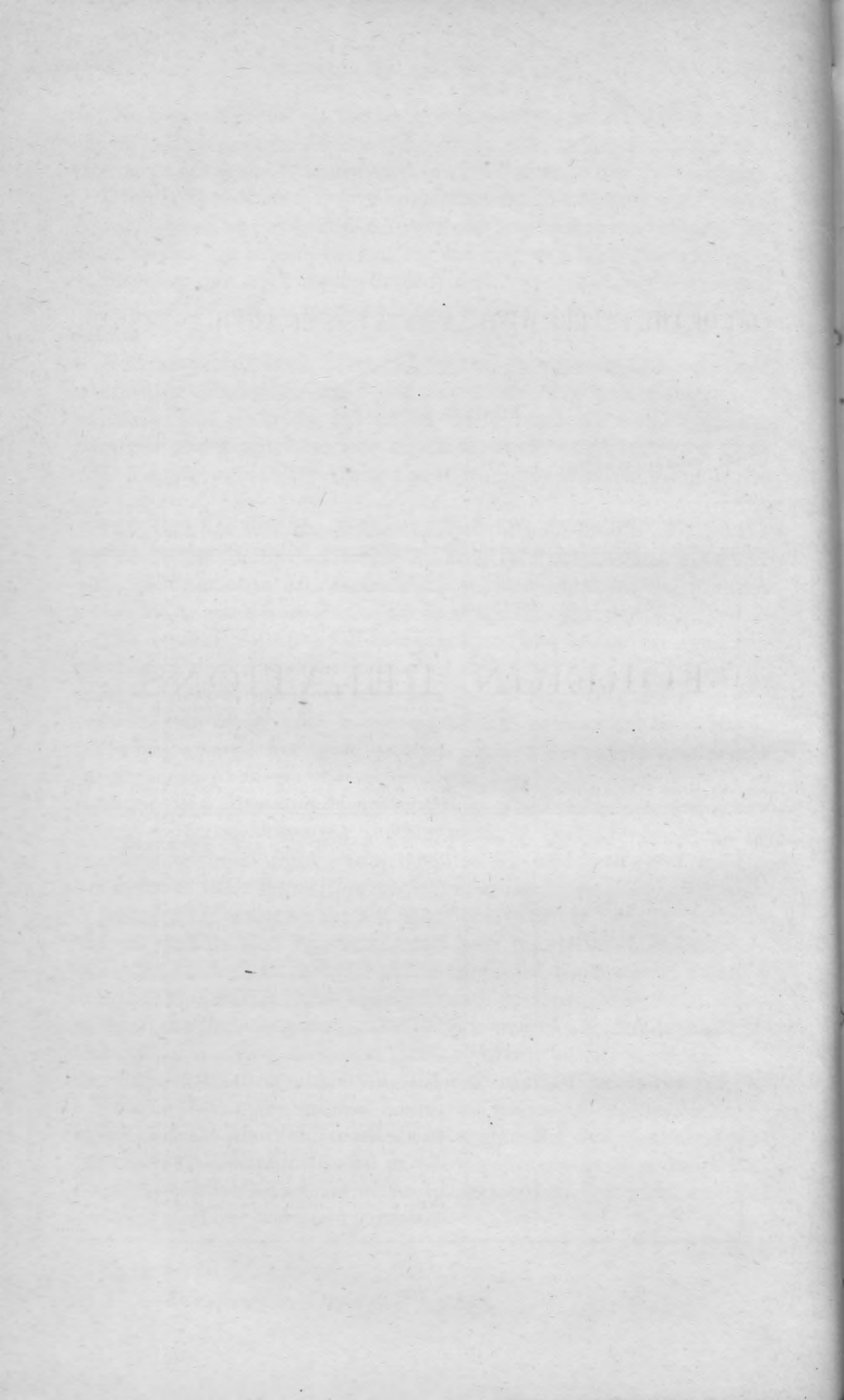

FOREIGN RELATIONS.

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XXXIII



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No.	From and to whom.	Date.	Subject.	Page.
351	Mr. Grant to Mr. Gresham .	1893. Apr. 11	Military service: Incloses correspondence with foreign office relative to the arrest and subsequent release of Edward Drucker.	1
353	Same to same	Apr. 19	Arrest of Charles Mercy alias Saul Moerser for evasion of military service and embezzlement previous to emigration: The former charge was withdrawn on evidence of naturalization and Mercy was released under bond on the latter charge. He is supposed to have returned to the United States. Incloses correspondence with Mercy, the latter's father, and the foreign office.	5
299	Mr. Gresham to Mr. Grant .	May 8	Same subject: Acknowledging dispatch No. 353, remarks that Mercy's naturalization papers were taken from him, and instructs him to express the expectation that naturalized citizens will be accorded the right of free appeal to the legation and the opportunity to establish by documentary proof their claim for intervention on the part of the legation.	13
360	Mr. Grant to Mr. Gresham .	May 12	Same subject: Incloses note from foreign office announcing Mercy's flight, and presenting the circumstance as a justification for the withholding of his papers.	14
310	Mr. Gresham to Mr. Grant .	June 1	Same subject: Observes, in answer to the above, that there is an essential distinction between withholding naturalization papers from the bearer and withholding them from the legation of the United States.	14
13	Mr. Tripp to Mr. Gresham.	July 1	Military service: John Benich, a naturalized citizen, is arrested and enlisted by the authorities of Croatia in spite of consular agent's representations, and in violation of the treaty which they openly disregard. Presents the case as an outrage, and incloses reports of the consular agent and correspondence with the foreign office. Benich has been temporarily released.	15
14	Same to same	July 12	Arrest of Charles Mercy: The bond referred to in dispatch No. 360 has been declared forfeited, and a bill of indictment for embezzlement issued.	22
29	Mr. Gresham to Mr. Tripp.	Sept. 4	Military service—case of John Benich: The refusal of Croatian authorities to recognize the validity of the treaty or the authority of the United States representative at Fiume calls for their rebuke by the Austrian Government, and a proper expression of regret. Insists upon the necessity of a passport being recognized as valid until shown to be otherwise, and then the facts should at once be brought to the notice of the Government of the United States through its legation.	23

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No.	From and to whom.	Date.	Subject.	Page.
135	Mr. Blaine to Mr. Dockery.	1892. Mar. 1	Duties imposed on skins exported to the United States by the State of Bahia, in violation of reciprocity arrangement: Incloses a report from the consul of the United States at Bahia in the matter, and instructs him to bring it to the attention of the minister for foreign affairs.	26
228	Mr. Lawrence to Mr. Blaine.	Apr. 23	Same subject: The Government of Brazil seeking an understanding with the governors of the States of Bahia and Pernambuco in order that protests may be attended to. Notes inclosed.	26
155	Mr. Blaine to Mr. Conger...	June 2	Same subject: Approves Mr. Lawrence's note to the minister for foreign affairs inclosed in dispatch No. 228.	25
390	Mr. Markell to Mr. Foster..	1893. Feb. 10	Same subject: The governor of Bahia has decided that the duty can not be imposed, and that claims of export merchants are valid. Correspondence inclosed.	28
408	Mr. Markell to Mr. Gresham.	Mar. 13	Same subject: The governor of Bahia will reimburse all export duties improperly collected, and that of Pernambuco will lay the matter before the State legislature.	29
248	Mr. Gresham to Mr. Conger.	Mar. 30	Same subject: Expresses gratification at the information contained in dispatch No. 390.	30
250	Same to same.....	Apr. 3	Death of Baron de Aguiar de Andrade, envoy extraordinary and minister plenipotentiary of Brazil on a special mission: Honors paid by the United States Government at the funeral.	30
419	Mr. Conger to Mr. Gresham.	Apr. 3	Insurrection in the State of Rio Grande do Sul caused by the struggle between the governor, De Castilhos, who is supported by the Federal Government, and Martins, the leader of a majority of the people in the State: Reports the prevailing belief that the forces sent by the Government will suppress the movement.	31
258	Mr. Adee to Mr. Conger....	Apr. 28	Duties imposed on exports: Expresses gratification at the information conveyed in dispatch No. 408.	31
436	Mr. Conger to Mr. Gresham.	May 3	Dissensions in the Brazilian cabinet: Reports the resignation of the ministers of finance and of marine. Incloses comments of the Rio News accompanying Admiral de Mello's letter of resignation.	32
442	Same to same.....	May 13	Death of Baron de Aguiar de Andrade: Incloses letter of minister of foreign affairs acknowledging the courtesies extended by the Government of the United States.	35
446	Mr. Conger to Mr. Gresham.	May 26	Impeachment of Vice-President Peixoto: Reports that a motion for the, has been introduced in the House of Deputies and that the outcome is uncertain.	36
448	Same to same.....	June 2	Duties on wheat flour imported from the United States: Orders have been issued, after some delay, to discontinue their collection and to strictly carry out the reciprocity arrangement. Correspondence with minister for foreign affairs inclosed.	36
453	Same to same.....	June 9	Impeachment of Vice-President Peixoto was voted down June 8 by 93 to 52.	38
277	Mr. Gresham to Mr. Conger.	July 5	Duties on wheat flour imported from the United States: Expresses gratification at the information conveyed in dispatch No. 448.	38
283	Same to same.....	July 18	Cipher messages prohibited from the United States to Brazil while allowed from Brazil to the United States: Points out the hardship on commerce imposed by that measure and instructs him to endeavor to have it removed, or at least to secure the adoption of suggestion that American exporters may be permitted to send such telegrams on depositing their code with the Brazilian Government.	38
408	Mr. Conger to Mr. Gresham.	July 24	Insurrection in Rio Grande do Sul: Reports progress of the, the action and subsequent capture of Admiral Wanden Kolk, who joined the insurrectionists on July 6. Signs of dissatisfaction with the Vice-President's course are apparent.	39

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	Mr. Adee to Mr. Conger (telegram).	July 27	Cipher messages: Repeats the instructions given in No. 283 above.	41
	Mr. Conger to Mr. Gresham (telegram).	July 29	Same subject: Removal of restrictions announced.	41
474	Same to same.....	July 31	Same subject: Quotes a telegram from minister for foreign affairs announcing the reestablishment of cipher communication between the United States and the northern States of Brazil.	41
	Mr. Conger to Mr. Gresham (telegram).	Aug. 3	Same subject: Cipher messages to Santos are still prohibited for the present.	42
481	Same to same.....	Aug. 18	Tax levied by the State of Amazonas on rubber in transit: A speedy settlement has been requested of the State authorities by the Government. Notes inclosed.	42
	Same to same (telegram)....	Aug. 30	Cipher messages to Santos: Removal of prohibition announced.	43
485	Same to same.....	Aug. 30	Same subject: Incloses correspondence exchanged with the minister for foreign affairs.	43
	Mr. Thompson to Mr. Gresham (telegram).	Sept. 6	Revolt of the Brazilian navy announced. It threatens to bombard Rio de Janeiro unless Vice-President Peixoto resign.	45
	Same to same (telegram) ...	Sept. 7	Same subject: The diplomatic corps has declined an invitation of the Vice-President to discuss with him measures to adopt in the event of bombardment.	45
3	Same to same.....	Sept. 7	Same subject: Reports that Admiral de Mello is in command of the revolt, gives the forces and position of the respective parties, and the number of foreign war vessels; trade little affected thus far.	46
	Same to same (telegram) ...	Sept. 8	Same subject: Martial law has been authorized by the Brazilian Congress, and a war vessel of the United States should be sent at once.	46
	Mr. Gresham to Mr. Thompson (telegram).	Sept. 8	Telegraphic communications with Brazil: Instructs him to make representations against the suspension of.	47
	Same to same (telegram) ...	Sept. 9	Revolt of Brazilian navy: The U. S. S. <i>Detroit</i> has been ordered to Rio and the <i>Charleston</i> is due there.	47
	Mr. Thompson to Mr. Gresham (telegram).	Sept. 11	Telegraphic communications with Brazil: All telegrams in plain language may be transmitted upon <i>viza</i> of the minister of marine.	47
	Same to same (telegram) ...	Sept. 11	Revolt of Brazilian navy. Martial law has been declared and commerce is suspended.	47
4	Mr. Thompson to Mr. Gresham.	Sept. 11	Same subject: Proclamation of revolting Admiral de Mello enclosed.	47
	Same to same (telegram)....	Sept. 14	Same subject: Opening of hostilities and prohibition of commercial telegrams reported.	49
	Same to same (telegram)....	Sept. 15	Same subject: The insurgents have ordered merchant vessels to move out of the harbor with the apparent purpose of bombarding city.	49
11	Same to same.....	Sept. 19	Restrictions on commercial telegrams. The minister for foreign affairs at first declines to remove them, but a subsequent official notice allows the transmission of telegrams visaed by the minister of finance.	50
17	Same to same.....	Sept. 19	Revolt of the Brazilian navy. Situation unchanged. The contest appears to be between the army and the navy, and the people show but little interest in the outcome.	50
	Same to same (telegram)....	Sept. 28	Same subject: Reports that he has asked U. S. naval commander to protect by force if necessary American commerce, and suggests a strong stand against bombardment of Rio de Janeiro which has already caused loss of life and property.	51
	Mr. Strobel to Mr. Thompson (telegram).	Sept. 28	Same subject: Instructs him to furnish commanding officer U. S. naval forces with copy of order to the effect that further destruction and bloodshed should be prevented by exertion of all the moral force of the Government of the United States by protest and otherwise and every effort used to protect American persons and property.	51
	Mr. Thompson to Mr. Gresham (telegram).	Oct. 2	Same subject: Admiral in command of revolting squadron announced intention to bombard Rio de Janeiro. Representatives of United States, France, Great Britain, Portugal, and Italy in conference to-day advised commanding officers of foreign war vessels to prevent bombardment.	51

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No.	From and to whom.	Date.	Subject.	Page.
		1893.		
	Mr. Thompson to Mr. Gresham (telegram).	Oct. 2	Same subject: Diplomatic representatives by verbal note request that Government of Brazil deprive revolting squadron of all pretexts for hostile action against Rio de Janeiro.	51
	Same to same (telegram)....	Oct. 9	Same subject: Through intervention of foreign fleet admiral in command of revolting squadron promises not to bombard Rio de Janeiro. It is rumored that an attempt will be made to restore the monarchy.	52
	Mr. Gresham to Mr. Thompson (telegram).	Oct. 11	Same subject: Instructs him to favor legitimate entry and export of American-owned merchandise and innocent trade of American ships.	52
	Mr. Thompson to Mr. Gresham (telegram).	Oct. 12	Same subject: Notice issued on September 18, that necessary protection would be given legitimate entry and export of American-owned merchandise. English barge seized, Americans not interfered with, Fort Villejalgon, hitherto neutral, has declared for the revolutionists. Will not fire on Rio de Janeiro. General bombardment Tuesday between revolting fleet and squadron and three loyal forts.	52
39	Same to same.....	Oct. 13	Same subject: Confirms above, incloses notice published by him regarding protection of American merchandise and ships. Reports indifference of the people in the conflict.	53
43	Same to same.....	Oct. 13	Same subject: Reviews the situation from September 21 to date, including Boynton's abortive attempt to blow up revolting ship Aquidaban.	53
44	Same to same.....	Oct. 13	Same subject: Reports that diplomatic representatives and naval commanders have come to an understanding with the revolutionists, that Rio de Janeiro shall not be bombarded. Incloses correspondence.	55
45	Same to same.....	Oct. 14	Same subject: Decree withdrawing the protection of Brazilian flag from revolting squadron.	59
46	Same to same.....	Oct. 16	Same subject: Second manifesto of Admiral Mello.	60
30	Mr. Gresham to Mr. Thompson.	Oct. 19	Restrictions on Telegrams: Commends his efforts towards removing the same.	62
	Mr. Thompson to Mr. Gresham (telegram).	Oct. 21	Revolt of the Brazilian navy: Arrival of Newark. Situation unchanged. Attempts of insurgents to land unsuccessful. Daily bombardments between forts.	62
	Same to same (telegram)....	Oct. 21	Same subject: Admiral in command of revolting squadron again threatens to bombard Rio de Janeiro. Mello attempting to form government at Catharina. Rumored blockade at that port.	62
	Same to same (telegram)....	Oct. 24	Same subject: Reports request of insurgents through U. S. naval commander for recognition as belligerents, a provisional government having been established at Deesterro. Names of members given. Uruguay refuses recognition to insurgent vessel <i>Republica</i> .	63
	Mr. Gresham to Mr. Thompson (telegram).	Oct. 25	Same subject. Recognition of insurgents as belligerents not justified by their present political organization. Instructs him to report events as they occur, espouse the cause of neither side, and maintain until further instructions the attitude of an indifferent spectator.	63
	Mr. Thompson to Mr. Gresham (telegram).	Oct. 30	Same subject: Asks if he is authorized to protect by force American merchandise placed on Brazilian barges.	63
	Mr. Gresham to Mr. Thompson (telegram).	Nov. 1	Same subject: Any interference with American commerce by the insurgents, who are not recognized as belligerents, can and should be resisted.	64
	Mr. Thompson to Mr. Gresham (telegram).	Nov. 7	Same subject: Movements of Government troops against insurgents. Lack of understanding between Mello and southern insurgents. English officers and seamen killed by explosion of magazine.	64
	Same to same (telegram)....	Nov. 8	Same subject: Killing of noncombatants by insurgents' fire on Rio.	64
	Same to same (telegram)....	Nov. 9	Same subject: Firing by insurgents on Rio in violation of agreement; loss of a torpedo boat by insurgents; bombardment apprehended.	65

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66	Same to same	Nov. 10	Same subject: Diplomatic representatives inform Brazilian Government that the manufacture of arms and projectiles in arsenal will afford insurgents grounds for an attack on the city. Brazilian Government, while declining to be limited in its preparation for defense, denies manufacture of arms; incloses correspondence.	66
68	Same to same	Nov. 10	Same subject: Report upon the causes and progress of the revolution in Brazil.	68
69	Same to same	Nov. 10	Same subject: Firing by insurgents on searchlight on Gloria Hill endangering adjacent suburbs; representations of Brazilian Government communicated by diplomatic corps to naval commanders, who decline to interfere. Correspondence inclosed.	70
70	Same to same	Nov. 10	Same subject: Accidental meeting with Admiral Mello on board U. S. S. <i>Newark</i> on the third day after arrival at Rio de Janeiro. Politics not discussed. Impartiality of Admiral Stanton, of the U. S. Navy.	72
74	Same to same	Nov. 14	Same subject: Admiral da Gama, a monarchist, commanding arsenal on the Ilha das Cobras and Fort Villegaignon, hitherto neutral, likely to join the insurgents. Action taken for protection of foreign commerce by war vessels.	73
	Same to same (telegram)	Nov. 15	Same subject: Martial law declared in the State of Pernambuco.	74
	Same to same (telegram)	Nov. 16	Same subject: Newspapers suppressed and members of Congress arrested in Pernambuco.	74
78	Same to same	Nov. 16	Same subject: Decree establishing martial law at Pernambuco from Nov. 15 to Nov. 30 inclosed.	74
	Same to same (telegram)	Nov. 17	Same subject: Asks if he shall act with diplomatic corps in presenting request of commanders of foreign naval vessels that firing from forts cease while harbor is searched for floating torpedoes. Similar demand made of insurgents.	75
	Mr. Gresham to Mr. Thompson (telegram).	Nov. 17	Same subject: If neutral ships are endangered by floating torpedoes, instructs him to join with his colleagues in requesting both sides to permit removal.	75
	Mr. Thompson to Mr. Gresham (telegram).	Nov. 18	Same subject: United States Consul at Pernambuco asks for a naval vessel, at the request of American citizens.	75
	Mr. Gresham to Mr. Thompson (telegram).	Nov. 20	Same subject: Remarks that his telegram of the 18th does not afford sufficient basis for instructions; directs him to confer with commander of United States naval forces.	75
	Mr. Thompson to Mr. Gresham (telegram).	Nov. 23	Same subject: Insurgent monitor Javary sunk by shell from Nichtheroy batteries.	76
	Same to same (telegram)	Nov. 23	Same subject: 1,800 insurgents from Rio Grande marching on Santa Catharina; 5,000 Government troops ordered against them. Information received from minister foreign affairs.	76
	Same to same (telegram)	Nov. 29	Same subject: Attack on Nichtheroy and Santa Catharina by insurgents repulsed. Loss of the <i>Pallas</i> and <i>Madeira</i> of the revolted squadron.	76
88	Same to same	Nov. 30	Same subject: Martial law continued in the District Federal and the States of Pernambuco, Rio de Janeiro, San Paula, Parana, Santa Catharina, and Rio Grand do Sul. Incloses decree.	76
	Same to same (telegram)	Dec. 1	Same subject: Admiral Mello left bay this morning, going south on <i>Aquidaban</i> .	77
93	Same to same	Dec. 4	Same subject: Reports particulars of Admiral Mello's forcing his passage out of the bay. Growing probability of Admiral da Gama's accession to the insurgent cause.	77
	Same to same (telegram)	Dec. 5	Same subject: Firing on the city by insurgents. Message from leading American merchants of Rio to the effect that the city is fired into daily, no notice being given. A number of foreigners have been killed. Asks that American squadron be instructed to prevent firing into the city until proper notice is given and to keep constantly a line of communication with the consulate.	78

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No.	From and to whom.	Date.	Subject.	Page.
	Mr. Thompson to Mr. Gresham (telegram).	1893. Dec. 5	Revolt of Brazilian navy: Reports that the condition of affairs at Pernambuco does not warrant the dispatch of a war vessel to that place. Admiral Mello, after pillaging quarantine station of Ilha Grande, sailed south.	78
94	Same to same.....	Dec. 5	Same subject: Firing on the city by insurgents. Foreign naval commanders decline to interfere. Incloses correspondence with Brazilian Government and naval commanders and petitions of American residents against firing on the city.	78
95	Same to same.....	Dec. 5	Same subject: Acknowledges department telegram of November 20. Explains that consul at Pernambuco reported mere rumors of impending danger which proved unfounded.	82
	Same to same (telegram)....	Dec. 9	Same subject: Admiral da Gama has declared in favor of the insurgents and restoration of the Government as it was before establishment of the Republic.	82
	Same to same (telegram)....	Dec. 13	Same subject: Minister of foreign affairs informs him that the object of the insurgents will henceforth be the restoration of the Empire.	82
	Same to same (telegram)....	Dec. 14	Same subject: Admiral da Gama informs commanders that he will endeavor to prevent landing of merchandise. British naval forces have withdrawn protection.	82
	Same to same (telegram)....	Dec. 17	Same subject: Commanders have withdrawn protection from commerce. American vessels have protested, but, not having communication with Capt. Pickens, can not ascertain his position. Situation the same. Department's instructions of November 1 should be enforced.	83
107	Same to same.....	Dec. 18	Same subject: Manifest of Admiral da Gama declaring for insurrection and the restoration of the Empire unfavorably received by the masses and the press. Incloses manifesto and Government decree declaring da Gama a traitor.	83
	Same to same (telegram)....	Dec. 21	Same subject: Reports order of Government for merchant vessels to move from islands held by insurgents and refusal of protection to American vessels by Capt. Pickens on the ground that it would be interfering with insurgents' line of fire.	85
	Same to same (telegram)....	Dec. 22	Same subject: Brazilian Government published a notice ordering all ships exposed to remove, as revolted ships have taken refuge amidst foreign ships and therefrom fire upon land forces.	85
	Same to same (telegram)....	Dec. 25	Same subject: Insurgents have informed Italian admiral that they will bombard unless recognized as belligerents. Perceptible change in favor of the Government has been created by da Gama's proclamation in favor of restoration of the Empire. Engagements with insurgents do not appear to have been enforced by naval commanding officers.	86
	Mr. Gresham to Mr. Thompson (telegram).	Dec. 25	Same subject: Instructs him to remain in Rio unless danger is greater than reported.	86
	Mr. Thompson to Mr. Gresham (telegram).	Dec. 26	Same subject: Recognition as belligerents asked by da Gama. Diplomatic representatives will not recommend it.	86
	Same to same (telegram)....	Dec. 27	Same subject: Reports that he has been in Rio most of the time, always when needed.	86
112	Same to same.....	Dec. 27	Same subject: Martial law continued in certain States. Decree inclosed.	87
114	Same to same.....	Dec. 28	Same subject: Confirms telegram of December 27; says he was in Rio every day up to November 20, and two or three times a week since, except for eight days, when his health prevented.	87
	Same to same (telegram)....	Dec. 30	Same subject: Da Gama has been notified by commandants that two days' notice must be given before a bombardment.	88
117	Same to same.....	Dec. 31	Same subject: Communications of foreign representatives to respective naval officers relative to change of landing place for merchant vessels, firing by insurgents on city, and impediments to commence and intercourse between diplomatic and naval officers inclosed.	88

