alaska in respect of alleged excess of jurisdiction by that court in condemning a Canadian vessel which was engaged in seal fishery in the open sea. That application has not yet been heard. This course was taken at the instance of the Canadian Government, with the approval of Her Majesty's Government, and upon the advice of American lawyers. Its object is to bring the case before the highest tribunal in the United States in the fullest manner. It is desirable to point out that in this course there is no interference in any sense with the diplomatic question. Diplomatic negotiations have reference to a wrong which we say has been committed against international law and can only be redressed by diplomacy. The legal proceedings, on the other hand, before the Supreme Court have reference to a wrong committed, as we believe, on British subjects against the municipal law of the United States; and redress for that wrong can only be maintained, at least in the first instance, from the supreme tribunal of the United States. At present I am unable to say anything as to the presentation of further papers. [Hear, hear.]

Mr. Bryce. Can the right honorable gentleman at all indicate when he thinks any papers bearing on the question of the proceedings in the Supreme Court will be presented?

Sir J. Fergusson. I think the honorable member will see that, as the application has not been heard, it is quite impossible to make any promise at present. [Hear, hear.]

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*Mr. Lincoln to Mr. Blaine.*

No. 470.]

LEGATION OF THE UNITED STATES,  
London, June 6, 1891. (Received June 17.)

SIR: Referring to my dispatch numbered 468, of the 3d instant, I have the honor to inclose herewith, for your information, the report of a debate which took place on the 4th instant in the House of Commons upon the third reading of the Behring Sea (seal fishery) bill, which, I may add, was read for the first time in the House of Lords without debate yesterday.

I have, etc.,

ROBERT T. LINCOLN.

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[Inclosure in No. 470.—From the London Times, Friday, June 5, 1891.]

*Seal fishery (Behring Sea) bill.*

The consideration of this bill in committee was resumed on clause 1 (power to prohibit by order in council the hunting of seals in Behring Sea). The first subsection enables Her Majesty by order in council to prohibit the catching of seals by British ships in Behring Sea during the period limited by such order.

Mr. A. S. Hill moved to add after "order" "if the legislature of the Dominion shall consent to such prohibition." He said that the persons most concerned were the Canadians, and they were by no means consenting parties to this measure. The



Americans required that they should be allowed to kill 7,500 seals on their own account. Whatever number of seals they claimed to kill, they ought to kill in the open seas and not in the rookeries. These 7,500 seals were not to be killed for food for the islanders. But the United States said that they kept 300 Aleutian islanders in the seal fisheries, and if the prohibition was to affect them they would have themselves to keep these servants of theirs, and for their wages would have to pay some £20,000. A more monstrous claim could not be put forward. If there was to be any claim at all, it should be made by the Victorian fishermen.

Mr. W. H. Smith regretted that his honorable and learned friend was not satisfied with the assurance which the Government had given. He said distinctly on the second reading that the Government could not assent to the introduction of these words. The Dominion had a right to legislate so far as her own people were concerned, but she had no right to legislate for the British flag. The Behring Sea was some thousand miles away from Canada, and the Canadian Government had received every assurance that compensation should be given to any British subject who, it could be shown, would suffer loss. Her Majesty's Government hoped that the British losses would be a great deal less than his honorable and learned friend supposed. The destruction of 7,500 seals was considerable, but they were willing to consent to that proposal in order to put an end to a serious danger.

Mr. A. S. Hill said that, after the assurance of the right honorable gentleman, he would not, of course, proceed further with his amendment. He had, however, received a cablegram from Canada on the subject.

Mr. Bryce asked for some information as to what had passed between the Government and the Canadian Government and the nature of the terms that had been arranged.

Mr. W. H. Smith said the Government had satisfied themselves that the Canadian Government had accepted the view he had previously indicated. He would endeavor to give the House further information on the subject as soon as possible.

Sir G. Campbell wanted a more explicit assurance on the subject of compensation and expressed the hope that the British taxpayer was not to become liable.

The amendment was withdrawn and the clause was added to the bill, as was also clause 2.

On clause 3 (application and construction of act and short title).

Mr. G. O. Morgan referred to the phrase "marine animal," and asked whether it was likely to include whales.

Mr. W. H. Smith said the phraseology of the clause had been carefully considered, but, of course, Her Majesty's Government did not intend to prohibit the catching of whales.

The clause was agreed to, and the bill reported without amendments to the House.

The House resumed.

Mr. W. H. Smith appealed to the House to allow the bill to be read a third time now. It was of great importance, and it was also desirable that no delay should take place.

Sir W. Harcourt joined in the appeal and hoped that no objection would be taken to the course suggested by the right honorable gentleman. He asked the first lord of the treasury to lay on the table of the House the communications which had passed with the Canadian Government.

Mr. W. H. Smith said there was no reason why the House should not be placed in possession of the information.

Mr. Sexton hoped that the first lord of the treasury would appreciate the forbearance of the Irish members in allowing the bill to be read a third time. [Laughter.]

The bill was read a third time.

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*Mr. Lincoln to Mr. Blaine.*

No. 472.]

LEGATION OF THE UNITED STATES,

*London, June 10, 1891. (Received June 19.)*

SIR: Referring to my dispatch numbered 470, of the 6th instant, I have the honor to inclose herewith the report of a short debate which took place in the House of Lords on the 8th instant, when the Behring Sea bill was passed, after having been slightly amended on the Marquis of Salisbury's motion.

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure in No. 472.—From the London Times, June 9, 1891.]

*Seal fishery (Behring Sea) bill.*

The Marquis of Salisbury, in moving that this bill be read a second time, said:

The measure I am now submitting is one to enable Her Majesty to stop seal hunting on the part of British subjects in Behring Sea for terms to be specified in an order in council. The first aim of this provision is to enable Her Majesty's Government to come to an agreement with the United States to suspend the hunting for seals in Behring Sea, or a great part thereof, during the ensuing season. As your lordships are aware, there has been for some time a very vigorous discussion proceeding between the United States and this country. The United States have asserted claims over the open sea, and a right to stop the hunting of seals in that sea, which Her Majesty's Government have not admitted and can not admit. After much discussion we have agreed in principle that the difference shall be referred to arbitration, and we hope that the terms on which that arbitration is to be established are almost agreed upon. I believe there are very few points of difference remaining, but in the meantime the question raised by the motive which mainly actuates the United States, namely, the desire to prevent the extermination of the animal which sustains a valuable industry, remains unsolved.

There are many persons in the United States who are of opinion that if we wait until the arbitration is completed a very serious, if not a fatal, blow may have been struck against that industry. There is no doubt that the catch of seals has increased largely of recent years, and some experts declare that grounds which were formerly covered with them are now almost denuded. I do not at all concede that that opinion is universal. The Government of Canada doubts very much whether the statistics on this point are correct. At all events, these apprehensions have this circumstance in their favor, that unrestricted permission to all nations to hunt the seal at all times has resulted in other parts of the world in its entire extermination. Formerly seals were common on the coasts of South America and those of the Falkland Islands; now they are hardly to be found there. There is therefore a serious danger to be averted, and we can hardly wonder that the United States should be anxious that an industry which is so very valuable should not incur any danger from neglect. They propose that over that part of the sea which they are authorized to deal with, and on all the islands and coasts belonging to the United States, there shall be no seal killed until the month of May, 1892, if Her Majesty's Government will arrest the progress of British seal hunting in the same waters during the same time.

It seems to us that on the whole the proposition is a reasonable one, and we should be fully incurring the censure, not only of the United States, but of the civilized world, if by adhering too closely to any technical right we should run the risk of the destruction of this valuable industry and of a valuable animal. Of course, we are aware that some injury may be done by these arrangements to private interests, the claims of which it will be necessary to meet. The notice has come late in the year, and the seal hunters have made preparations which can not now be stopped. Ships have been fitted out for sealing in these particular waters which may not be able to find employment elsewhere. On the other hand, there is no doubt that seals that are caught more to the west will very much rise in price, and a certain compensation will to that extent be afforded. It is impossible to say beforehand whether there will be any practical loss or not. The consent of the Dominion Government to the bill we propose mainly turns on one or two points. First, we are agreed with respect to arbitration, if the United States agree with us, which I believe they fully intend to do. Secondly, they are agreed that compensation should be given whenever there has been a real loss in consequence of the action of the British Government. Who is to pay that compensation is a vexed question. We do not deny that a part may properly fall on the British Government, but we are inclined to dispute that the whole should do so.

I do not know what is the view taken by the Dominion Government; but time presses, and it would be impossible to defer action until, by the exchange of telegrams, this difficult question should have been solved. Therefore, as in the first instance, as stated in the House of Commons, we have assumed the liability. I do not know that in any case it can be heavy. The provisions of the bill are few, and I do not think they lend themselves much to criticism. There is only one change we desire to be allowed to make in the bill; it is not a large matter, and it is in the nature rather of restricting than extending its action. I wish to alter the first clause, which prohibits the catching of seals by British ships "in Behring Sea," by adding "or any such part thereof as may be named in the said order." I do not know how far the Dominion will be inclined to go, but this is not a question of principle and there is no other alteration. It will be convenient if your lordships, after reading the bill a second time, will pass it through its remaining stages; but if there is a strong ob-

jection to that course, I will not press it. Time is running out, and every day or two is of importance. With these observations, I move the second reading of the bill.

The Earl of Kimberley. \* \* \* With regard to the bill itself, I have no criticism to offer, and I would rather confine myself to an expression of satisfaction at the prospect of this controversy being terminated. I have had the opportunity, as your lordships have had, of reading the dispatches of the noble marquis, and I have seen with great pleasure the firmness with which he has maintained the rights of this country to use an open sea. At the same time in matters of this kind, which influence the relations between this country and the United States, it is clear that it is an advantage to both that disputes arising between the two countries should be settled by arbitration and by peaceful means, and therefore I welcome the announcement of the noble marquis that the terms of arbitration are practically settled, so that we may look forward to a speedy termination of the dispute. I now only ask the noble marquis for information upon the point whether an understanding with Russia has been arrived at. I am sorry to hear that no agreement has been come to with the Government of the Dominion with regard to the question of compensation. Certainly it appears that the Dominion has so large and so direct an interest in the question that, at all events, a portion of the compensation should be borne by the Government of Canada. No one desires to impede the progress of the bill, and I think that the House will assent to the suspension of the standing orders. [Hear, hear.]

\* \* \* \* \*

On the question that the bill do pass,

The Marquis of Salisbury moved an amendment to the effect that "Her Majesty the Queen might, by order in council, prohibit the catching of seals by British ships in Behring Sea during the period limited by the order or such part thereof as was described in the said order."

The amendment was agreed to, and the bill was passed.

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*Mr. Lincoln to Mr. Blaine.*

No. 592.]

LEGATION OF THE UNITED STATES,  
London, January 6, 1892. (Received January 15.)

SIR: I have the honor to inclose herewith an extract from the Times newspaper of to-day containing the report of a speech made by Sir George Baden-Powell, M. P., to his constituents, relative to the Behring Sea question.

I have, etc.,

ROBERT T. LINCOLN.

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[Inclosure in No. 592.—From the London Times, January 6, 1892.]

*Sir G. Baden-Powell and the Behring Sea question.*

Speaking last night at a meeting of his constituents in the Kirkdale Division of Liverpool, Sir George Baden-Powell gave an account of his mission to the Behring Sea. He said that Lord Salisbury told him it was a very difficult, complex, and delicate question; that, above all things, he wanted to avoid war with the United States, but that at the same time he wanted to be strong, to show no fear in his policy, but to show that he was not going to yield one jot or tittle of British rights. [Loud cheers.] But Lord Salisbury had an additional purpose in sending him there.

Three or four years ago the Americans seized some British vessels, imprisoned the captains and crews, and fined them for taking fur seals out of the high seas. This country, of course, promptly denied that these vessels were acting illegally, and last summer and autumn, by their work in the Behring Sea, he thought they had finally brought that awkward dispute, which might have resulted in war, to arbitration, and it was his conviction that this country would win in that arbitration. [Cheers.] He spent three months in the Behring Sea investigating the full facts. When he arrived there he found three British men-of-war and seven American Government ships, the latter with instructions to seize the British sealers if they attempted to seal; but the British commissioners were able, without any breach of the peace, to make satisfactory arrangements which enabled the British sailors there to take home

what seals they had got. [Cheers.] He had some difficulty in getting at the full facts of seal life on the American islands, but he managed to become good friends with the Americans, and parted with them affectionately, after finding out all the facts.

He discovered that no one knew where the seals went to after leaving those American islands, and he accordingly arranged that the three men-of-war placed at his service and the transport steamer which carried himself should explore all these seas. He thought they acquired, as the result of that exploration, all the facts as to the migration of the seals—facts never before known. To do this they had to go through a great deal of rough work; the weather was cold, and there was usually fog, except when there was a gale; but somehow or other he found his body thoroughly suited to these elements, perhaps more so than to the House of Commons. [Laughter.] Lord Salisbury had been good enough to say more than once that what was done in the Behring Sea greatly exceeded his expectations and those of Her Majesty's Government. [Cheers.]

The investigations they had made were important, but the friendliness they had established with the Americans and the Russians had yet to bear fruit; and Lord Salisbury was now very anxious that he should go back at once to Washington, there to consort with officials of the American Government and to come to a joint agreement with them in view of the approaching arbitration. He was to leave on Saturday next, but he hoped to be back after two or three weeks' work in Washington, and to be able to report that the negotiations were as successful as the investigations. He was happy to say that both sides had not only agreed to leave the question to arbitration, but had agreed on the details of the arbitration, and he was convinced that all right-thinking public men, both in America and in this country, were delighted to find that this serious bone of contention was to be put out of sight in such a happy and peaceful manner.

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*Mr. Lincoln to Mr. Blaine.*

No. 387.]

LEGATION OF THE UNITED STATES,  
*London, January 17, 1891. (Received January 27.)*

SIR: Referring to your instruction numbered 350, of September 2 last, I have the honor to inclose herewith copies of a note which I addressed to the foreign office relative to the claim of Mr. Webster against the authorities of New Zealand, and of a communication in reply thereto which I have just received from Her Majesty's Government.

I have, etc.,

ROBERT T. LINCOLN.

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[Inclosure 1 in No. 387.]

*Mr. Lincoln to Lord Salisbury.*

LEGATION OF THE UNITED STATES,  
*London, October 11, 1890.*

MY LORD: Referring to your lordship's note of the 7th of December, 1887, to my predecessor, Mr. Phelps, transmitting copies of a memorandum of Sir Robert Stout, the governor of New Zealand, on the subject of certain American land claims in that colony, I have the honor to recall to your lordship that in that memorandum Sir Robert Stout reviews the history of the claims and makes an extended reply to a report of the Committee on Foreign Relations of the Senate of the United States, who have for some time had the subject under consideration. The committee were furnished with a copy of that reply and gave it careful consideration. The result of that consideration is that on the 11th of June last the chairman of the committee, by their direction, advised the President of the adoption by the committee of the following resolution:

"Resolved, That the papers in the case of William Webster be transmitted to the President with the statement that the committee respectfully recommend this matter to his attention, with the accompanying papers, as a claim that is worthy of

consideration, and with the request that it be made the subject of further negotiation with the Government of Great Britain."

I am therefore instructed to acquaint your lordship that my Government has made the matter the subject of careful examination, with a desire to arrive at a just determination, and finds itself unable, for the reasons which are set forth in a memorandum, of which I have the honor to inclose copies in duplicate\* for the consideration of Her Majesty's Government, to accept the conclusions stated in Sir Robert Stout's memorandum.

It is believed by my Government that Her Majesty's Government, upon the perusal of the document inclosed, will find that the above-mentioned conclusions of the governor of New Zealand, and the arguments and allegations, some of them injurious to the claimant, by which those conclusions are reached, are not justified by the facts as disclosed in the documents furnished by the governor; and it is hoped that a way may be found by friendly consultation between the two Governments to afford Mr. Webster the fair and impartial disposition of his claim to which it is thought he is entitled.

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure 2 in No. 387.]

*Mr. Sanderson to Mr. White.*

FOREIGN OFFICE, January 16, 1891.

SIR: In his note of the 11th of October last Mr. Lincoln forwarded, for the consideration of Her Majesty's Government, a memorandum in regard to the claim of Mr. William Webster for further compensation on account of certain lands purchased by him from native chiefs in New Zealand before the annexation of that country by Great Britain.

I have now the honor to state that, in pursuance of the assurance given in my reply of the 21st of the same month, this memorandum and all the previous papers and circumstances of the case have been most carefully examined in consultation with the law officers of the Crown.

The result of that examination has, however, been unfavorable to the claim, as it is clearly shown that Mr. Webster in the first instance, when bringing his case before the commissioners under the colonial land claims act of 1856, waived his right to be treated as an alien, and so debarred himself from the right to claim anything beyond what was awarded to him by those commissioners.

Under these circumstances Her Majesty's Government regret that they are unable to reopen the case or to entertain Mr. Webster's claim for further compensation.

I have, etc.,

T. H. SANDERSON,  
*For the Marquis of Salisbury.*

*Mr. Wharton to Mr. Lincoln.*

No. 528.]

DEPARTMENT OF STATE,  
Washington, June 3, 1891.

SIR: I have to acknowledge the receipt of your No. 387, of the 17th of January last, with which you inclose a copy of a communication which you received from Her Majesty's Government, under date of the 16th of that month, in reply to the memorandum accompanying Department's No. 350, of the 2d of September, 1890, touching the claims of William Webster, growing out of his wrongful deprivation of lands belonging to him in New Zealand.

The Department regrets to learn that Her Majesty's Government

\*For this inclosure see Foreign Relations, 1890, p. 345.

have, after consultation with the law officers of the Crown, taken an unfavorable view of Mr. Webster's claims. This is especially to be deprecated since that view appears to be the result of a misapprehension of the facts. If the facts had been correctly understood by Her Majesty's Government, there is reason to suppose that the result of their deliberations would have been different. It has been the understanding of this Department that Mr. Webster was in reality deprived of his lands and of his claims to lands by the commissioners under the colonial land claims act of 1856. This understanding is set forth in the memorandum which you communicated to the foreign office, and is confirmed by the note of the foreign office of the 16th of January; but there seems to be an incorrect appreciation of facts when Her Majesty's Government state in the same note that it is clearly shown that Mr. Webster in the first instance, when bringing his case before the land commissioners under the colonial act of 1856, waived his right to be treated as an alien and so debarred himself from the right to claim anything beyond what was awarded to him by that commission.

An examination not only of the memorandum submitted by this Department, but as well of the evidence heretofore presented in opposition to Mr. Webster's claims by the authorities of New Zealand, shows that he never brought his claim before the commissioners under the colonial act of 1856. In reality he was then in the United States and was pressing his claims before this Government. At that time he had been nearly ten years absent from New Zealand, during which time the Department fails to find that he had any correspondence with the local authorities, or in any way knew of or countenanced what they did under the land act of 1856.

It is the duty of the Department to bring these facts to the attention of Her Majesty's Government, as you are now instructed to do, since the reply to this Government's representations—due, as it appears to be, to an entire misconception of the facts—can not be regarded as satisfactory and conclusive.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Mr. Lincoln to Mr. Blaine.*

No. 515.]

LEGATION OF THE UNITED STATES,  
*London, August 19, 1891. (Received August 28.)*

SIR: Referring to the Department's instruction numbered 528, of June 3 last, I have the honor to inclose herewith copies of a note which I addressed to the Marquis of Salisbury on the 23d of that month, relative to Mr. Webster's claim to land in New Zealand, and of the reply thereto which has just reached me.

The records of this legation show that Lord Aberdeen's note to Mr. Everett of February 10, 1844, was forwarded to the Department of State in Mr. Everett's dispatch No. 95, of March 4, 1844.

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure 1 in No. 515.]

*Mr. Lincoln to Lord Salisbury.*

LEGATION OF THE UNITED STATES,

*London, June 23, 1891.*

MY LORD: With reference to your note of January 16 last, relative to the claims of Mr. Webster against the Government of New Zealand, arising from his alleged wrongful deprivation of lands belonging to him in that colony, I have the honor to acquaint your lordship that my Government regrets to ascertain that an unfavorable view has been taken of the claim in question by Her Majesty's Government after consultation with the law officers of the Crown, and the more so as this view appears to the Department of State to be the result of a misapprehension of the facts of the case.

It has been the understanding of my Government that Mr. Webster was in reality deprived of his lands and of his claims to lands by the commissioners under the colonial land claims act of 1856. This view of the case is set forth in the memorandum on the subject which I had the honor to communicate to your lordship on the 11th of October, 1890, and is confirmed by your note of January 16 last; but Her Majesty's Government appear to mine to be in error in stating in the same note that it is clearly shown that Mr. Webster in the first instance, when bringing his case before the land commissioners under the colonial act of 1856, waived his right to be treated as an alien and so debarred himself from the right to claim anything beyond what was awarded to him by the commission.

An examination not only of the memorandum, but also of the evidence heretofore presented in opposition to Mr. Webster's claims by the authorities of New Zealand, shows that he never brought his claims before the commissioners under the colonial act of 1856. He was at that time in the United States and was pressing his claim upon my Government, having then been absent from New Zealand for nearly ten years, during which period the Department of State fails to find that he had any correspondence with the local authorities or was in any way aware of or countenanced what they did under the land act of 1856.

I am instructed to bring these facts to the attention of your lordship and to express the hope that, as my Government is of the opinion that the reply of Her Majesty's Government to the representations set forth in the memorandum transmitted with my note of October 11, 1890, is based upon a misconception of the essential facts, and can not therefore be considered as satisfactory or conclusive, Her Majesty's Government will readily reconsider its views upon the subject.

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure 2 in No. 515.]

*Mr. Sanderson to Mr. Lincoln.*FOREIGN OFFICE, *August 18, 1891.*

SIR: I have the honor to acquaint you that, in accordance with the assurance conveyed to you on the 29th of June, Her Majesty's Government have carefully considered the representations in your note of the 23d of that month respecting the land claim of Mr. Webster in New Zealand.

It appears on further examination of the case that in the note which I addressed to Mr. White on the 16th of January last a mistake was inadvertently made in the reference to the colonial land claims act of 1856. It was in the year 1841, and to the commissioners under the colonial ordinance of that year, that Mr. Webster submitted his claims, having previously received full notice from the governor that if he adopted this course he must be held to claim as a British subject.

While expressing to you my regret that the mistake should have occurred, I have the honor to state that it does not appear to Her Majesty's Government to materially affect the question at issue, nor to involve any alteration of the decision at which they have already arrived; for, Mr. Webster having voluntarily accepted the conditions imposed upon him by Governor Fitzroy in 1841, and having submitted his claim as a British subject under the colonial ordinance of that year, Her Majesty's Government are unable to admit that he could at any time afterwards bring in a fresh claim as an American citizen under the principle conceded to Mr. Everett by Lord Aberdeen in his note of the 10th of February, 1844.

I have, etc. (in the absence of the Marquis of Salisbury),

T. H. SANDERSON.

## CORRESPONDENCE WITH THE BRITISH LEGATION AT WASHINGTON.

*Lord Salisbury to Sir Julian Pauncefote.*

[Transmitted to the Department by Sir Julian Pauncefote.]

No. 34.]

FOREIGN OFFICE, *February 21, 1891.*

SIR: The dispatch of Mr. Blaine, under date of the 17th December, has been carefully considered by Her Majesty's Government. The effect of the discussion which has been carried on between the two Governments has been materially to narrow the area of controversy. It is now quite clear that the advisers of the President do not claim Behring's Sea as a *mare clausum*, and indeed that they repudiate that contention in expressed terms. Nor do they rely, as a justification for the seizure of British ships in the open sea, upon the contention that the interests of the seal fisheries give to the United States Government any right for that purpose which, according to international law, it would not otherwise possess. Whatever importance they attach to the preservation of the fur-seal species—and they justly look on it as an object deserving the most serious solicitude—they do not conceive that it confers upon any maritime power rights over the open ocean which that power could not assert on other grounds.

The claim of the United States to prevent the exercise of the seal fishery by other nations in Behring's Sea rests now exclusively upon the interest which by purchase they possess in a ukase issued by the Emperor Alexander I in the year 1821, which prohibits foreign vessels from approaching within 100 Italian miles of the coasts and islands then belonging to Russia in Behring's Sea. It is not, as I understand, contended that the Russian Government, at the time of the issue of this ukase, possessed any inherent right to enforce such a prohibition, or acquired by the act of issuing it any claims over the open sea beyond the territorial limit of 3 miles, which they would not otherwise have possessed. But it is said that this prohibition, worthless in itself, acquired validity and force against the British Government because that Government can be shown to have accepted its provisions. The ukase was a mere usurpation; but it is said that it was converted into a valid international law as against the British Government by the admission of that Government itself.

I am not concerned to dispute the contention that an invalid claim may, as against another government, acquire a validity which in its inception it did not possess, if it is formally or effectively accepted by that government. But the vital question for decision is whether any other government, and especially whether the Government of Great Britain, has ever accepted the claim put forward in this ukase. Our contention is that not only can it not be shown that the Government of Great Britain, at any time since 1821, has admitted the soundness of the pretension put forward by that ukase, but that it can be shown that it has categorically denied it on more than one occasion. On the 18th January, 1822, four months after the issue of the ukase, Lord Londonderry, then British foreign secretary, wrote in the following terms to Count Lieven, the Russian ambassador in London:

Upon the subject of this ukase generally, and especially upon the two main principles of claim laid down therein, viz, an exclusive sovereignty alleged to belong to Russia over the territories therein described, as also the exclusive right of navigating and trading within the maritime limits therein set forth, His Britannic



Majesty must be understood as hereby reserving all his rights, not being prepared to admit that the intercourse which is allowed on the face of this instrument to have hitherto subsisted on those coasts and in those seas can be deemed to be illicit, or that the ships of friendly powers, even supposing an unqualified sovereignty was proved to appertain to the Imperial Crown in these vast and very imperfectly occupied territories, could, by the acknowledged law of nations, be excluded from navigating within the distance of 100 Italian miles, as therein laid down, from the coast.

On the 17th October, in the same year, the Duke of Wellington, ambassador at Verona, addressed to Count Nesselrode a note containing the following words:

Objecting, as we do, to this claim of exclusive sovereignty on the part of Russia, I might save myself the trouble of discussing the particular mode of its exercise as set forth in this ukase. But we object to the sovereignty proposed to be exercised under this ukase not less than we do to the claim of it. *We can not admit the right of any power possessing the sovereignty of a country to exclude the vessels of others from the seas on its coasts to the distance of 100 Italian miles.*

Again, on the 28th November, 1822, the Duke of Wellington addressed a note to Count Lieven containing the following words:

The second ground on which we object to the ukase is that His Imperial Majesty thereby excludes from a certain considerable extent of the open sea vessels of other nations. We contend that the assumption of this power is contrary to the law of nations; and we can not found a negotiation upon a paper in which it is again broadly asserted. We contend that no power whatever can exclude another from the use of the open sea; a power can exclude itself from the navigation of a certain coast, sea, etc., by its own act or engagement, but it can not by right be excluded by another. This we consider as the law of nations; and we can not negotiate upon a paper in which a right is asserted inconsistent with this principle.

It is evident, therefore, that so far as diplomatic representation went, the King's Government of that date took every step which it was in their power to take in order to make it clear to the Russian Government that Great Britain did not accept the claim to exclude her subjects for 100 miles distance from the coast, which had been put forward in the ukase of 1821.

Mr. Blaine does not deal with these protests, which appear to Her Majesty's Government to be in themselves amply sufficient to decide the question, whether Great Britain did or did not acquiesce in the Russian claim put forward by the ukase. He confines himself mainly, in the dispatch under consideration, to the consideration of the treaties which were subsequently made between Great Britain and Russia and America and Russia in the year 1825; and especially of that between Russia and Great Britain. This treaty, of which the text is printed at the close of Mr. Blaine's dispatch, does not contain a word to signify the acquiescence of Great Britain in the claim recently put forward by Russia to control the waters of the sea for 100 miles from her coast. There is no stipulation upon which this interpretation can be imposed by any process of construction whatsoever. But there is a provision having in our judgment a totally opposite tendency, which indeed was intended to negative the extravagant claim that had recently been made on the part of Russia; and it is upon this provision that the main part of Mr. Blaine's argument, as I understand it, is founded. The stipulation to which I refer is contained in the first article, and runs as follows:

ARTICLE 1. It is agreed that the respective subjects of the high contracting parties shall not be troubled or molested in any part of the ocean, commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing at such parts of the coast as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following articles.

I understand Mr. Blaine's argument to be that if Great Britain had intended to protest against the claim of Russia to exclude ships for 100

miles from her coasts in Behring's Sea she would have taken this opportunity of doing so; but that in confining herself to stipulations in favor of full liberty of navigation and fishing in any part of the ocean, commonly called the Pacific Ocean, she, by implication, renounced any claim that could arise out of the same set of circumstances in regard to any sea that was not part of the Pacific Ocean. And then Mr. Blaine goes on to contend that the phrase "Pacific Ocean" did not and does not include Behring's Sea.

Even if this latter contention were correct, I should earnestly demur to the conclusion that our inherent rights to free passage and free fishing over a vast extent of ocean could be effectively renounced by mere reticence or omission. The right is one of which we could not be deprived unless we consented to abandon it, and that consent could not be sufficiently inferred from our negotiators having omitted to mention the subject upon one particular occasion.

But I am not prepared to admit the justice of Mr. Blaine's contention that the words "Pacific Ocean" did not include Behring's Sea. I believe that in common parlance, then and now, Behring's Sea was and is part of the Pacific Ocean; and that the latter words were used in order to give the fullest and widest scope possible to the claim which the British negotiators were solemnly recording of a right freely to navigate and fish in every part of it, and throughout its entire extent. In proof of the argument that the words "Pacific Ocean" do not include Behring's Sea, Mr. Blaine adduces a long list of maps in which a designation distinct from that of "Pacific Ocean" is given to Behring's Sea; either "Behring's Sea" or "Sea of Kamschatka" or the "Sea of Anadir." The argument will hardly have any force unless it is applicable with equal truth to all the other oceans of the world. But no one will dispute that the Bay of Biscay forms part of the Atlantic Ocean, or that the Gulf of Lyons forms part of the Mediterranean Sea; and yet in most maps it will be found that to those portions of the larger sea a separate designation has been given. The question whether by the words "Pacific Ocean" the negotiators meant to include or to exclude Behring's Sea depends upon which locution was esteemed to be correct usage at the time. The date is not a distant one, and there is no ground for suggesting that the usage has changed since the Anglo-Russian treaty of 1825 was signed. The determination of this point will be most satisfactorily ascertained by consulting the ordinary books of reference. I append to this dispatch a list of some thirty works of this class, of various dates from 1795 downwards, and printed in various countries, which combine to show that, in customary parlance, the words "Pacific Ocean" do include Behring's Sea.

If, then, in ordinary language, the Pacific Ocean is used as a phrase including the whole sea from Behring's Straits to the Antarctic Circle, it follows that the first article of the treaty of 1825 did secure to Great Britain in the fullest manner the freedom of navigation and fishing in Behring's Sea. In that case no inference, however direct or circuitous, can be drawn from any omission in the language of that instrument to show that Great Britain acquiesced in the usurpation which the ukase of 1821 had attempted. The other documents which I have quoted sufficiently establish that she not only did not acquiesce in it, but repudiated it more than once in plain and unequivocal terms; and as the claim made by the ukase has no strength or validity except what it might derive from the assent of any power whom it might affect, it results that Russia has never acquired by the ukase any right to curtail the natural liberty of Her Majesty's subjects to navigate or fish in these

seas anywhere outside territorial waters. And what Russia did not herself possess she was not able to transmit to the United States.

Her Majesty's Government have, in view of these considerations, no doubt whatever that British subjects enjoy the same rights in Behring's Sea which belong to them in every other portion of the open ocean; but it is, nevertheless, a matter of sincere satisfaction that the President is willing to refer to arbitration what he conceives to be the matters which have been under discussion between the two Governments for the last four years. In regard to the questions as they are proposed by Mr. Blaine, I should say that as to the first and second no objection will be offered by Her Majesty's Government. They are as follows:

- (1) What exclusive jurisdiction in the sea now known as the Behring's Sea, and what exclusive rights in the seal fisheries therein did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?
- (2) How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

The third question is expressed in the following terms:

Was the body of water now known as the Behring's Sea included in the phrase "Pacific Ocean," as used in the treaty of 1825 between Great Britain and Russia; and what rights (if any) in the Behring's Sea were given or conceded to Great Britain by the said treaty?

Her Majesty's Government would have no objection to referring to arbitration the first part of that question, if it should be thought desirable to do so; but they would give that consent with the reservation that they do not admit that the decision of it can conclude the larger questions which the arbitrator would have to determine. To the latter part of No. 3 it would be their duty to take exception:

What rights, if any, in the Behring's Sea were given or conceded to Great Britain by the said treaty?

Great Britain has never suggested that any rights were given to her or conceded to her by the said treaty. All that was done was to recognize her natural right of free navigation and fishing in that as in all other parts of the Pacific Ocean. Russia did not give those rights to Great Britain, because they were never hers to give away.

- (4) Did not all the rights of Russia as to jurisdiction and as to the seal fisheries in Behring's Sea east of the water boundary in the treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that treaty?

This fourth question is hardly worth referring to an arbitrator, as Great Britain would be prepared to accept it without dispute.

The fifth proposed question runs as follows:

- (5) What are now the rights of the United States as to the fur-seal fisheries in the waters of the Behring's Sea outside of the ordinary territorial limits; whether such rights grow out of the cession by Russia of any special rights or jurisdiction held by her in such fisheries or in the waters of Behring's Sea, or out of the ownership of the breeding islands, and the habits of the seals in resorting thither and rearing their young thereon, and going out from the islands for food, or out of any other fact or incident connected with the relation of those seal fisheries to the territorial possessions of the United States?

The first clause, "What are now the rights of the United States as to the fur-seal fisheries in the waters of the Behring's Sea outside of the ordinary territorial limits?" is a question which would be very properly referred to the decision of an arbitrator. But the subsequent clause, which assumes that such rights could have grown out of the ownership of the breeding islands and the habits of the seals in resorting thereto, involves an assumption as to the prescriptions of inter-

national law at the present time to which Her Majesty's Government are not prepared to accede. The sixth question, which deals with the issues that will arise in case the controversy should be decided in favor of Great Britain, would perhaps more fitly form the substance of a separate reference. Her Majesty's Government have no objection to refer the general question of a close time to arbitration, or to ascertain by that means how far the enactment of such a provision is necessary for the preservation of the seal species; but any such reference ought not to contain words appearing to attribute special and abnormal rights in the matter to the United States.

There is one omission in these questions which I have no doubt the Government of the President will be very glad to repair; and that is the reference to the arbitrator of the question what damages are due to the persons who have been injured, in case it shall be determined by him that the action of the United States in seizing British vessels has been without warrant in international law. Subject to these reservations, Her Majesty's Government will have great satisfaction in joining with the Government of the United States in seeking by means of arbitration an adjustment of the international questions which have so long formed a matter of controversy between the two Governments.

I have to request that you will read this dispatch to Mr. Blaine, and leave a copy of it with him should he desire it.

I am, etc.,

SALISBURY.

#### APPENDIX.

Malham, John (Naval Gazetteer, 1795): Kamschatka Sea is a large branch of the Oriental or North Pacific Ocean.

Beering's Straits, which is the passage from the North Pacific Ocean to the Arctic Sea.

Brookes, R. (General Gazetteer, 1802): Beering's Island. An island in the Pacific Ocean. [Behring's Island is in Behring's Sea.]

Kamschatka. Bounded east and south by Pacific.

Montefiore (Commercial Dictionary, 1803): Kamtschatka. Bounded on the north by the country of the Koriacs, on the east and south by the North Pacific Ocean, and on the west by the Sea of Okotsk.

Geographical Dictionary, London, 1804: Beering's Island. In the North Pacific Ocean.

Cruttwell, C. (New Universal Gazetteer, 1808): Beering's Island. An island in the North Pacific Ocean.

Kamtchatka. River, which runs into the North Pacific Ocean.

Kamtchatka. Peninsula, bounded on the east and south by the North Pacific Ocean.

Maugnall, R. (Compendium of Geography, 1815): Islands in the Eastern or Great Pacific Ocean: Bhering's Isle.

Galletti, J. G. A. (Geographisches Wörterbuch, Pesth, 1822): Stilles Meer. Vom 5 nördl. Br. an bis zur Beringsstrasse aufwärts stets heftige Stürme. [Behring's Strait is at the northern extremity of Behring's Sea.]

Edinburgh Gazetteer (edition 1822, vol. 1, p. 432): Behring's Island. An island in the North Pacific Ocean.

General Gazetteer, London, 1823: Beering's Island. In the North Pacific Ocean.

New London Universal Gazetteer, 1826: Beering's Island. In the Pacific.

Dictionnaire Géographique Universel, 1828: Mer Pacifique. Il s'étend du nord au sud depuis le Cercle Polaire Arctique, c'est-à-dire, depuis le Détroit de Behring, qui le fait communiquer à l'Océan Glacial Austral.

Seitz, Dr. J. C. (Geographisches-Statistisches Handwörterbuch, Halberstadt, 1829): Stilles Meer. Vom 30 südlicher Breite bis zum 5 nördlicher Breite verdient es durch seine Heiterkeit und Stille den namen des Stillen Meers; von da an bis zur Beringsstrasse ist es heftigen Stürmen unterworfen.

Penny National Library: Geography and Gazetteer, 1830: Beering's Island. In the North Pacific Ocean.

Arrowsmith (Grammar of Modern Geography, 1832: Bhering's Strait connects the Frozen Ocean with the Pacific.

The Anadir flows into the Pacific Ocean.

The principal gulfs of Asiatic Russia are: the Gulf of Anadir, near Bhering's Strait; the Sea of Penjina, and the Gulf of Okhotsk, between Kamchatka and the mainland of Russia—all three in the Pacific Ocean.

Précis de la Géographie Universelle, par Malte-Brun, vol. 2, p. 181, édition 1835: L'Océan Pacifique Boréal s'étend depuis le Détroit de Behring jusqu'au tropique de Cancer.

Précis de la Géographie Universelle, par Malte-Brun, vol. 8, p. 4: Le Détroit de Behring. A commencer par ce détroit, le Grand Océan (ou Océan Pacifique) forme la limite orientale de l'Asie.

Langlois (Dictionnaire de Géographie, 1838): Behring (Détroit célèbre). Il joint l'Océan Glacial Arctique au Grand Océan.

Penny Cyclopædia, 1840: The Pacific Ocean. Its boundary line is pretty well determined by the adjacent continents, which approach one another towards the north, and at Behring's Strait, which separates them, are only about 36 miles apart. This strait may be considered as closing the Pacific on the north.

Dictionnaire Universel d'Histoire et de Géographie, par M. N. Bouillet, Paris, 1842: Behring (Détroit de). A l'extrémité nord-est de l'Asie, sépare ce Continent de l'Amérique et l'Océan Glacial Arctique de l'Océan Pacifique.

Behring (Mer de), partie de l'Océan Pacifique.

Dictionnaire Géographique et Statistique par Adrien Guibert, Paris, 1850: Behring (Détroit de). Canal de l'Océan \* \* \* unissant les eaux de l'Océan Pacifique à celles de l'Océan Arctique.

The New American Cyclopædia, edited by George Ripley and Charles A. Dana, New York, 1851: Pacific Ocean. Between longitude 70° west and 110° east, that is for a space of over 180°—it covers the greater part of the earth's surface, from Behring's Straits to the Polar Circle, that separates it from the Antarctic Ocean.

Grand Dictionnaire de Géographie Universelle, par M. Bescherelle Aîné, 4 vols., 1855: Behring (Détroit de). Canal du Grand Océan unissant les eaux de l'Océan Pacifique à celles de l'Océan Glacial Arctique.

Imperial Gazetteer, 1855: Behring's Sea, sometimes called the Sea of Kamchatka, is that portion of the North Pacific Ocean lying between the Aleutian Islands and Behring's Strait.

Fullarton's Gazetteer of the World, 1856: Behring's Island. An island in the North Pacific Ocean.

Cyclopædia of Geography, by Charles Knight, 1856: Behring's Strait, which connects the Pacific with the Arctic Ocean, is formed by the approach of the continents of America and Asia.

McCulloch's Geographical Dictionary, edited by F. Martin, 1866: Pacific Ocean. Its extreme southern limit is the Antarctic Circle, from which it stretches northward through 132° degrees of latitude to Behring's Strait, which separates it from the Arctic Ocean.

Grand Dictionnaire Universel, par M. Pierre Labousse, Paris, 1867: Behring (Détroit de). Canal ou bras de mer unissant les eaux de l'Océan Glacial Arctique à celles de l'Océan Pacifique.

Encyclopædia Britannica, 1875: Behring's Strait. The narrow sea between the northeast part of Asia and the northwest part of North America, connecting the North Pacific with the Arctic Ocean.

St.-Martin, Nouveau Dictionnaire de Géographie Universelle, Paris, 1879: Bering (Détroit de). Passage qui unit l'Océan Glacial Arctique au Grand Océan.

Lippincott's Gazetteer of the World, Philadelphia, 1880: Behring Sea, or Sea of Kamchatka, is that part of the North Pacific Ocean between the Aleutian Islands in latitude 55° north and Behring Strait in latitude 66° north, by which latter it communicates with the Arctic Ocean.

Bryce and Johnston, Cyclopædia of Geography, London and Glasgow, 1880: Behring, or Bhering. A strait, sea, island, and bay, North Pacific Ocean.

Brockhaus' Conversations Lexicon, Leipzig, 1882: Bering's Meer. Der nordöstlichste Teil des Stillen Ocean's.

Ritter's Geographisch-Statistisch Lexicon, Leipzig, 1883: Beringsstrasse. Meerenge das nordöstlichste Eismeer mit dem Stillen Ocean verbindend.

Pocket Encyclopædia, Sampson Low, 1888: Behring's Sea. North-east part of the Pacific between Asia and America.

Chamber's Encyclopædia, 1888: Behring Strait connects the Pacific with the Arctic Ocean.

Behring Sea. A part of the Pacific Ocean, commonly known as the Sea of Kamchatka.

Blackie's Modern Cyclopædia, 1889 edition: Behring's Strait, connecting the North Pacific with the Arctic Ocean.

Behring's Sea, sometimes called the Sea of Kamchatka, is that portion of the North Pacific Ocean lying between the Aleutian Islands and Behring's Straits.

In support of his argument that the term "Pacific Ocean" was not understood at the time as including Behring's Sea, Mr. Blaine has quoted a note which, it appears, was presented by the Russian minister at Washington after the ratification of the treaty of the 5th (17th) April, 1824, between the United States and Russia.

In this note Baron Tuyl stated that "the Aleutian Islands, the coasts of Siberia, and the Russian possessions in general on the northwest coast of America to 59° 30' of north latitude were positively excepted from the liberty of hunting, fishing, and commerce stipulated in favor of United States citizens for ten years." The rights alluded to could not be those contained in the first article of the treaty, which is unlimited in duration, but those of frequenting the interior seas, harbors, and creeks conferred by article iv.

Baron Tuyl grounded this construction of the treaty on the argument that "the coasts of Siberia are washed by the Sea of Okhotsk, the Sea of Kamschatka, and the Icy Sea, and not by the South Sea mentioned in the first article of the convention," and that "the Aleutian Islands were also washed by the Sea of Kamschatka or Northern Ocean."

He added that "it was not the intention of Russia to impede the free navigation of the Pacific Ocean, and that she would be satisfied with causing to be recognized, as well understood and placed beyond all manner of doubt, the principle that beyond 59° 30' no vessel could approach her coasts and islands, nor fish or hunt within the distance of 2 marine leagues."\*

Mr. Adams, on being shown the draft of the note, stated to Baron Tuyl that, if it were presented, he should return an answer to the effect that "the construction of treaties depending here upon the judiciary tribunals, the Executive Government, even if disposed to acquiesce in that of the Russian Government, as announced by him (Baron Tuyl), could not be [I make it] binding upon the courts or upon this nation." He went on to say that it would be much better not to present the note, as the United States merchants would not go to trouble the Russians on the coast of Siberia or north of the fifty-seventh degree of latitude, and it was wisest not to put such fancies into their heads.

The incident therefore shows nothing material to the present issue except that the Russian minister attempted in a note, which has hitherto been kept secret, to argue that the Behring's Sea was not a part of the South Sea (a term which is not employed in the British treaty), and that Mr. Adams stated that, even if the United States Government were disposed to acquiesce in this view, they could not bind the nation or the courts to it.

On the other hand, the regulations of 1881, under which the American schooners *Eliza* and *Henrietta* were seized by the Russian authorities, are headed:

"Notice of order relative to commerce on *Russian Pacific Coast*."

"Without a special permit or license from the governor-general of Eastern Siberia foreign vessels are not allowed to carry on trading, hunting, fishing, etc., on the Russian coasts or islands in the Okhotsk and Behring's Seas, or on the northeastern coast of Asia, or within their sea boundary line."

(Memorandum in Mr. Lothrop's dispatch to Mr. Bayard of the 7th March, 1887. Ex. Doc. No. 106, Fiftieth Congress, second session, p. 271.)

M. de Giers, in his subsequent note of the 8th May, 1882, speaks of these regulations as "a notice published by our consul at Yokohama relative to fishing, hunting, and to trade in the Russian waters of the Pacific" (*ibid.*, p. 262).

Mr. Frelinghuysen also speaks of the matter as "touching the Pacific coast fisheries" (*ibid.*, p. 258.)

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*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, April 14, 1891.

SIR: The modifications which Lord Salisbury suggests in the questions for arbitration do not wholly meet the views of the President; but the President changes the text of the third and fifth in such manner, it

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\* It does not appear, however, that the proposed limit of 2 leagues was observed or enforced, for in 1868 the Russian minister for foreign affairs, explaining the treatment of the American sealer "Java" in the Sea of Okhotsk, writes:

"Considering that foreign sealers are forbidden by the laws in force to fish in the Russian gulfs and bays at a distance less than 3 miles from the shore." (Mr. Westmann to Mr. Clay, 31st July, 1868. Ex. Doc. No. 106, Fiftieth Congress, second session, p. 253.)

is hoped, as will result in an agreement between the two Governments. While Lord Salisbury suggests a different mode of procedure from that embodied in the sixth question, the President does not understand him actually to object to the question, and he therefore assumes that it is agreed to.

The six questions as now proposed by the President are as follows:

First. What exclusive jurisdiction in the sea now known as the Behring Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

Second. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

Third. Was the body of water now known as the Behring Sea included in the phrase "Pacific Ocean," as used in the treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring Sea were held and exclusively exercised by Russia after said treaty?

Fourth. Did not all the rights of Russia as to jurisdiction and as to the seal fisheries in Behring Sea, east of the water boundary described in the treaty between the United States and Russia of March 30, 1867, pass unimpaired to the United States under that treaty?

Fifth. Has the United States any right, and if so, what right, of protection or property in the fur seals frequenting the islands of the United States in Behring Sea when such seals are found outside the ordinary 3-mile limit?

Sixth. If the determination of the foregoing questions shall leave the subject in such position that the concurrence of Great Britain is necessary in prescribing regulations for the killing of the fur seal in any part of the waters of Behring Sea, then it shall be further determined: First, how far, if at all, outside the ordinary territorial limits it is necessary that the United States should exercise an exclusive jurisdiction in order to protect the seal for the time living upon the islands of the United States and feeding therefrom? Second, whether a closed season (during which the killing of seals in the waters of Behring Sea outside the ordinary territorial limits shall be prohibited) is necessary to save the seal-fishing industry, so valuable and important to mankind, from deterioration or destruction? And, if so, third, what months or parts of months should be included in such season, and over what waters it should extend?

The President does not object to the additional question respecting alleged damages to English ships, proposed by Lord Salisbury, if one condition can be added, namely, that after the issues of the arbitration are joined, if the United States shall prevail, all the seals taken by Canadian vessels during the period shall be paid for at the ordinary price for which skins are sold. This seems to the President to be the complement of Lord Salisbury's proposition, and he doubts not that it will secure his lordship's assent.

In the first paragraph of Lord Salisbury's dispatch of February 21 he makes the following declaration:

It is now quite clear that the advisers of the President do not claim Behring Sea as *mare clausum*, and, indeed, that they repudiate that contention in express terms.

Lord Salisbury's expression is put in such form as to imply (whether he so intended I know not) that the United States had hitherto been resting its contention upon the fact that the Behring Sea was *mare clausum*. If that was his intention it would have been well for his lordship to specify wherein the United States ever made the assertion. The em-

phatic denial in my dispatch of December 17 last was intended to put an end to the iteration of the charge and to eliminate it from the current discussion.

Lord Salisbury complains that I did not deal with certain protests, written by Lord Londonderry and the Duke of Wellington in 1822, which he had before quoted. If he will recur to the twenty-sixth and twenty-seventh pages of my dispatch of December 17, he will observe that I specially dealt with these; that I maintained and, I think, proved from the text that there was not a single word in those protests referring to the Behring Sea, but that they referred, in the language of the Duke of Wellington of the 17th of October, 1822, only to the lands "extending along the shores of the Pacific Ocean from latitude 49° to latitude 60° north." In the first paragraph of Lord Londonderry's protest of January 18, 1822, addressed to Count Lieven, of Russia, he alluded to the matters in dispute as "*especially connected with the territorial rights of the Russian Crown on the northwest coast of America bordering on the Pacific Ocean, and the commerce and navigation of His Imperial Majesty's subjects in the seas adjacent thereto.*" From these and other pertinent facts it is evident that the protests of Lord Londonderry and the Duke of Wellington had nothing whatever to do with the points now in issue between the American and British Governments concerning the waters of the Behring Sea. They both referred, in different but substantially identical phrases, to the territory south of the Alaskan peninsula bordering on the Pacific, and geographically shut out from the Behring Sea. I regret that my arguments on a point which Lord Salisbury considers of great importance should have escaped his lordship's notice.

In Lord Salisbury's judgment the contention of the United States now rests wholly upon the ukase of 1821 by the Emperor Alexander I of Russia. The United States has at no time rested its argument solely on the ground mentioned, and this Government regrets that Lord Salisbury should have so misapprehended the American position as to limit its basis of right in Behring Sea to the ukase of 1821. The United States has, among other grounds, insisted, without recurring to any of its inherited and superior rights in Alaska, that this Government has as full authority for going beyond the 3-mile line in case of proved necessity as Great Britain possesses.

Two or three instances of the power which Great Britain exercises beyond the 3-mile line have already been quoted, but have failed thus far to secure comment or explanation from Lord Salisbury. Another case can be added which perhaps is still more to the point. In 1889, only two years ago, the British Parliament enacted a law, the effect of which is fully shown by a map inclosed herewith. Far outside the 3-mile line the Parliament of Great Britain has attempted to control a body of water situated beyond the northeastern section of Scotland, 2,700 square miles in extent, and to direct that certain methods of fishing shall not be used within that great body of water under a prescribed penalty. It will be observed that the inhibition is not alone against British subjects, but against "any person." I here quote the pertinent section of the Parliamentary act in question:

7 (1) The Fishing Board may, by byelaw or byelaws, direct that the methods of fishing known as beam trawling and otter trawling shall not be used within a line drawn from Duncansby Head, in Caithness, to Rattray Point, in Aberdeenshire, in any area or areas to be defined in such byelaw, and may from time to time make, alter, and revoke byelaws for the purposes of this section, but no such byelaw shall be of any validity until it has been confirmed by the secretary for Scotland.

(2) Any person who uses any such method of fishing in contravention of any such byelaw shall be liable, on conviction under the summary jurisdiction (Scotland) acts, to a fine not exceeding five pounds for the first offense, and not exceeding



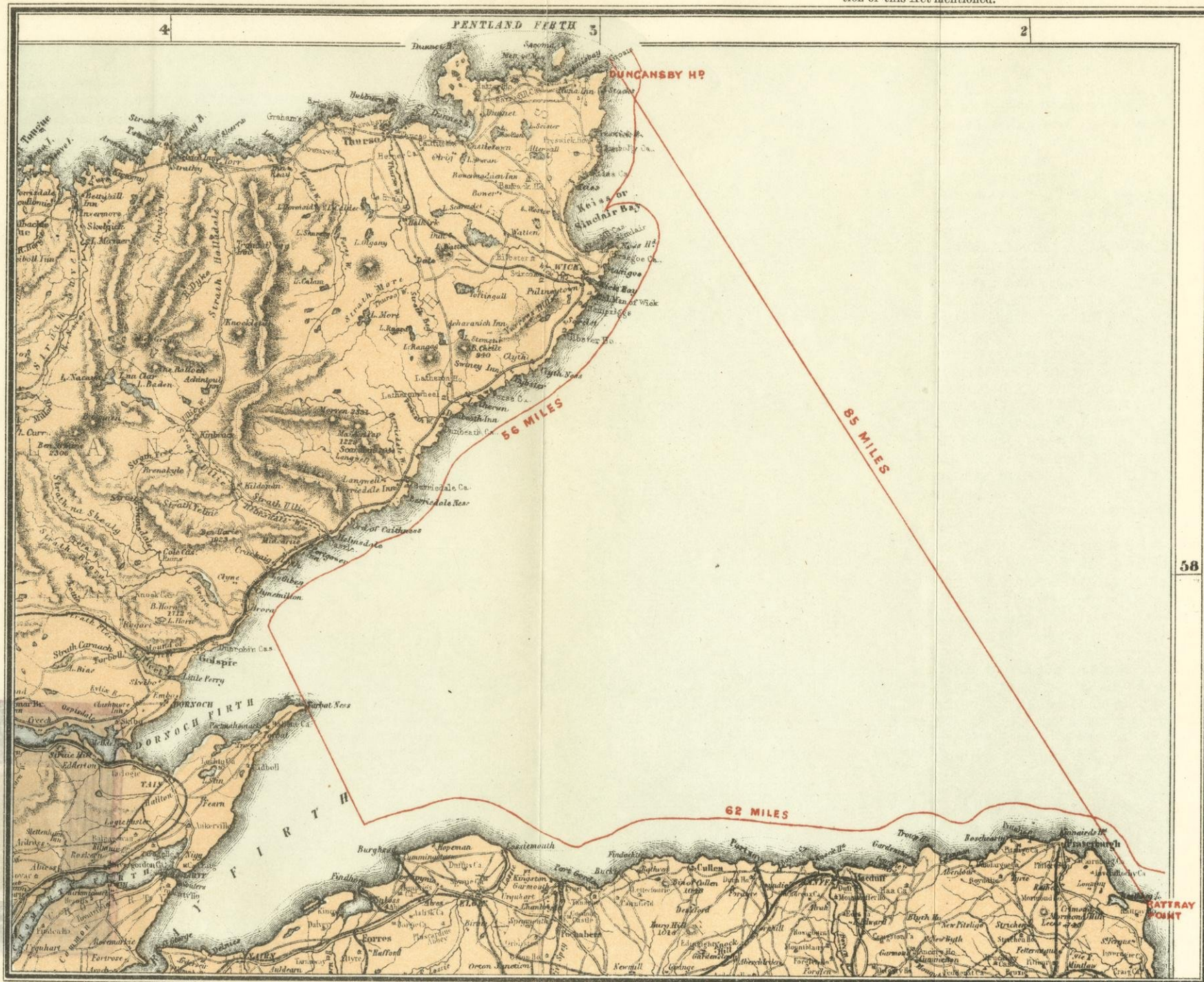
Extract from  
CHAPTER 23.

An Act to amend the Herring Fishery (Scotland) Acts;  
and for other purposes relating thereto.

[26th July 1889.]

7.—(1.) The Fishery Board may, by byelaw or byelaws, direct that the methods of fishing known as beam trawling and otter trawling shall not be used within a line drawn from Duncansby Head, in Caithness, to Rattray Point, in Aberdeenshire, in any area or areas to be defined in such byelaw, and may from time to time make, alter, and revoke byelaws for the purposes of this section, but no such byelaw shall be of any validity until it has been confirmed by the Secretary for Scotland.

(2.) Any person who uses any such method of fishing in contravention of any such byelaw shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding five pounds for the first offence, and not exceeding twenty pounds for the second or any subsequent offence; and every net set, or attempted to be set, in contravention of any such byelaw may be seized and destroyed or otherwise disposed of as in the sixth section of this Act mentioned.



NORTH EASTERN SECTION OF SCOTLAND.





twenty pounds for the second or any subsequent offense, and every net set, or attempted to be set, in contravention of any such byelaw may be seized and destroyed or otherwise disposed of as in the sixth section of this act mentioned.

If Great Britain may thus control an area of 2,700 square miles of ocean on the coast of Scotland, why may not the United States prescribe a space around the Pribyloff Islands in which similar prohibitions may be enforced? The following would be the needed legislation for such a purpose by Congress, and it is but a paraphrase of the act of Parliament:

The Fur-Seal Board may, by by-law or by-laws, direct that the methods of sealing known as spearing, or harpooning, or with firearms, shall not be used within a line drawn from the shores of the Pribyloff Islands, 60 miles in the Behring Sea, and said Board may, from time to time, make, alter, and revoke by-laws for the purpose of this section; but no such by-law shall be of any validity until it has been confirmed by the Secretary of the Treasury.

Second. Any person who uses any such method of sealing in contravention of such by-laws shall be liable on conviction to a fine not exceeding \$100 for the first offense and not exceeding \$500 for the second or any subsequent offense, and every spear, harpoon, or firearm attempted to be used in contravention of any such by-law may be seized and destroyed or otherwise disposed of as said Fur-Seal Board may direct.

It must not escape observation that the area of water outside the 3-mile line on the coast of Scotland, whose control is assumed by Great Britain, is as large as would be found inside a line drawn from Cape Cod to Portland harbor, on the New England coast.

Lord Salisbury reasserts his contention that the words "Pacific Ocean," at the time of the treaty between Russia and Great Britain, did include Behring Sea. Undoubtedly the Pacific Ocean includes Behring Sea in the same sense that the Atlantic Ocean includes the Gulf of Mexico, and yet it would be regarded as a very inaccurate statement to say that the Mississippi River flows into the Atlantic Ocean. I think Lord Salisbury fails to recognize the common distinction between the "Atlantic Ocean" and "the waters of the Atlantic." While the Mexican Gulf is not a part of the Atlantic Ocean, it would, I am sure, comport with general usage to say that it belonged to the waters of the Atlantic; and, while Behring Sea is not technically a part of the Pacific Ocean, it undoubtedly belongs to the waters of the Pacific.

The English Channel would not ordinarily be understood as included in the term "Atlantic Ocean." One would not say that Dover or Calais is on the coast of the Atlantic Ocean, and yet clearly the English Channel belongs to the waters of the Atlantic. In point of fact, therefore, according to the usage of the world, there is no dispute of any consequence between the two Governments on the geographical point under consideration. The historical point is the one at issue. The explanatory note from Russia filed in the State Department of this country, specially referred to in Mr. John Quincy Adams's diary and quoted in my note of December 17, 1890, plainly draws a distinction between the Pacific Ocean on the one hand, and the "Sea of Okhotsk, the sea of Kamschatka, and the Icy Sea" on the other; and so long as Russia drew that distinction it must apply to, and must absolutely decide, all the contentions between the two countries as far as the waters of the Behring Sea are concerned. To discuss this point further would, in the opinion of the President, contribute nothing of value to the general contention.

In the opinion of the President Lord Salisbury is wholly and strangely in error in making the following statement:

Nor do they [the advisers of the President] rely, as a justification for the seizure of British ships in the open sea, upon the contention that the interests of the seal fisheries give to the United States Government any right for that purpose which, according to international law, it would not otherwise possess.

The Government of the United States has steadily held just the reverse of the position which Lord Salisbury has imputed to it. It holds that the ownership of the islands upon which the seals breed, that the habit of the seals in regularly resorting thither and rearing their young thereon, that their going out from the islands in search of food and regularly returning thereto, and all the facts and incidents of their relation to the island, give to the United States a property interest therein; that this property interest was claimed and exercised by Russia during the whole period of its sovereignty over the land and waters of Alaska; that England recognized this property interest so far as recognition is implied by abstaining from all interference with it during the whole period of Russia's ownership of Alaska, and during the first nineteen years of the sovereignty of the United States. It is yet to be determined whether the lawless intrusion of Canadian vessels in 1886 and subsequent years has changed the law and equity of the case theretofore prevailing.

I have, etc.,

JAMES G. BLAINE.

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*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, April 20, 1891.

DEAR MR. BLAINE: I informed Lord Salisbury in a private letter of your alternative suggestion for a *modus vivendi* pending the result of the Behring Sea arbitration, namely, to stop all sealing, both at sea and on land. Lord Salisbury seems to approve of that alternative, and he asks me whether, in case Her Majesty's Government should accept it, you would prefer that the proposal should come from them. I thought you would like to know Lord Salisbury's view of your proposal as early as possible, and that must be my excuse for troubling you with this letter during your repose at Virginia Beach.

May I ask you to be so good as to let me know, as soon as you conveniently can do so, what answer you would wish me to return to Lord Salisbury's inquiry.

Hoping that you have already benefited by the change of air,  
I remain, etc.,

JULIAN PAUNCEFOTE.

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*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, May 4, 1891.

SIR: DURING the month of March last, a few days after the adjournment of Congress, acting under the instructions of the President, I proposed to you that a *modus vivendi* be agreed upon touching the seal fisheries, pending the result of arbitration of the question at issue between the two Governments. The President's first proposal, which I submitted to you, was that no Canadian sealer should be allowed to come within a certain number of miles of the Pribyloff Islands.

It was, however, the conclusion of the President, after reading Lord Salisbury's dispatch of February 21, that this *modus vivendi* might pos-

sibly provoke conflict in the Behring Sea, and, to avoid that result, he instructed me to propose that sealing, both on land and sea, should be suspended by both nations during the progress of arbitration, or during the season of 1891. On both occasions it was a conversational exchange of views, the first in my office at the State Department, the second at my residence.

The President was so desirous of a prompt response from Lord Salisbury to his second proposition that I ventured to suggest that you request an answer by cable, if practicable. Especially was the President anxious to receive an answer (which he trusted would be favorable) before he should set out on his tour to the Pacific States. He left Washington on the night of April 13 without having heard a word from your Government. It was then a full month after he had instructed me to open negotiations on the question, and the only probable inference was that Lord Salisbury would not agree to his proposal.

The silence of Lord Salisbury implied, as seemed not improbable, that he would not restrain the Canadian sealers from entering Behring Sea, and, as all intelligence from British Columbia showed that the sealers were getting ready to sail in large numbers, the President found that he could not with justice prevent the lessees from taking seals on the Pribyloff Islands. The President, therefore, instructed the Secretary of the Treasury, who has official charge of the subject, to issue to the lessees the privilege of killing on the Pribyloff Islands the coming season the maximum number of sixty thousand (60,000) seals, subject, however, to the absolute discretion and power of an agent, appointed by the Secretary of the Treasury, to limit the killing to as small a number as the condition of the herd might, in his opinion, demand.

On the 22d of April, eight days after the President had left Washington, you notified me, when I was absent from the capital, that Lord Salisbury was ready to agree that all sealing should be suspended pending the result of arbitration. On the 23d of April I telegraphed Lord Salisbury's proposition to the President. He replied, April 25, expressing great satisfaction with Lord Salisbury's message, but instructing me to inform you that "some seals must be killed by the natives for food;" that "the lessees are bound, under their lease from the Government, to feed and care for the natives, making it necessary to send a ship to the Pribyloff Islands each season at their expense;" and that, for this service—a very expensive one—the "lessees should find their compensation in taking a moderate number of seals under the lease." The President expressed his belief that this allowance would be readily agreed to by Lord Salisbury, because the necessity is absolute.

You will remember that when I communicated this proposition from the President to you, on the evening of Monday, April 27, you did not agree with the President's suggestion. On the contrary, you expressed yourself as confident that Lord Salisbury would not accept it; that, in your judgment, the killing of seals must be cut off absolutely on the land and in the water, and that it could not be stopped on either unless stopped on both.

The narrative of facts which I have now given (absolutely necessary for clearly understanding the position of this Government) brings me to a further statement, which I am directed by the President to submit. The President refuses to believe that Lord Salisbury can possibly maintain the position you have taken when his lordship is placed in full possession of the facts which I shall now submit to you somewhat in detail.

When the privilege of killing seals on the islands of St. George and

St. Paul, in Behring Sea, was leased to the North American Company for a certain sum per skin to be paid to the Government, other duties of an onerous, costly, and responsible character were imposed upon the company.

Under their lease the company is obliged "to furnish to the inhabitants of the islands of St. George and St. Paul, annually, such quantity or number of dried salmon, and such quantity of salt, and such number of salt barrels for preserving their necessary supply of meat as the Secretary of the Treasury shall from time to time determine."

The company is further obliged "to furnish to the inhabitants of these islands 80 tons of coal annually, and a sufficient number of comfortable dwellings in which said native inhabitants may reside, and shall keep such dwellings in proper repair."

The company is further obliged "to provide and keep in repair such suitable schoolhouses as may be necessary, and shall establish and maintain during eight months of each year proper schools for the education of the children on said islands, the same to be taught by competent teachers, who shall be paid by the company a fair compensation; all to the satisfaction of the Secretary of the Treasury."

The company is further obliged "to maintain a suitable house for religious worship, and will also provide a competent physician or physicians and necessary and proper medicine and medical supplies."

The company is still further obliged "to provide the necessities of life for the widows and orphans, aged and infirm inhabitants of said islands, who are unable to provide for themselves."

And it is finally provided that "all the foregoing agreements shall be done and performed by the company free of all costs and charges to the said native inhabitants of said islands or to the United States."

And it is made still further the duty of the company "to employ the native inhabitants of said islands to perform such labor on the islands as they are fitted to perform, and to pay therefor a fair and just compensation, such as may be fixed by the Secretary of the Treasury." And, also, the company "agrees to contribute, as far as in its power, all reasonable efforts to secure the comfort, health, education, and promote the morals and civilization of said native inhabitants."

In short, then, the means of living, the facilities for education, the care of health, the religious teaching, the training of the young, and the comfort of the old, in a community of over 300 persons, are all imposed upon the company as its solemn duty by specific articles of the lease. I inclose you a copy of the census of 1890, giving every name of the 303 persons, old and young, male and female, who constitute the whole community of the Pribiloff Islands.

The duties thus imposed upon the company must be discharged annually with punctuality and exactness. The comfort, possibly the safety, of all these human beings, peculiarly helpless when left to themselves, is dependent upon the company under the lease, and the lessees are paid therefor by the Government in the seal skins which the company receives for the service. If the company shall, as you say Lord Salisbury requests, be deprived of all privilege of taking seals, they certainly could not be compelled to minister to the wants of these 300 inhabitants for an entire year. If these islanders are to be left to charity, the North American Company is under no greater obligation to extend it to them than are other citizens of the United States. It evidently requires a considerable sum of money to furnish all the supplies named in the lease—supplies which must be carried 4,000 miles on a specially chartered steamer. If the lessees are not to be allowed pay-

ment in any form for the amount necessary to support these 300 people on the islands, they will naturally decline to expend it. No appropriation of money has been made by Congress for the purpose, and the President can not leave these worthy and innocent people to the hazard of starvation, even to secure any form of agreement with Lord Salisbury touching seal life. Seal life may be valuable, but the first duty of the Government of the United States in this matter is to protect human life.

In this exigency the President instructs me to propose to Lord Salisbury that he concede to the North American Company the right to take a sufficient number of seals, and no more than sufficient, to recompense them for their outlay in taking care of the natives; and that, in the phrase of the President, all "commercial killing of seals be prohibited pending the result of arbitration." The Secretary of the Treasury has the right to fix the number necessary to the end desired. After full consideration, he has limited the number to seven thousand five hundred (7,500) to be killed by the company to repay them for the outlay demanded for the support of the 300 people on the Pribyloff Islands. He further directs that no females be killed, and that thus the productive capacity of the herd shall not in the slightest degree be impaired.

This point being fixed and agreed to, the proposed arrangement between the two countries would be as follows:

The Government of the United States limits the number of seals to be killed on the islands, for purposes just described, to seven thousand five hundred (7,500).

The Government of the United States guaranties that no seals shall be killed in the open waters of the Behring Sea by any person or any vessel sailing under the American flag, or by any American citizen sailing under any other flag.

The Government of Great Britain guaranties that no seals shall be killed in the open waters of the Behring Sea by any person on any vessel sailing under the British flag, and that no British subject shall engage in killing seals for the time agreed upon on any vessel sailing under any other flag.

These prohibitions shall continue until the 1st day of May, 1892, within which time the arbitrators shall render final award or awards to both Governments.

These several propositions are submitted for the consideration of Lord Salisbury. The President believes that they are calculated to produce a result at once fair and honorable to both Governments, and thus lead to the permanent adjustment of a controversy which has already been left too long at issue.

I have, etc.,

JAMES G. BLAINE.

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*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,

Washington, May 5, 1891.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, in which you have formulated for the consideration of the Marquis of Salisbury detailed proposals for a *modus vivendi* during the approaching fishery season in Behring Sea on the principle of a cessation

of seal-killing, both at sea and on land, an arrangement to which, as I informed you in my note of the 20th ultimo, his lordship was disposed to give his favorable consideration.

I have forwarded to Lord Salisbury by this day's mail a copy of your note, and I have telegraphed to his lordship the precise terms of the proposal with which it concludes.

I much regret to find that a misconception has arisen as regards your complaint of delay on my part in acquainting Lord Salisbury with your second alternative proposal for a cessation of seal-killing at sea and on land, which you originally made to me verbally.

On that occasion you may remember that I expressed some reluctance at sending any further proposals to his lordship while his dispatch of February 21 last (submitting amendments on the questions for arbitration) remained unanswered, and that I suggested that it would be more satisfactory if this new proposal were made concurrently with your reply to that dispatch, which I hoped to receive with the least possible delay.

I understood you to assent to that suggestion and to say that "you would proceed in that order."

If you had informed me that the President for any reason desired that this alternative proposal should be telegraphed to Lord Salisbury, I need hardly say that I should have complied at once with his wishes. But I can not call to mind that the President's name was ever mentioned at our interview, which you correctly describe as "a conversational exchange of views." Fortunately, however, no appreciable loss of time occurred. I acquainted Lord Salisbury with your alternative proposal by the mail of the 7th of April (a few days only after it was made), and I received a prompt answer by telegraph, which enabled me to inform you by my note of April 20th that his lordship was disposed to consider the proposal favorably.

At an interview at your residence on the 23d of April you expressed your satisfaction at Lord Salisbury's reply, and you stated that before taking any further steps you desired to communicate by telegraph with the President.

At a further interview at your residence on the 27th you informed me that the President desired that the *modus vivendi* should contain a reservation of the right to kill a certain number of seals for the support of the natives of the Pribyloff Islands. At first sight this reservation caused me some disappointment. It certainly appeared to me open to exception as detracting from the principle of equality, which was a feature of the original proposal. But I was more concerned at your stating that it never was the intention of the President or of yourself that the *modus vivendi* should be put in force until the terms of arbitration had been settled.

This, I feared, would prevent the timely application of the *modus vivendi*, and I so informed Lord Salisbury by telegram on the same day.

I notice with satisfaction that no such condition is affixed to your present proposal, although the reservation as to the killing of a limited number of seals on the islands is maintained.

I am glad to think that there is yet time to carry out for this fishery season any arrangement which may promptly be agreed to, and I hope that the above explanation may remove the impression you appear to have formed that there has been any delay on my part in expediting the consideration of the *modus vivendi* which you have proposed.

I have, etc.,

JULIAN PAUNCEFOTE.



*Mr. Adee to Sir Julian Pauncefote.*

[Personal.]

DEPARTMENT OF STATE,  
Washington, May 20, 1891.

MY DEAR SIR JULIAN: The President is desirous to learn the reply of Her Majesty's Government to the proposition submitted in Department's note of the 4th instant, to stop sealing by citizens of the United States as well as by subjects of Her Majesty, pending the arbitration of questions in dispute touching the seal fisheries in Behring Sea.

I should be glad to know as soon as possible the present state of the matter.

I remain, etc.,

ALVEY A. ADEE.

*Sir Julian Pauncefote to Mr. Adee.*

[Personal.]

BRITISH LEGATION,  
Washington, May 21, 1891.

DEAR MR. ADEE: I regret that I am not yet in a position to answer the inquiry of the President communicated to me in your letter of yesterday; but, immediately on its receipt, I telegraphed the substance of its contents to the Marquis of Salisbury, and I hope to receive in the course of to-day a telegram from his lordship in reply.

You may rely on my using the utmost expedition in the matter.

I remain, etc.,

JULIAN PAUNCEFOTE.

*Mr. Adee to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, May 26, 1891.

SIR: In my personal note of the 20th instant and on several occasions in oral communication, I have had the honor to express the desire of the President to be informed at the earliest possible moment of the response of Her Majesty's Government to the proposal, which formed the subject of Mr. Blaine's note to you of the 4th instant, that seal-taking on the islands and in the waters of Behring Sea be limited, as in said note expressed, as to citizens of the United States and subjects of Great Britain, pending the arbitration of certain questions in controversy between the two Governments.

In several interviews with you since the 20th instant the desire of the President for an early response to the note of the 4th of May has been reaffirmed.

The situation evidently calls for prompt action. Each day's delay increases the existing difference in the ability of the respective Governments to make the proposed limitation of seal-taking effective. It is reported that a large fleet of Canadian sealers has been for some weeks or months on the seas. They are daily going further out of reach. The

revenue cruisers have awaited definite orders. Their presence is urgently needed in the Behring Sea. Any further delay tends to defeat the very purpose for which the agreement is sought. It is quite incompatible with fairness and justice to our citizens that this should be permitted to continue.

Ample opportunity has been afforded to Her Majesty's Government to bring this condition to a close by an effective agreement; but the result is still uncertain and, to all appearances, remote. The President would be glad to know that it is near at hand and certain; but he can no longer hold back in furtherance of a vague hope, to the detriment of the legitimate interests of the Government and citizens of the United States.

I am therefore directed by the President to inform you that orders have been given to the revenue steamer *Rush* to proceed to the sealing islands.