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118	Mr. Thompson to Mr. Gresham (telegram).	1893. Dec. 31	Revolt of Brazilian navy: Communication of naval officers to da Gama respecting two days' notice before bombarding inclosed.	89
119	Same to same	Dec. 31	Same subject: Landing place for merchant vessels and anchorage for war ships. Incloses note of Brazilian Government to diplomatic corps and of the latter to naval commanders with regard to.	89
120	Same to same.....	Dec. 31	Same subject: Recognition as belligerents and threatened bombardment. Incloses two communications of da Gama to foreign naval commanders relative to, and reply that reasons advanced as to bombardment are not considered sufficient.	90
121	Same to same.....	Dec. 31	Same subject: Progress of events bring no tangible advantage to either side. Government has captured a few islands in the bay; ships purchased abroad still at Pernambuco. Reliable news from interior not obtainable.	92
122	Same to same.....	Dec. 31	Same subject: Protection to commerce. Difference between Capt. Picking and himself originating from the order of Brazilian Government removing vessels from certain anchorage. Incloses his letter to and curt reply of Capt. Picking, also notice of foreign commanders to Mello of November 6, declaring that they would protect their vessels and barges covered by their flag, and notice of British Consul withdrawing protection.	93
123	Same to same.....	Dec. 31	Same subject: Second manifesto of da Gama, declaring that his first was falsified, and that the fight is not for the Empire, but for constitutional government, inclosed; also anonymous circular attacking the Government for hiring at enormous cost mercenary crews for the ships purchased abroad.	96
		1894.		
	Same to same (telegram)....	Jan. 2	Same subject: Substance of the above condensed.	93
	Mr. Gresham to Mr. Thompson (telegram).	Jan. 6	Same subject: Belligerent recognition. Being uninformed of any essential change of conditions since former application, no present occasion appears for a different response to this renewed request.	98
	Same to same (telegram)....	Jan. 9	Same subject: Protection of commerce. Instructs Mr. Thompson to cooperate with senior commander of our naval forces and others, if possible, in effort to induce the insurgents to designate a place, if there be such a place, where neutral vessels may receive and discharge cargoes in safety without interference with military operations.	98
78	Same to same.....	Jan. 11	Same subject: Protection of commerce. While warlike preparations of Government in the city justify naval officers' determination no longer to prevent bombardment, United States will not acquiesce in interference with United States vessels unless made effective with all foreign shipping and in pursuance of some tangible plan of orderly military operations.	98
130	Mr. Thompson to Mr. Gresham.	Jan. 12	Same subject: Harbor-master's orders for the shifting of vessels in the bay. Incloses joint note of naval commanders complaining that they are not explicit, and requesting that they should be issued by the Government itself.	99
131	Same to same	Jan. 12	Same subject: Bombardment notice of 48 hours requested by naval commanders and withdrawal from their position as to prevention of the same based on the mounting of big guns by the Brazilian Government contrary to original agreement. Incloses communication of diplomatic corps to and from Government and naval commanders.	101
134	Same to same.....	Jan. 12	Same subject: Condition of affairs reviewed. Interference of insurgents with commercial operations; United States and German vessels unmolested; redemption of State bank notes by the Bank of the Republic of Rio; return of the <i>Aquidaban</i> to Rio; incloses reports of consul at Pernambuco on condition of affairs there, in and prolonged stay of <i>Nietheroy</i> (purchased the United States by Government) in that port.	105

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		1894.		
135	Mr. Thompson to Mr. Gresham.	Jan. 12	Revolt of the Brazilian navy: Letter of Da Gama to Capt. Picking, U. S. Commander, announcing his assumption of command of insurgent vessels, and of Capt. Picking to legation inclosing same.	108
	Same to same (telegram)....	Jan. 16	Same subject: Arrival of U. S. S. <i>New York</i> at Rio de Janeiro; report of fighting in the bay.	109
138	Same to same.....	Jan. 20	Same subject: Manifesto of governor of State of Minas-Geraes in support of Brazilian Government inclosed.	109
139	Same to same.....	Jan. 20	Same subject: Reaction in favor of Republic following Da Gama's declaration in behalf of restoration of monarchy; incloses manifesto of Annabel Falcao, theretofore opposed to Government and a supporter of Mello.	112
	Same to same (telegram)....	Jan. 22	Same subject: The <i>Nietheroy</i> and two other naval vessels sailed south from Pernambuco on the 20th; fighting at Nietheroy still continues; no changes to report; Government successes at Bago officially confirmed.	114
141	Same to same.....	Jan. 26	Same subject: Report of success of Government in the south; raising of the siege of Bago; taking of the island of Mocangue by insurgents; rumors of Mello's illness and disaffection; action of Da Gama in prohibiting landing of coal likely to revive naval commanders' course for protection of commerce.	114
	Same to same (telegram)....	Jan. 29	Same subject: <i>Detroit</i> will convey American vessels to the docks to-day, and if fired upon she is prepared to return fire, in the event of which a general engagement may be brought on.	115
	Same to same (telegram) ...	Jan. 29	Same subject: British minister opposed to use of force for protection of commerce; other diplomatic representatives concur in his views.	116
	Mr. Gresham to Mr. Thompson (telegram).....	Jan. 29	Same subject: Instructs Mr. Thompson to confer with Admiral Benham, who has reported a serious condition of affairs.	116
	Same to same (telegram) ...	Jan. 30	Same subject: Asks what is the attitude of Admiral Benham as compared with that of Captain Picking toward insurgents and Government; relations between him and legation; protection to merchant vessels of United States; blockade by insurgents.	116
	Mr. Thompson to Mr. Gresham (telegram).	Jan. 31	Same subject: Reports action of U. S. war vessel <i>Detroit</i> for the protection of American merchant vessels, and the raising of blockade on commerce resulting therefrom.	116
	Mr. Gresham to Mr. Thompson (telegram).	Feb. 1	Same subject: Telegram satisfactory; trusts he is in accord with Benham, who has acted within his instructions.	117
	Mr. Thompson to Mr. Gresham (telegram).	Feb. 1	Same subject: Attitude of United States naval commanders has apparently not changed since commencement of revolution; that of other foreign commanders did to the extent that they did not enforce observation of the notice indorsed in his No. 122 by DaGama; relations with Government of Brazil and Admiral Benham are cordial, and his action has the concurrence of Mr. Thompson, although he was not consulted beforehand.	118
148	Same to same.....	Feb. 1	Same subject: Martial law in several States of Brazil; incloses decree continuing and establishing.	118
150	Same to same.....	Feb. 1	Same subject: Confirms telegram of January 29; reports conferences held in regard to insurgents forbidding coal to be landed at Rio from an island owned by British merchants, and disposition of European representatives to recognize insurgents as belligerents ascribed to jealousy of the progress of American trade under reciprocity arrangement.	119
	Same to same (telegram)....	Feb. 2	Same subject: Under the influence of the action of American squadron in stopping the fire of the insurgents against their vessels, commerce is now progressing favorably; the restrictive order of the insurgents has been withdrawn, and ships of all nationalities are coming to the shore.	120

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	Mr. Thompson to Mr. Gresham (telegram).	1894. Feb. 2	Revolt of Brazilian navy; Bombardment again threatened by insurgents; will probably be opposed by foreign war vessels; military operations in the south.	126
	Same to same (telegram)	Feb. 3	Same subject: Transmits a request of Da Gama for recognition of insurgents as belligerents; reasons advanced for not as yet verified; reports that the British are inclined to grant same.	121
	Mr. Gresham to Mr. Thompson (telegram).	Feb. 5	Same subject: Instructs him to inform insurgent admiral that the President still considers the situation does not entitle insurgents to recognition as belligerents.	121
155	Mr. Thompson to Mr. Gresham.	Feb. 5	Same subject: Action of Admiral Benham for the protection of commerce is fully approved by him as carrying out diplomatic instructions. Change of attitude of naval forces at the time of Da Gama's accession to command which resulted in virtual blockade until said action of Admiral Benham; incloses Admiral Benham's letter to Da Gama, defining his position as confined to protection of American vessels and denying right of visitation.	121
156	Same to same.....	Feb. 6	Same subject: Reports retirement of Senhor Cardoso from the Provisional Government, which he condemns for its dissensions; rumored intention of Peixoto to resign after the revolution has been conquered; troubles at Pernambuco caused by crews of vessels purchased by Brazil in the United States; incloses Consul Burke's letter and Da Gama's protest against preparations of Brazilian Government in and around Rio.	123
160	Same to same.....	Feb. 6	Same subject: incloses letter of Admiral Da Gama to Admiral Benham, requesting recognition of insurgents as belligerents and states that claims of territory therein set forth are greatly exaggerated.	126
161	Same to same.....	Feb. 9	Same subject: Incloses protest of Da Gama against Admiral Benham's action, which is represented as a violation of the <i>modus vivendi</i> under which vessels were not allowed to move to the wharves, but could load and discharge in the bay and as having carried the withdrawal of the restriction to the detriment of the insurgents.	127
163	Same to same.....	Feb. 11	Reception by President Peixotto; incloses his address and the President's reply expressing regret at delay; Admiral Benham was presented at the close of the reception.	128
	Same to same (telegram)....	Feb. 12	Revolt of the Brazilian navy; attack of insurgents on <i>Nietheroy</i> repulsed with heavy loss.	129
	Mr. Gresham to Mr. Thompson (telegram).	Feb. 14	Same subject: Approves his action for protection of American ships in the harbor.	130
169	Mr. Thompson to Mr. Gresham.	Feb. 14	Same subject: Joint communication of naval commanders denying assertion of Brazilian Government that no preparations were being made on shore was acknowledged but not forwarded to the Government.	130
170	Same to same.....	Feb. 15	Same subject: Reports progress of events at Rio and in the south, and prospects of coming elections.	131
173	Same to same.....	Feb. 17	Same subject: Removal of guns by the Government upon representations of the foreign naval commanders is followed by the capture of the island of Bom Jesus by the insurgents; incloses correspondence between Government naval commanders and diplomatic representatives.	132
	Same to same (telegram)....	Feb. 19	Same subject: Arrival of the <i>Nietheroy</i> yesterday; several hundred troops landed at entrance of harbor.	134
	Same to same (telegram)....	Feb. 21	Same subject: <i>Republica</i> joined <i>Aquidaban</i> this morning off port, passing forts under heavy fire; <i>Aquidaban</i> expected to return very soon with troops; Government fleet at Bahia; engagement may take place near there.	135
178	Same to same.....	Feb. 22	Same subject: Replies to instruction No. 78; explains that action in regard to prevention of bombardment ceased with notice by naval commanders that the city being fortified they would no longer interfere.	135

BRAZIL—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1894.		
	Mr. Thompson to Mr. Gresham (telegram).	Feb. 26	Revolt of the Brazilian navy: States that a report is current that insurgents have taken Sapa; state of siege extended to February 28.	185
182	Same to same	Feb. 28	Same subject: State of siege continued to February 28; decree inclosed.	135
184	Same to same	Feb. 28	Same subject: Reports events subsequent to his No. 170; rumors of disaffection in Government fleet; attempt of insurgents to organize a government at Curitiba; prevalence of yellow fever has caused Admiral Benham to send ships out of the harbor and to suspend communication with the shore.	136
	Same to same (telegram)....	Mar. 2	Same subject: Victory of the Government forces in the south; result of the Presidential elections.	137
190	Same to same	Mar. 6	Same subject: State of siege continued until April 30; decree inclosed.	137
193	Same to same	Mar. 6	Election of President and Vice President, both civilians, was practically unanimous; received with general favor and likely to break up revolution; result will not be officially announced until Congress meets.	138
	Same to same (telegram)....	Mar. 10	Revolt of the Brazilian navy; government fleet very near entrance to bay; may be expected to come in at any time; rebel troops are reported landing at Abaluba; reported desertion of Gen. Salquado with 800 men from the rebel army.	138
	Same to same (telegram)....	Mar. 11	Same subject: Diplomatic representatives notified by the Government of intention to use batteries in the city against insurgents at the close of forty-eight hours from 12 m. to-day.	138
	Same to same (telegram)....	Mar. 12	Same subject: Terms of capitulation submitted to President Peixoto through the Portuguese minister.	139
	Same to same (telegram)....	Mar. 12	Same subject: Communicates terms of capitulation above referred to.	139
	Same to same (telegram)....	Mar. 12	Same subject: Is informed on the authority of the Portuguese chargé d'affaires that Da Gama has asked and been granted an asylum on board Portuguese naval vessel <i>Mindello</i> yesterday.	139
	Same to same (telegram)....	Mar. 13	Same subject: Firing from loyal forts commenced at 12; insurgents have not returned fire; the Government has refused Da Gama's terms and will open from city batteries this afternoon; city practically deserted.	139
	Same to same (telegram)....	Mar. 13	Same subject: Insurgents surrendered without returning fire of city batteries thirty minutes after firing commenced.	140
	Same to same (telegram)....	Mar. 14	Same subject: Particulars of the collapse of the revolt.	140
	Same to same (telegram)....	Mar. 16	Same subject: Revolution officially declared at at end; the Government has occupied forts and ships held by the insurgents.	140
	Same to same (telegram)....	Mar. 17	Same subject: Asylum granted to rebels by Portuguese vessels; a merchant steamer was fired upon and stopped, the refugees being taken from the ship; a demand for the surrender of those on board the war vessel has been refused.	140
204	Same to same.....	Mar. 19	Same subject: Recites events condensed in previous telegrams terminating in Da Gama's taking refuge under fire on Portuguese war vessel <i>Mindello</i> ; asked by Portuguese chargé d'affaires to support the acceptance of terms offered by Da Gama for capitulation, but declined; incloses notice to Americans of intended bombardment and correspondence with foreign office relative to extending the term originally stated.	141

CORRESPONDENCE WITH THE LEGATION OF BRAZIL AT WASHINGTON.

		1893.		
	Senhor Mendonça to Mr. Gresham.	Mar. 25	Death of Baron de Aguiar de Andrada; envoy extraordinary and minister plenipotentiary on special mission, announced.	143
	Mr. Gresham to Senhor Mendonça.	Mar. 28	Same subject: Sympathy of the President expressed.	143

CORRESPONDENCE WITH THE LEGATION OF BRAZIL AT WASHINGTON—Continued.

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	Senhor Mendonça to Mr. Gresham.	Mar. 29	Same subject: Thanks for honors paid at funeral.	144
	Mr. Gresham to Senhor Cerqueira.	Apr. 1	Same subject: Acknowledges note of March 29. Sympathy expressed.	144
	Senhor Mendonça to Mr. Gresham.	Sept. 9	Telegraphic messages: Interdiction of, was in accordance with conventions between Brazil and countries having telegraphic connection with her; the United States did not receive notice because it has no such convention, and the American line does not land in Brazil but in the Argentine Republic.	145
	Mr. Gresham to Senhor Mendonça.	Sept. 15	Same subject: Explains the action of the Department referred to in the above note, and expresses the hope that the restrictions will soon be removed.	145
	Senhor Mendonça to Mr. Gresham.	Oct. 14	Revolt of Brazilian navy: Incloses text of decree denying to vessels and forts engaged in the protection of the national flag.	146
	Mr. Gresham to Mr. Mendonça.	Oct. 16 1894.	Same subject: Acknowledges note of Oct. 14....	147
	Senhor Mendonça to Mr. Gresham.	Apr. 19	Same subject: Announces the end of the rebellion. Quotes telegram from his Government relative to the sinking of the <i>Aquidabán</i> by a torpedo boat and the surrender to Argentine Government of Mello, with the other vessels of the revolted squadron.	148

CENTRAL AMERICA.

GUATEMALA AND HONDURAS.

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115	Mr. Foster to Mr. Pacheco ..	Sept. 27	Same subject: Arming of the American steamer <i>S. Pizatti</i> by Honduranian Government does not cause any disability to the vessel to continue using her United States documents; letters to and from Treasury inclosed.	149
2	Mr. Gresham to Mr. Young.	1893. May 6	Same subject: Proceedings in suit of crew against master show that the steamer really left under charter of Honduras Government to engage in operations of war against insurgents, thereby submitting herself to libel; instruction 115 of September, 1892, is therefore modified, and the Government of Honduras should be informed thereof.	151
25	Same to same	Aug. 4	Same subject: Steamship <i>S. Pizatti</i> was libeled for violation of neutrality laws June 5, and the case will be tried during the November term of the Louisiana eastern district court.	152
29	Mr. Young to Mr. Gresham ..	Oct. 12	Dictatorship in Guatemala: Crisis brought on by decree of President raising import duties 10 per cent, which Congress resisted; revolution threatened in Honduras.	152
32	Same to same	Oct. 19	Same subject: Political condition of Guatemala peaceable; liberal policy as to trade adopted by the President; duties on live stock and salt meats removed; disturbances in Honduras as apprehended.	153
43	Mr. Gresham to Mr. Young.	Nov. 2	Same subject: Expresses hope for the continuance of peace in Central America.	153
33	Mr. Young to Mr. Gresham.	Nov. 2	Same subject: Policy of President generally approved and new order of things accepted by the people.	153
	Mr. Gresham to Mr. Young (telegram).	Nov. 7	Firing on steamship <i>Costa Rica</i> by Honduras authorities at Amapala for refusal of captain to surrender a passenger; instructs him to protest.	154

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	Mr. Gresham to Mr. Young (telegram).	Nov. 10	Same subject: Instructs him to protest without delay and demand disavowal and apology whether President authorized firing or not.	154
	Mr. Young to Mr. Gresham (telegram).	Nov. 12	Same subject: Government of Honduras disavows firing on steamship <i>Costa Rica</i> ; desires to be informed in what terms satisfaction is desired; text of notes exchanged given; asks if he shall remain longer.	150
	Mr. Gresham, to Mr. Young (telegram).	Nov. 12	Same subject: Instructs him to say that the President accepts those frank expressions of disavowal and regret as sufficient and will waive further formal apology in the interest of friendly feeling.	155
35	Mr. Young to Mr. Gresham	Nov. 22	Same subject: Reports his action in the matter, gives texts of telegrams exchanged with department and Government of Honduras, and incloses report of board of inquiry (U. S. S. <i>Alliance</i>) and accompanying documents.	155

COSTA RICA, NICARAGUA, AND SALVADOR.

168	Mr. Shannon to Mr. Foster.	1892. Aug. 17	Mosquito Reservation: Minister for foreign affairs claims that through continuance of English protectorate in the Mosquito Reservation that should long since have ceased by treaty stipulations, Nicaragua is prevented from exercising her sovereign rights in regard to the complaint made of increase of port charges at Bluefields.	163
195	Same to same	Sept. 28	Same subject: Incloses note of Nicaraguan minister for foreign affairs to British minister at Guatemala, protesting against the continuance of the <i>de facto</i> British protectorate over that territory.	170
235	Same to same	Nov. 9	Same subject: Incloses reply of British minister to note from Nicaraguan minister for foreign affairs referred to in No. 195, disclaiming <i>de facto</i> sovereignty of Great Britain over the Mosquito Reservation, but insisting that self-government is secured to it by treaty and arbitral award.	172
258	Same to same	Dec. 15	Claim of Henry B. Myers against Salvador: Incloses two notes to minister for foreign affairs, repeating views expressed in Department's No. 111. Will depart at once for San Salvador and report on his efforts to reach settlement.	174
270	Same to same	1893. Jan. 3	Same subject: Reports friendly interviews and incloses correspondence with minister for foreign affairs, culminating in settlement upon the sum of \$2,500 in gold.	176
270	Same to same	Jan. 18	Same subject: Incloses note to minister for foreign affairs, acknowledging his note tendering indemnity.	179
281	Same to same	Jan. 19	Passport application of Alberto Lacayo, who has no present domicile in the United States and does not intend to return until his parents die, submitted with applicant's statement.	180
295	Same to same	Feb. 10	Claim of Henry B. Myers against Salvador: Incloses draft for \$2,500 and note from minister for foreign affairs, transmitting same and his reply.	181
144	Mr. Foster to Mr. Shannon..	Feb. 10	Mosquito Reservation: Incloses No. 1053 to Great Britain regarding sovereignty over.	182
150	Same to same	Feb. 15	Claim of Henry B. Myers against Salvador: Acknowledges No. 270, and directs that draft for \$2,500 be forwarded to Department.	182

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167	Mr. Gresham to Mr. Shannon.	Mar. 18	Claim of Henry B. Myers against Salvador: Acknowledges No. 295.	184
320	Mr. Shannon to Mr. Gresham.	Mar. 31	Passport application of Alberto Lacayo: States that the office held by Lacayo can only be discharged by citizens of Nicaragua. Quotes the constitution and oath of office prescribed thereby.	184
4	Mr. Baker to Mr. Gresham	May 13	Arrival at post May 12, in the midst of political disturbances; legation found barricaded and sheltering American and foreign residents.	184
6	Mr. Gresham to Mr. Baker.	May 17	Passport application of Alberto Lacayo: The oath taken by Lacayo on accepting office of alcalde is conclusive against issuance of passport.	185
8	Mr. Baker to Mr. Gresham..	May 23	Revolution in Nicaragua: Reports that a revolution broke out April 28 by the treachery of the army in the east and south; an attack of Government troops, on revolutionists May 19 was repulsed, whereupon he tendered his friendly offices for the restoration of peace, which were accepted by President Sacasa. Incloses correspondence.	186
10	Same to same	May 31	Same subject: Negotiations conducted by him result in the meeting of a commission composed of three revolutionists and three Government representatives, over which he was requested to preside. Incloses correspondence with Government and junta and convention adopted by both parties.	189
11	Same to same	June 1	Same subject: Reports that the new Government was inaugurated this day at noon. Constituent Assembly to meet within four months.	197
12	Mr. Gresham to Mr. Baker..	June 13	Revolution in Nicaragua: Incloses a letter of June 1, from Pacific Mail Steamship Company, relative to the pointing of a Krupp gun at the <i>City of New York</i> . Instructs him to report.	197
15	Same to same	June 16	Forced loan of \$600,000 by late Government of Nicaragua. Quotes from treaty of 1867, dispensing United States citizens from levy of such loans, and instructs him to protest if decree is carried out by present Government and to ask repayment of amounts levied. Incloses decree of April 29, 1893.	198
24	Mr. Baker to Mr. Gresham..	June 18	Revolution in Nicaragua: Reports that the new Government was generally accepted in good faith. The late President, Sacasa, has left the country for a time.	200
38	Same to same	July 6	Gun trained on American steamers: Report prepared by the consular agent relative to the pointing of a Krupp gun at the <i>City of New York</i> has been forwarded. Verbal representations have been made, and the incident was not repeated thereafter.	200
39	Same to same	July 6	Loan forced: Tax was collected on property which was suddenly transferred to American citizens. Reports that he requested forcible collection to be suspended until verification of ownership, and that justice was done.	201
27	Mr. Gresham to Mr. Baker.	July 14	Revolution in Nicaragua: Is gratified that his mediation was equally acceptable to both parties. Warmly commends his course as being in accord with the policy of the United States to avert strife on the continent.	201
28	Same to same.....	July 14	Boundary dispute between Costa Rica and Colombia: Informs him that the United States, moved by no interest but that of friendship to both parties and of knowing definitely the boundary which limits the territory guaranteed to Colombia, will gladly see the dispute amicably adjusted by submitting it to arbitration, either of Spain, as provided by former treaty, or any other impartial arbitrator.	202

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47	Mr. Baker to Mr. Gresham.	July 17	Same subject: Reports that President of Nicaragua and minister for foreign affairs are still in prison, held by the rebels. A meeting of the cabinet proclaimed Zavala dictator. A large majority in Nicaragua supports this Government.	203
	Same to same (telegram).....	July 24	Same subject: Revolutionists cannonaded Managua from steamers this morning without warning, killing one woman near legation and wounding several persons.	204
	Mr. Adee to Mr. Baker (telegram).	July 25	Same subject: Instructs him to protest either in concert with diplomatic representatives or separately to titular government against hostilities without warning foreigners being endangered thereby.	204
57	Mr. Baker to Mr. Gresham.	July 27	Legation: Reports that request of government of Zavala, that it be transferred from Managua to Granada during revolution, was declined. Correspondence inclosed.	205
58	Same to same.....	July 31	Bombardment of Managua: Incloses Gen. Zelaya's reply to legation's protest, explaining that their messenger under a flag of truce was detained by the <i>de facto</i> Government and his reply accepting explanation.	206
50	Same to same.....	Aug. 5	Revolution in Nicaragua: Incloses peace convention between the Zelaya and Zavala factions, list of members of the new Government, and note of the latter requesting his intervention for the restoration of peace, which could not be acted on by reason of illness.	209
45	Mr. Gresham to Mr. Baker.	Aug. 15	Loan, forced: Approves his cautious action reported in dispatch No. 39.	211
47	Same to same.....	Aug. 15	Revolution in Nicaragua: Informs him that no one party can be formally recognized as the dominant government at present. Instructs him as to his course.	212
49	Same to same.....	Aug. 15	Asylum to parties of the revolution: His course in refusing same cordially upheld.	212
53	Same to same.....	Aug. 18	Gun trained on American steamers: Suggests that he intimate to secretary of foreign relations of Nicaragua that the pointing of a Krupp gun by the military authorities at Corinto at the steamers <i>San José</i> and <i>City of New York</i> is contrary to law, and to express the hope that it will not be repeated.	213
83	Mr. Baker to Mr. Gresham.	Sept. 1	Boundary dispute between Costa Rica and Colombia: Has opened correspondence with Costa Rica in accordance with instructions in No. 28.	213
58	Mr. Adee to Mr. Baker.....	Sept. 7	Revolution in Nicaragua: Approves his refusal to remove legation from Managua at the request of Zavala government.	213
87	Mr. Baker to Mr. Gresham.	Sept. 8	Gun trained on American steamers: Incloses note from minister for foreign affairs containing assurance that the pointing of a gun at American steamers will not be repeated. Present Government has also been addressed on the same subject.	214
91	Same to same.....	Sept. 19	Peace in Nicaragua: Informs the Department that Gen. José Santos Zelaya was elected President by the Assembly, for a term to be determined in the Constitution which it is to enact. Arrest and subsequent amnesty of opposing leaders.	215
69	Mr. Adee to Mr. Baker.....	Sept. 25	Boundary dispute between Costa Rica and Colombia: Directs him to forward correspondence on the subject.	216
127	Mr. Baker to Mr. Gresham.	Oct. 30	Same subject: Reports that minister of foreign affairs has again been addressed on the subject.	216
88	Mr. Gresham to Mr. Baker.	Nov. 3	Same subject: Transmits correspondence on the subject.	216

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393	Mr. Egan to M ^r . Gresham..	1893. Apr. 10	Asylum in the legation of the United States: Reports reasons for which asylum was granted, and interview with President and minister of foreign affairs, who expressed approval of his action by which the lives of refugees were saved. Plans of the revolutionists, and measures taken by the Government which checked the movement without bloodshed.	217
	Mr. Gresham to Mr. Egan, (telegram).	Apr. 11	Same subject: Asks for full report of charges on which surrender of Fuentes and Holley is demanded. While Mr. Egan's telegram states that they are to be sentenced to death for participation in uprising of December, Chilean legation claims that they were tried for violation of municipal laws, and that murder and robbery were the sole purpose of late attempt.	218
	Mr. Egan to Mr. Gresham (telegram).	Apr. 12	Same subject: Quotes from report of Fiscal to show that offenses were of a political nature and death the penalty; case not yet tried in court; refugees would have been shot by police if they had resisted arrest. President and minister for foreign affairs approved his action but wish the matter submitted to the United States Government. Threats against legation have been reported to the Chilean Government which promises safety.	219
	Mr. Gresham to Mr. Egan (telegram).	Apr. 15	Same subject: Directs him to surrender refugees if demanded, and if charge was pending before they engaged in disturbance legation was not authorized to protect Chileans against arrest as violators of the law of the country.	219
	Mr. Egan to Mr. Gresham (telegram).	Apr. 16	Same subject: Explains at length that there is no charge against refugees as common criminals. Asks if protection is to be withdrawn on political charge and then certain stated conditions imposed. Asylum was given on night of insurrection and was not known to police until Government had been informed by legation. No demand of surrender has been made.	220
	Same to same (telegram)....	Apr. 17	Same subject: Gives substance of petition of refugees, who say that military tribunal declared itself incompetent to try them, and ask that asylum be continued until facts reach the United States; or, if it be discontinued, that, in view of precedents established by the United States, they be allowed four hours before arrest.	220
	Mr. Gresham to Mr. Egan (telegram).	Apr. 18	Same subject: Informs him that surrender of refugees has been asked by Chilean chargé d' affaires under promise of protection from violence. Instructs him to request them to leave the legation, but to give timely notice to Chilean Government that it is expected to afford promised protection.	221
	Mr. Egan to Mr. Gresham, (telegram).	Apr. 19	Same subject: Reports that notice of promised protection against violence having been given to Chilean Government in accordance with Department's telegram. Fuentes, who left during his absence, was arrested and imprisoned. Blanlot-Holley escaped at the same time, eluding surveillance of a large police force.	221
395	Same to same (telegram) ...	Apr. 19	Same subject: Transmits full account of termination of asylum, arrest of Fuentes, and escape of Holley.	221
30	Mr. Porter to Mr. Gresham.	Sept. 12	Monument to officers and men of U. S. S. <i>Essex</i> at Valparaiso: Gives a list of names inscribed on, and a description of; suggests that this be given to the press, and that a monument be erected in Washington or Annapolis.	223
33	Mr. Adee to Mr. Porter	Oct. 18	Same subject: Informs him that Secretary of the Navy has recommended to Congress the erection of a monument at Washington or the Naval Academy.	224

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1649	Mr. Denby to Mr. Gresham.	1893. Mar. 3	Police system, courts, and punishment of crime, etc.: Report on.	227
1664	Same to same	Apr. 1	Land purchases by Americans: Reports that rule issued by Taotal of Nanking requesting, under the guise of protection to purchasers, that the gentry be consulted, and official survey required, is in violation of treaty, and acting consul of Chinking has been directed to disregard it, and so inform the Taotal.	230
1666	Same to same	Apr. 7	Building industry in China: Reports wages and methods.	232
803	Mr. Gresham to Mr. Denby.	June 5	Land purchases by Americans: Rule issued by Taotal, of Nanking, would be, as stated in No. 1664, a violation of treaty, if applicable to treaty ports; notification of nonacquiescence could not in present case be made on clear grounds, but good offices should be used to maintain as far as practicable such transactions on their customary basis.	233
804	Same to same	June 5	Exclusion act: Its constitutionality has been affirmed by the Supreme Court—incloses correspondence with the Chinese legation and gives substance of interview with Chinese minister, wherein protection of Chinese in America was made dependent on treatment of Americans in China, and intimation given that, owing to appropriation requirements the rigid enforcement of the act would be delayed until the next meeting of Congress, when new legislation may occur. Informs him that the Treasury regulations have also been modified in a manner appreciated by the Chinese Government.	234
1691	Mr. Denby to Mr. Gresham.	June 14	Customs service of China: Outline of its growth under the management of Sir Robert Hart, and particulars given.	235
1692	Same to same	June 21	Railways: Synopsis of the management, routes, and contemplated extensions.	236
1695	Same to same	July 1	Postal service in China: Outlines the scheme proposed by Sir Robert Hart, which it is now rumored the Throne has consented to.	237
1754	Same to same	Nov. 1	Transit passes: Likin dues collected on goods shipped by Mr. Jenkins, of Hankow, covered by. Upon representations of legation the amount collected on kerosene was refunded, but it was claimed that likin could be collected on native merchandise. Insists that issuance of transit passes frees all goods from likin. Notes inclosed.	237
1757	Same to same	Nov. 8	Birthday, 60th, of the Empress Dowager, to be celebrated November 27, with extraordinary pomp: Describes intended ceremonial.	240
1758	Same to same	Nov. 15	Travelers in China requested to report their movements to local officials: Incloses note of Yamen, making the suggestion and placing it on the ground of insuring their protection. Presents his views in favor of the plan; asks to be informed by cable if they are not approved, and adds that the opinion of other foreign representatives will govern his action.	241
847	Mr. Gresham to Mr. Denby.	Dec. 20	Transit passes: Approves the position taken by him that goods covered by transit passes, in the absence of proof of fraud, should be exempt from likin tax; it should be maintained.	244
852	Mr. Uhl to Mr. Denby.....	Dec. 27	Travelers in China: While local officers should know the whereabouts of travelers for needful protection, they should allow them to take such routes as suit them within the assigned territory; he should withhold assent to any requirements that do not apply to all foreigners.	244

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	Mr. Tsui Kwo Yin to Mr. Gresham.	Mar. 13	Same subject: Asks the cooperation of the Executive to secure a hearing by the Supreme Court of a case to be presented about May 12, to test the constitutionality of Article 6, of the act of May 5, 1892; that, pending the session, the Treasury take steps to suspend or modify obnoxious measures against Chinese, and renews the request that recommendation be made to Congress for the repeal of the act.	245
	Mr. Gresham to Mr. Tsui Kwo Yin.	Mar. 21	Same subject: Advises him that the Attorney-General will concur in motion of counsel of the Chinese to advance the case to be brought before the Supreme Court as to the constitutionality of the act.	246
	Mr. Tsui Kwo Yin to Mr. Gresham.	Mar. 25	Same subject: Counsel of the legation and of the parties to the case have been informed.	247
	Same to same.....	Apr. 13	Same subject: Apprehensions of outrages on the occasion of the act going into operation; calls attention to the matter and to his request of Mar. 13, to cause arrest of Chinese to be suspended pending session of the Supreme Court.	248
	Same to same.....	Apr. 29	Same subject: Apprehensions confirmed by telegram received from Chinese Merchants Exchange at San Francisco, earnestly renews request for protection; calls attention to recent law passed in the State of Montana forbidding intercourse with Chinese.	248
	Mr. Gresham to Mr. Tsui Kwo Yin.	May 5	Same subject: With reference to apprehensions on his part of attacks on Chinese, the President's desire that disturbances be prevented has been communicated to governors of Pacific States.	294
	Same to same.....	May 19	Certificates of identity: Asks what is the nature of instructions mentioned in the legation's note of June 2, 1891, relative to certificates issued by Chinese consuls to exempted Chinese, and whether any action has been taken in that regard as to issuance of certificates by officers in China?	250
	Memorandum.....	.....	Interview relative to the safety of Americans in China and deportations of Chinese from the United States.	250
	Mr. Tsui Kwo Yin to Mr. Gresham.	May 27	Certificates of identity for Chinese other than laborers: The form was prepared by Chinese minister and submitted to Department July 10, 1889; approved by Treasury July 23; method of issuance in China.	251
	Same to same.....	Aug. 8	Exclusion act of 1892: Renews his request that the President recommend the repeal of the exclusion act to Congress; adverts to the efficiency of the protection to subjects of both countries in either one as the result of interviews.	252
	Same to same.....	Aug. 18	Outrage on Chinese laborers and merchants in Fresno and Tulare, Cal.: Gives telegram received from Chinese consul-general at San Francisco relative to, stating the forced departure of Chinese from these places by mob violence, and asks protection.	253
	Mr. Gresham to Mr. Tsui Kwo Yin.	Aug. 19	Exclusion act of 1892: The President does not regard the time as opportune to call the attention of Congress to the matter, expresses belief that it will be modified at next regular session of Congress and his gratification at the kindly spirit prevailing.	253
	Same to same.....	Aug. 24	Outrages on Chinese in Fresno and Tulare counties: Incloses letter from private secretary of governor of California.	254
	Same to same.	Aug. 31	Same subject: Informs him that sheriff of Fresno County anticipates no violence; sheriff of Tulare County reports that none has taken place other than that at Tulare, as reported in the press, and both are prepared to preserve	254

CORRESPONDENCE WITH THE LEGATION OF CHINA AT WASHINGTON--Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Gresham to Mr. Tsui Kwo Yin--Continued.	1883. Aug. 31	order; expresses regret at the occurrence and gratification at the growing spirit of toleration toward the Chinese in the United States.	
	Mr. Yang Yü to Mr. Gresham.	Sept. 7	Enforcement of the exclusion act in California: Incloses telegrams from consular officers and board of trade reporting the, and asks if the policy heretofore announced has been abandoned; adverts to alarm of Chinese in the West and asks that the matter be brought to the attention of the President.	255
	Mr. Gresham to Mr. Yang Yü.	Sept. 9	Exclusion act of 1892: Refers to legation note of August 7, and informs him that the Executive has not initiated any of the steps mentioned, but it has no control over the action of the judiciary; a bill extending time for registration of Chinese is expected to be introduced in Congress.	256
	Same to same.....	Sept. 9	Outrages on Chinese: Advises him of steps taken by governor of California and sheriff of San Bernardino County, by which trouble was effectually prevented.	257
	Mr. Yang Yü to Mr. Gresham.	Sept. 10	Exclusion act enforced in California: Appeals have been taken as suggested, but are made ineffective by the judge's declining to grant a stay of proceedings; asks that the President be informed.	258
	Mr. Yang Yü to Mr. Adee..	Sept. 27	Same subject: Incloses telegram from Chinese consul-general complaining that numerous arrests are made and that the Chinese are placed in jail and denied the privilege of bail or habeas corpus: Asks that attention of Attorney-General be directed to the state of affairs.	258
	Mr. Adee to Mr. Yang Yü...	Sept. 29	Same subject: Note of September 27, with reference to the enforcement of exclusion act, has been given to the Attorney-General.	259
	Same to same.....	Oct. 10	Same subject: Incloses letter from Department of Justice relative to refusal of bail on writs of habeas corpus to Chinese arrested in California.	259
	Mr. Yang Yü to Mr. Gresham.	Oct. 10	Identity certificates of exempted classes of Chinese: States that it is reported from New York that customs authorities refuse to recognize them, under alleged orders from the Treasury; expresses surprise that such action should be taken without notice to or consultation with Chinese diplomatic representatives, and complains of the offensive manners of Chinese-Inspector Scharff, at New York.	260
	Mr. Gresham to Mr. Yang Yü.	Oct. 23	Same subject: Incloses Treasury letter of October 20, fully covering matters inquired into in legation's note of October 10.	261
	Mr. Yang Yü to Mr. Gresham.	Oct. 27	Same subject: Acknowledges note of October 23: Close scrutiny will be exercised by Chinese consuls; it is hoped that customs collectors will recognize certificates of bona fide merchants and visa them when they depart, and that acts of Inspector Scharff are not sanctioned by Treasury.	262
	Mr. Gresham to Mr. Yang Yü.	Nov. 1	Same subject: Note of October 27 has been sent to Treasury.	263
	Mr. Yang Yü to Mr. Gresham.	Nov. 8	Exclusion act: Amendment affords but disappointment and regret; it continues discrimination against Chinese in violation of treaty, and previous difficulties will reappear at the expiration of term provided for; suggests that these would better be removed by friendly negotiation than by enactment of such legislation.	263
	Mr. Gresham to Mr. Yang Yü.	Nov. 25	Identity certificates of exempted classes of Chinese: Treasury deems it inadvisable to renew the practice of having them visaed by collector of customs; they have been instructed to place no unnecessary obstacles in the way of the landing of Chinese entitled to entry; it is hoped registration will remove all future difficulties.	265

COLOMBIA.

No.	From and to whom.	Date.	Subject.	Page.
12	Mr. McKinney to Mr. Gresham.	1896. Aug. 24	Boundary dispute between Costa Rica and Colombia: Colombia is preparing a treaty which will be submitted to the United States legation before forwarding to Costa Rica, and which will submit the question to the final arbitration of Spain.	266
19	Same to same.....	Sept. 29	Same subject: Incloses note of Colombian minister for foreign affairs to Costa Rica; it declares that previous to negotiations for renewal of arbitration some provisional arrangement must be had, establishing temporary boundary, which must be respected; this note, which was to be submitted to legation of the United States before being forwarded, was not given to it until published in the official gazette.	266

CORRESPONDENCE WITH THE LEGATION OF COSTA RICA AT WASHINGTON.

Señor Peralta to Mr. Gresham	1893. Apr. 12	Boundary dispute between Colombia and Costa Rica: Urges that the United States use their good offices to secure settlement of, on the basis of the original treaty which is claimed by Colombia to have lapsed; argues that Spain accepted office of arbitrator on certain conditions which were never objected to by Colombia, and that treaty stipulates for other arbitration, that by Spain failing; incloses treaty of December 25, 1880, and additional convention of 1886, correspondence of representatives of both countries with Spain, and note of Secretary Bayard of May 26, 1886, to legation of Costa Rica at Washington.	270
Same to same.....	Apr. 20	Canal of Nicaragua: Protests against the pretensions of Colombia in regard to treaties or conventions concerning the; contends that the royal ordinance of 1803, on which they are based, was repudiated by New Granada herself; that the United States and Great Britain have ignored the claims of Colombia to territory beyond boundary of Costa Rica; also protests against concessions made by Colombia to Panama Canal Company and a New Jersey company of land lying in disputed territory; documents inclosed.	281
Same to same.....	May 16	Boundary dispute between Colombia and Costa Rica: Incloses royal ordinance of 1803 on which Colombia bases pretensions referred to in his note of April 20, and subsequent ordinances ignoring or nullifying the former one by contradiction.	286
Mr. Gresham to Señor Peralta.	May 18	Same subject: The President, while glad to aid an adjustment of the difference if desired by both governments, can not advocate the contention of either nor make the United States a party to the controversy, nor offer himself as arbitrator; disclaims that the United States is a party to original convention, as alleged in support of request for mediation, its intervention being confined to a declaration that rights of United States and citizens should be preserved by arbitral decision; refers to previous correspondence and interviews.	287
Señor Peralta to Mr. Gresham.	June 17	Same subject: Explains at length that the arguments advanced in his note of April 12 have been misapprehended in Department's reply of May 18; adverts to interest taken in the question by the United States in 1880-'81 and declares that what was and is now desired is that the United States interpose their good offices, as a common friend, for the solution of the question by arbitration.	289
Mr. Gresham to Señor Peralta.	Dec. 2	Same subject: Incloses instruction 28 to U. S. Minister Baker. It is not known how Mr. Baker presented the matter to the Costa Rica Government.	294
Señor Peralta to Mr. Gresham.	Dec. 4	Same subject: Acknowledges with thanks note of December 2.	294

FRANCE.

No.	From and to whom.	Date.	Subject.	Page.
513	Mr. Vignaud to Mr. Blaine...	1892. Apr. 7	Naturalization law of 1889 in France: Explains its operation and the modification introduced by a decision of the French supreme court.	295
91	Mr. Coolidge to Mr. Foster...	Dec. 9	Liberia and France: Transmits copy of boundary treaty between, (which was to be signed December 8), as furnished by Liberian plenipotentiary.	296
141	Same to same.....	1893. Feb. 24	Same subject: Reports that the treaty is officially confirmed. Incloses note.	298
5	Mr. Eustis to Mr. Gresham	May 27	Military-service case of Victor Poidebard; Minister of War holds that Poidebard, having failed to give evidence of his having gone to the United States before 19 years of age within the time provided by the law of 1889, can not now be allowed to avail himself of the privilege. Incloses notes.	300
38	Same to same.....	Aug. '9	Aliens coming to France to engage in trade, commerce, or industry: Incloses law providing for the registration of.	302
47	Mr. Vignaud to Mr. Gresham.	Aug. 22	Nationality of children born in France of a foreign father and French mother: Incloses law of July 22, giving them the option to decline French citizenship on becoming of age.	303

GREAT BRITAIN.