Another revenue steamer, the *Corwin*, is at San Francisco, nearly ready to sail, and will very shortly put to sea. Should an agreement be reached before her departure, appropriate orders may still be sent by her to the islands. I mention this in order that you may comprehend how fully this Government desires to effect an arrangement for this season, and that you may realize how each day's delay lessens the ability of Her Majesty's Government to effectively coöperate with regard to British subjects and tends to destroy the practical utility of an agreement to limit the seal catch.

I am, etc.,

ALVEY A. ADEE,  
*Acting Secretary.*

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*Sir Julian Pauncefote to Mr. Adee.*

BRITISH LEGATION,  
*Washington May 27, 1891.*

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, and to inform you that I have communicated the substance of its contents to the Marquis of Salisbury by telegram.

I feel assured that his lordship will greatly regret any inconvenience which may be caused to your Government by the impracticability of returning an immediate reply to the proposal contained in Mr. Blaine's note to me of the 4th instant.

Lord Salisbury, as I had the honor to state to you verbally, is using the utmost expedition; but the lateness of the proposal and the conditions attached to it have given rise to grave difficulties, as to which his lordship has necessarily been in communication with the Canadian Government. His reply, however, may now arrive at any moment.

I have, etc.,

JULIAN PAUNCEFOTE.

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*Proposal of Her Majesty's Government for a modus vivendi in the Behring Sea during the present fishing season.*

WASHINGTON, June 3, 1891. (Received June 4.)

(1) The Government of Great Britain and of the United States shall prohibit until May, 1892, the killing of seals in Behring Sea or any

islands thereof, and will, to the best of their power and ability, insure that subjects and citizens of the two nations, respectively, and the vessels flying their respective flags shall observe that prohibition.

(2) During the period above specified the United States Government shall have the right to kill 7,500 seals.

(3) Consuls may at any time be appointed to the islands in the Behring Sea, and the United States Government will grant an "exequatur" to any such consuls.

(4) Unless the assent of Russia be obtained to this convention, it shall not come into operation.

JULIAN PAUNCEFOTE.

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*Behring Sea arbitration.*

WASHINGTON, June 3, 1891. (Received June 4.)

The undersigned has been instructed by the Marquis of Salisbury to inform the United States Government that Her Majesty's Government are prepared to assent to the first five questions proposed to be submitted to arbitration in the note of Hon. James G. Blaine to the undersigned, dated the 14th of April last.

Her Majesty's Government can not give their assent to the sixth question formulated in that note. In lieu thereof they propose the appointment of a commission to consist of four experts, of whom two shall be nominated by each Government, and a chairman, who shall be nominated by the arbitrators. The commission shall examine and report on the question which follows:

For the purpose of preserving the fur-seal race in Behring Sea from extermination, what international arrangements, if any, are necessary between Great Britain and the United States and Russia or any other power.

As regards the question of compensation, Her Majesty's Government propose the following article:

It shall be competent to the arbitrators to award such compensation as in their judgment shall seem equitable to the subjects and citizens of either power who shall be shown to have been damaged in the pursuit of the industry of sealing by the action of the other power.

JULIAN PAUNCEFOTE.

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*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, June 4, 1891.

SIR: I am directed by the President to say, in reply to your note of the 3d instant, conveying to the Government of the United States the response of Her Majesty's Government to the proposal of Mr. Blaine for a *modus vivendi*, relating to the seal fisheries in Behring Sea during the present season:

First. In place of the first and second subdivisions of the agreement, as submitted to you, the President suggests the following:

(1) The Government of Great Britain shall prohibit, until May, 1892, the killing of seals in all that part of the Behring Sea lying east, eastwardly, or southeastwardly of the line described in article 1 of the convention between the United States and Russia, of date March 30,

1867, and will promptly take such steps as are best calculated effectually to insure the observance of this prohibition by the subjects and citizens of Great Britain and all vessels flying its flag.

(2) The Government of the United States shall prohibit, until May, 1892, the killing of seals in that part of Behring Sea above described, and on the shores and islands thereof, the property of the United States (in excess of 7,500 to be taken on the islands), and the Government of the United States will promptly take such steps as are best calculated effectually to insure the observance of this prohibition by the citizens of the United States and the vessels flying its flag.

These changes are suggested in order that the *modus* may clearly have the same territorial extent with the pending proposals for arbitration; that the stipulation for a prohibition of seal-killing upon the islands of the United States may rest upon its own order; and that the obligation of the respective Governments to give prompt and vigorous effect to the agreement may be more clearly apparent.

Second. The pertinency of the suggestion contained in the third subdivision of Lord Salisbury's proposal is not apparent to the President. The statutes of the United States explicitly prohibit the landing of any vessels at the seal islands and the residence thereon of any person unless specifically authorized by the Secretary of the Treasury. It is therefore obvious that no consular functions could be discharged upon the islands by any representative of Her Majesty's Government. The President regards this law as declaring an exception as to the residence of consuls within the meaning of article 4 of the convention of commerce and navigation of December 22, 1815, between Her Majesty's Government and the United States. If the proposal is intended to relate to the islands of St. Paul and St. George, and has for its object access for such agents of the Government of Her Majesty as may be appointed to investigate facts that may be involved in the pending proposals for arbitration or in the hearing before the arbitrators, I am directed by the President to say that, in the event of an agreement for arbitration of the questions in dispute between Great Britain and the United States, he would be willing to extend reasonable facilities to Great Britain for the investigation at the islands of any facts involved in the controversy.

Third. The fourth clause of the proposal of Her Majesty's Government, limiting the taking effect of the *modus vivendi* upon the assent of Russia, presents what seems to the President an insuperable difficulty, as an adherence to that suggestion by Her Majesty's Government will, in his opinion, prevent the conclusion of any agreement, and will inevitably cause such a delay as to thwart the purposes which he must suppose both Governments have had in view. He is surprised that this result did not suggest itself to Lord Salisbury, and does not doubt that it will be apparent to him on a reëxamination. I am also directed to remind you that the contention between the United States and Great Britain has been limited to that part of Behring Sea eastward of the line of demarcation described in our convention with Russia, to which reference has already been made, and that Russia has never asserted any rights in these waters affecting the subject-matter of this contention, and can not therefore be a necessary party to these negotiations, if they are not now improperly expanded. Under the statutes of the United States, the President is authorized to prohibit sealing in the Behring Sea within the limits described in our convention with Russia and to restrict the killing of seals on the islands of the United States; but no authority is conferred upon him to prohibit or make penal the taking of seals in the waters of Behring Sea westward of the line

referred to or upon any of the shores or islands thereof. It was never supposed by anyone representing the Government of the United States in this correspondence, or by the President, that an agreement for a *modus vivendi* could be broader than the subject of contention stated in the correspondence of the respective Governments.

Negotiations for an arbitration have been proceeding between the United States and Great Britain, and, if these powers are competent to settle by this friendly method their respective rights and relations in the disputed waters upon a permanent basis, it would seem to follow that no question could arise as to their competency to deal directly with the subject for a single season. If Great Britain now insists upon impossible conditions, viz, that the conclusion of the *modus vivendi* is to be delayed until, and made contingent upon, the assent of Russia to stop the killing of seals on its own islands and in its own waters, and upon the exercise by the President of powers not conferred by law, this would be, in his opinion, a practical withdrawal by Great Britain from the negotiations for a *modus vivendi*. This he would very much regret, and he confidently hopes that a reconsideration will enable Lord Salisbury to waive the suggestion of Russia's participation in the agreement and the inclusion of other waters than those to which the contention between the United States and Great Britain relates.

In case the terms of the *modus vivendi* are agreed upon, the President suggests that a provision, heretofore considered in another connection in the general correspondence, by which the naval or other duly commissioned officers of either party may arrest any offending vessel and turn it over at the nearest port of the nation whose flag it carries for such judicial proceedings as the law provides, should be incorporated here, the more effectually to carry out the stipulations of the respective Governments to prohibit their citizens and vessels from taking seals in the specified waters of Behring Sea.

Having, with a view to an exigency which he has several times caused to be explained to you, promptly responded to the suggestions of your note of yesterday, the President directs me to say that he will be pleased to have from Lord Salisbury a prompt response to these suggestions.

I am further directed by the President to say that your note of the same date referring to the conditions of the proposed arbitration, and stating the objection of Lord Salisbury to some points in the proposal of Mr. Blaine, will have the early attention of the President.

I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,  
*Washington, June 6, 1891.*

SIR: Immediately on receipt of your note of the 4th instant relative to the proposed *modus vivendi* in Behring Sea, I communicated its contents to the Marquis of Salisbury by telegraph. I have now the honor to inform you that late last night I received a telegraphic reply from his lordship, of which the substance is contained in the inclosed memorandum.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

*Memorandum—Behring Sea modus vivendi.*

Her Majesty's Government accept the proposal of the President that the *modus vivendi*, if agreed upon, should provide that "the naval or other duly commissioned officers of either party may arrest any offending vessel and turn it over to the nearest port of the nation whose flag it carries for such judicial proceedings as the law provides." By accepting this proposal Her Majesty's Government give to the cruisers of the United States the power of supervising the conduct of British subjects in observing the proposed agreement at sea. This is a concession which, in Lord Salisbury's opinion, entitles Her Majesty's Government to ask from the United States the corresponding power of supervising the proceedings of the United States citizens on the seal islands. It is on the fidelity with which the condition of not killing more than 7,500 seals is observed that the equality of the proposed agreement depends. Her Majesty's Government therefore regard it as indispensable that they should have the right of satisfying themselves that this condition is fully observed by citizens of the United States. If there be an objection on the part of the United States Government to issuing an exequatur to a permanent consul on the seal islands, Lord Salisbury suggests that they can, under the statute, "specifically authorize" the residence thereon of a British agent during the present season.

His lordship will not insist on the condition that Russia shall be a party to the agreement, but he must earnestly press the United States Government to extend the prohibition to their citizens and vessels over the entire area of Behring Sea. In that case Her Majesty's Government on their part will similarly extend the prohibition to British subjects and vessels.

Lord Salisbury points out that, if seal-hunting be prohibited on one side of a purely imaginary line drawn in the open ocean, while it is permitted on the other side of the line, it will be impossible in many cases to prove unlawful sealing or to infer it from the possession of skins or fishing tackle.

In conclusion, Lord Salisbury states that Her Majesty's Government consider it a matter of great importance that the two Governments should agree on the terms of arbitration at the same time as on a *modus vivendi*. The suspension of sealing is not a measure which they could repeat another year.

JULIAN PAUNCEFOTE.

*Mr. Wharton to Sir Julian Pauncefote.*DEPARTMENT OF STATE,  
Washington, June 6, 1891.

SIR: I am directed by the President to say that he has received with great satisfaction the note of Lord Salisbury of to-day's date in reply to my note of the 4th instant. He directs me to ask you to remind Lord Salisbury that the limitation of the killing of seals upon the islands is absolutely within the control of the United States, as a daily count is made by sworn officers, and to inform him that already, in order to assure such control pending these negotiations, the agents of the Treasury Department, who have been dispatched to the seal islands, have been instructed to stop the killing when 7,500 have been taken and to await the arrival of further orders, though ordinarily the taking of seals on the islands does not begin until about July 1. The enforcement of an agreed limitation being so fully in the control of the United States, the President is sure that Lord Salisbury will not question the absolute good faith of this Government in observing its stipulation to limit the catch to 7,500. This Government could not, of course, consent to any arrangement that implied such a doubt or involved any foreign supervision on the islands. If the prompt and effectual recall of the fleet of Canadian sealers now at sea was as fully within the control of Great Britain, the President would not have suggested the provision for the arrest by either party of vessels violating the prohibition, but would have rested confidently in the assurance given by Her Majesty's Government.

But, in view of the fact that the evidence which the respective Governments will present to the arbitrators (if that happy solution of the pending difficulties shall be attained) must be collected during the present season, and as the definitive agreement for arbitration can not be concluded contemporaneously with this agreement, the President directs me to say that he is quite willing to agree that Her Majesty's Government may send to the seal islands, with a view to collecting the facts that may be involved in an arbitration, and especially facts relating to seal life and to the results of the methods which have been pursued in the killing of seals, a suitable person or persons to make the necessary observations. The present and the comparative conditions of the rookeries may become an important consideration before arbitrators in a certain event, and the President would not ask that the evidence upon this subject should be wholly from one side. He is desirous that the prohibition of the killing of seals for this season shall be as wide and absolute as possible, and will not omit the exercise of any power confided to him by law to promote that end. He directs me to assure Lord Salisbury that he is extremely desirous to bring to a speedy conclusion the pending negotiations for the submission to impartial arbitration of the points of difference between the two Governments, and regrets that, for reasons which have been explained to you, an immediate answer can not be returned to his lordship's note upon that subject of the 2d instant. He feels sure, however, that the prompt announcement of an agreement for a *modus* for this season, while there is yet time to make it mutually effective, will not fail to have a happy influence upon the final negotiations.

It is hoped that authority may be given to you, as the representative of Her Majesty's Government at this capital, to conclude, immediately upon the passage of the bill now pending in Parliament, the following agreement:

For the purpose of avoiding irritating differences and with a view to promote a friendly settlement of the questions pending between the Governments of Great Britain on the one side and the United States of America on the other, touching the rights of the respective nations in the Behring Sea, the following agreement is made, which shall have no effect to limit or prejudice the rights or claims of either power, except as therein expressly stipulated and for the time therein limited:

(1) The Government of Great Britain will prohibit until May, 1892, the killing of seals in all that portion of the Behring Sea lying east, eastwardly, or southeastwardly of the line described in article 1 of the convention between the United States and Russia, of date March 30, 1867, and will promptly take such steps as are best calculated effectively to insure the observance of this prohibition by the subjects and citizens of Great Britain and all vessels flying its flag.

(2) The Government of the United States will prohibit until May, 1892, the killing of seals in that part of Behring Sea above described, and on the shores and islands thereof the property of the United States (except that 7,500 seals, and no more, may be taken on the islands); and the Government of the United States will promptly take such steps as are best calculated effectively to insure the observance of this prohibition by the citizens of the United States and the vessels flying its flag.

(3) All vessels or persons violating the laws of their respective Governments in this regard outside the ordinary territorial limits may be seized and detained by the naval or other duly commissioned officers of either of the high contracting parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong for trial and for the imposition of the penalties and forfeitures provided by law.

(4) In order to facilitate such proper inquiries as Her Majesty's Government may desire to make with a view to the presentation of the case of that Government before arbitrators, and in the expectation that an agreement for arbitration may ultimately be reached, it is agreed that a suitable person or persons, to be designated by Great Britain, will be permitted at any time, upon application, to visit or to remain upon the seal islands during the present sealing season for that purpose.

I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,  
Washington, June 8, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant containing the terms of a proposed agreement for a *modus vivendi* during the present seal-fishery season in Behring Sea, which I communicated at once by telegraph to the Marquis of Salisbury.

I have this day received a reply from his lordship, in which he transmits a draft of the proposed agreement, with certain modifications and additions.

I beg to inclose a copy of it, and to request that you will be good enough to submit it to your Government for their consideration.

I have, etc.,

JULIAN PAUNCEFOTE.

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[Inclosure.]

*Agreement.*

For the purpose of avoiding irritating differences and with a view to promote friendly settlement of the questions pending between the two Governments touching their respective rights in Behring Sea and for preservation of the seal species, the following agreement is made without prejudice to the rights or claims of either party:

(1) Her Majesty's Government will prohibit, until May next, seal-killing in that part of Behring Sea lying eastward of the line of demarcation described in article No. 1 of the treaty of 1867 between the United States and Russia, and will promptly use best efforts to insure observance of prohibition by British subjects and vessels.

(2) The United States Government will prohibit seal-killing for the same period in the same part of Behring Sea and on the shores and islands thereof, the property of the United States (in excess of 7,500 to be taken on the islands as food skins, and not for tax or shipment), and will promptly use best efforts to insure observance of prohibition by the United States citizens and vessels.

(3) Every offending vessel or person may be seized and detained by the naval or other duly commissioned officers of either of the high contracting parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who shall alone have jurisdiction to try the offense and impose the penalties for the same.

The witnesses and proofs necessary to establish the offense shall also be sent with them, and the court adjudicating upon the case may order such portion of the fines imposed, or of the proceeds of the condemned vessel, to be applied in payment of the expenses occasioned thereby.

(4) In order to facilitate such proper inquiries as Her Majesty's Government may desire to make with a view to the presentation of the case of that Government before arbitrators, and in expectation that an agreement for arbitration may be arrived at, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or to remain upon the seal islands during the present sealing season for that purpose.

(5) A commission of four experts, two nominated by each Government, and a chairman, nominated by the arbitrators, if appointed, and if not, by the aforesaid commission, shall examine and report on the following question:

What international arrangements, if any, between Great Britain and the United States and Russia or any other power are necessary for the purpose of preserving the fur-seal race in the northern Pacific Ocean from extermination?

(6) The Government of the United States will join with that of Her Majesty in requesting Russia to forbid her subjects from sealing to the east of the line indicated in article No. 1 of the present agreement until the 1st of May, 1892.



*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
*Washington, June 9, 1891.*

SIR: I am directed by the President, in response to your note of June 8, delivered this morning, to say that he regrets that, at the moment when the two Governments seemed to have reached an agreement in this matter (which is one calling for the utmost promptness of action), new conditions should be suggested by Lord Salisbury. With the acceptance of the proposition submitted in my last note, relating to permission to British agents to visit the seal islands, an agreement had been reached upon all the conditions that had been previously discussed or suggested in this connection. The President does not object to the modification of his proposal suggested in the first article submitted by you, for he assumes that the terms used, while not as strong, perhaps, as those suggested by this Government, do fully commit the Government of Great Britain to prompt and energetic measures in the repression of the killing of seals by the subjects and vessels of that nation.

The proposal submitted by you on June 3 contained this clause: "During the period above specified the United States Government shall have the right to kill 7,500 seals." Now, his lordship adds a most extraordinary, and not altogether clear, condition (I quote), "to be taken on the shores and islands as food skins, and not for tax or shipment."

This new condition is entirely inadmissible and, in the opinion of the President, inconsistent with the assent already given by Her Majesty's Government to the proposition of the United States in that behalf. It had been particularly explained in the correspondence that the lessees of the privilege of taking seals upon the islands assumed obligations to supply to the natives the food and other things necessary for their subsistence and comfort, and that the taking of the limited number of seals was not only to supply flesh to the natives, but, in some part, to recompense the company for furnishing other necessary articles of food, clothing, and fuel. The President is surprised that it should now be suggested that none of these skins should be removed from the island, and he can not understand how British interests can be promoted by allowing them to go to waste.

The previous communications of Her Majesty's Government had, in the opinion of the President, concluded this matter.

As to the third clause of your proposition, I am directed to say that the contention between the United States and Great Britain has relation solely to the respective rights of the two Governments in the waters of Behring Sea outside of the ordinary territorial limits, and the stipulations for the coöperation of the two Governments during this season have, of course, the same natural limitation. This is recognized in articles 1 and 2 of your proposal, for you will observe that the obligation assumed by Her Majesty's Government is to prohibit seal-killing in a certain part of Behring Sea, whereas the obligation assumed in the second article by the Government of the United States is to prohibit seal-killing in the same part of Behring Sea and the shores and islands thereof, the property of the United States. The killing, therefore, of seals on the islands or within the territorial waters of the United States falls only within the prohibition of this Government. His lordship will also see that it is altogether beyond the power of the President to stipulate that an offense committed in the undisputed territory of the United States against its laws shall be triable only in the courts of another nation.

The extension of this clause to the territory and territorial waters of the United States, therefore, involves an insuperable legal difficulty on our part and a concession which no independent Government could be expected to make. The mutual police, which is to be stipulated for, could not, in the nature of things, apply to the territorial waters within the undisputed and exclusive jurisdiction of either.

To the fourth clause, which is in substance the same as the proposition made by this Government, no objection is interposed.

As to the fifth clause, I am directed to say that the President regards the proposition to appoint a joint commission to investigate and report as to what regulations or international agreements are necessary to preserve the seal fisheries to be one of the incidents of the agreement for arbitration and to have no proper place here. This distinction seems to have been recognized by his lordship, and his proposal of such a commission was made part of the separate note discussing the terms of arbitration presented by you on June 3, and has never until now appeared in the correspondence relating to a *modus vivendi*. The President thinks the fourth clause, which has been accepted, makes ample present provision, but will give a full consideration to the suggestion of a joint commission in connection with the negotiation for arbitration.

To the sixth and last clause the President directs me to say that, so far as he is aware, no vessel bearing the Russian flag has at any time intruded into the waters described in the proposed agreement. He is entirely in sympathy with the expressed desire of Lord Salisbury to secure such limitations as to the hunting of seals in the whole of Behring Sea as will preserve to mankind this valuable industry; but he does not think that an agreement to unite in any joint note to Russia should be interposed here and at this time. Moreover, Lord Salisbury will perceive that, in the present state of the American law, if Russia should ask for reciprocal action by this Government west of the treaty line, the President would be confronted with the same difficulty that prevented him from extending the agreement with Her Majesty's Government to the whole of Behring Sea.

As the President understands, the adhesion of the two Governments has been given in this correspondence to the following proposition:

For the purpose of avoiding irritating differences and with a view to promote friendly settlement of the questions pending between the two Governments touching their respective rights in Behring Sea and for the preservation of the seal species, the following agreement is made without prejudice to the rights or claims of either party:

(1) Her Majesty's Government will prohibit, until May next, seal-killing in that part of Behring Sea lying eastward of the line of demarcation described in article No. 1 of the treaty of 1867 between the United States and Russia, and will promptly use its best efforts to insure the observance of the prohibition by British subjects and vessels.

(2) The United States Government will prohibit seal-killing for the same period in the same part of Behring Sea and on the shores and islands thereof, the property of the United States (in excess of 7,500 to be taken on the islands for the subsistence and care of the natives), and will promptly use its best efforts to insure the observance of this prohibition by United States citizens and vessels.

(3) Every vessel or person offending against this prohibition in the said waters of Behring Sea, outside of the ordinary territorial limits of the United States, may be seized and detained by the naval or other duly commissioned officers of either of the high contracting parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who shall alone have jurisdiction to try the offense and impose the penalties for the same. The witnesses and proofs necessary to establish the offense shall also be sent with them.

(4) In order to facilitate such proper inquiries as Her Majesty's Government may desire to make with a view to the presentation of the case of that Government before arbitrators and in expectation that an agreement for arbitration may be arrived at, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or to remain upon the seal islands during the present sealing season for that purpose.

The President directs me to inform you that the Government of the United States is ready to conclude this agreement, if it can be put into force immediately. The value of such an agreement to the United States is daily lessening, and the President therefore feels that he must ask that the negotiations be brought to a speedy determination.

I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,  
Washington, June 10, 1891.

SIR: I have the honor to acknowledge the receipt of your note of June 9, delivered this day, in reply to my note of the 8th, in which I transmitted for the consideration of your Government the draft of a proposed agreement for a *modus vivendi* during the present fur-seal fishery season in Behring Sea, with certain modifications and additions suggested therein by the Marquis of Salisbury.

I have telegraphed the substance of your note under reply to his lordship, and I hope to be able to communicate to you his observations thereon in the course of to-morrow or the following day. In the meanwhile, with reference to the complaint that new conditions should have been suggested at this stage by Lord Salisbury, I would beg leave to point out that all his lordship's suggestions are obviously dictated by a desire to render the *modus vivendi* more effective and to do all that is possible in the common interest for the protection and the preservation of the seal species during the present season.

In my humble opinion, therefore, it is to be regretted that those suggestions should not have commended themselves to the favorable consideration of the President. Thus the object of the proposed insertion in article 2 of the words "food skins, and not for tax and shipment," which you qualify as "extraordinary," was not to prevent the export and sale of the 7,500 seal skins, of which the proceeds are intended to cover the cost of food, clothing, fuel, and other necessities for the natives. Its sole object was to stop the injurious practice of driving and redriving the herds to the killing grounds for selection, which is resorted to in the case of seals killed "for tax and shipment," and is stated by experts to be the main cause of the depletion of male seal life on the islands.

I would refer you on this point to the report of Special Treasury Agent C. J. Goff, laid before Congress (Ex. Doc. No. 49), pp. 4 and 29; also to the report of Assistant Treasury Agent Joseph Murray, at page 8; and that of Assistant Treasury Agent A. W. Lavender, at page 9 of the same Congressional paper.

As regards Lord Salisbury's proposal of a joint commission, it is by no means a new one. It has long been called for by public opinion in both countries. It was inserted among Lord Salisbury's last proposals for the arbitration agreement in expectation that the latter document would be signed contemporaneously with the agreement for a *modus vivendi*. But, as your Government is not prepared to bring the arbitration negotiation to a conclusion without further consideration and as it is of the highest importance that the joint commission

should be appointed at once, in order to enter upon its functions during the present fishery season, Lord Salisbury has had no alternative but to urge the insertion of the article providing for a joint commission in the agreement for the *modus vivendi*, of which it should, in the opinion of Her Majesty's Government, be a component part.

The objection of the President to that article in the *modus vivendi* appears to me to create the greatest difficulty which has yet presented itself in the course of this negotiation, and I earnestly hope that, if Lord Salisbury should be disposed to waive the other conditions to which exception is taken in your note, the President, on his part, will accede to his lordship's wishes in respect of the joint commission.

I have, etc.,

JULIAN PAUNCEFOTE.

*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,  
Washington, June 11, 1891.

SIR: With reference to my note of yesterday, and especially to the concluding part of it, I have the honor to inform you that I have this day received by telegraph from the Marquis of Salisbury a reply to the proposal for a *modus vivendi* during the present fur-seal fishery season in Behring Sea, contained in your note of June 9.

His lordship states that the President's refusal to adopt his suggestions with respect to Russia renders the proposed *modus vivendi* much less valuable, and that he is reluctant to abandon the words which he had proposed for insertion in article 2 in relation to the reservation of the 7,500 seals to be killed on the islands.

Nevertheless, in view of the urgency of the case, his lordship is disposed to authorize me to sign the agreement in the precise terms formulated in your note of June 9, provided the question of a joint commission be not left in doubt and that your Government will give an assurance in some form that they will concur in a reference to a joint commission to ascertain what permanent measures are necessary for the preservation of the fur-seal species in the northern Pacific Ocean.

I have the honor, therefore, to inquire whether the President is prepared to give that assurance, and, if so, I shall, on receipt of it, lose no time in communicating it by telegraph to Lord Salisbury and in applying to his lordship for authority to sign the proposed agreement.

I have, etc.,

JULIAN PAUNCEFOTE.

*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington June 11, 1891.

SIR: I have the honor to acknowledge the receipt of your note of today's date, and in reply I am directed by the President to say that the Government of the United States, recognizing the fact that full and adequate measures for the protection of seal life should embrace the whole of Behring Sea and portions of the North Pacific Ocean, will have

no hesitancy in agreeing, in connection with Her Majesty's Government, to the appointment of a joint commission to ascertain what permanent measures are necessary for the preservation of the seal species in the waters referred to, such an agreement to be signed simultaneously with the convention for arbitration and to be without prejudice to the questions to be submitted to the arbitrators.

A full reply to your note of June 3, relating to the terms of arbitration, will not be long delayed.

I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,  
*Washington, June 13, 1891.*

SIR: I lost no time in telegraphing to the Marquis of Salisbury the contents of your note of June 11, conveying the assent of your Government to the appointment, in connection with Her Majesty's Government, of a joint commission for the purpose mentioned in my note to you of the same date, such agreement to be signed simultaneously with the convention for arbitration and to be without prejudice to the questions to be submitted to the arbitrators.

I informed his lordship at the same time that, in handing me the note under reply, you had assured me that the President was anxious that the commission should be appointed in time to commence its work this season, and that your Government would, on that account, use their utmost efforts to expedite the signature of the arbitration convention.

I now have the honor to inform you that I have this day received a telegraphic reply from Lord Salisbury, in which, while conveying to me authority to sign the proposed agreement for a *modus vivendi* contained in your note of June 9, his lordship desires me to place on record that it is signed by me on the clear understanding that the joint commission will be appointed without delay.

On that understanding, therefore, I shall be prepared to attend at the State Department, for the purpose of signing the agreement, at such time as you may be good enough to appoint.

I have, etc.,

JULIAN PAUNCEFOTE.

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*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
*Washington, June 13, 1891.*

SIR: The President directs me to say, in response to your note of this date, that his assent to the proposition for a joint commission, as expressed in my note of June 9, was given in the expectation that both Governments would use every proper effort to adjust the remaining points of difference in the general correspondence relating to arbitration, and to agree upon the definite terms of a submission and of the appointment of a joint commission without unnecessary delay.

He is glad that an agreement has finally been reached for the pending season; and I beg to say that, if you will call at the Department at 10 o'clock Monday next, I will be glad to put into writing and give formal attestation to the *modus vivendi* which has been agreed upon.

I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Modus vivendi respecting the fur-seal fisheries in Behring Sea.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas an agreement for a *modus vivendi* between the Government of the United States and the Government of Her Britannic Majesty, in relation to the fur-seal fisheries in Behring Sea, was concluded on the fifteenth day of June, in the year of our Lord one thousand eight hundred and ninety-one, word for word as follows:

*Agreement between the Government of the United States and the Government of Her Britannic Majesty for a modus vivendi in relation to the fur-seal fisheries in Behring Sea.*

For the purpose of avoiding irritating differences and with a view to promote the friendly settlement of the questions pending between the two Governments touching their respective rights in Behring Sea, and for the preservation of the seal species, the following agreement is made without prejudice to the rights or claims of either party.

(1) Her Majesty's Government will prohibit, until May next, seal killing in that part of Behring Sea lying eastward of the line of demarcation described in article No. 1 of the treaty of 1867 between the United States and Russia, and will promptly use its best efforts to ensure the observance of this prohibition by British subjects and vessels.

(2) The United States Government will prohibit seal killing for the same period in the same part of Behring Sea and on the shores and islands thereof, the property of the United States (in excess of 7,500 to be taken on the islands for the subsistence and care of the natives), and will promptly use its best efforts to ensure the observance of this prohibition by United States citizens and vessels.

(3) Every vessel or person offending against this prohibition in the said waters of Behring Sea, outside of the ordinary territorial limits of the United States, may be seized and detained by the naval or other duly commissioned officers of either of the high contracting parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who shall alone have jurisdiction to try the offense and impose the penalties for the same. The witnesses and proofs necessary to establish the offense shall also be sent with them.

(4) In order to facilitate such proper inquiries as Her Majesty's Government may desire to make, with a view to the presentation of the case of that Government before arbitrators, and in expectation that an agreement for arbitration may be arrived at, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or to remain upon the seal islands during the present sealing season forthat purpose.

Signed and sealed in duplicate at Washington, this fifteenth day of June, 1891, on behalf of their respective Governments, by William F. Wharton, Acting Secretary of State of the United States, and Sir Julian Pauncefote, G. C. M. G., K. C. B., H. B. M. envoy extraordinary and minister plenipotentiary.

WILLIAM F. WHARTON [SEAL].  
JULIAN PAUNCEFOTE [SEAL].

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the said agreement to be made public, to the end that the same and every part thereof may be

observed and fulfilled with good faith by the United States of America 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 fifteenth day of June, in the year of our Lord one thousand eight hundred and ninety-one, and of the independence of the United States the one hundred and fifteenth.

[SEAL.]

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,

*Acting Secretary of State.*

*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
*Washington, June 20, 1891.*

SIR: I have the honor to transmit to you herewith copies of the instructions that have been issued by the Secretary of the Navy, in pursuance of the proclamation of the President of June 15, 1891, relative to the *modus vivendi* respecting the fur-seal fisheries in Behring Sea.

This Government would be pleased to receive in exchange copies of such instructions as may be issued by Her Britannic Majesty's Government on the same subject.

I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

[Inclosure.]

*Mr. Tracy to Mr. Wharton.*

NAVY DEPARTMENT,  
*Washington, June 19, 1891.*

SIR: I have the honor to transmit herewith a copy of the instructions which have been issued by the Navy Department, in pursuance of the proclamation of the President of June 15, 1891, containing a *modus vivendi*, with a view to their exchange, should it be deemed desirable, for a copy of such instructions as may be issued by the British Government on the same subject.

Very respectfully,

B. F. TRACY,  
*Secretary of the Navy.*

[Inclosure A.—Telegram.]

*Mr. Tracy to commanding officer of the Thetis.*

NAVY DEPARTMENT,  
*Washington, June 15, 1891.*

COMMANDING OFFICER U. S. S. THETIS,  
*San Francisco, Cal.:*

Proclamation of President closing Behring Sea has been telegraphed to collector of port of San Francisco. Make immediate application for copies as soon as received; proceed with *Thetis* to Sand Point, Popof Island; distribute the proclamation among the sealing vessels. Warn master of each vessel to whom you may deliver proclamation that name of vessel has been taken, and that vessel will be liable to capture if found to have been or to be sealing in Behring Sea east of line of demarcation after

notice. Furnish all United States and British vessels of war and revenue cutters with lists of vessels warned. Remain in neighborhood of Sand Point until receipt of further instructions, which will be sent by *Marion*. Receive on board and transport to Sand Point, C. H. Bullard, deputy collector of customs, but do not delay sailing on his account.

TRACY.

[Inclosure B.—Telegram.]

*Mr. Tracy to commanding officer of Mohican.*

NAVY DEPARTMENT,  
Washington, June 15, 1891.

COMMANDING OFFICER U. S. S. MOHICAN,  
San Francisco, Cal.:

Obtain immediately from collector of customs, San Francisco, printed copies of President's proclamation in reference to Behring Sea. On receipt of such copies, proceed with all dispatch to the vicinity of the Pribyloff Islands, St. Paul and St. George. Notify all American and British persons and vessels you meet of the proclamation, and give them copies of the same. Warn all persons and vessels of either nationality engaged in sealing in Behring Sea east of the line of demarcation, as shown on hydrographic office chart No. 68, to leave those waters forthwith. Make entry of warning on register or log of sealer. Seize any American or British persons and vessels found to be or to have been engaged in sealing, after notice, within the prohibited waters, and bring or send them, in charge of a sufficient force to insure delivery, to nearest convenient port of their own country, together with witnesses and proofs, and there deliver them to proper officer of court in said port. Send at least the master of the seized vessel, her mate or boatswain, all her cargo, and such of her crew as you deem safe in the seized vessel. At the time of seizure draw up declaration in writing showing condition of seized vessel, place and date of seizure, giving latitude and longitude, and circumstances showing guilt. Sign declaration and send, with ship's papers and seized vessel, to officer of court. Deliver to master of seized vessel signed and certified list of papers found on board. Officer in charge of seized vessel will, at time of delivering vessel's papers to court, sign a certificate stating any changes that may have taken place in respect to vessel, crew, or cargo since seizure.

Keep a list of all vessels to which notice of proclamation has been given, and furnish all United States and British war or revenue vessels with copies of list. Before sailing, get order from Alaskan Commercial Company, San Francisco, to coal at Unalaska. After two weeks' cruising in neighborhood of Pribyloff Islands, rendezvous at Sand Point, Popof Island, one of the Shamagin group, with *Thetis* and *Alert*, and await there further instructions by *Marion*.

Furnish copy of this order to commanding officer of *Alert*, and direct him to comply with it.

TRACY.

[Inclosure C.—Telegram.]

*Mr. Tracy to commanding officer of Mohican.*

[Confidential.]

NAVY DEPARTMENT,  
Washington, June 16, 1891.

Commander C. S. COTTON,  
Commanding U. S. S. Mohican, San Francisco, Cal.:

Until further instructed, you are placed in command of all United States vessels of war cruising in the neighborhood of Behring Sea, and you will distribute the force in such manner as, in your judgment, will best enable you to comply with the orders of the Department and the requirements of the President's proclamation. Instruct vessels under your command to send all seized persons and vessels to Unalaska, to which point chartered steamer will be sent from San Francisco with marine guard. Steamer will be at your disposal. Instructions have been sent to revenue cutters to turn over persons and vessels seized by them to you at Unalaska. Utilize the chartered steamer to the best advantage to assist in executing the proclamation and



to hand over as soon as practicable all seized persons and vessels to authorities of nation to which they respectively belong. Orders directing *Thetis*, *Alert*, and *Mohican* to rendezvous at Sand Point revoked. *Thetis* will proceed to Sand Point, as directed, to distribute proclamation and give notice, and will proceed thence to Unalaska immediately after departure of British steamer which visits Sand Point about July 1 to bring home coast catch of seal. *Mohican* and *Alert*, after cruising two weeks, as previously directed, in Behring Sea, will rendezvous with *Thetis* at Unalaska, instead of Sand Point. *Marion* will sail later and join your command at Unalaska at about same time. Has *Thetis* already sailed? If so, you must communicate with her at Sand Point, where her orders of yesterday directed her to await your arrival. On receipt of this order, proceed immediately to Behring Sea with *Thetis*, *Mohican*, and *Alert*. Telegraph departure.

B. F. TRACY.

*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,  
Washington, June 21, 1891.

SIR: I have the honor to inform you that I have received a communication from Her Majesty's principal secretary of state for foreign affairs to the effect that the Queen has been graciously pleased to appoint Sir George Baden-Powell, M. P., and Prof. Dawson, commissioners to proceed to the Pribyloff Islands for the purpose of examining into the fur-seal fishery in Behring Sea.

In accordance with the instruction of the Marquis of Salisbury, I have the honor to request that permission may be granted to these gentlemen to visit and remain on those islands during the current fishery season.

I have, etc.,

JULIAN PAUNCEFOTE.

*Behring Sea modus vivendi.—Memorandum.*

WASHINGTON, June 23, 1891.

The following instructions have been issued to the British senior naval officer at Esquimaux. He is to proceed to Behring Sea with Her Majesty's ships *Nymphe* and *Pheasant* and cruise to the eastward of the line of demarcation mentioned in articles 1 and 2 of the *modus vivendi*, warning all British vessels found acting in ignorance of the prohibition. He is to confiscate the sealing equipment of any British vessel found deliberately offending, recording her name and the name of her master for prosecution afterwards. He is to arrest any American vessel found deliberately offending and record her name and the name of her captain, together with the proof of the offense for which she is arrested, informing United States cruisers.

Her Majesty's ship *Porpoise* will be ordered from China to join the other ships under his command. Her Majesty's Government are of opinion that there should be an understanding between the two Governments for mutual indemnities. A cruiser of one nation arresting a vessel of the other can only be justified in doing so as the agent of such other nation, and should therefore act in that character.

Her Majesty's Government therefore suggest that the two Governments shall agree to indemnify each other in respect of any acts committed in pursuance of such agency by the cruisers of one nation against the vessels of the other in execution of the *modus vivendi*.

JULIAN PAUNCEFOTE.

*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, June 25, 1891.

SIR: The correspondence between this Government and that of Her Majesty has happily resulted in an agreement upon the first five propositions, which are to constitute the basis of a proposed arbitration relating to the controversy which has arisen as to the respective rights of the two Governments in the Behring Sea. In the note of Lord Salisbury of the 21st of February last he states his objection to the sixth proposition, as presented in the letter of Mr. Blaine of December 17, 1890, in the following words:

The sixth question, which deals with the issues that will arise in case the controversy should be decided in favor of Great Britain, would, perhaps, more fitly form the substance of a separate reference. Her Majesty's Government have no objection to referring the general question of a closed time to arbitration, or to ascertain by that means how far the enactment of such a provision is necessary for the preservation of the seal species; but such reference ought not to contain words appearing to attribute special and abnormal rights in the matter to the United States.

I am now directed by the President to submit the following, which he thinks avoids the objection urged by Lord Salisbury:

(6) If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of regulations for the proper protection and the preservation of the fur seal in, or habitually resorting to, the Behring Sea, the arbitrators shall then determine what concurrent regulations outside the jurisdictional limits of the respective Governments are necessary, and over what waters such regulations should extend; and, to aid them in that determination, the report of the joint commission, to be appointed by the respective Governments, shall be laid before them, with such other evidence as either Government may submit. The contracting powers furthermore agree to coöperate in securing the adhesion of other powers to such regulations.

In your note of the 3d instant you propose, on behalf of Her Majesty's Government, the following additional article:

It shall be competent to the arbitrators to award such compensation as in their judgment shall seem equitable to the subjects and citizens of either power who shall be shown to have been damnified in the pursuit of the industry of sealing by the action of the other power.

The President can not give his assent to this form of submitting the question of compensation. It entirely omits notice of the important fact that the Government of the United States, as the owner of the seal fisheries on the Pribyloff Islands, has interests which have been injuriously affected by the pelagic sealing, of which complaint has been made in this correspondence.

This Government has derived a very large annual income from this property, and this income has, in the opinion of the President, been very seriously impaired and imperiled by the destruction of the seal in the sea while passing to and from the breeding grounds on these islands. The Government of Her Majesty has directly interposed to support the Canadian sealers, and will not, the President assumes, desire to avoid responsibility for any damages which have resulted to the United States or to its citizens if it shall be found by the arbitrators that the pursuit of seals by these Canadian vessels in the sea was an infraction of the rights and an injury to the property of this Government. The proposal submitted by you distinctly limits the liability of Her Majesty's Gov-

ernment, in case of a decision in favor of the United States, to compensation to the citizens of this country. It will be apparent to Lord Salisbury that whatever damages have resulted from pelagic sealing as pursued by vessels flying the British flag have accrued to the United States or to its lessees. The President does not doubt that the purpose of Her Majesty's Government, in the proposal under discussion, was to secure to the party injured equitable compensation for injuries resulting from what may be found by the arbitrators to have been the unlawful and injurious act of either Government.

From the note of Lord Salisbury of February 21, to which reference has been made, I quote the following:

There is one omission in these questions which I have no doubt the Government of the President will be very glad to repair, and that is the reference to the arbitrator of the question what damages are due to the persons who have been injured, in case it shall be determined by him that the action of the United States in seizing British vessels has been without warrant in international law.

I am directed by the President to propose the following seventh and final clause in the basis of arbitration:

(7) It shall be competent to the arbitrators to award such compensation as, in their judgment, shall seem equitable to the subjects or citizens of Great Britain whose vessels may have been seized by the United States in the Behring Sea, if such seizures shall be found by the arbitrators to have been unwarranted; and it shall also be competent to the arbitrators to award to the United States such compensation as, in their judgment, shall seem equitable for any injuries resulting to the United States or to the lessees from that Government of the privilege of taking seals on the Pribyloff Islands by reason of the killing of seals in the Behring Sea by persons acting under the protection of the British flag, outside of the ordinary territorial limits, and since the 1st day of January, 1886, if such killing shall be found to have been an infraction of the rights of the United States.

It being understood that an arrangement for a joint commission is to be made contemporaneously with the conclusion of the terms of arbitration, I am directed by the President to propose the following separate agreement:

Each Government shall appoint two commissioners to investigate conjointly with the commissioners of the other Government all the facts having relation to seal life in Behring Sea and the measures necessary for its proper protection and preservation. The four commissioners shall, so far as they may be able to agree, make a joint report to each of the two Governments; and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree. These reports shall not be made public until they shall be submitted to the arbitrators, or it shall appear that the contingency of their being used by the arbitrators can not arise.

I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
*Washington, June 26, 1891.*

SIR: In accordance with the request contained in your note of the 21st instant, I have the honor to transmit to you herewith a letter addressed by the Acting Secretary of the Treasury to William H. Williams,

esq., special agent in charge of the seal fisheries in Alaska, instructing him to afford to Sir George Baden-Powell, M. P., and Prof. George Mercer Dawson, agents of her Britannic Majesty to the Pribyloff Islands, the facilities desired to enable them to examine into the fur-seal fisheries in Behring Sea.

I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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[Inclosure.]

*Mr. Spaulding to Mr. Williams.*

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, June 25, 1891.

SIR: The fourth section of the *modus vivendi*, respecting the fur-seal fisheries in Behring Sea, concluded on the 15th instant, provides as follows:

"In order to facilitate such proper inquiries as Her Majesty's Government may desire to make, with a view of the presentation of the case of that Government before arbitrators, and in expectation that an agreement for arbitration may be arrived at, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or to remain upon the seal islands during the present sealing season for that purpose."

As it appears from a communication, dated the 23d instant, from the honorable the Secretary of State that Sir George Baden-Powell, M. P., and Prof. George Mercer Dawson have been appointed commissioners on behalf of her Britannic Majesty to proceed to the Pribyloff Islands for the purpose of examining into the fur-seal fisheries in Behring Sea, and that the British minister at this capital has requested that the necessary permission may be granted to the above-named gentlemen to visit and remain on the islands in question during the current fishing season, you are directed to afford Sir George Baden-Powell, M. P., and Prof. George Mercer Dawson every facility to enable them to accomplish the object of their mission.

Respectfully, yours,

O. L. SPAULDING,  
*Acting Secretary.*

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*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, June 26, 1891.

The Acting Secretary of State presents his compliments to the British minister, and has the honor to state that the memorandum that Sir Julian Pauncefote left at the Department of State on the 24th instant, relative to the instructions given to Her Britannic Majesty's vessels in Behring Sea, was immediately communicated to the Navy Department for its information.

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*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,  
Washington, June 27, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 25th instant in relation to the proposed Behring Sea arbitration, and to inform you that I transmitted a copy of it to the Marquis of Salisbury by the mail of the 26th.

I have, etc.,

JULIAN PAUNCEFOTE.

*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, July 3, 1891.

SIR: Her Majesty's Government having appointed two agents to visit the Behring Sea under the agreement between that Government and the United States of date June 15, 1891, and the President being about to designate two persons to visit the Behring Sea for the purpose of examining all questions connected with seal life in that sea and the adjacent waters, I have the honor to propose that arrangements be made to have these agents of the respective Governments go together, so that they may make their observations conjointly.

Awaiting such communication as Her Majesty's Government may desire to make upon the subject,  
I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,  
Washington, July 6, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 3d instant, in which you propose that arrangements be made to enable the agents appointed by our respective Governments to visit the Behring Sea for the purpose of examining into seal life to go together, so that they may make their observations conjointly.

I at once communicated this proposal to the Marquis of Salisbury by telegram, and I have received a reply from his lordship to the effect that a ship has already been chartered to take the British commissioners to the seal islands, and that the engagement could not now be canceled, but that the British commissioners will be instructed, when they arrive in the islands, to coöperate as much as possible with the commissioners to be appointed by your Government for the purposes of the inquiry.

I have, etc.,

JULIAN PAUNCEFOTE.

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*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,  
Washington, July 6, 1891.

SIR: I have the honor to transmit to you herewith, in accordance with instructions which I have received from the Marquis of Salisbury, copies of an act of Parliament enabling Her Majesty the Queen to prohibit by order in council the catching of seals by British ships in Behring Sea.

I likewise inclose copies of an order of Her Majesty in council issued in virtue of the powers given by the said act and prohibiting the catching of seals by British ships in Behring Sea, within the limits defined therein, from the 24th of June last until the 1st of May, 1892.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure 1.]

*Order in council.*

At the court at Windsor, the 23d day of June, 1891. Present, the Queen's Most Excellent Majesty, Lord President, Earl of Limerick, Marquis of Salisbury, and Lord Arthur Hill.

Whereas by the seal fishery (Behring's Sea) act, 1891, it is enacted that Her Majesty the Queen may by order in council prohibit the catching of seals by British ships in Behring's Sea, or such part thereof as is defined by the said order, during the period limited by the order:

And whereas the expression "Behring's Sea" in the said act means the seas known as Behring's Sea within the limits described in an order under the said act.

Now therefore, Her Majesty, in virtue of the powers vested in her by the said recited act, by and with the advice of her privy council, is hereby pleased to order, and it is hereby ordered, as follows:

(1) This order may be cited as the seal fishery (Behring's Sea) order in council, 1891.

(2) From and after the 24th day of June, 1891, until the 1st day of May, 1892, the catching of seals by British ships in Behring's Sea as hereinafter defined is hereby prohibited.

(3) For the purposes of the said recited act and of this order the expression "Behring's Sea" means so much of that part of the Pacific Ocean known as Behring's Sea as lies between the parallel of 65° 30' north latitude and the chain of the Aleutian Islands, and eastward of the following line of demarcation, that is to say, a line commencing at a point in Behring's Straits on the said parallel of 65° 30' north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern or Ignalook and the island of Ratmanoff or Noonarbook, and proceeding thence in a course nearly southwest through Behring's Straits and the seas known as Behring's Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski to the meridian of 172° west longitude; thence from the intersection of that meridian in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Kormandorski couplet or group in the North Pacific Ocean, to the meridian of 193° west longitude.

C. L. PEEL.

[Inclosure 2.]

*Seal fishery (Behring's Sea) act, 1891.*

CHAPTER 19 (54 Vict.).—An act to enable Her Majesty, by order in council, to make special provision for prohibiting the catching of seals in Behring's Sea by Her Majesty's subjects during the period named in the order. (11th June, 1891).

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1) Her Majesty the Queen may, by order in council, prohibit the catching of seals by British ships in Behring's Sea, or such part thereof as is defined by the said order, during the period limited by the order.

(2) While an order in council under this act is in force—

(a) A person belonging to a British ship shall not kill, or take, or hunt, or attempt to kill or take, any seal within Behring's Sea during the period limited by the order; and

(b) A British ship shall not, nor shall any of the equipment or crew thereof, be used or employed in such killing, taking, hunting, or attempt.

(3) If there is any contravention of this act, any person committing, procuring, aiding, or abetting such contravention shall be guilty of a misdemeanor within the meaning of the merchant shipping act, 1854, and the ship and her equipment, and everything on board thereof shall be forfeited to Her Majesty as if an offense had been committed under section 103 of the said act, and the provisions of sections 103 and 104, and part 10 of the said act (which are set out in the schedule to this act) shall apply as if they were herein reenacted and in terms made applicable to an offense and forfeiture under this act.

(4) Any commissioned officer on full pay in the naval service of Her Majesty shall have power, during the period limited by the order, to stop and examine any British

ship in Behring's Sea, and to detain her, or any portion of her equipment, or any of her crew, if in his judgment the ship is being or is preparing to be used or employed in contravention of this section.

(5) If a British ship is found within Behring's Sea having on board thereof fishing or shooting implements, or seal skins, or bodies of seals, it shall lie on the owner or master of such ship to prove that the ship was not used or employed in contravention of this act.

2. (1) Her Majesty the Queen in council may make, revoke, and alter orders for the purposes of this act, and every such order shall be forthwith laid before both Houses of Parliament and published in the London Gazette.

(2) Any such order may contain any limitations, conditions, qualifications, and exceptions which appear to Her Majesty in council expedient for carrying into effect the object of this act.

3. (1) This act shall apply to the animal known as the fur seal, and to any marine animal specified in that behalf by an order in council under this act, and the expression "seal" in this act shall be construed accordingly.

(2) The expression "Behring's Sea" in this act means the seas known as Behring's Sea within the limits described in an order under this act.

(3) The expression "equipment" in this act includes any boat, tackle, fishing or shooting instruments, and other things belonging to the ship.

(4) This act may be cited as the seal fishery (Behring's Sea) act, 1891.

#### SCHEDULE.

#### ENACTMENTS OF MERCHANT SHIPPING ACT (17 AND 18 VICT., C. 104) APPLIED.

SECTION 103. \* \* \* And in order that the above provisions as to forfeitures may be carried into effect, it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of customs, or any British consular officer, to seize and detain any ship which has, either wholly or as to any share therein, become subject to forfeiture as aforesaid, and to bring her for adjudication before the high court of admiralty in England or Ireland, or any court having admiralty jurisdiction in Her Majesty's dominions; and such court may thereupon make such order in the case as it may think fit, and may award to the officer bringing in the same for adjudication such portion of the proceeds of the sale of any forfeited ship or share as it may think right.

SEC. 104. No such officer as aforesaid shall be responsible, either civilly or criminally, to any person whomsoever, in respect of the seizure or detention of any ship that has been seized or detained by him in pursuance of the provisions herein contained, notwithstanding that such ship is not brought in for adjudication, or, if so brought in, is declared not to be liable to forfeiture, if it is shown to the satisfaction of the judge or court before whom any trial relating to such ship or such seizure or detention is held that there were reasonable grounds for such seizure or detention; but if no such grounds are shown, such judge or court may award payment of costs and damages to any party aggrieved, and make such other order in the premises as it thinks just.

#### PART X.—LEGAL PROCEDURE.

##### APPLICATION.

SECTION 517. The tenth part of this act shall in all cases, where no particular country is mentioned, apply to the whole of Her Majesty's dominions.

##### LEGAL PROCEDURE (GENERAL).

SECTION 518. In all places within Her Majesty's dominions, except Scotland, the offenses hereinafter mentioned shall be punished and penalties recovered in manner following, that is to say:

(1) Every offense by this act declared to be a misdemeanor shall be punishable by fine or imprisonment with or without hard labor, and the court before which such offense is tried may in England make the same allowances and order payment of the same costs and expenses as if such misdemeanor had been enumerated in the act passed in the seventh year of His late Majesty King George the Fourth, chapter 64, or any other act that may be passed for the like purpose, and may in any other part of Her Majesty's dominions make such allowances and order payment of such costs and expenses (if any) as are payable or allowable upon the trial of any misdemeanor under any existing act or ordinance, or as may be payable or allowable under any act or law for the time being in force therein.

(2) Every offense declared by this act to be a misdemeanor shall also be deemed to be an offense hereby made punishable by imprisonment for any period not exceeding 6 months, with or without hard labor, or by a penalty not exceeding £100, and may be prosecuted accordingly in a summary manner, instead of being prosecuted as a misdemeanor.

(3) Every offense hereby made punishable by imprisonment for any period not exceeding 6 months, with or without hard labor, or by any penalty not exceeding £100, shall in England and Ireland be prosecuted summarily before any two or more justices, as to England in the manner directed by the act of the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, chapter 43, and as to Ireland in the manner directed by the act of the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, chapter 93, or in such other manner as may be directed by any act or acts that may be passed for like purposes. And all provisions contained in the said acts shall be applicable to such prosecutions in the same manner as if the offenses in respect of which the same are instituted were hereby stated to be offenses in respect of which two or more justices have power to convict summarily or to make a summary order.

(4) In all cases of summary convictions in England, where the sum adjudged to be paid exceeds £5, or the period of imprisonment adjudged exceeds 1 month, any person who thinks himself aggrieved by such conviction may appeal to the next court of general or quarter sessions.

(5) All offenses under this act shall in any British possession be punishable in any court or by any justice of the peace or magistrate in which or by whom offenses of a like character are ordinarily punishable, or in such other manner, or by such other courts, justices, or magistrates, as may from time to time be determined by any act or ordinance duly made in such possession in such manner as acts and ordinances in such possession are required to be made in order to have the force of law.

SEC. 519. Any stipendiary magistrate shall have full power to do alone whatever two justices of the peace are by this act authorized to do.

SEC. 520. For the purpose of giving jurisdiction under this act, every offense shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

SEC. 521. In all cases where any district within which any court or justice of the peace or other magistrate has jurisdiction, either under this act or under any other act or at common law, for any purpose whatever, is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such court, justice of the peace, or magistrate shall have jurisdiction over any ship or boat being on or lying or passing off such coast, or being in or near such bay, channel, lake, river, or navigable water as aforesaid, and over all persons on board such ship or boat or for the time being belonging thereto, in the same manner as if such ship, boat, or persons were within the limits of the original jurisdiction of such court, justice, or magistrate.

SEC. 522. Service of any summons or other matter in any legal proceeding under this act shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any ship to which he may belong with the person being or appearing to be in command or charge of such ship.

SEC. 523. In all cases where any court, justice or justices of the peace, or other magistrate, has or have power to make an order directing payment to be made of any seaman's wages, penalties, or other sums of money, then, if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the court, justice or justices, or other magistrate who made the order, may, in addition to any other powers they or he may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or pouncing and sale of the said ship, her tackle, furniture, and apparel.

SEC. 524. Any court, justice, or magistrate imposing any penalty under this act for which no specific application is herein provided may, if it or he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or to be applied in or towards payment of the expenses of the proceedings; and, subject to such directions or specific application as aforesaid, all penalties recovered in the United Kingdom shall be paid into the receipt of Her Majesty's exchequer in such manner as the treasury may direct, and shall be carried to and form part of the consolidated fund of the United Kingdom; and all penalties recovered in any British possession shall be paid over into the public treasury of such possession, and form part of the public revenue thereof.



SEC. 525. The time for instituting summary proceedings under this act shall be limited as follows, that is to say:

(1) No conviction for any offense shall be made under this act in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within 6 months after the commission of the offense; or, if both or either of the parties to such proceeding happen during such time to be out of the United Kingdom, unless the same is commenced within 2 months after they both first happened to arrive or to be at one time within the same.

(2) No conviction for any offense shall be made under this act in any proceeding instituted in any British possession, unless such proceeding is commenced within 6 months after the commission of the offense; or, if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within 2 months after they both first happen to arrive or to be at one time within such jurisdiction.

(3) No order for the payment of money shall be made under this act in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within 6 months after the cause of complaint arises; or, if both or either of the parties happen during such time to be out of the United Kingdom, unless the same is commenced within 6 months after they both first happen to arrive or to be at one time within the same.

(4) No order for the payment of money shall be made under this act in any summary proceeding instituted in any British possession, unless such proceeding is commenced within 6 months after the cause of complaint arises; or, if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within 6 months after they both first happen to arrive or be at one time within such jurisdiction.

And no provision contained in any other act or acts, ordinance or ordinances, for limiting the time within which summary proceedings may be instituted shall affect any summary proceeding under this act.

SEC. 526. Any document required by this act to be executed in the presence of or to be attested by any witness or witnesses may be proved by the evidence of any person who is able to bear witness to the requisite facts, without calling the attesting witness or witnesses or any of them.

SEC. 527. Whenever any injury has, in any part of the world, been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, if at any time thereafter such ship is found in any port or river of the United Kingdom or within 3 miles of the coast thereof, it shall be lawful for the judge of any court of record in the United Kingdom, or for the judge of the high court of admiralty, or in Scotland the court of session, or the sheriff of the county within whose jurisdiction such ship may be, upon its being shown to him by any person applying summarily that such injury was probably caused by the misconduct or want of skill of the master of mariners of such ship, to issue an order directed to any officer of customs or other officer named by such judge, requiring him to detain such ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of such injury, or has given security, to be approved by the judge, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of such injury, and to pay all costs and damages that may be awarded thereon; and any officer of customs or other officer to whom such order is directed shall detain such ship accordingly.

SEC. 528. In any case where it appears that before any application can be made under the foregoing section such foreign ship will have departed beyond the limits therein mentioned, it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of customs, or any British consular officer, to detain such ship until such time as will allow such application to be made and the result thereof to be communicated to him; and no such officer shall be liable for any costs or damages in respect of such detention unless the same is proved to have been made without reasonable grounds.

SEC. 529. In any action, suit, or other proceeding in relation to such injury, the person so giving security as aforesaid shall be made defendant or defender, and shall be stated to be the owner of the ship that has occasioned such damage; and the production of the order of the judge made in relation to such security shall be conclusive evidence of the liability of such defendant or defender to such action, suit, or other proceeding.

#### LEGAL PROCEDURE (SCOTLAND).

SEC. 530. In Scotland every offense which by this act is described as a felony or misdemeanor may be prosecuted by indictment or criminal letters at the instance of Her Majesty's advocate before the high court of justiciary, or by criminal libel at

the instance of the procurator fiscal of the county before the sheriff, and shall be punishable with fine and with imprisonment, with or without hard labor in default of payment, or with imprisonment, with or without hard labor, or with both, as the court may think fit, or in the case of felony with penal servitude, where the court is competent thereto; and such court may also, if it think fit, order payment by the offender of the costs and expenses of the prosecution.

SEC. 531. In Scotland all prosecutions, complaints, actions, or proceedings under this act, other than prosecutions for felonies or misdemeanors, may be brought in a summary form before the sheriff of the county, or before any two justices of the peace of the county or burgh where the cause of such prosecution or action arises, or where the offender or defender may be for the time, and when of a criminal nature or for penalties, at the instance of the procurator fiscal of court, or at the instance of any party aggrieved, with concurrence of the procurator fiscal of court; and the court may, if it think fit, order payment by the offender or defender of the costs of prosecution or action.

SEC. 532. In Scotland all prosecutions, complaints, actions, or other proceedings under this act may be brought either in a written or printed form, or partly written and partly printed, and where such proceedings are brought in a summary form it shall not be necessary in the complaint to recite or set forth the clause or clauses of the act on which such proceeding is founded, but it shall be sufficient to specify or refer to such clause or clauses, and to set forth shortly the cause of complaint or action and the remedy sought; and when such complaint or action is brought in whole or in part for the enforcement of a pecuniary debt or demand, the complaint may contain a prayer for warrant to arrest upon the dependence.

SEC. 533. In Scotland, on any complaint or other proceeding brought in a summary form under this act being presented to the sheriff clerk or clerk of the peace, he shall grant warrant to cite the defender to appear personally before the said sheriff or justices of the peace on a day fixed, and at the same time shall appoint a copy of the same to be delivered to him by a sheriff officer or constable, as the case may be, along with the citation; and such deliverance shall also contain a warrant for citing witnesses and havers to compare at the same time and place to give evidence and produce such writs as may be specified in their citation; and where such warrant has been prayed for in the complaint or other proceeding, the deliverance of the sheriff clerk or clerk of the peace shall also contain warrant to arrest upon the dependence in common form: Provided always, that where the apprehension of any party, with or without a warrant, is authorized by this act, such party may be detained in custody until he can be brought at the earliest opportunity before any two justices, or the sheriff who may have jurisdiction in the place, to be dealt with as this act directs, and no citation or induciæ shall in such case be necessary.

SEC. 534. When it becomes necessary to execute such arrestment on the dependence against goods or effects of the defender within Scotland, but not locally situated within the jurisdiction of the sheriff or justices of the peace by whom the warrant to arrest has been granted, it shall be competent to carry the warrant into execution on its being indorsed by the sheriff clerk or clerk of the peace of the county or burgh respectively within which such warrant comes to be executed.

SEC. 535. In all proceedings under this act in Scotland the sheriff or justices of the peace shall have the same power of compelling attendance of witnesses and havers as in cases falling under their ordinary jurisdiction.

SEC. 536. The whole procedure in cases brought in a summary form before the sheriff or justices of the peace in Scotland shall be conducted *viva voce*, without written pleadings, and without taking down the evidence in writing, and no record shall be kept of the proceedings other than the complaint and the sentence or decree pronounced thereon.

SEC. 537. It shall be in the power of the sheriff or justices of the peace in Scotland to adjourn the proceedings from time to time to any day or days to be fixed by them, in the event of absence of witnesses or of any other cause which shall appear to them to render such adjournment necessary.

SEC. 538. In Scotland all sentences and decrees to be pronounced by the sheriff or justices of the peace upon such summary complaints shall be in writing; and where there is a decree for payment of any sum or sums of money against a defender, such decree shall contain warrant for arrestment, poinding, or imprisonment in default of payment, such arrestment, poinding, or imprisonment to be carried into effect by sheriffs' officers or constables, as the case may be, in the same manner as in cases arising under the ordinary jurisdiction in the sheriff or justices: Provided always, that nothing herein contained shall be taken or construed to repeal or affect an act of the fifth and sixth years of William the Fourth, intituled "An act for abolishing, in Scotland, imprisonment for civil debts of small amount."

SEC. 539. In all summary complaints and proceedings for recovery of any penalty or sum of money in Scotland, if a defender who has been duly cited shall not appear

at the time and place required by the citation, he shall be held as confessed, and sentence or decree shall be pronounced against him in terms of the complaint, with such costs and expenses as to the court shall seem fit: Provided always, that he shall be entitled to obtain himself reponed against any such decree at any time before the same be fully implemented, by lodging with the clerk of court a reponing note, and consigning in his hands the sum decreed for, and the costs which had been awarded by the court, and on the same day delivering or transmitting through the post to the pursuer or his agent a copy of such reponing note; and a certificate by the clerk of court of such note having been lodged shall operate as a sist of diligence till the cause shall have been reheard and finally disposed of, which shall be on the next sitting of the court, or on any day to which the court shall then adjourn it.

SEC. 540. In all summary complaints or other proceedings not brought for the recovery of any penalty or sum of money in Scotland, if a defender, being duly cited, shall fail to appear, the sheriff or justices may grant warrant to apprehend and bring him before the court.

SEC. 541. In all cases where sentences or decrees of the sheriff or justices require to be enforced within Scotland, but beyond the jurisdiction of the sheriff or justices by whom such sentences or decrees have been pronounced, it shall be competent to carry the same into execution upon the same being indorsed by the sheriff clerk or clerk of the peace of the county or burgh within which such execution is to take place.

SEC. 542. No order, decree, or sentence pronounced by any sheriff or justice of the peace in Scotland under the authority of this act shall be quashed or vacated for any misnomer, informality, or defect of form; and all orders, decrees, and sentences so pronounced shall be final and conclusive, and not subject to suspension, advocacy, reduction, or to any form of review or stay of execution, except on the ground of corruption or malice on the part of the sheriff or justices, in which case the suspension, advocacy, or reduction must be brought within 14 days of the date of the order, decree, or sentence complained of: Provided always, that no stay of execution shall be competent to the effect of preventing immediate execution of such order, decree, or sentence.

SEC. 543. Such of the general provisions with respect to jurisdiction, procedure, and penalties contained in this act as are not inconsistent with the special rules hereinbefore laid down for the conduct of legal proceedings and the recovery of penalties in Scotland, shall, so far as the same are applicable, extend to such last-mentioned proceedings and penalties: Provided always, that nothing in this act contained shall be held in any way to annul or restrict the common law of Scotland with regard to the prosecution or punishment of offenses at the instance or by the direction of the lord advocate, or the rights of owners or creditors in regard to enforcing a judicial sale of any ship and tackle, or to give to the high court of admiralty of England any jurisdiction in respect of salvage in Scotland which it has not heretofore had or exercised.

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*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,

*Washington, July 7, 1891.*

SIR: With reference to the memorandum which I left in your hands on the 23d ultimo respecting the British instructions to naval officers in the Behring Sea, I have the honor to transmit herewith, by direction of the Marquis of Salisbury, a full note of the instructions sent to the senior British naval officer on the North Pacific station with regard to the steps to be taken to prohibit the killing of seals in certain specified portions of the Behring Sea.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

*Note.*

The instructions to the senior naval officer on the North Pacific station, after reciting the provisions of the seal fishery (Behring's Sea) act, 1891, and stating that the order in council passed thereunder applies only to that part of Behring's Sea which is east of the line of demarcation thereafter described, proceeds as follows:

"Your instructions are to proceed at once with *Nymphe* and *Pheasant* to Behring's Sea and cruise to eastward of above-named line, as may be necessary, warning every ship under British colors which, in your judgment, is hunting seals or preparing to do so. If you think she is acting in ignorance of the prohibition or believes herself to be outside prohibited waters, you may let her go with warning. If a ship is found deliberately offending, confiscate all her equipment necessary for sealing and record names of ship and master for prosecution afterwards.

"If you find American vessels deliberately offending, you are authorized by convention just signed to arrest her, and you should record name of captain and vessel and proof of offense, informing American authorities. If you can, it will be your duty to coöperate with American cruisers, who will have similar orders.

"*Nymphe* and *Pheasant* to proceed at once on this duty. *Porpoise* will proceed to Iliuliuk Harbor, Unalaska, from China, to be under command of *Nymphe*, who will give copy instructions for guidance. These vessels to remain on this service until close of fishing season.

"The line of demarcation proceeds in a course nearly southwest through Behring Strait and Behring Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Tchukotoki to the meridian of 170° west longitude; thence from the intersection of that meridian in a south-westerly direction, so as to pass midway between the island of Attou and the Copper Island, of the Kormandorski couplet or group, in the North Pacific, to the meridian of 167° east longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian."

*Mr. Adce to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, July 8, 1891.

SIR: I have the honor to acknowledge, with thanks, the receipt of the copies of an act of Parliament relating to the catching of seals by British ships in Behring Sea, and also of the copies of an order of Her Britannic Majesty in council on the same subject that accompanied your note of the 6th instant.

I have, etc.,

ALVEY A. ADEE,  
*Acting Secretary.*

*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, July 9, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, with accompanying copy of the instructions to Her Britannic Majesty's officers in Behring Sea, and to inform you that I have communicated a copy thereof to the American Navy Department.

I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,  
*Washington, July 13, 1891.*

SIR: Since the receipt of your note of the 25th ultimo, of which I transmitted a copy to the Marquis of Salisbury, I have been in telegraphic communication with his lordship respecting the two clauses (6 and 7) which, by direction of the President, you have proposed for adoption in the Behring Sea arbitration convention, and also respecting the form of agreement for carrying out the arrangement for the appointment of a joint commission to inquire into the conditions of seal life in Behring Sea.

I desire at present to confine myself to the clause proposed in your note, which deals with the question of compensation, namely, clause 7.

It is the only one which appears to me to raise any serious difficulty, and I trust that, after considering the following observations, and with a view to expediting the conclusion of this negotiation, the President will not object to the substitution of a clause in the form which I shall presently have the honor to submit.

Her Majesty's Government have no desire to exclude from the consideration of the arbitrators any claim of compensation in relation to the Behring Sea fisheries which the United States Government may believe themselves entitled to prefer consistently with the recognized principles of international law. But they are of opinion that it is expedient, in a case involving such important issues and presenting such novel features, to prejudge, as it were, the question of liability by declaring that compensation shall be awarded on a hypothetical state of facts. Her Majesty's Government consider that any legal liability arising out of the facts, as proved and established at the arbitration, should be as much a question for argument and decision as the facts themselves; and, in order that this should be made quite clear and that both Governments should be placed, in that respect, on the same footing, I am authorized by Lord Salisbury to submit the following clause in substitution for the seventh clause proposed by the President:

(7) Either Government may submit to the arbitrators any claim for compensation which it may desire to prefer against the other Government in respect of any losses or injuries in relation to the fur-seal fishery in Behring Sea for which such other Government may be legally liable. The arbitrators shall decide on the legality of every such claim, and, if it shall be established, they may award such compensation as, in their judgment, shall seem equitable.

I have, etc.,

JULIAN PAUNCEFOTE.

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*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
*Washington, July 23, 1891.*

SIR: The President directs me to say, in response to your note of the 13th instant, that he notices with pleasure the good progress toward a full agreement upon the terms of arbitration indicated by your statement that only the seventh clause as proposed by this Government appears to you "to raise any serious difficulty."

That clause was thus stated in my note of June 25:

It shall be competent to the arbitrators to award such compensation as in their judgment shall seem equitable to the subjects or citizens of Great Britain whose

vessels may have been seized by the United States in the Behring Sea, if such seizures shall be found by the arbitrators to have been unwarranted; and it shall also be competent to the arbitrators to award to the United States such compensation as in their judgment shall seem equitable for any injuries resulting to the United States or to the lessees from that Government of the privilege of taking seals on the Pribyl-off Islands, by reason of the killing of seals in the Behring Sea by persons acting under the protection of the British flag, outside of the ordinary territorial limits, and since the 1st day of January, 1886, if such killing shall be found to have been an infraction of the rights of the United States.

The objection you made to this clause is thus stated by you:

Her Majesty's Government have no desire to exclude from the consideration of the arbitrators any claim of compensation in relation to the Behring Sea fisheries which the United States Government may believe themselves entitled to prefer consistently with the recognized principles of international law. But they are of opinion that it is inexpedient, in a case involving such important issues and presenting such novel features to prejudice, as it were, the question of liability by declaring that compensation shall be awarded on a hypothetical state of facts. Her Majesty's Government consider that any legal liability arising out of the facts as proved and established at the arbitration should be as much a question for argument and decision as the facts themselves, and in order that this should be made quite clear, and that both Governments should be placed in that respect on the same footing, etc.

The President was not prepared to anticipate this objection, in view of the fact that Lord Salisbury, in his note of February 21 last, had asked a specific submission to the arbitrators of the British claim for seizures made in the Behring Sea. His language, which was quoted in my note of June 25, was as follows:

There is one omission in these questions which I have no doubt the Government of the President will be very glad to repair, and that is the reference to the arbitrator of the question what damages are due to the persons who have been injured, in case it shall be determined by him that the action of the United States in seizing British vessels has been without warrant in international law.

This could only be understood as a suggestion that the claims of the respective Governments should be stated and given a specific reference. And so, in the seventh clause proposed, the claim of Great Britain for seizures made is defined and referred to in terms so correspondent to the request of Lord Salisbury that it can not be supposed objection would have been made to it if it had stood alone. But a particular statement of the British claim for compensation certainly made proper, and even necessary, a like statement of the claims of the United States, and the President is not able to see that the reference proposed was in any respect unequal. If it should be found by the arbitrators that the United States had, without right, seized British vessels in the Behring Sea, the arbitrators were authorized to give compensation; and if, on the other hand, these and other British vessels were found to have visited that sea, and to have killed seals therein in violation of the rights of the United States and to the injury of its property interest, the arbitrators were authorized to give compensation. One is not more subject to the objection that it presents a hypothetical state of facts than the other, and both submit the question of the lawfulness or unlawfulness of the acts complained of.

The President believes that Her Majesty's Government may justly be held responsible, under the attendant circumstances, for injuries done to the jurisdictional or property rights of the United States by the sealing vessels flying the British flag, at least since the date when the right of these vessels to invade the Behring Sea and to pursue therein the business of pelagic sealing was made the subject of diplomatic intervention by Lord Salisbury. In his opinion justice requires that Her Majesty's Government should respond for the injuries done by those vessels, if their acts are found to have been wrongful, as fully as if

each had borne a commission from that Government to do the acts complained of. The presence of the master or even of a third person, under circumstances calculated and intended to give encouragement, creates a liability for trespass at the common law, and much more if his presence is accompanied with declarations of right, protests against the defense which the owner is endeavoring to make, and a declared purpose to aid the trespassers if they are resisted. The justice of this rule is so apparent that it is not seen how, in the less technical tribunal of an international arbitration, it could be held to be inapplicable.

The United States might well insist that Her Majesty's Government should admit responsibility for the acts of the Canadian sealers, which it has so directly encouraged and promoted, precisely as in the proposal the United States admits responsibility for the acts of its revenue vessels. But, with a view to remove what seems to be the last point of difference in a discussion which has been very much protracted, the President is willing to modify his proposal, and directs me to offer the following:

The Government of Great Britain having presented the claims of its subjects for compensation for the seizure of their vessels by the United States in Behring Sea, and the Government of the United States having presented on its own behalf, as well as of the lessees of the privilege of taking seals on the Pribiloff Islands, claims for compensation by reason of the killing of seals in the Behring Sea by persons acting under the protection of the British flag, the arbitrators shall consider and decide upon such claims in accordance with justice and equity and the respective rights of the high contracting parties, and it shall be competent for the arbitrators to award such compensation as, in their judgment, shall seem equitable.

The President thinks that a particular statement of the claims of the respective Governments is more likely to lead to a satisfactory result than the general reference proposed by you. It is believed that the form of reference now proposed by him removes the objection urged by you to his former proposal.

I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,  
*Newport, R. I., August 8, 1891.*

SIR: On the 23d of June last I had the honor to place in your hands a memorandum embodying the substance of the instructions issued to British cruisers in Behring Sea in pursuance of the *modus vivendi* signed on the 15th of that month. The memorandum also contained a proposal for an agreement between the Governments of Great Britain and of the United States for mutual indemnities in respect of acts committed by the cruisers of one nation against the vessels of the other in execution of the *modus vivendi*.

To that proposal I have not as yet been favored with a reply, and I should be extremely obliged if you would be good enough to inform me at your earliest convenience of the views of your Government with respect to the suggested agreement.

I have, etc.,

JULIAN PAUNCEFOTE.

*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, August 17, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 8th instant, in which you refer to a memorandum of June 23, left with me June 24, in which you submitted a proposal for an agreement between the Governments of Great Britain and the United States for mutual indemnities in respect of acts committed by the cruisers of one nation against the vessels of the other in execution of the *modus vivendi*.

The President desires me to say in reply that it seems to him to be quite unnatural that the two Governments, having come to a friendly understanding as to a *modus vivendi* and the method of its enforcement, should anticipate or attempt to provide against possible breaches or violations of duty by the vessels of either country. It will be time enough, in the President's opinion, when either Government lodges against the other a complaint in this regard, to consider the question of indemnity. The President desires me to state that he hopes that no such question may arise, but that he will be prepared to meet it in a friendly spirit if, unfortunately, differences should develop.

I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, August 22, 1891.

SIR: Referring to my note to you of the 23d ultimo, relative to the proposed agreement of arbitration of certain matters affecting the seal fisheries in Behring Sea, I would be extremely obliged if you would be kind enough to inform me when an answer to the same may be expected.

I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,  
Newport, August 24, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 22d instant, in which you ask me to inform you when you may expect an answer to your note of the 23d ultimo, relative to the proposed agreement of arbitration of certain matters affecting the seal fisheries in Behring Sea.

I very much regret that I have not yet been in a position to reply to the note in question, but I hope to be able to do so in the course of the next few days.

I have, etc.,

JULIAN PAUNCEFOTE.



*Sir Julian Pauncefote to Mr. Wharton.*

[Telegram.]

NEWPORT, R. I., August 26, 1891.

Your note of 22d. Important letter posted to-day.

PAUNCEFOTE.

*Sir Julian Pauncefote to Mr. Wharton.*

[Private and unofficial.]

BRITISH LEGATION,

Newport, R. I., August 26, 1891.

DEAR MR. WHARTON: In my reply to your official note of the 22d instant I stated that I hoped to be able to send an answer to your note of the 23d ultimo in a few days.

Before doing so, however, I am anxious to explain to you privately and unofficially by letter, as I would do verbally were I in Washington, the objection which my Government entertain to the latest form of clause relating to compensation which has been proposed by the President for adoption as article 7 in the Behring Sea arbitration agreement. Such a private and unofficial exchange of views at this point of the negotiations may abridge the official correspondence and facilitate a solution of the present difficulty, on the basis of a suggestion which you made when we discussed the questions informally at Washington.

My Government are unable to accept the form of clause proposed by the President because it appears to them, taken in connection with your note of the 23d ultimo, to imply an admission on their part of a doctrine respecting the liability of governments for the acts of their nationals or other persons sailing under their flag on the high seas which is not warranted by international law and to which they can not subscribe.

I need hardly say that the discussion of such a point (which, after all, may never arise) must prolong the negotiation indefinitely. Moreover, it seems premature to enter into such a discussion before the other questions to be submitted to the arbitrators have been determined and all the facts on which any liability can arise have been ascertained.

Your suggestion, to which I have referred, was to leave out altogether the question of damages from the arbitration agreement, and you may remember that at the time I did not encourage the idea, not apprehending that the clause would give rise to such protracted discussion, and being, moreover, anxious that the settlement to be arrived at should embrace and finally dispose of every point in controversy.

There is a middle course, however, which appears to me to commend itself, from every point of view, as a practical and logical solution of the present difficulty. It is to omit the seventh clause, as to compensation, and to insert in its place a clause referring to the arbitrators any question of fact which either Government may put to them with reference to the claims for compensation it believes itself to possess. The application of the facts to international law might be a matter for negotiation after they are determined, and, if the two Governments agree, might be referred, in whole or in part, to the arbitrators. The clause might be worded as follows:

CLAUSE 7. Either of the two Governments may submit to the arbitrators any ques-

tion of fact which it may wish to put before them in reference to the claims for compensation which it believes itself or its nationals to possess against the other.

The question whether or not, and to what extent, those facts, as determined by the arbitrators and taken in connection with their decision upon the other questions submitted to them, render such claims valid according to the principles of international law shall be a matter of subsequent negotiations, and may, if the two powers agree, be referred, in whole or in part, to the arbitrators.

I do not, of course, propose the above wording as definite. It should be open to amendment on either side. But if, after submitting it to the President, you should be able to inform me privately that such a clause, under the circumstances, would be acceptable to your Government, I would then address you officially in reply to your note of the 23d ultimo and formally make the above proposal, stating the grounds on which it is based. Hoping that this mode of settlement of the last point in dispute will meet with your approval, and that this effort on my part to bring the negotiation at once to a satisfactory termination may be successful,

I remain, etc.,

JULIAN PAUNCEFOTE.

*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Newport, August 26, 1891.

SIR: In accordance with instructions which I have received from Her Majesty's principal secretary of state for foreign affairs, I have the honor to inform you that the British Behring Sea commissioners have reported, in a communication dated Seal Island, August 5, that they find that this year's catch of seals already materially exceeds 7,500, and that the United States agent permits the killing of seals to continue, assuming that the limitation agreed upon commences from the date of the signature of the *modus vivendi*.

In bringing this information to your notice I am at the same time instructed to express the conviction of Her Majesty's Government that the President will not countenance any evasion of the true spirit of this agreement, and that he will take whatever measures appear to him to be necessary to insure its strict observance.

I have, etc.,

JULIAN PAUNCEFOTE.

*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, September 2, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 26th ultimo, complaining that the United States agent at the Seal Islands is violating the agreement of June 15, 1891, by permitting the killing of a larger number of seals than is stipulated thereunder.

Your statement shall receive the immediate attention of this Government.

Meanwhile, I have, etc.,

WILLIAM F. WHARTON,  
Acting Secretary.

*Mr. Wharton to Sir Julian Pauncefote.*

[Private and unofficial.]

DEPARTMENT OF STATE,  
*Washington, September 7, 1891.*

MY DEAR SIR JULIAN: Your private and unofficial note of August 26 was duly received, and I desire now to reply to it in the same private and unofficial manner. The President is unable to see how the damage clause last proposed by him can be held to imply an admission on the part of Great Britain "of a doctrine respecting the liability of governments for the acts of their nationals or other persons sailing under their flag on the high seas which is not warranted by international law." The proposition was expressly framed so as to submit to the arbitrators the question of the liability of Great Britain for the acts of vessels sailing under its flag. It did not assume a liability, but was framed expressly to avoid this objection, which had been urged against the previous proposal. I quote from my note of July 23:

The United States might well insist that Her Majesty's Government should admit responsibility for the acts of the Canadian sealers, which it has so directly encouraged and promoted, precisely as in the proposal the United States admits responsibility for the acts of the revenue vessels. But, with a view to remove what seems to be the last point of difference in a discussion which has been very much protracted, the President is willing to modify his proposal, and directs me to offer the following.

The claim of the United States was stated in my note of July 23, accompanying the proposal, and the President does not see how the claims of the respective Governments could be more fairly or fully submitted. This Government proposes to submit to the arbitrators the question whether Great Britain is liable for the injury done to the seal fisheries, the property of the United States, by the Canadian vessels that have, under the stimulation and support of the British Government, been for several years engaged in the Behring Sea. The proposal of this Government was that the arbitrators should consider and decide such claims in accordance with justice and equity and the respective rights of the high contracting parties.

The President is unable to accept the last suggestion which you make in your note, as it seems to him to be entirely ineffectual. The facts connected with the seizure of Canadian sealers by the revenue vessels of the United States, on the one hand, and with the invasion of the sea and the taking of seals by the Canadian sealers on the other, are well known, and doubtless could be agreed upon by the respective Governments without difficulty. It is over the question of liability to respond in damages for these acts that the controversy exists, and the President can see no other course for this Government than to insist upon the submission of the question of the liability of Great Britain for the acts it complains of to arbitrators. This Government does not insist that Great Britain shall admit any liability for the acts complained of, but it may well insist, if this arbitration is to result in any effectual settlement of the differences between the two Governments, that the question of Great Britain's liability shall go to the arbitrators for decision.

If you have any suggestions to make in support of the objection that the proposal made by the President assumes a liability on the part of Great Britain, the President will be very glad to receive them, and, if necessary, to reconsider the phraseology; but, upon a careful and critical examination of the proposition, he is unable to see that the objection now made has any support in the terms of the proposal.

I am, etc.,

WILLIAM F. WHARTON.

*Mr. Wharton to Sir Julian Pauncefoot.*

DEPARTMENT OF STATE,  
*Washington, October 10, 1891.*

SIR: It is a source of regret that an answer has been so long delayed to your note of August 26 last, relating to the communication of the British Behring Sea commissioners as to the alleged killing of seals on the seal islands in excess of the number fixed by the agreement of June 15 last. This delay has been occasioned by the necessity of receiving from the United States agent in charge of the islands a full report on the subject.

The agent reports that he reached the islands on the 10th day of June, 1891; that from the 1st of January to the 1st of May, 1891, no seals were killed on the islands; and that from May 1 to June 10, the date of the agent's arrival, there were killed for the natives for food 1,651 seals. On the morning of June 11 the agent gave permission to the lessees to commence killing under the contract with the Government of the United States, and he states that from the 11th to the 15th of June 2,920 seals were killed; and that from June 15 to July 2, the date of the arrival of the steamer *Corwin* bringing the proclamation of the President of the United States containing the notice and text of the *modus vivendi*, there were killed 4,471 seals. From July 2 to August 10 there were killed for the use of the natives as food 1,796 seals, and, on leaving the islands, the agent gave instructions to limit the number to be killed by the natives for food up to May 1, 1892, to 1,233.

The instructions of the Secretary of the Treasury to the agent, received by the steamer *Corwin*, were that, if in any way his previous instructions were inconsistent with the President's proclamation and the agreement embraced in it, he should be governed by the latter. The agent reports that, after careful consideration of the text of the agreement, he decided that the seals killed since June 15, the date when that instrument was signed, should be deducted from the 7,500 named in article 2, thus leaving 3,029 seals to be taken "for the subsistence and care of the natives" from July 2, 1891, to May 1, 1892. He says that, in his desire to carry out with absolute correctness the *modus vivendi*, he consulted the two United States commissioners (Messrs. Mendenhall and Merriam), the commanders of the United States vessels *Mohican*, *Thetis*, and *Corwin*, the United States special agent, and the special inspector, and that they all concurred in his interpretation of paragraph 2 of the agreement, that seals killed prior to June 15 did not form part of the 7,500 named in the *modus vivendi*. He further says that in his first meeting with the British commissioners, Sir George Baden-Powell and Dr. G. M. Dawson, July 28, he submitted the same question to them. Their reply was that it was the understanding of the British Government that only 7,500 seals should be taken during the season; but, on examining the text of the agreement, they admitted that the agent's interpretation of it was correct. This statement as to the views of the British commissioners is confirmed by the report of Prof. Mendenhall.

The agent claims that his action is not only strictly in accord with the language of the agreement, but with the true intent and spirit of the same, as he understood that intent and spirit in the light of all the facts in his possession. He understood that the object of the agreement in allowing 7,500 seals to be killed was "for the subsistence and care of the natives." The 1,651 seals killed by the natives for food from May 1 to June 10 were almost immediately eaten by them, as is their

custom after the scanty supply of meat during the winter and spring months, and no part of these seals was salted or preserved for future use. During the killing season by the lessees under their quota for commercial purposes the natives are kept very busy and have no time to prepare meat for future use, and only so much is used for food as is cut off for present use; so that the seals killed between June 10, when the season commenced, and July 2, when the notice of the *modus vivendi* was received, were not available for the future subsistence of the natives. As stated, there only remained 3,029 seals to be taken for their subsistence from July 2, 1891, to May 1, 1892. The agent cites the fact that from the close of the commercial killing season of 1890, on July 20, there were killed by the natives for food up to December 31, 1890, 6,218 seals, including 3,468 pup seals, the further killing of the latter being now prohibited. It was plain to the agent that, under the construction which he had placed upon the *modus vivendi*, the supply of meat for the natives during the coming winter would be entirely inadequate, and before his departure from the islands he called upon the lessees to bring in a sufficient supply of salt beef to carry the natives through the winter and up to May 1, 1892.

The agent had no means of determining the scope and meaning of the phrase of the British commissioners, as used in your note, "this year's catch," or "the catch of this season," as used in their communication to him dated July 30, except by the interpretation to be given to the text of the *modus vivendi*, as contained in paragraphs 1 and 2. The "same period" found in paragraph 2, he understood to refer to the period within which the British Government undertook to prohibit seal-killing in Behring Sea. The British commissioners informed the agent that, as to the British Government, this period did not begin until a reasonable time after June 15 (the date of signing) sufficient for the naval vessels to reach the sea. The agent interpreted the paragraphs cited as mutually binding, and he could not assume that it would be claimed that their provisions were to take effect on one date in the interest of the British sealers and on another in the interest of the United States.

I have thus taken pains to communicate to you in some detail the action of the agent of the United States on the subject complained of by the British commissioners, and I hope what has been set forth will convince your Government that there has been no disposition on the part of the agent to evade or violate the stipulations of the agreement of June 15 last.

I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Mr. Wharton to Sir Julian Pauncefoot.*

DEPARTMENT OF STATE,  
*Washington, October 12, 1891.*

MY DEAR SIR JULIAN: On July 23 last I wrote you a note presenting a proposal for the settlement of claims for damages which was to form a part of the proposed agreement of arbitration of certain matters affecting the seal fisheries in Behring Sea. On August 22 I wrote requesting you to be kind enough to inform me when an answer to my note might be expected. On August 24 you wrote me acknowledging

the receipt of mine of August 22, and expressing the hope that you would be in a position to reply to my note of July 23 in the course of the next few days. More than ten weeks have elapsed since sending you my note of July 23, and no answer to it has yet been received. The President is very desirous to have a conclusion reached in the negotiations concerning the Behring Sea matters, and has requested me to draw your attention again to the importance of an early reply to his latest proposal. The period fixed by the agreement for a *modus vivendi* expires May 2 next. The time within which it is hoped to obtain a final settlement of the questions in dispute between the two Governments is fast going by, and the President feels that, if any effective action is to be had in the matter before the next fishing season opens, all the terms of agreement of arbitration should be disposed of immediately.

Very truly yours,

WILLIAM F. WHARTON.

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*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,

Washington, October 13, 1891.

MY DEAR MR. WHARTON: On receipt of your letter of yesterday, asking for a reply to your note of July 23 last, containing a form of clause proposed by your Government to be inserted in the Behring Sea arbitration agreement to settle the long-debated question of damages, I telegraphed to Lord Salisbury for further instructions, informing him of the substance of your communication.

I understand that his lordship is expected in London this week from the south of Europe, and I shall probably, therefore, receive an answer to my telegram before many days.

Although, as you observe, more than ten weeks have elapsed since the date of your official note above referred to, I need hardly remind you that the intervening time has been taken up with informal discussions between us with a view to finding a solution of the difficulty without unduly lengthening the official correspondence. This informal interchange of views, which, no doubt, had the approval of the President, has not been without advantage in throwing light on the troublesome question which still impedes the conclusion of the agreement, and I now hope I may soon be in a position to resume the official correspondence.

Very truly yours,

JULIAN PAUNCEFOTE.

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*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,

Washington, October 17, 1891.

SIR: Immediately on the receipt of your note of the 23d of July last, relative to the form of compensation clause to be inserted in the Behring Sea arbitration agreement, I transmitted a copy of it to the Marquis of Salisbury.

Since then I have been in correspondence with his lordship respecting the new form of clause on that subject proposed in your note as article 7.

I regret to inform you that Her Majesty's Government, after the fullest consideration, have arrived at the conclusion that this new clause could not properly be assented to by them. In their opinion it implies an admission of a doctrine respecting the liability of governments for the acts of their nationals or other persons sailing under their flag on the high seas, for which there is no warrant in the law of nations. Thus it contains the following words:

The Government of the United States having presented on its own behalf, as well as of the lessees of the privilege of taking seals on the Pribiloff Islands, claims for compensation by reason of the killing of seals in Behring's Sea by persons acting under the protection of the British flag, the arbitrators shall consider and decide upon such claims, etc.

These words involve the proposition that Her Majesty's Government are liable to make good losses resulting from the wrongful action of persons sailing outside their jurisdiction under the British flag.

Her Majesty's Government could not accept such a doctrine. The article dealing with the question of compensation is therefore likely to give occasion for lengthy negotiations, which must retard indefinitely the decision of the main questions of law, on which the validity of the claims of either Government entirely depend.

Both Governments being equally desirous to find a prompt solution of the difficulty which now impedes the conclusion of the arbitration agreement, Lord Salisbury has authorized me to make the following proposal: His lordship suggests that the six articles of the arbitration agreement already accepted by both Governments should be signed now, and also an article providing for the reference to the arbitrators of any question of fact which either Government may desire to submit to them regarding the claims for compensation to which it considers itself to be entitled. The application of international law to those facts would be left as a matter for future negotiation after they shall have been ascertained, and might be subsequently referred to the arbitrators, in whole or in part, if the two Governments should agree to do so.

The above proposal presents so logical and practical an issue out of the difficulty that I can not but think that it will commend itself to the favorable consideration of the President, and I hope it will meet with his acceptance.

I have, etc.,

JULIAN PAUNCEFOTE.

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*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, October 22, 1891.

SIR: I have laid before the President your note of the 17th instant, and he directs me to express his regret that your Government has not seen fit to accept the modified form of the seventh clause which was proposed in my note of July 23 last.

This modification of the clause in question was made with a view to obviate the objection urged in your note of July 13, and the President is unable to see how it can be held to imply an admission on the part of Great Britain "of a doctrine respecting the liability of governments

for the acts of their nationals or other persons sailing under their flag on the high seas, for which there is no warrant in international law." The proposition was expressly framed so as to submit to the arbitrators the question of the liability of each Government for specified acts complained of by the other, and its language no more implies an admission of liability on the part of one Government than on the part of the other. It is precisely because the two Governments can not agree as to the question of liability that arbitration becomes necessary. The facts upon which the respective claims for compensation rest are not seriously in dispute, to wit, the seizure of vessels and the killing of seals in Behring Sea, and it would probably not require the aid of arbitrators for their ascertainment. But it is the more important and difficult question of liability respecting which the two Governments find it necessary to invoke the interposition of impartial arbitration.

It was not the intention of this Government to require of Great Britain any admission of liability for the acts complained of, but it has felt that, if the arbitration was to result in a full settlement of the differences between the two Governments, the question of respective liability for these acts should go to the arbitrators for decision.

In the informal conferences which have taken place between us since the date of my note of July 25, you will remember that I have solicited from you any suggestions in support of the objection that the modified clause assumes a liability on the part of your Government, having in view on my part an amendment of the phraseology to overcome the objection; and I have to express disappointment that no such suggestions were found in your note of the 17th instant. It was for this reason, and in the hope that the clause might be made acceptable to your Government, that after the receipt of your note I submitted to you informally the following amendment to be added to the seventh clause as proposed in my note of July 23:

The above provision for the submission to the arbitrators by the United States of claims for compensation by reason of the killing of seals by persons acting under the protection of the British flag shall not be considered as implying any admission on the part of the Government of Great Britain of its liability for the acts of its nationals or other persons sailing under its flag.

We have now been informed by you that your Government is unwilling to accept the clause even with this addition by way of amendment.

When in your note of February 21 last you communicated the desire of Lord Salisbury for a "reference to the arbitrator of the question of damages due to persons who have been injured, in case it should be determined by him that the action of the United States in seizing British vessels has been without warrant in international law," the President cheerfully accepted the suggestion, and coupling with it the claim of damages preferred by the United States, proposed to submit both questions, as presented by the respective Governments, to arbitration, thus making a complete and final settlement of all differences between the two Governments connected with the seal fisheries. To withdraw this comprehensive submission of specified claims and substitute for it a mere reference to the arbitrator of questions of fact touching the same claims which are not to be held binding upon either Government, as you propose, is, in the opinion of the President, an imperfect, and he fears may prove an ineffectual, disposition of the question of claims. But, having failed in his efforts by modification and amendment to secure the acceptance by your Government of the clause for a full adjustment of these claims, and heartily participating in the desire expressed



in your note for a prompt solution of the difficulty which impedes the conclusion of the arbitration, he has thought it best to terminate the discussion by proposing to you the following, to constitute the text of clause 7:

The respective Governments having found themselves unable to agree upon a reference which shall include the question of the liability of each for the injuries alleged to have been sustained by the other or by its citizens, in connection with the claims presented and urged by it, and being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions, do agree that either may submit to the arbitrators any question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,  
*Washington, October 23, 1891.*

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date in reply to mine of the 17th instant, in which I stated the grounds on which Her Majesty's Government found themselves unable to accept the form of clause relating to damages proposed in your note of July 23 last, for insertion in the Behring Sea arbitration agreement. In that note I informed you that I had been authorized by the Marquis of Salisbury, with a view to a prompt settlement of the difficulty, to make the following suggestions, namely, that—

The six articles of the arbitration agreement already accepted by both Governments should be signed now, and also an article providing for the reference to the arbitrators of any question of fact which either Government may desire to submit to them regarding the claims for compensation to which it considers itself to be entitled. The application of international law to those facts would be left as a matter for future negotiation after they shall have been ascertained, and might be subsequently referred to the arbitrators, in whole or in part, if the two Governments should agree to do so.

In your note under acknowledgment, in which you reply to the above suggestion, you advert to the discussions and informal conferences which have taken place on the subject of the clause dealing with the question of damages, and you state that the President is unable to see how the seventh clause proposed in your note of the 23d of July last can be held to imply an admission on the part of Great Britain "of a doctrine respecting the liability of governments for the acts of their nationals or other persons sailing under their flag on the high seas, for which there is no warrant in international law." Those are no doubt the terms in which I stated generally the objection of Her Majesty's Government to the form of clause in question. But I am relieved from explaining their objection in greater detail by the proposal of the President, with which your note concludes, to substitute a new clause which substantially carries out Lord Salisbury's suggestion.

You state that the President has thought it best to terminate the discussion by proposing to me the following, to constitute the text of clause 7:

The respective Governments having found themselves unable to agree upon a reference which shall include the question of the liability of each for the injuries

alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it, and, being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions, do agree that either may submit to the arbitrators any question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation.

I am glad to be able to announce to you that I have received by telegraph the authority of Lord Salisbury to accept the above clause on behalf of Her Majesty's Government, and in doing so I beg to express my gratification at this satisfactory solution of the difficulty which has delayed the conclusion of the arbitration agreement.

I have, etc.,

JULIAN PAUNCEFOTE.

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*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION.

*Washington, November 23, 1891.*

SIR: I informed the Marquis of Salisbury of our proposal to sign the text of the seven articles to be inserted in the Behring Sea arbitration agreement and of the joint-commission article, as settled in the diplomatic correspondence, in order to record the progress made up to the present time in the negotiation.

Lord Salisbury entirely approves of that proposal, but he has instructed me, before signing, to address a note to you for the purpose of obviating any doubts which might hereafter arise, as to the meaning and effect of article 6, which is as follows:

If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of regulations for the proper protection and the preservation of the fur seal in, or habitually resorting to, the Behring Sea, the arbitrators shall then determine what concurrent regulations outside the jurisdictional limits of the respective Governments are necessary and over what waters such regulations should extend; and, to aid them in that determination, the report of the joint commission to be appointed by the respective Governments shall be laid before them, with such other evidence as either Government may submit. The contracting powers furthermore agree to coöperate in securing the adhesion of other powers to such regulations.

Lord Salisbury desires to make the following two reservations on the above article:

His lordship understands, first, that the necessity of any regulations is left to the arbitrators, as well as the nature of those regulations, if the necessity is in their judgment proved. Secondly, that the regulations will not become obligatory on Great Britain and the United States until they have been accepted by the other maritime powers. Otherwise, as his lordship observes, the two Governments would be simply handing over to others the right of exterminating the seals.

I have no doubt that you will have no difficulty in concurring in the above reservations, and subject thereto I shall be prepared to sign the articles as proposed.

I have, etc.,

JULIAN PAUNCEFOTE.

*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, November 27, 1891.

SIR: In the early part of last week you furnished the exact points which had been agreed upon for arbitration in the matter of the Behring Sea negotiation. You called later and corrected the language which introduced the agreement. In fact, the two copies framed were taken entirely from your minutes. It was done with a view that you and I should sign them, and thus authenticate the points for the arbitrators to consider.

You inform me now that Lord Salisbury asks to make two reservations in the sixth article. His first reservation is that "the necessity of any regulation is left to the arbitrators, as well as the nature of those regulations if the necessity is in their judgment proved."

What reason has Lord Salisbury for altering the text of the article to which he had agreed? It is to be presumed that if regulations are needed they will be made. If they are not needed, the arbitrators will not make them. The agreement leaves the arbitrators free upon that point. The first reservation, therefore, has no special meaning.

The second reservation which Lord Salisbury makes is that "the regulations shall not become obligatory on Great Britain and the United States until they have been accepted by the other maritime powers." Does Lord Salisbury mean that the United States and Great Britain shall refrain from taking seals until every maritime power joins in the regulations? Or does he mean that sealing shall be resumed the 1st of May next and that we shall proceed as before the arbitration until the regulations have been accepted by the other "maritime powers?"

"Maritime powers" may mean one thing or another. Lord Salisbury did not say the *principal* maritime powers. France, Spain, Portugal, Italy, Austria, Turkey, Russia, Germany, Sweden, Holland, Belgium, are all maritime powers in the sense that they maintain a navy, great or small. In like manner Brazil, the Argentine Confederation, Chile, Peru, Mexico, and Japan are maritime powers. It would require a long time, three years at least, to get the assent of all these powers. Mr. Bayard, on the 19th of August, 1887, addressed Great Britain, Germany, France, Russia, Sweden and Norway, and Japan, with a view to securing some regulations in regard to the seals in Behring Sea. France, Japan, and Russia replied with languid indifference. Great Britain never replied in writing. Germany did not reply at all. Sweden and Norway said the matter was of no interest to them. Thus it will be again. Such a proposition will postpone the matter indefinitely.

The President regards Lord Salisbury's second reservation, therefore, as a material change in the terms of the arbitration agreed upon by this Government; and he instructs me to say that he does not feel willing to take it into consideration. He adheres to every point of agreement which has been made between the two powers, according to the text which you furnished. He will regret if Lord Salisbury shall insist on a substantially new agreement. He sees no objection to submitting the agreement to the principal maritime powers for their assent, but he can not agree that Great Britain and the United States shall make their adjustment dependent on the action of third parties who have no direct interest in the seal fisheries or that the settlement shall be postponed until those third parties see fit to act.

I have, etc.,

JAMES G. BLAINE.

*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, December 1, 1891.

SIR: I communicated by telegram to the Marquis of Salisbury the substance of your note of the 27th ultimo, respecting the two reservations which Her Majesty's Government desire to make in relation to the sixth clause of the proposed Behring Sea arbitration agreement, as stated in my note of the 23d ultimo, and I have now the honor to inform you that I have received a reply from his lordship to the following effect:

As regards the first reservation, Lord Salisbury observes that the statement contained in your note that the clause leaves the arbitrators free to decide whether regulations are needed or not, assures the same end as the proposed reservation, which therefore becomes unnecessary and may be put aside.

With respect to the second reservation, his lordship states that it was not the intention of Her Majesty's Government to defer putting into practical execution any regulations which the arbitrators may prescribe. Its object is to prevent the fur-seal fishery in Behring Sea from being placed at the mercy of some third power. There is nothing to prevent such third power (Russia, for instance, as the most neighboring nation), if unpledged, from stepping in and securing the fishery at the very seasons and in the very places which may be closed to the sealers of Great Britain and the United States by the regulations.

Great circumspection is called for in this direction, as British and American sealers might recover their freedom and evade all regulations by simply hoisting the flag of a nonadhering power.

How is this difficulty to be met? Lord Salisbury suggests that if, after the lapse of one year from the date of the decree of regulations, it shall appear to either Government that serious injury is occasioned to the fishery from the causes above mentioned, the Government complaining may give notice of the suspension of the regulations during the ensuing year, and in such case the regulations shall be suspended until arrangements are made to remedy the complaint.

Lord Salisbury further proposes that, in case of any dispute arising between the two Governments as to the gravity of the injury caused to the fishery or as to any other fact, the question in controversy shall be referred for decision to a British and an American admiral, who, if they should be unable to agree, may select an umpire.

Lord Salisbury desires me to ascertain whether some provision of the above nature would not meet the views of your Government.

I have, etc.,

JULIAN PAUNCEFOTE.

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*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, December 2, 1891.

SIR: I have attentively read your note of the 1st instant and submitted it to the President. The President is unable to see the danger, which Lord Salisbury apprehends, of a third nation engaging in taking seals regardless of the agreement between Great Britain and the United

States. The dispute between the two nations has now been in progress for more than five years. During all that time, while Great Britain was maintaining that the Behring Sea was open to all comers, at any time, as of right, not another European nation has engaged in sealing.

A German vessel once made its appearance in Behring Sea, but did not return, being satisfied, I suppose, that at the great distance they have to sail the Germans could not successfully engage in sealing. Russia, whose interference Lord Salisbury seems to specially apprehend, will not dissent from the agreement, because such dissent would put to hazard her own sealing property in the Behring Sea. On the contrary, we may confidently look to Russia to sustain and strengthen whatever agreement Great Britain and the United States may conjointly ordain.

It is the judgment of the President, therefore, that the apprehension of Lord Salisbury is not well grounded. He believes that, however the arbitration between Great Britain and the United States may terminate, it will be wise for the two nations to unite in a note to the principal powers of Europe, advising them in full of what has been done and confidently asking their approval. He does not believe that, with full explanation, any attempt will be made to disturb the agreement. If, contrary to his firm belief, the agreement shall be disturbed by the interference of a third power, Great Britain and the United States can act conjointly, and they can then far better agree upon what measure may be necessary to prevent the destruction of the seals than they can at this time.

The President hopes that the arbitration between Great Britain and the United States will be allowed to proceed on the agreement regularly and promptly. It is of great consequence to both nations that the dispute be ended, and that no delay be caused by introducing new elements into the agreement to which both nations have given their consent.

I have, etc.,

JAMES G. BLAINE.

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*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, December 8, 1891. (Received December 9.)

SIR: The Marquis of Salisbury, to whom I telegraphed the contents of your letter of the 2d instant on the subject of the sixth article of the proposed Behring Sea arbitration agreement, is under the impression that the President has not rightly understood his lordship's apprehension with reference to the regulations to be made by the arbitrators under that article. His fear is not that the other powers will reject the regulations, but that they will refuse to allow the arrest by British and American cruisers of ships under their flag which may engage in the fur-seal fishery in violation of the regulations. Such refusal is highly probable in view of the jealousy which exists as to the right of search on the high seas, and the consequence must inevitably be that during the close season sealing will go on under other flags.

It can not be the intention of the two Governments, in signing the proposed agreement, to arrive at such a result.

I do not understand you to dispute that should such a state of things arise the agreement must collapse, as the two Governments could not be

expected to enforce on their respective nationals regulations which are violated under foreign flags to the serious injury of the fishery.

I hope, therefore, that on further consideration the President will recognize the importance of arriving at some understanding of the kind suggested in my note of the 1st instant.

I have, etc.,

JULIAN PAUNCEFOTE.

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*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
*Washington, December 10, 1891.*

SIR: In reply to your note of the 8th instant, I have the following observations to make:

First. Ever since the Behring Sea question has been in dispute (now nearly six years) not one ship from France or Germany has ever engaged in sealing. This affords a strong presumption that none will engage in it in the future.

Second. A still stronger ground against their taking part is that they can not afford it. From France or Germany to Behring Sea by the sailing lines is nearly 20,000 miles, and they would have to make the voyage with a larger ship than can be profitably employed in sealing. They would have to start from home the winter preceding the sealing season and risk an unusually hazardous voyage. When they reach the fishing grounds they have no territory to which they could resort for any purpose.

Third. If we wait until we get France to agree that her ships shall be searched by American or British cruisers, we will wait until the last seal is taken in Behring Sea.

Thus much for France and Germany. Other European countries have the same disabilities. Russia, cited by Lord Salisbury as likely to embarrass the United States and England by interference, I should regard as an ally and not an enemy. Nor is it probable that any American country will lend its flag to vessels engaged in violating the Behring Sea regulations.

To stop the arbitration a whole month on a question of this character promises ill for its success. Some other less important question even than this, if it can be found, may probably be started. The effect can only be to exhaust the time allotted for arbitration. We must act mutually on what is probable, not on what is remotely possible.

The President suggests again that the proper mode of proceeding is for regulations to be agreed upon between the United States and Great Britain and then submitted to the principal maritime powers. That is an intelligent and intelligible process. To stop now to consider the regulations for outside nations is to indefinitely postpone the whole question. The President, therefore, adheres to his ground first announced that we must have the arbitration as already agreed to. He suggests to Lord Salisbury that any other process might make the arbitration impracticable within the time specified.

I have, etc.,

JAMES G. BLAINE.

*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, December 11, 1891.

SIR: I have the honor to inform you that I telegraphed to the Marquis of Salisbury the substance of your note of yesterday respecting the sixth article of the proposed Behring Sea arbitration agreement, and that I have received a reply from his lordship to the following effect: In view of the strong opinion of the President, reiterated in your note of yesterday, that the danger apprehended by Lord Salisbury, and explained in my note of the 8th instant, is too remote to justify the delay which might be incurred by guarding against it now, his lordship will yield to the President's appeal and not press for further discussion at this stage.

Her Majesty's Government, of course, retain the right of raising the point when the question of framing the regulations comes before the arbitrators, and it is understood that the latter will have full discretion in the matter and may attach such conditions to the regulations as they may *a priori* judge to be necessary and just to the two powers, in view of the difficulty pointed out.

With the above observations, Lord Salisbury has authorized me to sign the text of the seven articles and of the joint-commission article referred to in my note of the 23d ultimo, and it will give me much pleasure to wait upon you at the State Department for that purpose at any time you may appoint.

I have, etc.,

JULIAN PAUNCEFOTE.

*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, December 14, 1891.

SIR: I have the honor to advise you that I submitted your note of the 11th instant to the President. After mature deliberation he has instructed me to say that he objects to Lord Salisbury's making any reservation at all, and that he can not yield to him the right to appeal to the arbitrators to decide any point not embraced in the articles of arbitration. The President does not admit that Lord Salisbury can reserve the right in any way to affect the decision of the arbitrators. We understand that the arbitration is to proceed on the seven points which are contained in the articles which you and I certify were the very points agreed upon by the two Governments.

For Lord Salisbury to claim the right to submit this new point to the arbitrators is to entirely change the arbitration. The President might in like manner submit several questions to the arbitrators, and thus enlarge the subject to such an extent that it would not be the same arbitration to which we have agreed. The President claims the right to have the seven points arbitrated and respectfully insists that Lord Salisbury shall not change their meaning in any particular. The matters to be arbitrated must be distinctly understood before the arbitrators are chosen. And after an arbitration is agreed to neither of the parties can enlarge or contract its scope.

I am prepared now, as I have been heretofore, to sign the articles of agreement without any reservation whatever, and for that purpose I shall be glad to have you call at the State Department on Wednesday, the 16th instant, at 11 o'clock a. m.

I have, etc.,

JAMES G. BLAINE.

*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, December 15, 1891.

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date in reply to mine of the 11th instant, respecting the signature of the seven articles of the proposed Behring Sea arbitration agreement therein referred to.

I will transmit a copy of that reply to the Marquis of Salisbury by to-day's mail, but I beg to state that, pending his lordship's further instructions, it is not in my power to proceed to the signature of the articles in question as proposed at the close of your note.

I have, etc.,

JULIAN PAUNCEFOTE.

*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, December 17, 1891.

SIR: I have the honor to inform you that I conveyed to the Marquis of Salisbury by telegram the substance of your note of the 14th instant respecting the sixth article of the proposed Behring Sea arbitration agreement, and that I have received a reply from his lordship in the following sense:

Lord Salisbury is afraid that, owing to the difficulties incident to telegraphic communications, he has been imperfectly understood by the President. He consented, at the President's request, to defer for the present all further discussion as to what course the two Governments should follow in the event of the regulations prescribed by the arbitrators being evaded by a change of flag. It was necessary that in doing so he should guard himself against the supposition that by such consent he had narrowed the rights of the contending parties or of the arbitrators under the agreement.

But in the communication which was embodied in my note of the 11th instant, his lordship made no reservation, as the President seems to think, nor was any such word used. A reservation would not be valid unless assented to by the other side, and no such assent was asked for. Lord Salisbury entirely agrees with the President in his objection to any point being submitted to the arbitrators which is not embraced in the agreement; and, in conclusion, his lordship authorizes me to sign the articles of the arbitration agreement, as proposed at the close of your note under reply, whenever you may be willing to do so.

I have, etc.,

JULIAN PAUNCEFOTE.



*Text of articles for insertion in the Behring Sea arbitration agreement.*

The following is the text of articles for insertion in the Behring Sea arbitration agreement, as settled in the diplomatic correspondence between the Government of the United States and the Government of Great Britain:

I.

What exclusive jurisdiction in the sea now known as the Behring's Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

II.

How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

III.

Was the body of water now known as the Behring's Sea included in the phrase "Pacific Ocean," as used in the treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring's Sea were held and exclusively exercised by Russia after said treaty?

IV.

Did not all the rights of Russia as to jurisdiction, and as to the seal fisheries in Behring's Sea east of the water boundary, in the treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that treaty?

V.

Has the United States any right, and, if so, what right, of protection or property in the fur seals frequenting the islands of the United States in Behring Sea, when such seals are found outside the ordinary 3-mile limit?

VI.

If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of regulations for the proper protection and preservation of the fur seal in, or habitually resorting to, the Behring's Sea, the arbitrators shall then determine what concurrent regulations outside the jurisdictional limits of the respective Governments are necessary, and over what waters such regulations should extend, and to aid them in that determination the report of a joint commission to be appointed by the respective Governments shall be laid before them, with such other evidence as either Government may submit.

The contracting powers furthermore agree to coöperate in securing the adhesion of other powers to such regulations.

VII.

The respective Governments having found themselves unable to agree upon a reference which shall include the question of the liability of each for the injuries alleged to have been sustained by the other, or

by its citizens, in connection with the claims presented and urged by it, and being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions, do agree that either may submit to the arbitrators any question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation.

JAMES G. BLAINE, *18th December, 1891.*

JULIAN PAUNCEFOTE, *18th December, 1891.*

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*Text of the Behring Sea joint-commission agreement.*

The following is the text of the Behring's Sea joint-commission agreement as settled in the diplomatic correspondence between the Government of the United States and the Government of Great Britain:

Each Government shall appoint two commissioners to investigate conjointly with the commissioners of the other Government all the facts having relation to seal life in Behring's Sea, and the measures necessary for its proper protection and preservation.

The four commissioners shall, so far as they may be able to agree, make a joint report to each of the two Governments, and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

These reports shall not be made public until they shall be submitted to the arbitrators, or it shall appear that the contingency of their being used by the arbitrators can not arise.

JAMES G. BLAINE, *18th December, 1891.*

JULIAN PAUNCEFOTE, *18th December, 1891.*

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*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
*Washington, December 30, 1891.*

DEAR MR. BLAINE: On the 22d instant I telegraphed, as you desired, to Lord Salisbury your suggestion that the number of arbitrators on the Behring Sea tribunal should be reduced from seven to five by limiting the representation of our respective Governments to one each, in view of the agreement that there should be three foreign arbitrators besides those appointed by Great Britain and the United States.

Last night I received his lordship's reply, which is to the effect that, looking at the importance and variety of the questions involved and to all the circumstances, Her Majesty's Government, after mature consideration, are not prepared to consent to being represented on the tribunal by less than two arbitrators. Lord Salisbury hopes, therefore, that you will be ready to proceed in accordance with the arrangement at which we arrived on the 16th ultimo, namely, that the tribunal shall consist of seven arbitrators, of whom our respective Governments shall appoint two each, and the other three shall be appointed by foreign governments to be selected for that purpose. All seven arbitrators to be jurists of repute and the three foreign ones to understand the English language.

I remain, yours, very truly,

JULIAN PAUNCEFOTE.

*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, January 16, 1892.

DEAR MR. BLAINE: I have just received a telegram to the effect that Sir G. Baden-Powell leaves Liverpool this day by the *Etruria* for New York, whence he will proceed to Ottawa for a few days, and then come to Washington with Dr. Dawson. They hope to be here on the 29th instant.

Believe me, yours, very truly,

JULIAN PAUNCEFOTE.

*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, January 21, 1892.

SIR: I have the honor to inform you that, immediately after my interview with you on the 15th instant in regard to the countries who are to name the arbitrators in the Behring Sea controversy, I telegraphed to the Marquis of Salisbury that you did not insist upon the knowledge of English by the arbitrators as a condition, but merely as a desirable qualification.

I have now received a telegram from his lordship stating that Her Majesty's Government accept your proposal that the arbitrators shall be chosen by France, Italy, and Sweden.

I have, etc.,

JULIAN PAUNCEFOTE.

*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, January 30, 1892.

SIR: All the details of the Behring Sea arbitration having now been finally settled by the understanding arrived at as to the governments who shall be invited to select the three foreign arbitrators, I have the honor to request you to be good enough to inform me whether you are prepared to proceed at once to the preparation and signature of the formal arbitration convention and of the joint-commission agreement, in accordance with the text of the articles to be inserted therein which was signed by us on the 18th December last.

I have, etc.,

JULIAN PAUNCEFOTE.

*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, February 4, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 30th ultimo, in which you refer to the settlement which has been reached in completion of the details of the Behring Sea arbitration, and inquire

whether I am prepared to proceed at once to the preparation and signature of the formal arbitration convention and of the joint-commission agreement, in accordance with the text of the articles to be inserted therein which was signed by us on the 18th of December last.

In reply I have the pleasure to hand you a copy of the text of the arbitration convention, including the text of the joint-commission agreement, as agreed upon in conferences held since the 30th ultimo, and I am instructed by the President to say that I hold myself in readiness to meet you forthwith, in order that we may at once proceed to the signature of said convention.

I have, etc.,

JAMES G. BLAINE.

*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, February 4, 1892.

SIR: I have the honor to inform you that the President has this day appointed and commissioned Thomas Corwin Mendenhall and Clinton Hart Merriam to act as commissioners on the part of the Government of the United States, in accordance with the agreement which I signed with you on December 18, 1891, to investigate and report, conjointly with commissioners to be appointed by the British Government, upon the facts having relation to the preservation of seal life in Behring Sea, and the measures necessary for its protection and preservation, with a view to the submission of their conclusions to the board of arbitrators whose constitution has already been agreed upon by us.

Until the convention for arbitration shall have been signed the commissioners will not be expected to agree upon or formulate any report, but after I shall be officially advised by you of the appointment of commissioners on the part of the British Government the commissioners on the part of the United States will hold themselves ready to confer informally with their British colleagues at such time as may suit their convenience.

I have, etc.,

JAMES G. BLAINE.

*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, February 6, 1892.

SIR: I have the honor to acknowledge the receipt of your note dated February 4 (but only delivered yesterday evening), in which you inform me that the President has appointed Mr. Mendenhall and Mr. Merriam commissioners on the part of the Government of the United States on the joint commission therein referred to.

Sir George Baden-Powell and Prof. Dawson, whom I had the honor to present to you on the 1st instant, have been duly appointed commissioners on the part of Her Majesty's Government, and, as I have already stated to you verbally, they are furnished with their credentials in due form.

On the 13th ultimo, at your request, I communicated to the Marquis of Salisbury, by telegraph, your desire that the British commissioners should proceed at once to Washington. Accordingly Sir George Baden-Powell left England for that purpose by the first steamer and arrived here with Dr. Dawson on the 1st of the month. They have been waiting ever since to be placed in communication with the United States commissioners, and I trust that arrangements will be made for the meeting of the commission on Monday next for the purpose indicated in the last paragraph of your note under reply, although the British commissioners came prepared not for an informal conference, but to proceed officially to business.

I have, etc.,

JULIAN PAUNCEFOTE.

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*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
*Washington, February 6, 1892.*

SIR: I am in receipt of your note of this date, in which you give me the official notification of the appointment of Sir George Baden-Powell and Prof. Dawson as commissioners on the part of the British Government on the joint commission created in view of the proposed fur-seal arbitration.

In acknowledging your note, I deem it important to direct your attention to the fact that the Government of the United States, in nominating the commissioners on its part, selected gentlemen who were especially fitted by their scientific attainments, and who were in no wise disqualified for an impartial investigation and determination of the questions to be submitted to them, by a public declaration of opinion previous or subsequent to their selection. It is to be regretted that a similar course does not seem to have been adopted by the British Government. It appears from a document which you transmitted to me, under date of March 9, 1890 (inclosure 4), that one of the gentlemen selected by your Government to act as a commissioner on its part has fully committed himself in advance on all the questions which are to be submitted to him for investigation and decision.

I am further informed that the other gentleman named in your note had previous to his selection made public his views on the subject, and that very recently he has announced in an address to his parliamentary constituents that the result of the investigation of this commission and of the proposed arbitration would be in favor of his Government.

I trust, however, that these circumstances will not impair the candid and impartial investigation and determination which was the object had in view in the creation of the commission, and that the result of its labors may greatly promote an equitable and mutually satisfactory adjustment of the questions at issue.

The commissioners on the part of the United States have been instructed to put themselves in communication with the British commissioners, to tender them an apartment at the Department of State for the joint conference, and, if it shall suit their convenience, to agree with them upon an hour for their first conference on Monday next, the 8th instant.

It is proper to add that when I indicated to you on the 13th ultimo that the British commissioner, then in London, might come at once to

Washington, I supposed we should before this date have signed the arbitration convention, and thus have enabled the commissioners to proceed officially to a discharge of their duties. But as it became necessary to await the approval of the draft of that instrument which you have forwarded to London, I have interposed no objection to preliminary conferences of the commissioners, anticipating the signature of the convention within a very brief period.

I have, etc.,

JAMES G. BLAINE.

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*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, February 8, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant, in which you observe upon the selection made by our respective Governments of the members of the joint commission which is about to sit at Washington for the purpose of investigating and reporting upon the facts having relation to seal life in Behring Sea with a view to the proposed arbitration.

The second paragraph of your note contains the following passage:

I deem it important to direct your attention to the fact that the Government of the United States, in nominating the commissioners on its part, selected gentlemen who were especially fitted by their scientific attainments and who were in no wise disqualified for an impartial investigation or determination of the questions to be submitted to them by a public declaration of opinion previous or subsequent to their selection. It is to be regretted that a similar course does not seem to have been adopted by the British Government.

While I have much pleasure in congratulating your Government on having secured on their side the services of two such distinguished gentlemen as Prof. Mendenhall and Dr. Merriam, I must express my surprise and regret that you should have thought fit to refer in terms of disparagement to the choice made by Her Majesty's Government.

The British commissioners, Sir George Baden-Powell and Dr. Dawson, are gentlemen whose scientific attainments and special qualifications for the duties intrusted to them are too well known to require any vindication on my part. But you complain of the fact that Dr. Dawson in 1890 wrote a paper on the protection of the fur seal in the North Pacific in which he committed himself to certain views. This shows that he has made the subject his special study, and it appears to me that he is all the more qualified on that account to take part in the labors of the joint commission, which, I beg leave to point out, is not a board of arbitration, but one of investigation.

Dr. Dawson's note on the fur seal to which you refer was merely based upon such published material as was at the time available, and I have his authority for stating that he does not feel himself in any way bound to the opinions expressed from the study of that material, in the light of subsequent personal investigation on the ground.

You likewise complain that Sir George Baden-Powell had, previously to his selection as commissioner, made public his views on the subject, and also that he is reported to have stated in an address to his parliamentary constituents that the result of the investigation of the joint commission and of the proposed arbitration would be in favor of his Government.

Sir George Baden-Powell is particularly qualified to take part in the inquiry by reason of his personal investigation into the industrial part

of the question, which he pursued in 1887 and 1889 in San Francisco and British Columbia. From the first he has advocated in all his public statements a full inquiry into the facts of seal life in Behring Sea before any final agreement should be arrived at, in order that the views of all parties should be tested as to the best method of protecting seal life. There is no just ground, therefore, for charging him with partiality. As regards the language imputed to him on the occasion of an address which he recently delivered to his constituents in England on the labor question, it appears that some introductory remarks in which he referred to the Behring Sea question were inaccurately reported. What he did state was that, thanks to the arrangement arrived at between the two Governments, the Behring Sea difficulty would now be settled in the true interests of all concerned and not of any one side or the other.

I may mention that the opinions of Prof. Mendenhall and Dr. Merriam on the fur-seal question were published in several journals in this country shortly after their return from Behring Sea, and were stated (I know not with what accuracy) to be opposed to the views which have been urged on the side of Her Majesty's Government.

But I do not suggest that the United States commissioners on that account are disqualified from taking part in the labors of the joint commission. I claim that all the commissioners, British and American, are equally entitled to the confidence of both Governments, as men of science, honor, and impartiality.

The course which has been adopted for ascertaining what measures may be necessary for the protection of the fur-seal species is substantially the same as that which I had the honor to propose to you on behalf of Her Majesty's Government nearly two years ago in the form of a draft convention, inclosed in my note of April 29, 1890.

I rejoice that the proposal I then made is now to be carried out, and I cordially unite in the hope expressed in your note under reply that the result of the labors of the joint commission will promote an equitable and mutually satisfactory adjustment of the questions at issue.

I have, etc.,

JULIAN PAUNCEFOTE.

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*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, February 9, 1892.

SIR: I have been informed by the American seal commissioners that in an informal meeting with their British colleagues on yesterday the latter expressed an unwillingness to enter upon conferences of any other than an official character, and they therefore proposed that their joint conferences be postponed until after the arbitration convention shall have been signed.

I beg to state to you that the Government of the United States is very anxious to expedite as much as possible the consideration of the important questions submitted to the commissioners, and, in view of the fact that it regards the arbitration convention as substantially agreed upon, the American commissioners have been instructed to make known to the British commissioners their readiness to formally arrange the joint conference and proceed without further delay to the discharge of the duties assigned to them.

I have, etc.,

JAMES G. BLAINE.

*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, February 11, 1892.

SIR: I had the honor to receive yesterday your note of the 9th instant, in which you state that you have been informed by the American seal commissioners that in an informal meeting with their British colleagues on the 8th instant, the latter expressed an unwillingness to enter upon conferences of any other than an official character, and they therefore proposed that their joint conferences be postponed until after the arbitration convention has been signed.

The British commissioners, to whom I communicated your note, have informed me that at the preliminary conference of the commissioners on the 8th instant they discussed with their colleagues what work of a preparatory character could be got through at once. The meeting was informal, according to the conditions laid down in the last paragraph in your note to me of the 4th instant, and it was arranged by the four commissioners to hold a second preliminary conference this day at the State Department at 3 o'clock, at which they could discuss certain matters, which they had undertaken to consider in the interval, and other preparatory work.

In consequence of your note of the 9th instant, the British commissioners hope at the conference to-day to arrange with their colleagues that the joint conference shall proceed to business formally.

I have, etc.,

JULIAN PAUNCEFOTE.

*Mr. Blaine to Sir Julian Pauncefote.*

17 MADISON PLACE,  
Washington, February 12, 1892.

MY DEAR SIR JULIAN: The motive you have always urged upon me for assembling the commissioners on seal fisheries at an early date was that they could provide a *modus vivendi* that would be sufficient while the arbitration should go on, with plenty of time to consider the various points.

I was surprised to hear that your commissioners yesterday declined to discuss the *modus vivendi* on the allegation that that was a subject reserved for you and me. This puts an entirely new phase upon the work of the commission and largely diminishes its value. Will you have the goodness to advise me of the precise scope of the work which you assigned to your commissioners?

Very truly, yours,

JAMES G. BLAINE.

*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, February 13, 1892.

SIR: With reference to your note of the 4th instant, inclosing a copy of the draft of the proposed Behring Sea arbitration convention, I have



the honor to inform you that, as previously arranged between us, I transmitted a copy of the draft by the mail of the 6th instant to the Marquis of Salisbury for the approval of Her Majesty's Government, and that I am awaiting his lordship's instructions before proceeding further in the matter.

I have, etc.,

JULIAN PAUNCEFOTE.

*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, February 13, 1892.

DEAR MR. BLAINE: In reply to your letter of yesterday, I beg to state that in my opinion the British commissioners are right in holding that they have no power under their present mandate to discuss the question of a *modus vivendi* for the next fishery season. Their authority is limited by the terms of the joint-commission agreement which we signed on the 18th of December last.

That authority is confined to reporting their views on what fishery regulations of a permanent character may be necessary with a view to arbitration. The question of a *modus vivendi*, pending the result of the arbitration, is one for the two Governments to discuss. I have certainly urged, as an additional reason for the early meeting of the joint commission, that its reports would furnish valuable materials for such discussion; but it can hardly be contended that the commissioners can properly deal with such a question without special authority from their respective Governments.

I communicated to Lord Salisbury the proposal you made to me at our interview of the 2d instant that our two Governments should agree to a *modus vivendi*, and I am awaiting his lordship's reply.

I remain, etc.,

JULIAN PAUNCEFOTE.

*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, February 19, 1892. (Received February 20.)

SIR: On the occasion of our interview on the 2d instant, when you handed me the draft of the Behring Sea arbitration convention, which I forwarded to London for the consideration of Her Majesty's Government, you asked me whether they were prepared to agree to a *modus vivendi* for the next fishery season in Behring Sea. In transmitting the draft of the arbitration convention to the Marquis of Salisbury, I did not fail to inform him of your inquiry, and I have now received a reply from his lordship to the effect that Her Majesty's Government can not express any opinion on the subject until they know what *modus vivendi* you desire to propose.

I have, etc.,

JULIAN PAUNCEFOTE.

*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, February 24, 1892.

SIR: I am in receipt of your favor of the 19th. You therein inform me that Lord Salisbury can not express any opinion on the subject of the *modus vivendi* until he knows what we desire to propose.

I am glad to hear that Lord Salisbury contemplates a *modus*; for it is obvious that it is impossible to conclude the arbitration within the time originally set. Indeed, we shall hardly be able to enter upon it. The delays have been much greater on the part of Great Britain than on the part of the United States.

In reply to your inquiry, the President suggests that the *modus* should be much the same as last year in terms, but that it should be better executed. It was very ineffective last year, for there was a larger number of seals in Behring Sea taken then than ever before. The vessels had already set out before the *modus* was agreed upon, and it was impossible to give them notice in time to avoid their taking seals. Her Majesty's Government did not take such efficient measures as an earlier date this year will render practicable.

If Her Majesty's Government would make her efforts most effective, the sealing in the North Pacific Ocean should be forbidden, for there the slaughter of the mothers heavy with young is the greatest. This would require a notice to the large number of sealers which are preparing to go forth from British Columbia. The number is said to be greater than ever before, and without any law to regulate the killing of seals the destruction will be immense. All this suggests the great need of an effective *modus*. Holding an arbitration in regard to the rightful mode of taking seals while their destruction goes forward would be as if, while an arbitration to the title of timber land were in progress, one party should remove all the trees.

I shall have to ask you to transmit the contents of this note to Lord Salisbury by telegraph. Every day that is lost now entails great trouble upon both Governments.

I have, etc.,

JAMES G. BLAINE.

*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, February 26, 1892.

MY DEAR SIR JULIAN: Mr. Myers, our consul at Victoria, telegraphs to-day that there are—

Forty-six sailing schooners cleared to date. Six or seven more to go. At the same date last year thirty-one cleared.

I think from this you will see that if we do not come to an understanding soon there will be no need of an agreement relating to seals in the North Pacific or in the Behring Sea. I will be glad if you will let Lord Salisbury know this fact.

Very truly yours,

JAMES G. BLAINE.

*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
*Washington, February 27, 1892.*

SIR: I have the honor to state that if you will have the kindness to call at this Department on Monday morning next, the 29th instant, at 11 o'clock, I shall be prepared to sign with you the treaty for the arbitration of the Behring Sea question which has been agreed upon between the Government of the United States and that of Her Britannic Majesty.

I have, etc.,

JAMES G. BLAINE,

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*Agreement between the United States and Great Britain to arbitrate the questions arising out of the seal fisheries in Behring Sea.*

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to provide for an amicable settlement of the questions which have arisen between their respective Governments concerning the jurisdictional rights of the United States in the waters of Behring's Sea, and concerning also the preservation of the fur seal in, or habitually resorting to, the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur seal in, or habitually resorting to, the said waters, have resolved to submit to arbitration the questions involved, and to the end of concluding a convention for that purpose have appointed as their respective plenipotentiaries:

The President of the United States of America, James G. Blaine, Secretary of State of the United States; and

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, G. C. M. G., K. C. B., Her Majesty's envoy extraordinary and minister plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

#### ARTICLE I.

The questions which have arisen between the Government of the United States and the Government of Her Britannic Majesty concerning the jurisdictional rights of the United States in the waters of Behring Sea, and concerning also the preservation of the fur seal in, or habitually resorting to, the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur seal in, or habitually resorting to, the said waters, shall be submitted to a tribunal of arbitration, to be composed of seven arbitrators, who shall be appointed in the following manner, that is to say: Two shall be named by the President of the United States; two shall be named by Her Britannic Majesty; His Excellency the President of the French Republic shall be jointly requested by the high contracting parties to name one; His Majesty the King of Italy shall be so requested to name one; and His Majesty the King of Sweden and Norway shall be so requested to name one. The seven arbitrators to be so named shall be jurists of distinguished reputation in their respective countries; and the select-

ing powers shall be requested to choose, if possible, jurists who are acquainted with the English language.

In case of the death, absence or incapacity to serve of any or either of the said arbitrators, or in the event of any or either of the said arbitrators omitting or declining or ceasing to act as such, the President of the United States, or Her Britannic Majesty, or His Excellency the President of the French Republic, or His Majesty the King of Italy, or His Majesty the King of Sweden and Norway, as the case may be, shall name or shall be requested to name forthwith another person to act as arbitrator in the place and stead of the arbitrator originally named by such head of a state.

And in the event of refusal or omission for two months after receipt of the joint request from the high contracting parties of His Excellency the President of the French Republic, or His Majesty the King of Italy, or His Majesty the King of Sweden and Norway, to name an arbitrator, either to fill the original appointment or to fill a vacancy as above provided, then in such case the appointment shall be made or the vacancy shall be filled in such manner as the high contracting parties shall agree.

#### ARTICLE II.

The arbitrators shall meet at Paris within twenty days after the delivery of the counter cases mentioned in article IV, and shall proceed impartially and carefully to examine and decide the questions that have been or shall be laid before them as herein provided on the part of the Governments of the United States and Her Britannic Majesty respectively. All questions considered by the tribunal, including the final decision, shall be determined by a majority of all the arbitrators.

Each of the high contracting parties shall also name one person to attend the tribunal as its agent to represent it generally in all matters connected with the arbitration.

#### ARTICLE III.

The printed case of each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the arbitrators and to the agent of the other party as soon as may be after the appointment of the members of the tribunal, but within a period not exceeding four months from the date of the exchange of the ratifications of this treaty.

#### ARTICLE IV.

Within three months after the delivery on both sides of the printed case, either party may, in like manner, deliver in duplicate to each of the said arbitrators, and to the agent of the other party, a counter case, and additional documents, correspondence, and evidence, in reply to the case, documents, correspondence, and evidence so presented by the other party.

If, however, in consequence of the distance of the place from which the evidence to be presented is to be procured, either party shall, within thirty days after the receipt by its agent of the case of the other party, give notice to the other party that it requires additional time for the delivery of such counter case, documents, correspondence, and evidence,

such additional time so indicated, but not exceeding sixty days beyond the three months in this article provided, shall be allowed.

If in the case submitted to the arbitrators either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof within thirty days after delivery of the case; and the original or copy so requested shall be delivered as soon as may be and within a period not exceeding forty days after receipt of notice.

#### ARTICLE V.

It shall be the duty of the agent of each party, within one month after the expiration of the time limited for the delivery of the counter case on both sides, to deliver in duplicate to each of the said arbitrators and to the agent of the other party a printed argument showing the points and referring to the evidence upon which his Government relies, and either party may also support the same before the arbitrators by oral argument of counsel; and the arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument, or oral argument by counsel, upon it; but in such case the other party shall be entitled to reply either orally or in writing, as the case may be.

#### ARTICLE VI.

In deciding the matters submitted to the arbitrators, it is agreed that the following five points shall be submitted to them, in order that their award shall embrace a distinct decision upon each of said five points, to wit:

1. What exclusive jurisdiction in the sea now known as the Behring's Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

2. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

3. Was the body of water now known as the Behring's Sea included in the phrase "Pacific Ocean," as used in the treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring's Sea were held and exclusively exercised by Russia after said treaty?

4. Did not all the rights of Russia as to jurisdiction, and as to the seal fisheries in Behring's Sea east of the water boundary, in the treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that treaty?

5. Has the United States any right, and if so, what right of protection or property in the fur seals frequenting the islands of the United States in Behring Sea when such seals are found outside the ordinary three-mile limit?

#### ARTICLE VII.

If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such posi-

tion that the concurrence of Great Britain is necessary to the establishment of regulations for the proper protection and preservation of the fur seal in, or habitually resorting to, the Behring Sea, the arbitrators shall then determine what concurrent regulations outside the jurisdictional limits of the respective Governments are necessary, and over what waters such regulations should extend, and to aid them in that determination the report of a joint commission to be appointed by the respective Governments shall be laid before them, with such other evidence as either Government may submit.

The high contracting parties furthermore agree to coöperate in securing the adhesion of other powers to such regulations.

#### ARTICLE VIII.

The high contracting parties having found themselves unable to agree upon a reference which shall include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it; and, being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions, do agree that either may submit to the arbitrators any question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation.

#### ARTICLE IX.

The high contracting parties having agreed to appoint two commissioners on the part of each Government to make the joint investigation and report contemplated in the preceding article VII, and to include the terms of the said agreement in the present convention, to the end that the joint and several reports and recommendations of said commissioners may be in due form submitted to the arbitrators should the contingency therefor arise, the said agreement is accordingly herein included as follows:

Each Government shall appoint two commissioners to investigate conjointly with the commissioners of the other Government all the facts having relation to seal life in Behring's Sea, and the measures necessary for its proper protection and preservation.

The four commissioners shall, so far as they may be able to agree, make a joint report to each of the two Governments, and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

These reports shall not be made public until they shall be submitted to the arbitrators, or it shall appear that the contingency of their being used by the arbitrators can not arise.

#### ARTICLE X.

Each Government shall pay the expenses of its members of the joint commission in the investigation referred to in the preceding article.

#### ARTICLE XI.

The decision of the tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the arbitrators who may assent to it.

The decision shall be in duplicate, one copy whereof shall be delivered to the agent of the United States for his Government, and the other copy shall be delivered to the agent of Great Britain for his Government.

#### ARTICLE XII.

Each Government shall pay its own agent and provide for the proper remuneration of the counsel employed by it and of the arbitrators appointed by it, and for the expense of preparing and submitting its case to the tribunal. All other expenses connected with the arbitration shall shall be defrayed by the two Governments in equal moieties.

#### ARTICLE XIII.

The arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them.

#### ARTICLE XIV.

The high contracting parties engage to consider the result of the proceedings of the tribunal of arbitration, as a full, perfect, and final settlement of all the questions referred to the arbitrators.

#### ARTICLE XV.

The present treaty shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratification shall be exchanged either at Washington or at London within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Washington the twenty-ninth day of February, one thousand eight hundred and ninety two.

JAMES G. BLAINE [SEAL].  
JULIAN PAUNCEFOTE [SEAL].

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*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, February 29, 1892. (Received March 1.)

SIR: Immediately upon the receipt of your note of the 24th instant, respecting a renewal of the *modus vivendi* in Behring Sea, and in accordance with the wish therein expressed, I telegraphed its contents to the Marquis of Salisbury. In that note, after observing that it is impossible to conclude the arbitration within the time originally set and that the delays have been much greater on the part of Great Britain than on the part of the United States, you proceed to inform me that, in the view of the President, the new *modus vivendi* should be much the same as that of last year in terms; that, owing to the earlier date this

year, it could be more effectively executed ; but that, "if Her Majesty's Government would make their efforts most effective, the sealing in the North Pacific Ocean should be forbidden."

After pointing out "the great need of an effective *modus*," you state that "holding an arbitration in regard to the rightful mode of taking seals, while their destruction goes forward, would be as if, while an arbitration to the title to timber land were in progress, one party should remove all the trees."

I have the honor to inform you that I have received a reply from Lord Salisbury to the following effect:

In the first place, his lordship states that he can not in any degree admit that the delays have been greater on the part of Great Britain than on the part of the United States.

As regards the necessity for another *modus vivendi*, Her Majesty's Government consented to that measure last year solely on the ground that it was supposed that there would be danger to the preservation of the seal species in Behring Sea unless some interval in the slaughter of seals were prescribed both at sea and on land. But Her Majesty's Government have received no information to show that so drastic a remedy is necessary for two consecutive seasons. On the contrary, the British commissioners on the Behring Sea joint commission have informed Her Majesty's Government that, so far as pelagic sealing is concerned, there is no danger of any serious diminution of the fur-seal species as a consequence of this year's hunting.

Nevertheless, Lord Salisbury would not object, as a temporary measure of precaution for this season, to the prohibition of all killing at sea within a zone extending to not more than 30 nautical miles around the Pribyloff Islands, such prohibition being conditional on the restriction of the number of seals to be killed for any purpose on the islands to a maximum of 30,000. Lord Salisbury, referring to the passage in your note in which you compare the case to an arbitration about timber land, from which the trees are being removed by one of the parties, observes that he hardly thinks the simile quite apposite. His lordship suggests that the case is more like one of arbitration respecting the title to a meadow. While the arbitration is going on, he adds, we cut the grass ; and, quite rightly, for the grass will be reproduced next year, and so will the seals.

I have, etc.,

JULIAN PAUNCEFOTE.

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*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, March 7, 1892.

SIR: With reference to my note of the 29th ultimo, in which I had the honor to inform you that the Marquis of Salisbury had received no information to show the necessity for renewing, during the approaching fishery season, the *modus vivendi* of last year in Behring Sea as proposed in your note to me of the 24th ultimo, I think it opportune to remind you of the following fact in connection with that *modus vivendi* which may have escaped your attention, as you were absent from Washington at the time of its negotiation.

In the course of the correspondence which then took place it was dis-



tinently notified to your Government that the *modus vivendi* would not be renewed for the following season. You will find that, at the close of the memorandum inclosed in my note to Mr. Wharton of June 6, 1891, I stated under instructions from my Government that "the suspension of sealing was not a measure which they could repeat another year."

Her Majesty's Government consented to that measure in consequence of the rumors widely circulated of impending danger to the seal species. But since then the conditions of the fur-seal fishery have been investigated on the spot by experts appointed for that purpose by Her Majesty's Government. Those experts have advised that there is no danger of any serious diminution of the fur-seal species from pelagic sealing during the present year, and that to renew the prohibition of pelagic sealing for another season would be going far beyond the necessities of the case.

Lord Salisbury's proposal of a 30-mile radius round the Pribyloff Islands within which no sealing should be allowed is a judicious temporary measure of precaution pending the establishment of permanent regulations for the fishery as a whole. It is a somewhat larger proposal than that which you originally made to me on the 16th of March, 1891, and which was for a similar radius of 25 miles only.

The reason why you subsequently abandoned that "radius" proposal is stated in your note to me of 4th May, 1891. That reason was not that such a radius would be ineffectual, but that "it might possibly provoke conflict in the Behring Sea."

At that time no act of Parliament had been passed in England to empower Her Majesty's Government to enforce such a measure on British vessels, and no doubt there was some danger on that account of it giving rise to difficulties. But it is otherwise now. By the seal fishery (Behring Sea) act, 1891 (54 Vic., c. 19), Her Majesty is empowered by order in council to prohibit under severe penalties the catching of seals by British ships in any part of Behring Sea defined by the order, and therefore the enforcement of the new *modus vivendi* now proposed by Lord Salisbury would present much less difficulty than was experienced last season in putting the existing one into operation.

I trust that the above observations which I venture to offer in further elucidation of the proposal contained in my note of the 29th ultimo will satisfy your Government that it is, under the circumstances, a reasonable proposal, and one which will, if acceded to, sufficiently safeguard the interests of both nations during the few months comprised in the next fishery season and pending the decision of the arbitrators.

I have, etc.,

JULIAN PAUNCEFOTE.

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*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, March 8, 1892.

SIR: I am directed by the President to say, in response to your two notes of February 29 and March 2, that he notices with the deepest regret the indisposition of Her Majesty's Government to agree upon an effective *modus* for the preservation of the seals in the Behring Sea, pending the settlement of the respective rights of that Government and of the Government of the United States in those waters and in the fur-

seal fisheries therein. The United States claims an exclusive right to take seals in a portion of the Behring Sea, while Her Majesty's Government claims a common right to pursue and take the seals in those waters outside a 3-mile limit. This serious and protracted controversy, it has now been happily agreed, shall be submitted to the determination of a tribunal of arbitration, and the treaty only awaits the action of the American Senate.

The judgment of the arbitration tribunal can not, however, be reached and stated in time to control the conduct of the respective Governments and of their citizens during the sealing season of 1892; and the urgent question now is, what does good faith, to say nothing of international comity, require of the parties to the arbitration? If the contention of this Government is sustained by the arbitrators, then any killing of seals by the Canadian sealers during this season in these waters is an injury to this Government in its jurisdiction and property. The injury is not measured by the skins taken, but affects the permanent value of our property. Was it ever heard before that one party to such a controversy, whether a nation or an individual, could appropriate the whole or any part of the income and profits, much less the body of the contested property, pending the litigation without accountability? Usually a court of chancery would place a receiver or trustee in charge and hold the income of the property for the benefit of the prevailing party.

You say that Lord Salisbury, rejecting the illustration used by Mr. Blaine, "suggests that the case is more like one of arbitration respecting title to a meadow. While the arbitration is going on we cut the grass; and quite rightly, for the grass will be reproduced next year and so will the seals." He can hardly mean by this illustration that, being in contention with a neighbor regarding the title to a meadow, he could by any precedent in the equity courts or by any standard of common honesty be justified in pocketing the whole or any part of the gains of a harvest without accountability to the adverse claimant whose exclusive title was afterwards established. It is no answer for the trespasser to say that the true owner will have an undiminished harvest next year. Last year's harvest was his also. If by the use of the plural pronoun his lordship means that the harvest of the contested meadow is to be divided between the litigants, I beg to remind him that the title of the United States to the Pribyloff Islands has not yet been contested, and that our flag does not float over any sealing vessel. The illustration is inapt in the further particular that the seals not taken this year may be taken next, while the grass must be harvested or lost.

This Government has already been advised in the course of this correspondence that Great Britain repudiates all obligations to indemnify the United States for any invasion of its jurisdiction or any injury done to its sealing property by the Canadian sealers. The attempt to make a damage clause one of the articles of the arbitration agreement failed, because Her Majesty's Government would not consent that the question of its liability to indemnify the United States for the injuries done by the Canadian sealers should be submitted. Two extracts from the correspondence will sufficiently recall the attitude of the respective Governments:

In my note of July 23, I said:

The President believes that Her Majesty's Government may justly be held responsible, under the attendant circumstances, for injuries done to the jurisdictional or property rights of the United States by the sealing vessels flying the British flag, at least since the date when the right of these vessels to invade the Behring Sea and to pursue therein the business of pelagic sealing was made the subject of diplomatic intervention by Lord Salisbury. In his opinion justice requires that Her Majesty's

Government should respond for the injuries done by those vessels, if their acts are found to have been wrongful, as fully as if each had borne a commission from the Government to do the act complained of. The presence of the master, or even of a third person, under circumstances calculated and intended to give encouragement, creates a liability for trespass at the common law, and much more if his presence is accompanied with declarations of right, protests against the defense which the owner is endeavoring to make, and a declared purpose to aid the trespassers if they are resisted. The justice of this rule is so apparent that it is not seen how in the less technical tribunal of an international arbitration it could be held to be inapplicable.

The United States might well insist that Her Majesty's Government should admit responsibility for the acts of the Canadian sealers, which it has so directly encouraged and promoted, precisely as in the proposal the United States admits responsibility for the acts of its revenue vessels. But, with a view to remove what seems to be the last point of difference in a discussion which has been very much protracted, the President is willing to modify his proposal and directs me to offer the following:

"The Government of Great Britain having presented the claims of its subjects for compensation for the seizure of their vessels by the United States in Behring Sea, and the Government of the United States having presented in its own behalf, as well as of the lessees of the privileges of taking seals on the Pribyloff Islands, claims for compensation by reason of the killing of seals in the Behring Sea by persons acting under the protection of the British flag, the arbitrators shall consider and decide upon such claims in accordance with justice and equity, and the respective rights of the high contracting powers, and it shall be competent for the arbitrators to award such compensation as, in their judgment, shall seem equitable."