994	Mr. Foster to Mr. White....	1892. Dec. 13	Protection reciprocal of Americans and English in Turkey: Incloses instruction No. 3 of November 29 to Turkey, and adverting to recent instances, instructs him to give, orally, assurances to minister for foreign affairs as to the readiness of the United States to act in harmony with Great Britain, while reserving its independence of action.	305
882	Mr. White to Mr. Foster ...	1893. Dec. 30	Same subject: Reports that minister for foreign affairs was pleased with the tenor of Department's instruction No. 994, and informed him that it would be the earnest desire of Her Majesty's Government to act in perfect cordiality with that of the United States in the matter in question.	306
885	Same to same.....	Jan. 4	Gilbert Islands: Complaint of Mr. Kustel against Capt. Davis, of the <i>Royalist</i> , will receive attention, although Capt. Davis' report of the incident gives reason for doubt as to accuracy or truthfulness of complaint. Notes inclosed.	307
1027	Mr. Foster to Mr. Lincoln..	Jan. 11	Claim of William Webster v. Great Britain for lands in New Zealand: Incloses Senate resolution of May 26, 1892, and other documents relative to the; instructs him to present again and, if necessary, to propose arbitration, leaving details for future consideration.	308
1034	Same to same.....	Jan. 17	Protection reciprocal of English and Americans in Turkey: Acknowledges No. 882 and directs him to suggest cooperation of British ambassador with U. S. minister. Refers to interview with British minister at Washington.	308
910	Mr. Lincoln to Mr. Foster..	Feb. 7	Gilbert Islands: Incloses report of Capt. Davis, submitting testimony as to the assault on the natives by Kustel, and as to Kustel's selling liquor and arms.	309
1053	Mr. Foster to Mr. Lincoln ..	Feb. 8	Mosquito Reservation: Discusses the reply of British minister to Nicaragua's protest against interference with her sovereignty over the; adverts to unanswered representations made by Secretary of State Bayard; holds that autonomy conferred by treaty of Managua was confined to tribal government of the natives, and that the clause of the Austrian arbitral decision precluding Nicaragua from levying duties on their tract did not confer the right of levying taxes to aliens residing in the port of Bluefields who are prone to claim British protection. Declares that the United States will look to Nicaragua in international matters.	313

GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
1893.				
916	Mr. Lincoln to Mr. Foster ..	Feb. 13	Passport application of Anthony William Iby, who left the United States immediately upon naturalization in 1888 and is in the employ of a New York branch of an English firm, which is likely to keep him abroad, notwithstanding his declaration of intention to return within one year: Previous similar declaration was not fulfilled. Requests instructions.	318
931	Same to same	Feb. 28	Claim of William Webster for land in New Zealand: Incloses note to and reports interview with minister for foreign affairs in accordance with instructions. The matter being again referred to authorities in New Zealand, the question of arbitration was not brought up.	319
1090	Mr. Wharton to Mr. Lincoln.	Mar. 2	Passport application of Anthony William Iby: The employment of Mr. Iby by a foreign firm does not entitle him to the good disposition entertained for persons representing American interests abroad. The passport may be granted on satisfactory evidence of intention to return, but should not be renewed if such intention is not executed within two years.	320
934	Mr. Lincoln to Mr. Foster ..	Mar. 3	Mosquito Reservation: Reports that instruction No. 1053 was read to, and a copy left with, minister for foreign affairs.	321
935	Same to same	do	Protection reciprocal in Turkey of English and Americans: Minister for foreign affairs expressed willingness to act favorably.	321
	Mr. Gresham to Mr. Bayard (telegram).	June 24	Sinking of British war vessel <i>Victoria</i> : Expresses sorrow.	322
	Mr. Bayard to Mr. Gresham (telegram).	June 25	Same subject: Transmits telegraphic reply of the Queen to his message of sympathy.	322
25	Same to same	July 12	Gilbert Islands: Incloses note from foreign office, accompanying report of Capt. Davis, B. N., disproving the charges of A. G. Kustel. Regrets that they were brought up.	322
34	Same to same	July 22	Bulgaria: Protection of American interests in, by British representative; incloses letter from Minister Terrell, at Constantinople, making the request for and asks whether it is to be complied with.	325
88	Mr. Adee to Mr. Bayard....	July 25	Gilbert Islands: Complaint of A. J. Kustel against Capt. Davis, R. N., has been dropped, and Mr. Kustel so informed.	326
93	Same to same	Aug. 1	Bulgaria: Directs him to request that protection of American interests, by British representative, be continued.	326
49	Mr. Bayard to Mr. Gresham.	Aug. 22	Same subject: Instructions will be sent to Sofia to continue the protection of American interests.	326
70	Same to same	Sept. 26	Passport application of Fielder J. Hiss, a native citizen, permanently domiciled in England, with no intention to return; gives grounds on which it was declined and incloses memorandum of the case.	327
154	Mr. Gresham to Mr. Bayard.	Oct. 9	Same subject: Refusal reported in No. 70 is approved.	329

CORRESPONDENCE WITH THE BRITISH EMBASSY AT WASHINGTON.

		1893.		
	Sir Julian Pauncefote to Mr. Foster.	Feb. 20	Discriminating tolls on Canadian canals: Incloses copy of order in council establishing uniform rates of 10 cents per ton on food products for the season of 1893.	329
	Mr. Foster to Sir Julian Pauncefote.	Feb. 21	Same subject: In view of assurances that order in council in note of February 20 is in full substitution of orders providing for rebates, the proclamation establishing tolls on the Sault Ste. Marie Canal will be forthwith withdrawn.	330
	Mr. Wharton to Sir Julian Pauncefote.	Feb. 27	Tolls on Sault Ste. Marie Canal: Transmits 12 copies of proclamation of February 21, withdrawing the	330
	Lord Rosebery to Sir Julian Pauncefote.	Mar. 11	Missionary troubles at Marsovan: Transmits copies of reports received at the foreign office relative to the burning of the American college.	331

CORRESPONDENCE WITH THE BRITISH EMBASSY AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1893.		
	Sir Julian Pauncefote to Mr. Gresham.	Mar. 21	Ambassador to the United States: Announces his appointment as a token of friendship.	333
	Mr. Gresham to Sir Julian Pauncefote.	Mar. 22	Same subject: Acknowledges note of March 21, with appreciation of the act; informs him that the President will, in due time, send an ambassador to the Court of St. James.	333
	Same to same	Mar. 24	Wrecking, reciprocal in continuous waters: Refers to Department's note of December 28, 1892, still unanswered; calls attention to limitations under existing regulations placed on its exercise by American vessels; the President, while empowered by the appropriation act of March 3, 1893 (inclosed), to issue the requisite proclamation without regard to the Welland Canal, desires that it should be simultaneous with similar action of the Government of Canada, as liberal in regard to territorial waterways as that contemplated by the United States; urges prompt attention of the Canadian Government.	334
	Same to same	Mar. 31	Ambassador of the United States to Great Britain: Announces appointment and confirmation of Hon. Thomas F. Bayard.	336
	Sir Julian Pauncefote to Mr. Gresham.	Apr. 1	Same subject: Congratulations upon the choice and appointment of the Hon. T. F. Bayard.	337
	Mr. Gresham to Sir Julian Pauncefote.	Apr. 6	Missionary troubles at Marsovan: Returns with thanks reports to British Government relative to.	337
	Sir Julian Pauncefote to Mr. Gresham.	May 24	Discriminating tolls on the Welland Canal: Transmits minutes of privy council controverting certain statements in Department's note of December 31, and expresses satisfaction at withdrawal of retaliatory proclamation.	337
	Mr. Gresham to Sir Julian Pauncefote.	May 29	Same subject: Acknowledges note of May 24, as a concluding and explanatory chapter of the record in the case.	340
	Sir Julian Pauncefote to Mr. Gresham.	May 31	Wrecking privileges in Welland Canal: Privy council recommends that the order of Nov. 19, being no longer necessary after amendment by the Senate which struck out the word "Welland canal" from the act of May 24, 1890, be rescinded. Incloses minutes.	340
	Same to same	June 2	Same subject: Incloses minutes of privy council bringing Canadian act into effect on and from June 1, 1893, and requesting reciprocal action on the part of the United States.	342
	Mr. Adee to Sir Julian Pauncefote.	July 24	Same subject: Incloses the President's proclamation and hopes this action will promote the good understanding to which Department's note of Mar. 24 tended.	344
	Sir Julian Pauncefote to Mr. Adee.	July 26	Same subject: Acknowledges note of July 24...	346
	Sir Julian Pauncefote to Mr. Gresham.	Aug. 9	Arbitration international: Incloses resolution of the House of Commons, of July 16, expressing sympathy with the action of the United States in favor of, with the request that it be laid before Congress.	346
	Same to same	Aug. 31	Wrecking privileges in Welland Canal: Incloses minutes of privy council, transmitting opinion that inasmuch as such privileges are exempt from restrictions under the existing laws no new regulations are necessary and expressing a willingness to resume negotiations for a broader understanding on the question of reciprocal coasting and towing.	347
	Same to same	Aug. 31	Same subject: Relaxation of the customs regulations in connection with the. Incloses minutes of privy council asking that in default of legislation, Treasury regulations be issued to authorize the necessary towing.	348
	Same to same	Sept. 29	Brazil, Revolution in: British Government asks by telegraph that orders be cabled to U. S. naval commander to concert with other commanders to prevent, by force if necessary, further destruction of life and property by insurgent squadron.	350
	Mr. Gresham to Sir Julian Pauncefote (telegram).	Oct. 2	Same subject: Instructions to U. S. naval commander at Rio de Janeiro, had already been sent, and necessary measures taken before receipt of above note.	350

LIST OF PAPERS.

LVII

CORRESPONDENCE WITH THE BRITISH EMBASSY AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1893.		
	Mr. Gresham to Sir Julian Pauncefote.	Oct. 21	Wrecking reciprocal in coterminous waters: Incloses circular of the Treasury of October 5.	351
	Sir Julian Pauncefote to Mr. Gresham.	Oct. 24	Same subject: Acknowledges the receipt of the above note.	351
	Mr. Gresham to Sir Julian Pauncefote.	Dec. 4	Arbitration, international: Resolution of House of Commons in note of August 9, will be placed before Congress by the President.	352
	Sir Julian Pauncefote to Mr. Gresham.	Dec. 13	Wrecking reciprocal in coterminous waters: Incloses minutes of privy council accompanying circular of Canadian department of trade and commerce.	352
	Mr. Gresham to Sir Julian Pauncefote.	Dec. 21	Same subject: Acknowledges receipt of the above.	354

HAITI.

129	Mr. Terres to Mr. Foster...	1892. Nov. 18	Imprisonment of Frederick Mevs, an American citizen, for alleged smuggling: Reports his fruitless efforts to obtain his release; asks for instructions; incloses letters from Mevs and note to minister for foreign affairs.	355
130	Same to same	Nov. 25	Same subject: Mevs will be tried December 1; still held in confinement in violation of Haitian law.	357
	Mr. Foster to Mr. Terres (telegram).	Dec. 2	Same subject: Instructs him to earnestly protest if Mevs is not already released.	358
135	Mr. Terres to Mr. Foster...	Dec. 17	Same subject: Incloses report of Mevs's trial and a letter from him asking that some action be taken to compensate him.	358
87	Mr. Foster to Mr. Denham...	Dec. 22	Same subject: Instructs him to proceed on a war vessel of the United States to Port au Prince and to investigate the matter.	363
		1893.		
141	Mr. Durham to Mr. Foster...	Jan. 5	Same subject: Reports discourtesy shown to chargés d'affaires in connection with the case; his interviews with the minister for foreign affairs and the President brought no satisfaction; conduct of minister for foreign affairs towards Mr. Terres was unjustifiable and proper explanations will be requested.	364
142	Same to same	Jan. 5	Same subject: Minister of foreign affairs attempts to draw him into a written controversy by addressing him a memorandum wherein several of his statements are distorted; incloses same and reply declining to make written communication.	365
143	Same to same	Jan. 6	Same subject: Discourtesy to Mr. Terres is disclaimed and explained, but surprise expressed at the refusal of the legation to treat the matter by correspondence, after the usual diplomatic manner; the new minister of Haiti to Washington, Mr. Haentjens, will lay the matter before the Department; reparation insisted upon to be made on his return from Santo Domingo; incloses notes containing above statements.	366
89	Mr. Foster to Mr. Durham...	Jan. 7	Death of Mr. Hannibal Price, envoy extraordinary and minister plenipotentiary of Haiti to the United States: Conveys expression of sympathy and condolence.	369
90	Same to same	Jan. 9	Imprisonment of Frederick Mevs appears from his No. 135 to be unjustifiable; confirms instruction No. 87.	369
	Same to same (telegram)....	Jan. 17	Same subject: Approves his action; no objection, however, to making demand in writing; instructs him to state to Haitian Government that the President expects, from its sense of justice and amity, a proper indemnity for the illegal imprisonment of an American citizen, and that the matter must be adjusted through him; he should ask for a peaceful settlement; it may be prudent for <i>Atlanta</i> to be absent until diplomatic efforts prove futile.	369
	Same to same (telegram)...	Jan. 17	Same subject: Use of force is not to be resorted to in the present state of negotiations.	370
	Same to same (telegram)....	Jan. 18	Same subject: Asks what is the nature of the cooperation of the <i>Atlanta</i> he desires. Force should not be threatened without intent to exercise it if necessary.	370

HAITI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Durham to Mr. Foster (telegram).	1893. Jan. 18	Same subject: Considers presence and cooperation of the <i>Atlanta</i> necessary; it is not necessary to resort to force.	370
	Same to same (telegram)....	Jan. 18	Same subject: Desires earnestly the presence of the commander of the <i>Atlanta</i> at interview with minister for foreign affairs; thinks he can so attain an adjustment at once; hesitation on the part of the United States will be sure to affect all American interests unfavorably.	370
148	Same to same.....	Jan. 18	Same subject: Incloses copy of note to minister for foreign affairs notifying him that this matter must be adjusted through legation; reports little impression made on Haitian Government, and explains why he recommended presence of man-of-war.	371
149	Same to same.....	Jan. 19	Same subject: Incloses note to minister for foreign affairs rectifying injustice done Mr. Mevs and stating that indemnity is expected.	372
	Mr. Foster to Mr. Durham (telegram).	Jan. 20	Same subject: The President adverse to using force; future course, in the event of absolute refusal of indemnity, will be then considered.	374
155	Mr. Durham to Mr. Foster..	Jan. 23	Same subject: Minister for foreign affairs orally proposes to submit the matter to arbitration; requests instructions.	374
156	Same to same.....	Jan. 23	Same subject: Haitian contention that Mr. Mevs, having violated inclosed customs regulations, is not entitled to indemnity is met by the direct question whether this is to be accepted as a refusal on the part of Haiti to grant such indemnity; incloses notes.	374
158	Same to same.....	Feb. 6	Same subject: Reports that Haiti officially declares that Mevs is not entitled to indemnity and urges prompt action as demanded by all American interests.	376
	Mr. Foster to Mr. Durham (telegram).	Feb. 9	Same subject: Diplomatic course should be continued firmly and the question of amount of indemnity should not embarrass the negotiations.	377
163	Mr. Durham to Mr. Foster..	Feb. 11	Same subject: Diplomatic methods have been exhausted and the withdrawal of the <i>Atlanta</i> was taken as an abandonment of the case, thus creating embarrassment to legation and apprehension among Americans; urges that admiral stop at Haiti on his way north.	378
101	Mr. Foster to Mr. Durham..	Feb. 16	Same subject: Acknowledges receipt of dispatches and in reply to his insistence that force is necessary to settle the case, renews the instruction to first exhaust diplomatic methods.	378
173	Mr. Durham to Mr. Wharton	Mar. 3	Same subject: Haitian Government, offers \$6,000 as indemnity, which he proposes to accept.	379
178	Mr. Durham to Mr. Gresham	Mar. 11	Same subject: Indemnity has been accepted, but no formal agreement has as yet been drawn.	379.
184	Same to same.....	Mar. 25	Same subject: Informs the Department that the Haitian minister at Washington, has returned to Haiti and seems to have changed the views of his Government; requests instructions.	379
	Mr. Gresham to Mr. Durham (telegram).	Apr. 5	Same subject: Instructs him to urge fulfillment in good faith of settlement offered and accepted in Mevs case.	379
114	Same to same.....	Apr. 6	Same subject: Instructs him to dispel any misconception as to intention of allowing the agreement to be evaded.	380
192	Mr. Durham to Mr. Gresham.	Apr. 8	Same subject: Incloses notes exchanged with minister for foreign affairs relative to offer of 6,000 gourdes; minister for foreign affairs attempted orally to reduce the amount to \$5,000 gold.	380
194	Same to same.....	Apr. 12	Same subject: \$6,000 United States currency paid to legation and turned over to Mevs; incloses receipts.	381
119	Mr. Quincy to Mr. Durham.	May 1	Same subject: Settlement learned with gratification.	382

HAWAII.

No.	From and to whom.	Date.	Subject.	Page.
			<i>The correspondence respecting the affairs in Hawaii will be found in Senate Ex. Docs. 13, 46, 57, 65, 77; House Ex. Docs. 47, 48, 70, 76, 79, 95, 113, 140, Senate Report 227, and House Report 243, parts 1 and 2, Fifty-third Congress, second session.</i>	

JAPAN.

34	Mr. Coombs to Mr. Foster...	1892. Aug. 25	Rescue of the crew of the American vessel <i>North American</i> : Recommends recognition by Congress of the bravery of the natives on the coast of Tokusima who rescued the crew; incloses notes exchanged and report of the Government.	383
32	Mr. Foster to Mr. Coombs...	Sept. 27	Same subject: Authorizes him to draw for \$350 for distribution by Japanese Government to villagers who rescued the crew of the <i>North American</i> , and asks for their names so that they may be engraved on silver medals which will be presented to them.	385
44	Same to same.....	Nov. 9	Same subject: Incloses letter of November 4, from Hastings & Co., expressing the high regard in which they hold the acts of the Japanese rescuers.	386
58	Mr. Coombs to Mr. Foster...	Nov. 26	Same subject: Check for \$350 has been delivered to minister for foreign affairs under instruction No. 32; names of rescuers will be sent later.	387
62	Same to same.....	Dec. 17	Same subject: Reports upon proceeds of the drafts and use to be made of the money on behalf of the villagers.	388
70	Same to same.....	Dec. 27	Same subject: The sum of \$350, instead of being distributed will be kept as a common fund for the purchase of boats; suggests appropriation of money by Congress as an incentive for natives to aid shipwrecked seamen; incloses names of prominent rescuers, notes, and Governors report.	389
81	Same to same.....	1893. Jan. 20	Same subject: Informs Department of the disposition made of \$350; incloses notes and receipt.	391
98	Mr. Coombs to Mr. Gresham	Mar. 21	Passport applications of Alexander Powers and Basil Powers; born in Russia of a native citizen; the former just of age, the latter within a few months of reaching majority; they have never been in the United States and propose to engage in business in Russia; has denied personal applications of both, but issued a passport to the father, including Basil as a minor child; quotes from Russian law as giving them option of allegiance (thus creating a dual status), and from Foreign Relations to sustain his action; incloses applications and correspondence with consul at Hiogo.	393
84	Mr. Adee to Mr. Coombs....	Apr. 28	Same subject: Discusses the Russian law cited in No. 98, which only confers an optional right to claim Russian allegiance within one year in contradistinction to French law; United statutes confers the status of citizenship to both applicants, which, if confirmed by intention to return, entitles Alexander to passport and resulting protection; Basil is entitled to passport during minority; discusses status of the father as qualified by his long residence abroad.	401
131	Mr. Coombs to Mr. Gresham	June 26	Passport application of Mrs. Emily Jane Smith, daughter and widow of an American citizen, but born abroad and never a resident of the United States; she is going to France to marry a Russian; has declined to issue it.	402
145	Same to same.....	July 14	Passport applications of Americans residing in the East: Refers to Instruction No. 84, observes that these citizens are propagating the influence of the United States and thinks they are entitled to the fullest protection.	404

JAPAN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
11	Mr. Adee to Mr. Dun	1893. July 26	Passport application of Mrs. Emily Jane Smith: Circumstances related in No. 131 do not appear to justify its being granted, but the passport could not under any circumstances be issued by the Department.	405
17	Mr. Gresham to Mr. Dun ...	Aug. 22	Passport applications of Americans residing in the East: Men of the class described in Dispatch No. 145 need not fear inquiry into the good faith of their citizenship.	405
18	Mr. Dun to Mr. Gresham...	Sept. 4	Rescue of the crew of the <i>North American</i> : Reports prominent part taken in the rescue by the governor of Tokushima, Mr. Yoshiomi Seki, which should be recognized. Suggests presentation of silver ornamental piece.	406
24	Mr. Adee to Mr. Dun.....	Sept. 26	Same subject: A gold watch and chain will be sent to Governor Seki, in recognition of the part taken by him in the rescue of the crew of the <i>North American</i> .	406
26	Same to same.....	Oct. 17..	Same subject: Testimonials to Governor Seki and rescuers of crew of <i>North American</i> transmitted.	407

MEXICO.

908	Mr. Gresham to Mr. Ryan..	1893. Mar. 10	Imprisonment of Edward Lycan at Guaymás. Incloses Nos. 484-490 from Nuevo Laredo and No. 70 from Guaymas and instructs him to make representations.	408
1188	Mr. Ryan to Mr. Gresham..	Mar. 18	Same subject: Reports that Lycan has been released on habeas corpus, but subjected to obnoxious surveillance. Efforts of legation to hasten proceedings. Incloses correspondence.	413
1196	Same to same.....	Mar. 22	Same subject: Incloses note to minister for foreign affairs in compliance with instruction No. 908.	416
1209	Same to same.....	Apr. 4	Same subject: Release ordered by Supreme Court, whose just and prompt action is commended. The decree admits that the arrest was unwarranted by law. Incloses notes and decree of court.	174
1218	Same to same.....	Apr. 10	Consular right to administer estates of American citizens: Reports that consul at Piedras Negras, who thought it his duty to take charge of a certain estate, has been advised that, in the absence of convention, local courts have jurisdiction and that he is merely to see that justice is done.	410
1234	Same to same.....	May 1	Passport application of Martin Schäfer: Born in Germany of a native citizen, but residing permanently in Mexico, never having been to the United States, except on short visits. Incloses application and passport already filled to be forwarded to Mr. Schäfer in New York, if approved.	422
9	Mr. Gresham to Mr. Gray...	May 13	Same subject: Desires fuller information as to his father's movements and Schäfer's age at the time of his expatriation, in order to determine as to his status in regard to citizenship, which is besides a judicial function; but the facts furnished in No. 1234 are sufficient to show that he is not entitled to a passport.	423

CORRESPONDENCE WITH THE MEXICAN LEGATION AT WASHINGTON.