In your note of October 17, you say:

I regret to inform you that Her Majesty's Government, after the fullest consideration, have arrived at the conclusion that this new clause could not properly be assented to by them. In their opinion it implies an admission of a doctrine respecting the liabilities of governments for the acts of their nationals or other persons sailing under their flag on the high seas for which there is no warrant in the law of nations. Thus it contains the following words:

"The Government of the United States having presented on its own behalf, as well as of the lessees of the privilege of taking seals on the Pribyloff Islands, claims for compensation by reason of the killing of seals in Behring Sea by persons acting under the protection of the British flag, the arbitrators shall consider and decide upon such claims."

These words involve the proposition that Her Majesty's Government are liable to make good losses resulting from the wrongful action of persons sailing outside their jurisdiction under the British flag. Her Majesty's Government could not accept such a doctrine.

The President can not believe that, while holding this view of its accountability, the Government of Great Britain will, pending the arbitration, countenance, much less justify or defend, the continuance of pelagic sealing by its subjects. It should either assume responsibility for the acts of these sealers or restrain them from a pursuit the lawfulness of which is to be determined by the arbitration.

In your note of February 29 you state that Her Majesty's Government has been informed by the British commissioners "that, so far as pelagic sealing is concerned, there is no danger of serious diminution of the fur-seal species as a consequence of this year's hunting," and upon this ground Lord Salisbury places his refusal to renew the *modus* of last year. His lordship seems to assume a determination of the arbitration against the United States and in favor of Great Britain, and that it is already only a question of so regulating a common right to take seals as to preserve the species. By what right does he do this? Upon what principle does he assume that if our claims are established, any diminution of the seals, whether serious or not, during this season, or, indeed, any taking of seals, is to be without recompense?

In the opinion of the President, it is not consistent with good faith that either party to an arbitration should, pending a decision, in any degree diminish the value of the subject of arbitration or take any profit from the use of it without an agreement to account.

Before an agreement for arbitration had been reached the prohibition of pelagic sealing was a matter of comity; from the moment of the signing of that agreement it became, in his opinion, a matter of obligation.

During the season of 1891, notwithstanding the restrictions resulting from the *modus* adopted, the Canadian sealers took in the Behring Sea alone 28,768 skins, or nearly four times as many as the restricted catch upon our island. This Government is now advised that fifty-one vessels from British Columbia and sixteen from Nova Scotia have sailed or are about to sail for the Behring Sea to engage in taking seals. This large increase in the fleet engaged makes it certain, in the absence of an effective restrictive agreement, that the destruction of seal life during this season by pelagic sealing will be unprecedented, and will, in the opinion of our commissioners, so nearly destroy the value of the seal fisheries as to make what will remain of so little value as scarcely to be a worthy subject for an international arbitration.

The proposition of Lord Salisbury to prohibit the killing of seals at sea "within a zone extending to not more than 30 nautical miles around the Pribyloff Islands" is so obviously inadequate and so impossible of execution that this Government can not entertain it. In the early part of the discussion of the subject of a *modus* for last year, this method was tentatively suggested among others in conversation between yourself and Mr. Blaine. But it was afterward in effect agreed by both Governments to be inadequate, and was not again referred to in the correspondence. In the memorandum furnished by you with your note of June 6, you say:

Lord Salisbury points out that if seal hunting be prohibited on one side of a purely imaginary line drawn in the open ocean, while it is permitted on the other side of the line, it will be impossible in many cases to prove unlawful sealing or to infer it from the possession of skins or fishing tackle.

This was said with reference to the water boundary of our purchase from Russia, but is quite as applicable to the 30-mile zone which he now suggests. The prevalence of fogs in these waters gives increased force and conclusiveness to the point made by his lordship against an imaginary water line. The President can not agree, now that the terms of arbitration have been settled, that the restrictions imposed shall be less than those which both Governments deemed to be appropriate when it was still uncertain whether an early adjustment of the controversy was attainable. He therefore hopes that Her Majesty's Government will consent to renew the arrangement of last year with the promptness which the exigency demands and to agree to enforce it by refusing all clearances to sealing vessels for the prohibited waters and by recalling from those waters all such vessels as have already cleared.

This Government will honorably abide the judgment of the high tribunal which has been agreed upon, whether that judgment be favorable or unfavorable, and will not seek to avoid a just responsibility for any of its acts which by that judgment are found to be unlawful. But certainly the United States can not be expected to suspend the defense, by such means as are within its power, of the property and jurisdictional rights claimed by it, pending the arbitration, and to consent to receive them from that tribunal, if awarded, shorn of much of their value by the acts of irresponsible persons.

I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,  
Washington, March 19, 1892.

SIR: On receipt of your note of the 8th instant I immediately telegraphed to the Marquis of Salisbury the substance of its contents in accordance with the request which you expressed on behalf of the President, and I have now the honor to inform you that I have this day received a reply from his lordship, by telegram, to the following effect:

Lord Salisbury again points out that the information in the possession of Her Majesty's Government does not lead them to believe that another year's suspension of sealing is necessary to prevent an undue diminution of the seal herds.

His lordship, however, proceeds to observe that beyond this question it is considered by your Government that they have a right to be protected from the loss which they may incur from free sealing being permitted this year, in the event of their claim to Behring Sea being upheld by the arbitrators. He states that Her Majesty's Government do not dispute that after the ratification of the convention there will be some foundation for this contention; but he adds that the prohibition of all sealing as a remedy has this defect, that the British sealers excluded from Behring Sea would have an undoubted ground of complaint if the British claim should be upheld by the arbitrators. Moreover, there is no security that the arbitration will be concluded before the sealing season of 1893. Thus an arbitration between Great Britain, the United States, and Portugal, which has already occupied four years, is still pending. Serious damage would be caused to the industry by a suspension of sealing for a long period.

In view of all the above considerations, it appears to Her Majesty's Government that it would be more equitable to provide that sealing in Behring Sea shall continue on the condition that the owner of every sealing vessel shall give security for satisfying any damages which the arbitrators may adjudge.

I shall be glad to learn that the above suggestions meet with the concurrence of your Government.

I have, etc.,

JULIAN PAUNCEFOTE.

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*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, March 22, 1892.

SIR: I am directed by the President to say that your note dated the 19th instant and delivered on the 20th instant (Sunday) has had his immediate attention, in view of what he deems to be the extreme urgency and gravity of the matter under discussion. The urgency grows out of the fact that much further protraction of this discussion will make any *modus* that may be agreed upon ineffectual to protect the interests of the United States and will give to the Canadian sealers practical immunity, by reason of the impossibility of communicating to them the agreed restrictions. It is known to this Government that the sealers have hastened their departure to escape notice of a possible *modus* and

that every day almost adds to the fleet that must now be overhauled at sea. Already forty-seven Canadian vessels have cleared for the sealing grounds (as against thirty-one at the same date last year), and are engaged in following up and destroying the seal herds. These vessels will, if not stopped and turned back at the passes, go into the Behring Sea and pursue to the very shores of our islands the slaughter of the mother seals seeking the accustomed rookeries to be delivered of their young. This is a crime against nature. This Government expects to show, if the arbitration proceeds, that female seals constitute the larger per cent of the catch of the pelagic sealers.

That, in view of this serious and confident contention of this Government, his lordship should assume that another year's suspension of *such* sealing is not necessary "to prevent an undue diminution of the seal herds" and should insist that pending an arbitration it shall go on, precisely as if no arbitration had been agreed upon, is as surprising as it is disappointing. If Her Majesty's Government so little respects the claims and contentions of this Government as to be unwilling to forbear for a single season to disregard them, the President can not understand why Lord Salisbury should have proposed and agreed to give to those claims the dignity and standing which a reference to a high court of arbitration implies. From the moment an arbitration was agreed upon neither party was at liberty to disregard the contentions of the other.

It must be assumed that the sincere purpose of the two Governments was to promote peace and good will, but if, pending the arbitration, either deals with the subject of it solely upon the basis of its own contention and in utter disregard of the claims of the other, this friendly end is not only not attained, but a new sense of injury and injustice is added, even if it should be found possible to proceed with an arbitration under such conditions. For it must not be forgotten that if Her Majesty's Government proceeds during this sealing season upon the basis of its contention as to the rights of the Canadian sealers, no choice is left to this Government but to proceed upon the basis of its confident contention that pelagic sealing in the Behring Sea is an infraction of its jurisdiction and property rights. His lordship will hardly fail to see this. Herein, in the opinion of the President, consists the gravity of the present situation, and he is not willing to be found in any degree responsible for the results that may follow the insistence by either Government during this season upon the extreme rights claimed by it. In his opinion, it would discredit in the eyes of the world the two great Governments involved if the paltry profits of a single season should be allowed to thwart or even to disturb the honorable and friendly adjustment of their differences, which is so nearly concluded; but if his lordship shall adhere to his refusal to unite with us in prompt and effective measures to stop pelagic sealing, and shall insist upon free sealing for British subjects, the question, as it affects this Government, is no longer one of pecuniary loss or gain, but one of honor and self-respect.

This Government, notwithstanding the fact that its right to take seals upon the Pribyloff Islands is undisputed and wholly uninvolved in the arbitration, has proposed to take no profit from the island catch, but to limit the taking of seals to the necessities of the natives of those islands, and it can not consent that, with indemnity or without, the contested rights of British subjects to catch seals in the Behring Sea shall be exercised pending the arbitration. The President finds it difficult to believe that Lord Salisbury is serious in proposing that this Government shall take separate bonds from the owners of about

one hundred Canadian sealing vessels to indemnify it for the injury they may severally inflict upon our jurisdiction or property, and must decline to discuss a suggestion which only his respect for Lord Salisbury and his belief that his lordship has a due appreciation of the gravity of this discussion enable him to treat with seriousness.

We should doubtless have to pursue and capture upon the sea many of the owners of those vessels to secure the bonds suggested, and as the condition is to be that the obligors shall pay "any damages which the arbitrators may adjudge," while the treaty gives the arbitrators no power to adjudge any damages, the transaction would be without risk to the obligors and of no value to us.

This Government can not consent to have what it believes to be its rights destroyed or impaired pending their determination by an agreed tribunal, however adequate the security offered. The reference in my last note to the inconsistency of Her Majesty's Government in denying responsibility for the acts of the Canadian sealers was not intended to suggest a willingness on our part under any circumstances to see our property converted into a claim for damages, and particularly as such a claim can not now be heard or determined by the arbitrators without a reformation of the treaty, for his lordship must remember that while he now offers what he mistakenly calls "security for satisfying any damages which the arbitrators may adjudge," he has already carried his point in the treaty that the arbitrators shall have no jurisdiction to award any damages.

As to his lordship's suggestion, that Canadian sealers may have some claim for compensation if Great Britain shall restrain pelagic sealing, the President directs me to say that he is not able to see how the citizens or subjects of either of the treaty powers can by any rule of law or equity support any claim against their respective Governments growing out of such necessary trade restraints as the Governments may lawfully impose to promote the larger considerations of the public good and international peace.

The suggestion that the conclusions of the board of arbitration may not be reached and announced in time to govern the conduct of the parties during the season of 1893 is, I think, fully provided against by the treaty itself.

His lordship is mistaken as to the time that has elapsed since the signing of the Delagoa Bay agreement with Portugal. It is not four years old, but less than one, the date of signing being June 13, 1891.

If the present treaty is promptly ratified and exchanged, our mutual interest would be an ample guaranty against delay. The President has found no obstacle in the way of such a consummation, except the belief now unfortunately very prevalent here that the refusal of Great Britain to agree to the preservation of the *status quo* of the property during the arbitration, and her insistence that pelagic sealing shall go on, to the injury, if not destruction, of our rights, largely defeats the object of the treaty.

The President directs me to say, in conclusion, that the *modus* of last year is the least that this Government can accept. In reason, the restraints, after a treaty of arbitration, should be more absolute, not less. He does not desire to protract this discussion, and having now in the most friendly spirit submitted the considerations which support the just demand of this Government that the property which is the subject of an agreed arbitration shall not be subject to spoliation pending the arbitration, he expresses the hope that Lord Salisbury will give a prompt and friendly assent to renew the *modus*.

The President will hear with regret that Her Majesty's Government continues to assert a right to deal with this subject precisely as if no provision had been made for a settlement of the dispute; and, in that event, this Government, as has already been pointed out, will be compelled to deal with the subject upon the same basis, and to use every means in its power to protect from destruction or serious injury property and jurisdictional rights which it has long claimed and enjoyed.

I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,  
*Washington, March 26, 1892. (Received March 27.)*

SIR: I have the honor to inform you that I have received the reply of Her Majesty's Government to the note which you addressed to me on the 22d instant, by direction of the President, on the subject of the renewal of the *modus vivendi* in Behring Sea during the approaching fur-seal fishing season.

The Marquis of Salisbury states that notice has been given to the owners of ships sailing for Behring Sea that both the agreements which are at present under discussion between Great Britain and the United States, that as to arbitration and that as to an intermediate arrangement, may affect the liberty of sealing in Behring Sea. They have, therefore, notice of their liability to possible interruption, and will sail subject to that notice. The question of time is not, consequently, urgent.

I am to request you to inform the President that Her Majesty's Government concur in thinking that when the treaty shall have been ratified there will arise a new state of things. Until it is ratified their conduct is governed by the language contained in the note which I had the honor to address to Mr. Blaine on June 14, 1890. But, when ratified, both parties must admit that contingent rights have become vested in the other, which both desire to protect.

Her Majesty's Government think that the prohibition of sealing, if it stands alone, will be unjust to British sealers, if the decision of the arbitrators should be adverse to the United States. They are, however, willing, when the treaty has been ratified, to agree to an arrangement similar to that of last year, if the United States Government will consent that the arbitrators should, in the event of a decision adverse to the United States, assess the damages which the prohibition of sealing shall have inflicted on British sealers during the pendency of the arbitration; and, in the event of a decision adverse to Great Britain, that they should assess the damages which the limitation of slaughter shall, during the pendency of the arbitration, have inflicted on the United States or its lessees.

As an alternate course, Her Majesty's Government are also willing, after the ratification of the treaty, to prohibit sealing in the disputed waters if vessels be excepted from the prohibition which produce a certificate that they have given security for such damages as the arbitrators may assess in case of a decision adverse to Great Britain, the arbitrators to receive the necessary authority in that behalf. In this case the restriction of slaughter on the islands will not in point of equity be necessary.



Her Majesty's Government are unable to see any other than one of these two methods of restricting seal hunting in the disputed waters during the arbitration which will be equitable to both parties.

I have, etc.,

JULIAN PAUNCEFOTE.

*Sir Julian Pauncefote to Mr. Wharton.*

BRITISH LEGATION,

Washington, March 26, 1892. (Received March 27.)

SIR: With reference to my previous note of this date and to the discussions which have taken place regarding the claims of our respective Governments to compensation in relation to the fur-seal fishery in Behring Sea, I have been instructed by the Marquis of Salisbury to state that he is not prepared to admit, as he gathers that the President thinks, that Her Majesty's Government have objected to the arbitrators having jurisdiction as to damages inflicted in the past by the party against whom the award is given. He only objected to make Her Majesty's Government liable for acts which they have not committed. His lordship is ready to consent to a reference on this point in the following terms:

That in case the arbitrators shall decide in favor of the British Government, that Government may ask them further to decide whether the United States Government have since 1885 taken any action in Behring Sea directly inflicting a wrongful loss on British subjects; and, if so, to assess the damage incurred thereby.

That in case the arbitrators shall decide in favor of the United States Government, that Government may ask them to decide further whether the British Governments have since 1885 taken any action in Behring Sea directly inflicting a wrongful loss on the United States or its lessees; and, if so, to assess the damage incurred thereby.

I have, etc.,

JULIAN PAUNCEFOTE.

*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,

Washington, April 7, 1892.

SIR: I am directed by the President to acknowledge the receipt of your note of the 26th ultimo relating to a *modus* for the Behring Sea, and to express his gratification that Her Majesty's Government now concurs in the suggestions which I have had the honor to make, that the treaty of arbitration will create new relations and obligations on the part of the respective Governments relating to the preservation of the subject of the arbitration, and is willing to accede to the suggestion of this Government that a *modus* similar to that of last year be adopted, with certain mutual reservations as to compensation. All that has been said by this Government was, as his lordship will recall, based upon the assumption that the arbitration treaty should become operative; and therefore his lordship's reference to the attitude of his Government in case no treaty is agreed to may, in the present forward state of the negotiations, be passed as having no present relevancy. Our contention has been that the treaty implied a mutual obligation to preserve the *status quo* of the property pending the arbitration; while his lord-

ship, as I have understood, has contended that such use might be made of the seal fisheries as was not seriously injurious to the seal herds, in the preservation of which both Governments had, whatever the award of the arbitrators might be, important interests.

A *modus* to take effect contemporaneously with the exchange of the ratifications of the treaty seems to the President essential if the object of the treaty—a friendly and honorable adjustment of the controversy—is to be accomplished. He directs me to inform you that if the *modus* of last year can be promptly renewed, he is quite willing to submit to the arbitrators the question what compensation, if any, should be awarded to either Government for the restrictions which such Government imposes upon itself and upon its citizens and subjects by the adoption of the *modus*.

I am directed to propose for his lordship's consideration that a supplemental convention be adopted in the terms accompanying, and to express the hope that this proposal will receive his lordship's concurrence.

I have, etc.,

JAMES G. BLAINE.

[Inclosure.]

*Draft of convention between the United States and Great Britain for the renewal of the existing "modus vivendi" in Behring Sea.*

Whereas by a convention concluded between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, on the 29th day of February, 1892, the high contracting parties have agreed to submit to arbitration, as therein stated, the questions which have arisen between them concerning the jurisdictional rights of the United States in the waters of Behring Sea, and concerning also the preservation of the fur seal in or habitually resorting to the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur seal in or habitually resorting to the said waters; and whereas the high contracting parties, having differed as to what restrictive regulations for seal hunting are necessary pending such arbitration, having determined to provide against the undue diminution of the seal herds, subject, however, to the right to claim compensation, as hereinafter mentioned, and without prejudice to the rights of either party:

The said high contracting parties have appointed as their plenipotentiaries to conclude a convention for this purpose, that is to say:

The President of the United States of America, James G. Blaine, Secretary of State of the United States;

And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefoot, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honorable Order of the Bath, and envoy extraordinary and minister plenipotentiary of Her Britannic Majesty to the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

#### ARTICLE I.

Her Majesty's Government will prohibit, until May, 1893, seal-killing in that part of Behring Sea lying eastward of the line of demarcation described in article No. 1 of the treaty of 1867 between the United States and Russia, and will promptly use its best efforts to insure the observance of this prohibition by British subjects and vessels.

#### ARTICLE II.

The United States Government will prohibit seal-killing for the same period in the same part of Behring Sea and on the shores and islands thereof, the property of the United States (in excess of 7,500 to be taken on the islands for the subsistence and care of the natives), and will promptly use its best efforts to insure the observance of this prohibition by United States citizens and vessels.

## ARTICLE III.

Every vessel or person offending against this prohibition in the said waters of Behring Sea outside of the ordinary territorial limits of the United States may be seized and detained by the naval or other duly commissioned officers of either of the high contracting parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who shall alone have jurisdiction to try the offense and impose the penalties for the same. The witnesses and proofs necessary to establish the offense shall also be sent with them.

## ARTICLE IV.

In order to facilitate such proper inquiries as Her Majesty's Government may desire to make, with a view to the presentation of the case of that Government before arbitrators, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or to remain upon the seal islands during the present sealing season for that purpose.

## ARTICLE V.

If the result of the arbitration shall permit British subjects to take seals in the Behring Sea within the bounds claimed by the United States under its purchase from Russia, then compensation shall be made by the United States to Great Britain (for the use of her citizens and subjects) for abstaining from the exercise of that right pending the arbitration upon the basis of such a regulated and limited catch or catches as in the opinion of the arbitrators might have been taken without an undue diminution of the seal herds; and, on the other hand, if the result of the arbitration shall not permit British sealers to take seals within said waters, the compensation shall be made by Great Britain to the United States (for itself, its citizens, and lessees) for this agreement to limit the island catch to 7,500 a season, upon the difference between this number and such larger catch as might in the opinion of the arbitrators have been taken without an undue diminution of the seal herds.

The amount awarded, if any, in either case shall be such as under all the circumstances is just and equitable, and shall be promptly paid.

## ARTICLE VI.

The present convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by her Britannic Majesty; and the ratifications shall be exchanged either at Washington or at London within — from the date hereof, or earlier if possible.

In faith whereof we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

Done in duplicate at Washington the — one thousand eight hundred and ninety-two.

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*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, April 14, 1892.

SIR: The President is surprised as well as chagrined by the delay of Lord Salisbury in his reply sustaining or surrendering the points of criticism which his lordship made on the *modus vivendi*. While it is impossible to believe that Lord Salisbury could make this long delay for the purpose of allowing British sealers to get into the Behring Sea, yet such is the direct effect of it. The criticisms are afterthoughts of no special value and were made after we had the right to consider the whole text of the convention mutually and fully established. Lord Salisbury made an objection to the preamble, which had not been mutually agreed to, and the President at once effectually conceded it.

When Lord Salisbury's objections to the text of the *modus vivendi* were presented, the President made all of his comments within an hour

and a half, and you were enabled to telegraph the result to Lord Salisbury the same morning. In contrast with this promptness Lord Salisbury has had the *modus* in his possession for four days without answer. He would be as much justified in keeping it forty days as four. If any serious results follow these delays, the responsibility can not be charged to the United States.

I have, etc.,

JAMES G. BLAINE.

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*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, April 14, 1892.

SIR: I have the honor to acknowledge the receipt of your note, undated, but received this evening, in which you complain of delay on the part of the Marquis of Salisbury in accepting the form of convention for a renewal of the *modus vivendi* in Behring Sea, which you proposed in your note to me of the 7th instant. That complaint does not appear to me to be well founded, for the following reasons:

Before framing the convention for the renewal of the *modus vivendi* it was agreed that certain private and unofficial interviews and discussions should take place, in order, if possible, to shorten the official correspondence and to expedite matters.

Those private and unofficial discussions resulted in your official note to me of the 7th instant, inclosing a proposed draft for the consideration of Lord Salisbury. Immediately on receipt of that draft I telegraphed its substance to Lord Salisbury, who authorized me to accept it, subject to certain verbal amendments, which I certainly thought would have been at once accepted by your Government, especially as you refer to them in your note under reply as being "of no special value." But not only were those amendments rejected, but you informed me that the President desired a certain alteration in one of the articles of the draft as proposed by you. I at once telegraphed to Lord Salisbury the rejection of his suggested amendments, as well as the alteration desired by the President, and I trust that on the receipt of his lordship's reply we shall be able to agree to such amendments in the draft as will make it acceptable to both Governments.

As I have had the honor to inform you verbally, Lord Salisbury is in the south of France at the present time, which fully accounts for his reply not having yet arrived. But under the circumstances I can not admit that "the text of the convention is mutually and fully established," or that my Government in any way responsible for the delay of which you complain.

I have, etc.,

JULIAN PAUNCEFOTE.

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*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, April 16, 1892.

SIR: In my note of the 14th instant I had the honor to inform you that I had acquainted the Marquis of Salisbury by telegram on the 11th

instant of the alteration desired by the President in one of the articles of the draft convention for the renewal of the *modus vivendi* in Behring Sea, proposed in your note to me of the 7th, and I expressed the hope that on receipt of his lordship's reply we should be able to agree to such amendments in the draft as would make it acceptable to both Governments.

I have now received that reply, and I will proceed to explain seriatim the amendments suggested by Lord Salisbury, and I will then deal with the alteration desired by the President.

In the preamble the following words occur :

Have determined to provide against the undue diminution of the seal herds, subject, however, to the right to claim compensation.

The word "undue" in that place appears to Lord Salisbury to pledge Her Majesty's Government to a statement which they do not accept. I accordingly suggested at our interview of the 11th that we should strike out those words and substitute "have agreed to adjust such difference."

You assented to that substitution, and it meets with Lord Salisbury's approval. That objection is therefore disposed of.

Article IV. In this article Lord Salisbury proposes the words "with a view to the presentation and arguments of that Government," in order to make it clear that the facilities in question are available to Her Majesty's Government at any time during the arbitration in support of their case. This is no doubt in accordance with the spirit of the clause.

Article V. In this article the two alternatives are stated as follows: "If the result of the arbitration shall permit British subjects to take seals, etc.," and "if the result of the arbitration shall not permit British sealers, etc."

The word "permit" is hardly suitable, as the arbitrators can not create any new right; they can only affirm or deny a right claimed as existing. Lord Salisbury is therefore of opinion that it would be better to adopt the words, "If the result of the arbitration be to affirm the right of British sealers, etc.," and in the converse case, "shall be to deny the right, etc."

He also suggests, in the first sentence, the omission of the words "citizens and" before "subjects," as being redundant in that particular application.

I trust that the President will be disposed to accept the above amendments in a spirit of conciliation, as they can not in any way prejudice the case of the United States, and Lord Salisbury is willing on his side to meet the wishes of the President as regards the alteration desired in article I, subject to the addition of an article, the reasonableness of which will no doubt be readily admitted. The President desires that in article I of the draft the words "until May, 1893," should be struck out, and that the words "pending the arbitration" should be substituted, for the reason that the arbitration may not be concluded at the date above mentioned.

Lord Salisbury is willing to accept this amendment, provided that an article be added to the draft to the effect that the convention may be denounced by either party at two months' notice at any time after the 31st of October, 1893. I beg to inclose a copy of the draft convention in the form in which I am authorized to sign it on behalf of Her Majesty's Government, the amendments being inserted in red ink.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

*Convention between Great Britain and the United States of America for the renewal of the existing "modus vivendi" in Behring Sea.\**

Whereas by a convention concluded between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America on the 29th day of February, 1892, the high contracting parties have agreed to submit to arbitration, as therein stated, the questions which have arisen between them concerning the jurisdictional rights of the United States in the waters of Behring's Sea, and concerning also the preservation of the fur seal in, or habitually resorting to, the said sea, and the rights of the subjects and citizens of either country as regards the taking of fur seal in, or habitually resorting to, the said waters; and whereas the high contracting parties, having differed as to what restrictive regulations for seal hunting are necessary pending such arbitration, have [determined to provide against the undue diminution of the seal herds, subject however to the right to claim compensation as] *agreed to adjust such difference in manner hereinafter mentioned and without prejudice to the rights of either party.*

The said high contracting parties have appointed as their plenipotentiaries to conclude a convention for this purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Knight Commander of the Most Honorable Order of the Bath, and envoy extraordinary and minister plenipotentiary of Her Britannic Majesty to the United States;

And the President of the United States of America, James G. Blaine, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers, found in due and good form, have agreed upon and concluded the following articles:

## ARTICLE I.

Her Majesty's Government will prohibit [until May, 1893] *during the pendency of the arbitration* seal-killing in that part of Behring Sea lying eastward of the line of demarcation described in article No. 1 of the treaty of 1867 between the United States and Russia, and will promptly use its best efforts to insure the observance of this prohibition by British subjects and vessels.

## ARTICLE II.

The United States Government will prohibit seal-killing for the same period in the same part of Behring Sea and on the shores and islands thereof, the property of the United States (in excess of 7,500 to be taken on the islands for the subsistence and care of the natives), and will promptly use its best efforts to insure the observance of this prohibition by United States citizens and vessels.

## ARTICLE III.

Every vessel or person offending against this prohibition in the said waters of Behring Sea, outside of the ordinary territorial limits of the United States, may be seized and detained by the naval or other duly commissioned officers of either of the high contracting parties; but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who shall alone have jurisdiction to try the offense and impose the penalties for the same. The witnesses and proofs necessary to establish the offense shall also be sent with them.

## ARTICLE IV.

In order to facilitate such proper inquiries as Her Majesty's Government may desire to make with a view to the presentation of the case *and arguments* of that Government before the arbitrators, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or remain upon the seal islands during the [present] sealing season for that purpose.

## ARTICLE V.

If the result of the arbitration [shall permit British subjects] *be to affirm the right of British sealers to take seals in the Behring Sea within the bounds claimed by the*

\* The words stricken out are in brackets and the alterations (in red ink in Sir Julian Pauncefote's communication) are in italics.

United States under its purchase from Russia, then compensation shall be made by the United States to Great Britain (for the use of her [citizens and] subjects) for abstaining from the exercise of that right pending the arbitration upon the basis of such a regulated and limited catch or catches as in the opinion of the arbitrators might have been taken without an undue diminution of the seal herds; and, on the other hand, if the result of the arbitration shall [not permit] *be to deny the right of British sealers to take seals within the said waters, then compensation shall be made by Great Britain to the United States (for itself, its citizens, and lessees) for this agreement to limit the island catch to 7,500 a season, upon the basis of the difference between this number and such larger catch as in the opinion of the arbitrators might have been taken without an undue diminution of the seal herds.*

The amount awarded, if any, in either case shall be such as under all the circumstances is just and equitable, and shall be promptly paid.

#### ARTICLE VI.

*This convention may be denounced by either of the high contracting parties at any time after the 31st day of October, 1893, on giving to the other party two months' notice of its termination; and at the expiration of such notice the convention shall cease to be in force.*

#### Article VII.

The present convention shall be duly ratified by Her Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged either at London or at Washington as early as possible.

In faith whereof, we, the respective plenipotentiaries, have signed this convention, and have hereunto affixed our seals.

Done in duplicate at Washington the ———, one thousand eight hundred and ninety-two.

#### *Convention between the United States of America and Great Britain for the renewal of the existing "modus vivendi" in Behring's Sea.*

Whereas by a convention concluded between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, on the twenty-ninth day of February, one thousand eight hundred and ninety-two, the high contracting parties have agreed to submit to arbitration, as therein stated, the questions which have arisen between them concerning the jurisdictional rights of the United States in the waters of Behring's Sea and concerning also the preservation of the fur seal in, or habitually resorting to, the said sea, and the rights of the citizens and subjects of either country as regards the taking of the fur seal in, or habitually resorting to, the said waters; and whereas the high contracting parties, having differed as to what restrictive regulations for seal hunting are necessary, during the pendency of such arbitration, have agreed to adjust such difference in manner hereinafter mentioned, and without prejudice to the rights of either party:

The said high contracting parties have appointed as their plenipotentiaries to conclude a convention for this purpose, that is to say:

The President of the United States of America, James G. Blaine, Secretary of State of the United States;

And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honorable Order of the Bath, and envoy extraordinary and minister plenipotentiary of Her Britannic Majesty to the United States;

Who, after having communicated to each other their respective full

powers, found in due and good form, have agreed upon and concluded the following articles:

#### ARTICLE I.

Her Majesty's Government will prohibit, during the pendency of the arbitration, seal-killing in that part of Behring Sea lying eastward of the line of demarcation described in article No. 1 of the treaty of 1867 between the United States and Russia, and will promptly use its best efforts to insure the observance of this prohibition by British subjects and vessels.

#### ARTICLE II.

The United States Government will prohibit seal-killing for the same period in the same part of Behring's Sea, and on the shores and islands thereof, the property of the United States (in excess of seven thousand five hundred to be taken on the islands for the subsistence of the natives), and will promptly use its best efforts to insure the observance of this prohibition by United States citizens and vessels.

#### ARTICLE III.

Every vessel or person offending against this prohibition in the said waters of Behring Sea outside of the ordinary territorial limits of the United States, may be seized and detained by the naval or other duly commissioned officers of either of the high contracting parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who alone shall have jurisdiction to try the offense and impose the penalties for the same. The witnesses and proof necessary to establish the offense shall also be sent with them.

#### ARTICLE IV.

In order to facilitate such proper inquiries as Her Majesty's Government may desire to make with a view to the presentation of the case and arguments of that Government before the arbitrators, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or remain upon the seal islands during the sealing season for that purpose.

#### ARTICLE V.

If the result of the arbitration be to affirm the right of British sealers to take seals in Behring Sea within the bounds claimed by the United States, under its purchase from Russia, then compensation shall be made by the United States to Great Britain (for the use of her subjects) for abstaining from the exercise of that right during the pendency of the arbitration upon the basis of such a regulated and limited catch or catches as in the opinion of the arbitrators might have been taken without an undue diminution of the seal herds; and, on the other hand, if the result of the arbitration shall be to deny the right of British sealers to take seals within the said waters, then compensation shall be made by Great Britain to the United States (for itself, its citizens and lessees) for this agreement to limit the island catch to seven thousand five hundred a season, upon the basis of the difference between this number and



such larger catch as in the opinion of the arbitrators might have been taken without an undue diminution of the seal herds.

The amount awarded, if any, in either case shall be such as under all the circumstances is just and equitable, and shall be promptly paid.

## ARTICLE VI.

This convention may be denounced by either of the high contracting parties at any time after the thirty-first day of October, one thousand eight hundred and ninety-three, on giving to the other party two months' notice of its termination; and at the expiration of such notice the convention shall cease to be in force.

## ARTICLE VII.

The present convention shall be duly ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged either at Washington or at London as early as possible.

In faith whereof, we, the respective plenipotentiaries have signed this convention and have hereunto affixed our seals.

Done in duplicate at Washington, this eighteenth day of April, one thousand eight hundred and ninety-two.

JAMES G. BLAINE [SEAL].  
JULIAN PAUNCEFOTE [SEAL].

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*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, April 20, 1892.

SIR: I have the honor to state that the Senate has given its advice and consent to the ratification of the convention signed on the 18th instant between the United States and Great Britain for the renewal of the existing *modus vivendi* in the Behring Sea.

I shall, at an early date, be glad to effect with you the exchange of ratifications of this convention, should that course be found agreeable to Her Majesty's Government.

I have, etc.,

JAMES G. BLAINE.

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*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, April 20, 1892.

SIR: I have the honor to apprise you that the advice and consent of the Senate has been given to the convention signed in this city on February 29, 1892, between the United States and Great Britain, submitting to arbitration the questions which have arisen between those two Governments in the waters of the Behring Sea, with the following amendments:

Add to the first clause of the first article these words: "And the selecting powers shall be requested to choose, if possible, jurists who are acquainted with the English language."

In article 3, substitute "four months" in place of "three months."

If you will have the kindness to ascertain whether the convention, as amended by the Senate, is acceptable to Her Majesty's Government, I shall be prepared to exchange with you here, if agreeable to Her Majesty's Government, the ratifications of the convention aforesaid at an early date.

I have, etc.,

JAMES G. BLAINE.

*Lord Salisbury to Sir Julian Pauncefote.*

[Telegram.]

APRIL 23, 1892.

The governor-general of Canada was yesterday instructed by telegraph to publish an announcement in the Official Gazette that the *modus vivendi* of last year would be continued. His excellency was also requested to inform the collectors of customs at the various British Columbian ports of the continuation of the *modus vivendi*.

The British commander-in-chief in the Pacific Ocean has been instructed by the admiralty to take the necessary action.

I have to request you to convey the foregoing information to the United States Government, and to state that Her Majesty's Government can have no objection to their taking similar steps.

The necessary order in council will be issued as soon as possible after the Queen's return to England. Her Majesty is expected to arrive about the 3d of May.

*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, April 28, 1892.

SIR: I have the honor to transmit to you herewith copies of the instructions which have been issued by the Secretary of the Navy in pursuance of the convention of April 18, 1892, relative to the *modus vivendi* respecting Behring Sea.

This Government would be pleased to receive in exchange copies of such instructions as may be issued by Her Britannic Majesty's Government on the same subject.

I have, etc.,

JAMES G. BLAINE.

[Inclosure.]

*Mr. Tracy to Commander Evans.*

NAVY DEPARTMENT,  
Washington, April 25, 1892.

SIR: In pursuance of a convention between the United States and Great Britain, dated April 18, 1892, for a *modus vivendi* respecting the taking of seal in Behring Sea, you will cause the vessels under your command to warn all American and British vessels they meet outside of Behring Sea not to enter the prohibited waters of that

sea for the purpose of sealing, and you will deposit on board of each vessel so warned a copy of the convention, of the President's proclamation, dated February 15, 1892, of the British seal fishery (Behring Sea) act, 1891, and of these instructions. Entry of notice and warning will be made upon the register of all vessels notified.

Any vessel found to be, or to have been, employed in sealing within the prohibited waters of Behring Sea, whether with or without warning, and any vessel found therein, whether warned or not, having on board implements for taking seal or seal skins or bodies of seals will be seized.

The prohibited waters include that part of Behring Sea east of the line of demarcation marked upon Hydrographic Office chart No. 68.

The commanding officer of the vessel making the seizure will, at the time thereof, draw up a declaration in writing, stating the condition of the seized vessel, place and date of seizure, giving latitude and longitude and circumstances showing guilt. The seized vessel will be brought or sent in charge of a sufficient force to insure delivery, together with witnesses and proofs and the declaration of the officer making the seizure, if American, to Sitka, and there delivered to the officer of the United States district court at that place; and, if British, to Unalaska, and there delivered to the senior British naval officer in Behring Sea. The master of the seized vessel, her mate or boatswain, and such portion of her crew as can conveniently be carried therein, will be sent as prisoners with the vessel to suffer the penalty of the law.

A signed and certified list of the papers of the seized vessel will be delivered to the master thereof, and a duplicate copy will be transmitted with the declaration.

Very respectfully,

B. F. TRACY,  
*Secretary of the Navy.*

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*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, April 29, 1892.

The Secretary of State presents his compliments to the British minister, and has the honor to acknowledge, with thanks, the receipt of the copy, left at the Department of State, of a telegram from Lord Salisbury to Sir Julian Pauncefote of the 23d of April, 1892, in regard to the action Her Britannic Majesty's Government has taken relative to the *modus vivendi*.

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*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
Washington, May 11, 1892.

SIR: In the memorandum which you placed in my hands on the 23d ultimo, respecting the instructions to be issued to naval officers charged with the enforcement of the *modus vivendi* in Behring Sea, under the convention of the 18th ultimo, it was suggested that sealing vessels found in Behring Sea in contravention of the convention should be seized without the previous warning given last year, owing to the late date at which the *modus vivendi* of 1891 was agreed to.

I transmitted the memorandum to the Marquis of Salisbury, and I have now received his lordship's observations thereon.

Lord Salisbury points out that the act of Parliament referred to in the memorandum throws on the owner and master of any ship found in Behring's Sea with the equipment specified, the duty of proving innocent intent. The British instructions of last year did not require proof of previous warning before seizure, but authorized the naval officers to let a vessel go with warning if they thought the master was acting in

ignorance of the prohibition or believed his ship to be outside the line of demarcation.

Her Majesty's Government see no reason for altering that instruction. They will take steps to warn the sealing vessels which cleared before notice was given of the renewal of the *modus vivendi*, and it is not likely that many vessels will be left unwarned. But, in their opinion, it would seem desirable that, in order to obviate cases of hardship which might arise, the United States naval officers should receive some discretion similar to that given in the British instructions.

I have, etc.,

JULIAN PAUNCEFOTE.

*Memorandum referred to in preceding note.*

The British seal fishery act of 1891, paragraph 5, made the presence of a vessel in Behring Sea with sealing outfit, etc., a *prima facie* offense. But, owing to the late date at which the *modus* of 1891 was agreed to, the naval vessels abstained from making arrests until after the sealers had received a warning. This fact was the chief cause of the inefficiency of that *modus*. It is proposed to make effective the *modus* of 1892 by enforcing the provision of the act above cited without further notice.

*Mr. Blaine to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, May 12, 1892.

SIR: I have the honor to acknowledge the receipt of your note of yesterday suggesting that the memorandum which I placed in your hands on the 23d ultimo, respecting the instructions to be issued to naval officers charged with the enforcement of the *modus vivendi* in Behring Sea, under the convention of the 18th ultimo, be modified so as to authorize the naval officers to let a vessel go with warning if it is thought that the master is acting in ignorance of the prohibition or believes his ship to be outside of the line of demarcation.

In reply, I have the honor to inform you that this Government does not think it necessary to modify the instructions given to the naval officers of the United States. If a vessel is found in Behring Sea with a sealing outfit, the only safe course to take is to compel her to leave that sea, and this can only be effectively done by taking her out under convoy. This the United States officers are directed to do, and to turn such British vessels over to the British naval officer at Unalaska. If he chooses to take the responsibility of releasing such vessels, then it is his right to do so.

I have, etc.,

JAMES G. BLAINE.

*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, May 21, 1892.

SIR: In the note which I addressed to you on the 12th instant, in referring to vessels with sealing outfit which might be seized by American vessels in Behring Sea and handed over at Unalaska to a British naval officer, it was not intended to convey the impression that the

Government of the United States would approve of the release of such seized vessels by the British naval officer, although under the orders which your note of the 11th instant indicated such officer would receive he would seem to have the right to do so.

I understand that, in accordance with the terms of the *modus* convention of the 18th ultimo, both Governments have prohibited seal-killing in Behring Sea; that the laws enacted to enforce said prohibition make the presence of a vessel in that sea with a sealing outfit a *prima facie* offense; and that under article III of the convention, when seized, it is the duty of the respective naval officers to hand the vessel over to the authorities which "shall have jurisdiction to try the offense and impose the penalties for the same." Under the circumstances attending the renewal of last year's *modus*, with the full assurance received by the sealers before they put to sea that it would be continued in force, it can hardly be claimed that any of them found this season in Behring Sea are entitled to a further warning. I submit that the only proper course for the naval officers to pursue is, when a vessel has been seized, to deliver her over, in accordance with the terms of the convention, to the judicial authorities for a legal determination of the facts of the case.

It may not be inopportune to recall the fact that, so far as I am advised, the only seizures made last season in the Behring Sea were by the American naval officers, and that the two British vessels seized and turned over to the British naval officers (one of which having been cleared by the British customs authorities after the publication of the *modus*) were released at Victoria without any judicial investigation. In view of the fact that both Governments have united in the earnest effort to prevent this season the unprecedented slaughter of the seals in Behring Sea which occurred last year, all sealing vessels found in those waters should be taken therefrom by force and delivered over to the judicial authorities. In no other way can the prohibition decreed by the two nations be made effective.

I have, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Sir Julian Pauncefote to Mr. Blaine.*

BRITISH LEGATION,  
*Washington, June 2, 1892.*

SIR: With reference to previous correspondence in regard to the enforcement of the *modus vivendi* in Behring Sea, I have the honor, in accordance with directions which I have received from the Marquis of Salisbury, to transmit to you herewith copy of the instructions which have been issued to commanders of Her Majesty's vessels in Behring Sea.

I have, etc.,

JULIAN PAUNCEFOTE.

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[Inclosure.]

*Instructions to naval officers.*

Proceed to Behring Sea and cruise as may be necessary with the object of carrying out order in council of May 9, 1892, which renews provisions of order in council of 23d June, 1891. Before entering the sea, cruise off the pass and visit such places and ports of entrance to sea as you think best, in order to intercept sealing vessels, and send on board copy of convention and a written order informing them you are

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instructed that, if found hunting seals or preparing to do so in Behring Sea, they will be seized. Use utmost endeavors to carry out this duty. After carrying out above proceed into the sea and cruise there, as necessary to enforce convention, seizing, whether warned or not, any vessels found offending. British vessels should have sealing equipment confiscated, and, after recording name of the master and vessel, send ship to Victoria, B. C., to report to collector of customs. American vessels should be turned over to nearest American authority, with necessary proof of offense, etc. Coöperate cordially with American cruisers as much as possible in arranging above duty.

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*Mr. Wharton to Sir Julian Pauncefote.*

DEPARTMENT OF STATE,  
Washington, June 6, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant, inclosing a copy of the instructions that have been issued to commanders of Her Majesty's vessels in Behring Sea, under the *modus vivendi*, and to inform you that a copy of the same has been communicated to the Secretary of the Navy.

I have, etc.,

WILLIAM F. WHARTON,  
Acting Secretary.

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*Mr. Herbert to Mr. Wharton.*

BRITISH LEGATION,  
Washington, June 15, 1892.

SIR: Sir Julian Pauncefote duly forwarded to the Marquis of Salisbury for his lordship's approval a copy of the form of identic note which was drawn up at the Department of State in communication with Sir Julian Pauncefote for the appointment of the three foreign Behring Sea arbitrators, to be addressed to the Governments of France, Italy, and Sweden.

I have now the honor, in accordance with telegraphic instructions which I have received from Lord Salisbury, to inform you that Her Majesty's Government concur in the terms of this note, and that they propose to forward it to Her Majesty's representatives at Paris, Rome, and Stockholm, with instructions to them to concert for its simultaneous presentation with the United States representatives in those capitals.

I have, etc.,

MICHAEL H. HERBERT.

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*Form of identic note referred to in the preceding note.*

LEGATION OF THE UNITED STATES OF AMERICA,  
\_\_\_\_\_, \_\_\_\_\_, 1892.

MR. MINISTER: Differences have arisen between the Government of the United States and the Government of Her Britannic Majesty concerning the jurisdictional rights of the United States in the waters of the Behring Sea, and concerning, also, the preservation of the fur seal in, or habitually resorting to, the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur seal in, or habitually resorting to, the said waters, the high contracting parties, in order to remove and adjust all complaints and claims on behalf of either party and to provide for the speedy settlement of the questions at issue, have agreed, by the treaty signed at Washington on the 29th of February, 1892, and by the fifth article of the convention signed at Washington on the 9th of May, 1892, of which treaty and convention copies are annexed, to refer the questions specified therein to a tribunal of

arbitration to be appointed in the following manner, that is to say: Two shall be named by the President of the United States; two shall be named by Her Britannic Majesty; His Excellency the President of the French Republic shall be jointly requested by the high contracting parties to name one; His Majesty the King of Italy shall be so requested to name one; and His Majesty the King of Sweden and Norway shall be so requested to name one. It being further agreed that the seven arbitrators to be so named shall be jurists of distinguished reputation in their respective countries, and that the selecting powers shall be requested to choose, if possible, jurists who are acquainted with the English language.

The high contracting parties, therefore, reposing entire confidence in the spirit of justice and impartiality which distinguishes His Excellency the President of the French Republic, the common friend of the two States, have agreed, in pursuance of the said treaty of February 29, 1892, to address themselves severally to His Excellency and to request His Excellency to be pleased to appoint an arbitrator to form, with the arbitrators to be appointed by the respective high contracting parties and by the other two powers above named, the tribunal of arbitration, to which the reference agreed upon in the said treaty and convention shall be made. And, in view of the questions at issue having arisen between two English-speaking peoples and of the circumstance that the proofs to be adduced and the arguments to be made will necessarily originate for the most part in the English language, in which form they may most conveniently and expeditiously be considered by the tribunal of arbitration, the high contracting parties deem it opportune to unite in the further request that His Excellency the President of the French Republic choose as an arbitrator, if possible, from among the jurists of distinguished reputation in France, one acquainted with the English language; without prejudice, however, to the entire liberty of the arbitrator so named to give any individual opinion in the course of the arbitration and any written decision he may render, in the language of his nation, or in any language that shall be agreeable to him.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, having received the orders of his Government to communicate to His Excellency the President of the French Republic the agreement thus made, on behalf of the United States, has been further charged to express the earnest wish of the President of the United States that His Excellency the President of the French Republic will be willing to afford his good offices on the present occasion, and will be pleased to appoint an arbitrator to act in the premises.

The undersigned has the honor to request the minister for foreign affairs to lay this communication before His Excellency the President, and to be pleased to make known to the undersigned His Excellency's determination with regard to the request herein set forth.

The undersigned avails, etc.,

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*Mr. Adee to Mr. Herbert.*

DEPARTMENT OF STATE,  
Washington, June 16, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 15th instant, by which you inform me that Her Majesty's Government concurs in the terms of the identic note which was recently drawn up at this Department in communication with Sir Julian Pauncefote for the appointment of the three foreign Behring Sea arbitrators, to be addressed to the Governments of France, Italy, and Sweden.

In reply, I have the honor to inform you that instructions will be mailed to-morrow to the United States ministers at Paris, Rome, and Stockholm to join with their respective British colleagues in simultaneously presenting the identic note as soon as possible.

A telegram has been sent to the American ministers at the above-named capitals advising them of the transmission of the draft of the identic note, and directing them to hold themselves in readiness awaiting its arrival.

I have, etc.,

ALVEY A. ADEE,  
Acting Secretary.

## HAWAII.

*Mr. Stevens to Mr. Blaine.*

No. 16.]

LEGATION OF THE UNITED STATES,  
*Honolulu, February 5, 1891. (Received February 26.)*

SIR: Eight days prior to its reception at this legation, the Department of State had received the sad intelligence of the death of His Majesty King Kalakaua, in San Francisco, and of the attending circumstances. The *Charleston*, Admiral George Brown in command, arrived here on the morning of the 29th with his remains, causing a deep impression among the native and foreign population. In the afternoon of the same day, commencing at precisely 5 o'clock, the body was taken from the *Charleston* and transferred to the royal palace, the hearse being followed by the Hawaiian ministers, members of the diplomatic corps, American and English naval officers, escorted by a body of marines and sailors from the *Charleston*, the *Mohican*, and the English naval vessel *Nymphé*, and an immense concourse of citizens. This display of honor was admirably conducted, largely under the direction of Admiral Brown, the chief portion of the military escort being American.

By a note from the minister of foreign affairs on the evening of the 29th I was officially informed that the remains of the King would lie in state from 11 a. m. to 11:15 of the 30th, for the observation of the diplomatic corps, and in company with Mrs. Stevens I improved the opportunity in an appropriate manner.

In the afternoon of January 29, prior to the removal of the royal remains from the *Charleston*, the new sovereign was proclaimed, of which fact I was duly informed by the following communication:

FOREIGN OFFICE,  
*Honolulu, January 29, 1891.*

SIR: I have the honor to inform your excellency that on this day Her Royal Highness Princess Liliuokalani, regent, was publicly proclaimed as successor to His late Majesty Kalakaua, deceased, as Queen of the Hawaiian Islands, in accordance with the twenty-second article of the constitution, under the style and title of Liliuokalani.

I have, etc.,

JOHN A. CUMMINS,  
*Minister of Foreign Affairs.*

The remains of the deceased King will remain in state at the royal palace until the 15th instant, when the final funeral obsequies will take place. The present ministers, perhaps, will continue in office until the meeting of the legislature in 1892, the Queen not having the power to change them without the previous action of that body. This sudden and unexpected change of sovereigns has been made without commotion and with no extraordinary excitement.

I am, etc.,

JOHN L. STEVENS.



*Mr. Stevens to Mr. Blaine.*

No. 18.]

LEGATION OF THE UNITED STATES,  
*Honolulu, February 9, 1891. (Received February 26.)*

SIR: Herewith inclosed I transmit to the Department of State a copy of resolutions adopted at a public meeting of a large number of influential native-born citizens of the Hawaiian Islands, relative to the death and its attending circumstances of the late King Kalakaua. I also inclose a copy of my remarks addressed to the committee who called at this legation and placed the said resolutions in my hands.

I am, etc.,

JOHN L. STEVENS.

[Inclosure 1 in No. 18.]

*Resolutions adopted by meeting of Hawaiian citizens.*

Whereas the unbounded courtesy and kind attentions extended to His late Majesty King Kalakaua, in his recent visit to California, by the United States Government, the State of California, the city of San Francisco, as well as citizens and residents in San Francisco, and by Rear-Admiral George Brown and the officers and men of the United States flagship *Charleston*, have placed the Hawaiian nation under a debt of gratitude to the United States and to citizens of said country and to said Rear-Admiral Brown, his officers, and men: Therefore be it

*Resolved*, That the Hawaiian people recognize with the deepest gratitude the great courtesy of the United States Government and of officials and citizens of the State of California, in the courtesies extended to His late Majesty the King upon the occasion of his recent visit to California, where he met his most untimely death; and be it further

*Resolved*, That we recognize a like debt of gratitude to Rear-Admiral Brown, of the United States flagship *Charleston*, and to his officers and men in their more than courteous treatment and care of His late Majesty King Kalakaua, both in going to California and in their tender care and attention during his illness and in returning his remains to our midst; and be it further

*Resolved*, That an engrossed copy hereof be presented to his excellency John L. Stevens, envoy extraordinary and minister plenipotentiary of the United States in Honolulu, for transmission to Washington; that a like copy be sent to the governor of California, another to the mayor of the city of San Francisco, and another be presented to Rear-Admiral Brown on behalf of His late Majesty's grateful subjects and friends.

Honolulu, H. I., 5th February, A. D. 1891.

PAUL P. KAMOA,  
W. L. HOLOKOHKI,  
S. K. KANE,  
J. KALUA KABOOKANO,  
JOHN L. A. KAULUWU,  
JOHN F. COLBURN,  
MARK P. ROBINSON,  
SAMUEL PARKER,  
WM. GODWIN,  
E. C. MACFARLANE,  
WM. R. CASTLE,  
ALEX. YOUNG,  
C. O. BERGEN,  
PAUL R. TSENBERG,  
F. M. SWANZY,  
JOHN W. KALVA,  
A. ROSA,

*Committee.*

[Inclosure 2 in No. 18.]

*Remarks of Minister Stevens.*

GENTLEMEN: It is with no ordinary emotions that I meet you under the afflictive circumstances which call you to this legation. I recognize in your committee the honored representatives of a large and influential portion of the native citizens of Hawaii, all equally interested in the welfare of their country. As the American minister at this capital I receive the resolutions which you place in my hands as the expression of the warm and sincere feelings cherished by the citizens of Hawaii for the citizens and Government of the United States. The manner in which these sentiments are called forth, and the attending circumstances of your late sovereign's death, can not fail to strengthen permanently the fraternal and friendly relations between this island Kingdom and the American nation, which are united by the triple bonds of moral sympathy, of near neighborhood, and of common interests.

It will be my duty as well as my pleasure to transmit copies of your resolutions to the President of the United States, to the governor of California, and to the mayor of San Francisco.

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*Mr. Stevens to Mr. Blaine.*

No. 19.]

LEGATION OF THE UNITED STATES,  
*Honolulu, February 16, 1891.* (Received March 5.)

SIR: The Chamber of Commerce of Honolulu, an important commercial body, wishing to express thanks to the United States Government and to the people of California for the honors and kindness shown to the late King Kalakaua in his visit, illness, and death, has adopted resolutions, an engrossed copy of which is here inclosed, which is forwarded to the Department of State agreeably to request.

I am, etc.,

JOHN L. STEVENS.

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[Inclosure in No. 19.]

*Resolutions unanimously passed by the Honolulu Chamber of Commerce.*

Whereas the Hawaiian nation is under the highest obligation to the United States Government, to the State of California, to the corporation of San Francisco, and to the citizens of said State and city for their truly royal welcome and entertainment of His Majesty King Kalakaua, and for the distinguished feelings of friendship and esteem exhibited toward him and the Hawaiian people in their tender and sympathetic care of the King during his recent illness, and in the funeral obsequies held in San Francisco, and in returning His Majesty's remains to his home; and

Whereas a like obligation has been incurred to Rear-Admiral George Brown and his staff and to the officers and crew of the U. S. S. *Charleston* for their unflinching care and attention to the King in his recent visit to California, and in the return of his remains to Hawaii: Therefore be it

*Resolved*, That the Honolulu Chamber of Commerce joins with all others in this country in expressions of the most cordial thanks to the United States Government, to the State of California, to the corporation of San Francisco, and to the citizens of said State and city for their courteous attentions to His Majesty the King during his recent visit and for the like respectful and tender care of the dead King's remains; and

*Resolved*, That we likewise tender to Rear-Admiral George Brown and his staff and to the officers and crew of the U. S. S. *Charleston* the heartfelt thanks of this association for the courteous attentions paid to His Majesty during his visit to the Pacific coast and in the honorable attentions paid to his remains upon their return to the land of his birth.

*Resolved*, That an engrossed copy of the above preamble and resolutions be forwarded to the Secretary of State of the United States, to the governor of the State

of California, to the mayor of the city of San Francisco, to Rear-Admiral George Brown and Capt. Remy, commanding U. S. S. *Charleston*.

*Resolved*, That the above preamble and resolutions be spread upon the records of this Chamber of Commerce, and that the same be published in the newspapers of this place.

Honolulu, February 4, 1891.

F. A. SCHAEFER,  
*Vice-President.*  
J. B. ATHERTON,  
*Secretary.*

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*Mr Blaine to Mr Stevens.*

No. 15.]

DEPARTMENT OF STATE,  
*Washington, February 28, 1891.*

SIR: I have received your No. 16, of the 5th instant, relating to the death of King Kalakaua and the accession of Queen Liliuokalani; and your No. 18, of the 9th instant, transmitting a resolution of Hawaiian citizens expressive of their gratitude to the Government of the United States, the governor of California, and the mayor of San Francisco, and through them to the people they represent, for courtesies extended to the late King during his recent visit to California, and of their thanks to Rear-Admiral Brown and the officers and men under his command on the United States flagship *Charleston* for the attentive entertainment of His late Majesty on his way to this country, and the solicitude and care with which his remains were returned to Honolulu on board that ship.

This Government is gratified to be apprised of the accession of Her Majesty Queen Liliuokalani, surrounded and sustained as she is by the sympathy and good will of her people, and I hasten to express on its behalf, not congratulations and good wishes alone, but the confident expectation that the high duties devolved upon her by the act of Providence will be wisely and beneficently discharged.

By his visits to this country, where he was always assured of a sincere and cordial welcome, the person of the late King had become familiar to many of the people; and his approachableness, the simplicity and amiability of his manner, and the kindliness of his disposition had rendered him the object of their friendly regard, and aroused the desire on their part to testify their sentiments by such hospitalities as they might offer with propriety. It is therefore not necessary to emphasize the fact that his death among them became the cause of something more than a merely formal expression of sorrow, or that he will be long and pleasantly borne in remembrance.

The many years of friendship between His late Majesty and the Government of the United States, and the neighborhood and common interests of the Hawaiian and American peoples, made it peculiarly fitting that the last honors should be paid to him and his body be returned to his people by officers and men of the American Navy and on board an American ship of war.

Your address to the committee of Hawaiian citizens, at whose hands you received the copy of resolutions transmitted by you, is approved.

I am, etc.,

JAMES G. BLAINE.

*Mr. Stevens to Mr. Blaine.*

No. 21.]

LEGATION OF THE UNITED STATES,  
*Honolulu, March 26, 1891. (Received April 20.)*

SIR: Your instruction No. 15, of February 28, was received at this legation March 15. The chief portion thereof—all that related to the late King Kalakaua and to Her Majesty the Queen—was duly communicated to the minister of foreign affairs, with the request that it should be read or otherwise made known to her, in a note dated March 17, to which I have received a response, a full copy of which is herewith inclosed.

I am, etc.,

JOHN L. STEVENS.

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[Inclosure in No. 21.]

*Mr. Parker to Mr. Stevens.*

DEPARTMENT OF FOREIGN AFFAIRS,  
*Honolulu, March 24, 1891.*

SIR: I have the honor to acknowledge the receipt of your excellency's dispatch of the 17th instant, announcing that you had received from your Government a communication, through the Secretary of State, Hon. James G. Blaine, relative to the death of King Kalakaua and the accession of Queen Liliuokalani, and the resolutions of various bodies of Hawaiian citizens expressive of gratitude for the kindness shown by the Government and people of the United States to His late Majesty, and favoring me with a copy of the chief portion of said communication for Her Majesty's consideration.

In reply I beg to state that I have had the honor of conveying to Her Majesty the Queen a copy of the honorable Secretary's communication and have received her commands to acknowledge its receipt. Her Majesty is inexpressibly touched with the sincere sentiments of friendship for her departed brother and late sovereign, for the Hawaiian nation, and for herself, so feelingly expressed by the Secretary of State for the Government of the United States. The duties of the high position Her Majesty has been called upon to assume will, under the guidance of the Supreme Ruler, be discharged with the sole aim of benefiting her people, and in thus obtaining and endeavoring to maintain the esteem and friendship of all nations, but more especially of the Government represented by your excellency, whose friendship has been tried and tested in innumerable instances, and to whose assistance and encouragement the nation is so deeply indebted.

With the highest esteem and respect, I have, etc.,

SAMUEL PARKER,  
*Minister of Foreign Affairs.*

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## CORRESPONDENCE WITH THE HAWAIIAN LEGATION AT WASHINGTON.

*Mr. Carter to Mr. Blaine.*

HAWAIIAN LEGATION,  
*Washington, January 6, 1891. (Received January 7.)*

SIR: I am charged by His Majesty the King of Hawaii with the agreeable duty of conveying to you, and through you to the President, His Majesty's thanks for the courtesies and attentions which he has received at the hands of the officers of the United States Government while en route to and since his arrival in this country.

His Majesty instructs me to refer especially to the thoughtful and considerate care and attentions of Admiral George Brown, who with the officers under his command of the U. S. S. *Charleston* were unremitting in considerate attentions to His Majesty on the voyage from Honolulu to San Francisco.

His Majesty feels that to these officers of the U. S. Navy and to their care and attention he owes much of the improvement in his health which he feels has resulted from his visit to California, and he trusts that you will make known to the Secretary of the Navy his high appreciation of their courtesies and timely attentions.

His Majesty further instructs me to express his thanks to Gen. Gibbons and the officers of the U. S. Army at San Francisco for salutes and courteous personal attentions, which he trusts may be communicated to Gen. Gibbons through the Secretary of War.

Taking this occasion to renew to you the assurances of my most distinguished consideration,

I am, etc.,

H. A. P. CARTER.

*Mr. Carter to Mr. Blaine.*

HAWAIIAN LEGATION,  
Washington, January 21, 1891.

SIR: It is my sad duty to inform you that His Majesty Kalakaua, King of Hawaii, died yesterday at 2:35 p m., at San Francisco.

In this hour of personal grief and anxious solicitude for the welfare of my bereaved country, I must content myself with this simple announcement of the sorrowful event and pray you to communicate it to the President.

Please accept, etc.,

H. A. P. CARTER.

*Mr. Blaine to Mr. Carter.*

DEPARTMENT OF STATE,  
Washington, January 21, 1891.

SIR: I receive with feelings of sincere sorrow the intelligence of the death of His Majesty King Kalakaua, which you convey to me in your note of this day's date.

The President, to whom I hastened to communicate the information, instructs me to express through you his deep regret that Hawaii has lost a wise and good sovereign, under whose beneficent rule the people of Hawaii have prospered, and whose efforts have been so constantly and signally put forth to strengthen the ties of mutual advantage between his Kingdom and the United States.

The President further directs me to request you to convey to the royal family the heartfelt sympathy he feels for their great affliction.

Accept, etc.,

JAMES G. BLAINE.

## HAITI.

*Mr. Blaine to Mr. Douglass.*

No. 89.]

DEPARTMENT OF STATE,  
*Washington, January 9, 1891.*

SIR: You will perceive from the letter of Messrs. G. A. Brett, Son & Co., copy of which I inclose, that vessels engaged in trade in Haiti are detained in its ports for two and even three weeks after their cargoes are discharged, and their clearance papers withheld until the duties on the goods are paid by the consignees.

It would seem that the goods, which are in the hands of the customs authorities, ought to be a sufficient security for the payment of the duties, which are due from the consignees and not from the carriers; and the detention of the vessel, as is alleged, even when about to call at another port of the Republic, until the duties are paid, appears an unnecessary interference with commerce.

If the representations made in the letter of the Messrs. Brett prove correct, you will endeavor to obtain the removal or modification of the restrictions in question.

I am, etc.,

JAMES G. BLAINE.

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[Inclosure in No. 89.]

*Messrs. G. A. Brett, Son & Co. to Mr. Blaine.*

41 SOUTH STREET, NEW YORK, *January 7, 1891.* (Received January 8.)

HONORABLE SIR: We are running a regular line of vessels from this port to Port-au-Prince, Haiti; the vessels comprising the fleet are the American schooners *Rickerson*, *Ebel*, *Abbot*, *Laury*, *Thos. W. Stolder*, and others. The success of the line has been very much interfered with from the fact that our vessels, the property of American citizens, have been detained in the port of Port-au-Prince not one week only but two and three weeks, awaiting their clearance papers, after their cargoes have been discharged and delivered into the hands of the Haitian Government custom-house officials, the alleged cause being that the Haitians to whom the goods are consigned have not paid the duties. Our vessels are detained just the same when they wish to go to a second port in the same island and under the same Government to load. Our captains fail to receive any help from their representative at Haiti. Is there any redress? Is there any rightful law by which American vessels can be held for dues due the Haitian Government by its own citizens? What can we do in the matter? By helping us in this matter of doing away with what appears to us an abuse of power you will confer a great favor on,

Yours, respectfully,

G. A. BRETT, SON & CO.

*Mr. Douglass to Mr. Blaine.*

No. 120.]

LEGATION OF THE UNITED STATES,  
*Port-au-Prince, January 26, 1891. (Received February 9.)*

SIR: Referring to your No. 89, of the 9th instant, which covered a copy of a letter addressed to you on the 7th instant by G. A. Brett, Son & Co., complaining of an unnecessary and unreasonable detention of American sailing vessels in the ports of Haiti that inflicts serious loss upon the owners of such vessels, and further complaining that "our captains receive no help from their representative in Haiti," I have the honor to state that the grievance complained of is not of recent origin, nor is it one under the control of the representatives of the United States, except in so far as they may be able by representation, persuasion, and remonstrance to induce the Government of Haiti to remove the hardship and redress the wrong which are the basis of the complaint; and I have the honor further to state that for some time prior to the receipt of your No. 89, just referred to, I had, on the representations of the captains and consignees of the vessels thus detained here, made it my duty repeatedly to set before Mr. Firmin, the minister of foreign affairs, who is also minister of commerce, the wrong done to our sailing vessels by what appears to be their unreasonable detention and the duty of his Government to remove this burden on American commerce.

In response to my statements on the subject, Mr. Firmin has cited to me, as if he did not entirely approve of it, the long-standing law of Haiti, by which sailing vessels are held until the duties are paid on their cargoes by the consignees. He has also explained to me that much of the delay complained of is due to the tardiness of the consignees in paying those duties, and in further explanation has offered the fact that the importations during the past few months have greatly exceeded any expectation or previous preparation of the Government to receive them. For instance, he said that the wharf was built to receive the freight of only four or five vessels at a time, and that the custom-house force was organized accordingly.

In answer to all this, however, I have insisted that the law making sailing vessels responsible for the duty on their cargoes is the imposition of a hardship which the Government of Haiti ought to remove, both as a matter of public policy and of justice.

It is due to Mr. Firmin to state that he seemed to be favorably impressed by my representations on the subject, and that he has promised me to do what he can to enable our vessels hereafter to pass the custom-house with as little delay as possible. I count on his friendly disposition and his promises in this respect, and I shall follow them up.

I am, etc.,

FREDERICK DOUGLASS.

*Mr. Douglass to Mr. Blaine.*

No. 127.]

LEGATION OF THE UNITED STATES,  
*Port-au-Prince, February 9, 1891. (Received February 26.)*

SIR: I have the honor to inform you that on Monday afternoon, the 2d instant, in company with Rear-Admiral Bancroft Gherardi, special commissioner to Haiti, and Lieut. Huse, of our war steamer *Philadelphia*, who acted as interpreter on the occasion, I had a lengthy interview with Mr. Firmin, the Haitian minister of foreign affairs, during which interview the question of the hardships imposed on American sailing vessels according to the existing law and practice of the Gov-

ernment of Haiti, by which those vessels are often detained and held in Haitian ports until the duties on their inward cargoes are all paid, was fully discussed.

The evil complained of has of late seemed much aggravated. Vessels that should, in a fair condition of things, be able to depart within ten or fifteen days after their arrival here have been detained in this port thirty and even forty days, thus fouling their bottoms, opening their seams, endangering the health of their officers and crews, and inflicting needless loss upon their owners.

Our complaint was ably presented during the interview by Rear-Admiral Gherardi. One feature in the matter is that the law is made to apply only to sailing vessels and not at all to steamers. It was accordingly insisted upon by us that there should be no discrimination either for or against either class of vessels; that the law should be as liberal toward sailing vessels as toward those propelled by steam; and that if the cargoes of the one class of vessels should be deemed sufficient security for the payment of the customs duties, the same should be sufficient in the other class of vessels.

Mr. Firmin stated in reply that the subject had already been brought to his attention by myself, and he again made substantially the same explanation that he had made to me several weeks ago.

He declared that much of the delay complained of was due to the failures of the persons to whom the goods brought by sailing vessels were consigned to promptly pay the duties on those goods; that sailing vessels not infrequently come to Haitian ports without being consigned to anyone; that this condition of things often affords opportunity for evading the payments due from the vessels; that between steam vessels and sailing vessels there is in this respect a wide difference, inasmuch as steam vessels have responsible agents permanently located in Haiti, and these agents can be held to account for any violation of law, whereas the departure of a sailing vessel may end all her responsibility toward the laws of this country, as she may never return to any port in Haiti.

Nevertheless, as on the former occasion already referred to, when, as stated in my No. 120, of the 26th ultimo, I called his attention to this serious complaint made in the interest of free commerce, Mr. Firmin assured us that he would study the subject with the view to the proper correction of the evil.

I am, etc.,

FREDERICK DOUGLASS.

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*Mr. Blaine to Mr. Douglass.*

No. 97.]

DEPARTMENT OF STATE,  
Washington, February 13, 1891.

SIR: I have received your No. 120, of the 26th ultimo, replying to my No. 89, of the 9th ultimo, and reporting the result of your conferences with Mr. Firmin on the inconveniences caused to American commerce by the Haitian law requiring the detention of vessels in Haitian ports until the import duties on their cargoes are paid by the consignees.

You will continue to keep the matter in view. Messrs. Brett, Son & Co., of New York, have been informed of your efforts to remedy the evil complained of.

I am, etc.,

JAMES G. BLAINE.



*Mr. Blaine to Mr. Douglass.*

No. 99.]

DEPARTMENT OF STATE,  
Washington, February 27, 1891.

SIR: I have received your No. 127, of the 9th instant, reporting a further conversation between Rear-Admiral Gherardi, yourself, and Mr. Firmin in regard to the discrimination against sailing vessels engaged in the Haitian trade by detaining them in the ports of Haiti until the customs duties on their cargoes are paid by the consignees.

Referring to my previous instructions, I have to approve your insistence on the hardships involved in this complaint and the necessity of a remedy.

You are right in holding that the goods should be sufficient security for the payment of duties, and this is especially true of cargoes not consigned but seeking a market. If they are landed they must necessarily be sold or offered for sale by some responsible agency of the owners of the goods.

I am, etc.,

JAMES G. BLAINE.

*Mr. Blaine to Mr. Douglass.*

No. 105.]

DEPARTMENT OF STATE,  
Washington, March 11, 1891.

SIR: I inclose herewith for your information a copy of a letter of the 11th ultimo from Messrs. G. A. Brett, Son & Co., shipping and commission merchants, of 41 South street, New York city, in relation to the detention of American vessels lately at Port-au-Prince from various causes.

The letter details one case as an example. The vessel arrived at Port-au-Prince on the 6th of December last. By reason of the lack of facilities at the custom-house for receiving cargo she was compelled to lie at anchor until the 16th of that month, a period of ten days, when she was hauled alongside of the wharf to discharge; but a permit for that purpose was not obtained until the 22d, when the vessel had been sixteen days in port. The permit to discharge having been obtained, other delays supervened, chiefly due to the closing of the custom-house about two-thirds of the time for holidays and other purposes, and even with the employment of double gangs of laborers the work of discharging cargo was not completed until the 5th of January, a month after the arrival of the vessel. Thirteen days more then elapsed before the bills for customs duties were made out for payment, so that the vessel was in all forty-five days in port.

It is stated that much testimony as to other cases of a similar character can be adduced. The writers of the letter say that they themselves have been compelled to pay \$700 demurrage for the detention of chartered vessels, but that in most instances the vessels have had to bear the loss, amounting in all to some thousands of dollars. It is also stated that a frequent cause of detention is the enforcement of what appears to be a very unreasonable law permitting the holding of sailing vessels as security for the payment of duties on cargo that has been landed. This law appears to operate to make the period of detention proportionate to the number of consignees named in the manifest.

The effect of these grievous and unnecessary burdens upon commerce will be that the intercourse upon which they bear will be very materially diminished, and that some of those who are engaged in it will be compelled to desist altogether, unless the Haitian Government shall hasten to correct the abuses which have been described and adopt a more reasonable and considerate treatment. It is assumed that Haiti desires to cultivate commerce, and not to destroy it. It is upon this assumption that the provisions of the treaty of 1864 touching reciprocal liberty of commerce are based, and in this sense you are instructed to urge the complaints of our merchants, as above described, upon the attention of the Government. The subject is one of immediate importance and should receive instant and considerate attention.

I am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 105.]

*G. A. Brett, Son & Co. to Mr. Blaine.*

41 SOUTH STREET, NEW YORK, *February 11, 1891.* (Received February 12.)

HONORABLE SIR: We had the pleasure on the 7th ultimo to write to you in regard to the unlawful detention of vessels the property of American citizens at Port-au-Prince for duties due the Government by its own subjects. Since then we are in receipt of numerous complaints from our captains on the same subject. Some of them are as follows:

"All vessels of Brett's line are having a hard time of it at Port-au-Prince for the last three months; and, gentlemen, I wish to say, this line of commercial industry must stop. The detention is too great. I arrived at Port-au-Prince December 6, 1890. By reason of lack of facilities on part of the custom-house to receive cargo, I lay at anchor until December 16, when we hauled alongside wharf to discharge. But not until December 22 did the Government give us permit to discharge. Sixteen days in port. Next came Christmas and New Year weeks, four holidays in each week, not including Sundays. Then the custom-house was closed (owing to the death of the wife of one of the directors) for two days. However, by using a double gang to discharge, we finished on January 5, 1891, but after that it was thirteen days before the customs made out the duty bills for payment so I could clear. Forty-five days in port. I, with a few other captains, have made written complaint to the United States minister. The primary cause for all this trouble is the law holding sailing vessels as security for duties on cargo landed. The delay is in proportion to the number of consignees the manifest contains. Now, gentlemen, I would suggest that you make a memorial in relation to this matter and send it to Mr. Blaine and ask him to use his official influence to do away with or have modified this unjust law relating to American sailing vessels."

We could furnish much more testimony of the same kind if desired. We have ourselves had to pay some \$700 demurrage for the detention of chartered vessels; but most of the vessels have had to stand the loss themselves, amounting in all to some thousands of dollars.

Will a memorial on this subject do any good? Has any Government a right to make and enforce such a law? Would not vessels have a good legal claim against the Haitian Government for such detention provided the facts are as we state them? By answering the above questions and doing all in your power to help American commerce you will greatly oblige,

Yours, respectfully,

G. A. BRETT, SON & CO.

*Mr. Douglass to Mr. Blaine.*

No. 151.]

LEGATION OF THE UNITED STATES,  
*Port-au-Prince, April 17, 1891.* (Received April 29.)

SIR: Referring to your several dispatches, Nos. 89, of January 9; 97, of February 13; 99, of February 27; and 105, of March 11, 1891, and to my Nos. 120, of January 26, and 127, of February 9, 1891, all of which were devoted to the consideration of representations and complaints arising

from the detention here of our sailing vessels until the customs duties on their inward cargoes are paid, I have the honor to inform you that, as a result of my continued and unceasing efforts, I have this day secured from Mr. Firmin, the Haitian minister of foreign affairs, the positive verbal assurance that President Hyppolite will, in his forthcoming annual message to the Corps Législatif, make the earnest recommendation that the law or decree by which this detention is exacted be speedily repealed.

Mr. Firmin seemed to have no doubt but that the President's recommendation in regard to this matter would be favorably passed upon by the Congress.

Considering the long standing of this burden on our commerce, and considering, also, the successive unavailing efforts of my predecessors to have it removed, it affords me satisfaction to have obtained from the Haitian minister the positive verbal promise of speedy redress.

As soon as I shall have received, as I expect to receive, written confirmation of Mr. Firmin's promise, I shall have the honor to address you further on the subject.

I am, etc.,

FREDERICK DOUGLASS.

*Mr. Douglass to Mr. Blaine.*

No. 157.]

LEGATION OF THE UNITED STATES,  
*Port-au-Prince April 27, 1891. (Received May 15.)*

SIR: Referring to my dispatch No. 151, of the 17th instant, I have the honor to send to you herewith inclosed copies of correspondence which has since that date been exchanged between myself and Mr. Firmin, the minister of foreign affairs, and from which it will be seen that the Haitian minister reiterates his assurance to me that the Executive will especially recommend in his forthcoming message to the Corps Législatif the repeal of the law or decree by which our sailing vessels are detained in Haitian ports until all the duties on their inward cargoes are paid.

Inclosure No. 1 is a copy of my note to Mr. Firmin. The object of it was to secure from him in writing a confirmation of what he had said to me verbally.

Inclosure No. 2 is a translation of his response, which covers all the ground that I had expected it to cover.

It seems now to be tolerably certain that the law or decree which has borne so heavily on our sailing vessels coming here during many years past will shortly be so modified as to remove our just grounds of complaint on that account.

I am, etc.,

FREDERICK DOUGLASS.

[Inclosure 1 in No. 157.]

*Mr. Douglass to Mr. Firmin.*

No. 45.]

LEGATION OF THE UNITED STATES,  
*Port-au-Prince, April 20, 1891.*

SIR: Referring to the several conversations which it has been my privilege to have with you in regard to the detention in Haitian ports of sailing vessels until all the customs duties on their inward cargoes are paid, I have the honor to state to you

that it was with a very lively satisfaction that I understood you to assure me at our interview on the 17th instant that your Government has decided, in response to my several representations on the subject, to make the earnest recommendation, in the forthcoming message of President Hyppolite to the Corps Législatif, that the law or decree by which the detention complained of is enforced, shall be speedily abrogated.

If I have correctly understood you on the important point cited, I shall hasten to give to my Government full knowledge of your friendly purpose in this respect.

Be pleased to accept, etc.,

FREDERICK DOUGLASS.

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[Inclosure 2 in No. 157.—Translation.]

*Mr. Firmin to Mr. Douglass.*

DEPARTMENT OF FOREIGN AFFAIRS,  
*Port-au-Prince, April 22, 1891.*

MR. MINISTER: I have the honor to acknowledge the receipt of your note of the 20th instant, in which you express your satisfaction at the assurance that I gave you on the 17th instant to the effect that the Government has, in consequence of your representations on the subject, decided to especially recommend to the Corps Législatif, in the forthcoming message of President Hyppolite, the abrogation of the decree in virtue of which sailing vessels are detained in Haitian ports until the customs duties on their cargoes are paid.

It is perfectly understood, and you can count on it, that things will be done as I have assured you, thus testifying to you the lively desire of the Government of Haiti to prove its good disposition toward the Government of the United States, and especially towards your honorable self.

Be pleased to accept, etc.,

A. FIRMIN,  
*Secretary of State for Foreign Relations.*

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*Mr. Wharton to Mr. Douglass.*

No. 116.]

DEPARTMENT OF STATE,  
*Washington, May 16, 1891.*

SIR: The Department is gratified to receive your No. 157, of the 27th ultimo, inclosing copies of correspondence, from which it appears that the Haitian Government promises to make an executive measure the proposed law repealing the existing law by which sailing vessels are detained in the ports of Haiti until the duties on their inward cargoes are paid.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Mr. Douglass to Mr. Blaine.*

[Extract.]

No. 179.]

LEGATION OF THE UNITED STATES,  
*Port-au-Prince, June 27, 1891. (Received July 9.)*

SIR: Almost at the hour fixed for the sailing of the steamer *Prins Willem III*, which is to take me to New York and which is already just one week behind her schedule time, I am put in possession of the an-

nual message that President Hyppolite has recently sent to the Corps Législatif, now in session at this capital, and I accordingly hasten to transmit to you herewith a copy of that document.

On pages 25 and 26 of the message will be found some important statements in respect to the matter of discriminations which have been observed these late years against our sailing vessels coming to Haitian ports (see my No. 157, of April 27, 1891).

The statements referred to are as follows:

An absolutely remarkable fact is the importance of the constantly increasing commerce of Haiti with the United States. It is this that explains the numerous complaints put forth by the New York journals against the measures taken in Haiti in regard to sailing vessels, which bring hither the greatest part of the provisions coming from the United States.

The American legation has had several friendly consultations with the secretary of state for the purpose of demanding whether the Government would not ameliorate the situation in regard to sailing vessels by placing them somewhat nearly under the same condition with steamers. The principal cause of complaint set forth is, according to the honorable Mr. Douglass, the refusal to expedite every sailing vessel, the whole of whose import duties have not yet been paid, after the drawing up of the exact duty sheets, while steamers are in no way detained by the nonpayment of the duties on their cargoes.

It has been found, from an examination made by the bureaux of the department of commerce, that no law imposes the obligation to detain sailing vessels until the import duties on their inward cargoes are paid.

This measure is perhaps only supported by a decree of the 30th of April, 1869, a decree which was not inserted either in the *Official Moniteur* nor in any law bulletin of the Republic, so that it is not known from what authority it emanates. In any case, the date of the 30th of April, 1869, calls to mind a troubled epoch of the Republic, in which it was impossible to render a decree in constitutional form, that which makes this decree an act of pure circumstance.

The Government thinks that the obligation imposed on merchants to pay the import duties either definitively or approximately before taking away their merchandise suffices amply to safeguard the fiscal interests. If the national assembly make no objection thereto, the minister of finance and commerce will, in the future, make the application pure and simple of the law of December 10, 1861, which only exacts before the expediting of sailing vessels the payment of tonnage dues and all other charges affecting the body of the vessels.

It is thus seen that my persistent efforts for the removal of the discriminations complained of have been effectual.

I am, etc.,

FREDERICK DOUGLASS.

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*Mr. Wharton to Mr. Terres.*

No. 128.]

DEPARTMENT OF STATE,

*Washington, July 14, 1891.*

SIR: I have received Mr. Douglass's No. 179, of the 27th ultimo, inclosing a copy of the annual message of the President of Haiti for 1891.

The Department hopes that the vexatious question of detaining merchant sailing vessels, pending the adjustment of customs duties on their cargoes, will be speedily and satisfactorily settled, as the message of President Hyppolite gives reason to hope will be the case.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

H. Ex. 1, pt. 1—42

## ITALY.

### CORRESPONDENCE IN RELATION TO THE KILLING OF PRISONERS IN NEW ORLEANS, MARCH 14, 1891.

*Mr. Blaine to Governor Nicholls.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, October 21, 1890.*

The Italian minister earnestly represents that, according to advices from the Italian consul at New Orleans, the mayor of that city has caused the arrest of innocent persons and issued proclamations tending to excite the whole Italian colony. The minister is confident that the great body of Italians in New Orleans repudiate with horror the act of a few criminals, and have no other desire than to see the law take its course and punish the murderers of the chief of police.

JAMES G. BLAINE.

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*Governor Nicholls to Mr. Blaine.*

[Telegram.]

NEW ORLEANS, LA., *October 28, 1890.*

I do not apprehend any trouble; there was for a time some excitement resulting from the killing of the chief of police and the manner of his taking off, but there is no occasion, and has been no occasion, for any executive action or unusual action in the premises.

FRANCIS T. NICHOLLS,  
*Governor.*

---

*Mr. Adee to Baron Fava.*

DEPARTMENT OF STATE,  
*Washington, October 29, 1890.*

MY DEAR BARON FAVA: Referring to the oral communication to the Secretary of State by the Marquis Imperiali, during your temporary absence, on the 21st instant, of the purport of a telegram received by your legation from the Italian consul at New Orleans, in regard to the measures there taken toward the discovery and punishment of the criminals concerned in the recent murder of the chief of police of that city, and referring also to Mr. Blaine's statement that the representations so made would be conveyed to his excellency the governor of the

State of Louisiana, I have now the pleasure to acquaint you with the governor's response.

He telegraphs to the Department, under date of yesterday, that he does not apprehend any trouble, and that there was for a time some excitement resulting from the killing of the chief of police and due to the manner of his taking off, but that there is no occasion, and has been no occasion, for any action by the executive of the State, or any unusual action in the premises.

I am, etc.,

ALVEY A. ADEE.

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*Baron Fava to Mr. Blaine.*

[Personal.]

LEGATION OF ITALY,  
*Washington, November 18, 1890.*

MY DEAR MR. BLAINE: The Italian consul in New Orleans has referred to me that, information having reached him of alleged ill treatments and extortions undergone by several Italian subjects who were arrested in connection with the atrocious murder perpetrated on the chief of police of that port, he accordingly called on them accompanied by other prominent members of the Italian colony. Having ascertained, in the course of his interview with the prisoners, that the information given him was but too true, he thought it proper to forward a protest to the grand jury of the city, a copy of which I beg to inclose herewith. The charges brought in this paper are very heavy; at any rate it would be very easy to ascertain their truthfulness.

Meanwhile I feel quite sure that your excellency will, on the authority of the accompanying declaration, kindly interpose his very high and influential offices with the competent authorities of New Orleans in order to secure a thorough investigation of the aforesaid charges, and to prevent such ill treatments from taking place in future.

Your excellency's feelings of justice and humanity vouch for a favorable consideration of the request I have the honor of placing in your hands, dictated by the same sentiments.

Warmly thanking you in advance, I am, etc.,

FAVA.

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[Inclosure.]

*Consul Corte to the grand jury of New Orleans.*

No. 644.]

ROYAL CONSULATE OF ITALY,  
*New Orleans, November 13, 1890.*

*To the Honorable Foreman of the Grand Jury, City:*

With a letter of the 17th of October last, I informed his honor Mayor Shakspeare that it was referred to me that the parties suspected of the murder of the lamented chief of police, Mr. D. C. Hennessy, were being maltreated in the prisons in this city.

In reply, his honor wrote, besides other things, thus: "The rumor of maltreatment of the suspects is, I am satisfied, without foundation. On the contrary, I greatly fear that consideration for their personal comfort and the wishes of their friends has been carried beyond the limit of prudence."

Upon this assurance of his honor, I was naturally satisfied; but, having went to-day to the parish prison, accompanied by the secretary of the consulate, the attorneys Adams & Henriques, and two other persons, to visit the Italian prisoners, who have their passports, I was told by them the following:

Pietro Natale assured that, under threat of violence on the part of the captain of the yard, he was compelled to hand over to him \$35, and that after giving this sum he was beaten all the same.

Sebastiano Incardona declared to us to have been repeatedly beaten, and that three other Italians, now at liberty, in order to avoid bad treatment, were obliged to hand over \$50.

Marchese Antonino declared also to have been repeatedly beaten in the parish prison and in a police station, and that a ring which he wore was taken from him.

Pietro Monastero declared to have been beaten and showed several wounds on his head; furthermore, he asserted that, being ill, on several occasions he asked for a physician, but none appeared.

A few others, amongst them Loreto Comitz and Antonio Bagnatto, made similar complaints, showing their wounds.

Having asked the above parties why, on my first visit to the parish prison, they did not make such complaints, they replied it was because I was in company with the jailer, and they were warned that, should they have spoken, they would have been beaten again.

In view of these declarations, corroborated by clear evidences, such as scars, blue marks, swellings, and contusions of recent date, by us seen, I deem it my duty to seriously call the attention of your honorable body in order to investigate the facts immediately, and take the necessary steps accordingly, not only to avoid their repetition, but also to bring the guilty parties to justice.

You are, no doubt, aware that the eyes of the whole world are cast on this trial, so much as to have provoked the formation of an extra-judicial body having in view only the Italian element. Consequently said facts, which form an essential part of this trial, if on one hand they could not have escaped the vigilance of the guardians of the prison, on the other, if known, would not fail to make a great impression on this enlightened and civilized American people. In the meanwhile I can not but call the attention of my Government and formally protest against such abominable ill treatment, by virtue of article IX of the consular convention and of the treaty existing between the United States and Italy, which assures the same rights and privileges to Italians as to American citizens.

A kind reply will be highly appreciated.

Respectfully,

P. CORTE.

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*Mr. Blaine to Governor Nicholls.*

DEPARTMENT OF STATE,  
Washington, November 21, 1890.

SIR: I have the honor to inclose, for your information, copy of a letter addressed by the Italian consul at New Orleans to the foreman of the grand jury, alleging that certain Italian subjects confined in the jail of that city on the charge of being parties to the assassination of the late chief of police, Mr. Hennessy, have been beaten and otherwise maltreated during their incarceration.\*

The copy of the letter mentioned has been transmitted to me by the Italian minister at this capital, with the request that I should bring it to the attention of the proper authorities.

I have the honor to ask that you will give the matter your consideration, and that you will kindly inform me of the result of your investigation, so that I may make reply to Baron Fava.

I have, etc.,

JAMES G. BLAINE.

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\* For this inclosure see inclosure in Baron Fava's note of November 18.



*Baron Fava to Mr. Blaine.*

[Personal.]

LEGATION OF ITALY,  
*Washington, November 29, 1890.*

MY DEAR MR. BLAINE: I have just received from my Government the note of which I have the honor to hand you a copy herewith inclosed, and upon the subject of which I beg to be allowed to call your attention and ask your kindest consideration.

Thanking you in advance, I am, etc.,

FAVA.

[Inclosure—Translation.]

*Assistant Secretary Damiani to Baron Fava.*

FOREIGN OFFICE,  
*Rome, November 11, 1890.*

SIR: The royal consul at New Orleans, in a successive report on the assassination of Mr. Hennessy, forwarded to me the text of the message addressed by Mayor Shakspeare to the city council. Said message, inspired by a sentiment of aversion against our whole colony in New Orleans, contains, among other things, the following:

"The Sicilian who comes here must become an American citizen and subject his wrongs to the remedy of the law of the land, or else there must be no place for him on the American continent."

Every Italian citizen, from whatever part of Italian soil, has the right to reside in any part of the United States and to claim the protection of the local and national laws of the same without imperiling the citizenship of the country from which he originated.

It is unnecessary for me to remind you of the unwisdom of such words, particularly when found in an address by a public functionary, the very chief of police.

I would be grateful to you if you would bring this matter to the attention of the Secretary of State, begging him at the same time to inform, if possible, the mayor of New Orleans of the impropriety of inserting in his address the paragraph above quoted as being inconsistent with, and subversive of, the principles of international law and unjust to the entire population of a noble section of our Kingdom.

I learn, moreover, from the New York press that said mayor has organized, or assisted in organizing, a vigilance committee for the purpose of eradicating the so-called "Mafia" in his city, which committee, on its own account and by a public address to the Italians of New Orleans, has declared that "it would proceed to extreme and harsh measures, and by summary means without process of law, means which might strike the innocent as well as the guilty."

The enormity of such declaration is such that it must have furnished to you cause of remonstrance with the honorable Secretary of State, with a view to recall the authorities of New Orleans to those sentiments of justice and humanity which our connationals have the right to expect and which the authorities of New Orleans seem inclined to violate.

Accept, etc.,

DAMIANI,  
*Assistant Secretary of State.*

*Governor Nicholls to Mr. Blaine.*

EXECUTIVE DEPARTMENT, STATE OF LOUISIANA,  
*Baton Rouge, December 2, 1890.*

SIR: I have the honor to acknowledge receipt of your communication of the 21st day of November, 1890, inclosing a copy of a letter of the Italian consul at New Orleans to the foreman of the grand jury for the

parish of Orleans relative to alleged ill treatment of certain Italian prisoners in confinement in the parish prison in New Orleans.

You state that the copy of the letter mentioned had been transmitted to you by the Italian minister at Washington, with the request that you should bring it to the attention of the proper authorities; and you ask that I should give the matter my consideration and kindly inform you of the result of my investigation, so that you might make reply to Baron Fava.

In reply, I would state that the letter written by the Italian consul to the foreman of the grand jury received due consideration from that body. An investigation has taken place, resulting in the bringing in of indictments against two persons for various acts of brutality against prisoners in the parish prison. In due course of time these cases will be brought to trial and justice meted out.

The acts complained of were, in these particular instances, acts against Italians confined under charges, but the nationality of the prisoners had nothing whatever to do with the outrages committed upon them.

It seems that a vicious system has prevailed for some time in that prison of selecting and giving to some one of the prisoners, under the designation of captain of the yard, control of the others. As might have been expected, this so-called official would not only be a tyrant and a brute, but also frequently a felon.

The investigation spoken of has brought this system to light and has effectually broken it up.

I have, etc.,

FRANCIS T. NICHOLLS,  
Governor.

---

*Mr. Wharton to Mr. Miller.*

DEPARTMENT OF STATE,  
Washington, December 4, 1890.

MY DEAR SIR: The Italian minister having on several occasions made inquiries concerning the proceedings pending against certain persons of Italian origin for the murder of the chief of police of New Orleans, I take the liberty to ask whether you could not ascertain, through the district attorney of the United States in that city, whether or not the persons now under indictment for that offense are naturalized citizens of the United States.

If you can obtain the information in the way suggested without inconvenience, I shall be very glad to possess it.

Very truly yours,

WILLIAM F. WHARTON.

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*Mr. Blaine to Baron Fava.*

[Personal.]

DEPARTMENT OF STATE,  
Washington, December 9, 1890.

MY DEAR BARON FAVA: In compliance with the request contained in your personal note of the 18th ultimo, a communication was addressed to the governor of Louisiana, with a request that the charges of maltreatment of Italian subjects confined in jail in New Orleans on the

charge of being parties to the assassination of the late chief of police of that city might be investigated.

The reply of the governor, which bears date the 2d instant, was received on the 6th. It states that the letter written by the Italian consul to the foreman of the grand jury received due consideration from that body, and that an investigation has taken place, which has resulted in the finding of indictments against two persons for their conduct in relation to the prisoners in the parish jail. In due time these cases will be brought to trial and justice meted out.

It is proper to say that, while the acts complained of were, in this particular instance, committed against Italian subjects, the governor of Louisiana states that the nationality of the prisoners was not the exciting cause of the alleged maltreatment, and it is thought that the action taken against the two responsible parties will prevent any further misconduct.

Very truly yours,

JAMES G. BLAINE.

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*Mr. Blaine to Governor Nicholls.*

DEPARTMENT OF STATE,  
Washington, December 9, 1890.

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, in regard to the charges of maltreatment of Italian subjects in jail at New Orleans, and desire to thank you for your prompt and courteous response.

I have had pleasure in advising the Italian minister of the prompt action on the part of the State authorities in respect to the subject of his complaint.

I have, etc.,

JAMES G. BLAINE.

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*Mr. Miller to Mr. Blaine.*

DEPARTMENT OF JUSTICE,  
Washington, December 20, 1890.

SIR: Inclosed I hand you a copy of a letter of date December 18, from William Grant, United States attorney, in reference to the citizenship of Italians charged with murder in New Orleans. I also inclose certificate sent by Mr. Grant. All this in response to your request of December 4.

Yours truly,

W. H. H. MILLER,  
Attorney-General.

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— [Inclosure.] —

*Mr. Grant to Mr. Miller.*

NEW ORLEANS, LA., December 18, 1890.

SIR: In response to the request of the State Department for information as to the citizenship of the Italians charged with the murder of Chief of Police D. C. Hen-

nessy, I forward herewith certified list (1) of those who have registered as voters in this parish, and list (2) of those whose status is unknown.

Those who have registered as voters must necessarily have sworn that they were citizens of the State of Louisiana. As to the others, I have no means of ascertaining whether they have been naturalized.

Very respectfully,

WM. GRANT,  
*United States Attorney.*

*List of those who were registered as voters.*

OFFICE OF THE SUPERVISOR OF REGISTRATION  
FOR THE PARISH OF ORLEANS,  
*New Orleans, December 15, 1890.*

This is to certify that the following-named persons are registered voters of the parish of Orleans, and that the following is a true and correct abstract of their registration as taken from the records on file in this office, to wit:

Antonio Bagnetto, registered No. 926, Third precinct, Third ward, from 224 Poydras street, December 26, 1887. Declaration papers August 30, 1887, criminal district court. Born in the year 1846. Writes his name.

John Caruso, registered No. 972, Second precinct, Fifth ward, from 225½ Dauphine street. Naturalized July 12, 1878, second district court, at New Orleans. Born in the year 1856. Writes his name.

James Caruso, registered September 18, 1886. Registered No. 894, First precinct, Fifth ward, from 241 Chartres street. Declaration papers obtained before criminal district court September 18, 1886. Born in Italy in year 1854. Writes his name.

Charles Matranga, registered No. 599, Fifth precinct, Third ward, October 27, 1872, from No. 266 Poydras street. Citizen by virtue of father's naturalization. Born in Italy in year 1857. Writes his name.

Antonio Marchese, registered No. 1355, Sixth precinct, Third ward, October 3, 1872, from No. 312 Lafayette street. Declared his intention before criminal district court October 3, 1890. Born in Italy in year 1844. Writes his name.

Antonio Scaffidi, registered No. 1231, Third precinct, Third ward, October 3, 1890, from No. 219½ Dryades street. Declared his intention before criminal district court October 10, 1887. Born in Italy in year 1866. Writes his name.

Charles Pietzo (Peters), registered No. 1026, Fifth precinct, Third ward, October 18, 1881, from No. 269 Poydras street. Declared intentions before criminal district court October 18, 1887. Born in Italy in year 1857. Writes his name.

Joseph Macheca, registered No. 1462, Third precinct, Fifth ward, October 6, 1888, from No. 206 St. Claude street. Born in Louisiana. Writes his name.

Charles Paterno, registered No. 1696, Second precinct, Fifth ward, May 16, 1889, from No. 70 Dumaine street. Born in Louisiana in year 1859. Writes his name.

Frank Romeo, registered No. 1642, Second precinct, Fifth ward, April 3, 1888, No. 115 St. Ann street. Naturalized April 6, 1868, fourth district court, at New Orleans. Born in Italy in year 1846. Can not write.

The above is certified to as correct.

GEO. W. FLYNN,  
*Supervisor of Registration for the Parish of Orleans.*

OFFICE OF SUPERVISOR OF REGISTRATION  
FOR THE PARISH OF ORLEANS,  
*New Orleans, December 16, 1890.*

This is to certify that Salvador Coscenso registered as a voter of the parish of Orleans October 5, 1887, his certificate of registration being numbered 1009, of First precinct, Sixth ward; his place of residence, No. 36 Hospital street; occupation, laborer; nativity, Italy; year, 1858; and that he was naturalized before the civil district court October 5, 1887, and that his signature to the record of registration is made by "his mark."

GEO. W. FLYNN,  
*Supervisor of Registration, Parish of Orleans.*

*List of those whose status is unknown.*

NEW ORLEANS, LA., December 17, 1890.

The following-named Italians, in custody, charged with the murder of Chief D. C. Hennessy, do not appear from any record to have been naturalized, although born in Italy:

- (1) Asperi Marchese; age, 18 years.
- (2) Manuel Politz; age, 28 years.
- (3) Chas. Trahina; age, 35 years.
- (4) Loretto Scovotis (Comitz); age, 50 years.
- (5) Pietro Monastario; age, 42 years.
- (6) Peter Martelli (Natelli); age, 28 years.
- (7) Bastian Incardina; age, 26 years.
- (8) Salvator Sinceri.
- (9) Roco Grachi.

WM. GRANT,  
*United States Attorney.*

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*Consul Corte to Baron Fava.*

[Telegram.—Translation.]

NEW ORLEANS, March 14, 1891.

Mob led by members of committee of fifty took possession of jail; killed eleven prisoners; three Italians, others naturalized. I hold mayor responsible. Fear further murders. I also am in great danger. Reports follow.

CORTE.

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*Marquis Rudini to Baron Fava.*

[Telegram.—Translation.]

ROME, March 14, 1891.

Beg to denounce immediately to the United States Government the atrocious deed of New Orleans, requesting immediate and energetic steps to repress, to protect the Italian colony endangered, and to punish severely the guilty.

RUDINI.

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*Marquis Rudini to Baron Fava.*

[Telegram.]

ROME, March 15, 1891.

I confirm my telegram. I do not doubt that you have obtained immediately energetic measures. If the slightest agitation takes place, you are authorized to present a formal protest, with the reserve of asking later the satisfaction to which we are entitled.

RUDINI.

*Baron Fava to Mr. Blaine.*

[Translation.]

LEGATION OF ITALY,  
Washington, March 15, 1891.

MR. SECRETARY OF STATE: During the interviews which I had the honor to have with you last night and this morning I urgently called your excellency's attention to the exceedingly grave occurrences that took place at New Orleans yesterday. It is consequently unnecessary for me to revert to them now.

Nevertheless, in pursuance of the instructions which I have just received by telegraph from his excellency the president of the council, minister of foreign affairs of His Majesty (a copy of which I have left in your hands), I must, before going any further, protest in the most solemn manner against the unjustifiable conduct of the local authorities, who not only did not prevent a meeting which was publicly announced the day before, and which left no doubt as to its hostility to the Italians, but who maintained a purely passive attitude while the massacre of the Italians was going on in the prison.

I must, moreover, appeal to your excellency's good offices, in order to beg you to be pleased, with the incontestable authority at your disposal, to cause the competent authorities of the State of Louisiana to feel that it is their imperative duty, in the interest of justice and civilization, to take special care that the lives of Italians in New Orleans be protected, and that the guilty parties, whether perpetrators, accomplices, or instigators of the massacre which took place yesterday, be speedily brought to justice.

Reserving for the Royal Government the right to demand hereafter any other reparation that it may think proper, permit me, Mr. Secretary of State, to rely upon the traditional friendship which has always existed between our two countries, as well as upon your own sentiments of justice, while I invoke the aid and coöperation of the federal administration to the end that this regrettable incident may be brought to a speedy termination.

Be pleased to accept, etc.,

FAVA.

*Mr. Blaine to Governor Nicholls.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, March 15, 1891.

It has been represented to the President by the minister of Italy accredited to this Government that among the victims of the deplorable massacre which took place in the city of New Orleans yesterday were three or more subjects of the King of Italy. Our treaty with that friendly Government (which, under the Constitution, is the supreme law of the land) guaranties to the Italian subjects domiciled in the United States "the most constant protection and security for their persons and property," making them amenable, on the same basis as our own citizens, to the laws of the United States and of the several States, in their due and orderly administration.

- The President deeply regrets that the citizens of New Orleans should

have so disparaged the purity and adequacy of their own judicial tribunals as to transfer to the passionate judgment of a mob a question that should have been adjudged dispassionately and by settled rules of law. The Government of the United States must give to the subjects of friendly powers that security which it demands of our own citizens when temporarily under a foreign jurisdiction.

It is the hope of the President that you will coöperate with him in maintaining the obligations of the United States towards the Italian subjects who may be within the perils of the present excitement, that further bloodshed and violence may be prevented, and that all offenders against the law may be promptly brought to justice.

Very respectfully,

JAMES G. BLAINE.

---

*Mr. Blaine to Baron Fava.*

DEPARTMENT OF STATE,  
Washington, March 15, 1891.

SIR: In answer to your note of this date, and referring to the several personal interviews we have held to-day, I have the honor to inclose a copy of a telegram to the governor of Louisiana, which I have this moment dispatched by order of the President.\*

Trusting that you will see in this telegram the desire and intention of the President to do justice to the Government of Italy,

I am, etc.,

JAMES G. BLAINE.

---

*Mr. Whitehouse to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
Rome, March 15, 1891.

Mr. Whitehouse informs Mr. Blaine that the news from New Orleans had deeply moved the Italian Government, which urges the President to use every exertion possible to protect Italians.

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*Mr. Blaine to Mr. Porter.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, March 15, 1891.

Deliver accompanying telegram to foreign office promptly.†

BLAINE.

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\* For this inclosure see telegram to Governor Nicholls of March 15.

† For this telegram see telegram to Governor Nicholls of March 15.

*Governor Nicholls to Mr. Blaine.*

[Telegram.]

NEW ORLEANS, *March 16, 1891.*

Your telegram was received late last night. I will answer it hereafter by mail. Everything is now quiet here, and there is nothing to lead me to anticipate further trouble. The recent action was directed against particular individuals; their race or nationality was not a factor in the disturbance.

FRANCIS T. NICHOLLS.

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*Mr. Porter to Mr. Blaine.*

No. 175.]

LEGATION OF THE UNITED STATES,  
*Rome, March 16, 1891. (Received March 30.)*

SIR: Yesterday I sent you the following telegram in cipher.\*

Although convinced that every possible measure was being taken by our Government for the protection of Italians, I forwarded the above at the earnest request of the under secretary of foreign affairs, who called upon me immediately after the news of this lamentable affair reached Rome and urged that some such representation should be made.

This morning I called upon Minister di Rudini, minister of foreign affairs, and expressed to him my horror at the assassinations and the conviction that the President and the people of the United States would deeply lament the same and were taking energetic measures for the protection of Italians.

I have, etc.,

A. G. PORTER.

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*Baron Fava to Mr. Blaine.*

LEGATION OF ITALY,  
*Washington, March 16, 1891.*

MY DEAR MR. BLAINE: You will greatly oblige me in giving me kindly the friendly assurance that, according to my private note of yesterday evening, you have instructed the United States legation in Rome to communicate to the royal minister of the foreign office the text of your telegram to the governor of Louisiana.

Many thanks for the answer.

Believe me, etc.,

FAVA.

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*Boron Fava to Mr. Blaine.*

[Translation.]

LEGATION OF ITALY,  
*Washington, March 18, 1891.*

MR. SECRETARY OF STATE: I have laid before the Government of His Majesty the private letter of the 15th instant, whereby your excel-

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\*For telegram see telegram from Mr. Whitehouse of March 15.



lency did me the honor to send me a copy of the telegram addressed by you, in the name of the President, to his excellency the governor of the State of Louisiana.

Having this day received from His Majesty's consul at New Orleans a detailed report of the deplorable occurrences which took place in that city on the 14th instant, I herewith send you a copy thereof. This report shows still more clearly that the conduct of the local authorities, to which I called your excellency's attention in my note of the 15th instant, is censurable in every respect. Those authorities were entirely recreant to their duty to protect the lives of the King's subjects, which is guaranteed by existing treaties, as you were pleased to remark in your telegram addressed, in the name of the President, to the governor of Louisiana with that spirit of lofty justice which I have always had the satisfaction to appreciate since my duties have brought me into official relations with you and which I am happy again to recognize on this occasion.

Be pleased to accept, etc.,

FAVA.

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[Inclosure.—Translation.]

*Consul Corte to Baron Fava.*

NEW ORLEANS, March 15, 1891.

MR. MINISTER: I have not time to describe the horrors of the slaughter which the populace, under the leadership of the principal members of the vigilance committee, has committed against the unarmed prisoners, some of whom had been acquitted and some of whom had not yet been tried.

As early as the evening of the 13th instant the hisses and the stones thrown by the urchins in the street at the carriages in which the prisoners were gave ground for the apprehension that something serious would happen on the next day. The violent articles which appeared in the newspapers, such as the "Daily States" and the "Delta," which papers, in the name of the committee of fifty, announced that a meeting would be held on the following day to take vengeance, left no doubt as to the choice of the means of which it was proposed to make use.

It would have been sufficient, in the night, to change the lodging place of the prisoners in order not to expose them to certain death. Also, yesterday, when men armed with Winchester rifles began to collect at 9 o'clock in the morning, a word directing them to disperse would have been sufficient to prevent the butchery.

Hardly had the meeting commenced when I called in all haste at the city hall in a carriage, but neither the mayor nor his secretary was there, nor could anyone tell me where I could find him.

I found, however, in the mayor's room the attorney-general, Mr. Rogers, and Mr. Villere, the deputy sheriff in charge of the prisoners, who told me they had come for the same purpose; but they appeared to me to be very calm and to be anticipating what was about to happen. I told the object of my visit, but they replied that they could do nothing without the mayor. I then made inquiries for Mr. Nicholls, the governor, and was told that he was not far away at a lawyer's office. I went there at once, and found him with the general in command of the troops and several other persons.

In view of the immediate danger for the prisoners and the colony, I requested him, in my official capacity as consul, to send troops or a guard of police to the place in order to prevent the massacre. He told me that he could do nothing until he was requested by the mayor. All that I could say was of no use. He asked me to sit down, saying that the mayor was at the Pickwick Club, and that he had telephoned to him to come at once. Twenty-five minutes elapsed, when the telephone announced that the mob was already at the prison doors, and that they had already hanged three of the prisoners. I went down and drove in my carriage at full speed to the prison, which was at a considerable distance. When I came near I saw a number of dead bodies hanged to trees; I saw that the massacre was over, and that the crowd was returning. I returned to the consulate, and at the door three colored men rushed at me, and, in order to keep them off, I was obliged to draw my revolver. A moment later Mr. Papini, clerk of the consulate, made his appearance, pale and greatly

frightened, and told me that he had heard the crowd raise the cry of "Kill the Italian!" in consequence of which he had been obliged to take refuge in a store.

The crowd now started for Poydras Market, which is almost entirely inhabited by Italians. In the meantime the relatives of the victims and other Italians rushed to my office, desiring either to obtain the bodies through me or to seek advice as to the proper course to take. I told them to lock themselves up in their houses; and I went to the governor's office, in order to comply with the desire expressed by the relatives of the victims. I did not find him, but all that was asked for was obtained otherwise.

A number of low fellows came in the evening and pounded on the back doors of my house and violently pulled the front door bell of the consulate. They declined to give their names, but their intentions were manifestly hostile.

I inclose a copy of the letter which I have this day addressed to the governor, in pursuance of orders received by telegraph directly from his excellency the Marquis di Rudini.

I will thank you if, after reading this report, you will have the kindness to send it, with its inclosure, to the royal ministry, for which I offer you my thanks in advance.

CORTE.

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[Inclosure in Consul Corte's report.]

*Consul Corte to Governor Nicholls.*

NEW ORLEANS, *March 15, 1891.*

DEAR SIR: The killing yesterday of defenseless Italian prisoners, a part of whom were acquitted and a part not yet tried, has affected the civilized world. His excellency the Marquis di Rudini, minister of foreign affairs, whilst he informed that he has made due steps to the United States Government to provide energetic and immediate precautions, orders me to apply officially to your excellency to be assured that similar acts are not to be renewed.

Interpreting faithfully the minister's instructions, I beg of your excellency to kindly take, together with the judicial and municipal authorities, the necessary measures for the safety of surviving Italians—Incardona, Pietro Netale, and Gaspare Marchese.

I can not omit to state to your excellency that last night an attempt was made to break in the back door of this office, and the bell on the front entrance was continually rung by persons who refused to give their names. I would therefore be greatly obliged if your excellency would request the proper authorities to detail, until at least the excitement is abated, a few guardians in the immediate vicinity of the consulate.

Yours, etc.,

CORTE.

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*Marquis Imperiali to Mr. Blaine.*

LEGATION OF ITALY,  
*Washington, March 19, 1891.*

DEAR MR. BLAINE: In compliance with your kind request, I am instructed by Baron Fava to forward herewith to your excellency a translation of the cablegram the minister has just received from the Marquis di Rudini.

Believe me, etc.,

IMPERIALI.

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[Inclosure.—Telegram.—Translation.]

*Marquis Rudini to Baron Fava.*

ROME, *March 19, 1891.*

Corte cables authors massacre brought to justice. Necessary Federal Government should notify us officially thereof. Please apply for indemnity, which hope will be granted without hesitation. Simple declaration, however friendly and cordial, can not be considered sufficient satisfaction, which must consist of a positive reparation.

RUDINI.

*Baron Fava to Mr. Blaine.*

LEGATION OF ITALY,  
Washington, March 21, 1891.

MR. BLAINE: You know that since the beginning of the incident I have expressed to my Government my full confidence in your justice and in the justice of the President. You know, moreover, that I succeeded to carry my Government to divide this confidence. But there are to-day, eight days, and no fact is still come in order to confirm our strong belief. We can not remain longer before the public opinion of our country without proving by facts that the United States Government has given us promptly the satisfaction to which we are entitled. The sooner you will give concrete proofs of your friendly action the better will be in the interest of both countries.

In conclusion, please spare me the painful duty of drawing up in an official note the two points of the Marquis Rudini's telegram I gave to your secretary. Thus you and the President will do a true and friendly act which will be appreciated by the entire civilized world.

I should be very grateful to you if you would send me an answer.

Your devoted friend,

FAVA.

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[Inclosure.—Telegram.—Translation.]

*Marquis Rudini to Baron Fava.*

ROME, March 20, 1891.

Necessary the United States Government give us official communication that the guilty of New Orleans massacres have been brought to justice. Moreover, you are instructed to request indemnity, which, we trust, will be granted directly. A simple declaration, though cordial and friendly, is not sufficient; we want positive facts. Telegraph.

RUDINI.

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*Mr. Blaine to Baron Fava.*

17 MADISON PLACE,  
Washington, D. C., March 21, 1891.

MY DEAR BARON FAVA: Several days since I asked of your secretary, the Marquis Imperiali, to furnish to this Government the names, circumstances, and conditions of the three Italian subjects who, according to the Italian consul, were murdered in New Orleans. That information has not yet reached us from your legation. The Marquis Rudini is surely not so far misled as to suppose that the men massacred in New Orleans were all or mainly Italian subjects. Still less do I suppose that the Marquis Rudini considers that the Italians who have assumed American citizenship are in any way under the protection of the Italian Government.

The principal duty at present relates to the three alleged Italian subjects, and this Government desires to have, respecting them, the information I have already asked of your legation.

Your obedient servant,

JAMES G. BLAINE.

*Baron Fava to Mr. Blaine.*

LEGATION OF ITALY,  
*Washington, Saturday, March 21, 1891.*

MY DEAR MR. BLAINE: Since the 16th instant I have telegraphed to my consul at New Orleans in order to receive the names, circumstances, and conditions of the three Italian subjects killed.

I hope to receive to-morrow those informations, which I will directly transmit to you.

The Marquis Rudini does not speak, of course, of those people who are American citizens. But he insists that the murderers of the three Italian subjects will be brought to justice.

And I trust in your high coöperation for this.

Many, many thanks.

Very faithfully yours,

FAVA.

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*Governor Nicholls to Mr. Blaine.*

EXECUTIVE DEPARTMENT, STATE OF LOUISIANA,  
*Baton Rouge, March 21, 1891.*

SIR: At a late hour on the 15th instant I received a dispatch from you having reference to the forcible breaking, on the 14th of this month, of the jail in this city, and the killing of eleven persons confined therein under indictments found in the criminal district court for the parish of Orleans.

You stated to me that it has been represented to the President by the minister of Italy accredited to the Government of the United States that among the killed on that occasion were three or four subjects of the King of Italy. The telegram disclosed an apprehension on the part of the minister, evidently shared in by the President, that the disturbance was a continuous and swelling disturbance, which might involve the Italian subjects in New Orleans.

I have reason to believe that the hope expressed by the President that I would coöperate with him in maintaining the obligations of the United States toward Italian subjects who might be within the perils of the excitement, and that further violence and bloodshed might be prevented, was based upon that belief. The President further expressed the hope that all offenders might be promptly brought to justice.

On the 16th I telegraphed you that there was no excitement in the city at that time, and that I saw no reason to anticipate further trouble. I also stated that the action taken was directed against particular individuals, and that the race or nationality of the parties did not enter as a factor into the disturbance. A week has passed since the date of my dispatch, and the opinion then entertained as to the termination of the trouble has proved to have been well founded. The men killed, as I have stated, were confined in prison, under indictments found in the criminal district court for the parish of Orleans; the sheriff has made his return of the facts to that court; the judge thereof has charged the grand jury now in session in regard to the matter, and the whole subject is, I assume, now under investigation by that body.

I am satisfied that most of the persons killed were American citizens, but it is probable that two or three were Italian subjects.

I have, etc.,

FRANCIS T. NICHOLLS.

*Marquis Rudini to Baron Fava.*

[Telegram.]

ROME, March 24, 1891.

Our requests to the Federal Government are very simple. Some Italian subjects, acquitted by the American magistrates, have been murdered in prison while under the immediate protection of the authorities. Our right, therefore, to demand and obtain the punishment of the murderers and an indemnity for the victims is unquestionable. I wish to add that the public opinion in Italy is justly impatient, and, if concrete provisions were not at once taken, I should find myself in the painful necessity of showing openly our dissatisfaction by recalling the minister of His Majesty from a country where he is unable to obtain justice.

RUDINI.

*Baron Fava to Mr. Blaine.*

LEGATION OF ITALY,

Washington, March 25, 1891.

MY DEAR MR. BLAINE: I just received from Marquis Rudini the inclosed telegram, to which I must answer; but what?

I am exceedingly anxious to know your decision to-night, according to your promise of this morning.

Believe me, etc.,

FAVA.

[Inclosure.—Telegram.]

*Marquis Rudini to Baron Fava.*

In view of our discreet and legitimate demands, I can not admit further delay. An immediate solution is indispensable.

RUDINI.

*Baron Fava to Mr. Blaine.*

LEGATION OF ITALY,

Washington, March 25, 1891.

MY DEAR MR. BLAINE: In compliance with your request, I have the honor to inclose herewith a copy of the report just received from His Majesty's consul at New Orleans, relating the names, circumstances, and conditions of four among the persons murdered in that city who are undoubtedly Italian subjects, and five others whom Mr. Corte does not think can be considered as American citizens according to the Constitution of the United States.

I am, etc.,

FAVA.

[Inclosure.—Translation.]

*Consul Corte to Baron Fava.*NEW ORLEANS, *March 19, 1891.*

MR. MINISTER: I have the honor to send you a list of the Italian subjects who were killed on the 14th instant, together with such particulars concerning them as I have been able to obtain.

(1) Pietro Monasterio, who arrived from Italy January 7, 1890. He was not naturalized, and his regular passport must be in the prison. His wife and five children are at Caccamo, Sicily. He was to have a new trial on the ground of "mistrial."

(2) Vincenzo Traina, son of Joseph, born at Contessa Entellina, and 36 years of age. He was not naturalized, and his passport must be on the plantation at Sarpy, where he lived. He had a father and mother in Italy, and had not yet been brought to trial.

(3) Loreto Comititis, 50 years of age. He was not naturalized and was a native of Inadella (Aquila). I am informed that he had a wife and daughter here, but I have not yet been able to ascertain where they are. He had not been tried.

(4) Rocco Geraci, a native of Monreale or Palermo, 32 years of age. I have been informed that he had a wife and children, which statement I propose to verify, if possible. It does not appear, from the lists of citizens, that he had been naturalized. He had not yet been tried.

(5) Antonino Marchesi, whose real name was Antonio Grimando, as is shown by his passport. He was the son of the late Joseph (Giuseppe) Grimando and was a native of Roccamena. He was 48 years of age and had been in this country 2 years. He was a widower and had one son, whose name is Gaspere, and who is 14 years old. He declared his intention to become naturalized under the name of Antonino Marchesi only 12 days before Hennessy was assassinated, *i. e.*, October 3, 1890.

(6) Emmanuele Polizzi, son of Salvatore Polizzi, deceased. He was 28 years of age and a native of San Cipirello Jato (Palermo). Neither of his parents is now living, but he has two brothers and three sisters in Italy. He declared his intention to become naturalized only 1 day before the assassination of Hennessy, that is to say, on the 13th instant (*sic*). He was to have been tried again on the ground of mistrial.

(7) Antonio Scaffidi, called Antonino Scaffidi in his passport. He was the son of Diego Scaffidi and Guiseppa Scaglione, who is still living. He was 25 years of age and was born at Brolo, near Patti. He declared his intention of becoming naturalized on the 10th of October, 1887, and, according to the Constitution of the United States, is not yet an American citizen. He was to be tried again on account of mistrial. He had a wife, a son, a mother, and a sister.

(8) Antonio Abbagnato. He was indicted under the name of Antonio Bagnetto and was born at Palermo on the 25th of June, 1846. He was a seaman. He declared his intention to become naturalized December 26, 1887, and was not yet an American citizen according to the Constitution of the United States, inasmuch as the 5 years prescribed by law had not yet elapsed, to say nothing of the change made by him in his name.

(9) Girolamo Caruso, a native of Palermo. He declared his intention to become naturalized September 18, 1886. For the reason above stated he could not yet be considered as an American citizen, although, according to the law of Louisiana, he had been allowed to vote. He was probably a little over 30 years of age. He had not yet been tried.

I am unable at present to furnish any further information concerning the condition and the families of the above-named persons. I shall, however, if possible, obtain additional particulars. If I succeed in doing so I will transmit them to the royal legation.

Accept, etc.,

CORTE.

*Baron Fava to Mr. Blaine.*

LEGATION OF ITALY,

*Washington, March 26, 1891.*

MY DEAR MR. BLAINE: In our conversation of yesterday at noon I had the honor of handing you a copy of the cablegram dated March 24, in which Marquis Rudini insisted on the necessity that the Federal Government should formally assure him that the murderers of the

Italian subjects in New Orleans be brought to justice without further delay, and that an indemnity be granted to the families of the victims. I furthermore requested you to enable me to answer satisfactorily that cablegram.

While you expressed the desire of consulting the President, urging me in the same time not to cable yet to the marquis, you also promised me repeatedly to furnish me the same evening, before dinner time, with a formal answer.

Not having received said answer until 9 o'clock last night, I called in person on you also to communicate another cablegram just then received, in which Marquis Rudini stated that he could not admit any further delay concerning the answer expected from the Federal Government, in view of our mild and legitimate demands.

Not having received up to to-day, 26th (6 p. m.), the answer you promised me, I am now compelled to request you to let me know how I must interpret your silence.

The first secretary of the Italian legation, bearer of the present, is instructed to await your answer to the requests formulated by the Royal Government.

I am, etc.,

FAVA.

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*Mr. Blaine to Mr. Porter.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, March 29, 1891.*

Mr. Blaine telegraphed to Mr. Porter that the Italian Government, by its demand for the immediate punishment of the mob, disclosed an evident misunderstanding of the dual character of the Government of the United States. Mr. Blaine instructed Mr. Porter to explain this fully, as well as the necessity of a thorough investigation before reaching any decision.

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*Baron Fava to Mr Blaine.*

[Translation.]

LEGATION OF ITALY,  
*Washington, March 31, 1891.*

MR. SECRETARY OF STATE: By my two notes of the 15th and 18th instant I had the honor to call your excellency's serious attention to the occurrences of exceptional gravity which took place at New Orleans on the 14th, whereby four subjects of the King of Italy, who were confined in the prison of that city, were massacred by the mob under the leadership of two American citizens.

After having formally protested against the unjustifiable conduct of the local authorities, which were evidently recreant to all their duties on that occasion, I reserved to the Government of His Majesty the right to demand such satisfaction as it might think proper, since the occurrences in question constituted a patent violation of the stipulations of the treaty in force between our two countries, which secures

to Italian subjects residing in the United States the same protection that is enjoyed by American citizens, and which has always been extended to the latter in Italian territory.

The reparation demanded by the Government of the King, as I have had the honor to inform you in our interviews held during the last few days, was to consist of the following points:

- (1) The official assurance by the Federal Government that the guilty parties should be brought to trial.
- (2) The recognition, in principle, that an indemnity is due to the relatives of the victims.

Your excellency was pleased to declare to me that, as the Federal Government did not think it could take this view of the case, it declined to take the two aforesaid demands into consideration.

Under these circumstances, the Government of His Majesty, considering that the legitimate action of the King's minister at Washington becomes inefficacious, has ordered me to take my departure on leave.

In obedience to the instructions which I have received, I have the honor to announce to your excellency that I am going to leave Washington as speedily as possible, leaving the Marquis Imperiali, His Majesty's secretary of legation, in charge of the current business of the royal legation.

Be pleased to accept, etc.,

FAVA.

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*Mr. Blaine to Marquis Imperiali.*

DEPARTMENT OF STATE,  
Washington, April 1, 1891.

SIR: I have the honor to acknowledge the receipt of a note of yesterday's date from Baron Fava, who has left the Italian legation in your charge.

I beg to express the sincere regret with which the Government of the United States receives the intelligence of Baron Fava's speedy departure from this capital. Though he has more than once intimated this purpose, the Government of the United States has been unable to see adequate reasons for such a step.

The baron's service here for the past ten years has been distinguished at all times by the most agreeable relations with the Executive Department of this Government. The regret at his leaving is enhanced when, as the President believes, he has been recalled under a misapprehension of facts by the Government of Italy.

The cause of sundering his diplomatic relations with this Government is thus given in his note:

The reparation demanded by the Government of the King, as I have had the honor to inform you in our interviews held during the last few days, was to consist of the following points:

- (1) The official assurance by the Federal Government that the guilty parties should be brought to justice.
- (2) The recognition, in principle, that an indemnity is due to the relatives of the victims.

The first demand thus stated by Baron Fava is slightly changed in phrase from that employed by him in his many verbal requests based on a telegram from the Marquis Rudini which he left with me. The Marquis Rudini declared that "Italy's right to demand and to obtain the



punishment of the murderers and an indemnity for the victims is unquestionable." It is inferred that Baron Fava's change of phrase meant no change of demand.

I have endeavored to impress upon him, in the several personal interviews with which he has honored me, that the Government of the United States is utterly unable to give the assurance which the Marquis Rudini has demanded. Even if the National Government had the entire jurisdiction over the alleged murderers, it could not give assurance to any foreign power that they should be punished. The President is unable to see how any government could justly give an assurance of this character in advance of investigation or trial.

In the Constitution of the United States it is declared that—

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed.

It needs no argument to prove that a jury could not be impartial if it were in any sense, or to any degree, bound, before the trial of the accused, by an assurance which the President of the United States had ventured to give to a foreign power.

In the constitution of the State of Louisiana, under whose immediate jurisdiction the crimes were committed, substantially the same provision is found; so that the governor of that State would be as unable to give a pledge in advance for the result of a trial under State law as the President would be were it practicable to try the leaders of the mob under the laws of the United States.

In Baron Fava's second point he demands the recognition, in principle, that an indemnity is due to the relatives of the victims. He is assuredly under a grave error when he declares that the United States Government declined to take this demand into consideration, and I shall regret if he has communicated such a conclusion to your Government. The United States, so far from refusing, has distinctly recognized the principle of indemnity to those Italian subjects who may have been wronged by a violation of the rights secured to them under the treaty with the United States concluded February 26, 1871.

I have repeatedly given to Baron Fava the assurance that, under the direction of the President, all the incidents connected with the unhappy tragedy at New Orleans on the 14th of March last should be most thoroughly investigated. I have also informed him that in a matter of such gravity the Government of the United States would not permit itself to be unduly hurried; nor will it make answer to any demand until every fact essential to a correct judgment shall have been fully ascertained through legal authority. The impatience of the aggrieved may be natural, but its indulgence does not always secure the most substantial justice.

Accept, etc.,

JAMES G. BLAINE.

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*Mr. Porter to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
Rome, April 1, 1891.

Mr. Porter informed Mr. Blaine, in reply to the latter's telegram of March 29, that the Italian Government understood the relations of the

Federal and State Governments, but was not satisfied that the Federal Government was employing every effort to secure prompt action by the governor of Louisiana. Mr. Porter stated that a positive assurance on this point would be beneficial, as there was an impression that the Government of the United States desired to temporize; that the Italian Parliament would reassemble on the 14th, and the minister of foreign affairs urged that he must be able positively to affirm that the Federal Government had given an assurance that every effort to bring the offenders to justice would be made.

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*Mr. Porter to Mr. Blaine.*

No. 180.]

LEGATION OF THE UNITED STATES,  
*Rome, April 1, 1891.*

SIR: On the 30th ultimo I had the honor to receive your cipher dispatch, which read as follows.\*

To-day I forward you the following cable (in cipher) in reply.†

The day on which your dispatch was received being a public holiday, and the minister of foreign affairs absent from the city, I could do nothing immediately. On the following day, the minister being still absent, I called to learn when he was expected to return, and was received by Count d'Arco, the undersecretary, whom I found thoroughly acquainted with the division between the Federal and State jurisdictions in criminal proceedings under our Constitution and with the structure of our Government. He gave me to understand, however, that the ministry was not satisfied that the Federal Government was making as strenuous exertions with the governor of Louisiana to bring the murderers of the Italians to justice as it was thought the circumstances required, and intimated that this feeling was so strong that a recall of the Italian minister at Washington might become necessary.

Parliament is to reassemble on the 14th instant, and I discovered, as I thought, that the fear of not being able to satisfy it that proper vigor had been exercised by the ministry occasioned profound anxiety and was tempting to a course more extreme than would otherwise, perhaps, be adopted. Being a coalition ministry, it dreads the risk of attempting to withstand an adverse popular feeling, however temporary. It feels, under these circumstances, that the President should give more definite assurances.

In reply to the count's observations, I stated that the Government had promptly proclaimed its horror at the deed committed by the New Orleans mob and had expressed its strong desire to the governor of Louisiana that he would use his most efficient exertions to bring the perpetrators to justice; that necessarily, as the Federal Government could not exercise direct authority over the State courts, its proceedings could not be as prompt as might be thought desirable; but that I was entirely confident that every exertion was being made that lay within the constitutional authority of the President, strictly to fulfill the treaty obligations of the United States with respect to the protection of Italian citizens.

I added, also, that in other cases in which the President, in the ex-

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\* For telegram see telegram to Mr. Porter of March 29.

† For telegram see telegram from Mr. Porter of April 1:

ercise of his powers, had appealed to the governors of States to cause the perpetrators of crimes to be brought to justice, and where a seeming slowness in accomplishing what was desired had occasioned temporary impatience, the end had fully vindicated the good faith of the Government and had removed dissatisfaction. These observations seemed to give pleasure to the count, but, nevertheless, it was evident that he felt that the ministry ought to be assisted by some stronger assurances.

I have, etc.,

A. G. PORTER.

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*Marquis Imperiali to Mr. Blaine.*

[Translation.]

LEGATION OF ITALY,  
Washington, April 2, 1891.

MR. SECRETARY OF STATE: I hasten to acknowledge the receipt of the note which your excellency did me the honor to address to me on the 1st instant in reply to that whereby Baron Fava informed you of his departure on leave.

I have laid the contents of your excellency's aforesaid note before the Government of the King, and his excellency, the president of the council, His Majesty's minister for foreign affairs, has just directed me to address the following communication to you:

The Government of the King of Italy has asked nothing beyond the prompt institution of judicial proceedings through the regular channels. It would have been absurd to claim the punishment of the guilty parties without the warrant of a regular judgment. The Italian Government now repeats the same demand. Not until the Federal Government shall have explicitly declared that the aforesaid proceedings shall be promptly begun can the diplomatic incident be considered as closed. Meanwhile His Majesty's Government takes note of the declaration whereby the Federal Government recognizes that an indemnity is due to the families of the victims in virtue of the treaty in force between the two countries.

I have therefore the honor to bring the foregoing to the knowledge of your excellency, and I avail myself of this occasion to offer you, Mr. Secretary of State, the assurances of my highest and most respectful consideration.

IMPERIALI.

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*Mr. Blaine to Governor Nicholls.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, April 3, 1891.

Please give by telegraph the names of the four Italians who are claimed as subjects of the King. Please give, as accurately as is known, the history of these men before they left Italy. I shall be greatly obliged for a very prompt answer. It is said the men were all criminals in Italy, and that some of them escaped punishment by consenting to come to this country. Give all authentic facts in your possession.

JAMES G. BLAINE.

*Governor Nicholls to Mr. Blaine.*

[Telegram.]

NEW ORLEANS, *April 3, 1891.*

Your dispatch of this morning has been received. I think only three persons among the killed are claimed as Italian subjects—Loretto Comitez, Peter Monastero, and Charles Traina. I am told the real name of Traina is Vincenzo Traina. The registrar of voters in New Orleans reports to me that all the parties killed are registered voters in New Orleans, with the exception of Monastero, Traina, Comitez, and Manuel Politz. The latter declared his intention of becoming a citizen in the criminal district court of New Orleans October 13, 1890. Traina, most of the time, has been in the parish of St. Charles, on the Sarpy plantation. I have been unable to find any record of him as to his citizenship. I will send you report sent me by the registrar. I am unable to give you, with any degree of authenticity, the past history of these parties. The reports you have heard are and have been current here. I do not know affirmatively that any of the parties are Italian subjects.

FRANCIS T. NICHOLLS,  
*Governor.*

*Governor Nicholls to Mr. Blaine.*

EXECUTIVE DEPARTMENT, STATE OF LOUISIANA,  
*Baton Rouge, April 3, 1891.*

SIR: I have the honor to transmit to you herewith the certificate from the registrar of voters alluded to by me in my dispatch of this morning.

Very respectfully,

FRANCIS T. NICHOLLS.

[Inclosure.]

*Mr. Flynn to Governor Nicholls.*

OFFICE OF SUPERVISOR OF REGISTRATION,  
FOR THE PARISH OF ORLEANS,  
*New Orleans, April 3, 1891.*

DEAR SIR: I have the honor to respectfully certify that the following-named persons appear upon the records of this office as duly qualified voters of the parish of Orleans, to wit:

(1) Antonio Bagnetto; residence, 224 Poydras street; registered December 26, 1887, on declaration papers issued August 30, 1887; born 1846, in Italy.

(2) John Caruso; residence, 225½ Dauphine street; registered September 3, 1886; naturalized July 12, 1878, before second district court for the parish of Orleans; born in Italy in 1856.

(3) James Caruso; residence, 241 Chartres street; registered September 18, 1886; declared his intentions before criminal district court, parish of Orleans, September 18, 1886; born in Italy in 1854.

(4) Charles Matranga; residence, 266 Poydras street; registered October 12, 1872, on his father's naturalization papers; born in Italy in 1857.

(5) Antonio Marchese; residence, 312 Lafayette street; registered October 3, 1890; declared his intention to become a citizen of the United States October 3, 1890.

(6) Antonio Scaffidi; residence, 219½ Dryades street; registered October 3, 1890,

on declaration papers obtained before criminal district court October 3, 1890; born in Italy in 1866.

(7) Charles Pietro; residence, 269 Poydras street; registered October 18, 1881, on declaration papers obtained before criminal district court October 18, 1887; born in Italy in 1857.

(8) Joseph Macheca; residence, 206 St. Claude street; registered October 6, 1888; born in Louisiana.

(9) Charles Patromo; residence, No. 70 Dumaine street; registered May 16, 1889; born in Louisiana in 1859.

(10) Frank Romeo; residence, 115 St. Ann street; registered April 3, 1888; naturalized April 6, 1868, before the fourth district court for the parish of Orleans; born in Italy in 1846.

(11) Francisco Gerrachi, better known as Rocco Gerrachi; residence, 291 Bourbon street; registered October 3, 1887; naturalized January 3, 1884, before the civil district court for the parish of Orleans; born in Italy in 1859.

All of which is respectfully certified to as a correct record from the registration books on file in this office, as witness my hand and seal this 3d day of April, 1891.

[SEAL.]

GEO. W. FYLNN,

*Supervisor of Registration for the Parish of Orleans.*

[Inclosure.]

*List of persons arrested and charged with the assassination of the late D. C. Hennessy.*

OFFICE OF SUPERVISOR OF REGISTRATION,  
FOR THE PARISH OF ORLEANS,  
*New Orleans, April 3, 1891,*

- (1) Antonio Bagnetto, registered as a voter; killed at parish prison.
- (2) John Caruso, registered as a voter.
- (3) James Caruso, registered as a voter; killed at parish prison.
- (4) Charles Matranga, a registered voter; released.
- (5) Antonio Marchese, registered as a voter; killed at parish prison.
- (6) Antonio Scaffidi, registered as a voter; killed at parish prison.
- (7) Charles Pietzo, registered as a voter; released on bail.
- (8) Joseph Macheca, registered; killed at parish prison.
- (9) Charles Patomo, registered as a voter; released on bail.
- (10) Frank Romeo, registered as a voter; killed at parish prison.
- (11) Francisco Gerrachi, known as Rocco Gerrachi; registered as a voter; killed at parish prison.
- (12) Peter Monastero, not registered; killed at parish prison.
- (13) Loretto Comitez, not registered; killed at parish prison.
- (14) Manuel Politz, not registered, but declared his intentions October 13, 1890, before criminal district court; killed at parish prison.
- (15) — Trahina, not registered; killed at parish prison.
- (16) Peter Natalie, not registered; released on bail.
- (17) Bastian Incardona, not registered; set at liberty.
- (18) Salvador Sunserzi, not registered; released on bail.
- (19) Aspin Marchese (the boy), not registered; set free.

*Mr. Porter to Mr. Blaine.*

No. 181.]

LEGATION OF THE UNITED STATES,  
*Rome, April 3, 1891. (Received April 17.)*

SIR: I called on the Marquis di Rudini yesterday to pay my respects, to refer to the interview with Count d'Arco, mentioned in my dispatch No. 180 of the 1st instant, and to satisfy myself that the substance of what had been said had been accurately reported to the minister and was clearly understood. His manner was most kind and friendly, and he seemed fully to comprehend the constitutional difficulty which prevented the Federal Government from proceeding with the haste which

was desired. He stated, however, that Baron Fava had been recalled, and that this was the least that could be done under the circumstances, but added that the chargé d'affaires had been left in his place.

I reiterated my previous expressions of confidence that in the end it would be perceived that the Federal Government had diligently exercised all the authority with which it was clothed to bring the New Orleans offenders to justice, and that the Government of Italy would be satisfied that it had acted with the highest good faith and the utmost earnestness.

I have, etc.,

A. G. PORTER.

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*Mr. Blaine to Marquis Imperiali.*

DEPARTMENT OF STATE,  
Washington, April 14, 1891.

SIR: I have the honor to acknowledge the receipt of your note dated Thursday, April 2, 1891. It contains a second telegram from the Marquis Rudini, a part of which I here quote:

The Government of the King of Italy has asked nothing beyond the prompt institution of judicial proceedings through the regular channels. It would have been absurd to claim the punishment of the guilty parties without the warrant of a regular judgment. The Italian Government now repeats the same demand. Not until the Federal Government shall have explicitly declared that the aforesaid proceedings shall be promptly begun can the diplomatic incident be considered as closed.

This Government certainly had no desire whatever to change the meaning of the Marquis Rudini's telegram of March 24. It was delivered at the State Department by Baron Fava in person, written in his own hand, and expressed in the English language. The following is the full text of the telegram:

ROME, March 24, 1891.

ITALIAN MINISTER,  
Washington:

Our requests to the Federal Government are very simple. Some Italian subjects, acquitted by the American magistrates, have been murdered in prison while under the immediate protection of the authorities. *Our right, therefore, to demand and obtain the punishment of the murderers and an indemnity for the victims is unquestionable.* I wish to add that the public opinion in Italy is justly impatient, and, if concrete provisions were not at once taken, I should find myself in the painful necessity of showing openly our dissatisfaction by recalling the minister of His Majesty from a country where he is unable to obtain justice.

RUDINI.

The words underscored are precisely those which I quoted in my former note; and I am directed by the President to express the satisfaction of this Government with the very material qualification of the demand made by the Marquis Rudini on behalf of the Italian Government.

You quote in your note another part of the Marquis Rudini's telegram of April 2 in these words:

Meanwhile His Majesty's Government takes note of the declaration whereby the Federal Government recognizes that an indemnity is due to the families of the victims in virtue of the treaty in force between the two countries.

If the Marquis Rudini will carefully examine my note of April 1, he will discover that I did not "recognize that an indemnity is due to the families of the victims in virtue of the treaty in force between the two



# Telegram

Rome March 24 1891

Italian Minister Washington

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signed = Rudini







countries." What I did say was in answer to Baron Fava's assertion that the United States Government refused to take this demand for indemnity into consideration. I quote my reply:

The United States, so far from refusing, has distinctly recognized the principle of indemnity to those Italian subjects *who may have been wronged by a violation of the rights secured to them under the treaty with the United States concluded February 26, 1871.*

The Marquis Rudini may be assured that the United States would recompense every Italian subject who might "be wronged by the violation of a treaty" to which the faith of the United States is pledged. But this assurance leaves unsettled the important question whether the treaty has been violated. Upon this point the President, with sufficient facts placed before him, has taken full time for decision. He now directs that certain considerations on the general subject be submitted to the judgment of the Italian Government.

As a precedent of great value to the case under discussion, the President recalls the conclusion maintained by Mr. Webster in 1851, when he was Secretary of State under President Fillmore. In August of that year a mob in New Orleans demolished the building in which the office of the Spanish consul was located, and at the same time attacks were made upon coffeehouses and cigar shops kept by Spanish subjects. American citizens were involved in the losses, which, in the aggregate, were large. The supposed cause of the mob was the intelligence of the execution of 50 young Americans in Havana and the banishment to Spanish mines of nearly 200 citizens of the United States. The victims were all members of the abortive Lopez expedition.

In consequence of these depredations of the mob upon the property of the Spanish consul, as well as against the Spanish subjects, Don Calderon de la Barca, the minister of Spain, demanded indemnification for all the losses, both official and personal.

Mr. Webster admitted that the Spanish consul was entitled to indemnity, and assured the Spanish minister that if the injured consul, Mr. Laborde—

shall return to his post, or any other consul for New Orleans shall be appointed by Her Catholic Majesty's Government, the officers of this Government resident in that city will be instructed to receive and treat him with courtesy and with a national salute to the flag of his ship, if he shall arrive in a Spanish vessel, as a demonstration of respect, such as may signify to him and to his Government the sense entertained by the Government of the United States of the gross injustice done to his predecessor by a lawless mob, as well as the indignity and insult offered by it to a foreign state with which the United States are, and wish ever to remain, on terms of the most respectful and pacific intercourse.

But when pressed by the Spanish minister to afford indemnity to Spanish subjects injured by the mob in common with American citizens, Mr. Webster declined to accede to the demand, and gave his reasons as follows:

This Government supposes that the rights of the Spanish consul, a public officer residing here under the protection of the United States Government, are quite different from those of the Spanish subjects who have come into the country to mingle with our own citizens and here to pursue their private business and objects. The former may claim special indemnity; the latter are entitled to such protection as is afforded to our own citizens. While, therefore, the losses of individuals, private Spanish subjects, are greatly to be regretted, yet it is understood that many American citizens suffered equal losses from the same cause; and these private individuals, subjects of Her Catholic Majesty, coming voluntarily to reside in the United States, have certainly no cause of complaint if they are protected by the same laws and the same administration of law as native-born citizens of this country. They have, in fact, some advantages over citizens of the State in which they happen to be, inasmuch as they are enabled, until they become citizens themselves, to prosecute for any injuries done to their persons or property in the courts of the United States or the State courts, at their election.

It is proper, however, to add that two years after Mr. Webster wrote the foregoing note Congress, in recognition of certain magnanimous conduct on the part of the Queen of Spain in pardons bestowed on Americans who had unjustifiably invaded the island of Cuba, enacted a joint resolution, approved by President Fillmore March 3, 1853, the last day of his term, indemnifying the Spanish consul and other Spanish subjects for the losses sustained in the New Orleans mob of 1851. The considerations upon which this resolution was passed were held not to contravene the original position of Mr. Webster, shared also by President Fillmore.

The right to judicial remedy which Mr. Webster assured to the Spanish subjects is likewise assured to the Italian subjects. The right is specially guaranteed in the second section of the third article of the Constitution. And, as Mr. Webster points out, the resident alien has a privilege which is denied to the citizen. The widows and children of the citizens who lost their lives by mob violence may sue the leaders and members of the mob only in the courts of the State of Louisiana, while the widows and children of the Italian subjects who suffered death have the right to sue each member of the mob, not only in the State courts, but also before the Federal tribunals for the district of Louisiana.

Provision is made in the revised civil code of Louisiana for redress of such grievances as the widows and children of the victims of the mob may plead. I quote:

ART. 2314. Every act whatever of man that causes damage to another obliges him by whose fault it happened to repair it. The right of this action shall survive, in case of death, in favor of the minor children and widow of the deceased, or either of them, and, in default of these, in favor of the surviving father or mother, or either of them, for the space of one year from the death.

ART. 2316. Every person is responsible for the damage he occasions, not merely by his act, but by his negligence, his imprudence, or his want of skill.

ART. 2324. He who causes another person to do an unlawful act, or assists or encourages in the commission of it, is answerable *in solido* with that person for the damage caused by such act.

The Government of the United States would feel justified in resting on the argument and conclusion of Mr. Webster if the mob of March 14, 1891, did not, in some of its characteristics, differ from the mob of 1851. But it is due to entire candor, due to this Government, and due to the Government of Italy to point out certain differences of which the Government of the United States is honorably bound to take notice. In the case of the mob of 1851 Mr. Webster asserts that "no personal injury was offered to anyone;" that "the police and other legal authorities did all that was possible to preserve the peace and arrest the rioters;" that "the mob acted in the heat of blood, and not in pursuance of any predetermined plan or purpose of injury or insult;" that "the mob was composed of irresponsible persons, the names of none of whom are known to the Government of the United States, nor, so far as the Government is informed, to its officers or agents in New Orleans."

As promptly as possible after the lamentable occurrence at New Orleans the President directed the Attorney-General to cause, through his Department, a full inquiry to be made into all the facts connected therewith, and solicited his opinion whether any criminal proceedings would lie under the Federal laws in the Federal courts against persons charged with the killing of Italian subjects. He has not yet received the official report. If it be found that a prosecution can be maintained under the statutes of the United States, the case will be presented to the next grand jury according to the usual methods of criminal admin-

istration. But if it shall be found, as seems probable, that criminal proceedings can only be taken in the courts of Louisiana, the President can in this direction do no more than to urge upon the State officers the duty of promptly bringing the offenders to trial. This was done in his telegram to the governor of Louisiana as early as the 15th of March.

If it shall result that the case can be prosecuted only in the State courts of Louisiana, and the usual judicial investigation and procedure under the criminal law is not resorted to, it will then be the duty of the United States to consider whether some other form of redress may be asked. It is understood that the State grand jury is now investigating the affair, and, while it is possible that the jury may fail to present indictments, the United States can not assume that such will be the case.

The United States did not by the treaty with Italy become the insurer of the lives or property of Italian subjects resident within our territory. No Government is able, however high its civilization, however vigilant its police supervision, however severe its criminal code, and however prompt and inflexible its criminal administration, to secure its own citizens against violence promoted by individual malice or by sudden popular tumult. The foreign resident must be content in such cases to share the same redress that is offered by the law to the citizen, and has no just cause of complaint or right to ask the interposition of his country if the courts are equally open to him for the redress of his injuries.

The treaty, in the first, second, third, and, notably, in the twenty-third articles, clearly limits the rights guarantied to the citizens of the contracting powers in the territory of each to equal treatment and to free access to the courts of justice. Foreign residents are not made a favored class. It is not believed that Italy would desire a more stringent construction of her duty under the treaty. Where the injury inflicted upon a foreign resident is not the act of the Government or of its officers, but of an individual or of a mob, it is believed that no claim for indemnity can justly be made, unless it shall be made to appear that the public authorities charged with the peace of the community have connived at the unlawful act, or, having timely notice of the threatened danger, have been guilty of such gross negligence in taking the necessary precautions as to amount to connivance.

If, therefore, it should appear that among those killed by the mob at New Orleans there were some Italian subjects who were resident or domiciled in that city, agreeably to our treaty with Italy, and not in violation of our immigration laws, and who were abiding in the peace of the United States and obeying the laws thereof and of the State of Louisiana, and that the public officers charged with the duty of protecting life and property in that city connived at the work of the mob, or, upon proper notice or information of the threatened danger, failed to take any steps for the preservation of the public peace and afterwards to bring the guilty to trial, the President would, under such circumstances, feel that a case was established that should be submitted to the consideration of Congress with a view to the relief of the families of the Italian subjects who had lost their lives by lawless violence.

Accept, etc.,

JAMES G. BLAINE.

*Mr. Miller to Mr. Blaine.*

DEPARTMENT OF JUSTICE,  
Washington, April 28, 1891.

SIR: Herewith I hand you the report of the district attorney for the eastern district of Louisiana, touching the citizenship, etc., of the persons killed by the mob in New Orleans last month. These I send direct to you, because it is a matter within the cognizance of your Department, not mine.

I have become satisfied that there is no statute of the United States under which the persons responsible for this mob can be prosecuted in the Federal courts.

Very truly yours,

W. H. H. MILLER,  
*Attorney-General.*

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[Inclosure.]