Señor Cayetano Romero to Mr. Foster.	1892. Dec. 13	Neutrality laws of the United States: Informs the Department that Garza bandits attacked and burned barracks at San Ignacio, causing the death of a captain and 5 men, taking immediate refuge in Texas. Incloses telegram of Mexican consul at Laredo and requests pursuit of bandits.	424
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CORRESPONDENCE WITH THE MEXICAN LEGATION AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1892		
	Señor Cayetano Romero to Mr. Foster.	Dec. 14	Same subject: Transmits complaint of minister for foreign affairs of lack of action by United States Government. Incloses telegrams from Mexican consuls at San Antonio and Laredo.	425
	Same to same.....	Dec. 14	Same subject: Informs the Department that another raid is contemplated by bandits, and no orders have been received at Fort McIntosh for the pursuit of same. Incloses telegrams from Mexican consuls at San Antonio and Laredo.	426
	Mr. Foster to Señor Cayetano Romero.	Dec. 15	Same subject: Informs him that the greatest vigilance has been and is being exercised by the War Department, to which notes of December 13 and 14 have been communicated. Adverts to difficulties arising from the long line of frontier.	427
	Señor Cayetano Romero to Mr. Foster.	Dec. 16	Same subject: Acknowledges receipt of the above.	427
	Mr. Foster to Señor Cayetano Romero.	Dec. 20	Same subject: Deprecates complaint of minister for foreign affairs, in note of December 14, that the United States have not exercised proper care in preventing violation of War Department and governor of Texas have been notified.	428
	Señor Cayetano Romero to Mr. Foster.	Dec. 21	Same subject: Expresses the hope that measures taken will put an end to disturbances and remarks that such measures would have been unnecessary if the frontier had been adequately guarded.	428
	Mr. Foster to Señor Cayetano Romero.	Dec. 27	Same subject: The Secretary of War has ordered more troops to the border. Explains the difficulties encountered in apprehending raiders.	429
	Señor Cayetano Romero to Mr. Foster.	Dec. 28	Same subject: Discusses the above note and suggests that a competent person be sent to investigate a report that Mexican soldiers at San Ignacio, Tex., are intimidated by supporters of the outlaws and made to declare that they came of their free will.	430
	Same to same.....	Dec. 31	Same subject: Acknowledges note of December 28.	431
	Señor Mariscal to Señor Cayetano Romero.	Dec. 31	Same subject: Refers to constant raids of bandits from Texas, and, after complaining of inadequacy of measures taken to prevent same by the United States Government, proposes that the Mexican and United States forces be distributed by concert to guard the several fords of the Rio Grande, or, better still, that an arrangement be entered into, similar to that recently made for the pursuit of Indians, permitting the forces of either Government to pursue the bandits across the border.	431
	Mr. Foster to Señor Cayetano Romero.	Dec. 31	Same subject: Suggestion relative to investigating contradictory statements made with reference to the Mexican soldiers held at San Ignacio has been brought to the notice of the Secretary of War.	434
		1893.		
	Señor Cayetano to Mr. Foster.	Jan. 1	Same subject: Incloses clipping from New York Times as showing disparity between Mexican and United States forces on the frontier.	434
	Mr. Foster to Señor Cayetano Romero.	Jan. 4	Same subject: United States forces in the vicinity of the Rio Grande number 1,800 men. Mexican soldiers are reported by the consul-general of the United States at Nuevo Laredo to remain on Texas side by preference and fear of punishment if they return to Mexico.	435
	Señor Cayetano Romero to Mr. Foster.	Jan. 5	Same subject: Acknowledges note of January 4 and hopes that investigation suggested by him on the 28th ultimo will be ordered.	436
	Same to same.....	Jan. 12	Same subject: Mexican Government considers that the number of Mexican troops on the frontier is adequate, the raiders being unable to remain for any length of time in Mexico. Incloses detailed statement of forces.	438
	Same to same.....	Jan. 12	Same subject: Recommends the guarding of fords by Federal troops as likely to have good results.	438
	Mr. Foster to Señor Cayetano Romero.	Jan. 19	Same subject: Notes of January 12 have been communicated to the War Department.	438
	Same to same.....	Jan. 23	Same subject: The War Department agrees	439

CORRESPONDENCE WITH THE MEXICAN LEGATION AT WASHINGTON--Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1893.		
	Mr. Foster to Señor Cayetano Romero--Continued.	Jan. 23	mainly to views presented in note of Mr. Mariscal, of December 31, but points to difficulties as to provisions for reciprocal crossing of troops. Incloses letter of January 19.	
	Same to same.....	Feb. 1	Same subject: Notifies him of the capture of three bandits by United States troops. Incloses two letters of January 27, from War Department.	440
	Señor Cayetano Romero to Mr. Foster.	Feb. 2	Same subject: Acknowledges the above and praises the zeal of the troops in effecting the capture.	441
	Same to same.....	Feb. 6	Same subject: Mexican Government desirous of establishing communication between the War Departments of both countries to the end of putting a stop to incursions. Incloses statement of Mexican forces on the frontier. Commanding officers will guard fords and, if agreeable to the United States Government, communicate with United States officers.	442
	Mr. Foster to Señor Cayetano Romero.	Feb. 10	Same subject: Note of February 6 has been communicated to War Department.	443
	Mr. Wharton to Señor Romero.	Feb. 23	Same subject: Arrest and detention at San Ignacio, Tex., of Isidor Ereda and Quicino announced by the War Department.	444
	Same to same.	Feb. 25	Same subject: Capture of 19 bandits is reported by War Department.	444
	Mr. Gresham to Señor Romero.	Mar. 15	Same subject: Informs him of the killing and arrest of sundry bandits; gives names.	444
	Señor Romero to Mr. Gresham.	Mar. 16	Same subject: Acknowledges the above with thanks, and expresses the belief that offenders will be punished and a recurrence of raids discouraged.	445
	Mr. Gresham to Señor Romero.	Mar. 18	Same subject: Announces the surrender and arrival at Fort Ringgold of certain named bandits.	445
	Señor Romero to Mr. Gresham.	Mar. 18	Same subject: Acknowledges above; contrasts present effectiveness with former leniency.	445
	Mr. Gresham to Señor Romero.	Mar. 30	Same subject: Surrender and capture of certain named bandits reported by War Department.	446
	Same to same.....	Mar. 31	Same subject: The cooperation of troops suggested in note of February 6 is concurred in by War Department.	446
	Same to same.....	Apr. 21	Same subject: Surrender of 2 bandits to United States troops April 19 reported by War Department.	447
	Mr. Adee to Señor Romero..	Apr. 27	Same subject. Notifies him of capture of Pedro Garcia by Lieut. West.	447
	Señor Romero to Mr. Gresham.	Apr. 28	Shots fired at sentry box of custom-house at Camargo: Transmits complaint of his Government, and asks that proper steps be taken to prevent a repetition of the offense and to punish the offender.	448
	Mr. Gresham to Señor Romero.	May 3	Neutrality: Capture of Delfino Garcia by Lieut. Walker announced.	448
	Señor Romero to Mr. Gresham.	June 9	Shots fired at sentry box at custom-house at Camargo: Refers to his note of April 28, and complains of repetition of the act on June 2, and asks that measures be taken to prevent same.	448
	Mr. Gresham to Señor Romero.	June 10	Same subject: The soldiers who fired could not be discovered; instructions have been sent to prevent recurrence. Incloses letter from War Department.	449
	Señor Romero to Mr. Gresham.	June 12	Same subject: Acknowledges note of June 9 and and adverts to his of same date.	450
	Mr. Gresham to Señor Romero.	June 14	Same subject: Note of June 9 has been referred to War Department with the request that stringent measures be adopted and the offenders detected.	451
	Same to same.....	June 15	Same subject: Note of June 12 has been referred to War Department.	451
	Señor Romero to Mr. Gresham.	June 22	Same subject: Information has been received from minister for foreign affairs that the 2 guilty soldiers have been identified and sent back to Fort Ringgold for investigation and punishment as promised.	451
	Mr. Adee to Señor Romero..	June 26	Same subject: Informs him that the 2 soldiers who fired the shots are awaiting court-martial at Fort Ringgold.	452
	Mr. Gresham to Señor Romero.	July 19	Same subject: Incloses War Department's letter of July 17, reciting punishment inflicted upon the 2 guilty soldiers, and measures taken to prevent recurrence.	453

CORRESPONDENCE WITH THE MEXICAN LEGATION AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1893.		
	Señor Romero to Mr. Gresham.	Aug. 5	Violation of the sovereignty of Mexico through the invasion of its territory by 6 armed men from Texas, commanded by Capt. Frank C. Jones, in pursuit of one Jesus Holguin; after an affray which resulted in the wounding of Holguin and his son and the death of Capt. Jones, the invasion was repeated by another armed force of some 60 men: Protests and asks that offenders be punished and orders issued against recurrence.	455
	Mr. Gresham to Señor Romero.	...do....	Neutrality: War Department reports the capture of 2 of Catarino Garza's men.	456
	Mr. Quincy to Señor Romero.	Aug. 12	Same subject: War Department reports the capture of 2 more Garza men and 2 San Ignacio men.	456
	Mr. Gresham to Señor Romero.	Aug. 16	Invasion of Mexican territory: Acknowledges note of August 5. The complaint therein set forth is being investigated.	456
	Señor Romero to Mr. Gresham.	Sept. 6	Same subject: Reports kidnaping, ill treatment and illegal sentence in the case of Jesus Garcia, at Nogales, Mexico. Incloses documents and note from his Government, makes formal complaint by direction, and asks for punishment of Deputy Sheriff John Roberts, and indemnity for Garcia. Calls attention to frequency of violation of Mexican territory.	457
	Mr. Adee to Señor Romero.	Sept. 25	Same subject: Informs him that the governor of Arizona has been asked to investigate and report on the facts stated in the above note.	462
	Mr. Gresham to Señor Romero.	Oct. 12	Same subject: Refers to note of August 5 relative to the alleged invasion, incloses reports, and quotes from letter of governor of Texas showing that Capt. Jones crossed the unmarked boundary in pursuit of an offender without knowing that he was in Mexican territory, and that Mexican officers do likewise.	462
	Señor Romero to Mr. Gresham.	Oct. 13	Same subject: Remarks that the complaint in note of August 5 had for its object not only reparation but the prevention of a recurrence, and that while this point is not touched upon in Department's note it is believed that Capt. Jones' example will effect that object.	466
	Mr. Adee to Señor Romero.	Oct. 17	Same subject: Contents of the note of October 13 have been made known to governor of Texas.	467
	Señor Romero to Mr. Gresham.	Nov. 15	Neutrality: Reports attack on and robbery of custom-house at Las Palomas by bandits, who afterward took refuge in the United States. Also contemplated incursion into Mexico being prepared at Silver City, N. Mex. Asks that the United States prevent the arming of expeditions against Mexico.	467
	Same to same.....	Nov. 17	Same subject: Mexican consul at El Paso reports raid in preparation at San Elizario, Tex. Believes that United States troops dispatched from Fort Bliss could apprehend the 25 men engaged therein.	463
	Mr. Gresham to Señor Romero.	Nov. 18	Same subject: Note of November 15, relative to attack on and robbery of custom-house at Las Palomas has been given to War Department and governor of New Mexico.	468
	Señor Romero to Mr. Gresham.	Nov. 19	Same subject: Complains that notwithstanding advice given to them, Texas authorities permitted a band of 65 men to form at San Elizario and thence invade Mexican territory.	468
	Mr. Uhl to Señor Romero....	Nov. 20	Same subject: Note of November 17, relative to raid prepared at and accomplished from San Elizario, Tex., has been given to War Department, that of November 19 to War Department and Attorney-General.	469
	Same to same.....	Nov. 20	Same subject: Quotes from War Department letter of November 18, as to sending United States troops to the border.	469
	Same to same.....	Nov. 21	Same subject: Incloses War Department's letter of November 20, reporting that no armed party was found at San Elizario.	469
	Same to same.....	Nov. 24	Same subject: Gen. Wheaton reports that he has no information of an armed party preparing to cross into Mexico.	470

CORRESPONDENCE WITH THE MEXICAN LEGATION AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Uhl to Señor Romero...	1893. Nov. 28	Neutrality; Commanding officer at San Antonio reports that no armed party has crossed from El Paso.	471
	Same to same	Nov. 28	Same subject: Reports action taken by governor of New Mexico with reference to legation's note of November 15.	471

NETHERLANDS.

360	Mr. Thayer to Mr. Foster...	1892. Nov. 3	Naturalization in the Netherlands: Incloses a copy of the bill expected to shortly become a law, amending previous laws.	472
367	Same to same	Dec. 30	Same subject: Reports that bill referred to in No. 360 has become a law.	475

PERSIA.

10	Mr. Sperry to Mr. Foster....	1893. Jan. 16	Insults to the wife of the Rev. Louis F. Esselstyn by a boy, who was whipped for the offense and his bond taken to keep the peace. Incloses correspondence with Esselstyn and proceedings.	476
13	Same to same	Jan. 25	Missionary troubles at Tabriz: Reports arbitrary closing of the American mission church and school; efforts of Mr. Tyler, then in charge of legation; secures reopening, after protracted negotiations, from October to January; incloses report of Mr. Tyler and resolutions of thanks from missionaries.	480
18	Same to same	Feb. 23	Protection and asylum to Hajie Seyyah: Reports that he is threatened with imprisonment, after having been already imprisoned for political reasons; describes certificates of naturalization; Persian Government claimed they should have been given notice of his naturalization, but failed to sustain assertion; Seyyah has been given temporary asylum.	487
20	Same to same	Feb. 27	Same subject: Persia claims that her subjects can not renounce their allegiance without permission, and that United States representatives are not permitted to protect Persian subjects; Seyyah has been given a place as employé of legation, pending receipt of instructions; charges of political offenses are denied, and Seyyah only wants to be allowed to leave Persia unmolested; incloses note and extract from treaty between Persia and Russia.	490
23	Same to same	Mar. 1	Same subject: Reports interview with representative of prime minister. Position of Persia, that subjects can not renounce their allegiance, is confirmed by Russian and British representatives, but Seyyah is held at legation pending instructions.	492
28	Mr. Sperry to Mr. Gresham.	Mar. 8	Missionary troubles at Tabriz: Incloses resolutions of the American missionaries expressing their thanks for the satisfactory termination of the difficulty.	495
34	Same to same	Mar. 29	Protection and asylum to Hajie Seyyah: Incloses orders restoring his allowance as one of the priestly caste, and his property rights, leaving but minor matters pending. In this settlement no reference was made to his citizenship nor any communication made to the legation, but result was undoubtedly due to protection.	496
33	Mr. Gresham to Mr. Sperry.	May 17	Protection and asylum to Hajie Seyyah: Reviews facts presented in dispatches Nos. 13, 20, 26, and 34, and decides that while the citizenship of Persia can not be affected by internal laws of Persia or her treaty with Russia, Seyyah has forfeited his right to protection by his own acts after leaving the United States.	498

PERSIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Gresham to Mr. Sperry—Continued.	1893. May 17	and that asylum, always discountenanced by the United States, is not justified in his case by any criminal or political charge. Reproves his subterfuge in giving Seyyeh a fictitious employment in legation, thereby endangering freedom of bona fide servants.	
74	Mr. Sperry to Mr. Gresham.	Aug. 12	Same subject: Incloses note to prime minister informing him of Department's decision in No. 33.	500
16	Mr. Adee to Mr. McDonald.	Sept. 21	Same subject: Informs him that Mr. Sperry misunderstood instruction of May 17, as shown in his No. 74; the question of citizenship was not passed upon; the Executive is not competent to declare forfeiture of citizenship, naturalization being a judicial act; Persian Government should be informed of Mr. Sperry's error.	501
26	Mr. McDonald to Mr. Gresham.	Oct. 21	Murder of Aga Jan Khan, a Christian Persian: Incloses letters relating the atrocious circumstances of the crime, and the alarm created thereby among Christians at Oroomiah; the attention of the Persian Government unofficially called to the matter.	502
27	Same to same.....	Oct. 26	Same subject: The Shah promises punishment of the murderers and protection to the Christians; incloses prime minister's note.	504
30	Same to same.....	Oct. 29	Same subject: Missionaries wish the Shah's letter in No. 27 to be published; incloses his note of acknowledgment of said letter and minister for foreign affairs' reply.	505
36	Same to same.....	Nov. 9	Protection of Hajie Seyyeh. Incloses note to minister of state correcting Minister Sperry's misinterpretation of instruction, No. 35.	505
41	Same to same.....	Nov. 23	Same subject: Reply of prime minister to his note inclosed in No. 36 insists that Hajie Seyyeh never ceased to be a Persian subject. Though contrary to international law, the position will not, for Hajie Seyyeh's sake, be disputed, except under instruction.	506
29	Mr. Uhl to Mr. McDonald ..	Nov. 28	Murder of Aga Jan Khan. Acknowledges No. 26 and approves his interpretation, which was justified by the alarm created among American residents.	507
30	Same to same.....	Dec. 5	Same subject. Expresses appreciation of the Shah's action in the matter as reported in No. 27.	507
37	Same to same.....	Jan. 5	Protection and asylum to Hajie Seyyeh. Instructs him to inform minister for foreign affairs that the incident in his particular case was terminated by the announcement that he was not entitled to protection as a bona fide citizen. The abstract question of protection of lawful citizens need not be discussed.	508

PERU.

482	Mr. Hicks to Mr. Gresham.	1893. Apr. 3	Outrages on U. S. consular agency at Mollendo: Reports that at the funeral of a prominent Mason the lodge was attacked and sacked by a mob which also invaded neighboring houses, one of which was the U. S. consular agency, Acting Consular Agent Meier was shot in the leg. Religious fanaticism apparently the only cause of riot.	509
	Same to same (telegram)....	Apr. 5	Same subject: Condensed report of the attack above referred to.	510
	Mr. Gresham to Mr. Hicks (telegram).	Apr. 6	Same subject: Instructs him to protest against failure of authorities to afford protection to consulate, and, if facts are well established, to ask expression of regret, prompt prosecution of the guilty parties and reparation for injury to American property and person.	510
	Mr. Hicks to Mr. Gresham (telegram).	Apr. 9	Same subject: Reports that before sending telegram of the 5th, he dispatched note to the foreign office calling attention to gravity of affair, and asking for information. Received to-day detailed reply regretting occurrence,	511

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No.	From and to whom.	Date.	Subject.	Page.
	Mr. Hicks to Mr. Gresham (telegram)—Continued.	1893. Apr. 9	promising prompt punishment of Mollendo delinquents and reparation for damages with statement that subprefect has been removed. Reply seems equitable and his judgment is not to make protest unless Department so direct.	
	Mr. Gresham to Mr. Hicks (telegram).	Apr. 10	Same subject: Expresses gratification at promises of Peruvian Government relative to Mollendo incident and confidently awaits their prompt fulfillment.	511
485	Mr. Hicks to Mr. Gresham.	...do...	Same subject: Incloses acting consular agent's report and notes referred to in telegram of April 9.	511
486	Same to same.....	Apr. 15	Same subject: Will present claim of consular agent without delay. It will probably be paid if reasonable. Incloses his note to foreign office.	515
493	Same to same.....	Apr. 29	Same subject: The consular agent's claim has been presented in an inclosed note and its prompt settlement orally urged.	516
289	Mr. Gresham to Mr. Hicks.	May 3	Same subject: Believes that the friendly attitude of Peru reported in No. 485 will insure the punishment of offenders and reparation of loss. Tender by Peru of medical expenses of Acting Consular Agent Meier would be acceptable.	517
496	Mr. Hicks to Mr. Gresham	May 8	Same subject: Informs Department that minister for foreign affairs awaits report from Mollendo.	517
499	Same to same.....	May 20	Same subject: Reports interview with recently appointed minister for foreign affairs, who asks for a reduction of the amount claimed by Mr. Meier, and promises early consideration.	518
302	Mr. Gresham to Mr. Hicks.	June 9	Same subject: Peruvian minister at Washington expresses readiness of his Government to make reparation, asking only indulgence as to time; original statement of Acting Consular Agent Meier that claim would be made for actual loss only, justifies the expectation that an amicable adjustment may be reached without undue pressure.	519
506	Mr. Hicks to Mr. Gresham..	June 12	Same subject: Reports interviews with minister for foreign affairs; it is claimed that the coat of arms of the United States was not on the building. Offer of 1,000 soles finally raised to 2,000.	520
512	Same to same.....	June 17	Same subject: Reports the payment of 2,000 soles by Peru in full settlement; incloses correspondence with the acting consular agent and foreign office, and bank receipt.	522
9	Mr. Gresham to Mr. McKenzie.	July 7	Same subject: Expresses gratification at settlement reported in No. 512.	524
50	Mr. McKenzie to Mr. Gresham.	Oct. 23	Immigration. Law passed by Peruvian congress for the encouragement of.	524

RUSSIA.

212	Mr. Foster to Mr. Wurts ...	1892. Aug. 23	Military service of Jacob Goldstein a naturalized American citizen: Incloses letter of Mrs. Goldstein of August 17, 1892, reporting the arrest and imprisonment of her husband, who is the bearer of a Department passport. Instructs him to investigate and take appropriate action.	526
239	Mr. Wurts to Mr. Foster ...	Sept. 7	Same subject: Suggests that in view of the fixed policy of the Russian Government to punish subjects who have avoided military duty on their return to Russia a petition for clemency appears to be the only resource. Refers to the case of Kempinski in 1889, who was sentenced to exile in Siberia and subsequently pardoned.	527
249	Same to same.....	Oct. [17]	Same subject: Russian Government claims that his real name is Yankel Zlotow and that he has been arrested for entering Russia with a false passport. Incloses note. Refers to the dispatch No. 239 and to the correspondence of consul at Odessa with authorities.	528

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No.	From and to whom.	Date.	Subject.	Page.
12	Mr. Foster to Mr. White ...	1892. Nov. 7	Same subject: Department reserves the right to judge as to the validity of passport. Goldstein's statement of his birthplace does not agree with that given in his passport application. As to identity of Goldstein, Department will investigate.	529
19	Same to same	Nov. 26	Same subject: Adverts to informal inquiry of Russian chargé as to genuineness of passport and certificate of naturalization and objections entertained by the Department to this proceeding. Instructs him to say that the cooperation of the legation will be rendered in cases of doubt as to genuineness of passport or identity of holder, but that the United States expects that its passport will be duly respected as prima facie evidence, and that its validity can only be traversed by competent proof.	530
21	Mr. White to Mr. Foster....	Dec. 15	Same subject; Refers to dispatch No. 12 (November 7) and states that Goldstein's passport was sent to Washington during interim at legation. Cases of a similar nature will hereafter be referred to legation.	531
22	Same to same	Dec. 16	Same subject: Discrepancies in Goldstein's statements make it doubtful whether he is not Yankele Zlotom, as claimed by Russian authorities. Consul at Odessa has been directed to investigate.	531
48	Same to same	1893. Jan. 25	Passport application of William Lassonne submitted with the statement that Lassonne will shortly return to the United States, but can not say whether it will be to establish a permanent residence.	532
55	Same to same	Feb. 13	Passport application of Hugo Sundel: He is unable to produce certificate of naturalization, and after residing in the United States from 1865 to 1873 has never returned there since. He bears an old passport. Requests instructions.	533
58	Same to same	Feb. 16	Railway, Trans-Siberian: Discusses rescript appointing the heir to the throne president of, as showing the civilizing aim pursued by the enterprise.	534
60	Mr. Wharton to Mr. White.	Feb. 28	Passports of Jews: Refusal of consular general of Russia at New York, to visé that of Mrs. Lerin. Incloses correspondence with Russian legation and refers to previous correspondence between the Department and the legation at St. Petersburg. The inquisition into religious faith is forbidden by the Constitution and can not be acquiesced in by the United States when exercised by a foreign agency within this territory. Adverts to previous allegiance of Mrs. Lerin and expresses the hope that passport will be accepted as authoritative evidence of citizenship.	536
64	Same to same	Mar. 2	Passport application of Hugo Sundel: Loss of certificate of naturalization is not material, as sufficient evidence must have been given when the old passport was issued by legation; but short residence after naturalization calls for proof of bona fide conservation of citizenship and intention to return before issuing new passport.	537
76	Mr. Gresham to Mr. White.	Mar. 24	Passport application of William Lassonne: This is clearly a case of evasion of duties of citizenship in either country; the application need not be considered until intention to return is corroborated by the acquisition of a residence in the United States.	538
81	Mr. White to Mr. Gresham.	Apr. 11	Passports of Jews: Reports that no action has yet been taken in the matter of visé refused in New York to Mrs. Minnie Lerin, owing to absence of M. de Giers.	538
96	Same to same	May 12	Famine in Finland: Reports that relief fund of 41,000 rubles sent by mayor of Philadelphia was distributed entirely unofficially. Incloses letter to Mayor Stuart giving full account of his action.	539

RUSSIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
97	Mr. White to Mr. Gresham	1893. May 19	Military service case of Jacob Goldstein has been favorably decided by the courts. Goldstein left the country in December and his whereabouts is unknown.	541
99	Same to same.....	May 19	Passport application of David Waldenberg and his son Jacob. The father left the United States in 1864 and does not declare intention to return; the son was born in Poland; never resided in the United States, but declares intention to return within two years, which, however, does not seem to be bona fide. Passport declined, but protection against threatened expulsion of Jacob as a Jew has been asked for two years.	541
100	Same to same.....	May 22	Expulsion of Joseph Glowacki on a charge of disrespect to the Emperor: A note in behalf of his being allowed to return has been directed to the foreign office. Presents merits of the case.	542
99	Mr. Gresham to Mr. White.	June 3	Military service of Jacob Goldstein: Considers the case as disposed of by his dispatch No. 97.	543
103	Same to same.....	June 6	Passport application of David Waldenberg and his son Jacob: Informs him that the father has evidently forfeited his rights by continuous residence in the country of original allegiance. Jacob, if truly intending to return, may be given a passport for that purpose only; minor sons are entitled to protection under section 1993, Revised Statutes, until they reach majority and avail themselves of the right of option of domicile. Incloses 84 to Japan.	543
123	Mr. Webb to Mr. Adee.....	Aug. 9	Passport issued to Simon James Gordon, a naturalized citizen, who left the United States in 1872, after securing naturalization, and never returned. Describes him as a bad character, and says that it was only issued on his sworn statement of intention to return immediately. Asks instructions for the future.	544
129	Mr. Webb to Mr. Gresham	Aug. 25	Expulsion of Joseph Glowacki: In spite of the order allowing him to enter Russia, with the exception of his native village, he was again detained at the frontier, and finally expelled. Promise has been received that, barring further unfavorable evidence, the original order will be carried out.	544
134	Same to same.....	Sept. 5	Same subject: New orders have been issued to let him enter, and regret expressed for the misunderstanding at the frontier.	545
123	Mr. Adee to Mr. White.....	Sept. 21	Same subject: The Department is gratified to learn that Glowacki has been granted permission to again enter Russia, and that the case is thus closed.	545
153	Mr. White to Mr. Gresham.	Nov. 7	Famine of 1892 in Russia: Address of thanks of the nobility of St. Petersburg to the people of the United States.	546
143	Mr. Uhl to Mr. White.....	Nov. 24	Same subject: Address of nobility will be carefully preserved.	546

CORRESPONDENCE WITH THE RUSSIAN LEGATION IN WASHINGTON.

Mr. Foster to Prince Cantacuzéne.	1893. Feb. 16	Passports of Jews: Refers to refusal of visa to Mrs. Mannie Lerin, and assuming that the right to refuse might apply to Russian subjects who have not performed military service, does not perceive how it can apply to a lady, and requests explanations.	547
Prince Cantacuzéne to Mr. Adee.	Feb. 20	Same subject: Refusal of visa by consul-general in New York was according to instructions, Mrs. Mannie Lerin, declaring herself a Jewess, and visa being, except in certain cases, refused to foreign Jews.	547
Mr. Wharton to Prince Cantacuzéne.	Feb. 28	Same subject: Acknowledges note of February 20 "under the reserve imposed upon the Government by its Constitution and laws, and by its just expectation that its certification of the character of American citizenship will be respected."	548

SIAM.

No.	From and to whom.	Date.	Subject.	Page.
67	Mr. Boyd to Mr. Gresham...	1893. July 17	France and Siam: Conflict between; gives an account of the engagement between French gunboats and Siamese forts, of the sinking of French steamship <i>J. B. Say</i> by the Siamese, and the following suspension of hostilities; incloses clipping from Bangkok Times giving official correspondence relative to the allowing of French war vessels in the river.	549
68	Same to same.....	July 26	Same subject: Siam denies French ultimatum; diplomatic relations terminated; French gunboats with minister depart; incloses French ultimatum and Siam's reply.	554
69	Same to same.....	July 27	Same subject: Notice of blockade has been given to vessels and ports.	555
70	Same to same.....	July 31	Same subject: Blockade of all Siamese ports of importance declared by the French on the 27th.	556
71	Same to same.....	Aug. 5	Same subject: Blockade raised upon acceptance of ultimatum by Siam at Paris.	556
73	Same to same.....	Aug. 23	Same subject: Final arrangements are to be concluded by the French envoy, M. Le Myre de Vilers.	557
79	Same to same.....	Oct. 23	Same subject: Incloses treaty between France and Siam. The French still occupy and are fortifying Chantaboon.	557

SPAIN.

	Mr. Foster to Mr. Snowden (telegram).	1893. Jan. 5	Missionary troubles in Caroline Islands: Their claim must not be complicated with other questions. The President expects a complete settlement without delay.	559
59	Mr. Snowden to Mr. Foster.	Jan. 7	Same subject: Incloses note to minister for foreign affairs presenting the case and replying to the argument of the Duke of Tetuan. He will press the claim for indemnity to, and return of, the missionaries.	559
63	Same to same.....	Jan. 14	Same subject: Preliminary interview with minister for foreign affairs, who states that public sentiment is opposed to the return of the missionaries, who are believed to have been the cause of the loss of life on the islands.	562
	Mr. Foster to Mr. Snowden (telegram).	Jan. 20	Same subject: Settlement should be pressed to an early conclusion.	563
70	Mr. Snowden to Mr. Foster.	Jan. 25	Same subject: Minister for foreign affairs, after objecting to return of missionaries on the ground that their presence incited rebellion, finally agreed to reopen the case on request in writing, and to refer the return of missionaries to the governor of the Philippine Islands. Gives full account of interview.	565
72	Same to same.....	Jan. 30	Caravel <i>Santa Maria</i> : Incloses note from minister for foreign affairs offering same to the United States.	565
73	Same to same.....	Jan. 30	Missionary troubles in Caroline Islands; Incloses memorandum of chronological statement of events read at interview with minister for foreign affairs.	565
77	Same to same.....	Feb. 2	Same subject: Minister for foreign affairs insisted upon the right of a nation to exclude foreigners, and further contended that the missionaries having voluntarily left the islands are not entitled to return, all of which was disputed. Incloses note to minister for foreign affairs reopening the case as agreed.	569
101	Mr. Foster to Mr. Snowden.	Feb. 7	Same subject: Quoting from minister for foreign affairs' note in dispatch of January 11, 1892, expresses the hope that assurances given then and in 1885 as to the return of the missionaries will be carried out, leaving only the question of indemnity to be settled.	570
	Mr. Snowden to Mr. Foster (telegram).	Feb. 14	Same subject: Asks if in view of impending interview he may propose arbitration in case of refusal or delay in the matter of the return of the missionaries and indemnity, and for definite instructions as to his next move, if that is rejected.	571

SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
	Mr. Foster to Mr. Snowden (telegram).	Feb. 14	Missionary troubles in Caroline Islands: In view of Spain's assurances in 1886, arbitration is deemed as unnecessary as it is unacceptable.	571
116	Same to same.....	Feb. 20	Same subject: Department's instructions were relaxed but once in 1892 upon assurances given by Spanish Government; denies that presence of missionaries incited trouble or that their departure was voluntary; position indicated in telegram of February 18 and thus far ably held by him will be maintained.	571
102	Mr. Snowden to Mr. Foster.	Feb. 28	Caravel <i>Santa Maria</i> : Incloses note to minister for foreign affairs accepting the, with appreciation.	573
100	Same to same.....	Mar. 3	Missionary troubles in Caroline Islands: Memorandum of guaranties given by Spain in 1886 as to treatment of Americans was left with prime minister; note to minister for foreign affairs setting forth sums expended and losses sustained by missionaries, and placing indemnity at \$25,000 or \$250,000, according to the granting or refusing of permission to return.	574
132	Mr. Wharton to Mr. Snowden.	Mar. 6	Caravel: Incloses Navy Department letter of March, 1893, accepting the <i>Santa Maria</i> .	575
144	Mr. Gresham to Mr. Snowden.	Mar. 18	Missionary troubles in Caroline Islands: Commends his memorandum to prime minister in No. 106.	576
119	Mr. Snowden to Mr. Gresham.	Mar. 25	Same subject: Minister for foreign affairs has agreed to have an understanding as to the return of the missionaries with the new governor of the Philippine Islands before his departure for his post. Reports interviews and incloses notes.	577
155	Mr. Gresham to Mr. Snowden.	Apr. 4	Same subject: Indorses letter of March 28 from Board of Commissioners of Foreign Missions urging a settlement.	579
139	Mr. Snowden to Mr. Gresham.	Apr. 17	Same subject: The question of return of the missionaries will be decided on the arrival of the new governor at his post, who has been instructed to telegraph. Question of indemnity will be treated in forthcoming interview.	580
162	Same to same.....	May 28	Same subject: Reports conference with minister of state and minister of colonies, at which amount of indemnity was determined in the sum of \$17,500. Presents a statement of his efforts in the case.	581
4	Mr. Bonsal to Mr. Gresham.	June 5	Same subject: Incloses notes exchanged between late Minister Snowden and the Spanish Government.	583
33	Mr. Taylor to Mr. Gresham.	Aug. 19	Same subject: Quotes note to Spanish Government urging return of missionaries and payment of indemnity; asks for instructions as to course to be followed in prosecuting the matter.	584
26	Mr. Adee to Mr. Taylor....	July 27	Same subject: Incloses letters from and to American Board of Foreign Missions in regard to the reported settlement.	586
35	Same to same.....	Sept. 22	Same subject: The disappointment of the President that the settlement promised six years ago has not yet been effected is to be expressed by correspondence or interviews. The restoration of their rights can not be disassociated from the small indemnity already tendered.	586
40	Mr. Taylor to Mr. Gresham.	Oct. 6	Same subject: A second note has been addressed to the Spanish Government, requesting a reply to that in No. 33.	587
43	Same to same.....	Oct. 14	Same subject: Incloses reply of foreign office to his note of August 18. It repeats that missionaries can not, for their own safety, be yet allowed to return; that they were not driven out as alleged, but left voluntarily, and asks that some one be designated to receive indemnity agreed on.	558

TURKEY.

No.	From and to whom.	Date.	Subject.	Page.
11	Mr. Foster to Mr. Thompson.	1892. Dec. 9	Missionary troubles at Jendairia and El Dainey: Incloses letter of Presbyterian Board of Foreign Missions. Instructs him to obtain the restoration of property at Jendairia and reopening of closed schools by courteous but decided representations. Leaves the question of indemnity or proceeding against the Government to his discretion.	589
18	Same to same.....	Dec. 15	Emigration: Instructs him to request permission for the, of Mr. Michaelian's family. Incloses letter of Mr. Michaelian.	591
24	Mr. Thompson to Mr. Foster.	1893. Feb. 5	Missionary troubles at Marsovan: Quotes telegrams reporting the burning of American college; the minister for foreign affairs promises investigation and protection, but facts reported show negligence on the part of authorities. In the absence of British or American representatives near seat of troubles the German minister has been asked for and granted protection by German consul at Amasia.	593
30	Mr. Foster to Mr. Thompson.	Feb. 6	Missionary troubles in Turkey: Incloses letter of February 2, from Board of American Missions, who have been informed that their rights as citizens are covered by previous instructions from the Department.	594
25	Mr. Thompson to Mr. Foster.	Feb. 6	Riots at Cesarea: Outburst of fanaticism apprehended. Communicates reports of; action will be taken by British and German ambassadors in view of prevention of disturbances.	596
27	Same to same.....	Feb. 7	Missionary troubles at Marsovan: Reports that the U. S. consul at Sivas was called to Marsovan by a telegram from the German consul.	597
28	Same to same.....	Feb. 8	Same subject: Incloses letter of instructions to Consul Jewett. Reports that Turkish authorities claim the right to open letters when there is a disturbance in the country to which they are sent.	597
29	Same to same.....	Feb. 9	Same subject: U. S. consul at Sivas has been instructed to investigate, and proceeded to the seat of disturbances.	598
31	Mr. Foster to Mr. Thompson.	Feb. 9	Passport issued to Mrs. Michaelian with a view of her coming to join her husband in the United States. Informs him that he has exceeded his instructions. Discusses the law relative to citizenship of the alien wife of a citizen, naturalized or native; states that in the case of one still residing in the country of her allegiance, the Department refrains from asserting her title to citizenship; as to minor children who have never resided in the United States, they are not entitled to passports. If Turkish government should test the evidence of the passport he should use good offices as per instruction No. 18, and report to the Department any unfavorable result.	598
30	Mr. Thompson to Mr. Foster.	Feb. 14	Censorship over books of missionaries objected to by them on the ground of long delay and unwarranted expunging by the present censor; incloses letter from the Evangelic Alliance, and note to Turkish Government urging reestablishment of commission, composed of Mussulmans and Christians.	599
	Mr. Wharton to Mr. Thompson (telegram).	Feb. 27	Missionary troubles at Marsovan: The gravity of the situation justifies the legation in making earnest representations to Turkish Government, and in taking advantage of coincident action of English and German colleagues to secure protection for life and property, repression of disorders, and punishment of offenders.	603
39	Mr. Thompson to Mr. Foster.	Feb. 28	Passport issued to Mrs. Michalian: Explains that it was done in accordance with Turkish law, and as affording the best means of carrying out instructions to assist her in joining her husband in the United States.	603

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
44	Mr. Wharton to Mr. Thompson.	1893. Mar. 1	Missionary troubles at Marsovan: Approves his action as reported to the Department, directs him to continue earnest representations, and secure protection of life and indemnity for injuries.	604
41	Mr. Thompson to Mr. Foster	Mar. 1	Same subject: Incloses report of Consul Jewett, showing interference with correspondence and connivance, if not instigation, on the part of Hosref Pacha. A copy has been given to minister of foreign affairs, who has been asked to stop interference with mail, and to order a thorough investigation of the burning in the presence of Consul Jewett. British and German ambassadors have promised cooperation.	604
42	Same to same	Mar. 1	Same subject: Consul Jewett has been instructed to allow examination of gate-keeper in his presence on condition that he shall not be imprisoned unless guilty of crime, and to investigate the imprisonment of teachers. Incloses letter of instructions.	606
47	Mr. Thompson to Mr. Gresham.	Mar. 7	Same subject: Incloses report of Consul Jewett with accompanying memoranda of missionaries relative to past relations, purchase of property, present troubles, and treatment of teachers. Minister of foreign affairs asks that investigation be had as to the printing of placards or storage of arms in burned college, which is agreed to, provided that investigation be conducted in the presence of the consul of the United States.	608
49	Mr. Gresham to Mr. Thompson.	Mar. 8	Same subject: Incloses letter of March 2, from American Board of Foreign Missions. Directs him to maintain the right of free communication with the legation.	617
53	Mr. Thompson to Mr. Gresham.	Mar. 16	Same subject: Incloses note verbale from the Porte complaining of alleged reprehensible actions of the United States vice-consul and teachers at Marsovan, and reply, stating that there is no vice-consul at Marsovan, but that Consul Jewett is conducting investigations. Incloses telegram of instructions to Consul Jewett.	618
54	Mr. Gresham to Mr. Thompson.	Mar. 17	Violation of official correspondence as apprehended, furnishes ground for earnest protest. Directs him to request investigation as to his letter to Consul Jewett, of February 3, failing to reach its destination as stated in No. 42.	620
58	Mr. Thompson to Mr. Gresham.	Mar. 22	Missionary troubles at Marsovan: Consul Jewett reports that he received none of the telegrams or letters sent him, and Secretary Newberry has been sent with an attaché of the foreign office to assist in the investigation. Consular agent at Samsoun, who has never been recognized by the Porte, received placards, and his office has been closed by Mr. Newberry. Incloses Consul Jewett's report and instructions to Mr. Newberry.	620
56	Mr. Quincey to Mr. Thompson.	Mar. 25	Mails: Interference with private. Incloses letter of Mrs. L. A. W. Fowler, of March 22, and directs requisite action, which, however, should be kept independent of that relating to the much more serious question of interference with official correspondence.	623
	Mr. Gresham to Mr. Thompson (telegram).	Apr. 1	Missionary troubles at Marsovan are regarded by the President as critical. Directs him to concentrate action on the main question, regardless of alleged acts of students; to keep in communication with Consul Jewett by messenger, if necessary; to protest against any violation of correspondence, and to keep Department informed by cable.	624
69	Mr. Thompson to Mr. Gresham.	Apr. 4	Same subject: The land and permit to build college are both in the name of a Turkish subject, which complicates the question; protest has been made against interference with official correspondence and an investigation instituted.	652
	Mr. Thompson to Mr. Gresham (telegram).	Apr. 10	Same subject: Reports return of Secretary Newberry with sufficient evidence upon which to base demand for payment of 500 Turkish pounds,	625

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1893.		
	Mr. Thompson to Mr. Gresham (telegram)—Continued.	Apr. 10	the value of the burned building; issuance of an irade in favor of the schools; assurance of adequate protection and immediate authority to rebuild. Requests instructions.	
	Mr. Gresham to Mr. Thompson (telegram).	Apr. 12	Same subject: Instructs him to demand full value of burned building, immediate permit to rebuild, license for school and its efficient protection, not waiving right to hereafter demand punishments of guilty parties.	625
	Mr. Thompson to Mr. Gresham (telegram).	Apr. 14	Same subject: Reports that minister promises full satisfaction without formal demand before the 22d instant; the time has been granted.	626
73	Same to same.....	Apr. 14	Same subject: Confirms above; delay requested on account of Turkish annual fast (Rhamadan.)	626
63	Mr. Gresham to Mr. Thompson.	Apr. 14	Same subject: Acknowledges and approves No. 53; commends report of Consul Jewett in No. 47.	626
76	Mr. Thompson to Mr. Gresham.	Apr. 21	Censorship over books of missionaries: Passages referred to in No. 30 have been restored and satisfactory time agreed upon for work of censor.	627
78	Same to same.....	Apr. 24	Missionary troubles at Marsovan: Report of Mr. Newberry establishes that native teachers and students did engage in revolutionary movements, and that Hosref Pacha, assisted by gens d'armes, set college on fire; reports as to maltreatment of Turkish boys by students.	627
81	Same to same.....	Apr. 27	Same subject: Reports that mail to and from Consul Jewett has been accounted for after long delay; mission of Mr. Newberry was discharged with ability and resulted in suggestions to the Porte of removal of Turkish officials and amnesty to Armenians, both of which were favorably received.	630
82	Same to same.....	Apr. 27	Same subject: Reports payment of 500 Turkish pounds; irade issued for rebuilding; another will issue granting protection and exemption from taxation.	631
77	Mr. Adee to Mr. Thompson.	Apr. 29	Same subject: Suggests that inquiry be made as to the reasons which led college authorities to have title to land and permission to build, taken in the name of a Turkish subject when the right was conceded to them by Imperial Rescript and Arifi-Boker protocol of 1874.	632
84	Mr. Gresham to Mr. Newberry.	May 9	Censorship of religious books: Acknowledges No. 76; learns with gratification that the Porte has taken satisfactory action in regard thereto.	632
86	Same to same.....	May 15	Missionary troubles at Marsovan: Directs him to ask good offices of British vice-consul at Angora at trial of the two native teachers; congratulates him on the ability and thoroughness of his investigation reported in Nos. 78 and 82; incloses correspondence with American Board of Foreign Missions.	632
87	Same to same.....	May 15	Same subject: The title to land on which the burned building stood should, if possible, be granted to Board for Foreign Missions, trustees of the college; incloses letter from the board.	633
91	Mr. Quincy to Mr. Newberry.	May 24	Same subject: Incloses letter from American Board of Commissioners for Foreign Missions, expressing satisfaction at the settlement of the difficulty at Marsovan.	635
5	Mr. Gresham to Mr. Terrell.	June 19	Missionary troubles in Turkey: Incloses letter from Presbyterian Foreign Missionary Board, and refers to previous instructions on the general subject.	635
12	Mr. Adee to Mr. Terrell....	July 3	Medical practice by women: License for, desired by Dr. Mary P. Eddy. Incloses letters from and to F. P. Powers.	637
14	Mr. Gresham to Mr. Terrell.	July 5	Jews: Restrictions on sale of real estate owned by. Incloses Nos. 20 and 21 to, and No. 49 from, consul at Jerusalem relative to the complaint made by Hyman Rose. Directs an inquiry into the matter, adverts to rights granted to aliens in regard to real property from which only former Ottoman subjects are excluded. The United States would protest against any discrimination based on mere religious faith.	638

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
18	Mr. Gresham to Mr. Terrell.	1893. July 7	Missionary troubles at Marsovan: Asks what progress has been made in guarantee of protection, to college promised in No. 82. Incloses letter from American Board of Foreign Missions.	641
10	Mr. Terrell to Mr. Gresham.	July 20	Assault on Miss Melton, in Koordistan: Reports action taken by legation and Turkish Government. Suggests that missionaries in remote parts secure vizirial letters for their protection through the legation. Incloses reports from missionaries incriminating Turkish soldiers rather than native Koords and correspondence between Turkish Government and local authorities relative to the punishment of offenders.	642
11	Same to same.....	July 20	Passport application of Edward Albert Green: Born in Turkey while his father was acting consul. Has never resided in the United States, but intends to return within six years. Will issue a passport unless otherwise instructed.	649
16	Same to same.....	July 22	Immigration from Turkey of the wife of Jacob Toprahanian, a naturalized citizen, who claims that the Porte could not refuse permission. Asks under what law the statement is made.	649
18	Same to same.....	July 24	Assault on Miss Melton, in Koordistan: Reports that a vizirial letter for the protection of Americans has been sent to the governor of Mosul. Describes territory placed under this protection.	649
22	Same to same.....	July 28	Same subject: Governor of Mosul has acknowledged receipt of order to protect Americans, and though parties who assaulted Miss Melton have not yet been found, they will soon be arrested and promptly punished.	650
25	Mr. Adee to Mr. Terrell....	July 28	Medical practice by women: Instructs him to authenticate the diplomas of Miss Dr. Eddy when presented and to secure recognition of the same by the authorities.	650
23	Mr. Terrell to Mr. Gresham.	July 29	Jews: Purchase and sale of land owned by, in Jerusalem. No obstruction will be put in the way by the Government if the sale is made to a citizen; the acquisition of land in Jerusalem by nonresidents for speculative purposes only is discouraged by the Government.	651
28	Mr. Adee to Mr. Terrell....	July 31	Missionary troubles at Marsovan: Refers to annoyances sustained by Garabed Kevorkian. Incloses letter of July 24 from Mr. McLean, which tends to show that he has only declared his intention, and is therefore not entitled to protection as a citizen. Directs him to investigate, and if Kevorkian is found to be regularly employed by missionary institution, good offices should be exerted to stop annoyances to the prejudice of his employers.	651
	Same to same (telegram)....	July 31	Assault on Miss Melton, in Koordistan: Instructions to press for peremptory orders that strict justice be exercised and due protection afforded.	652
26	Mr. Terrell to Mr. Gresham.	Aug. 1	Same subject: Incloses letters from Mr. McDowell and his to the grand vizier relative to attack on Miss Melton. Will call on the grand vizier.	652
29	Mr. Adee to Mr. Terrell....	Aug. 1	Bulgaria: Protection of American interests in. Informs him that U. S. ambassador at London has been instructed to request that British consul-general at Sofia look after them.	656
30	Mr. Gresham to Mr. Terrell.	Aug. 3	Assault on Miss Melton, in Koordistan: Incloses letter of July 29 from Presbyterian Board of Missions relative to the assault on Miss Melton, and emphasizes instructions sent by cable July 31.	656
29	Mr. Terrell to Mr. Gresham.	Aug. 5	Same subject: Gives an account of his interview with grand vizier, which was very satisfactory. Missionaries have now a feeling of security at Mosul.	665
33	Mr. Gresham to Mr. Terrell.	Aug. 8	Missionary troubles at Marsovan: Incloses letters from and to foreign Christian missionary society in regard to G. Kevorkian, whose case will be decided, of course, according to his proof of citizenship. Refers to instructions No. 28.	665