*Mr. Grant to Mr. Miller.*

NEW ORLEANS, LA., April 27, 1891.

SIR: In compliance with the directions contained in your letters of March 25 and 30, I beg to inform you that I have made a thorough investigation as to the nativity and citizenship of the alleged Italian subjects who were killed in the parish prison on the 14th of March last. I now submit the result of my examination on these points, together with a general but brief statement of the circumstances which preceded this unfortunate occurrence.

These persons were indicted, with others, on the 13th day of December, 1890, in the criminal district court of the State, No. 14414 on the docket, for the alleged murder of David C. Hennessy on the night of October 15, 1890: Antonio Scaffidi, Antonio Bagnetto, Antonio Marchesi, Pietro Monastero, Charles Traina, Manuel Politz, and Loretto Comitiz as principals, and James Caruso, Roco Gerachi, Frank Romero, and Joseph P. Macheca as accessories before the fact.

At the same time another indictment was found against them for the same offense and filed under the No. 14415. Copies of both are annexed to this report, marked Exhibits Nos. 1 and 2. They were arraigned and pleaded not guilty to both indictments.

About the middle of February last they were arraigned for trial on indictment No. 14414 before section B of said criminal court, Judge Baker presiding, whereupon the State obtained an order of severance and proceeded with the trial of nine only of the accused, among them six of those subsequently killed.

Of these Bagnetto, Marchesi, and Macheca were found not guilty on the 13th day of March, 1891, and as to Scaffidi, Politz, and Monastero, there was a mistrial, the jury failing to agree.

The verdict was rendered about 12 o'clock, and some time during the night of that day a meeting was held by certain persons who were dissatisfied with the verdict, which resulted in a call for the populace to assemble at Clay statue, on Canal street, at 10:30 o'clock a. m. the next day, to take into consideration the vindication of the law on account of the failure of the jury to convict. The next morning at the appointed hour a large crowd assembled at Clay statue, and from there proceeded to the parish prison, where the accused were confined, and, forcing an entrance, shot them to death. Of the eleven killed, Antonio Bagnetto, Antonio Marchesi, and Joseph P. Macheca had been tried and acquitted, and Antonio Scaffidi, Manuel Politz, and Pietro Monastero had been tried, but the jury disagreed and there was no verdict. The others, James Caruso, Loretto Comitiz, Frank Romero, and Roco Gerachi, had not been tried.

I now proceed to give in detail a history of each person killed, so far as I can from the evidence I have been able to obtain.

Antonio Scaffidi made his declaration before the criminal district court for the parish of Orleans for the purpose of becoming a citizen of the United States Octo-

ber 10, 1887, stating that he was 22 years old, born in Italy, arrived in the city of New York March 5, 1880 (see Exhibit 3); registered as a voter in Orleans Parish, La., on said declaration October 3, 1890 (see Exhibit A); indicted for the murder of Hennessy December 13, 1890; tried, but jury failed to agree on a verdict. The Italian consul states that he was born in Brolo, province of Messina, from whence he came to the United States, when about 14 years of age, under a passport dated November 19, 1880. (According to his own statement in his declaration, he arrived in New York October 5, 1880.)

Antonio Bagnetto made declaration before the criminal district court for the parish of Orleans for the purpose of becoming a citizen of the United States August 29, 1887, stating that he was a native of Italy, 41 years old, arrived in New Orleans December, 1875 (see Exhibit 4); registered as a voter in Orleans Parish, La., December 26, 1887 (see Exhibit A); indicted for the murder of Hennessy December 13, 1890; acquitted March 13, 1891. The Italian consul states that he was born in Palermo, and came from there to New Orleans in 1875; that he was a sailor, and that his true name was Antonio Abagnatto. His book of record, which all Italian sailors must have, and which is a substitute for a passport, is deposited at the consulate. The consul gives him a good character.

James Caruso made declaration before the criminal district court September 18, 1886, for the purpose of becoming a citizen of the United States, stating that he was a native of Italy, 32 years old; arrived in New Orleans March 8, 1867 (see Exhibit 5); registered as a voter in Orleans Parish, La., September 18, 1886 (see Exhibit A). This man always took part in politics and voted. He was at one time a commissioner of elections in the Fifth ward (see affidavits of John Journee, George Provenzano, Paul Ducastring, and Joseph Provenzano). Indicted December 13, 1890, for the murder of Hennessy, but not tried. The Italian consul states that his true name was Gerolamo Caruso, and that he came from Palermo when so young as not to need a passport. (As he came to this country in 1867, and was 32 years old in 1886, when he made his declaration, he must have been about 13 years old when he arrived.)

Antonio Marchesi made declaration of intention to become a citizen of the United States before the criminal district court of Orleans Parish October 3, 1890 (see Exhibit 6); registered as a voter October 3, 1890, in Orleans Parish (see Exhibit A); does not appear to have taken an active part in politics nor to have voted. The Italian consul states that his true name was Antonio Grimando, and that he came to New Orleans from Roccamena, province of Palermo, under a passport dated October 10, 1888, and that he is supposed to have had some trouble with a woman, not resulting, however, before he came to this country, in his being charged with any crime. His passport is deposited at the consulate. The records of the custom-house show that he arrived in New Orleans November 19, 1888, per steamship *Plata*, from Palermo, under the name of Antonio Grimando. He was indicted for the murder of Hennessy December 13, 1890, and acquitted March 13, 1891.

Manuel Politz made declaration to become a citizen of the United States before the criminal district court of Orleans Parish October 13, 1890, stating that he was a native of Italy, 29 years old; arrived in New Orleans December 25, 1884 (see Exhibit 7); registered as a voter in Orleans Parish October 13, 1890 (see Exhibit A). He signs himself Emanuele Polizzi in his declaration and on the registration rolls, but it is evidently the same name. Indicted December 13, 1890, for the murder of Hennessy; tried, but the jury failed to agree, and there was a mistrial March 13, 1891. The Italian consul states that he was born in San Cipriano Jato, Italy, and that his name was Emanuele Polizzi; that he came to New Orleans in 1882, and is reported to have been an unruly character in Italy, although he was never tried for a crime. His passport, if he had one, has not been deposited at the consulate. At one time he lived in Austin, Tex., where he cut a man with a knife.

Joseph P. Macheca, born in New Orleans in 1843; occupation, merchant; residence, 206 St. Claud street, New Orleans; registered as a native of Louisiana and as a voter October 6, 1886 (see Exhibit A); voted and took an active part in politics (see affidavits of John Journee and H. R. Ducastring); indicted December 13, 1890, for the murder of Hennessy, and tried and acquitted by the jury March 13, 1891. He is admitted by the Italian consul to have been an American citizen.

Frank Romero obtained final papers of naturalization April 4, 1868, before the fourth district court of Orleans Parish as a citizen of the United States (see Exhibit 10); registered as a voter April 3, 1888, in New Orleans (see Exhibit A); voted and took an active part in politics (see affidavits of George Provenzano and

John Journee); indicted December 13, 1890, for the murder of Hennessy, but not tried. He is admitted by the Italian consul to have become an American citizen by naturalization.

Roco Gerachi. The Italian consul states that he was born in Monreale, near Palermo, Italy; that he was registered as a voter in this city in 1880, as appears from a certificate of the registrar deposited in the consular office some time ago, but lately sent to the Italian minister in Washington; that he was charged with murder in Italy, but escaped to this country in 1878 before he could be arrested, but was condemned in contumacy and sentenced to ten years' imprisonment. The depositions of George and Joseph Provenzano, John Journee, Dan Douglass, and Mike Early, herewith transmitted, show that he took an active part in politics and voted at elections. He must have made a declaration of his intention to become a citizen before he could receive a certificate of registration. Thus far I am unable to find the record of his declaration or registration. He had no passport.

Charles Traina does not appear to have taken any steps to become a citizen, nor to have taken part in politics, nor voted, under this or any other name. The Italian consul states that his true name was Vincenzo Traina; that he was born in Contessa, Entallina, Italy, and came to New Orleans under a passport dated October 17, 1882, at the age of 30. His passport is deposited at the consular office. He was indicted for the murder of Hennessy December 13, 1890, but not tried. For two years prior to the assassination he was a laborer on Sarpi plantation, and it is said he came to New Orleans the day before Hennessy was killed and returned the day after.

Loretto Comitz; occupation, tinsmith; residence, 192 South Liberty street, New Orleans; does not appear to have made any declaration of intention to become a citizen of the United States, nor to have registered as a voter in this city. He was indicted for the murder of Hennessy December 13, 1890, but never put on trial. The Italian consul states that he was born in Neevella, near Rome, where he was convicted on a charge of theft and sentenced to three years' imprisonment. He came to this country some twenty years ago, but whether he escaped or left Italy after serving his time does not appear. If he came under a passport, it is not deposited at the consulate.

Pietro Monastero arrived in New Orleans January 7, 1890, per Italian steamship *Plata*, and is described on the passenger list as a shoemaker by occupation, 46 years old, from Palermo (see certificate of collector of the port, marked Exhibit 8); indicted for murder of Hennessy, December 13, 1890, but there was a mistrial March 13, 1891. The Italian consul states that he came from Caccamo, Italy, where he had a wife and five children, and gives him a good character. His passport is deposited in the consular office.

From the foregoing history of each of the persons killed it will be seen that Joseph P. Macheca was a native of Louisiana and Frank Romero was a fully naturalized citizen, having taken out his final papers and voted; that Antonio Bagnetto Antonio Scaffidi, Roco Gerachi, and James Caruso had made the preliminary declaration of their intention to become citizens of the United States and had registered as voters and voted in the parish of Orleans; that Manuel Politz and Antonio Marchesi had made their preliminary declarations and registered as voters, but had not voted, having been arrested soon after the date of their registration; and that Charles Traina, Loretto Comitz, and Pietro Monastero had made no declaration of their intentions to become citizens and had not voted or taken part in politics, as far as known.

As to the alleged bribery of the jury which tried the persons accused of the murder of Hennessy, I have to report that my examination does not connect any of the persons killed with that charge, if true.

Some indictments have been lately found against D. C. O'Malley, a detective employed in the defense, charging him with an attempt to bribe talesmen summoned on the jury, and an inquest is now being held, and it is understood that the grand jury have found true bills against other persons on the same charge; but the evidence on which the grand jury acted is not accessible to me.

I am unable to obtain any direct evidence connecting these persons with the Mafia, or any other association of a similar character in the city. The existence of such a society has been known and believed in by the public generally for a great many years, but its secrets have never been penetrated by the civil authorities. Few of those living who have been its victims have the courage to speak. Of the many persons whom I have examined on the subject, only two, George and Joseph Provenzano, have been willing to disclose the truth in an affidavit. They have testified to the existence of the society and furnished evi-

dence of its practices in the form of blackmailing and threatening letters, which I forward attached to their affidavits. In this connection, I forward a statement made by the chief of police of this city, showing a great number of murders, affrays, and assaults committed by Italians in this city during the last twenty-five years, the perpetrators of which have not been punished, because the evidence was suppressed or concealed. I do not draw the inference myself from the facts disclosed by this statement that these crimes were all the work of the Mafia, but they are attributed to that society generally by the public.

I have not attempted to examine into the guilt or innocence of the persons accused of the murder of Hennessy. The evidence in the case against them submitted to the jury is voluminous, covering some 800 pages of typewriting. Both as a whole and in detail it is exceedingly unsatisfactory, and is not, to my mind, conclusive one way or the other. I have endeavored to ascertain whether they have been lawabiding citizens since their arrival in this country, but have not been able to connect them with any criminal practices prior to their indictment in the Hennessy case, except in the case of Manuel Politz, who is reported to have assaulted and cut a person in Austin, Tex., some years ago.

As to their history before they came to this country, I have taken the statement of his excellency the Italian consul at this port, and the information is noted below each name. From this it appears that Roco Gerachi and Loretto Comitiz were escaped criminals when they came to the United States.

I have received a communication from his excellency Pascale Corte, Italian consul, relating to the civil status of the alleged Italian subjects at the time they were killed, which I have the honor to forward herewith for your consideration. He claims that even if these persons had made a declaration of their intention to become citizens of the United States, and afterwards exercised the right to vote given by article 185 of the constitution of the State of Louisiana, still they are not to be considered citizens until they have resided in the United States for a period of five years and have been granted final papers, as provided by section 2165 of the Revised Statutes of the United States.

Without presuming to give an opinion on this question, which, I assume, is to be dealt with by the political department of the Government, I take the liberty of suggesting that after these persons renounced allegiance to their King, and while maintaining their residence in the United States and exercising the privilege of citizens, they ought to be held to have renounced all claim to the protection of the country of their nativity.

Respectfully submitted.

WILLIAM GRANT,  
*United States Attorney.*

[Exhibit 1.]

THE STATE OF LOUISIANA,

*Criminal District Court for the Parish of Orleans, ss:*

The grand jurors of the State of Louisiana, duly impaneled and sworn in and for the body of the parish of Orleans, in the name and by the authority of the said State, upon their oath, present: That one Peter Natali, one Antonio Scaffidi, one Antonio Bagnetto, one Manuel Politz, one Antonio Marchesi, one Bastian Incardona, one Salvador Sinceri, one Loretto Comitiz, one Charles Traina, and one Pietro Monastero, late of the parish of Orleans, on the 15th day of October, in the year of our Lord 1890, with force and arms, in the parish of Orleans, aforesaid, and within the jurisdiction of the criminal district court for the parish of Orleans, while lying in wait, feloniously did shoot one David C. Hennessy with a dangerous weapon, to wit, a gun, with the felonious attempt willfully, feloniously, and of their malice aforethought, to kill and murder him, the said David C. Hennessy, contrary to the form of the statute of the State of Louisiana in such case made and provided, and against the peace and dignity of the same. And the grand jurors aforesaid, upon their oath aforesaid, do further present: That one Charles Pietozza, one Osperi Marchesi, one Joseph P. Macheca, one James Caruso, one Charles Matranga, one Roco Gerachi, one Charles Patorno, one Frank Romero, and one John Caruso, before the said felony was committed in form aforesaid, to wit, on the 15th day of October, in the year aforesaid, in the parish aforesaid, and within the jurisdiction aforesaid, did feloniously and maliciously incite, move, procure, and counsel, hire, and command the said Peter Natali, the said Antonio Scaffidi, the said Antonio Bagnetto, the said Manuel

Politz, the said Antonio Marchesi, the said Bastian Incardona, the said Salvador Sinceri, the said Loretto Comitz, the said Charles Traina, and the said Pietro Monastero, the said felony in manner and form aforesaid to do and commit, contrary to the form of the statute of the State of Louisiana, in such cases made and provided, and against the peace and dignity of the same.

C. H. LUZENBERG,  
*District Attorney for the Parish of Orleans.*

[Indorsements.]

No. 14415. Section A.

The State of Louisiana *v.* Peter Natali, Antonio Scaffidi, Charles Traina, Antonio Bagnetto, Manuel Politz, Antonio Marchesi, Pietro Monastero, Bastian Incardona, Salvador Sinceri, and Loretto Comitz as principals and Osperi Marchesi, Joseph P. Macheca, James Caruso, Charles Matranga, Roco Gerachi, Charles Patorno, Frank Romero, John Caruso, and Charles Pietza as accessories before the fact.

Indictment for shooting while lying in wait with intent to murder.

DECEMBER 13, 1890.

A true bill.

ROBERT M. WALMSLEY,  
*Foreman.*

Returned into open court, recorded, and filed December 13, 1890.

R. D. SCREVEN,  
*Minute Clerk.*

Arraigned December 22, 1890, and pleaded not guilty.

HY RENSHAW,  
*Minute Clerk.*

Nolle prosequed March 16, 1891.

F. J. LETTEN,  
*Minute Clerk.*

I, James Mut, jr., a deputy clerk of the criminal district court for the parish of Orleans, do hereby certify the foregoing copy of indictment and indorsements thereon to be a true, full, and correct copy of the original as the same appears on file and of record in the aforesaid office.

In testimony whereof I hereunto sign my name and affix the seal of said court, at the city of New Orleans, this 20th day of March, in the year of our Lord one thousand eight hundred and ninety-one, and the one hundred and fifteenth year of the independence of the United States of America.

[SEAL.]

J. MUT, JR.,  
*Deputy Clerk.*

[Exhibit 2.]

THE STATE OF LOUISIANA,

*Criminal District Court for the Parish of Orleans, ss:*

The grand jurors of the State of Louisiana, duly impaneled and sworn in and for the body of the parish of Orleans, in the name and by the authority of the said State, upon their oath, present: That one Peter Natali, one Antonio Scaffidi, one Antonio Bagnetto, one Manuel Politz, one Antonio Marchesi, one Bastian Incardona, one Salvador Sinceri, one Loretto Comitz, one Charles Traina, and one Pietro Monastero, late of the parish of Orleans, on the 15th day of October, in the year of our Lord, 1890, with force and arms, in the parish of Orleans, aforesaid, and within the jurisdiction of the criminal district court for the parish of Orleans, willfully, feloniously, and of their malice aforethought, did kill and murder one David C. Hennessy, contrary to the form of the statute of the State of Louisiana in such case made and provided, and against the peace and dignity of the same. And the grand jurors aforesaid, upon their oath aforesaid, do further present that one Charles Pietza, one Osperi Marchesi, one Joseph P. Macheca, one James Caruso, one Charles Matranga, one Rocco Gerachi, one Charles



Patrono, one Frank Romero, and one John Caruso, before the said felony and murder was committed in form aforesaid, to wit, on the 15th day of October, in the year aforesaid, and within the jurisdiction of the court aforesaid, did feloniously and maliciously incite, move, procure, aid, counsel, hire, and command the said Peter Natali, the said Antonio Scaffedi, the said Antonio Bagnetto, the said Manuel Politz, the said Antonio Marchesi, the said Bastian Incardona, the said Salvador Sinceri, the said Loretto Comitz, the said Charles Traina, and the said Pietro Monastero, the said felony and murder in manner and form aforesaid to do and commit, contrary to the form of the statute of the State of Louisiana, in such cases made and provided, and against the peace and dignity of the same.

C. H. LUZENBERG,  
*District Attorney for the Parish of Orleans.*

[Indorsements.]

No. 14414. Section B.

The State of Louisiana *v.* Peter Natali, Antonio Scaffedi, Charles Traina, Antonio Bagnetto, Manuel Politz, Antonio Marchesi, Pietro Monastero, Bastian Incardona, Salvador Sinceri, and Loretto Comitz as principals, and Osperi Marchesi, Joseph P. Macheca, James Caruso, Charles Matranga, Rocco Garachi, Charles Patorno, Frank Romero, John Caruso, and Charles Pietza as accessories before the fact.

Indictment for murder.

A true bill.

DECEMBER 13, 1890.

ROBERT M. WALMSLEY,  
*Foreman.*

Returned into open court, recorded, and filed December 13, 1890.

R. D. SCREVEN,  
*Minute Clerk.*

Each of the accused was arraigned, and each pleaded not guilty.

DECEMBER 22, 1890.

R. D. SCREVEN,  
*Minute Clerk.*

NEW ORLEANS, *March 13, 1891.*

Bastian Incardona, Charles Matranga, Antonio Bagnetto, Osperi Marchesi, Antonio Marchesi, Joseph P. Macheca, not guilty.

J. M. SELIGMAN,  
*Foreman.*

I, H. W. Hubbard, a deputy clerk for the criminal district court for the parish of Orleans, do hereby certify the foregoing copy of indictment and indorsements thereon to be a true, full, and correct copy of the original as the same appears on file and of record in the aforesaid office.

In testimony whereof, I hereunto sign my name and affix the seal of said court, at the city of New Orleans, this 4th day of April, in the year of our Lord 1891, and in the one hundred and fifteenth year of the independence of the United States of America.

[SEAL.]

H. W. HUBBARD,  
*Deputy Clerk.*

[Exhibit 3.]

THE STATE OF LOUISIANA,  
*Criminal District Court for the Parish of Orleans:*

NEW ORLEANS, *October 10, 1887.*

Personally came and appeared before me, John A. Shine, deputy clerk of the criminal district court for the parish of Orleans, Antony Scaffidi, a native of Italy, aged 22 years, who, being duly sworn, says that he arrived in the United States

of America, to wit: At the city of New York, in the State of New York, on the 5th day of March, in the year of our Lord one thousand eight hundred and eighty, and since the year one thousand eight hundred and eighty has resided within the limits of the State of Louisiana, and that his bona fide intention is to become a citizen of the United States of America as soon as, by the laws thereof, he can be naturalized as such.

And the said Antony Scaffidi further swears that he does and will forever renounce all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and more particularly to the King of Italy, of whom he is a subject.

ANTONY SCAFFIDI.

Sworn to and subscribed before me at New Orleans this October 10, 1887.

JOHN A. SHINE,  
*Deputy Clerk.*

I, Charles J. Reilly, deputy clerk of the criminal district court for the parish of Orleans, hereby certify that the above is a true and correct copy of the original declaration of intention of Antonio Scaffidi of record in said court.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at the city of New Orleans, this 17th day of April, in the year of our Lord one thousand eight hundred and ninety-one, and in the one hundred and fifteenth year of the independence of the United States of America.

[SEAL.]

CHAS. J. REILLY,  
*Deputy Clerk.*

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[Exhibit 4.]

THE STATE OF LOUISIANA,  
*Criminal District Court for the Parish of Orleans :*

NEW ORLEANS, August 29, 1887.

Personally came and appeared before me, John Manning, deputy clerk of the criminal district court for the parish of Orleans, Antonio Bagnetto, a native of Italy, aged 41 years, who, being duly sworn, says that he arrived in the United States of America, to wit: At the city of New Orleans, in the State of Louisiana, on the — day of December, in the year of our Lord one thousand eight hundred and seventy-five, and since has resided within the limits of the State of Louisiana, and that his bona fide intention is to become a citizen of the United States of America as soon as, by the laws thereof, he can be naturalized as such.

And the said Antonio Bagnetto further swears that he does and will forever renounce all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and more particularly to the King of Italy, of whom he is a subject.

ANTONIO BAGNETTO.

Sworn to and subscribed before me at New Orleans this August 29, 1887.

JOHN MANNING,  
*Deputy Clerk.*

I, Chas. J. Reilly, deputy clerk of the criminal district court for the parish of Orleans, hereby certify that the above is a true and correct copy of the original declaration of intention of Antonio Bagnetto, of record in said court.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at the city of New Orleans, this 17th day of April, in the year of our Lord one thousand eight hundred and ninety-one, and in the one hundred and fifteenth year of the independence of the United States of America.

[SEAL.]

CHAS. J. REILLY,  
*Deputy Clerk.*

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[Exhibit 5.]

THE STATE OF LOUISIANA,  
*Criminal District Court for the Parish of Orleans :*

NEW ORLEANS, September 18, 1886.

Personally came and appeared before me, Jno. Manning, deputy clerk of the criminal district court for the parish of Orleans, James Caruso, a native of Italy,

aged 32 years, who, being duly sworn, says that he arrived in the United States of America, to wit: At the city of New Orleans, in the State of Louisiana, on the 8th day of March, in the year of our Lord one thousand eight hundred and sixty-seven, and since has resided within the limits of the State of Louisiana, and that his bona fide intention is to become a citizen of the United States of America as soon as, by the laws thereof, he can be naturalized as such.

And the said James Caruso further swears that he does and will forever renounce all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and more particularly to King of Italy, of whom he is a subject.

JAMES CARUSO.

Sworn to and subscribed before me at New Orleans this September 18th, 1886.

JOHN MANNING,  
*Deputy Clerk.*

I, Chas. J. Reilly, deputy clerk of the criminal district court for the parish of Orleans, hereby certify that the above is a true and correct copy of the original declaration of intention of James Caruso, of record in said court.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at the city of New Orleans, this 17th day of April, in the year of our Lord one thousand eight hundred and ninety-one, and in the one hundred and fifteenth year of the independence of the United States of America.

[SEAL.]

CHAS. J. REILLY,  
*Deputy Clerk.*

[Exhibit 6.]

THE STATE OF LOUISIANA,

*Criminal District Court for the Parish of Orleans:*

NEW ORLEANS, October 3, 1890.

Personally came and appeared before me, Chas. J. Reilly, deputy clerk of the criminal district court for the parish of Orleans, Antonino Marchesi, a native of Italy, aged 46 years, who, being duly sworn, says that he arrived in the United States of America, to wit: At the city of New Orleans, in the State of Louisiana, on the — day of November, in the year of our Lord one thousand eight hundred and eighty-eight, and since the year one thousand eight hundred and eighty-eight has resided within the limits of the State of Louisiana, and that his bona fide intention is to become a citizen of the United States of America as soon as, by the laws thereof, he can be naturalized as such.

And the said Antonino Marchese further swears that he does and will forever renounce all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and more particularly to King of Italy, of whom he is a subject.

ANTONINO MARCHESI.

Sworn to and subscribed before me at New Orleans this October 3, 1890.

CHAS. J. REILLY,  
*Deputy Clerk.*

I, Chas. J. Reilly, deputy clerk of the criminal district court for the parish of Orleans, hereby certify that the above is a true and correct copy of the original declaration of intention of Antonino Marchesi of record in said court.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at the city of New Orleans, this 17th day of April, in the year of our Lord one thousand eight hundred and ninety-one, and in the one hundred and fifteenth year of the independence of the United States of America.

[SEAL.]

CHAS. J. REILLY,  
*Deputy Clerk.*

CUSTOM-HOUSE, COLLECTOR'S OFFICE,  
New Orleans, La., April 17, 1891.

*To whom it may concern:*

I hereby certify that it appears by the records of this office that the Italian steamship *Plata* sailed from Palermo, Italy, October 20, 1888, and entered at this

port November 19, 1888; that on the passenger list of Italian emigrants on board appears the following, being No. 61 on said passenger list attached to the manifest of said vessel:

"Grimando, Antonino;" age, 46; sex, male; occupation, farmer; the country to which they severally belong, Italy; the country of which they intend to become inhabitants, United States; location, etc., steerage; No. of pieces of baggage, 3.

[SEAL.]

F. Z. EUSHM, (?)  
*Special Deputy Collector.*

The consul of Italy here would like to know if the name of Pietro Monastero appears on the passenger list of the Italian steamer *Plata*, which arrived in January, 1890; also if the name of Marchesi or Grimando appears on the list of passengers arrived on the *Plata* in November, 1888 or 1889.

C. PAPINI,  
*Secretary of Consulate.*

CUSTOM-HOUSE, RECORD ROOM,  
*New Orleans, La., April, 17, 1891.*

I hereby certify that the foregoing is a true copy of the application on file in this office.

GEO. G. JOHNSON,  
*Record Clerk.*

CUSTOM-HOUSE, PORT OF NEW ORLEANS, *April 17, 1891.*

Approved as correct, etc.

[SEAL.]

F. Z. EUSHM, (?)  
*Special Deputy Collector.*

[Exhibit 7.]

THE STATE OF LOUISIANA,  
*Criminal District Court for the Parish of Orleans:*

NEW ORLEANS, *October 13, 1890.*

Personally came and appeared before me, Julius Rosenberg, deputy clerk of the criminal district court for the parish of Orleans, Manuale Polizzi, a native of Italy, aged 29 years, who, being duly sworn, says that he arrived in the United States of America, to wit: At the city of New Orleans, in the State of Louisiana, on the 25th day of December, in the year of our Lord one thousand eight hundred and eighty-four, and since the year one thousand eight hundred and eighty-four has resided within the limits of the State of Louisiana, and that his bona fide intention is to become a citizen of the United States of America as soon as, by the laws thereof, he can be naturalized as such.

And the said Manuale Polizzi further swears that he does and will forever renounce all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and more particularly to the King of Italy, of whom he is a subject.

EMANUELLE POLIZZI.

Sworn to and subscribed before me at New Orleans this October 13, 1890.

J. ROSENBERG,  
*Deputy Clerk.*

I, Chas. J. Reilly, deputy clerk of the criminal district court for the parish of Orleans, hereby certify that the above is a true and correct copy of the original declaration of intention of Emanuel Polizzi of record in said court.

In testimony whereof I have hereunto set my hand, affixed the seal of said court, at the city of New Orleans, this 4th day of April, in the year of our Lord one thousand eight hundred and ninety-one, and in the one hundred and fiftieth year of the independence of the United States of America.

[SEAL.]

CHAS. J. REILLY,  
*Deputy Clerk.*  
DAN. A. ROSE,  
*Clerk of Court.*

[Exhibit 8.]

CUSTOM-HOUSE, COLLECTOR'S OFFICE,  
New Orleans, La., April 17, 1891.

To whom it may concern:

This is to certify that Pietro Monastero, aged 41 years, a native of Italy, shoemaker by occupation, arrived at the port of New Orleans as a steerage passenger on the steamship *Plata*, from Palermo, January 7th, 1890.

[SEAL.]

F. Z. EUSHM, (?)  
Special Deputy Collector.

*Affidavit of John Journee.*

UNITED STATES OF AMERICA, *State of Louisiana*, ss:

John Journee, of the city of New Orleans, being duly sworn, says that he has known the Roco Gerachi, who was indicted for the murder of David C. Hennessy and subsequently killed at the parish prison on the 14th of March, 1891, for about three years past. He lived on St. Philip street, New Orleans, between Chartres and Decatur streets, first precinct, Fifth ward. He voted in said precinct at the State and city election held April, 1888, to the knowledge of this affiant, but affiant does not know under what name he voted. He was generally known by the name of Roco Gerachi, but most of this class have alias names which they use at times. He could not have voted without producing his registration certificate to the officers of election.

Affiant further says that James Caruso, Frank Romero, and Joseph P. Macheca have been known to him for many years. They always took part in politics and voted at the elections. Macheca was born in the city of New Orleans and has been a delegate to several conventions of the Democratic party; James Caruso has served as a commissioner of elections in his ward, the Fifth; Frank Romero has been a noted character in local politics in this city for years, particularly active in electing delegates at primary meetings. All of these parties belonged to the Italian faction in the ward, and were earnest and active partisans.

JOHN JOURNEE.

Sworn to and subscribed before me this 18th day of April, A. D. 1891.

H. J. CARTER,  
*Deputy Clerk U. S. Circuit Court, Eastern District of Louisiana.*

*Affidavits of George Provenzano and Joe Provenzano*

UNITED STATES OF AMERICA, *State of Louisiana*, ss:

Personally appeared before the undersigned authority George Provenzano, who, being sworn, says his business for the last twenty-five years, until lately, has been that of stevedoring, and that he resides at No. 526 Canal street, in the city of New Orleans.

Affiant further says that he has known Rocco Gerachi, who was killed by the mob in the parish prison March 14, 1891, since his arrival in the State of Louisiana from Palermo, Italy; that he does not know under what name he may have registered as a voter, but affiant knows that he cast his vote in the Sixth ward at the general State election held in April, 1888, and prior to that he voted in the Fifth ward. Affiant knows this, because he himself took him to the polls and saw him deposit his ballot.

Affiant is of the opinion that said Gerachi would not register under his true name, as he was under a charge in Palermo for killing a man when he arrived in this country.

He came to this country on the ship *Simento* or *Siamanto*, Capt. Viviano, and jumped the ship as soon as she touched the wharf. Affiant does not believe he had a passport, although his knowledge on this point is not certain.

Affiant further says he was well acquainted with James Caruso and Frank Romero, who were also killed March 14, 1891, by the mob, and that he has seen each of them vote in the Fifth ward of the city of New Orleans at various times, and knows that they otherwise took an active part in politics, acting with the Demo-

cratic party. Caruso was at one time a commissioner of elections at one of the voting precincts in said ward, and Frank Romero was once a delegate, with affiant, to a convention of the party at Baton Rouge.

Affiant further says that for some years last past he and his brother have been frequently threatened by the Mafia society, which has its headquarters in New Orleans.

(1) On or about the 30th day of July, 1887, affiant received through the mails the annexed typewritten message, marked Exhibit A. An Italian had been murdered, and affiant had assisted in his burial. This offended the Mafia, and said message was sent.

(2) Prior to this affiant and his brother had received the letter marked Exhibit B, demanding payment of \$1,000, and threatening to kill affiant and his brother unless the money was brought to a certain place in the rear of the city within three days.

(3) Affiant and his brother having failed to comply with the demand, they were warned against further delay by the letter marked Exhibit C, in which they were threatened with the vengeance of the Mafia.

Soon after receiving the above demand for money affiant was informed that some of the persons engaged in said blackmailing scheme were in affiant's employ, engaged in unloading fruit vessels. Acting on this information, affiant discharged from his service Manuel Politz, the same person afterwards tried for murdering Hennessy, and some fifteen others, all of whom affiant believed to have been members of the Mafia society in New Orleans.

(4) A short time before the murder of Hennessy affiant received the letter marked Exhibit D, warning him that the Mafia was putting up a bloody plot to murder affiant and his brother.

Affiant has reason to believe that all the threats and warnings received by him as above detailed came from the Mafia society, which has existed in New Orleans for the last twenty-five years and upwards, and during which the more prominent and well-to-do members of the Italian colony in this city have been subject to constant blackmailing. None dared refuse these demands until lately, for a refusal to pay the sum assessed almost uniformly brought down the bloody vengeance of the Mafia, and the victims of its extortion dared not complain openly, it having been well understood among the Italian population that the society, by methods of its own, would use violence against anyone who might expose its practices.

Affiant and his friends are the first to have the courage to denounce and expose the illegal practices of the society.

GEO. PROVENZANO.

Sworn to and subscribed before me this 17th day of April, A. D. 1891.

H. J. CARTER,  
*Deputy Clerk.*

Joseph Provenzano, being duly sworn, says that he has carefully read the foregoing affidavit of George Provenzano, and declares that the facts stated therein are true to his own knowledge.

JOE PROVENZANO.

Sworn to and subscribed before me this 24th day of April, A. D. 1891.

H. J. CARTER,  
*Deputy Clerk.*

ITALY.

[Exhibit A in affidavit of George Provenzano.]

New Orleans July 30th 1887

One of your noble Band was killed

and all of you aregoing to find the same fate

-----BEWARE-----

One of your gang by the name of

-----AMMATO-----

Must leave this city Do not give him any more work  
or you will get yourself in trouble  
we are still alive look out for

O. US

K K K -----N-----

K. T.

Commander



[Exhibit B in affidavit of George Provenzano.]

New Orleans li  
 21 di Settembre 1886  
 (Tippreg) @

Caro Vincenzo Portinga  
 e) fratelli Tippreg dipo  
 nare mille scuti \$1000  
 alarco, vecchio) alpart  
 destra corte cu laferrovia  
 la) riforma) e) trova i  
 persone chi la spettano  
 quando gli dato la moneta  
~~almeno~~ alomo metetici  
 uno facciotto Bang. sulla  
 testa e così) si canosce) lomo  
 che porta la moneta) arto  
 tri giorno cteppo redo  
 Capo di tri giorno non mada  
 di questa moneta la prima  
 gianza che) arto) ricap  
 itamo la testa arto) pure i  
 vstre fratelli Achia



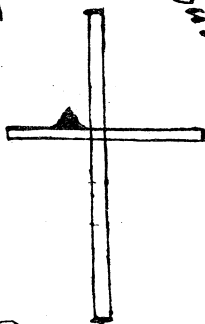
[Translation.]

NEW ORLEANS, *September 24, 1886.*

DEAR VINCENT PROVENZANO AND BROTHER: I beg you to bring one thousand dollars (\$1,000) to the old arch on the right side where the railroad is (it stops there), and meet the persons who will expect you there, and when you give the money to the man put a white handkerchief on your head, and thus the bearer of the money will be known. You have three days' time. If you do not send this money at the expiration of three days, we will cut off your head and also that of your brother the first chance we get. Farewell.

[Exhibit C in affidavit of George Provenzano.]

Distintissimi Signori



Giovanni Provenzano

New Orleans

Se voi Signori Provinsano,  
vi svegliremo dal profondo sonno, ove  
rammentarvi per l'affaruccio che voi  
pretestastivo alla Giustizia, non che'  
alla mafia, stoppa giara.

Sbrigativi a fare presto, se non vole  
te esporre la vita per la vostra infamia

Dal profondo sonno con la medesima  
vi svegliate e rammentarvi a non hai  
dormentarvi per la seconda volta.

Vi aggiungeremo alla vostra  
infamia

Col tempo - Col tempo -  
La City

R. P. J.

[Translation.]

PROVENZANO BROTHERS,  
*New Orleans,*

DISTINGUISHED SIR: We will wake you, Messrs. Provenzano, out of your deep sleep, so as to remind you of the little matter concerning which you gave information to the authorities, not to mention the murderous Mafia. Hurry and do this if you do not wish to expose your life on account of your infamy.

We will awaken you from your deep sleep, and will make you remember not to go to sleep again.

We will add you to your infamy.

In time, in time.

Your life.

Q † † †

[Exhibit D in affidavit of George Provenzano.]

Signori Crispino, o Vincenzo

Provenzano,  
 Vi avverto segretamente che i stoppaglieri  
 stanno concertando e preparando un gran  
 dispendio edro sanguinoso a danno di voi altri  
 e partite e su di agente che loro sospettano  
 come vostri partigiani. Qui concertano anco  
 ra d'infamare e calunniare a persone che  
 sono innocenti come lo sono questi che si tro  
 vano in carcere; perciò resta per vostra  
 intelligenza a protestarvi con l'autorità  
 contro di essi stoppaglieri per reprimere le vi  
 li trame che loro ano per tessere contro  
 di tanti onesti cittadini e buon padri di  
 famiglia

Addio e miglior tempo a  
 conosceremo

[Translation.]

MESSRS. CRISPINO OR VINCENT PROVENZANO: I warn you privately that the assassins are preparing to strike a great and bloody blow to the injury of you and your party, and to that of the agents whom they suspect of being your partisans. They are, moreover, preparing to discredit and calumniate persons who are innocent, such as those who are in prison. It therefore remains for you to complain to the authorities of these assassins, thereby frustrating the vile plots which they are about to weave against so many upright citizens and worthy fathers of families

Farewell. At a more favorable time we shall know each other.

*Affidavit of Antonio Patorno.*UNITED STATES OF AMERICA, *State of Louisiana, ss:*

Antonio Patorno, being duly sworn, says that he was born in the city of New Orleans, of Italian parentage, and has lived in said city all his life, and is generally well acquainted with the Italian colony.

He has known Antonio Scaffidi about seven years. He was a vegetable dealer in Poydras market; had a wife and two children, and this affiant never knew of his being in trouble before his indictment in the Hennessy case. He came from Palermo, Italy, and was a naturalized citizen of Louisiana, and, as such, voted in the Third ward.

Antonio Bagnetto kept a fruit and vegetable stand in Poydras market for about four years. He came from Palermo, was a naturalized citizen of the State of Louisiana, and voted in the Third ward. He was never, to affiant's knowledge, in any trouble until charged with the murder of Hennessy.

Personally affiant did not know Manuel Politz, who resided in the Third ward. He came from the province of Palermo and was a laborer by occupation. Affiant heard that he had cut a man in Texas before he came to New Orleans. He was a naturalized citizen and a voter. His true name was Polizzi, which is pronounced "Politz" in English. Of this affiant has simply common knowledge from general repute.

Roco Gerracchi, alias Francisco Gerracchi, came from Palermo; had a wife and five children. He was a naturalized citizen of Louisiana, married in New Orleans, and voted in the Sixth ward.

James Caruso came from Palermo; had a wife, but no children; and was a naturalized citizen of Louisiana and voted in the Fifth ward. He and Gerracchi were partners, and worked as laborers discharging fruit vessels.

Loretto Comitz resided in the Third ward. He came from the province of Naples; was a tinsmith; married an Irish woman in New Orleans, who survives him. Affiant does not know whether he voted or not or was naturalized.

A. PATORNO.

Sworn to and subscribed before me this 20th day of April, 1891.

E. R. HUNT,  
*United States Commissioner.**Affidavit of H. R. Ducastaing.*UNITED STATES OF AMERICA, *State of Louisiana, ss:*

Personally appeared before me, the undersigned authority, H. R. Ducastaing, who, being duly sworn, declares that he lives at No. 102 St. Ann street, in the city of New Orleans, in the Fifth ward; that he is 33 years old, and was born in said city, and is a clerk in the assessor's office in the city hall.

Affiant further says that he has known Joseph P. Macheca for more than ten years, who is generally known to be a native-born citizen of the State of Louisiana; that said Macheca had, prior to his decease, taken an active part in politics in the Fifth ward while he resided there, belonging to one of the political factions in said ward. To the best of my belief he voted at all elections.

Affiant further says that he knew James Caruso for three or four years before he was killed in this city as an active participant in local politics, affiant having seen him at the polls at the First precinct, Fifth ward, on the day of the State and city elections in April, 1888. At this time affiant was commissioner at said polling precinct, and, while he has not the poll books before him and can not say whether he actually voted, he recollects he was there electioneering and had a dispute with L. Barney, then United States appraiser at this port.

H. R. DUCASTAING.

Sworn to and subscribed before me this 16th April, 1891.

K. SNOW,  
*United States Commissioner.*Attest:  
P. LOOBY.

*Affidavit of Paul Ducastaing.*UNITED STATES OF AMERICA, *State of Louisiana, ss:*

Personally appeared before the undersigned authority Paul Ducastaing, who, being duly sworn, says that he knew James Caruso about six years. He resided on Chartres street, in the city of New Orleans, near St. Philip street, Fifth ward. During the time I knew him he belonged to what is known as the Paterno faction of the Democratic party in said ward, and took an active part in local issues. His brother John was also an active partisan of said faction, and James used to go to the polls and bring voters in carriages and vote them. The Paterno faction above referred to was composed of Italians and opposed to the Journee faction, and both were active members of the local Democracy. The majority of the voters of Italian descent belonged to the Paterno faction, and they generally cast a pretty full vote.

PAUL DUCASTAING.

Sworn and subscribed to before me April 16, 1891.

[SEAL.]

H. J. CARTER,  
*Deputy Clerk.*

Attest:

P. LOOBY

*Affidavit of Dan. Douglass and Mike Early.*STATE OF LOUISIANA, *Parish of Orleans, City of New Orleans:*

Before me, Richard Henry Downing, a notary public in and for the parish and State aforesaid, personally came and appeared Messrs. Dan. Douglass and Mike Early, citizens of this parish, domiciled in the Seventh ward of this city, who, being duly sworn, depose and say they were personally acquainted with Rocco Gerachi, alias Francisco Gerachi, who was killed at the parish prison in this city on the 14th of March, 1891, by the uprising of the people; that he was an American citizen, and to their personal knowledge he voted at the election held in the Sixth ward for delegates to select a governor at the polling place for delegates in the Sixth ward of New Orleans in the early part of the year 1888, and that he also voted at the general election held in this city on the 17th of April, 1888, for State and city officers at poll 1, Sixth ward of this city, and, to the best of their knowledge and belief, he was a member of the political club known as the "Italian-American Democratic Association of the Second district of New Orleans," and took an active and prominent part in the political affairs of this city.

DAN. DOUGLASS.  
M. EARLY.

Sworn to and subscribed before me this 13th of April, 1891.

[SEAL.]

R. H. DOWNING,  
*Notary Public.*

[Indorsement.]

OFFICE SUPERINTENDENT OF POLICE,  
*April 14, 1891.*

Deposition of Dan. Douglass and Mike Early, relative to the citizenship of an Italian, Rocco Gerrachi, alias Francisco Gerrachi.

Respectfully forwarded to his honor the mayor.

D. F. GASTER,  
*Superintendent of Police.*

[Exhibit 10.]

UNITED STATES OF AMERICA,

*State of Louisiana, Civil District Court for Parish of Orleans:*

I, E. A. Luminais, clerk of the civil district court for the parish of Orleans, do hereby certify that at a session of the late Fourth district court, holden in the city of New Orleans, on Monday the 6th day of April, in the year of our Lord one thousand eight hundred and sixty-eight, among others, the following entry was

H. Ex. 1, pt. 1—45

made on the minutes of said court: Present the honorable Paul E. Theard, judge. This day personally came and appeared in open court, Frank Romeo, a native of Italy, and having proved, to the satisfaction of the court, that he arrived in the United States in the year of our Lord one thousand eight hundred and fifty-nine, being then a minor, under 18 years of age; and it also being proven to the satisfaction of the court, on the oaths of H. Percival and O. Blarco, citizens of the United States, that the said F. Romeo has resided within the limits and under the jurisdiction of the United States for upwards of five years immediately preceding the date of this application, and within the limits of the State of Louisiana, where this court is now holden, for more than one year, and that he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, and that it was bona fide his intention, three years previous to the present period, to become a citizen of the United States, the said F. Romeo having taken the oath required by the first section of an act of Congress entitled "An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," and by the first section of an act of Congress entitled "An act in further addition to an act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject."

The court thereupon orders that the same be entered on record, and that the said F. Romeo be admitted a citizen of the United States.

A true copy.

[SEAL.]

E. A. LUMINAIS,  
Clerk.

*List of assassinations, murders, and affrays committed by Sicilians and Italians in the city of New Orleans, State of Louisiana, during the time extending from August, 1866, to the present date, inclusive.*

NEW ORLEANS, April 1, 1891.

(1) Louis Carmoli, shot and killed on Front levee by Pietro Marichini, alias Orsini, on the night of August 27, 1866. Escaped from the city.

(2) Vincente Samsoni, stabbed and killed by the three brothers Vincente, Antonio, and Pascal Grego on December 29, 1866. All the parties were arrested and tried in the criminal district court on the charge of manslaughter. Antonio Grego was discharged, Vincente Grego found guilty and sentenced to fifteen years' hard labor in Louisiana State penitentiary. Pascal Grego obtained a new trial and was released on a \$1,000 bond. The case was never again brought to trial; evidence very conflicting and unreliable.

(3) Edward Hevron, stabbed and mortally wounded by two unknown Italians at the corner of Spain and Victory streets on the night of September 21, 1866; subsequently died from wounds; could not recognize his assailants, but they spoke Italian.

(4) Bernard McNeely, shot and killed by Giovanni Batella on January 21, 1867. Locality and time of killing not known. The only record is the inquest of the coroner's jury.

(5) Erastus Wells, commissary of the Poydras market, was shot and killed by Salvatore Rosa, assisted by his son Christovat Rosa, at or near No. 185 Delord street on September 3, 1867. Tried in the criminal district court on February 12, 1868. Verdict of jury, "not guilty," owing to absence of State witnesses and other required evidence.

(6) Gaspard Auponsa, found dead on Decatur street from knife wounds inflicted by unknown parties on the night of November 14, 1867. The only record of this murder is to be found in the official verdict of the coroner's jury.

(7) Paul Pivorelli, stabbed and killed by Christopher Vallata at the corner of Claiborne and St. Peter streets on November 29, 1867. Tried and found guilty of manslaughter in the criminal district court on May 5, 1868, and sentenced to seven years' hard labor in Louisiana State penitentiary.

(8) S. Hodges, shot and killed by an unknown Sicilian near the Tremé market on the night of December 19, 1867. No arrest made; inquest held by coroner.

(9) Bartholomew Fecla, shot and killed by P. Navarito at No. 20 Ursulines street on September 13, 1868. Tried and convicted in the criminal district court on February 20, 1869, for manslaughter, and sentenced to the Louisiana penitentiary for five years at hard labor.

(10) The body of an unknown Italian, found floating in the Mississippi River at the head of the Convent Pasturage below the city on October 10, 1868. The



[Exhibit A.]

Date of registry.	Number of certificate.	Name.	Age.	Color.	Nativity.	Residence.	Name of householder	Occupation.	Precinct.	Ward.	Time of residence in the—			Year born.	Naturalized.		Declared intention.		Oath and signature.
											State.	Parish.	Ward.		When.	Where.	When.	Where.	
October 12, 1872	599	Charles Matranga	25	White	Italy	266 Poydras street.	Self	Barkeeper	5	3	16 years	16 years	18 months	1857	By virtue of his father's naturalization				I do solemnly swear, or affirm, that, by the time of holding the next election in this parish, I will be at least 21 years of age; I was born, naturalized, or declared my intentions to become a citizen of the United States (as the case may be), and am subject to the jurisdiction thereof, and by the time for holding of the next election, I will have been a resident of this State for at least 1 year, and of this parish for at least 6 months, and of the ward in which I now claim to be registered for at least 30 days, and I am not disfranchised for any causes mentioned in article 187 of the constitution of this State.
October 18, 1881	1026	Charles Pietzo	30	do	do	269 " "	do	Merchant	5	3	10 years	10 years	10 years	1857			Oct. 18, 1887	Criminal dist. ct.	[Signed.] C. Pietzo.
September 3, 1886	972	John Caruso	29	do	do	225½ Dauphine street.	do	do	2	5	18 years	18 years	18 years	1856	July 12, 1878	2d dist. ct.			[Signed.] John Caruso.
September 18, 1886	894	James Caruso	32	do	do	241 Chartres street	do	do	1	5	19 years	19 years	19 years	1854			Sept. 18, 1886	Criminal dist. ct.	[Signed.] James Caruso.
October 3, 1887	785	Francisco Gerracchi	28	do	do	291 Bourbon street	do	Captain	2	6	11 years	11 years	1 year	1859	Jan. 3, 1884	Civil dist. court			[Signed.] Francisco (his x mark) Gerracchi.
December 26, 1887	926	Antonio Bagnetto	41	do	do	155 Dryades street	Mrs. Wiebel	Fruit stand	3	3	12 years	12 years	12 years	1846			Aug. 30, 1887	Criminal dist. ct.	[Signed.] A. Bagnetto.
April 3, 1888	1642	Frank Romero	42	do	do	115 St. Ann street	Self	Lab	2	5	1859	29 years	29 years	1846	Apr. 4, 1868	4th dist. court			[Signed.] Frank (his x mark) Romero.
October 6, 1888	1462	Joseph P. Macheca	45	do	La	206 St. Claud street	do	Merchant	3	5	Life	Life	Life	1843					[Signed.] Jos. P. Macheca.
May 16, 1889	1696	Charles Patorno	30	do	La	70 Dumain street	do	Clerk	2	5	Life	Life	Life	1859					[Signed.] Chas. Patorno.
October 13, 1890	1738	Manuale Polizze	22	do	Italy	112 Basin	do	Lab	5	3	6 years	6 years	6 years	1868			Oct. 13, 1890	C. D. C	[Signed.] E. Manselle Polizzi
October 3, 1890	1355	Antonio Marchese	46	do	Italy	312 Lafayette street	do	Lab	6	3	2 years	2 years	2 years	1844			Oct. 3, 1890	Criminal dist. ct.	[Signed.] Antonio Marchese.
October 3, 1890	1231	Antonio Scaffidi	24	do	do	219½ Dryades street	do	Fruit stand	3	3	9 years	9 years	9 years	1866			Oct. 10, 1887	do	[Signed.] Antony Scoffidi.

NEW ORLEANS, April 6, 1891.

I hereby certify the above to be a true and correct extract, from the several registration books on file in this office, of the entries made at the dates therein given of the persons respectively above named.

In testimony whereof, witness my hand and seal this 6th day of April, 1891.

[SEAL.]



autopsy of the coroner shows that he had been foully murdered, and then the body thrown into the river. No arrest.

(11) The body of Edward Jones, found shot and dead near the Treme market on the night of October 25, 1868. He was last seen in the company of two unknown Sicilians. No arrest.

(12) The body of an unknown Sicilian was found on Liberty street badly stabbed in the back on October 25, 1868; autopsy held at first precinct station. No arrest.

(13) Loterio Barba, found shot and dead on Decatur street on October 27, 1868; autopsy held by coroner. No arrest.

(14) Corsimano Gilormo, shot and killed by Salvatore Poglisi near the Treme market on the evening of November 3, 1868. No arrest.

(15) Salvatore Poglisi, shot and killed by an unknown Sicilian on the night of November 3, 1868. Poglisi was killed soon after he killed Gilormo. The autopsies were held at the same time, and no evidence in either case could be obtained. No arrest.

(16) Adella Lavilla, stabbed and killed by Callatena Esterano on the night of November 8, 1868. No arrest, as murderer escaped.

(17) Michela Brandeo, shot and killed by an unknown Sicilian on Hospital street on the night of December 7, 1868. No arrest, as no positive evidence could be obtained.

(18) Raphael Anello, shot and killed by an unknown Sicilian on Levee street, between St. Louis and Toulouse streets, on the night of April 1, 1869; autopsy held by coroner, but the name of the slayer could not be discovered, although there were witnesses.

(19) Herman Hecompt, shot and killed at No. 248 Rampart street by L. Catainio and L. Meico on January 1, 1869. Parties escaped and no arrests made.

(20) August Rosa stabbed and killed by some Sicilians in an old house at the new lake on March 14, 1869; autopsy held by coroner, but no witnesses or information as to the murder could be obtained. No arrests.

(21) Dan. C. Clarke, stabbed and killed at 126 South street by Cassa Bianca and Pedro Attaba on March 25, 1869. These parties escaped from the city.

(22) A. Ambrosio, shot and killed by Vicente Bayona on May 20, 1869; inquest held at Third precinct station. Bayona arrested and sent before criminal district court on charge of murder; case nol-prossed on March 11, 1870, owing to the continued absence of witnesses and want of necessary evidence.

(23) T. Banano and V. Alluchi, shot and killed by Salvatore Rosa on Barracks street on July 23, 1869. Rosa arrested and sent before criminal district court on the charge of murder. For the want of witnesses and other material evidence a nolle prosequi was entered on July 19, 1870.

(24) Gustave Afferandre, police officer, was stabbed and killed by Leo Dena, Salvatore Oneilo, and Antonio Bazile on Decatur street, between Dumaine and St. Philip streets, on December 27, 1869. All the parties named were arrested, and, on examination before the recorder of second district, were released for want of evidence.

(25) Louis Dubois, shot and killed on the Common street shell road, opposite to the Marine Hospital, on February 24, 1870. No one could identify the Sicilian who was with him.

(26) Rosario Demochili, shot and killed by Vincente Simondillio on March 11, 1870; Simondillio arrested, tried, and convicted of manslaughter in criminal district court on December 10, 1870; sentenced to five years' hard labor in Louisiana penitentiary.

(27) The dead body of Antonio Francisco, with several knife wounds in the back, was found floating in the Mississippi River below Algiers, La., October 26, 1871; inquest held by coroner. No clue.

(28) Ramon Bonani died in Charity Hospital on January 29, 1872, from contused wounds on the head, said to have been inflicted by some unknown Sicilian. Bonani was unconscious when brought to the hospital, and died in that condition; inquest held by coroner. No clue.

(29) Jose Calbino, stabbed and killed by Guillema Lazardo and Manuel Vasques on Burgundy street on February 10, 1872. Parties arrested; both indicted by grand jury for manslaughter, May 1, 1872; placed under bonds; case never tried, as the witnesses could never be found.

(30) An unknown Italian, found stabbed and dead on the bank of the new canal, between the White and Black bridges, on April 9, 1872. No clue or arrest.

(31) M. Murphy died insensibly at No. 12 Ferdinand street, Third district, from injuries received on the night of July 21, 1872, from the hands of an unknown Italian. No witnesses or evidence could be obtained in this case.

(32) Thomas Burke, shot and killed by Roberto Deposito at 3 a. m. on the corner of Basin and Common streets, on March 28, 1873. Deposito arrested, but the witnesses pleaded ignorance of all the facts, and the grand jury returned "not a true bill," for want of evidence.

(33) Nelson Wallace, stabbed and killed by an unknown Sicilian about 4 a. m. on May 7, 1873, at the corner of Poydras and Basin streets. The murderer escaped, and no witnesses were found who could or would identify the Sicilian.

(34) Augustus Gusiane, shot and killed by Carlos Tasseo on April 17, 1873, about 3 a. m., at the corner of Lapeyrouse and Galvez streets. Tasseo was arrested; but no evidence whatever could be obtained against him, and he was discharged by the recorder.

(35) A. Navarreano, stabbed and killed by Alfred Capla on the night of July 9, 1873, on Ursulines street, near Burgundy street. Capla escaped from the city.

(36) Deigo Cantino, shot and killed by Sam Barretti on St. Louis street, between Roman and Prieur streets, on the night of June 1, 1873. Barretti arrested; but no witnesses or evidence could be obtained against him, and he was discharged.

(37) Joseph Lementa, shot and killed by an unknown Sicilian on the night of July 19, 1873, while walking on the Gentilly road near the old race course. He was seen talking with the Sicilian a few minutes before he was killed. No arrest.

(38) Gouliano Carona, shot and killed by an unknown Italian on the levee, near the head of Julia street, about 1 a. m. on December 24, 1873. Inquest held by coroner, but no positive evidence obtained.

(39) David Kelly, shot and killed by Raphael Serpraso at 267 Old Levee street about 2 a. m. on December 25, 1873. Serpraso arrested; but the witnesses would give no testimony against him, and he was discharged.

(40) The body of an unknown Sicilian, found shot to death in the woods 3 miles back of the Mississippi River and one-fourth of a mile on the left side of the Verret Canal on January 4, 1874. Inquest held by coroner. No clue whatever.

(41) Joseph Sansoni, shot and killed by Joseph Florida on January 5, 1874, on Decatur street, between Ursulines and St. Philip streets. Florida arrested and tried before criminal district court on January 19, 1874, on charge of murder. Owing to the absence of witnesses and unreliability of the testimony, he was acquitted.

(42) Guiseppe Calabro, shot and killed by an unknown Italian on the night of July 12, 1874, on St. Philip street, between Royal and Chartres streets. No evidence could be obtained, and hence no arrest.

(43) Lusca Giacona, shot and killed by A. Ambravovich on October 10, 1874, on Dumaine near Old Levee. Ambravovich arrested, but discharged by recorder for want of evidence against him.

(44) Pedro Gorges, shot and killed at No. 106 Philip street on the night of October 23, 1874, by some unknown Sicilian. No witnesses or testimony could be obtained. No arrest.

(45) The decomposed body of Cotone Nicolo, with knife wounds in body, was found in the woods of the Verret Canal on the evening of November 21, 1874. No clue whatever.

(46) Salvador Ciaccia, shot and killed by Matteo Jerrassio at No. 235 Decatur street on December 16, 1874. Jerrassio escaped from the city. No witnesses.

(47) The dead body of Miguel Monico, killed by some unknown person, was brought to the Third precinct station on February 10, 1875. Inquest held, but no witnesses could be found.

(48) The dead body of an unknown Sicilian, badly stabbed, was found floating in the Mississippi River, near the Sedwick hospital, on January 21, 1875. Coroner's inquest showed that he had been stabbed to death and the body drawn to, and thrown into, the river. No clue.

(49) The dead body of an unknown Sicilian, with several stabs in it, was found near the reservoir of the city waterworks on September 23, 1875. Coroner's inquest held, but no information obtained.

(50) Bernard Ditto was shot and killed by Frank Ramelo and Nine-fingered Frank in front of the Quitman Exchange, corner of North Peters and Ursulines streets, on September 20, 1875. Frank was arrested and indicted for murder. On trial of case before criminal district court he was acquitted, owing to the important witnesses having left the city and the testimony of others entirely in his favor.

(51) Henry Wagner, shot and killed by an unknown Italian at the corner of Broad and Havana streets, Third district, on April 8, 1876. The Italian was not recognized and escaped.

(52) Andreo Bonetto, shot and killed by Joseph Battala in the house No. 29 Hospital street on June 4, 1876. Battala arrested, but was discharged by recorder for want of evidence against him.

(53) Juan Carcobi, shot and killed by an unknown Sicilian at No. 22 Ursulines street on the night of October 4, 1876. Murderer escaped. No one would give any testimony.

(54) The body of an unknown Italian found stabbed to death in the grass on the side of the new shell road, at the head of Borgenois street, on September 8, 1876. Coroner's inquest held. No information.

(55) Severmiode la Barra, died, from poison administered by unknown, at No. 113 Dauphine street on April 19, 1877. Suspicious attached to two Sicilians, but the evidence so conflicting and unreliable as not to warrant arrest.

(56) Francisco Calea was killed by an ax by Antonio Borgia at No. 87 Hospital street on August 24, 1877. Borgia escaped from the city.

(57) The body of an unknown Italian found stabbed and dead on the People's Canal, near Gentilly road, Third district, on February 10, 1879. No clue.

(58) Joseph Malfitano, found shot and dead on Paris avenue, Third district, on March 3, 1879. At the coroner's inquest it was determined that Malfitano had been the victim of a vendetta. No arrest.

(59) Tony Mango was stabbed and dangerously wounded by Natar Bonfoni on November 29, 1880, at the corner of St. Claud and St. Peter streets. Bonfoni escaped at the time, but was afterwards arrested. In a few days after this Mango left the city, and on the trial before the recorder he (Bonfoni) was discharged. No evidence.

(60) Natar Bonfoni, on the day of February 3, 1881, began drinking heavily with other Italians; at night he went to his house on Orleans street, between Villere and Robertson, where he was suddenly taken ill and shortly died. The coroner's autopsy of the body showed that he had been poisoned, and such was the verdict. Tony Mango was arrested, tried, and discharged. No evidence.

(61) Cassimino Labuzzo, shot and killed on July 15, 1881, at the corner of Exchange alley and Bienville street by G. Ardotto, Vincent Vasso, and Paul Brocolare; S. Samorini, accessory. All the parties were arrested; Samorini discharged on the examination before the recorder. The balance indicted for murder August 18, 1881; tried before criminal district court September 29, 1881; Ardotto found guilty without capital punishment; Vasso found "not guilty." Ardotto obtained a new trial, and the case nol-prossed on May 10, 1882; want of evidence.

(62) Francisco Manno, while asleep in his bed at No. 39 St. Ann street, on the night of April 20, 1872, was murdered by Antonio Morales; arrested and discharged by recorder for want of evidence.

(63) Marianno Sparicio was fired upon on the night of September 1, 1882, from a gallery at the corner of Chartres and Dumaine streets by Francisco Corso. Corso arrested, and, on examination before Judge Ford, was discharged for want of evidence on September 8, 1882.

(64) An Italian shoemaker named Pedro Defino, living on Tremé street, between Dumaine and St. Philip streets, murdered his wife with a razor on November 5, 1882; he then went to the house of Mrs. Ellen McCarthy, No. 185 North Rampart street, and attempted to cut her throat. With the assistance of unknown friends he escaped from the city.

(65) Michello Suigguza, while in his room at No. 99 Bienville street, on the night of March 2, 1883, was shot and severely wounded by Augustino Spatafaro and Carlo Corteso. Both parties arrested, but then released by recorder, as Suigguza refused to prosecute and no evidence could be had.

(66) Salvador Fazio, stabbed and killed in the French market on April 11, 1883, by G. Vontanio. Murderer escaped from the city.

(67) Joseph Boniato, shot and wounded by Pedro Cardinali on July 26, 1883, at the corner of Decatur and St. Philip streets. Party arrested and then discharged by Recorder Ford on August 18, 1883, for want of evidence.

(68) Henry Patterson, shot and killed by two unknown Italians on the night of October 3, 1883, on Elysian Fields, opposite to the bone factory; no clue except as to nationality of murderers. No arrest.

(69) Pedro Escaro and Joseph Bilboa, killed by A. Silverio on steamship *Humacoa* on December 24, 1883. Silverio arrested, but no evidence could be obtained.

(70) Antonio Bassa, shot and killed by Phillipi Catolone on March 21, 1884, on Robertson street, near Carondelet walk. Catolone escaped from city.

(71) Pedro Matchi, shot and killed by Antonio Triggio on April 1, 1884, on Peters street, between Ursulines and Hospital streets. Triggio arrested, but afterwards discharged for want of evidence.

(72) The body of Paul Vitrano, found stabbed to death on North Peter street on the night of October 31, 1884. No clue or information obtained.

(73) The dead body of Juan Martini, found stabbed and killed on Barracks street on the night of June 14, 1885. Inquest held by coroner, but no information obtained.

(74) An unknown Italian stabbed and killed by Tony Triggo on April 1, 1885, on North Peters, near Hospital. Triggo arrested; indicted and tried for murder; acquitted for want of evidence.

(75) Frank Carsini, shot and badly wounded by Juan Lascola on July 19, 1885, on Chartres street, between Dumaine and St. Philip streets. Lascola arrested, and on examination was discharged by Judge Burthe July 29, 1885, for want of evidence.

(76) In a street fight between several Italians on the night of December 12, 1886, Vincent Raffo was shot and soon after died. Roca Geracia was arrested and charged with the killing. Case brought before the grand jury, who returned "not a true bill."

(77) Jean Tamora, shot and killed by Dominica Tribiga on January 18, 1887, at corner of Broad and Frenchmen streets. Tribiga arrested; indicted and tried on charge of manslaughter May 18, 1887; acquitted by jury. No evidence.

(78) Dominico Astero, badly stabbed by Giovanni Barbario at No. 24 Barracks street February, 1887. Barbario escaped from the city.

(79) Antonio Ferara, found shot and dead in a vacant lot bounded by Salcedo, Calliope, Gayoso, and Euphoisine streets on March 27, 1887. The verdict of the coroner's jury shows that he was murdered. No clue obtained.

(80) Rosario Scrima, stabbed by Giacomo Forestorio on the night of July 29, 1887, at 233 Decatur street. Forestorio arrested; indicted and tried in criminal district court on charge of manslaughter; found guilty and sentenced to eight years' hard labor in Louisiana penitentiary February 25, 1888.

(81) Antonio Bonano was found shot and killed on the night of January 5, 1888, on St. Philip street, between Chartres and Decatur streets. No information could be obtained.

(82) The body of Vincencio Ultonino was found stabbed and dead on January 19, 1889, in the marsh on the lift of the new shell road, near the tollgate. Antonio Dema and Antoni Corso were arrested and charged with the murder; but they were never tried, as no evidence could be obtained against them.

(83) Guiseppi Mattaino was killed and portions of his body partially burned by Carlo Terese and Mrs. Mattaino at the house corner of Bienville and Derbigny streets on February 25, 1889. Terese escaped, but Mrs. Mattaino was indicted for murder; tried in the criminal district court June 25, 1889, and acquitted. No evidence.

(84) Piettro Vittrani died in the Charity Hospital March 9, 1889, from the effects of gunshot wounds inflicted by three Sicilians, whom Vittrani did not know. No clew.

(85) Manuel Mangeloa, shot and killed on the night of June 30, 1889, by unknown Sicilians while asleep in his house on the Gentilly road, near Aubrey street. Two men were seen lurking around the house during the evening, but no one knew or could recognize them.

(86) Carlo Cortese, while standing in front of his house at No. 307 Decatur street at about 11 p. m. on July 15, 1889, was shot and severely wounded by an unknown Sicilian. No clue or information could be obtained.

(87) In a street fight on St. Philip street, between Decatur and Chartres streets, on the night of September 2, 1889, between Jim Caruso and Joe Provenzano, assisted by eight Sicilians, one Thomas Baylo was wounded. All parties were arrested and discharged by Recorder Dreux September 30, 1889, for want of evidence.

(88) Ed. Brown stabbed and killed by Dago Billy Poker on September 16, 1889, at the Third district ferry landing. Poker escaped from the city.

(89) Camillo Vitrano, while playing cards with four Sicilians in the house of Juan Matto, No. 12 St. Philip street, at 9 p. m. on June 17, 1890, was shot and killed by some unknown party from an alleyway. All were arrested and, upon an examination before Recorder Dreux on July 5, 1890, were discharged for want of evidence.

(90) Ben Motano died in the Charity Hospital on September 25, 1890, from gunshot wounds received from the hands of some Italians unknown to him. No clue.

(91) D. C. Hennessy, superintendent of police, assassinated by a band of Sicilians at 11 p. m. on October 15, 1890, on Girod street, near corner of Basin street. The result of this murder is well known.

(92) Raphael Annello was killed by an Italian strongly resembling G. Ardotto on Decatur street, between Toulouse and St. Louis streets, on April 1, 1869. Frank Scarrare chased the murderer into the store of Norman & Reese, on Decatur street, and shot him in the leg. G. Ardotto was arrested and charged with the killing of Annello. Joseph Annello, the brother of the deceased, swore on the stand that G. Ardotto did kill his brother, but the accused on trial was not G. Ardotto.

(93) A. Sansoni was killed at the corner of St. Philip and Old Levee streets in 1870. G. Ardotto was arrested and charged with the murder, but, owing to want of evidence, was discharged.

(94) Rocha Gerachi, also known as Francisco Gerachi, lived at 336 Decatur street from 1884 until the beginning of 1888. He voted in the First precinct of the Sixth ward in 1888; he then moved on Frenchman street, the second door from Royal. He was a member of the Italian Nicholls club of 1888, and was known as Rocha or Francisco Gerachi. In 1887 or 1888 he had charge of the poll on Dauphine street, between Hospital and Ursulines streets. About January, 1888, A. Bonano was killed (see No. 81), and it was generally believed that Gerachi committed the murder, as he and Bonano were in opposing political factions.

The foregoing list of assassinations, murders, and affrays committed by Sicilians and Italians in New Orleans during the time from August, 1866, to the present date (April 1, 1891) has been made up under my supervision and direction, in obedience to the mayor's order, and is now respectfully submitted for his information.

April 13, 1891.

D. F. GASTER,  
*Superintendent of Police.*

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*Consul Corte to Mr. Grant.*

No. 143.]

ROYAL CONSULATE OF ITALY,  
*New Orleans, April 22, 1891.*

HONORABLE SIR: In reference to my interview with you last Monday I beg to state that, according to an examination of the passports, to information received from our minister of foreign affairs, and to the testimony of the survivors and of relatives and friends of the victims, it appears without doubt that the persons killed were the following: Antonino Abbagnato (Antonio Bagnetto), Vincenzo Traina (Charles Traina), Antonio Grimaudo (Antonino Marchese), Gerolamo Caruso (James Caruso), Emanuele Polizzi (Manuel Politz), Antonino Scaffidi (Antonio Scaffidi), Rocco Geraci, Loreto Comititis, Pietro Monastero, Francesco Romeo (Frank Romeo).

The proving on this occasion, also the nationality of the deceased persons, and that of those who were robbed of their savings, maltreated, and confined in prison for about six months, and then acquitted or released on bail, is, I deem, necessary; therefore, according to the records in the registration office, and to the above-named documents, which I have and are at your disposal, there is no doubt that at the time of their death Pietro Monastero, Loreto Comititis, and Vincenzo Traina were subjects of His Majesty the King of Italy, as also Antonio Grimaudo, who arrived here from Italy in November, 1888, although, it is asserted, without proofs, that he manifested his intention October 3, 1890, to become a citizen of the United States under the name of Antonino Marchese.

All the others killed, excepting Macheca and Frank Romeo, the first an American by birth and the second by virtue of a decree signed by Judge Theard, dated April 6, 1868, I must consider Italians, either for they not having complied with the formalities required by an article of the Italian civil code to renounce their citizenship, or for not complying with those of section 2165 of the Revised Statutes of the United States, only legal way to become an American citizen.

If article 185 of the constitution of Louisiana of 1879 accords to aliens manifesting their intention to become American citizens the right to vote at certain elections and under stated conditions, it does not, according to the terms of the document given the voters, make them American citizens.

Independently of these considerations, I will prove, if necessary, that the names of several of these Italians are considerably altered; that the registration papers of some appear to have been signed by them, when they do not know how to write, and in other papers there are irregularities which destroy their value.

Of the persons acquitted or released under bail who were, as I said, maltreated and imprisoned for six months, with the exception of C. Patorno, Charles Matranga, John Caruso, all are Italians, having, the most of them, their passports in due order.

I am yours, respectfully,

P. CORTE.

*Marquis Rudini to Marquis Imperiali.*

[Telegram—Date not given, but published in the newspapers of May 4, 1891.]

I have now before me a note addressed to you by Secretary Blaine April 14. Its perusal produces a most painful impression upon me. I will not stop to lay stress upon the lack of conformity with diplomatic usages displayed in making use, as Mr. Blaine did not hesitate to do, of a portion of a telegram of mine communicated to him in strict confidence, in order to get rid of a question clearly defined in our official documents, which alone possess a diplomatic value. Nor will I stop to point out the reference in this telegram of mine of March 24 that the words "punishment of the guilty" in the brevity of telegraphic language actually signified only that prosecution ought to be commenced, in order that the individuals recognized as guilty should not escape punishment.

Far above all astute arguments remains the fact that henceforth the Federal Government declares itself conscious of what we have constantly asked, and yet it does not grant our legitimate demands.

Mr. Blaine is right when he makes the payment of indemnity to the families of the victims dependent upon proof of the violation of the treaty; but we shrink from thinking that he considers that the fact of such violation still needs proof. Italian subjects acquitted by American juries were massacred in prisons of the State without measures being taken to defend them.

What other proof does the Federal Government expect of a violation of a treaty wherein constant protection and security of subjects of the contracting parties is expressly stipulated?

We have placed on evidence that we have never asked anything else but the opening of regular proceedings. In regard to this, Baron Fava's first note, dated March 15, contained even the formula of the telegram addressed on the same day by Mr. Blaine, under the order of President Harrison, to the governor of Louisiana. Now, however, in the note of April 14 Mr. Blaine is silent on the subject which is, for us, the main point of controversy.

We are under the sad necessity of concluding that what to every other government would be the accomplishment of simple duty is impossible to the Federal Government. It is time to break off the bootless controversy. Public opinion, the sovereign judge, will know how to indicate an equitable solution of this grave problem.

We have affirmed, and we again affirm, our right. Let the Federal Government reflect upon its side if it is expedient to leave to the mercy of each State of the Union, irresponsible to foreign countries, the efficiency of treaties pledging its faith and honor to entire nations.

The present dispatch is addressed to you exclusively, not to the Federal Government.

Your duties henceforth are solely restricted to dealing with current business.



*Mr. Blaine to Mr. Porter.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, May 4, 1891.*

A series of statements addressed to the Marquis Imperiali by the Marquis Rudini was telegraphed from Rome yesterday and was published by the Associated Press of the United States to-day. The only part of the Marquis Rudini's communication which this Government desires to notice is the one here quoted, namely:

I have now before me a note addressed to you by Secretary Blaine April 14. Its perusal produces a most painful impression upon me. I will not stop to lay stress upon the lack of conformity with diplomatic usages displayed in making use, as Mr. Blaine did not hesitate to do, of a portion of a telegram of mine communicated to him in strict confidence, in order to get rid of a question clearly defined in our official documents, which alone possess a diplomatic value.