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
35	Mr. Gresham to Mr. Terrell.	1893. Aug. 9	Emigration of the wife of Jacob Toprahanian: Without going so far as giving passport (dispatch No. 39, of February, 1893) he may, when means of transportation are furnished, use good offices for obtaining permission from Turkish Government for her departing.	666
36	Same to same.....	Aug. 9	Passport application of Edward Albert Green: According to dispatch No. 11, Green is a natural citizen born out of the United States, and the only point is his bona fides as to intention to return.	607
37	Same to same.....	Aug. 9	Assault on Miss Melton in Koordistan: Commends his action.	668
37	Mr. Terrell to Mr. Gresham.	Aug. 18	Same subject: Turkish Government is earnest in its efforts to find and punish the offenders.	608
41	Mr. Gresham to Mr. Terrell.	Aug. 19	Jews: Right to purchase and sell real estate in Jerusalem. Acknowledges dispatch No. 23.	669
40	Mr. Terrell to Mr. Gresham.	Aug. 21	Missionary troubles in Marsovan: Refers to delay in the issuance of promised iradé and permit to build; the latter because a promise is exacted not to turn the building into a church or school; the former by the fear that if issued now the malcontents in Asia Minor will be incited to further disturbances. Incloses note to minister for foreign affairs and memorandum of interviews with grand vizier and minister for foreign affairs. If not otherwise directed he will demand issuance of iradé on October 19.	669
49	Same to same.....	Aug. 30	Same subject: The local authorities are delaying the transfer of the title to property with a view to defeat the issuance of iradé and permit to build; torture inflicted on the college cook to compel an incrimination of the directory in connection with revolutionary proceedings. Incloses memoranda from college authorities on both the above points.	672
50	Same to same.....	Aug. 31	Same subject: Assurance given by the grand vizier that orders would again be telegraphed. Expresses the opinion that college authorities can not be successful except by gaining the confidence of the Porte.	677
52	Same to same.....	Sept. 4	Schools. American, in Turkey: Intimidation practiced on patrons of. He has made representations to the grand vizier and will, if necessary, ask for an audience by the Sultan on the matter.	678
59	Same to same.....	Sept. 14	Missionary troubles at Marsovan: The governor on receipt of telegraphic orders from the Porte sent for the missionaries and gave them friendly assurances. The general feeling, however, is still opposed to missionaries, and the Porte recently requested their withdrawal from Bussorah. Incloses extract of letter to Mr. Riggs.	678
60	Mr. Gresham to Mr. Terrell.	Sept. 15	Same subject: Expects him to courteously, but firmly insist upon the issuance of iradé and permit to rebuild without conditions or delay, which Turkish Government freely promised. Remarks, that when these promises are evaded or repudiated it will be time to make a demand as of right.	679
60	Mr. Terrell to Mr. Gresham.	Sept. 18	Same subject: Vizierial letter was read to Rev. Edward Riggs, who was introduced by him to the grand vizier on the 15th instant. Incloses substance of same as remembered by Mr. Riggs.	680
61	Same to same.....	Sept. 19	Same subject: Hostility of the vali of Sivas to Americans illustrated in a letter from consul at Sivas to consul-general at Constantinople. His removal will be suggested to the Porte.	681
68	Same to same.....	Sept. 23	Assault on Miss Melton in Koordistan: A telegram from Mosul announces that the trial of parties who assaulted Miss Melton is suffering needless delay. Governor has been removed. New governor, sent by grand vizier, instructed to punish guilty parties.	683

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
70	Mr. Terrell to Mr. Gresham.	1893. Sept. 29	Naturalization treaty: Points out the necessity for a, with Turkey. Reports growing difficulties on account of naturalized Turkish subjects who only take out letters of naturalization for the purpose of returning to and remaining in Turkey. Quotes proviso inserted in English passports issued to naturalized subjects.	683
	Same to same (telegram).....	Oct. 2	Arrest of 2 naturalized citizens of the United States, natives of Turkey: One was released at the demand of the legation, the other expelled before news of his arrest reached the legation. Turkey is desirous of negotiating a treaty of extradition.	684
72	Same to same.....	Oct. 2	Same subject: Particulars of the cases of Metzsig, at Salonica, and of Paul G. Redighian, at Constantinople, above reported, his visit at the Porte resulting in the reluctant release of the latter. Incloses report of consular agent at Salonica, statements of Metzsig, and note to the Porte.	685
	Mr. Gresham to Mr. Terrell (telegram).	Oct. 4	Same subject: Desires fuller report. Inquires for the grounds of arrest and the nature of the Turkish Government's claim.	688
	Mr. Terrell to Mr. Gresham (telegram).	Oct. 5	Same subject: Gives reasons for and purpose of the arrests; Turkey claims returning naturalized persons as her subjects.	688
73	Mr. Adee to Mr. Terrell....	Oct. 10	Missionary troubles in Marsovan: Acknowledges No. 61, and comments on the attitude of the Veli.	689
	Mr. Terrell to Mr. Gresham (telegram).	Oct. 11	Arrest of naturalized citizens of Turkish origin: Asks whether his action in the matter is approved by the Department, and earnestly requests definite instructions.	689
78	Same to same.....	Oct. 11	Assault on Miss Melton in Koordistan: Incloses letters from missionaries reciting obstacles thrown in the way of punishment of the parties who assaulted Miss Melton.	689
79	Same to same.....	Oct. 12	Missionary troubles at Marsovan: Incloses letter from Prof. Riggs describing satisfactory condition of affairs.	691
80	Same to same.....	Oct. 12	Citizenship of Garabed Kevorkian: Recognized with reluctance and after long delay by the Porte, on the ground that he declared intention before the Turkish law of 1869, requiring the Sultan's consent.	692
81	Same to same.....	Oct. 14	Naturalization of Mr. Gargiulo, interpreter of the legation, who declared intention in the District of Columbia in 1881, and has served as interpreter of legation since 1873: Asks if, by virtue of extraterritoriality, he can grant letters of naturalization.	692
88	Same to same.....	Oct. 21	Arrest and expulsion of naturalized Turkish subjects: Redighian, named in No. 72, has obtained permission to visit the interior; the other one, Metzsig, has not been heard from. His expulsion seems a violation of treaty rights.	692
90	Same to same.....	Oct. 25	Missionary troubles at Marsovan: Iradé for college is not yet issued, notwithstanding note (inclosed) and interview reminding the Porte of the expiration of the promised term. Delay due to necessity of personal action by the Sultan. Formal demand will not be made except under telegraphic instructions.	694
93	Same to same.....	Oct. 27	Assault on Miss Melton in Koordistan: Reports difficulty in securing evidence against assailants of Miss Melton. Incloses 2 letters from Rev. E. W. McDowell.	695
	Mr. Gresham to Mr. Terrell (telegram).	Oct. 27	Expulsion of Armenians naturalized in the United States: The right of expulsion is an attribute of sovereignty, and in the absence of a treaty the United States can not insist that Turkey shall respect the naturalization of Armenians. Best efforts should, however, be used for the relief of arrested persons.	699
94	Mr. Terrell to Mr. Gresham.	Oct. 28	Same subject: Acknowledges receipt of the above, and invokes Article IV of the treaty of 1830 and instruction of November 28, 1885, under which he will claim exemption from arrest,	699

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Terrell to Mr. Gresham —Continued.	1893. Oct. 28	except upon refusal to obey expulsion orders; and that all such cases be reported to the nearest U. S. consul.	
79	Mr. Gresham to Mr. Terrell.	Oct. 31	Assault on Miss Melton: It is believed that vizirial letter granted to missionaries, named in No. 78, will effectually protect the missionaries against apprehended danger.	700
80	Same to same	Oct. 31	Missionary troubles at Marsovan: Incloses an appreciative letter of October 26 from American Board of Foreign Missions.	700
82	Same to same	Nov. 2	Naturalization of legation interpreter can not be conferred by the minister: His judicial powers do not come within the description determined by section 2165, Revised Statutes, and Mr. Gargiulo's service in the legation can not be construed as residence, notwithstanding extraterritoriality.	701
86	Mr. Adee to Mr. Terrell....	Nov. 8	Citizenship of G. Kevoorkian: The secretary of the Foreign Christian Missionary Society is gratified at the result reported in Dispatch No. 80.	702
101	Mr. Terrell to Mr. Gresham.	Nov. 8	Medical practice by women: Reports his success in obtaining permission for Miss Eddy to appear before examining board, and his hope that order prohibiting will be rescinded.	702
	Same to same (telegram)....	Nov. 15	Expulsion of naturalized citizens, of Turkish origin: Turkey will only expel former subjects who have become naturalized without the Sultan's consent since 1869, and will not imprison them.	702
	Mr. Gresham to Mr Terrell (telegram).	Nov. 18	Same subject: While recognizing the right of the Porte to expel Armenians, naturalized citizens of the United States, and incidentally to make arrests for that purpose, the legation will protest against their punishment as criminals and against protracted imprisonment for any reason.	703
107	Mr. Terrell to Mr. Gresham.	Nov. 18	Same subject: Reports his interviews with minister for foreign affairs and grand vizier, and incloses memorandum of conversations from which resulted the arrangement reported in telegram of November 15.	703
92	Mr. Uhl to Mr. Terrell	Nov. 21	Medical practice by women: Directs him to express the appreciation of Department at the favorable action taken in the case of Dr. Miss Eddy.	704
93	Mr. Gresham to Mr. Terrell.	Nov. 23	Assault on Miss Melton: Lack of evidence against Miss Melton's assailants and other circumstances reported in Dispatch No. 93 do not absolve Turkish Government from the duty of ferreting them out and punishing them when found.	704
	Mr. Terrell to Mr. Gresham (telegram).	Nov. 25	Expulsion of Turkish subjects naturalized in the United States. His verbal agreement with the Sublime Porte, that no native of Turkey, a naturalized citizen of the United States, should be imprisoned unless he refused to leave the country, is disapproved by the Sultan.	705
114	Same to same.....	Nov. 27	Same subject: Refusal of the Sultan to approve verbal arrangement under which naturalized Americans could be expelled, but without arrest, except for refusal to leave the country, not likely to be overcome except by demand of indemnity. Incloses note pressing for a definite arrangement.	705
101	Mr. Uhl to Mr. Terrell	Dec. 7	Same subject: The right of expulsion is recognized by the United States as inherent to sovereignty, especially when it is based on other reasons than the mere fact of American citizenship and applied without discrimination. The Turkish minister has informed the Department that it was authorized by Ottoman law, and that negotiations were on foot for a definite understanding. United States will always intervene to protect rights to which citizens are entitled.	706
103	Same to same.....	Dec. 12	Medical practice by women: Incloses letter of thanks of December 7 from Presbyterian Board of Foreign Missions for his successful exertions in the case of Miss Eddy.	707

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
107	Mr. Gresham to Mr. Terrell.	1893. Dec. 22	Expulsion of naturalized Turkish subjects: The promise of the Porte not to imprison naturalized Americans, except to insure their leaving the country, does not rest on the verbal promise received by him only, but on explicit declarations given in writing by Turkish minister here. Incloses notes from and to Turkish legation of November 22 and 28.	708

CORRESPONDENCE WITH THE LEGATION OF TURKEY IN WASHINGTON.

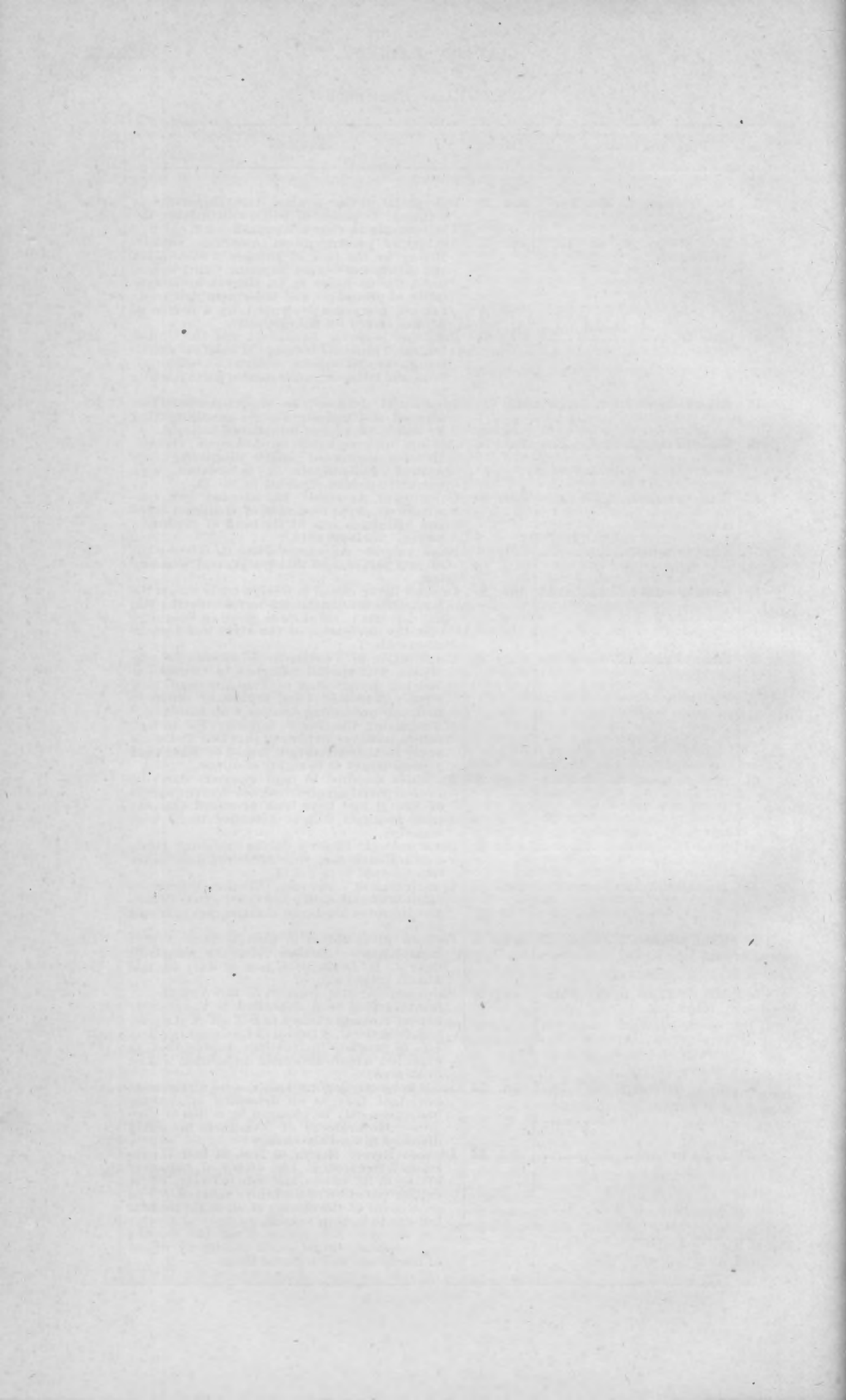
	Mavroyeni Bey to Mr. Gresham.	1893 Aug. 20	Expulsion of Armenians naturalized in the United States: Calls attention to the fact that the greater number contemplate returning to Turkey, there to engage in seditious acts, and states that the Turkish Government would in such cases be constrained to refuse them admission into the Empire, even when they are furnished with United States passports.	709
	Mr. Gresham to Mavroyeni Bey.	Aug. 24	Same subject: The naturalization laws of the United States are uniform in operation and could not be withheld from a large class of Turkish subjects, nor could the Government of the United States admit that this class of citizens should be debarred from Turkey because of the alleged wrongdoings of some of them.	710
	Mavroyeni Bey to Mr. Gresham.	Aug. 28	Same subject: Insists upon the right of Turkey to protect herself against individuals who secure foreign protection for seditious purposes.	710
	Mr. Gresham to Mavroyeni Bey.	Sept. 2	Same subject: The explanations offered in the above note will be borne in mind if occasion should arise to discuss a specific case.	711
	Mavroyeni Bey to Mr. Gresham.	Oct. 26	Armenian revolutionary articles published by the Haik, of New York: Incloses same, in support of statements made by the legation in regard to naturalized Armenians.	712
	Mr. Gresham to Mavroyeni Bey.	Nov. 2	Same subject: The two numbers of the "Haik" in note of October 26 will suffice for the Department's information.	713
	Mavroyeni Bey to Mr. Gresham.	Nov. 22	Expulsion of Turkish subjects naturalized in the United States: The arrest was provisional, and made under the nationality law of Turkey; negotiations to determine the status of such persons are now on foot.	713
	Mr. Uhl to Mavroyeni Bey.	Nov. 28	Same subject: The above note affords the gratifying conclusion that, while Turkey insists under her laws on her sovereign right to expel, she will not inflict any punishment which might be open to serious contention.	715

VENEZUELA.

375	Mr. Bartleman to Mr. Foster	1893. Jan. 6	Differential duties imposed on merchandise transhipped at Curaçao: Incloses decree establishing 30 per cent additional duty.	717
5	Mr. Foster to Mr. Partridge.	Feb. 8	Same subject: Referring to similar case related in Foreign Relations of 1882 and 1883, instructs him to make similar representations.	718
4	Mr. Partridge to Mr. Gresham.	Mar. 8	Same subject: Discusses the decree referred to in No. 375, and shows how it solely affects the American Red D Steamship Line. The company's agents, however, have arranged a direct line and do not wish legation to intervene; action is deferred in consequence.	718
6	Same to same.....	Mar. 10	Cable between the United States and Venezuela; transmits contract with Alfredo Fromentin and additional clause providing for reimbursement by Venezuela; says this indicates ultimate ownership by the Government and suggests the necessity of special provision to exclude monopoly before permission is granted to land in the United States; contractor is believed to be unable to carry out his contract for lack of funds or command of capital.	720

VENEZUELA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
21	Mr. Gresham to Mr. Partridge.	1893. Mar. 23	Differential duties against transshipments at Curaçao; Department will await further developments in view of dispatch No. 4.	722
23	Mr. Partridge to Mr. Gresham.	Apr. 11	Asylum of passengers on American vessels. Refers to the case of steamer <i>Philadelphia</i> and incloses decree of Supreme Court imposing a fine on judge at La Guayra for irregularity of procedure, and ordering a new trial; further proceedings stopped by a decree of pardon issued by the executive.	722
36	Same to same.....	May 11	Relations between Venezuela and the United States: Transmits message of chief of executive power and report of minister for foreign affairs, and incloses translations of parts relating to.	724
40	Same to same.....	May 25	Differential duties on merchandise transhipped at Curaçao. Decree annulling that by which they were established inclosed.	725
46	Same to same.....	June 6	Asylum of passengers on American vessels: Incloses decree of court dismissing case against <i>Philadelphia</i> in accordance with executive pardon reported in No. 23.	726
52	Same to same.....	June 23	Constituent Assembly has adopted new constitution: Approved acts of General Crespo and maintains him at the head of executive power. Incloses acts.	727
55	Same to same.....	July 1	Same subject: Adjourned June 14. Gives a list of acts passed, and incloses general amnesty law.	728
58	Same to same.....	July 10	Orinoco River closed to foreign trade except the Boca Grande. Incloses a decree ordering the, and adverts to assurances given in December that the navigation of the river was open to all vessels.	729
59	Same to same.....	July 12	Constitution of Venezuela: Discusses its provisions with special reference to clauses embodying declarations of Pan-American Conference as to claims and diplomatic intervention, and precluding treaties with nations not recognizing the same; minister for foreign affairs, however, explained that this would not apply to the extradition treaty or other than general treaty as to rights of aliens.	731
64	Same to same.....	July 22	Facilities accorded to mail steamers carrying French postal agents; incloses decree; agents of Red D line have been promised that the same facilities will be extended to all mail steamers.	733
66	Same to same.....	July 25	Same subject: Incloses decree extending facilities to Red D line, thus removing discrimination referred to in No. 64.	734
48	Mr. Adee to Mr. Partridge.	July 26	Constitution of Venezuela: Discusses the clauses relative to nationality and contractual claims, and approves his views thereon, as expressed in No. 59.	734
50	Same to same.....	Aug. 1	Orinoco River closed to foreign trade, except Boca Grande; incloses letter of complaint from J. H. Dialogue & Son, of July 29, and directs proper action.	735
57	Mr. Gresham to Mr. Partridge.	Aug. 24	Ships papers: Requirement of the Venezuelan law that they be all deposited at the customhouse; incloses extract of No. 137 of Aug. 10, 1893, from the U. S. consul at La Guayra; refers him to previous instructions, hoping that, as expected, a more favorable disposition will be evidenced.	736
93	Mr. Partridge to Mr. Gresham.	Oct. 10	Same subject: Reports that the requirement of law, that they be all deposited at customhouse, can only be changed by action of Congress; Government of Venezuela favorably disposed toward the change.	737
97	Same to same.....	Oct. 18	Orinoco River: Refers to Nos. 74 and 77: incloses letter from E. Lee, owner of a steamer plying in its waters, and note to foreign office, calling attention to the injury suffered by him on account of the closing of all of the mouths but one to foreign vessels.	737
109	Same to same.....	Dec. 27	Same subject: Navigation of all the mouths will probably be reopened shortly by repeal of the decree which closed them.	740



CORRESPONDENCE.

AUSTRIA-HUNGARY.

Mr. Grant to Mr. Gresham.

No. 351.]

LEGATION OF THE UNITED STATES,
Vienna, April 11, 1893. (Received April 29, 1893.)

SIR: I have the honor to forward herewith, for your information, the correspondence which has recently passed between this legation and the imperial and royal ministry of foreign affairs of Austria-Hungary upon the case of Edward Drucker, a naturalized citizen of the United States.

Drucker, upon his return to his native land, was arrested for non-fulfillment of his military duties, but through the intercession of this legation has been released.

I have, etc.

FREDERICK D. GRANT.

[Inclosure 1 in No. 351.]

Mr. Grant to Count Welsersheimb.

LEGATION OF THE UNITED STATES,
Vienna, December 27, 1892.

YOUR EXCELLENCY: This morning a man giving his name as Carl Drucker, of Strakonitz, Bohemia, called at this legation and stated to me that his son, Edward Drucker, had been arrested on Saturday a week ago, and confined in jail since that time, under the charge of not having reported himself for military duty. The father states that his son is an American citizen, and produced a certificate of naturalization for Edward Drucker, issued by the court of common pleas of New York, on the 21st of April, 1891. The father stated, also, that his son had emigrated to the United States in 1884, when he was 16 years old, that he had a passport from the imperial and royal authorities by which he was authorized to leave the Empire, and that he had returned to Bohemia, to his family, because of his own illness, which illness was a mental disorder.

As the case of Drucker seems to be, from what information I have upon the subject, a violation of the articles of the treaty of 1870, and as it appears to be of so serious a nature as to demand prompt action, I place his father's statement before your excellency and respectfully request that your excellency will have the case investigated and such action taken as will cause the release of Drucker at as early an hour as possible.

The father stated that his son, Edward Drucker, was taken before the district court at Pisek, Bohemia, to-day.

I avail myself, etc.,

FREDERICK D. GRANT,

FOREIGN RELATIONS.

[Inclosure 2 in No. 351.—Translation.]

Count Welsersheimb to Mr. Grant.

MINISTRY OF FOREIGN AFFAIRS,
Vienna, December 31, 1892.