The telegram of March 24, concerning whose public use the Marquis Rudini complains, is the following, which was quoted in full in my note of April 14 to Marquis Imperiali, chargé of Italy at this capital:

[Telegram.]

ROME, *March 24, 1891.*

ITALIAN MINISTER,  
*Washington:*

Our requests to the Federal Government are very simple. Some Italian subjects, acquitted by the American magistrates, have been murdered in prison while under the immediate protection of the authorities. Our right, therefore, to demand and obtain the punishment of the murderers and an indemnity for the victims is unquestionable. I wish to add that the public opinion in Italy is justly impatient, and if concrete provisions were not at once taken I should find myself in the painful necessity of showing openly our dissatisfaction by recalling the minister of His Majesty from a country where he is unable to obtain justice.

RUDINI.

The intimation of the Marquis Rudini that the telegram in question was delivered in strict confidence is a total error. As the telegram expressed the demand of the Italian Government, it was impossible that Marquis Rudini could transmit it in strict confidence. As I have already stated, it was communicated to me in person by Baron Fava, written in English in his own handwriting, without a suggestion of privacy, and the telegram itself has not a single mark upon it denoting a confidential character. I have caused a number of copies of the telegram to be forwarded to you to-day in facsimile. The usual mark for italic printing was used by me under four lines, and they appear in the copies. You will use the facsimiles in such manner as will most effectually prove the error into which the Marquis Rudini has fallen.

BLAINE.

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*Mr. Adee to Mr. Miller.*

DEPARTMENT OF STATE,  
*Washington, May 18, 1891.*

MY DEAR SIR: We are having arranged for printing the correspondence on the late New Orleans affair, and we would like to include therein the report of the grand jury upon the question of indicting the persons charged with the killing of the prisoners at New Orleans, if the same has been officially brought to the attention of your Department.

ALVEY A. ADEE,  
*Acting Secretary.*

*Mr. Miller to Mr. Adee.*

DEPARTMENT OF JUSTICE,  
Washington, May 19, 1891.

SIR: Inclosed I hand you copy of the report of the grand jury at New Orleans, which was sent to me in this form by the United States attorney. This in reponse to your note of May 18 requesting the same.

W. H. H. MILLER.  
Attorney-General.

[Inclosure.—From the New Orleans Picayune of May 6, 1891.]

*Report of grand jury as to killing in New Orleans parish prison of certain persons charged with the murder of Chief of Police Hennessy.*

GRAND JURY ROOM, May 5, 1891.

To the Hon. Robert H. Marr, Judge of the Criminal District Court of the Parish of Orleans, Section A:

When this grand jury entered upon its term of service there was pending in section B, this tribunal, the trial of nine men indicted for participation in the assassination of the late superintendent of police, D. C. Hennessy, on the night of October 15, 1890. The enormity of that crime, executed at the midnight hour, created unusual interest throughout the whole country, while in our own city, vitally concerned in the administration of justice, as deeply affecting her social, political, and material welfare, the sentiment of the populace had crystallized into the concrete form of expression that justice be rendered through the recognized channels of criminal jurisprudence, that the guilty perpetrators, whoever they were, be tried by an impartial jury of American citizens and meet with a righteous conviction. One fact stood out in awful prominence, above and beyond dispute or question by any man—the fact that a crime of unparalleled atrocity had been committed, evidenced by the five terrible death-dealing weapons, the numerous slugs and bullets fired on their mission of human destruction and found imbedded in the fences and houses at the scene, besides the missiles that struck down the solitary man, who would never have been marked as the victim had he not filled the responsible position of chief of police of the law.

It is not to be wondered that attention should be directed to the trial during the many days of its progress in the selection of jurors, the evidence of witnesses, the arguments of counsel, the charge of the judge, and finally concentrated on the twelve men who, by virtue of their solemn oath, sat in awful judgment on their fellow-men. The verdict is now of official record, bearing date March 13, 1891. We can not be mistaken in the assertion that the verdict was startling, amazing, a bitter disappointment, shocking to public opinion, provoking the repeated accusation that some of the jury had been unfaithful to their high office.

We feel that we do not transcend the limits of our duty as the grand inquest to refer to the strong presentation of the case as made by the State through the counsel associated in the prosecution—clear, continuous, complete, convincing in the direct testimony and the material circumstances, it appeared more than sufficient to convince the most unwilling listener with its truth and convey the full measure of its power to those who ventured to doubt.

As the trial neared its termination it was not possible for an observer to fail to realize the comments made on every side touching the action of some members of the jury when the case should be submitted. Charges and speculations abounded, coupled with the well-known connection of certain parties of unenviable notoriety, as shown by their presence daily in the court room and building, arousing the suspicion that the most subtle, dangerous, and powerful influences known to the practice of criminal law were being exercised in behalf of the defense.

These considerations have led us to investigate the subject, embracing all its attendant conditions and incidents. The inquiry has been conducted with the utmost diligence, devoid of fear or partiality, with the single purpose of fastening the guilt to the proper persons and presenting them under indictment to this tribunal.

Each one of the twelve jurors of the trial was summoned and asked to make a statement. None objected, but all rather welcomed the opportunity. It was a

notable feature of the sworn statements that they primarily sought to justify their verdict by attacking the line of evidence presented by the State and attaching much weight to the arguments of counsel for defense. It was freely admitted by the jurors that remarks had been made in the jury room as early as the first day, when the testimony was offered, and repeated a number of times afterwards, that the State was making a poor case, and was positively repeated at the close of the State's evidence.

One quarrel at least was reported, arising from the accusation by one juror to another with the expression, "You talk like you were fixed before you came here." They formed no conception of the tension to which the public mind was strung, though impressed with the deep interest as shown each day by the crowd of spectators in the court room.

It was clearly indicated that the necessity for secrecy was urged as the several jurors were selected and joined the company of their fellows. It was impressed upon them at various times, and finally, before the verdict was rendered, brought forward again, with the injunction to destroy every vestige of evidence they had and leave every thought and act behind them. Surely the urgency of this was most cunningly devised to conceal the peculiar events that transpired in the jury room. Careful observers testify with special reference to the marked inattention of the jury as the witnesses submitted their evidence—a conduct most unbecoming and fraught with the gravest consequences, when the momentous import of the issue is considered. We are led to conclude that the jury undertook to try the case, when it was submitted, by their own estimate of the value of statements made by parties not called as witnesses. With strange unanimity they dwelt upon what they knew by reading and hearsay of certain incidents of the assassination prior to the trial, and made those the basis of the powerful persuasion for giving the accused the benefit of the doubt and concluding the deliberations in their favor.

We must take occasion to say that it was not expected to obtain any evidence of undue influence from the members of the jury, for those who were uncorrupted had nothing to reveal, while the others would but make themselves *particeps criminis*; yet, in their numerous statements, much was obtained having a direct connection with, and supported by, the great volume of testimony elicited during the course of the inquiry.

It is clearly brought out by the evidence of the jurors that, as affecting three of the accused—Politz, Scaffedi, and Monasterio—the jury engaged in the deliberations in their case some four or five hours, attended with intense excitement, and on repeated ballots the jury's vote stood 6 guilty, 6 not guilty. This is a clearly defined indication of the convictions of the jury as to the three accused. It impresses us deeply, as it must everyone to whom the fact is conveyed, and forces the conclusion that the evidence was sufficient to justify the six jurors who stood resolute and determined for a verdict of guilty, making it well-nigh impossible to reach any other conclusion than a mistrial. These three accused named above were probably the unwilling actors designated by leaders of the conspiracy to execute a villainous part, in which they had neither personal motive nor interest.

Following this investigation it was quickly learned from various sources that talesmen had been approached; every clew offered was taken up; as a rule the talesmen who had been previously marked out were seen when alone or invited away to some secluded and unsuspected place, well designed pretexts guarding the real meaning of the talks, but quickly leading up to the great trial. Talesmen were visited at their homes during the evening or early morning, intercepted while on their way to the court-house, stopped in the corridor of the court, and the vile work was deliberately carried forward in the court room during the trial. One favorite expression was that "big money might be made by going on the jury and doing right."

There is no possible doubt that such attempts were made by various parties in the service of the defense, entertained by some of the talesmen, and scornfully rejected by others. These are facts given on the evidence of the talesmen, who, quickly discerning the true meaning of the men who addressed them, indignantly repelled any attempt to control their line of conduct by these emissaries. In several instances a rebuff was answered that the talk was a joke, but surely a well-directed joke of deep significance when the leading part is enacted by the counsel of one of the accused participants in the assassination at the time awaiting trial in the parish prison, now under indictment for attempting to bribe a juror.

Another class of the talesmen took special care to deny any knowledge of the vile work or showed remarkable deficiency of memory as to what they had told their friends, causing us to conclude that they were silent from fear, or had been seen and cautioned about incriminating anyone, till their tongues were silenced as with the hand of death. In this connection we can plainly state that a number of the witnesses most emphatically denied having been approached or spoken to about service on the jury, even after telling it to their friends, who had informed us. Yes, these were young men from whom better things were expected. Of such we can say that to conceal, and thereby attempt to condone, a crime is only a step removed from participation in it. Among the talesmen a number of our citizens have nobly come forward from a sense of duty, relating their experiences, furnishing at least some of the missing links in the chain of circumstantial evidence drawn around the organized gang of jury-bribers.

It is not to be questioned that the work was systematically executed after careful preparation, and it had to be done quickly, as the hours were few and time precious. The necessity was imperative for complete lists of the talesmen, but such lists were easily obtained, as in other trials. The grand jury knows that the list of five hundred talesmen in the Hennessy case was in the office of O'Malley and Adams at 11 o'clock Sunday morning, February 22, 1891, though the trial judge issued special orders on Saturday evening that the list was not to be made public or given to counsel of either side until Monday morning. It is not shown by whose hands the list was secured, but enough is known to confirm the past secret and powerful influence of the so-called private detective agency and Counsel Adams to handle the machinery of the court.

The official relations of the jury commissioners to the court in the trial of the criminal cases are so intimate and far reaching in their consequences that the maladministration of their duties has become the fountain source of the successful fixing of jurors in important trials. Great and small pieces of evidence show that the lists of names were tampered with when drawn from the jury wheel and before they reached the jury box in the court.

O'Malley was put in possession of the lists almost immediately after the names were drawn, and before they reached the district attorney's office in due course. Influential friends alone could accomplish these ends, but it was secured in the person of one commissioner, lately removed. It is further shown that in the office of this detective agency is kept a book of names and addresses of jurymen. Out of three hundred names drawn for the February panel, thirty-two were on the list in O'Malley and Adams's office, and later, as the talesmen were drawn, many more names appeared that were on that private list. At times special lists were brought to the jury commissioners, which, one of them stated, had been prepared elsewhere and, being looked over by the others, went into the jury wheel. Truly, the business of the enterprising detective agency was facilitated when thirty-two names of their selection could be drawn on a panel of three hundred jurors from a wheel containing one thousand names.

We must express regret that any cause should exist for the criticisms directed toward some of the deputy sheriffs employed in the court and at the parish prison. Unreliability seems to be the feature marking their conduct, interrupting the confidence which should clothe every subordinate officer of the law. There were those whose indifference was so manifest, while not detected in any act of infidelity, that suspicion was aroused as to their sympathy with the accused, calculated to embarrass the best-directed efforts of the prosecution. It is a noteworthy point, in this connection, that the indictments against McCrystol and Cooney, being read in the court room in blank, the fact was at once communicated to them through some subordinates of the court. Under a proper condition of things, the utmost secrecy should have been observed. It is further shown that when the arrest was made of those two parties in the office of O'Malley and Adams, the deputy sheriff was asked by O'Malley to say the arrest was made on Carondelet street, and it was so reported to the court.

In searching for the true causes of the criminal acts connected with the impaneling of the jury in the Hennessy case, the sworn statement of Thomas C. Collins is found of great value; and in this we take occasion to declare that Collins was selected especially for the duties to be performed, and for this purpose secured employment in O'Malley and Adams's office, which being done, he was commissioned a special officer by the mayor and paid by the city for this service. The money received by him each week from O'Malley and Adams for services rendered there was handed to the designated person at the city hall. The difficult and dangerous duties assumed by Special Collins while acting in his double capacity were performed with the strictest fidelity, as evidenced by the daily re-

ports in writing of everything seen or heard. Minute in all details, the correctness is assured; in fact, the material features of the statement and reports are so closely connected and interwoven with the facts and circumstances connected with the trial, as confirmed by various other witnesses, that there is not the slightest reason to doubt its accuracy and correctness.

It unfolds the whole story of the iniquitous workings of the arch conspirator and his lieutenants, revealing the boundless power of a man to overcome and defy the majesty of the law in criminal and civil proceedings through the operations of an unscrupulous private detective agency.

Truly may it be said that the greater the freedom of action and the removal of restraint under the liberal privileges accorded all men in our country, the bolder become the unlawful practices, the greater the villainy of such a combination of designing and unscrupulous malefactors.

It is well known to the court and will be quickly realized by every thoughtful person that the difficulties of establishing the existence of a conspiracy by adequate proof are almost insurmountable. Such plottings are done in secret places, and their workings often guarded by the advice of counsel well versed in criminal law. Secrecy is an essential element in the successful execution of the designs of a conspiracy. Seldom does it happen that any one of the participants will reveal the villainy either before or after its execution.

In the attempts to influence the talesmen of the Hennessy case no visible act was committed, and we fully realize the difference between a crime committed by words only and what are known as visible acts, which might be witnessed by other persons and tell the tale of crime. In the attempts to influence talesmen, and the successful part of it, whispered words conveyed the insinuation or directly offered the money influence. This reference will serve to show the barriers this inquest has encountered in securing evidence, but sufficient was offered by voluntary and reliable witnesses to justify the indictment of six men, as follows: Thomas McCrystol and John Cooney, with D. C. O'Malley, for attempting to bribe a talesman; and Birnard Glaudi, Charles Granger, and Ferdinand Armand, for attempt by each to bribe three different talesmen. These parties are already shown to have been intimate with O'Malley, often at his office, informed of all doings, and were active workers in the jury-fixing business generally.

We are prompted to express ourselves in deprecation of the hesitation of many of our citizens to be connected with criminal prosecution by seeking relief from jury duty. The intelligent and law-abiding, while engaged in the various enterprises of business and trade, must recognize the obligation without which the guilty too often go unpunished. We urge them to cast off this repugnance, to rise superior to the annoyances attendant upon trials, standing up with the great majority of their fellow-men in the condemnation of the detestable practices brought to a high degree of perfection by their frequency—practices which threaten to deaden and destroy the virtues of the criminal code, to debase the temple of justice for ignoble ends, and degrade the cherished right of "trial by jury" from its high position as the exponent of truth, justice, and right.

Taking into account the volume of testimony admitted by the numerous witnesses before this grand jury, and considering that evidence, not only in the abstract relation to each party, but in its aggregate and collective bearing, we are forced to the conclusion that Dominick C. O'Malley is chargeable with a knowledge of and participation in most, if not all, of the unlawful acts in connection with that celebrated case. With his skill, as acquired by years of experience, the most cunningly devised schemes were planned and executed for defeating the legitimate course of justice, the chief aim and object being to place unworthy men upon the jury in the trial of the nine accused. Without his assiduous and corrupting influence we believe the verdict would have been radically different, and, as a natural consequence, the tragic occurrences of the 14th of March last never would have been recorded.

In the persons of the indicted McCrystol and Cooney there were reliable and trained assistants; the former's connection, with some intermissions, extends back through several years. McCrystol's voluntary statement to the grand jury, partly in the shape of a confession, reveals some points of the trial and causes us to think he would have told more but for the power and influence of O'Malley and associates. We know that such influence has been used in connection with a friend of the nine men lately on trial. These two men were the trusted accomplices and figure throughout the whole affair with a prominence showing the high appreciation in which their services were held. They are the men who approached several talesmen, as before stated, the proposals being mostly refused. In one instance it is shown that O'Malley took money from his safe and

gave it to Cooney, who said, "McCrystol, you know that fellow better than I do; give him the money." This was to complete a bargain reported made with a salesman, who was shortly afterward accepted as a juror. And here mark the words of one Fanning: "You fellows better get up there now."

We can not fail to refer to the intimate relations existing between a class of ward politicians and the prime mover in all the infamous doings. His office was a place of rendezvous; all were deeply concerned in the appointment of a successor to the late chief, and speculation abounded as to the availability of such a one for their use. It was also important that the agency should be informed of the workings of the city special officers, and O'Malley managed to have a friend appointed. He was assigned to the police, and not the detective force, when he resigned rather than wear a uniform.

We have it most directly, and confirmed by other evidence, that a person holding the position of inspector of weights and measures was often at the agency and stood sentinel at the door several times. The same person was seen coming to the court-house in company with a salesman the day he was accepted as a juror. There is confirmed evidence that the influence of D. C. O'Malley with the night watchman and inspector at the electric-light plant was so great that he could cause them to manipulate the light at the corner of Girod and Basin streets the evening the jury was taken to the scene of the assassination.

We quote the words of Officer Collins, showing the directions given by O'Malley at the detective agency, 7 p. m., March 10: "Go to Mike Fanning's, and if he is not at home, to the electric-light company and see Jim Waldron, and tell him I sent you. Tell Waldron, in a manner no one but he will be able to understand, to make that light corner Girod and Basin burn weak, as it was on the night of October 15; to have it done by 7:30 o'clock." The message was delivered to Waldron, and on the messenger's (Collins) return O'Malley remarked: "That fellow will break the wheel down if necessary." No wonder, then, O'Malley could have access to the electric-light works after nightfall, and it doubtless accounts for the alteration found in one of the record books as to the condition of the light at the corner of Basin and Girod streets on the night Hennessy was shot, it being changed to read forty minutes additional of dim light to the time originally recorded for the fatal night of October 15, 1890. It is but justice to state that the president and superintendent of the electric-light company, as also the general manager, who was in New York, as soon as they were informed that their men were being tampered with, did all and everything in their power to frustrate their plans and preserve the actual record.

From the beginning of our investigation there is continuous evidence brought to our attention of the pernicious combinations of what is known as the D. C. O'Malley Detective Agency. It advertises in the Daily City Item and by a signboard at the office that one of the ablest criminal lawyers at the bar is the attorney for the agency. We know for an absolute fact that the bank account is kept and checks drawn in the name of O'Malley and Adams, the interested parties being D. C. O'Malley and Lionel Adams. Such a combination between a detective and a prominent criminal lawyer is unheard of before in the civilized world, and when we contemplate its possibilities for evil we stand aghast.

The indictment of D. C. O'Malley for perjury was based upon most undoubted evidence. It came originally from Cleveland, Ohio, where, on June 30, 1875, he was convicted of petty larceny and committed to the workhouse of the city of Cleveland, where he served a term expiring June 22, 1876.

He next appears under indictment for perjury in the United States circuit court at New Orleans, where an indictment was based upon the affidavit against one Ed. Schlieder, which O'Malley afterwards contradicted under oath; but he managed to secure an acquittal, owing to the timely disappearance of the affidavit, which he alone was interested in having suppressed. Later he was committed to the parish prison for attempting to levy blackmail upon one George W. Randolph in the proceedings against Randolph for interdiction. The following record is verified by officials, showing his numerous offenses before the criminal court of this parish:

First. No. 9478, July 3, 1884; indicted for attempting to prevent witnesses from appearing and testifying. Nolle prosequed April 26, 1888.

Second. No. 4838, May 9, 1884; indicted for threatening and intimidating a witness. Acquitted May 29, 1884.

Third. No. 2262, June 3, 1879; pleaded guilty to carrying a concealed weapon and sentenced.

Fourth. No. 3679, November 3, 1883; convicted of assault and sentenced.

Fifth. No. 930, April 1, 1881; pleaded guilty to carrying a concealed weapon and sentenced.

Sixth. No. 3678, January 3, 1883; pleaded guilty to carrying a concealed weapon and sentenced.

Seventh. No. 5186; pleaded guilty to carrying a concealed weapon and sentenced.

Eighth. No. 7242, December 4, 1885; convicted of carrying a concealed weapon and sentenced.

Ninth. No. 7241, May 22, 1885; indicted for assault and battery.

So pernicious to the administration of justice were his doings and methods found that while Judge Roman presided in the criminal court he ordered that O'Malley be excluded from the court room. This was during the time his present associate, Lionel Adams, was district attorney, and it is a significant fact that the two indictments against O'Malley for tampering with witnesses were not brought to trial, but were nolle prosequed by the district attorney just prior to the expiration of his term.

The inside view which we were enabled to get of the workings of this agency through City Detective Collins, abundantly corroborated from many sources, convinces us that it had at its command a band of perjurers, blackmailers, suborners, and jury-tamperers, and that has for some time been an element of discord in this community and a stumbling-block to the administration of justice which should be eradicated. That its career of crime has not been cut short is a matter of wonder, and is no doubt due to the fact that O'Malley and his coworkers have banded together for self-preservation.

The evidence is beyond question that O'Malley went uptown in the Carondelet street car on Saturday, March 14 last, in company with a party, reaching Fourth street shortly before 11 a. m. The party was sent twice to Seligman's house, after which O'Malley in person went to the house, and within a few minutes Seligman was running up Carondelet street and entered a carriage in waiting near the corner of St. Charles and Washington avenues. O'Malley was next seen walking rapidly up St. Charles avenue. Were it possible for any doubt to exist as to the acquaintance and sympathy or even closer bond of fellowship existing between these two men it must be dispelled by the above recital, as showing the first thought and effort for Seligman when O'Malley realized the danger expressed in the thundering tones of popular indignation.

The extended range of our researches has developed the existence of the secret organization styled "Mafia." The evidence comes from several sources, fully competent in themselves to attest its truth, while the fact is supported by the long record of blood-curdling crimes, it being almost impossible to discover the perpetrators or secure witnesses. As if to guard against exposure, the dagger or stiletto is selected as the deadly weapon to plunge into the breast or back of the victim and silently do its fearful work. Revenge was their motto. Jealousy and malice speedily found solace in these methods, while the burning vengeance of the vendetta sought satisfaction in the life-blood of an enemy.

The officers of the Mafia and many of its members are now known. Among them are men born in this city of Italian origin, using their power for the basest purposes, be it said to their eternal disgrace. The larger number of the society is composed of Italians or Sicilians, who left their native land, in most instances under assumed names to avoid conviction and punishment for crimes there committed, and others were escaped convicts and bandits, outlawed in their own land, seeking the city of New Orleans for the congenial companionship of their own class. These men know the swift retribution of the law in Italy, for hundreds have been shot down at sight by the military in the mountains of Sicily without a second thought. To-day there is recorded in the office of the Italian consul in this city the names of some 1,100 Italians and Sicilians landed here during several years past, showing the official record of their criminality in Italy and Sicily. Hundreds of them are among us to-day. We doubt not that the Italian Government would rather be rid of them than be charged with their custody and punishment. Such is the well-known character of the Italian colony, as it is called, who are domiciled in this city and vicinity.

It can not be questioned that secret organizations whose teachings are hostile to the fundamental principles of the Government of the United States must be a continual menace to the good order of society and the material welfare of the people. Whether under the name of Mafia, socialist, nationalist, or whatever it may be, whether located in New Orleans, Chicago, or New York, the meetings of their members create and disseminate seditious opinions with a manifest tendency toward overt acts, whose commission partakes of the rankest treason.

We may say that the many societies created and chartered for the laudable purpose of exercising a healthful influence in the various departments of the

body politic enjoy a hearty approbation and are productive of good results. But in marked contrast to all those is the "Mafia," whose every thought and act is in opposition to law and order, as contemplated by every nation of the civilized world, and in open defiance of the statutes of this State and nation and the cherished traditions of our people. Law is truly regarded as the embodiment of the wisdom of all ages, and its just execution the safeguard of society, by the punishment of transgressors; its just execution expresses the will of the people in condemnation of crime, but, where this lofty principle is contemned by the practice of assassination for revenge or spite, and concealment under the most binding oaths renders powerless the efforts of the law to reach the chief actors and secure witnesses, it becomes the duty of the people, in the exercise of their sovereign rights, to issue their decree or condemnation. Trial verdict has been rendered; the power of the Mafia is broken; it must be destroyed as an element of danger, a creation of leprous growth in the community.

Taking into account the mass of evidence presented, which is only partially summarized in the foregoing, it becomes our painful duty to make a declaration most severe in its reflection upon the action of some of the jurymen. We are so deeply impressed with the facts of the case that the moral conviction is forced upon us that some of the jurors impaneled to try the accused on the charge of assassination of the late chief of police were subject to a money influence to control their decision.

Further than this, we may say it appears certain that at least three, if not more, of that jury were so unduly and unlawfully controlled. Some of the jurors themselves have testified in more emphatic terms that if it had not been for the persistent and well-directed efforts of three of the jurymen, most conspicuous from the time that body was impaneled, the verdict would have been materially different from that rendered. This is a sad and terrible commentary from their associates on the jury as against those whose every action was intended to make them the controlling power. It is certain that the special effort of counsel for defense was to select for service on that jury such men as were of the acquaintance and well under the influence of O'Malley and his assistants, notably those talesmen who were on the detective agency's list.

What can be thought when three of the jurors were accepted with only some unimportant questions, or the clerk to "swear" them without a question. This is a proceeding almost unheard of in trials for capital offenses, but it has its meaning as well as the other instances have their significance. One of the jurors, young in years, was, by his own statement, so susceptible to the influence of a dream that he changed his mind between night and morning. Others of the jury plainly stated that their age and inexperience did not qualify them to assume responsibilities of jurymen in that case. Impatience prevailed toward the close, and it is thought by several of the jurors to have hastened the conclusion. Surely a remarkable jury, but fully competent to render the remarkable verdict. It has gone to the people, whose intelligence and virtue enable them to discern between truth and falsehood, to decide between right and wrong.

No question is more intimately connected with the subject-matter of this report than that of immigration. It deeply interests the people of our whole country, by reason of the good results following the landing on our shores of large numbers of meritorious and law-abiding foreigners, or the damage attendant upon the introduction of a vicious and indolent class, who leave their native country for that country's good, seeking an asylum here, soon again to follow in their footsteps of the past. We know that this question more deeply concerns the city of New Orleans than it does any city on the Atlantic seaboard. Its great importance is forcibly expressed in the columns of the public press, till there seems to be an awakening to the danger that threatens the situation and the necessity for a radical reformation. That past immigration laws were sorely deficient or badly administered is indicated by recent legislation of the National Congress, and even these new regulations will not be effective unless strictly enforced by the proper officials charged with such duties. That is the intention at present and for the future, yet, by some design or other, the details of the law may be evaded. For instance, so high an authority as the Italian consul, this city, in his sworn statement before the grand jury, charges that nine Italians were recently landed from the steamship *Entella* whose names were not on the passenger list. This point has been referred by him to the Italian Government, and is being investigated, the steamer being due at Palermo about this time. The consul claims that nine hundred and forty-one persons were landed, while the passenger register showed nine hundred and thirty-two names. If it is finally shown that these nine Italians were so landed in violation of the laws of



both nations, they should be returned whence they came and the steamship *Entella* be heavily fined.

We have stated in our remarks about the Mafia that several hundred Italian criminals are in this city to-day who should not have left their native land without the indorsement of the American consul as to character, and should not have been permitted to land here. The time has passed when this country can be made the dumping ground for the worthless and depraved of every nation. The crisis is reached, and, in the magnitude of the issue, it becomes the duty of the next Congress to quickly enact such vigorous laws that complete protection can be afforded henceforth against these evils.

At the same time we shall plainly say, from our own experience and knowledge, that a large part of the Italian colony in this city is recognized as a worthy class. They do not indulge freely in the use of beer or alcoholic drinks. Fairly industrious, those who remain in the city soon save up a few dollars, more by the strictest frugality than otherwise, and soon are doing something for their own account. As if by common consent, the fruit and oyster business has drifted into the hands of the Italians, the volume of which, in wholesale and retail lines, reaches immense proportions. What more could they wish? What more could they ask? No other country on this earth would extend to any newcomers such privileges. And what do we ask in return? Simply that they, like all others of foreign birth, should conform to existing laws, by which their persons and property are protected; to assimilate in thought and deed with our own people in denouncing the wrong and upholding the right; to rise above the fears and persuasions of secret societies, helping to crush their power; and, above all else, showing an allegiance to the principles of the National and State Governments with no doubtful fidelity, realizing that the one flag, as the emblem of freedom, not less the index of a nation's power, is the Stars and Stripes, which must and shall be respected.

□ It may be thought we have exceeded the bounds that should compass the report of a grand jury, but let it be remembered the subjects embraced are of such extraordinary character in connection with the events of the recent past that, to some extent, we are compelled to refer to them from our position as citizens as well as from our official relations to this honorable court.

In the presentation of the main features given to us as evidence, condensed as far as possible by the selection of the most important portions of the inquiry, we have referred mainly to the evidence bearing upon the trial of the nine accused in section B of this honorable court; but directly connected with all those circumstances are the terrible events transpiring on the 14th day of March last—events which in themselves may be charged as directly traceable to the miscarriage of justice as developed in the verdict rendered on the 13th of March.

We are deeply impressed with the serious charge delivered by your honor to this body on the subject, and at no time since have we lost sight of the necessity for a thorough investigation of all the conditions antecedent to it. We have engaged ourselves most assiduously with the examination of a large number of witnesses, embracing those who were present at the meeting on Canal street, in the vicinity of the parish prison, as well as several hundred of our fellow-citizens taken from every rank and class of society. It is shown in the evidence that the gathering on Saturday morning, March 14, embraced several thousand of the first, best, and even the most law-abiding of the citizens of this city, assembled, as is the right of American citizens, to discuss in public meeting questions of grave import.

We find a general sentiment among these witnesses, and also in our intercourse with the people, that the verdict as rendered by the jury was contrary to the law and the evidence and secured mainly through the designing and unscrupulous agents employed for the special purpose of defeating the ends of justice. At that meeting the determination was shown that the people would not submit to the surrender of their rights into the hands of midnight assassins and their powerful allies.

The assassination of the late chief of police shows the culmination of a conspiracy. His death was deemed necessary to prevent the exposure and punishment of criminals whose guilt was being fast established by his diligent pursuit.

The condition of affairs in this community as to a certain class of violators of the law had reached such a stage that the law itself was well-nigh powerless to deal with them, so far-reaching was their power and influence in the trial of criminal cases.

Good citizens were profoundly impressed by the repeated and signal failures of justice. The arts of the perjurer and briber seemed to dominate in the courts,

paralyzing and rendering powerless the ends of justice. Certainly this was a desperate situation. In the public meeting above referred to—general and spontaneous in its character, as truly indicating an uprising of the masses—we doubt if any power at the command of the authorities would have been sufficient to overcome its intentions. Evidence is before us from official sources that all persons were killed in the attack on the parish prison. In the careful examination as to citizenship of those men we find that eight of them were, beyond question, American citizens, and another had “declared his intention” in this court, which act carries with it the renunciation of allegiance to his native country.

It is a noteworthy fact, in connection with the uprising, that no injury whatever was done to either person or property beyond this one act, which seemed to have been the object of the assemblage at the parish prison. We have referred to the large number of citizens participating in this demonstration, estimated by judges at from 6,000 to 8,000, regarded as a spontaneous uprising of the people. The magnitude of this affair makes it a difficult task to fix guilt upon any number of the participants; in fact, the act seemed to involve the entire people of the parish and city of New Orleans, so profuse is their sympathy and extended their connection with the affair. In view of these considerations the thorough examination of the subject has failed to disclose the necessary facts to justify this grand jury in presenting indictments.

Respectfully submitted.

W. H. CHAFFE,  
*Foreman.*

GEO. H. VENNARD.  
O. CARRIERE.  
G. A. HOGSETTE, Jr.  
E. GAUCHE.  
G. C. LAFAYE.  
JOHN H. JACKSON.  
PAUL J. CHRISTIAN.  
EMILE E. HATRY.  
D. R. GRAHAM.  
DAVID STUART.  
T. W. CASTLEMAN.  
W. L. SAXON.  
A. S. RANLETT.  
H. HALLER.  
W. B. LEONHARD.

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[From the New Orleans Picayune of May 15, 1891.]

*Report of the committee of fifty citizens on the existence of secret societies in New Orleans.*

*To the honorable Mayor and Council of the City of New Orleans :*

On the 18th of October last, under a resolution introduced to the council by the Hon. A. Brittin, which reads as follows: “That his honor the mayor be, and is hereby, requested to appoint a committee of fifty or more citizens, whose duty shall be to thoroughly investigate the matter of the existence of secret societies or bands of oath-bound assassins, which it is openly charged have life in our midst and have culminated in the assassination of the highest executive officer of the police department, and to devise necessary means and the most effectual and speedy measures for the uprooting and total annihilation of such hellborn associations, and also suggest needful remedies to prevent the introduction here of criminals or paupers from Europe”—the honorable mayor appointed this committee, known as “The Citizens Committee,” and urged that prompt action be taken by it to carry out the purposes of its appointment. The committee was convoked, immediately organized by the election of proper officers, adopted a policy and a line of action, and have pursued same consistently and vigorously. We beg leave herewith to briefly make you our report.

Upon its organization the committee deemed it wise that its deliberations should be secret. Its first step was to resolve that all of its actions and doings should be strictly within the pale of the law, and from the beginning this has been strictly adhered to. The emergency that suggested the appointment of this

committee and called it into being as an auxiliary to the constituted legal authorities was, briefly, this:

The police and criminal records of the city of New Orleans during the past twenty years give evidence of scores of murders and assassinations committed in this city where the law has been powerless to bring the perpetrators to justice. At the request of this committee the chief of police has made an examination of his records, and we herewith append a copy of that report,\* showing a number of murders and affrays (some ninety-four), nearly all shrouded in mystery, where the perpetrators have escaped just punishment. As a rule, these crimes have been committed under cover of darkness and surrounded by mystery, and all bear evidence of preconcerted assassinations. As a rule, the victims have been either Italians or Sicilians, and the surrounding circumstances indicate that their deaths were the result of deliberate concerted action. The police and municipal authorities have been powerless to expose and bring the perpetrators of these crimes to justice.

Not only was it impossible to obtain evidence from the bystanders, but nothing could be obtained from the victim himself. There is not a case on record in this city where the dying man did not profess utter ignorance of the identity of his assailant. Whenever the accused was brought to the deathbed of his victim for identification, the result was always the same—the dying man would embrace him and assert that he was one of his best friends, incapable of doing him an injury.

Arrests were made, and, although the State secured, in many instances, the strongest evidence of the guilt of the suspects, the accused invariably escaped through perjury or the medium of the convenient alibi. Whenever an Italian was murdered or wounded, no witness could be found to identify the assassin. He was equally safe whether he did the work in secret or in the presence of any number of his countrymen. All that he had to be careful of was that no man of any other nationality was present. The police always met with the same response—no one could identify the assassin or give a description of him. Time and again the police have arrested the man they were morally certain had committed the crime, and time and again the accused has escaped for want of evidence, only to perish himself by the hands of the dead man's friends, and thus vindicate the judgment of the police in making the arrest.

The people fretted at the frequency of these crimes. As a rule, the assassinations were confined to one race, and they were borne with as long as they were bearable. On the —— day of May last a wagon, containing a number of Sicilian laborers returning from their work at the fruit wharves, was waylaid on one of the most prominent streets in the city of New Orleans, in the glare of the electric lights, and fired into by a number of armed men. Numerous arrests followed, and the men accused of the attempted assassination were brought to trial. All were eventually acquitted. The people smarted under this new failure of the law to protect society from organized lawlessness, and, though they realized the growth of danger, this offense was passed by and condoned. On the 15th of October last the chief of police of the city of New Orleans, who was the very embodiment of the law itself, while returning from his office to his residence, was waylaid and shot to death on his own doorstep by a band of midnight assassins. The shots came from the opposite side of the street and directly in front of a shanty occupied by a Sicilian. The last words of the chief of police were: "The Dagoes did it."

A number of guns with which the deed was committed were found in the gutter, where the fleeing assassins had thrown them. They were folding shotguns—villainous weapons—devised and used only for purposes of assassination. A number of Sicilians and Italians were arrested and brought to trial for the murder, and the mayor appointed this committee to act in concert with and aid the authorities in bringing the perpetrators of the foul deed to justice. The committee pledged itself, and was pledged, not to go outside of the law or legal methods in their coöperation with the constituted authorities. They employed the best detective skill, they contributed liberally from their own means, and succeeded in collecting a large amount of money, with which they employed the best legal talent.

By all legitimate methods known to them they secured all the testimony possible bearing upon the case. The testimony against the accused, either as to conspiracy or actual complicity in the murder, was strong—as to some of the accused it was conclusive.

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\* For this report see p. 706.

Vast sums of money were raised and expended in behalf of the accused in a legitimate and illegitimate way to free them from just punishment under the law. A tribute was levied, and money in small quantities poured in to swell the fund used to enable them to escape. A lengthy trial was had, but, as in the past, the law was powerless to punish, and the people stood aghast at this new miscarriage of justice. Evidence developed itself that the jury in this case, as in previous ones, had been tampered with. This evidence has been laid before the grand jury and has been made the basis of their report. The result of this trial demonstrated to the people that no one was safe from the mysterious band that had placed itself, and was operating, outside of and regardless of the law. It was only when this fear grew into absolute conviction that the people themselves rose in their might, took the law into their own hands, and then followed the events of the 14th of March.

With the occurrences of that day in the parish prison this committee had no connection, and of the contemplated vengeance of an outraged people they had no knowledge. The acts of that day were the inevitable outcome of the existing conditions detailed above, and followed as the night the day, and have been approved by this community and the entire country.

So careful was this committee to keep strictly within the letter of the law while prosecuting the work that it had been appointed to do, we remind your honors that during the trial of the accused for the assassination of the late chief of police public feeling and indignation ran high; and, it coming to the knowledge of this committee that some attempt might be made upon the lives of the prisoners while being transported from the parish prison to the court-house, the committee resolved upon calling the people together in mass meeting to reassure them that the law was strong enough, and would vindicate this outrage upon its dignity, and give the people that protection of life designed in their enactment. The Italian consul of this city was admitted to the counsels of the body and approved of its course in convoking the mass meeting. The two addresses delivered at that meeting and the resolutions adopted counseled submission to the law, and were models of moderation, and had the effect intended. The people listened and were calmed, and quietly dispersed and waited for the law's vindication through the courts. How the law was vindicated; how the people were paralyzed by the outcome of the trial; how they rose en masse and vindicated the law, are matters familiar to all and have passed into history. The testimony of corruption and the influences brought to bear upon the jury in the Hennessy case during the trial were all well known to this committee. The grand jury had this testimony before it during its recent deliberations, and its findings are known to the world. It is therefore unnecessary, after that masterly document, for this committee to enter into any details as to the evidence that induced that report.

We have been instructed to thoroughly investigate the matter of the existence in our midst of secret, oath-bound societies, with assassination as one of their objects. Our investigations convince us that these societies do exist in the city of New Orleans. We have it on the authority of the different chiefs of police of the city. Gen. Badger and Col. Boylan, former chiefs of police of this city; Gaster, the present chief of police; Malone, present chief of detectives, connected with the detective force for the past forty years—all attest its existence; and so did Hennessy, who was credited with a deeper knowledge of this Mafia and its methods than any other detective. Every man who has ever held a high position in police circles and every committing magistrate who has ever sat upon the bench in this city are convinced of its existence.

Ben Onorato, an Italian, and once a leading auctioneer in this city, called upon the present mayor during his former term and communicated to him the numerous moneyed demands upon him by the Mafia and threats of bodily harm in case he did not comply. Onorato lived in terror of the Mafia, until recently his reason gave way under the strain, and he is now confined in one of the insane asylums of this city.

Messina, another Italian, having accumulated some means, was repeatedly made to pay tribute to the Mafia, until life became a burden to him, and he died miserably several years ago. Messina refused at one time to comply with these exactions, and immediately his life was attempted, a lucky accident alone saving him.

These are only two of the very many cases within our knowledge.

Frank Romero, one of the men shot in the parish prison, boasted upon several occasions that he had but to lift his finger to command the services of many men ready to do his bidding, whatever it might be.

That portion of the Italian population identified with these affairs is divided into two factions, the Provenzanos and Matrangas. Leading men from each of these factions have called upon the mayor, communicated to him threats against their lives made by unknown persons, and asked protection against the opposite faction, who, they asserted, composed the Mafia and had condemned them to death.

For years the Mafia has terrorized the Italian population of this city and levied tribute upon those of them who did not belong to the society. When money was desired, a written demand was made for it, and a refusal meant death.

When the brigand Exposito was arrested by Hennessy and carried to New York, the fact was developed that a large number of Sicilian banditti, driven out of Italy by the vigorous measures of the present King and his father, had sought refuge here in New Orleans, where they assumed the disguise of innocent fruit-venders and keepers of fruit stands. Beyond the fact that a number had come to this city, nothing more could be learned. Aliases were as familiar to these people as air, and not a syllable of information could be obtained from their countrymen.

On the 12th day of August, 1890, Hennessy wrote to L. Bertin, the chief of police of Rome, asking him the names, records, and photographs of the members of the band of Exposito, the noted bandit, whom he arrested and carried to New York. His letter stated that he had reason to believe that many of the band were in this city.

On the 1st day of September, 1890, Mr. Bertin replied that he would be pleased to comply with Hennessy's request and would shortly send him the information.

Very soon after the receipt of this letter from Mr. Bertin, Hennessy became aware that the fact of his having written to Mr. Bertin and the subject of his letter were known in this city, though he had mentioned it to no one.

The information desired was never sent by Mr. Bertin. He was murdered before he could send it, and his correspondent, Hennessy, followed after a very short interval of time.

After Hennessy's death, and after the arrest of the guilty parties, there was found amongst his effects an anonymous letter, dated July 23, 1890, informing him that his life had been sworn away by the Mafia, and naming some of the men afterwards concerned in his murder.

Finally, we have the statement of the present resident Italian consul.

In the New York Tribune of March 18 there appeared a lengthy interview between a representative of that journal and Signor Pasquale Corte, Italian consul at New Orleans, in which, among other things, the consul said: "This does not exclude the fact that among the number of worthy Italians residing in New Orleans there are among them about one hundred criminals escaped from Italian prisons," etc. This statement was copied and appeared in the public prints of this city, and was brought to the attention of this body, and a committee was appointed, consisting of its chairman and Gen. A. W. Crandell, to call upon the consul and ask that he furnish us with the names and all information in his possession relating to these escaped criminals. The committee was received and explained the object of its call. A lengthy interview followed, in which all parties spoke freely and openly. The committee explained fully that the only object in the appointment of the citizens' committee by the mayor and council and the only purpose of that body was to legally rid the community of criminals and give greater security of life and property to all its citizens of whatever nationality. The consul stated that he was satisfied of this and was ready to coöperate with us to this end, and he would immediately prepare and send us a report containing all the information in his possession. He stated that he was convinced of the existence of the Mafia in this city, and brought out the registration papers of Bagnetto, and pointed out the imprint of a seal, which, he informed us, was the seal of the Mafia. He said he had strong suspicions, which amounted to conviction in his mind, as to who were the leaders of the society in this city, and he furnished the committee with the names. He stated that prior to the Hennessy assassination he had in some way unconsciously incurred the displeasure of a coterie composed principally of the men who met their death at the parish prison on the 14th of March; that they had invited him to supper, and, although he partook sparingly of oyster soup only, when he returned home he was taken desperately ill, suffering intensely all night, and his symptoms bore all the evidence of poisoning, and he was satisfied that his life had been attempted. The written information promised your committee never came. The consul sent word, first, that he had telegraphed to Washington for authority to give it to us, and afterwards notified the committee that, it being "an extrajudicial body," he did not feel warranted in giving us the promised information.

During the interview had with the consul your committee called his attention to the published statement in the New York Tribune to the effect that "the mayor had appointed an extrajudicial body, which had held a mass meeting in October last, having in view the same object as that of 'last Saturday' (at Clay statue), but its object was frustrated, owing to his earnest protests and the opportune intervention of Mr. Blaine." We reminded him that he and prominent Italian citizens had called on the committee before the mass meeting was held, and, when the object of the meeting was explained, he approved the pacific course (justified in the sequel), and asked him how he reconciled his published statements with this. His reply was that the statements he had made to the New York Tribune had been made by Corte "as an individual," not Corte "as consul," and that the reporter had greatly exaggerated his statements.

In the resolution of appointment this committee was requested to suggest needed remedies. It only remains for us, therefore, to point out the remedy, if possible. In our opinion the remedy is—

First. The regulation of immigration.

Second. Reform in the criminal laws and administration of criminal justice.

Third. A law recognizing the existence of a bar association and endowing it with full power to try and disbar any attorney whose evil practices render him unworthy of being an officer of court.

The only radical remedy which suggests itself to us is the entire prohibition of immigration from Sicily and lower Italy. It was found necessary to prohibit Chinese immigration, and Congress passed the necessary law. The danger to California from the Chinese was no greater than the danger to this State from the Sicilians and southern Italians. We have had long experience with these people, and that experience has been a sad one; they are undesirable citizens, and there is no reason why they should be permitted to participate in the blessings of a freedom and civilization which they are not only unable to appreciate, but which they refuse to understand or accept.

We further suggest that Congress be petitioned to pass a law requiring every immigrant from a foreign port to produce a certificate from the United States consul certifying that he has investigated his antecedents and considers him a desirable emigrant. Immigrants should be compelled to furnish satisfactory proof to the United States consul of their whole past life and character.

Second. We urgently advise your honorable body to petition the legislature to so amend the jury laws that jurors shall only be compelled to serve for two weeks at a time, service during two weeks to exempt from further jury duty for two years, unless summoned as a talesman; that the jury be paid \$2 per day; that no man under the age of 25 years be qualified as juror; and that no person who has been convicted of any crime or misdemeanor be allowed to sit upon a jury.

The Hennessy trial shows the necessity of fixing such a period of service as will enable all citizens to serve upon a jury without any material detriment to their private interests. If citizens understood that they could only be made to serve for two weeks in two years, we do not believe that any would refuse to perform jury duty, and think the result would be that the very best juries could be secured without trouble. The large number of men in the city of New Orleans subject to jury duty makes this short term of service perfectly feasible.

The law should also be amended so as to make it an offense not only to bribe a juror, but to approach anyone summoned to do jury duty, either as talesman or as one of the regular panel, with the view of influencing his verdict in any manner.

The number of peremptory challenges allowed the State should be as great as the number allowed the accused.

A constitutional amendment should be proposed allowing a majority verdict in a criminal case, or, at least, allowing nine men to find a verdict, as in civil cases.

The ruling of the judges on the competency of a juror, when examined on his *voir dire*, should be final. They see the jurors upon the witness stand, and can better judge whether they are competent or not than the supreme court, acting simply upon the written record, without the advantage of seeing the jurors.

Here, again, the Hennessy trial demonstrates the necessity for the wisdom of this change. Any number of jurors were challenged for cause in that case who were perfectly competent and whom everybody who heard them testify considered to be competent. Their statements were somewhat exaggerated by their desire to escape jury duty, but made little or no impression upon those who heard them, though, when written out, their objections seemed serious.

The law appointing the jury commissioners and providing for the drawing of

the jury should be amended so as to vest the power of appointing the jury commissioners in the judges of the criminal district court. This is the law throughout the State of Louisiana, with the exception of the parish of Orleans.

If the power of appointing the jury commissioners was vested in the judges of the criminal district court, they would have some control over the jury commissioners and be responsible for the proper discharge of their duties. As it is at present, they have no control whatsoever over them. The office of jury commissioner should be made a nonpolitical one, and such qualifications required as would secure good men.

The names of all deputy sheriffs appointed by the criminal sheriff should be submitted to the two judges of the criminal district court, and it should be made the duty of the judges to investigate thoroughly the character of the men, so that the responsibility for the appointment of bad men should be upon the court as well as upon the criminal sheriff. The Hennessy trial and the great power which the criminal sheriff and his deputies have over juries make it of the highest importance that only thoroughly tried and honest men should be appointed. The character of no official in the city of New Orleans is as important to the people as the character of these criminal sheriffs. We suggest that before their appointment and the judges confirm them, some public notice should be given, so that if there be any objection the judges may be thoroughly informed before they confirm the appointment.

We suggest that your honorable body petition the legislature to pass a law recognizing the existence of a bar association, endowing it with the power to try, disbar, and revoke the license of any attorney whose evil practices render him unworthy to remain an officer of the court. This, we understand, is the New York law, and recent events in this city have demonstrated the absolute necessity of some protection against unscrupulous attorneys.

We have said nothing with regard to detective agencies, because your honorable body passed an ordinance recently placing these dangerous agencies under the supervision of the authorities. The necessity for the ordinance has been amply demonstrated, but we suggest that the law should provide in some way for the protection of the community against men whose whole lives are devoted to evil, and who seem to have no redeeming traits. There should be some method of driving them out of the community.

We respectfully submit this report and beg to be discharged.

W. C. FLOWER,  
Chairman.

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*Mr. Whitehouse to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Rome, October 21, 1891.*

Mr. Whitehouse telegraphs that the restrictions against such hog products as may be accompanied by health certificate have been removed by the Government of Italy. He states that live pigs are not included, the decree being still in force against their importation.

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*Mr. Blaine to Marquis Imperiali.*

DEPARTMENT OF STATE,  
*Washington, April 12, 1892.*

SIR: I congratulate you that the difficulty existing between the United States and Italy growing out of the lamentable massacre at New Orleans in March of last year is about to be terminated. The President, feeling that for such an injury there should be ample indemnity, instructs me to tender you 125,000 francs. The Italian Government will distribute this sum among the families of the victims.

While the injury was not inflicted directly by the United States, the President nevertheless feels that it is the solemn duty, as well as the great pleasure, of the National Government to pay a satisfactory indemnity. Moreover, the President's instructions carry with them the hope that the transaction of to-day may efface all memory of the unhappy tragedy; that the old and friendly relations of the United States and Italy may be restored; and that nothing untoward may ever again occur to disturb their harmonious friendship.

I avail myself of this occasion to assure you that your prolonged service at this capital as chargé des affaires has been marked by every quality that renders you grateful and acceptable to the Government of the United States, and to renew to you the assurance of my high consideration.

JAMES G. BLAINE.

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*Marquis Imperiali to Mr. Blaine.*

LEGATION OF ITALY,

*Washington, April 12, 1892.*

MR. SECRETARY OF STATE: You were pleased to inform me, by your note of to-day, that the Federal Government has decided to pay to Italy, by way of indemnity, the sum of 125,000 francs, which will be distributed by the Italian Government among the families of the royal subjects who were victims of the massacre which took place March 14, 1891, in the city of New Orleans. Your excellency also expresses the hope that the decision reached by the President will put an end to the unfortunate incident to which that deplorable occurrence gave rise, and that the relations between the two countries will be firmly re-established.

After having taken note, with much pleasure, of the language used by the President in his message of December last, and after having fully appreciated the words of regret and censure uttered with so much authority by the Chief Magistrate of the Republic, and likewise the recommendations that were suggested by the lamentable incident to his lofty wisdom, His Majesty's Government is now happy to learn that the United States acknowledge that it is their solemn duty, and at the same time a great pleasure, to pay an indemnity to Italy.

The King's Government does not hesitate to accept this indemnity without prejudice to the judicial steps which it may be proper for the parties to take, and, considering the redress obtained sufficient, it sees no reason why the relations between the two Governments, which relations should faithfully reflect the sentiments of reciprocal esteem and sympathy that animate the two nations, should not again become intimate and cordial, as they have traditionally been in the past and as it is to be hoped they will ever be in the future.

In bringing the foregoing to your knowledge, in virtue of the authorization given me by his excellency the Marquis di Rudini, president of the council, minister of foreign affairs, in the name of the Government of His Majesty the King of Italy, my August Sovereign, I have the honor to declare to your excellency that the diplomatic relations between Italy and the United States are from this moment fully re-established.

I hasten, moreover, in obedience to instructions received, to inform you that, pending the minister's return to this capital, I have taken charge of the royal legation in the capacity of chargé d'affaires.

Be pleased to accept, etc.

IMPERIALI.



## NETHERLANDS.

*Mr. Thayer to Mr. Blaine.*

No. 257.]

LEGATION OF THE UNITED STATES,  
*The Hague, August 31, 1891.* (Received September 11.)

SIR: I have the honor to state that on a recent occasion, while paying a visit to the Royal Museum at the Hague, I discovered three medals which, by reason of their relation to prominent events in our early history and other considerations hereafter alluded to, render it proper that I should bring them to the notice of the Department.

The first medal in the series referred to was designed to commemorate the recognition of American independence by the province of Friesland on the 26th of February, 1782, a description of which is as follows:

On the obverse side is a male figure personating a Frisian in ancient costume joining right hands with an American, represented by a maiden in aboriginal dress standing on a scepter with her left hand resting on a shield bearing the inscription "The United States of North America," while with his left hand the Frisian signals his rejection of an olive branch offered by a Briton, represented by a maiden accompanied by a tiger, the left hand of the maiden resting on a shield having the inscription "Great Britain." On the reverse side is the figure of an arm projecting from the clouds holding the coat of arms of the province of Friesland, under which is the inscription, "To the state of Friesland, in grateful recognition of the acts of the assemblies in February and April, 1782, by the Burghers' Club, of Leeuwarden, liberty and zeal."

The second medal in this series was struck off by order of the States General in commemoration of its recognition of the independence of the United States. On the obverse side of the medal will be found the United States and the Netherlands represented by two maidens equipped for war, with right hands joined over a burning altar. The Dutch maiden is placing an emblem of freedom on the head of the American, whose right foot, attached to a broken chain, rests on England, represented by a tiger. In the field of the medal are the words, "Libera Soror Solemni Decr Agn." On the reverse side is the figure of a unicorn lying prostrate before a steep rock, against which he has broken his horn; over the figure are the words, "Tyrannis virtute repulsa," and underneath the same the words, "sub Gallia auspicius."

The third medal in the series was made to commemorate the treaty of commerce and navigation entered into between the United States and the Netherlands on the 7th of October, 1782. On its obverse side stands in relief a monumental needle bearing the Amsterdam coat of arms, upon which a wreath is being placed by a figure representing Mercury; underneath the coat of arms is a parchment bearing the inscription, "Pro.

Dro. Mos." France, symbolized by a crowing cock, stands beside the needle pointing with a conjurer's wand to a horn of plenty and an anchor. Over all are the words, "Justitiam et non temmere divos." On the reverse side is an image of Fame riding on a cloud and carrying the arms of the Netherlands and the United States, surmounted by a naval crown. The figures are covered by the following words: "Faustissimo fœdere junctæ, die vii. Octob., MDCCLXXXII."

It will be remembered that John Adams, while discharging his duties at Paris as commissioner in arranging a treaty of peace and commerce with Great Britain, was in the year 1780 appointed minister to the Netherlands; also, that political complications between Holland and England delayed his reception by the Government for more than two years after he first offered his credentials.

The States General, oppressed by the magnitude of the responsibility, refused to pass upon the question until it had been submitted to each of the provinces for individual action.

Friesland, impelled by the Germanic love of freedom which had long characterized its people, took the initiative in the movement for recognition, passing an act to that effect on the 26th of February, A. D. 1782. Soon thereafter the remaining provinces followed her example, and on the 19th of April, 1782, the States General, in deference to the wishes of the provinces, received Mr. Adams's credentials.

It will also be borne in mind that, while a Dutch man-of-war first saluted the American flag, Holland stands second in the roll of foreign nations which formally recognized our independence, and the second with whom we made a treaty of commerce and navigation.

The medals in question possess interest, in that they furnish the best evidence extant of the current of opinion and sentiment at that time in the Netherlands concerning England and the United States, and are moreover worthy of special mention, inasmuch as I do not find them referred to in Mr. Adams's public correspondence or in any book published in our language.

Through the courtesy of the Government, I have been permitted to procure five copies of each of these medals, and take pleasure in transmitting them to the Department through the United States dispatch agent at London. One set is designed for the Department of State, one for the New York Historical Society, one for the Massachusetts Historical Society, one for the Minnesota State Historical Society, and one for the Holland Society of New York.

There can be no more interesting or profitable study for the citizen of the United States than the process of reasoning which led to our separate national existence and the adoption of the present form of government, or the motives which influenced the people of other lands to welcome our advent into the family of nations.

I have, etc.,

SAMUEL R. THAYER.

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*Mr. Blaine to Mr. Thayer.*

No. 124.]

DEPARTMENT OF STATE,  
Washington, November 9, 1891.

SIR: It is with pleasure that I refer to your dispatch No. 257, of August 31 last, transmitting fifteen medals in bronze, three in each set, commemorative of the Netherlands' recognition of American independence and the establishment of a treaty of commerce and navigation with the United States.

Until your recent visit to this capital it was not known that the Department was personally indebted to your generosity and kindness for these interesting symbols commemorative of our national existence. These medals possess a peculiar and patriotic interest. As you very aptly observe, after reciting the history and the incident each was intended to commemorate—

There can be no more interesting or profitable study for the citizen of the United States than the process of reasoning which led to our separate national existence and the adoption of the present form of government, or the motives which influenced the people of other lands to welcome our advent into the family of nations.

The Department appreciates the kindly motives which actuated you in forwarding these medals, and returns you its sincere thanks for these beautiful tokens which, through the courtesy of the Netherlands Government, you have been permitted to obtain.

I am, etc.,

JAMES G. BLAINE.

## RUSSIA.

*Mr. Smith to Mr. Blaine.*

No. 64.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, December 23, 1890. (Received January 16.)*

SIR: On the 18th instant the church known as the American, and sometimes as the British-American, church of St. Petersburg celebrated the fiftieth anniversary of the erection of its present house of worship by a public meeting under circumstances of such an interesting and, in some respects, of such an unusual character as to render it obligatory that I should make some report of the proceedings to the Department.

This church was originally founded under the express sanction of the Emperor Nicholas, solicited and granted through the good offices of James Buchanan, then minister of the United States to Russia. Though the church has probably always embraced in its membership more British subjects than American citizens, the early interest of the American minister in its behalf has served to identify it in some measure with the American legation. For this reason the present American minister was invited to preside at its jubilee celebration, an invitation which, under the circumstances, he felt it incumbent on him to accept.

I was also informed that, besides being indebted to the Emperor for its original sanction, the church had always been accorded full protection by the Government; that at various times it had received direct assistance from members of the imperial family; that the church wished on the occasion of its jubilee to express its grateful sense of these continued favors; and that it desired to make this expression through a resolution to be proposed by the chairman, and, if practicable, in the presence of the appropriate representative of the Russian Government.

At the request of the church I undertook the duty of conveying this desire to the Government and addressed a communication to the imperial minister of foreign affairs. Before his reply had been received, but, as it turned out, after it had been sent, I addressed him a second communication for the purpose of placing before him the exact text of the resolutions which were to be proposed. In his reply the minister of foreign affairs announced, what we had hoped but more than we had ventured to expect, that he would have pleasure in personally attending the celebration. It may be stated that in a conversation which I held with him he informed me that he had shown my first letter to the Emperor, and His Majesty had graciously indicated his desire that his minister should be present on the occasion in person. At the suggestion of the minister of foreign affairs, invitations were also sent to the minister of the interior and to the prefect of St. Petersburg.

On the appointed evening the celebration took place in the presence of all these representatives of the Russian Government, of Gen. Vlan-

gali, adjunct of the ministry of foreign affairs; of the British ambassador, of various other functionaries, and of a large assembly which completely filled the church edifice. After the opening proceedings the chairman proposed the resolution of acknowledgment to the Russian Government already referred to, accompanying it with such remarks as seemed appropriate to the occasion, and with allusions to the long and cordial friendship which had existed between Russia and the United States. Upon the unanimous adoption of the resolution, Mr. de Giers, the imperial minister of foreign affairs, who appeared to be much touched by the general manifestation, responded in warm and graceful terms, returning thanks for himself and his Government, reciprocating the sentiments which had been uttered, and announcing that he should make it a duty to convey the expression of the meeting to the Emperor.

The British ambassador, in proposing the resolution of felicitation, spoke upon the essential unity of the American and British branches of the English-speaking race, and other addresses were made by the pastors of the French and German churches at St. Petersburg and by Mr. Crawford, consul-general of the United States.

On the second day after the celebration I received from the minister of foreign affairs a communication, in which he states that he had placed the proceedings of the meeting before the Emperor, and that the Emperor had been pleased to charge him with the duty of making known His Majesty's sincere thanks for its expressions. In addition, I inclose a more precise account of the occasion as reproduced in the *Journal de St. Petersburg* from the *Messenger Officiel*, with a translation.

I am sure that the interest and dignity given to this celebration by the marked and gracious attention of the Emperor and by the personal participation of the minister of foreign affairs have justified me in deeming it worthy of this detailed report, and that the manifestation of their friendly regard in connection with a church and an event so identified with the American name will be received with hearty satisfaction.

I have, etc.,

CHAS. EMORY SMITH.

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[Inclosure in No. 64.—Translation.]

*Extract from the Journal de St. Petersburg.*

On the occasion of the fiftieth anniversary of the creation of the Anglo-American congregation at St. Petersburg and of the construction of the church of this congregation there took place on Thursday, December 6-18, at 8 o'clock in the evening, at the Anglo-American church, a ceremony presided over by his excellency Mr. Charles Emory Smith, envoy extraordinary and minister plenipotentiary of the United States. The church was ornamented with exotic plants and with greens, while the vestibule was draped with Russian, American, and English flags. The busts of their majesties stood out in the midst of a grove of flowers.

The ceremony was opened by prayers at the chapel, in the presence of their excellencies the Secretary of State Mr. de Giers, minister of foreign affairs; the Secretary of State Mr. Dournovo, minister of the interior; the Secretary of State Mr. Ostrovsky, minister of domains; the Secretary of State Mr. de Vaugali, adjunct of the minister of foreign affairs; Sir Robert Morier, ambassador of Great Britain; the staff of the English embassy, of the American legation, the pastors of the Lutheran and Calvinist churches, and the representatives of the English and American colonies of our capital.

After the opening service the president of the meeting, Mr. Smith, pronounced a discourse, in which he retraced the history of the congregation and of the Anglo-American Church of St. Petersburg. In conclusion Mr. Smith said that the congregation owes much to the Russian Government, which had always given its protection,

and consequently it ought to be always grateful to His Majesty the Emperor of Russia. In answer to this speech his excellency Mr. de Giers, minister of foreign affairs, said that he would transmit to His Majesty the Emperor the expression of the sentiments of gratitude cherished by the congregation for the Russian sovereign. Then the ambassador of Great Britain and the clergymen, successively, spoke in English, French, and German to congratulate the congregation.

The meeting came to a close about 11 o'clock in the evening.

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*Mr. Smith to Mr. Blaine.*

[Extract.]

No. 75.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, February 10, 1891. (Received February 25.)*

SIR: A few days since I had an extended, interesting, and suggestive conversation with the imperial minister of foreign affairs, Mr. de Giers, concerning the attitude and policy of Russia in respect to the Jewish subjects of the Empire. Mr. de Giers himself introduced the theme. In the absence of specific instructions and of any pending cases involving the rights of American citizens of Jewish faith and thus touching the question more or less directly, I might have felt some hesitation, unless in the course of an informal and personal talk, in opening an inquiry possibly liable to the reproach of intruding into the domain of the internal policy and domestic affairs of the Empire. But the freedom with which Mr. de Giers himself raised the question removed all embarrassment. In view of recent publications throughout the world and of the wide public and humane interest in the subject, the exposition and statements of the minister of foreign affairs are noteworthy and valuable. I can not undertake to repeat all that was said in a conversation which was quite prolonged, but will give the more salient features.

Mr. de Giers began by alluding to recent publications in American newspapers respecting Russia and the Jewish question, and said that these publications had been the subject of a conversation between the Emperor and himself the day before. Some of them contained personal references to the American representative, and an expression of the Emperor on this point was repeated—an expression to which allusion is made only as indicating how the conversation originated. Mr. de Giers then referred to the current reports that the Russian Government had projected or meditated new laws of a harsh character against the Jews, and said in the most explicit terms that no new laws had been made on this subject, and that none were in contemplation. He added that he was thoroughly informed, for he was a member of the council having charge of the question. The published reports were destitute of foundation, and no such purpose was entertained as that which has been imputed to the Government.

This statement was a repetition and confirmation of the denial made a few months ago on the first publication of the reports. At that time, however, it was charged in response that, while it might be true that no new laws had been framed or would be promulgated, still substantially the same object would be attained by the revival and vigorous execution of the edicts of 1882, which had long remained dormant. I recalled these facts and asked Mr. de Giers whether there was any good warrant for this allegation. He replied that there was not. The edicts of 1882 were, he said, somewhat misunderstood. They were not strictly

new measures. They were rather in the nature of formulating and more precisely defining provisions already in existence in less specific and exact form. They had come just after the assassination of the late Emperor and after the anti-Jewish disturbances in several of the interior provinces, where there was a tendency towards a more stringent application of the restrictive policy. It was his own feeling that the minister of the interior at that time had proceeded with too much rigor. Old laws which had slept practically unexecuted in many features were suddenly applied with too severe a hand, and hardships had inevitably resulted.

Since then the execution of the laws had again been relaxed, and their restrictions had been disregarded and overstepped. I asked Mr. de Giers if it was not true that measures had recently been taken towards the removal of the Jews from the villages to the towns in the pale to which their residence is limited by law. He answered that there was some movement in that direction. What was being done was to tighten the application of the old laws somewhat, but it would be done gently and gradually—I am careful to quote his own words—and with every reasonable allowance and consideration. The laws had not been changed; they had simply slumbered, in large part, and, because they had been so generally disregarded and nullified both by the Government and by the Jews, the movement to enforce them, even though in a limited degree, created all the more outcry.

In answer to my inquiry as to why it was deemed necessary to withdraw the Jews from the villages and lands where they had been located, Mr. de Giers said that, so far as it was done at all, it was a measure of self-protection. This question involves what is well known to be a subject of earnest controversy. The Jews contend that when they have a fair chance they address themselves to agriculture as faithfully and successfully as other people. Mr. de Giers, however, maintained the contrary view. He said that if they would really devote themselves to agricultural pursuits the Government would leave them undisturbed and would gladly give them land for cultivation. He cited a special and notable experiment of the kind in the province of Kiev under the Emperor Nicholas, which was claimed to have resulted unfortunately. He insisted that when they acquire land they secure a Christian tenant and go on as before with their own vocations. He declared that they monopolize what he described as the saloons and the mills. They make such a combination that all operations of production and sale must go through their hands. He gave these allegations as an explanation of the law which restricts the Jews to the towns, and insisted that it was a question not of religion but of economic policy. This view will be vigorously resented and resisted by the friends of the Jews, who hold that it is unfair in statement and unjust in conclusion, and that so far as it has a basis of fact the conditions grow out of the exceptional necessities imposed by a long historical course of oppression directed against the race and not limited to any country. But Mr. de Giers was stating what is relied on as the justification for the policy of the Russian Government, and in reporting his observations I am under the duty of giving them as he made them.

He frankly admitted that the question was one of great difficulty and perplexity, and that it was hard to tell what ought to be done in justice and reason. On the one hand, he recognized that the Jews suffered hardships, and he felt much sympathy for them. On the other hand, it was necessary to protect their own people, and especially the simple and improvident peasantry. In this connection he adverted to the re-

striktion upon the proportion of Jewish students permitted to enter the schools. The Hebrews were an intellectual race, more alert mentally than the ingenuous people by whom they were surrounded, and if they had free and unlimited access to the highest opportunities of education they would absorb the professions within themselves. As an additional reason, he repeated the statement earnestly made in some quarters and as earnestly denied in others—that among the educated Hebrews are found many of the nihilists.

Mr. de Giers recurred several times to the fact that the laws were left in large measure unexecuted. They existed on paper, but they were loosely applied. For instance, theoretically, Jews are not permitted to reside at St. Petersburg or at Moscow; yet in practice they are here by the thousands, filling the professions and the banking houses, with their great synagogue recently erected and their unfettered religious devotions. The laws had long nominally restricted the movements of the Jews to the towns within the fifteen districts which constitute the pale; they had prohibited these proscribed people from holding lands or dwelling in the villages, except under certain conditions. But these laws had not been strictly enforced, there had been a steady encroachment upon prohibited ground, and now that their interdictions are again applied to some extent it produces all the more friction and complaint. In answer to an inquiry as to whether there was not at the present time a considerable emigration of Jews under these coercive measures or through fear of a more serious proscription, Mr. de Giers said that at various times there had been an emigration under such apprehensions, but in many of these cases the emigrants had found their way back worse off than when they went away.

One great source of trouble, he remarked, was the difficulty of controlling the subordinate officials. He did not doubt that there were wrongs of which the Government had no knowledge. In an Empire as vast as Russia it was impossible to watch closely all of the thousands of employés. The whole question, Mr. de Giers repeated, was surrounded with difficulty, but he hoped that some solution might be found, though he did not suggest what it might be, and his tone carried the impression that there was yet no clear perception of a satisfactory issue.

Though the fact that Mr. de Giers himself introduced the topic, and was so free and frank in discussing it, seemed to invite and encourage corresponding freedom of inquiry, I intimated that I felt some hesitation in interrogating him upon what might be regarded as a matter of internal policy. In reply he desired me to dismiss all hesitation and to ask any question I liked. He added, speaking with emphasis:

Don't hesitate to ask even disagreeable questions, or questions that you might think disagreeable, for we are so conscious of our good intentions in this matter that we are willing to meet any inquiry.

The subject had come up unexpectedly, and I thought it best, under the circumstances, to confine myself chiefly to eliciting information, and to reserve representations deemed expedient or obligatory until another occasion, after communicating with the Department. I did, however, feel it incumbent on me to say, as I did during the course of the conversation, that, while we recognize the treatment of the people within its own borders as a question of domestic concern that belongs primarily to Russia, except so far as it may affect the rights of American citizens, we hold, and in any reference to the subject the representative of the United States must hold, the attitude which is in harmony with the



theory and practice of our Government, which makes no distinction on account of creed. I added that the American people, prompted by the liberal and humane sentiments which distinguish them, would witness with satisfaction movements toward the amelioration of the condition of the Jews; at the same time, in any utterance on the question, we desired to approach it in a fair and friendly spirit and with a just sense of the peculiar situation of Russia. To this Mr. de Giers replied that he thought the feeling of the American people was quite natural; there was, unfortunately, much in the condition of the Jews to pity, but the conditions of the two countries were entirely different. The Jews of the United States were of a high class and were in accord with the general body of the citizens, and he thought the American people, though their feeling was easily understood, misapprehended the real facts as to Russia.

Such in substance, and at the more vital points in the exact language, so far as it can be recalled, was the conversation. It furnishes a fresh assurance, in harmony with the information I have heretofore communicated, that the Russian Government itself declares that no new measures of a proscriptive character against the Jews are contemplated. As to the existing laws, they have come to be fairly well known, though on various points it is still difficult to ascertain their precise provisions. They consist of a vast mass of edicts, ordained from time to time, filling hundreds of pages, some of them actively in force and some of them practically obsolete or unexecuted. They subject the Jews to a special code in matters of taxation, education, residence, rights of worship, limitations of industry and trade, and kindred affairs entering into all the relations of life. If they were generally and stringently enforced, they would involve incalculable hardship. As showing what the Russian Government itself says in explanation of these discriminatory and restrictive laws and in regard to the disposition with which it approaches their administration, the statements of Mr. de Giers have a value which will be appreciated. His reputation as one of the most liberal and careful statesmen of Russia gives them weight. To a people trained with a different inheritance and under a different system the reflection is, however, suggested that, whatever may be thought of the evils alleged in justification of the existing policy, the remedy more consonant with the spirit of the age would seem to be not to proscribe an entire people, the innocent with the guilty, but to proscribe the offenses and proceed against the offenders without regard to their race or their faith.

On the question of the administration of the laws, I have instituted inquiries in other quarters, upon which I shall report hereafter.

I have, etc.,

CHAS. EMORY SMITH.

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*Mr. Blaine to Mr. Smith.*

No. 78.]

DEPARTMENT OF STATE,  
Washington, February 18, 1891.

SIR: On the 20th of August last the House of Representatives adopted a resolution requesting the President to communicate to that body any information in his possession concerning the enforcement of proscriptive edicts against the Jews in Russia. To this resolution the

President responded on the 1st of October, and accompanying his response there was a report in which, with reference to the rumors that new measures of repression were about to be put in force, I said:

Such a step, if in reality contemplated, would not only wound the universal and innate sentiment of humanity, but would suggest the difficult problem of affording an immediate asylum to a million or more of exiles without seriously deranging the conditions of labor and of social organization in other communities.

The correspondence communicated to the House of Representatives included your reassuring dispatch No. 44, of the 25th of September last; and this dispatch, together with assurances received in conversations with the diplomatic representative of Russia at this capital, tended to allay the apprehension necessarily aroused by the prospect either of the adoption of new measures or of the harsh enforcement of the old.

Up to the present time the Department has not been advised that any new edicts affecting the Jews have been promulgated. The cases of distress that have been brought to our notice are the result, in some instances, of the new interpretation, and, in others, of the strict enforcement of regulations which have for some years been in existence, but of which the severity was not generally understood because they were not rigorously applied.

The Department is informed that for many years the Jews in Russia have, as a race, been compelled to live within a certain area denominated the pale of settlement. Under the laws of May, 1882, it is understood that their places of residence within this area have been restricted by forbidding them to live in villages and to force them into the towns. The effect of the recent and summary enforcement of this measure in certain districts has been to deprive many of their means of livelihood. It is also understood that under the laws for many years in existence Jewish artisans have been permitted to reside outside of the pale of settlement. The Department is informed that by a new interpretation of the law many classes of workers formerly regarded as artisans are now denied that privilege, and being suddenly forced to quit their homes and to swell the number of their race in the overcrowded towns within the pale of settlement, find themselves unable to gain a subsistence by the pursuit of their respective occupations.

Other measures, such as the withdrawal of the privilege of pursuing many occupations, the denial of admission to the schools, and the actual expulsion as "alien vagrants" of persons long domiciled in Russia, contribute to swell the emigration. I forbear to enumerate the edicts peculiarly applicable to the family, by which the ties of relationship are rent and a premium put upon their severance. I do not dwell on these things, not only because it is not my purpose to indulge in a general criticism of the anti-Jewish laws, but also because those that I have explicitly referred to in the main account for the cases that have been brought to my notice.

That numbers of Jews have been and are daily being compelled to quit their homes in Russia by the enforcement of these oppressive measures, is amply shown by the present immigration of destitute Russian Jews into the United States. Heretofore this immigration, although large, being mainly made up of persons who were in some measure prepared for the change, has not overtaxed the resources of the various benevolent associations which are so generously maintained and admirably administered by the Jews of the United States. I am told on excellent authority that within ten years some 200,000 Jews of Russian origin have been received into this country, have been furnished, when necessary, with occupation and homes, and have become speedily assim-

ilated into the body politic, of which they form an orderly, thrifty, and law-abiding element.

The gravest fears are expressed lest this resource should fail if taxed with a great influx of Russian Jews, who, by reason of their sudden expulsion from their homes and their unfamiliarity with the language and ways of life in this country, would stand in need of immediate, and in many cases of long-continued, assistance and care.

You are aware that the problem of efficiently controlling immigration has been before the national legislature for some years. Measures have already been adopted for its regulation, and several schemes of further legislation are now pending before Congress. These measures, however, have not been due to an inhospitable disposition. The policy of this Government in respect to the admission of aliens to its shores has been most liberal. It has afforded to many thousands a home and a ready entrance into its political and social life, and it still offers to spontaneous, self-helpful, and independent immigration a cordial welcome.

If measures of restriction have been adopted, it is only because it has been found necessary to avert the injection into the population of elements not assimilable and the bringing or sending hither of the indigent and helpless to become a charge upon the community. In no instance has any measure of expulsion or of oppression been adopted in respect to those who are already here, all of whom stand under the equal protection of the laws.

But the hospitality of a nation should not be turned into a burden. And, however much we may sympathize with wanderers forced by untoward circumstances to quit their homes, and however ready the disposition to relieve the deplorable condition into which they may be cast by the application of the laws of their native country, the Government and people of the United States can not avoid a feeling of concern at the enforcement of measures which threaten to frustrate their efforts to minister to the wants and improve the condition of those who are driven to seek a livelihood within their borders.

We are not forgetful of the ties of good relationship that have long subsisted between the United States and Russia, and of the friendly acts of Russia towards our country in the past. The Government and people of the United States are fully animated with a desire to preserve this cordiality of feeling, and for this reason they the more strongly deprecate the enforcement in Russia, in respect to a portion of her people, of measures which not only arouse a general feeling of disappointment, but which also operate to impose a tax upon the charitable and humane in this country.

The Government of the United States does not assume to dictate the internal policy of other nations, or to make suggestions as to what their municipal laws should be or as to the manner in which they should be administered. Nevertheless, the mutual duties of nations require that each should use its power with a due regard for the results which its exercise produces on the rest of the world. It is in this respect that the condition of the Jews in Russia is now brought to the attention of the United States, upon whose shores are cast daily evidences of the suffering and destitution wrought by the enforcement of the edicts against this unhappy people. I am persuaded that His Imperial Majesty the Emperor of Russia and his councilors can feel no sympathy with measures which are forced upon other nations by such deplorable consequences.

You will read this instruction to the minister of foreign affairs and give him a copy if he desires it,

I am, etc.,

JAMES G. BLAINE,

*Mr. Blaine to Mr. Smith.*

No. 78 bis.]

DEPARTMENT OF STATE,  
*Washington, February 27, 1891.*

SIR: Your dispatch No. 75, of the 10th of February, reporting a conversation with Mr. de Giers in relation to the treatment of the Jews in Russia, was received by the Department on the 25th of the same month. On the 18th of February, just a week previously, I addressed to you a communication to be read to Mr. de Giers on the same subject.

While the statements in that communication touching the harsh treatment of the Jews are completely confirmed by Mr. de Giers, I have observed, with not a little satisfaction, his readiness in suggesting this topic of discussion and his expression of willingness to consider any inquiries which you might make. It was believed that the Government of Russia would not disregard the evidences which have appeared in various countries of the general interest and solicitude which have been excited throughout the civilized world by the reports of the oppression of the Jewish race in the dominions of His Imperial Majesty. Nevertheless, the fact that the subject has been brought forward by the imperial minister of foreign affairs himself increases our hope that the representations of this Government, based upon the deplorable aspects of the question which have been brought to its notice, will not only receive the consideration to which they are thought to be justly entitled, but will also more fully impress the Government of Russia with the fact that the effects of the repressive policy against the Jews are not confined to that country, but that they also excite the sympathy and appeal to the generous and charitable efforts of the people of other lands.

Ever since the transmission to you of the instructions of the 18th of February the Department has received fresh evidences of the immediate and material, as well as of the broad and general, interest which has been felt in this country in regard to the hardships of the Jewish subjects of His Imperial Majesty. Almost every day communications are received upon this subject, temperate and couched in language respectful to the Government of the Czar, but at the same time indicative and strongly expressive of the depth and prevalence of the sentiment of disapprobation and regret. No government can be insensible of a fact of so much significance, and I am happy to perceive the appreciation of the sentiments and interests of other people which the conversation of Mr. de Giers discloses.

I am, etc.,

JAMES G. BLAINE.

*Mr. Smith to Mr. Blaine.*

[Extract.]

No. 79.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, February 28, 1891. (Received March 17.)*

SIR: In view of the numerous and varied reports during the last few months concerning the purpose and action of the Russian Government in regard to the Jewish people living within the Empire, I have deemed it useful to institute some inquiries on the subject through the consuls of the United States. To this end I sent out in January a circular letter. The design of this circular was not to initiate a minute investiga-

tion into details which would require much time, but to elicit trustworthy information upon the spirit and tendencies which mark the present policy towards the Jews. It was deemed necessary to communicate only with the consuls located in the section where the Jews are found in considerable numbers, and the circular was therefore addressed only to the consuls at Warsaw, Odessa, and Riga.

They all agree in declaring that there is no evidence of the application and enforcement of new measures against the Hebrews. At the same time, those on the western frontier of the Empire observe signs of the more stringent execution of old laws which have heretofore been so loosely and lightly observed as practically to be inoperative.

As to St. Petersburg and Moscow, the best information I can gather leads to the conclusion that the present policy of the Government is inducing some withdrawal of the Jews from these centers. The long-established laws permit only Jewish merchants of the first guild and Jews of certain other professional or artisan classes to reside in these cities. But the prohibition against Jews outside of these classes has not been enforced with any degree of strictness, and under the influence of this laxity thousands who are interdicted by the terms of the law have settled in St. Petersburg and Moscow. I do not understand that there is any harsh or general movement to enforce the law now, but am informed that such inquiries have been set on foot as to create the fear on the part of those not embraced within the tolerated classes that trouble may be experienced, and that under this apprehension some of them are removing from the two chief cities of the Empire.

I have, etc.,

CHAS. EMORY SMITH.

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*Mr. Smith to Mr. Blaine.*

No. 81.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, March 12, 1891.* (Received March 28.)

SIR: I have the honor to report that I yesterday waited upon the minister of foreign affairs, Mr. de Giers, with a copy of your instruction No. 78, relating to the edicts and policy of Russia concerning the Jews. Upon hearing my statement of the object of my call Mr. de Giers requested me not to read the dispatch to him, but to leave a copy, which he could examine at leisure.

I then gave him a brief verbal outline of its contents, referring to the resolution of inquiry passed by the House of Representatives in August of last year touching rumored proscriptive edicts against the Jews and to your report in response. You had received assurances, so you stated in this dispatch, which tended to allay apprehensions that had been aroused by alarming publications, and the Department had no information that any new measures hostile to the Jews had been undertaken. The cases of distress which had been brought to its attention were explained by the more rigorous enforcement of old laws whose severity had not been understood so long as they had not been applied. That the Jews in Russia were subjected to coercive and oppressive measures which compelled them to quit their homes was shown by the number of unfortunate and indigent Russian Jews who were now arriving in the United States. You had been informed on excellent authority that within a period of ten years this immigration amounted to 200,000. Most of these immigrants had been well pro-

vided for, but a further influx of destitute persons entirely unprepared for the conditions and requirements of American life would be a very serious burden upon the American people. It was in this aspect of the results forced upon our country that the condition of the Jews in Russia under existing measures presented itself to the attention of our Government and people, and, in view of the mutual duties of nations, constrained this expression of their sentiments.

On this statement of the general tenor of your dispatch, Mr. de Giers hastened to ask at the outset what was its conclusion—what demand it presented. I replied that it presented no demand, but was a declaration of the views of the Government and people of the United States, which was submitted for the consideration of the Imperial Government of Russia under a sense of its own obligations. Mr. de Giers inquired particularly as to the statement that 200,000 Russian Jews had immigrated to the United States within ten years. I repeated your statement on this point. He rejoined that if such a number of people had gone to the United States as workers to aid in developing the country, he supposed they would be acceptable, but if they went to “exploit” the American people, as he expressed it, he could understand how objectionable it was. After some further observations of a general character Mr. de Giers concluded by saying that the dispatch would be received in the same friendly spirit in which it was sent; that he would submit it to the Emperor; and that, if it was determined to make reply either verbally or in writing, it would be duly communicated.

I have, etc.,

CHAS. EMORY SMITH.

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*Mr. Smith to Mr. Blaine.*

[Extract.]

No. 89.]

LEGATION OF THE UNITED STATES,  
St. Petersburg, April 20, 1891. (Received May 4.)

SIR: In my No. 79 it was stated that some of the Hebrew residents of St. Petersburg and Moscow were taking their departure from these cities under the apprehension that measures threatened in the near future and directed against them would render their continued stay either quite uncomfortable or altogether impossible. These persons belong to the classes of Hebrews who are prohibited by law from locating outside of the pale of settlement. Under the nonenforcement or lenient administration of the law they have established themselves here and at Moscow and have remained for years without being disturbed. But the premonitions of a more stringent policy have led a few to withdraw themselves in anticipation of early steps for their forcible expulsion.

These fears have been measurably justified by the event. Within a few days the Russian journals have stated that 150 Jewish families of Moscow have been notified that they must remove from that city, and I am informed that 50 families of this city are about to receive a similar notification. It is probable that these are only the forerunners of further expulsions. No new law has been ordained and none has been required to this end. It is held to be simply an application of the existing law hitherto unenforced. According to the strict letter there are many thousands living here and at the ancient capital of the Empire

without legal authority. The number is said to be from 10,000 to 20,000 at St. Petersburg and nearly 100,000 at Moscow. Though destitute of technical right, their residence has had the sanction of long toleration and has acquired the sacredness of an established home, the compulsory abandonment of which would be attended with hardship. It is supposed that the result will be tempered with such degree of consideration and such allowance of time for preparation as are compatible with a measure of this nature. The Government has declared that this new application of the old laws would be made "gently and gradually," and the steps now taken, with those to follow, will show how these terms are to be interpreted.

I have, etc.,

CHAS. EMORY SMITH.

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*Mr. Wurts to Mr. Blaine.*

No. 92.]

LEGATION OF THE UNITED STATES,  
St. Petersburg, April 27, 1891. (Received May 13.)

SIR: Referring to Mr. Smith's dispatch No. 89, of the 20th instant, I have the honor to transmit to you herewith inclosed a translation of an imperial ukase prohibiting the emigration of certain categories of Israelites from the zone assigned for Israelites, as well as their immigration into the city and province of Moscow, and at the same time directing the expulsion of these classes of Israelites from that place into the zone assigned for their settlement.

It will be remarked that this order applies only to Moscow, no mention being made of the city and province of St. Petersburg, perhaps for the reason that, the number of Jews in this city being estimated at five times less than at the ancient capital of the Empire, no special urgency is felt for a measure to arrest the increase of the Hebrew population in this place.

It is premature to report on how this order, made public only a few days ago, is being executed, but I regret to say that rumors are heard of undue severity in its application.

I am, etc.,

GEORGE W. WURTS.

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[Inclosure in No. 92.—Translation.—From the Official Messenger.]

*Imperial ukase concerning the domicile of Jews.*

On the proposition of the minister of the interior, His Majesty the Emperor has deigned to order, on the 28th of March, 1891, as follows:

(1) To forbid, until revision by legislative channel of the arrangements of article 157, note 3, of the regulation concerning passports, Israelites engaged in the business of machinist, brewer, distiller, and in general Israelite master workmen and artisans, to emigrate from the zone assigned for the fixed settlement of Israelites; as also to immigrate from other parts of the Empire to Moscow or to the province of Moscow.

(2) To charge the minister of the interior to take, in concert with the governor-general of Moscow, the necessary measures in order that the Israelites above mentioned may gradually be sent away from Moscow and from the province of Moscow into the zone assigned for their settlement.

*Mr. Smith to Mr. Wharton.*

No. 119.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, October 20, 1891. (Received November 4.)*

SIR: As stated in my No. 114, I prolonged my stay in London while returning to this post for the purpose of meeting several gentlemen particularly conversant with the Jewish question as it is now presented in Russia. I was especially anxious to see Mr. Arnold White, the representative and active manager of Baron Hirsch in his project for the colonization of the Jews. His visits and investigations in Russia in furtherance of this scheme had been made since my departure on leave; and, indeed, the full development of the Russian policy had come within the same period, so that a conference with him gave promise of information which would be instructive and useful in dealing with the subject. I wished to learn the spirit with which he had been received, the attitude of the Government towards the movement for the relief of the proscribed people, the general result of his inquiries, and the character of the measures contemplated. All of these points, it was manifest, would have a direct bearing upon the utility and efficacy of independent representations.

Mr. White informed me that he had been favorably received by the members of the Russian Government, and that every facility had been furnished to him for the prosecution of his inquiries and for the advancement of his work. He believed that the policy which treats the Hebrews as a people separate and distinct from the great body of the Russian subjects, to be proscribed and prohibited from the major portion of the Empire and to be restricted within a limited area under special conditions and special laws, had been adopted as a deliberate and settled purpose and was not likely to be abandoned. At the same time he believed from his observations that the methods of its execution might be tempered, and that the time allowed for the removal of those ordered away from their existing domiciles might be extended. He had traversed the parts of the Empire where the Jews are chiefly concentrated; he had examined into their conditions, attributes, and tendencies; and he was able to give a favorable report of their disposition and capabilities. Contrary to the representations made in some quarters, he insisted that the Jewish agricultural communities in Russia presented creditable and successful results, and that the Jewish occupants of land attested both their inclination and their adaptability to agricultural pursuits. As the plan of colonization is based upon the theory of their willingness and capacity for farm labor, this was important testimony.

Mr. White found much distress in the Jewish settlements. The great body of the people were poor, and the limitation of their activities under the Russian laws made the struggle of life all the harder. The summary expulsion of thousands who were living outside of the legal pale of settlement, and who were compelled to take their choice between locating in districts already overcrowded with those of their race or removing from the Empire altogether, aggravated the hardships. As to the manner in which these arbitrary expulsions were enforced, little was said in detail. Mr. White had found himself exposed to some public censure in England, because he had deprecated violent criticism and had indicated that some of the current reports of severities were exaggerated. He stated, in explanation of his attitude, that he regarded himself as acting in a semidiplomatic capacity; that he wanted to accomplish practical results in which the concurrence and coöpera-



tion of the Government were vital; and that he did not wish to embarrass this work by arousing a suspicious and unfriendly feeling on the part of those to whom he must look for aid. In the promotion of this scheme of colonization he proposed to return to Russia and to spend some months in organizing committees of emigration and in arranging the essential machinery of operation.

In some other quarters deeply concerned about the future of the Jews in Russia I do not find as hopeful a feeling respecting the practical fruits of Baron Hirsch's great project. In the munificent spirit which prompts it and in the great-hearted and large-minded nature of the conception, it must command the sincere admiration of every friend of humanity. But, magnificent as it is in its liberality and broad as it is in its scope, it is questioned whether it is equal to the exigencies of a problem which touches the welfare of 5,000,000 to 6,000,000 people. I was told in London that even at its best this project could not provide for more than 25,000 persons a year. Without having undertaken any calculation, this seems to me a serious underestimate. Possibly, if applied only to those who could not help themselves at all, it would not be wide of the mark; but when self-help is united with philanthropic aid it must reach a much larger number. Even on the most favorable calculation, however, it must be limited in its operations. It is estimated that the increase of the Russian Jews is 3 per cent per annum, which, if there were no countervailing movement, would bring an increment of 150,000 to 180,000 a year, and thus the problem becomes constantly more difficult.

Against this steady augmentation there has been within the past few months a large outflow. The number of Russian Jew emigrants passing through Charlottenberg and thence sailing from Bremen or Hamburg was, in the two months of July and August, about 23,000. This is entirely independent of the exodus through Odessa and the southern parts of the Empire, which, however, is not supposed to be large. The major portion of this emigration through Bremen and Hamburg goes to the United States. Germany does not permit the fugitives to remain within her domains, and English authorities do all that is within their power to direct them away from the British shores. The chief force of this movement of the Russian Jews has come within a comparatively short period. My dispatch No. 79, of February 28, reported the beginning of a withdrawal from Moscow and St. Petersburg in apprehension of adverse measures. In my No. 89, sent on the eve of my departure on leave, the first known orders of the year for the expulsion of a number of families from the two capitals were indicated. This was the open inauguration of a policy which has since assumed large proportions.

The laws under which the expulsion of Jews living outside of the pale of settlement was directed had not for a considerable period been rigorously applied, and were now practically and palpably enforced for the first time in many years. When last year it was currently rumored that harsh and proscriptive measures had been or were about to be undertaken, this legation, in common with others, reported that the Russian Government denied and repelled these allegations. This answer, it is believed, was strictly in accord with the fact as it then was. The movement for the renewed application of the old laws has taken practical form and force within a few months. I observe that the correspondent of the New York Times, who has been in Russia making a special investigation of the subject, indicates that its enforcement began in March. Information from other sources harmonizes with this

statement. While before that time there had been some emigration, induced, perhaps, by the strenuous and precarious struggle for life in vocations which were limited and crowded or by the apprehension of a severer policy or by the harshness of irresponsible subordinate officials, the great outflow which excites the attention and interest of the world did not commence until the last spring. Since then it has gone on in a strong and steady current, and it becomes a question of special importance to us whether this movement and the causes which lie behind it can be influenced and modified.

I was desirous of meeting Col. Weber, chairman of the Emigration Commission, on the completion of his investigation in Russia, and on my arrival in London I opened correspondence with him for this purpose. But, as he was moving about, the letter was delayed in reaching him, and it was only a few days before his departure that I received a message that he was obliged to sail for home before I could reach Berlin.

I have, etc.,

CHAS. EMORY SMITH.

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*Mr. Smith to Mr. Wharton.*

No. 120.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, October 22, 1891. (Received November 7.)*

SIR: I find in the *Journal de St. Petersburg* a statement of the extent of the famine and destitution prevailing in a portion of Russia which is, perhaps, the most trustworthy and exact now attainable. It combines the information presented in various Russian newspapers and the estimates of several official authorities, and may thus be regarded as embodying the conclusions accepted in Russia itself. Without translating the immaterial parts of the article I proceed to give the essential statements.

The great question of the moment, says the *Journal*, is to know the extent of the calamity. The estimates made by the different branches of the administration differ sensibly among themselves. Thus the department of tariffs has decided to grant an abatement for the transport of grains in twenty provinces and six districts of two other provinces. The minister of domains furnishes firewood gratuitously from the forests of the State in twenty provinces, while the list of regions afflicted as made by the minister of the interior counts only thirteen provinces entire and twenty-three districts of eight others. These thirteen provinces are Nizhnee-Novgorod, Simbeersk, Saratov, Oofa, Penza, Toola, Kazan, Samara, Orenboorg, Tambov, Riazan, Voronezh, and Viatka. The region thus indicated is an immense section lying east and south of Moscow, in the very heart of Russia, stretching for a long distance on the Volga, covering an extent north and south of not less than 400 or 500 miles and a still greater distance east and west. The number of people involved can not be accurately given, for the census is neither recent nor precise. According to the data of the central bureau of statistics, the masculine population of the thirteen provinces amounted in 1878 to 8,763,000. The increase since is estimated at 14 per cent, and, adding the females, the total population is now placed at about 20,000,000 souls.

But public assistance is not contemplated and is not necessary for all. It has in view only the peasants who have the average amount of

land and those who, not possessing land, have no longer regular work. According to the estimates of Prof. Khodsky, who takes as a standard the lot of ground given to the former serfs, the number of peasants moderately possessed of land varies through the thirteen provinces from 25 to 88 per cent. I do not stop to give the figures in detail of the several provinces, which would encumber this dispatch, but present only the aggregates. From these data the conclusion is reached that the number of people who have need of assistance reaches 13,728,000. This number includes from 6,000,000 to 7,000,000, counting families, who lack work and who require aid. The relief thus demanded is estimated at 30 pounds of bread per month for each person, and it must continue through the ten months which intervene before the gathering of next year's harvests. In the aggregate it is calculated that the equivalent of 45,000,000 to 50,000,000 poods of rye will be required to meet the demands of the needy in the desolated provinces—reduced to English pounds, from 1,700,000,000 to 1,900,000,000. At the present price of the grain this supply, with the cost of transportation, involves an expenditure of 50,000,000 rubles, or more than \$25,000,000. In some quarters the estimates are sometimes two and even three times higher. These figures give an idea of the extent of the calamity. It should be added that the Government and that all classes of society are contributing most liberally for the emergency.

I have, etc.,

CHAS. EMORY SMITH.

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*Mr. Smith to Mr. Blaine.*

No. 121.]

LEGATION OF THE UNITED STATES,

*St. Petersburg, October 30, 1891.* (Received November 12.)

SIR: The Messenger Officiel, the official organ of the Russian Government, publishes a *communiqué* which gives additional information respecting the existing famine and the measures adopted for its alleviation. This authorized publication states that through the local authorities the Government has had timely information of the extent of the disaster and has been enabled to come to the aid of the sufferers. The failure of this year's crop not only involved present famine, but menaced the sowing of the next year's. The Messenger announces, however, that by reason of the measures taken the winter sowing has been made under favorable conditions and without any sensible restriction of the cultivated territory. In some of the provinces, besides, the spring sowing has been assured and the seeds purchased through funds loaned by the treasury. Special care has been taken to retain in the country the available supply of grain and to provide the means of existence for those most in distress.

It has been recognized as necessary to create bodies of relief within the famine-stricken districts, and the following measures have been taken: (1) Special conferences of representatives of the Imperial Government and of the zemstvos, which are provincial councils under the presidency of the governors; (2) the other organs of local administration, and especially the chiefs of canton, have been asked to take an active part in the work of distributing food; (3) the creation by the zemstvos of depots of grain and flour for the sale of bread at cost price or below; (4) detailed regulations for furnishing assistance; (5) arrangements for the

cheap transportation of cereals and forage; (6) permission for the pasturage of the cattle in the Crown forests and authority for the people to gather the brushwood in these forests; (7) the furnishing of employment on public works to the distressed.

To meet these requirements it will be necessary to draw largely on the general resources of the State. The amount of credit demanded is known at present only approximately. Up to this time the allowance for the twelve provinces named has been as follows:

Provinces.	Seeding.	Food.	Total.
	<i>Rubles.</i>	<i>Rubles.</i>	<i>Rubles.</i>
Simbeersk.....	1,300,000	3,700,000	5,000,000
Samara.....	1,368,604	2,031,396	4,400,000
Kazan.....	1,700,000	2,300,000	4,000,000
Penza.....	1,400,000	1,600,000	3,000,000
Nizhnee-Novgorod.....	1,378,000	1,422,000	2,800,000
Saratov.....	1,500,000	1,000,000	2,500,000
Tambov.....	1,130,000	1,170,000	2,300,000
Tobolsk.....	1,711,500		1,711,500
Oofa.....		1,300,000	1,300,000
Perm.....	350,000	650,000	1,000,000
Orenboorg.....	1,000,000		1,000,000
Riazan.....		900,000	900,000
Total.....			29,911,500

Besides this, an expenditure of 1,994,000 rubles has been allowed for the provinces of Koorsk, Taurida, Olonets, Orel, Viatka, and Toola, making for the eighteen provinces a total outlay up to the present time of 31,905,000 rubles, or about \$16,271,805. In addition 1,125,000 rubles have been assigned for public works, without counting those of constructions in wood and on railroads.

I have, etc.,

CHAS. EMORY SMITH.

## TURKEY.

*Mr. Hirsch to Mr. Blaine.*

No. 246.]

LEGATION OF THE UNITED STATES,  
*Constantinople, March 18, 1891. (Received April 6.)*

SIR: I have the honor to inclose herewith a letter from Rev. H. O. Dwight, in which he informs me that a school under the charge of the American missionaries at Agantz, in the district of Van, which has been in existence for some seventeen years, and which, after being closed by the authorities a few years ago, was, through the efforts of this legation, reopened about one and one-half years ago, since when it has again been in successful operation, was last month again closed by the arbitrary order of the local authorities.

The vizirial letter of Ramazan 16, 1306 (May 16, 1889), expressly provides: "And if there is a reason which demands the closing of schools which have been opened of old, the matter will be reported to the ministry of public instruction and the necessary steps will be taken in accordance with the answer which is received."

The evident conflict of the arbitrary proceedings of the local authorities in closing this school without first having reported to the ministry at Constantinople, with the extract from the vizirial letter just quoted, having been brought to the notice of his excellency the minister of public instruction, he immediately ordered by telegraph the reopening of the school and instructed the reasons for its closing, if any exist, to be forwarded to him here.

As soon as additional information is received the Department will be duly informed.

I have, etc.,

SOLOMON HIRSCH.

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[Inclosure 1 in No. 246.]

*Mr. Dwight to Mr. Hirsch.*

CONSTANTINOPLE, *March 18, 1891.*

DEAR SIR: The American missionaries residing at Van established a primary school about sixteen years ago in the village of Agantz, in the neighborhood of Van, which was summarily closed, in 1887, I think, by the governor-general, at the request of Armenian notabilities of the village. Upon the representations of the United States legation, his highness the grand vizier admitted that this school came under the terms of the agreement by which American schools were not to be interfered with which had been in existence for years, and which conformed to the law as to the inspection of such schools. In accordance with his decision the school was reopened in 1889 and has continued until the present year, when the governor-general again caused the school to be closed, alleging that orders from the department of the interior compelled him to do so.

The order referred to appears to be one which I have not seen, but which was alluded to in the newspapers as requiring provincial authorities to be careful in enforcing the law, which requires an imperial firman for the erection of church and school buildings. The minister of the interior could hardly issue orders as to the regulation of schools, since that matter belongs to the department of public instruction. Certain officials have the impression that all orders referring to schools are intended to check the increase of Christian schools, and are therefore liable to mis-

understand the scope of such orders. I judge that this misunderstanding is the cause of the difficulty in the present case. At all events, there is no question of erection of school buildings, nor any other matter requiring the interference of the minister of the interior with one of our schools carried on in strict conformity with the understanding by which, in return for the assent of the missionaries to the Government inspection, the question of the right of our old schools to exist was not to be raised.

The governor of Van has told the resident missionaries, on being reminded of this agreement, that there is not and never has been a school at Agantz, there being merely a number of children under instruction in a private house. If there is no school, there is of course no reason for interference. But his excellency does not appear to see the inconsistency of claiming that the school exists for the purpose of closing it, but does not exist when the question of its continuance is alluded to. If the definition of "school" is to be fixed as including only those which exist in buildings especially constructed for the purpose by imperial firman, the new definition affects the greater part of the American schools, since as you are aware the most of them were established long before anyone dreamed of requiring schools to apply for firmans except for the purpose of securing buildings, and since, moreover, the finances of our mission could never have met the need to erect special buildings for our schools. The baselessness of any such claim as that a school can not exist except when a community has money enough to obtain a firman and build special school-houses, appears when we reflect that such an edict would close nine-tenths of the Christian schools in the country and would destroy education among the poverty-stricken village population.

In the particular case in hand the mission school at Agantz has been arbitrarily closed in violation of the agreement and in entire disregard of the fact that our mission was the first among the foreign bodies engaged in educational work in this country to admit heartily Government control over the text-books and course of study in use. I hope that there may be no difficulty in securing redress for this wrong, and if the minister of the interior could be informed of the understanding that complaints against our schools are to be arranged here, where we can answer for their submission to the laws, and not in remote interior districts, I think that some, at least, of the cases with which we now have to give you so much trouble would not occur. It has often happened that interference with our schools originates in orders from the department of the interior, which, having no information as to our history, regards us with undue suspicion.

Very respectfully, yours,

HENRY O. DWIGHT.

*Mr. Hirsch to Mr. Blaine.*

No. 284.]

LEGATION OF THE UNITED STATES,  
*Constantinople, May 7, 1891. (Received May 23.)*

SIR: In December, 1890, I was informed that the Rev. Henry Easson, of Latakia, had, under the rights secured to foreigners by the protocol permitting them to buy and hold real estate, purchased a parcel of land for the purpose of building a dwelling house.

His application for the necessary permit to build was refused by the authorities, except he bind himself in a bond—

First. That he would not use the house for school purposes.

Second. That he would not rent it for school purposes.

Third. That he would not sell it, except to those who would so bind themselves not to use it for school purposes.

Mr. Easson properly refused to comply with conditions obviously illegal, and the building permit was thus refused.

The attention of the Sublime Porte was called to the case by a *note verbale*, No. 49, of December 5, 1890, asking that Mr. Easson's rights be respected and the building permit issued, of which I inclose a copy. I am now informed that these representations have had the desired result and that Mr. Easson has received the permit and is constructing his house.

I have, etc.,

SOLOMON HIRSCH,

[Inclosure in No. 284.]

*Mr. Hirsch to Said Pasha.*LEGATION OF THE UNITED STATES,  
*Constantinople, December 15, 1890.*

[Note verbale.]

The legation of the United States has the honor to inform his excellency the minister of foreign affairs that the American citizen Henry Easson, acting under faith of the protocol permitting foreigners to acquire real estate in this Empire, purchased a lot of land in Latakia, with the intention of building on it a dwelling house for his own occupancy.

Upon applying for the customary municipal permit to erect his house he was informed that he must first sign a bond declaring that—

First. That he would not use it for school purposes.

Second. That he would not rent it for school purposes.

Third. That he would not sell it, save to those who would bind themselves not to use it or rent it for school purposes.

Mr. Easson refused to give such a bond, whereupon the authorities refused the permit to build his house. The rights acquired by foreigners under the protocol extend not only to the purchase of land, but also to its use and enjoyment by the owner. A demand for such a bond as the above is clearly illegal, therefore, and can not be enforced. It follows that the decree of the local authorities refusing the permit to build should be revoked and the proper facilities granted to Mr. Easson.

The United States legation begs to express the hope that His Majesty's Government may cause the proper steps to be taken by the local authorities for the removal of the obstacles placed in the way of our countryman, that he may be permitted to at once begin the construction of his house.

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*Mr. Adee to Mr. Hirsch.*

No. 217.]

DEPARTMENT OF STATE,  
*Washington, May 25, 1891.*

SIR: I am gratified to learn by your No. 284 of 7th instant, that your note of 15th December last to the Porte, has apparently had the effect to cause the unconditional issue to the Rev. Henry Easson of Latakia, of the building permit which he had asked in vain of the local authorities.

I am, etc.,

ALVEY A. ADEE,  
*Acting Secretary.*

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*Mr. Hirsch to Mr. Blaine.*

No. 312.]

LEGATION OF THE UNITED STATES,  
*Constantinople, June 17, 1891. (Received July 7.)*

SIR: In the answer of the Sublime Porte to my note of last November, protesting against the employment of the process of registration of American physicians as a species of inquisition into their acquired citizenship and a judgment upon the same, it is stated that one Kiragos Dondjian, provided with American naturalization papers and passport, had, at the time of seeking his registration and authorization to practice, caused or allowed himself to be registered and recognized at the Ottoman bureau of nationality as an Ottoman subject. Dr. Dondjian has admitted to me that this statement is correct,

and has surrendered his naturalization certificate to me, which I now have the honor to inclose. While admitting this, and that he had given up his American passport at that bureau, Dr. Dondjian affirms that he acted upon the advice of a "friend" at the bureau of nationality, and that his action was merely dictated by expediency, his intention always being to resume his acquired American citizenship.

I am not aware of anything to prevent Mr. Dondjian from applying to the clerk of the court in which he was naturalized for a duplicate of the certificate I have taken from him, and continuing in his freedom to use either his Ottoman or his American nationality, as may for the moment best suit his purposes, unless that court should be apprised of his action here and so enabled to make the necessary entries in connection with his naturalization.

I have, etc.,

SOLOMON HIRSCH.

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*Mr. Wharton to Mr. Hirsch.*

No. 236.]

DEPARTMENT OF STATE,  
*Washington, July 10, 1891.*

SIR: Your No. 312 of the 17th ultimo has been received. You therein report that Dr. Dongian (or Dondjian), whose case has hitherto had the consideration of your legation and of this Department, had brought to a close—by voluntarily resuming Ottoman nationality—the questions raised in regard to his status in connection with his admission to practice medicine in Turkish dominions.

It would seem that at the time Dr. Dongian was soliciting your intervention to cause the delivery of his certified diploma to him as a citizen of the United States, he had already allowed himself to be registered and recognized at the Ottoman bureau of nationality as an Ottoman subject, surrendering his American passport to that bureau. He seems, moreover, to have regarded this act of his as an empty formality "merely dictated by expediency, his intention always being," as he says, "to resume his acquired American citizenship."

You very properly required Dr. Dongian to surrender to you his certificate of naturalization which you send to the Department.

There is no express provision of our law for the judicial recognition of the act of a naturalized alien in voluntarily resuming his original allegiance or for accepting as of judicial record his formal renunciation of his American citizenship. Nevertheless, as the Government of the United States recognizes the right of expatriation, it is proper for the executive branches to recognize the act of any citizen in abandonment of his American citizenship; and this Department has frequently declared that when a citizen of the United States becomes naturalized or renaturalized in a foreign land, he is to be regarded as having lost his rights as a citizen of this country.

Whatever may be Dr. Dongian's intentions as to a future resumption of his American citizenship, there can be no question as to his legal status. He can not at his pleasure keep up a double allegiance. He is now an alien by virtue of his resumption of his Ottoman subjection, and there is no provision of law for his becoming again a citizen of the United States in any other than the regular course which applies to all aliens,



Dr. Giragos Dongian's certificate of naturalization was issued by the court of common pleas of New York City, August 19, 1890.

The court will be notified of Dr. Dongian's renunciation of his American citizenship, for its information and such effect as the notification may carry in the absence of any positive provision of law in this regard.

I am, etc.

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Mr. Wharton to Mr. MacNutt.*

No. 245.]

DEPARTMENT OF STATE,  
*Washington, September 3, 1891.*

SIR: I inclose herewith copy of a letter from the Rev. Judson Smith, foreign secretary of the American board of commissioners for foreign missions, dated the 27th ultimo, and of its inclosure, in relation to the indignities said to have been perpetrated on the Rev. Mr. Richardson by Turkish officials. Your report on the case is awaited.

I am, etc.,

WILLIAM F. WHARTON.

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[Inclosure in No. 245.]

*Mr. Smith to Mr. Blaine.*

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,  
1 SOMERSET STREET, BOSTON, MASS.,  
*August 27, 1891. (Received August 29.)*

DEAR SIR: Allow me to call your attention to the inclosed copy of a letter written by Rev. H. O. Dwight, our missionary in Constantinople, who is the special means of communication between our missionaries and the United States legation in that city, and addressed to Mr. MacNutt, who is at present in charge of the affairs of our Government in Constantinople. It is quite probable that a copy of this letter has already reached the Department of State directly from Constantinople, but I send this to make sure that it comes to your attention.

The indignity to which Mr. Richardson, our missionary at Erzerum, has been exposed at the hands of Turkish officials is one of unusual boldness and calls for special attention. Mr. Richardson seems to have taken every precaution to insure the safety of himself and his possessions in the journey on missionary business which he was pursuing at the time he was so summarily placed under arrest. The right to travel freely in the pursuits of missionary duties within the limits of the Turkish Empire is one of the points, as you are well aware, which has been guaranteed again and again in the treaty stipulations between our Government and the Sublime Porte. The invasion of this right in this bold and inexcusable way, and the apparent shielding of the wrongdoer by the governor-general of Erzerum, whose duty it was rather to rebuke the unlawful exercise of power by his subordinate, adds seriously to the gravity of the situation.

The further fact that Mr. Richardson's goods were forcibly seized when in the house of a friend, and their detention for examination, is practically an invasion of the right of domicile, which constitutes in itself an additional and serious infraction of the rights guaranteed to American citizens resident in the Turkish Empire. The case seems to be one calling for prompt and vigorous action on the part of our Government, and I do not doubt that instructions have already gone from Washington to Mr. MacNutt to make demand for reparation and to secure suitable guarantys for the future. A case of this kind, if neglected, will certainly open the way for repeated wrongs of this kind and will amount to the serious interruption, if not the termination, of missionary work in the Turkish Empire.

I have, etc.,

JUDSON SMITH,  
*Foreign Sec'y.*

[Inclosure.]

*Mr. Dwight to Mr. MacNutt.*BIBLE HOUSE, CONSTANTINOPLE, *August 13, 1891.*

DEAR SIR: I desire to beg your attention to the following account of an aggravated interference with the liberty and the rights of an American missionary living in Erzerum:

In the latter part of May of the current year Mr. Richardson obtained from the authorities in Erzerum tezkara (permit to travel) to go on business to Van by way of Bitlis. He also obtained from the governor-general of Erzerum a special road order (bouyouroultou) informing subgovernors that Mr. Richardson was authorized to travel, and directing them to protect him by armed escort.

Having completed his business in Van, Mr. Richardson had his tezkara written for the return to Erzerum by way of the Alashgerd district, where he also had business, and obtained from the governor-general of Van a fresh bouyouroultou for the subgovernors along that route.

Traveling thus under protection of a Government escort, Mr. Richardson reached the town of Toprakkate on the 1st of July, and at once called on the subgovernor (kaimakam) of Alashgerd to present his respects and to ask for a fresh escort to go to Karakilise, the next district to the east of Alashgerd. This was promised him by the kaimakam, and Mr. Richardson returned to the house where he was guest.

About an hour later the kaimakam summoned Mr. Richardson and sent him to the house of a Moslem named Bitlisli Ahmed under charge of a policeman, who was instructed to keep Mr. Richardson from communicating with any Armenians of the town. Here Mr. Richardson was treated with great incivility and his servant was beaten without provocation.

Meanwhile the kaimakam sent police to the village of Khunsur, on the Karakiliss road, where Mr. Richardson had left his baggage at the house of the Protestant preacher, seized the baggage from the custody of Mr. Richardson's friends, and, after it had been brought to Toprakkate, unpacked it and took possession of all the books, written documents, letters, and letter-copy book, all of which he sent to Erzerum under his own official seal.

He also placed Mr. Richardson under charge of the policemen, who had the package of documents, directing them to deliver their prisoner to the governor's headquarters in Erzerum and to prevent his speaking to any Christian on the way. This order was carried out with strictness and brutality, the guard even beating a young Armenian acquaintance who saluted Mr. Richardson on the road. The policemen delivered Mr. Richardson to the commander of gendarmerie at Erzerum on the 5th of July. This official, after taking possession of Mr. Richardson's American passport as well as of his Turkish road papers, allowed him to go to his home under promise to report whenever summoned.

The governor-general, to whom Mr. Richardson is well known, refused all requests for the return of the private documents seized by the kaimakam of Alashgerd. Instead of this he called to his aid the teachers of an Armenian school in Erzerum and had these documents translated, only returning them after he had thus made public property of them during seventeen days. At the date of the last letter from Mr. Richardson, July 25, the governor-general still refused to return Mr. Richardson's American passport, tezakara and bouyouroultou, and a manuscript copy of the gospel of St. Matthew in the Kurdish language.

The British consul (Acting Consul Hampson) was willing to remonstrate with the governor-general for this infringement of Mr. Richardson's rights, and offered to telegraph to Constantinople for instructions from his embassy. But since the governor-general had violently threatened Mr. Richardson for appealing for protection to the consul last year, and since the consul admitted that he could not press for redress without special instructions, Mr. Richardson declined his assistance.

It appears to me that when an American has complied with all police passport regulations, and in addition to this has secured the special bouyouroultou obtained by Mr. Richardson, and, moreover, is traveling under protection of the Government escort furnished by the official of the district from which he has come, the question of his right to travel freely is not left to the discretion of petty officials along the road. The clauses of the treaties securing to Americans the right to travel freely in Turkey on their legitimate business here, expressly designed to prevent such petitions of incapable officials as occurred at Toprakkate, it certainly is not within the jurisdiction of subgovernors to set aside these clauses of the treaties.

Furthermore, the seizure of Mr. Richardson's baggage from the house where he had left it in charge of his friends was clearly a violation of domicile. The Turkish Government would hardly claim the right to seize the papers, out of curiosity to learn their contents, by forced entry into his house in Erzerum. The forced entry into his temporary quarters at Khunsur is of precisely the same nature.

Again, it seems clear to my mind that the governor-general of Erzerum, had he the qualities to be expected in one occupying his high position, would make haste to disown the arbitrary proceedings of his subordinate, and to make reparation to Mr. Richardson by promptly restoring to him his papers in some way that would clear himself from any complicity in a direct violation of the treaties. His act of keeping the documents illegally seized, and making such use of them as he chose, is one of approval of the act of the kaimakam of Toprakkate. If the governor-general has such ideas of the rights of his office, there is an end to all freedom of travel on the part of American citizens in the great province confided to his charge.

In conclusion, allow me to say that I regard this affair as possessing extreme gravity. In case the action of the governor-general of Erzerum is allowed to pass unrebuked and unredressed, I hope that you may see the propriety of reporting the case to Washington as an action logically implying the repudiation by the Sublime Porte of its treaty obligations concerning the freedom of Americans to travel in the empire.

Very respectfully, yours,

H. O. DWIGHT.

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*Mr. MacNutt to Mr. Blaine.*

No. 344.]

UNITED STATES LEGATION,  
Constantinople, September 10, 1891.  
(Received September 26.)

SIR: I have the honor to inclose for your information a copy, in translation of a recent note from the Sublime Porte, upon the subject of the alleged conversion of private dwellings into churches or schools, by the American missionaries, without proper authorization. A similar, if not identical, note has been received at the British embassy, which, the ambassador tells me, he has referred to Her Majesty's Government before answering.

It may be readily seen that the terms of this note are loose and elastic in the extreme, and that the pretension therein put forward might easily become an instrument for intolerable prying into the private lives and acts of peaceable foreigners.

It may very well be that there are instances of missionaries and teachers holding prayer meetings or Bible classes in their private houses, or having children's classes or evening readings at home, but it can hardly be admitted that such meetings change the character of the dwelling house in which they are held. It would seem to be eminently necessary that the Porte be required to define, nicely, what it holds to constitute the distinction between a private dwelling and a place for public worship or instruction.

I beg to inclose the draft of a note which I design sending to the minister of foreign affairs upon this subject, though it has been more or less understood between the British ambassador and myself that we should make our replies as nearly identical, at least in their sense, as might be; therefore, this draft is but an outline of what would appear to me to be the natural basis of our reply, but in its form, subject to change and improvements.

I have, etc.,

FRANCIS MACNUTT,  
*Charge d'Affaires, ad interim.*

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[Inclosure 1 in No. 344.—Translation.]

From the Sublime Porte.

[Sublime Porte, Ministry of Foreign Affairs. Verbal Note.]

AUGUST 17, 1891.

It happens often that missionaries or religious (people) transform in an irregular manner into churches or into schools the buildings they erect or buy as private

dwellings. In order to put a stop to this abuse it has been decided that in future real estates which may have undergone such a transformation without authorization by Imperial firman will be returned to their original destination.

Instructions in that sense having been given to the competent authorities, the ministry of foreign affairs begs the legation of the United States of America to kindly inform, on its side, those who may be interested.

To the legation of the United States of America.

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[Inclosure 2 in No. 344.]

*Draft of reply to the Porte.*

LEGATION OF THE UNITED STATES OF AMERICA,  
Constantinople.

[Note Verbale.]

In replying to the note verbale, of the 17th of August, which the ministry of foreign affairs has addressed to this legation, in which it is stated that it has sometimes happened that missionaries and religious have converted their private houses into churches or schools without proper authorization, and that instructions have been given to the competent authorities to see that such conversion be prevented, the legation begs leave to point out that the terms of the said note are of a character so vague that a categorical reply is scarcely possible.

It would seem to be of the highest importance to define in the first instance in what consists the conversion of a private dwelling house into a church or place of public worship or instruction.

Every householder is at liberty to invite or permit to assemble in his domicile his friends in any number and for any lawful purpose whatever he may see fit and as long as in so doing the public peace or tranquillity of his immediate neighbors be not disturbed.

Such an assembly may come together for any one of several purposes, to eat, to drink, to dance, to listen to music, to sing, to read, or to pray, and it is not more apparent that there is more reason to object to one of these purposes of assembling than to another.

The private character of a house as the dwelling place of an individual and his family is in no sense changed because he may see fit to invite friends to meet there at intervals for any of the purposes indicated or others not unlawful.

Until such dwelling house be thrown open to the public and marked by some external and conventional sign, such as a bell for instance, or a religious emblem or image, and fixed hours of public worship be advertised or announced, and as long as the owner does not attempt to claim the privileges granted by the Ottoman Government to places of public worship, it can not be justly held that the character of that house has been changed.

This legation therefore is unable to comply with the request contained in the said verbal note, that its provisions be communicated to the American missionaries in this Empire, there being no right by which it is permitted the legation to penetrate into the privacy of an American citizen's household.

It is hoped that a more careful consideration of the possible results to be produced by carrying out instructions such as are indicated in the note, may lead the Imperial Government to modify or withdraw them.

To the imperial ministry of foreign affairs, Sublime Porte.

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*Mr. MacNutt to Mr. Blaine.*

No. 347.]

UNITED STATES LEGATION,  
Constantinople, September 26, 1891. (Received October 10.)

SIR: I have the honor to acknowledge the receipt of your No. 245 of September 3, with its inclosures from Mr. Judson Smith, requesting my report upon the case of the Rev. Mr. Richardson, of Erzerum.

The statement of the incident made to me by Rev. H. O. Dwight, of Bible House, Stamboul, and communicated to the Department by Mr.

Judson Smith, foreign secretary of the American board of commissioners for foreign missions, is correct and complete.

Acting upon Dr. Dwight's letter, of which you inclosed me a copy in your No. 245, I called the attention of the Sublime Porte to the action of the provincial authorities, and demanded the immediate delivery to Mr. Richardson of his American passport, subject to no delay and no conditions, but expressed my willingness to await the report of the authorities at Erzerum in reply to the telegraphic inquiry which I was assured by the grand vizier should be that same day addressed to them before urging any other claims. This report was long in coming, and I was meanwhile assured that Mr. Richardson's passport had been given to him. On the 4th of September the grand vizier and most of the ministers went out of office, and for some days attention to such business as the case of Mr. Richardson was impossible.

I availed myself of the earliest opportunity to bring the case in suspense to the attention of the new vizier, his highness Djerad Pasha. A memorandum of the case was handed to the grand vizier on September 19.

I allow myself to observe that considering the unsettled state of that part of the Empire in which Mr. Richardson was arrested, it is not so strange as it might otherwise appear that in spite of all precautions travelers should meet with difficulties; and without seeking to palliate the conduct of the provincial authorities in this case, I may say that such and similar incidents are of not infrequent occurrence. It may not be doubted that the absence of an American consul at Erzerum leaves our citizens there singularly destitute of means to vindicate their rights and protect their interests; this is the more regrettable as Erzerum is a mission station of considerable importance and situated in a province where official protection is most frequently and urgently needed.

The British consul there is instructed to act "unofficially" for our citizens, but his right to represent them is not recognized by the Ottoman authorities; the obvious consequence is that when his good offices are most needed they are of least avail.

The British ambassador, in communicating to me the consul's report upon this case, remarks that "as Mr. Hampson (the consul) is not recognized by the Ottoman Government as officially charged with the interests of the United States I fear that his intervention would be ineffectual, and I have therefore thought it well to let you know the facts in the case before replying to Mr. Hampson."

\* \* \* \* \*

I have, etc.,

FRANCIS MACNUTT,  
*Chargé ad interim.*

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*Mr. Wharton to Mr. MacNutt.*

No. 249.]

DEPARTMENT OF STATE,  
Washington, October 1, 1891.

SIR: I have received your No. 344, of the 10th ultimo, upon the subject of the alleged conversion of private dwellings into places of religious worship or teaching, and inclosing a *note verbale* from the Turkish minister for foreign affairs respecting the matter, together with draft of your proposed answer conjointly with the British ambassador.

While approving the general sense of your proposed note, the Department is inclined to modify the terms of it somewhat, with the purpose of presenting a broader or more liberal appreciation of the attitude of the Porte towards the practice as complained of in the note to you from the foreign office.

A private dwelling is no more to be regarded as "converted" into a church or school by household worship or teaching therein than as converted into a public ballroom or hotel by reason of a dancing party or a dinner party given by the householder to friends and acquaintances, provided the reasonable conditions of privacy are observed. On the other hand, for the virtual conversion of such a dwelling into a church or public place of worship outward and visible signs and public advertisement are not wholly essential. A meeting gathered together in a private residence by means of a general although oral invitation or notice to the neighborhood might, under certain circumstances, be justly described as a public meeting; and the continued repetition of such a meeting at such a house might result in a reasonable description of the house as a place of public worship.

The line between public participation in such meetings and their private limitation to the members of the household and their personal guests should be, if not already, sharply and consistently drawn and scrupulously observed by everybody concerned.

It is not difficult to see that the attendance of natives of the place at the private assemblies of foreign householders for prayer and religious instruction may be so numerous and constant as to pass the commonly understood bounds of private hospitality, and it is very desirable that the missionaries, for their part, should keep strictly within the rights of alien domicile.

The Department approves your purpose, with this instruction in mind, to answer the Porte's note in concert with the British ambassador. Should your note, as modified by this instruction, and his note not prove identical, he will probably not object to acquainting you with the text of his communication.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

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*Mr. Wharton to Mr. MacNutt.*

No. 250.]

DEPARTMENT OF STATE,  
*Washington, October 17, 1891.*

SIR: Mr. Hirsch, in his No. 104 of March 31, 1890, made a full report touching the frequent interferences of the Turkish authorities—and especially those of Erzerum and interior points—with the transit and sale of books printed for and imported by the American missionaries, notwithstanding the books had been examined by the censor at Constantinople, and their circulation in the Empire had been duly authorized.

The difficulty then arose out of the groundless suspicions of the authorities that the books in question might not in fact be authorized, notwithstanding the fact and date of authorization were imprinted on the title page of each volume. In short this suspicion was tantamount to a charge that the importers and vendors of the books were resorting to deceit and something very like forgery to secure the circulation of the volumes in the dominions of the Porte.

Acting on this suspicion, as groundless as it was offensive, the authorities of the interior frequently seized and opened in transit, boxes of books bearing the official seal of the customs office to show that they had been duly examined and passed at the port of entry, and sent the books back to Constantinople for re-examination. Nor was this delay the only vexatious act of which the importers had just ground for complaint. The examination, in some instances, resulted in the mutilation of the books, by tearing out pages, notwithstanding they had been previously examined and authorized by the competent bureau.

The question of duly authenticating the admission of foreign printed books for circulation in Turkey had been for some years under consideration. The importers, with every disposition to accede to any reasonable requirement by which their property and their business might be secured from molestation, accepted and have since faithfully complied with the conditions proposed by the Turkish Government, by which all their books were to be examined and duly approved by a signed order, authorizing introduction, sale, and circulation.

Not long before the date of Mr. Hirsch's dispatch above, Mr. King, then in charge, in his No. 59 of December 10, 1889, reported having made a proposition looking to a general remedy for the vexations complained of, by the periodical publication of lists of authorized books.

It was supposed that the earnest remonstrances of Mr. King and Mr. Hirsch would have soon resulted in some practical measure to prevent the seizure, re-examination, and mutilation of works which had already complied with every Turkish requirement, both as to their authorization and as to their importation. It is now learned, however, that far from the abuse in question having been checked, or a remedy devised, it has continued, and that the vexatious acts of the interior authorities have become more unreasonable and obstructive, until it is impossible to avoid the inference that it is their purpose to break up altogether the introduction of books of this class into Turkey. So far, indeed, have they gone as even to seize consignments of books, under customs seal, in transit for Persia.

The mutilations of books already duly authorized by the competent imperial bureau continue unabated; and, in short, the business of American citizens is being interfered with and their property is being destroyed without warrant of law and in defiance of the arrangement proposed by the Ottoman Government and accepted by the Government of the United States.

I inclose for your information a copy of a letter addressed by Prof. H. O. Dwight to the Rev. Judson Smith, dated Constantinople, September 21, 1891, giving details of wrongful interference with duly authorized publications. It appears from this letter that Mr. Dwight has already laid the facts before you. You are therefore presumed to be fully informed in the matter. I have accordingly to instruct you to bring the subject earnestly and impressively to the attention of the Turkish Government, to the end that immediate and effective remedies may be found for this vexatious and wholly unjustifiable invasion of the rights of law-abiding citizens of the United States in Turkey. It is impossible to admit the right of any Turkish officers to interfere with the introduction or circulation of any work duly authorized by the competent office, and even more impossible to admit that the censorship, once exercised by the competent office, is subject to revision or reversal at the mere whim of any other Turkish administration whatever.

You will present these views with the supporting evidence in firm

yet temperate remonstrance, and will endeavor to leave no doubt in the mind of the Turkish Government that the question is regarded by the Government of the United States as a serious one, demanding instant and effective remedy in the interest of international good faith and good will.

I am, etc.,

WILLIAM F. WHARTON,  
*Acting Secretary.*

*Mr. MacNutt to Mr. Blaine.*

No. 354.]

UNITED STATES LEGATION,  
*Constantinople, October 22, 1891. (Received November 9.)*

SIR: Referring to my No. 347 upon the subject of the arrest of Mr. Richardson at Toprak-Kalé and the action of the vali of Erzerum, I now have the honor to lay before you the further facts in this same case.

The vali of Erzerum persisted in asserting that all of Mr. Richardson's papers, including his passport, were returned to him. Mr. Richardson persisted in his statement that his passport had not been returned to him. On October 1, I received from the British embassy a copy of the following telegram from the British consul in Erzerum:

Macallum, of the American mission here, British subject, traveling in Khais, seriously ill, alone. Richardson refused permission to go to him because no passport (see No. 83). Will legation get order sent at once that he can go?

HAMPSON, *Consul.*

On the same day I received the following telegram from Mr. Richardson:

Passport still missing; needed immediately; can you request British embassy to wire Hampson to issue temporary passport; associate ill in Knounus; have wired Dwight.

RICHARDSON.

My application to the British embassy for this authorization to the consul to issue a temporary passport was refused on the ground that as the consul was not recognized as empowered to act officially for Americans, it might not be respected. I had presumed that Mr. Richardson's telegram to me had been prompted by the consul, and that Mr. Hampson would not have suggested the legation's making such a request unless sure beforehand that it were easily to be granted.

The refusal of the vali to allow Mr. Richardson to leave Erzerum without first producing his passport was immediately brought to the attention of the Sublime Porte, and I was assured that telegraphic orders would be sent to facilitate his departure.

It is customary to require evidence of nationality before granting a local traveling teskeré; in this case it is obvious that the vali was trifling with Mr. Richardson, as by his own assertion that Mr. Richardson's passport had been restored to him, he admitted that he knew of its existence; besides which, other and ample evidence of Mr. Richardson's nationality might have been produced, had so notorious a fact required confirmation.

I beg to inclose a copy of Mr. Hampson's dispatch to the British ambassador, containing a complete statement of the vali's action. In reply to a letter from Mr. Richardson, I sent him a new passport which removed the technical obstacle to his departure.



It would hardly appear necessary to explicitly state, what may easily be deduced from the nature of this difficulty from its beginning, *i. e.*, that the personal relations between the governor and the missionary are not of the pleasantest.

The missionaries here are disposed to regard the case of Mr. Richardson as of the highest importance; and, as the Department may have seen from the letter of Mr. Judson Smith, of Boston, to the Secretary of State, and inclosed (in copy) with your No. 245 of September 3 to me, in which a gunboat is suggested as being now necessary in this port, are persuaded that a grave violation of treaty rights has been wantonly committed by the Turkish authorities, which should be followed by the exemplary punishment of the culpable officials, notably the governor of Erzeroum. It has been intimated to me that the missionaries at Bible House think this legation should demand and insist upon the deposition of the vali of Erzeroum.

In view of the gravity of such a step it has appeared well to me, after putting the Department in possession of the facts in the case, to await your instructions.

I have therefore to-day informed Bible House in Stamboul that the legation's action is arrested, and that the case must be considered in suspense pending the arrival of the Department's instructions.

I have, etc.,

FRANCIS MACNUTT,  
*Chargé d'Affaires ad interim.*

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[Inclosure in No. 354.]

*Mr. Hampson to Sir Wm. White.*

[Copy No. 95. Political.]

ERZERUM, October 3, 1891.

SIR: On Wednesday last I had the honor to send your excellency a cipher telegram, informing you that news had reached us that Mr. Macallum, a Canadian British subject attached to the American mission here, had been taken seriously ill while traveling in the Khinis district.

As Mr. Macallum was alone, and, having been only a short time in the country, knows little of the languages, it was urgent that Mr. Richardson, the only English-speaking foreigner in the town, should at once go to his assistance.

Mr. Richardson also knows something of medicine, and as Erzerum has now been for some months without a European doctor he was, on all accounts, the only person who could be of real use to Mr. Macallum.

On receiving the news late on Tuesday evening I at once asked the acting vali to give the necessary papers, etc., in order to enable Mr. Richardson to start next morning. This, however, the acting vali said he could not do, as the vali had given him distinct orders that Mr. Richardson was not to be allowed to travel until he had a passport.

Your excellency will remember that Mr. Richardson's passport was seized by the authorities when he was arrested, and never returned to him, as reported in my No. 83, September 5, 1891.

I then requested the acting vali to telegraph at once to the vali, explaining the circumstances and asking for permission for Mr. Richardson to go to Mr. Macallum's assistance. This the acting vali at once consented to do, and an answer was received next morning stating that it was illegal for any foreigner to travel in Turkey without a passport; that therefore Mr. Richardson could not go, but that any other missionary might go. As the vali knows that there is no other missionary in the place such an answer was absurd.

I am sorry to have to call your excellency's attention to this serious act of discourtesy on the part of the vali, Mr. Richardson being very well known to him, as also the fact that his passport had been taken from him by the authorities and lost. His excellency's action in refusing to allow Mr. Richardson to go to the assistance of a

fellow missionary and British subject in distress has the appearance of malicious and spiteful obstinacy.

I must add that I exonerate the acting vali from all blame in this matter. He was most anxious to give any aid in his power, sending a zaptieh to accompany the servant who was sent with medicines, etc., when permission for Mr. Richardson to go was refused, but of course could not disregard distinct orders received from the vali.

I have, etc.,

CHARLES S. HAMPSON.

P. S.—Rather better news of Mr. Macallum was received yesterday, luckily in time to prevent Mrs. Macallum, who is quite unfit to travel, having hardly recovered from her confinement, from starting to her husband's assistance, which she was on the point of doing.

CHARLES S. HAMPSON.

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*Mr. MacNutt to Mr. Blaine.*

No. 356.]

UNITED STATES LEGATION,  
*Constantinople, October 28, 1891. (Received November 18.)*

SIR: In the case of Mr. Richardson, of Erzerum, I have been asked by Bible House to forward to the Department the statement of that gentleman, which I now have the honor to inclose.

I have, etc.,

FRANCIS MACNUTT,  
*Chargé d'Affaires ad interim.*

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[Inclosure in No. 356.]

*Mr. Richardson to Mr. Blaine.*

ERZEROU, TURKEY, *October 13, 1891.*

DEAR SIR: As is well known to you there are, in most of the important cities of the Ottoman Empire, American citizens engaged as missionaries of the American Board of Commissioners for Foreign Missions. As they are much scattered, and their aggregate number is not large, the United States Government has never deemed it necessary to have consular officers in the interior cities for their protection. Indeed until recently, during the past decade, it has been unnecessary for two reasons:

(1) The Ottoman officers in general in the interior of this country have not clearly understood the difference between an official and a nonofficial foreigner; between a consul and a missionary. On this account often, and sometimes through the politeness of officials, the missionaries have often been received on the same footing or even more favorably than consuls.

(2) In addition to this, the uniform courtesy of the British Government has always enabled its consuls to act unofficially for citizens of the United States where we have no consular representative. Formerly this was all that was needed anywhere, the Turkish mind not comprehending the difference between official and unofficial representation.

Now, however, this free and easy method has been changed. Especially is this the case in the province of Erzerum, where the nearness of the Russian frontier and the prominence of the so-called Armenian question make the officials and the general government policy very jealous of foreigners. This necessitates the utmost care in all our dealings with the local authorities, and the British consular officers have the strictest limitations put upon their interference in behalf of Americans to "good offices in cases of unmerited violence or oppression by the local authorities" (see instructions to consular officers, January 30, 1882). These limitations were more clearly defined in instructions issued to Acting Consul Hampson the past spring. He communicated this decision to me in a letter dated April 8, 1891, as follows:

"I beg to inform you that I have this day received a dispatch from his excellency the ambassador, with reference to recent occurrences at Mardin and the position to be taken by the British acting vice-consul toward the American missionaries. As I presume that the position of this consulate is defined by the same instructions, I

quote the following paragraph for your information: 'You will inform Mr. Boyajian that if official recognition and protection are required by the American missionaries in his district, he is not empowered to afford such without express authority from this embassy being previously given him to do so, and application being made to the Sublime Porte by the United States legation here.'

I have, etc.,

CHAS. S. HAMPSON,  
*Acting Consul.*

These instructions, strictly considered, shut the consulate off from any work on our behalf, as any intervention to be effectual must be regarded as official, and the most common interventions of the consul in our relations with the Government are in the applications for road permits without which it is impossible for us to leave the city. However, Acting Consul Hampson has strained his instructions to the utmost in obtaining for me road papers, etc. This has been especially convenient, as the local government declines to recognize any communication from us except through the consulate. The British embassy in Constantinople stands perfectly ready to allow its consulates to act for us officially if our legation takes the proper steps in the matter. These steps are the following: The United States minister in London, on instructions from Washington or request from the legation in Constantinople, requests the British foreign office to allow the British consular officer in Erzerum to act as American representative, the British foreign office to accede and issue instructions accordingly. The United States legation in Constantinople applies to the Porte, and receives a letter from the Turkish premier accepting such intervention by the consul. This must be transmitted to the British embassy for its sanction and transmission to the consul, by him to be presented to the local government.

The British embassy in Constantinople declines to accept less than this, which has never been done here in our case. Until this is done our relations must remain in their present state, which is very unsatisfactory both to us and the consulate. We are never sure of what rights we have; the consulate is always afraid of doing something unauthorized which will be disowned by his embassy. In analagous cases here the Russian consul-general acts for all Greeks precisely as for Russians, and the French vice-consul for Austrians.

Minister Hirsch applied for last year and obtained the vizierial letter accepting such intervention, but did this before obtaining the consent of the British Government. He sent it also direct to the consulate here, not to the embassy to be forwarded, and this consulate, not recognizing Minister Hirsch's authority, did not recognize it but sent it to the embassy.

Mr. Hirsch has repeatedly spoken to Sir William White, the British ambassador, in the matter. The latter has always manifested his willingness for the consulate to act for us, but here Mr. Hirsch always has stopped.

Recently I have had a most unpleasant experience, much of which might have been obviated if our consular relations were in proper condition. Some three months since, while traveling, I was arrested by the governor of a subdistrict and brought to Erzerum as a prisoner, although my passport and road papers were strictly *en règle*. My private papers and letters were seized and on my return to Erzerum were examined by order of the governor-general. On my arrival here my passport and road permits were seized by the governor-general, who has never returned them to me, although he claims to have done so. Leaving out this question of fact, however, it remains certain that I had no passport. On this account I was kept a virtual prisoner in the city until the current Tuesday, October 13, when, after much correspondence, finally by telegraph, at an expense of \$20, a duplicate passport arrived.

In the meantime my associate Rev. F. W. Macallum, was taken violently ill in a village 60 miles away, and it became imperatively necessary for me as the only available person to go to him. Notwithstanding our most urgent solicitations the governor-general declined to allow me to leave the city, as I had no passport. In the providence of God Mr. Macallum's life has been spared, but it might easily have been sacrificed.

A duplicate passport which, if we had had a proper consular officer, could have been issued to me in ten minutes has taken three months to obtain at serious inconvenience, loss of prestige, unnecessary expense, and at a possible cost of human life.

In view of these representations I wish to beg the State Department to take one or other of the subjoined means for relieving this difficulty, or any other which may occur to you, but by no means to leave us with no protection in our exposed position.

The following are submitted in the order of their seeming feasibility and advisability:

(1) That the proper steps be taken at once to induce the British Government to allow its consul in Erzerum to act as American vice-consul.

(2) That the United States Government send a regularly authorized consul here, as it has to Sivas, to protect American citizens in all this section of country. We would specially request that this officer be an American citizen, specially sent out for this purpose, as a native consular agent, such as is found in some seaports of the Empire, is worse than no representative.

(3) If neither of the above-mentioned plans are deemed practicable, we would then beg that an American citizen already on the ground be appointed vice-consul without salary with permission to continue his present occupation. As this position would devolve upon myself, I should regret exceedingly the necessity of adopting it, and it would be accepted only as a last resort. However, even this would be better than the present method, which often compels me to try to do the work of a consul at the risk of serious disaster.

In conclusion, let me call your attention to the amount of American interests involved in this corner of Turkey which would be under the protection of the proposed consulate:

In the three cities and provinces of Erzerum, Van, and Bitlis are nearly twenty American citizens, with over \$40,000 invested in real estate, and expending in missionary and philanthropic work annually fully \$15,000. Great Britain has not half a dozen subjects in the same region, yet has here one full consul, often employing a secretary, and one vice-consul, at a total annual expense of almost \$10,000.

We would beg that nothing in the above be regarded as any reflection upon the present British acting consul in Erzerum, who has acted to the utmost extent of his instructions in protecting and assisting us.

Nor do I wish to reflect upon our United States legation. I fear I may not have made the situation [clear] to it, though I have endeavored to do so before the difficulty assumed its acute form. This communication is forwarded through it.

Yours, very truly,

D. A. RICHARDSON,  
*Missionary of the American Board of Foreign Missions.*

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*Mr. Blaine to Mr. MacNutt.*

No. 254.]

DEPARTMENT OF STATE,  
*Washington, November 5, 1891.*

SIR: I transmit for your further information a copy of a letter from Mr. Judson Smith, with its inclosed letter from Mr. Henry O. Dwight, of Constantinople, in relation to the continued interference of the authorities of Erzerum with the freedom of Mr. Richardson, an American citizen residing at that place, this being the case reported in your No. 347 of the 26th of last September.

It would seem that the delivery to Mr. Richardson of the travel permit, or *teskeré*, although repeatedly promised to the legation by the foreign office, has not been effected by the authorities at Erzerum. It is not for a moment supposed that the Government of the Porte can tolerate any such dereliction of duty on the part of the provincial authorities, or fail to rebuke so grave an act, in the face of its positive assurances that the needed *teskere* would be given.

If when you receive this instruction you find that Mr. Richardson is still denied the permission to travel to which he is clearly entitled, and his right to which has been solemnly admitted by the imperial Government, and if he should still be virtually a prisoner in the province, you will earnestly invite the attention of the minister for foreign affairs to the situation, and will ask that positive and peremptory orders be issued which will admit of no further evasion or delay on the part of the local authorities. Under the circumstances you are justified in asking that the necessity of a provincial *teskeré* be obviated by the issuance of such a document or its equivalent travel permit by the imperial authorities at the capital, and that the permit be delivered to you, for dispatch to Erzerum by the dragoman of the legation, whom you will send thither

for that purpose. Mr. Gargiulo can go by steamer to Trebizonde, from which point you will ask for a suitable guard to accompany him to Erzerum.

Mr. Gargiulo will take advantage of his visit to Erzerum to investigate and report fully touching the situation there as it affects our citizens. A separate account should be rendered covering the actual and necessary expenses of his journey.

Should Mr. Richardson have received his travel permit, it will not be necessary for Mr. Gargiulo to go to Erzerum. In that case after the return of the minister to Constantinople, it is probable that he will be instructed to cause a special investigation to be made on the spot by the secretary of legation.

I am, etc.,

JAMES G. BLAINE.

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*Mr. Blaine to Mr. Hirsch.*

No. 263.]

DEPARTMENT OF STATE,  
Washington, December 14, 1891.

SIR: The Department's instruction No. 249 of the 1st October, 1891, related to a question then recently raised by a note from the Ottoman minister for foreign affairs concerning the conversion of private dwellings into churches or schools, and in regard to which Mr. MacNutt was in conference with the British ambassador with a view to the concurrent formulation of a reply.

In that instruction, and in view of the circumstance that the public teaching of foreigners in Turkey and the erection of public places of non-Mohammedan worship are in many instances under express permit granted to those ends by the Turkish authorities, the Department commented upon the obvious distinction between public teaching and worship in edifices distinctly intended to serve as schools or churches and the employment of private dwellings for those purposes. The object of that instruction was to simplify the discussion of the question of so-called "conversion" of private dwellings into public schools or churches by showing that a well-marked line of demarcation between the two classes of foreign rights existed, and that the real issues involved should not be confused by any attempted interference with long-established and fully recognized rights of foreigners in the matter of household teaching and worship on the ground that they had become merged in other public rights of foreigners in Turkish dominions, although equally long established and recognized. Domestic and public teaching and worship by foreigners are alike rightful, and their rights in regard to each are to be alike insisted upon; yet it may be deemed convenient to distinguish between the domestic and the public exercise of those rights, especially as the Turkish authorities appear disposed to base a new system of interference with both classes of rights by extending the definition of public teaching and worship so as to invade the domain of private domicile.

Mr. MacNutt has not yet replied to that instruction, and the Department is consequently unaware what may have been its effect upon the suggested concurrent action of the British embassy and the United States legation. The subject in its more general aspects is so important that I deem it proper to supplement the instruction of October 1, 1891, with

fuller and broader considerations applicable to the whole ground of controversy.

By reference to the correspondence exchanged with your legation in the latter part of 1886 and the early part of 1887 it will be seen that the rights of foreigners to teach and worship in the dominions of Turkey without interference or molestation was distinctly asserted and as distinctly recognized. Mr. Bayard's instruction No. 7 to Mr. Strauss, under date of April 20, 1887, ably presents the unimpeachable grounds upon which this Government successfully rested its claim that the right of American citizens to receive into their hospitals and schools persons of Turkish nationality rests not alone on the specific stipulations of treaty and the capitulations, but on long usage, amounting from duration and from the incidents assigned to it by law to a charter. That correspondence further shows the arrangement effected by Mr. King with the Turkish authorities by which the natives of the Empire were to benefit by the beneficent and educational opportunities afforded by the missionaries of the United States in Turkey. The rights of foreigners in the matter of worship rest on even more unassailable grounds; so much so that in the course of centuries of constant exercise they had never been seriously questioned. It is not to be supposed that they can now be called in question; they certainly can not be impaired by introducing a distinction between public and private worship, or by raising question whether the place of worship is to be regarded as a dwelling or a temple. Its only relation to the subject now under consideration is as regards the circumstances under which those rights may be exercised.

Any conditions affecting such exercise must necessarily be legitimate, usual, precise, and readily fulfilled. It would be impossible to admit any arbitrary criterion by which the rights of teaching and worship of and by foreigners in Turkey may be circumscribed and rendered null at the whim of the authorities by the imposition of unusual or difficult conditions.

Neither should the merits of the question be clouded by such hair-splitting issues as that now raised by the contention that the exercise of an assured right in the dwelling house of a foreigner "converts" the dwelling to some different but equally legitimate use.

A question in point was presented in your dispatch No. 284 of May 7, 1891. You then reported the case of the Rev. Henry Easson, of Latakia, who, having lawfully and rightfully purchased a parcel of land for the purpose of building a dwelling house, was refused the necessary building permit unless he should bind himself not to use or rent the house for school purposes nor sell it, except to parties who would similarly bind themselves. In your *note verbale* of December 15, 1890, to the ministry for foreign affairs, you properly took the ground that the conditions sought to be imposed were illegal, inasmuch as the rights of foreigners in the premises extend not only to the purchase of land, but to its use and enjoyment by the owner. No attempt whatever appears to have been made on the part of the Ottoman Government to uphold the proposed conditions as legal, usual, or reasonable, and Mr. Easson soon thereafter received his permit without the obnoxious conditions and proceeded to construct his house. No further attempt to interfere with his rights in this regard has been reported.

The right of a citizen of the United States to purchase land in Turkey and to build thereon is indefeasible. The character of the structure to be erected thereon is naturally definable within reasonable limits; but the right to erect it, whether it be a dwelling house, a shop, an in-

dustrial establishment, a bank, a school, a church, a hospital, or any other legitimate structure not contravening law or good morals is unimpeachable. It is, of course, proper that, in applying for the necessary permit to build an edifice destined to special uses other than those of ordinary habitation, the purpose for which it is intended should be defined in good faith and with reasonable precision. Such a definition can, however, in no wise curtail the extraterritorial rights of domicile possessed by foreigners in Turkey, or become instrumental in restraining the exercise within the walls of their dwellings of every right to which they are entitled. It will, now as always, be your duty and your care to protect American citizens in the full and free enjoyment of their domiciliary rights, and to protect them therein from any illegal, arbitrary, unreasonable, and vexatious interference on the part of the Ottoman authorities.

If it would aid in the comparison of views on this subject between your legation and the British embassy, you may communicate the contents of this instruction to Her Britannic Majesty's ambassador.

I am, etc.,

JAMES G. BLAINE.





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