SIR: As a temporary reply to the esteemed note of the 27th of December, No. 155, relative to the arrest at Strakonitz of Edward Drucker, a naturalized citizen of the United States, on account of alleged noncompliance with the provisions of the military laws, the imperial and royal ministry of foreign affairs has the honor of informing the honorable envoy of the United States that the competent authorities have been directed to institute at once the necessary inquiries concerning this case, and to take, without delay, such measures as may be deemed proper to adopt, in view of his confinement.

While the undersigned reserves to himself the privilege of communicating the result of the steps undertaken, as soon as the same has become known, he avails himself, etc.,

WELSERSHEIMB,
For the Minister of Foreign Affairs.

[Inclosure 3 in No. 351.—Translation.]

Count Welsersheimb to Mr. Grant.

MINISTRY OF FOREIGN AFFAIRS,
Vienna, January 10, 1893.

SIR: In pursuance of the note of December 31 last, relative to the recent arrest of Edward Drucker, a naturalized citizen of the United States, on account of alleged noncompliance with the provisions of the military laws, the imperial and royal ministry of foreign affairs has the honor of informing the honorable envoy of the United States that inquiries made by the imperial royal ministry of justice brought to light the following facts:

On the ground of information given by the district captain of Strakonitz, from which it appears that Edward Drucker, born at Strakonitz on June 14, 1869, emigrated to America eight years ago without any permit, thereby avoiding to render his military duty, the district court at Strakonitz took steps, according to paragraph 45 of the law of April 11, 1889, to commence proceedings against the above named, and, after a hearing, on December 17 he was placed in temporary arrest, according to paragraph 175, ad 2, and 178, S. P. O.

From the acts submitted to the State attorney at Pisek, and from statements made by Edward Drucker himself, it appeared that he was in America from August 26, 1884, to February 10, 1886; that he returned to his native land in March, 1886, and left again, without any permit, on March 26, 1887, remaining in America until August 21, 1892, when he returned to Strakonitz in September, 1892.

That Drucker had been naturalized in America was mentioned neither by him nor by his father, Carl Drucker; nor did subsequent interrogatories divulge the fact that he had acquired United States citizenship and that the provisions of the treaty of September 20, 1870, would apply to him, the more so as the dates as to his stay in America were furnished by him and were lacking authenticity.

Therefore Edward Drucker, on December 19 last, was remanded, according to paragraph 45 of the law of April 11, 1889, No. 41, conducted to the district court at Pisek, and sent to prison, which sentence was approved by the presiding judge of the district court at Pisek.

It was not until the 30th of last month that the defending attorney of Edward Drucker, Dr. Leopold Block, alluded to the American citizenship of the prisoner and motioned that the United States legation at Vienna should be placed in possession of Drucker's documents. To this end the State attorney at Pisek adjourned the proceedings and Drucker was permitted, by order dated December 30, and on giving security, to leave the arrest.

While the undersigned reserves to himself the privilege of making further communications in the future respecting the proceedings instituted against Edward Drucker and the results obtained from the imperial royal ministry of justice, he avails himself, etc.,

WELSERSHEIMB,
For the Minister of Foreign Affairs.

[Inclosure 4 in No. 351.—Translation.]

Count Welsersheimb to Mr. Grant.

MINISTRY OF FOREIGN AFFAIRS,
Vienna, January 20, 1893.

Sir: In pursuance of the note of the 10th instant, relative to the recent detention of Edward Drucker, a naturalized citizen of the United States, for noncompliance with the military laws, the ministry of foreign affairs has the honor of transmitting herewith to the honorable envoy of the United States the acts received from the minister of justice, containing the report made by the attorney of State at Prague, corroborating in substance what had already been said in the above-mentioned note.

From this report it appears, to full evidence, that our authorities have proceeded in this case with perfect correctness and that Edward Drucker, even in case he turns out to be a naturalized citizen of the United States, which fact remains to be proven, must ascribe the consequences to his own neglect of having returned to his former home without first having advised the authorities of his change of citizenship and requested the canceling of his name from the conscription list; even going so far as to pass over in perfect silence the fact of his change of citizenship, when summoned before court, nor producing any legal proof of such fact until his lawyer suggested it at the trial and asserted that a naturalization document existed of the year 1892, which involves a contradiction, as the esteemed note of the honorable envoy, dated December 27 last, gives the year as being 1891.

In order to be able to bring the matter to a definite conclusion, it will be necessary to adduce authenticated evidence of Edward Drucker's naturalization in the United States, and the ministry of foreign affairs therefore requests, in behalf of the ministry of justice, to make known, when returning the inclosed acts, whether Edward Drucker has applied to the United States legation for a certificate testifying as to the fact of his American citizenship.

The undersigned avails, etc.,

WELSERSHEIMB,
For the Ministry of Foreign Affairs.

[Inclosure 1 in inclosure 4 in No. 351.—Translation.]

The imperial and royal minister of justice to Mr. Grant.

In compliance with instructions of January 3, 1893, the undersigned incloses herewith copy of a note from the imperial and royal ministry of foreign affairs, a report of the State attorney at Pisek; and proceedings of court against Edward Drucker, for noncompliance with the military law of April 11, 1889.

REPORT.

The state attorney at Strakonitz has lodged complaint, on December 17 last, at the district court in Strakonitz, against Edward Drucker, born in 1869, for non-compliance with the military laws, stating that he left for America eight years ago, without permit, avoiding to render any military duty; that he returned to Strakonitz without reporting to the authorities that his name was to be struck from the enlistment rolls. The district court commenced proceedings against Drucker, and suspecting him of intention to abscond he was temporarily put in jail.

The state attorney at Pisek, on December 19, 1892, instituted proceedings against Drucker and ordered him to be put in jail.

Neither at his first examination nor when he was informed of his pending arrest did he claim to be an American citizen, and it was not until December 30, when the trial took place, that the court received knowledge of that fact by his assertion that he had been uninterruptedly in America from April 4, 1887, to August 21, 1892, and that on the last-named day he had acquired American citizenship.

Dr. Bloch, his attorney, offering to adduce proof, the state attorney at Pisek adjourned proceedings in order that the truth of the statement regarding citizenship might be ascertained, and he was discharged from jail on the same day on pledging his word of honor. Whether the U. S. legation at Vienna was applied to for producing proof or not can be learned neither from the acts of the state attorney nor those of the court at Strakonitz.

The undersigned attorney of state is therefore of opinion that Drucker gives sufficient grounds for action, and that his being remanded is on legal grounds, the

more so, as he failed to state at the time of his arrest and first examination that he had been naturalized, and that his case came under the provisions of the treaty of September 20, 1870.

The undersigned, state attorney, therefore proposes that in case your excellency makes no other dispositions, and in view of Drucker's discharge from jail, to direct the state attorney at Pisek to withdraw the charges, after receipt of information from the U. S. legation at Vienna corroborating Drucker's statements, or, in case of the contrary, to plead for resumption of proceedings.

PRAGUE, *January 9, 1892.*

[Inclosure 2 in inclosure No. 4 in No. 351.—Translation.]

To the State Attorney:

In compliance with instructions of January 5, I beg to return herewith the acts in the case of Edward Drucker, charged with violation of the military laws.

Information given by the district captain at Strakonitz on December 17, 1892, showed that Edward Drucker, born June 14, 1869, at Strakonitz, left for America, without permit, eight years ago, having rendered no military duty, and the district court at Strakonitz, having examined Drucker's case of violation of the law of April 11, 1889, remanded him to jail on December 17, 1892.

Investigations made have shown that after Drucker had been in America from August 26, 1884, until February 10, 1886, he returned to his home in March, 1886, and left again, without permit, on March 26, 1887, for America, where he remained until August 21, 1892, and arrived in Strakonitz September, 1892.

That he had acquired American citizenship was mentioned neither by him nor by his father, who is also complicated in the case, nor have subsequent investigations brought to light any circumstances showing him to have been naturalized and that the treaty of September 20, 1870, was applicable to his case, the more so, as all the data relating to his stay in America were obtained solely from his own statements and were left without proof.

Drucker was therefore remanded to jail on December 19, 1892. At the main trial on December 30, 1892, the defending attorney, Dr. Bloch, referred to Drucker's American citizenship and pleaded that requisition be made to the U. S. legation at Vienna for documentary evidence. The prosecution thereupon adjourned, and Edward Drucker was discharged from jail on December 30, 1892, on pledging his word of honor.

The instruction telegraphed by the ministry of justice to the state attorney on January 3, 1893, to make a report, was complied with and must have come to hand on January 4.

Drucker's discharge from jail has broken off the point from the conflict regarding violation of the provisions of the treaty of September 20, 1870, and the state attorney, after having received the above-mentioned telegraphic order from the ministry of justice, has been left without further instructions, and now respectfully asks what further steps shall be taken.

PESEK, *January 3, 1893.*

[Inclosure 5 in No. 351.]

Mr. Grant to Count Welsersheimb.

LEGATION OF THE UNITED STATES,
Vienna, January 30, 1893.

YOUR EXCELLENCY: Acknowledging the receipt of your excellency's esteemed favor of January 20, in which is discussed the case of Edward Drucker, a naturalized citizen of the United States, who is under trial at Strakonitz, Bohemia, for alleged violation of the military laws of the I. and R. monarchy of Austria-Hungary, I hasten to reply to the inquiries contained therein. Upon December 27, 1892, two men, giving their names as Carl Drucker and Samuel Drucker, and claiming to be the father and uncle of Edward Drucker, called at this legation and made the following statement, viz, that Edward Drucker was born at Strakonitz, Bohemia, during 1868, and emigrated to the United States during the autumn of 1884; that he resided one and a half years in the United States, when he returned to his home in Bohemia, whence, after a visit of a few weeks, he went back again to the United States, where he resided uninterruptedly until 1892, some of that time in Chicago and the rest of the time in New York City; that he was naturalized a citizen of the United States before the court of common pleas at New York on the 21st of April,

1891; that he is domiciled in the United States, his permanent residence being in New York City, where he follows the occupation of shirt-maker; that he is now temporarily residing with his family at Strakonitz and suffering from a mental disease; that he intends to return to the United States with the purpose of performing the duties of citizenship therein as soon as his health will permit; that at present he is "non compos mentis."

In connection with this case I can say that I have seen Edward Drucker's certificate of naturalization, but can not now speak positively as to its date. I do not now remember that Carl and Samuel Drucker applied to me for a certificate testifying to the American citizenship of Edward Drucker, but inasmuch as the above-mentioned men had in their possession the naturalization certificate of Edward Drucker, issued by a competent law court in the United States of America, and under the seal of said court, it would seem that a similar certificate issued by this legation would be superfluous.

I will avail myself of the earliest possible occasion to return to your excellency the inclosures contained in your esteemed favor of January 20, and in the meantime I beg that your excellency will accept, etc.,

FREDERICK D. GRANT.

[Inclosure No. 6 in No. 351.—Translation.]

Count Welsersheimb to Mr. Grant.

MINISTRY OF FOREIGN AFFAIRS,
Vienna, April 7, 1893.

SIR; Referring to the esteemed favor of January 30, No. 160, and in pursuance of the note of January 20, 1893, the imperial and royal ministry of foreign affairs has the honor of informing the honorable envoy of the United States that the state attorney at Pisek has withdrawn, on March 18 last, his charge against Edward Drucker for violation of paragraph 45 of the law of April 11, 1889, No. 41, after it has been shown by the naturalization certificate of Edward Drucker that he has acquired American citizenship in due form.

The undersigned avails, etc.,

WELSERSHEIMB,
For the Minister of Foreign Affairs.

Mr. Grant to Mr. Gresham.

No. 353.]

LEGATION OF THE UNITED STATES,
Vienna, April 19, 1893. (Received May 5, 1893.)

SIR: I have the honor to transmit herewith the inclosed correspondence relative to the arrest, confinement in jail, and final release of Charles Mercy, alias Saul Moerser, a naturalized citizen of the United States' of Galician birth.

It would seem proper to give, in connection with the inclosed copies of correspondence, a statement which Charles Mercy made at this legation upon March 15, which was as follows: "I was born at Krakau in 1858, and emigrated to the United States with my parents in 1860, where we remained seven years and then returned to Krakau. I lived in Krakau until I became 16 years old, and then I returned to the United States, where I have lived until the 31st of last January, when I came to Europe to visit my family at Krakau. I was naturalized a citizen of the United States during November, 1884, at Newark, N. J., in which place I have a factory for making hats. My certificate of naturalization was taken from me, with other papers, by the police authorities when they arrested me at Krakau on the 24th of last month.

"I was in the railroad station at Krakau, about to purchase my ticket for my return to America. I was arrested and taken to the criminal jail, where I was searched and all my papers, money, etc., were taken

from me. I was confined in jail until March 4, 1893, when I was released upon a bail of 1,000 florins, which I supplied. I am now desirous of returning home to America, where my business demands my personal attention, and a delayed absence would cause me to sustain a loss which would be much greater than the amount of the 1,000 guildens that I have already paid out as bail. I now come to you as the representative of the United States Government to know what I shall do."

I said to Mr. Mercy that, if he withdrew from this country before his trial, such action would be recognized technically as an acknowledgment of his guilt, and that he would not only forfeit his bail by such action but would be liable to rearrest if he ever returned to this country. Mr. Mercy said that he did not intend to return to Austria again, but that he feared he might be arrested on his way to America now. I replied that I thought there would be no danger of his arrest after he had once passed the Austrian frontier.

After a short conversation Mr. Mercy left me, and I presumed from his manner and what he said that he intended to abandon his bail and return to America, where I presume he now is.

I have, etc.,

FREDERICK D. GRANT.

[Inclosure 1 in No. 353.—Telegram.—Translation.]

Mr. Moerser to Mr. Grant.

KRAKAU.

My son, Charles Mercy, an American citizen, who has been living in America for thirty years and fought in the Mexican war, came to Krakau to pay me a visit, and yesterday, when on the point of leaving, he was arrested at the railway depot by the police, who took from him 5,000 florins and put him into jail. Requesting your protection, I ask what shall I do.

E. F. MOERSER.

[Inclosure 2 in No. 353.]

Mr. Grant to Mr. Moerser.

LEGATION OF THE UNITED STATES,
Vienna, February 23, 1893:

SIR: Upon receipt of your telegram yesterday I called at the foreign office and placed what little information I had concerning your son's case in the hands of Count Welsersheimb, second chief of section. Count Welsersheimb assured me that immediate steps would be taken to investigate the matter. While this investigation is going on it would be well for you to let me know all the particulars of your son's arrest and, if possible, forward to me his passport and his naturalization paper. Was your son arrested for non-fulfillment of military service or for something else? Please answer as soon as convenient.

Very, etc.,

FREDERICK D. GRANT.

[Inclosure 3 in No. 353—Telegram—Translation.]

Mr. Moerser to Mr. Grant.

KRAKAU.

Papers proving identity and money taken from my son by the police. He also arrested. Request speedy help. Papers to be demanded by telegraph. Answer paid.
MOERSER.

[Inclosure 4 in No. 353.—Translation.]

*Count Welsersheimb to Mr. Grant.*MINISTRY OF FOREIGN AFFAIRS,
Vienna, March 1, 1893.

SIR: In conformity with the desire expressed by the honorable envoy of the United States, the imperial and royal ministry of foreign affairs has not failed to make inquiry by telegraph to learn the reasons leading to the arrest of Charles Moerser, alleged to be a naturalized citizen of the United States, by the police at Krakau.

A telegraphic report sent by the director of the Krakau police shows that his real name is Saul Moerser, that he went to the United States fifteen years ago without having reported for military duty, and now returned to his home provided with a certificate purporting to be an identification for a certain Charles Mercy. Before he went to America he committed a fraud here, and on his return he was arrested for this, as well as for his having evaded military duty. The money, effects, and papers which he had with him were seized and handed over to the criminal court at Krakau. The state attorney at Krakau has already remanded Moerser to prison for violation of paragraph 183 criminal law, and paragraph 45 military law.

Under these circumstances the law must be left to take its course, even if his American citizenship should be fully proven, because, according to the provisions of the treaty of September 20, 1870, he is liable to punishment for having committed a crime before he emigrated.

Should Moerser's American citizenship be fully established further prosecution on account of violation of paragraph 45 of the military law would be set aside.

While the undersigned has the honor of conveying the foregoing to the knowledge of the honorable envoy of the United States, and transmits at the same time the papers referring to the case, he begs to avail, etc.,

WELSERSHEIMB.
For the Minister of Foreign Affairs.

[Inclosure 5 in No. 353.]

*Mr. Grant to Mr. Moerser.*LEGATION OF THE UNITED STATES,
Vienna, March 3, 1893.

SIR: Referring to the telegrams which have passed between us, treating of the subject of your son's arrest, I hasten to send you an extract taken from a note which I have just received from the imperial and royal ministry of foreign affairs:

"A telegraphic report sent by the director of the Krakau police shows that his real name is Saul Moerser, that he went to the United States fifteen years ago without having reported for military duty, and now returned to his home provided with a certificate purporting to be an identification for a certain Charles Mercy. Before he went to America he committed a fraud here, and on his return he was arrested for this, as well as for his having evaded military duty."

If you will communicate to me any data which you may have, and upon which I can base a defense of your son, it will give me pleasure to do all I can possibly do to secure his release.

I am, etc.,

FREDERICK D. GRANT.

[Inclosure 6 in No. 353.]

Mr. Mercy to Mr. Grant.

KRAKAU, March 7, 1893.

SIR: In reply to yours of March 3, I beg to give the following statement:

My parents returned in 1858 from England where they had lived for some years, and it can not be ascertained whether I was born in England or Krakau, as there is no record of my birth in either place; my father went to the United States in 1859, and mother with seven children, myself included, left Krakau in the year 1860 for America. I remained there until 1867, when my parents came back, myself included, to Krakau. I went to school here for a few years, I then went to the employ of

Mr. Saul Liebeskind, my brother-in-law, and remained with him about 10 months; from there I went with Mr. L. Eisenburg, also of this city, and entered into his office as "praktikant" in his agency business and remained with him about six months. All of my brothers and sisters, with exception of Mrs. Liebeskind, were in the United States. I had a desire to go to them. I spoke of my desire to father, of which he did not approve and refused me the necessary money for traveling expenses. I then informed my employer, Mr. Eisenburg, of the matter; he having a liking for me gave me the chance to get necessary money to go with, an amount of 500 marks. I then left unknown to my parents, at an age of about 16 years. I arrived in New York, from where I went to Newark, N. J., the old homestead of my parents, where my brothers and sisters were living and in business, manufacturing hats. After a short stay I went to work for my oldest brother, Mayer Mercy, as an apprentice. I stayed there until February, 1881. In the same year and month I enlisted in the U. S. Army and was sent to David's Island, New York harbor, for recruiting. I remained there until the end of May, in Company D, under Capt. McCowen. As before said, in May I was ordered out to Company H, Thirteenth Infantry, Capt. De Corsey and Gen. Bradley in command of the Fourth Brigade, New Mexico. Was also in battles with Nerakow and Apache Indians at Fort Apache, Arizona, under commander of department, General McKinsey. I finally got my discharge and went to Newark, N. J., at my trade as a hat-finisher. In 1886 I married an American lady and have now three children. My family is now at my home in America. In 1887 I started in business under the firm name of Kohn & Mercy. In 1888 we dissolved partnership by Mr. Kohn paying me out. I then started a factory for manufacturing hats in the same city under the name of Charles Mercy, and am still in the same branch, where I employ about 150 men and women. I have also some real estate there.

After an absence of over sixteen years I longed to see my parents, as they also celebrated their fiftieth anniversary and golden wedding this year, and as my dull season comes in after January, I sailed from New York on the steamer *Aller*, of the North German Lloyd, on the 31st of January, and came to Krakau on the 16th of February. I brought with me about \$3,000 in order to start my brother-in-law an agency here to ship me rabbit and hare skins, which I use in my business for making hats. After I arrived I found out that my sister and her children were being badly treated by her husband, Mr. S. Liebeskind. I then decided not to start him as my agent, and spoke to him about it and told him all I would do for him would be to take my sister and her children with me to America; the children are both girls, 18 and 16 years of age, respectively; they both understand dress-making, and that I would start them a place of that kind in America. He consented to this, and we were to leave for my home in America on Friday, February 24. I had my luggage at the Krakau depot, as we were to leave on that day at 9:25 a. m. When I was getting my ticket my brother-in-law came to me and said he wanted to see me before I bought my ticket. I then asked what was wanted, and in reply he demanded 200 florins, which I refused to give him, upon which he called a policeman in Polish, which I do not understand. However, I was taken to the police inspector's office; my brother-in-law followed me, and was making charges against me in Polish, which I did not understand. The inspector asked me for my papers. I handed him my citizen paper, which was made out in my name and given in Newark, N. J., in 1887, when Liebeskind said that my name was also Saul Moerser. My given name was always Charles, and I as well as my brothers are known in America by the name Mercy. The police here can not find the name of Charles Mercy, Saul Moerser, nor Charles Moerser.

I was next asked for my money and jewelry, and was sent off to the police station and put in a dirty, filthy room with a lot of Poles, and was kept there three days without understanding what I was kept for. My bed consisted of a hard bench without pillow, cover, or anything; also, they would not allow me to get food for the money they had taken from me and was compelled to live on black bread and one pint of must per day. On the third day I was asked a few questions concerning myself in German, and this was written down in Polish, which I could not read. Sunday, about 12 a. m., I was sent in charge of a policeman to a place called Kriminal, where I remained until Saturday, March 4, on the same food. On Wednesday, March 1, I was called before the judge (Senja) and was informed what I was accused of in German. I declared my innocence to both charges. I also insisted for them to send for Mr. Eisenburg.

I am inclosing a copy of Mr. Eisenburg's statement as made to the judge (Senja). I also made a full statement in German, of which this is a copy, and also protested against my arrest and confinement, and with the help of my counsel here, Prof. Dr. Rosenblatt, was set at liberty under 1,000 florins bail; the balance of my money, jewelry, clothes, and baggage, also my American citizen papers, they refused to return to me. I also asked for a privilege to go to Vienna, as I intended to call on you personally on March 5, but have not gotten it as yet. I have urgent and

important business at home which requires my personal attention, and would have been home on the 8th or 9th of March; now this may be of serious loss and consequences to me.

As an American citizen I now beg for my immediate release, also for my money, jewelry, baggage, papers, etc., and also for such damage as I may be entitled to.

Thanking you for your kind attention and hoping you will take prompt steps to secure my release.

I am, sir, etc.,

CHAS. MERCY.

[Inclosure 7 in No. 353.]

Mr. Grant to Mr. Mercy.

LEGATION OF THE UNITED STATES,
Vienna, March 9, 1893.

SIR: In acknowledging the receipt of your letter of March 7 and your telegram of to-day, I hasten to reply that you have not as yet given me any proof of your American citizenship, which proof is absolutely necessary before I, as the representative of the United States, can officially take action in your case. However, unofficially I have been to the foreign office here, on your account, and have received a note from the second chief of section, Count Welsersheimb, an extract from which I have already forwarded to you, which in brief states that you were arrested under charge of having committed a fraud before your emigration to America. According to your letter, the charges against you were made by your brother-in-law, Mr. Liebeskind, and according to Mr. Eisenburg's letter (which was inclosed in your letter) the charge of fraud was based upon a fact.

In the treaty of September 20, 1870, between the United States and Austria-Hungary it is provided that a naturalized American citizen of Austrian birth is liable to trial and punishment for criminal offenses committed before his emigration. It therefore seems to me even should you prove your American citizenship, that your case is not one which can be taken up by a diplomatic representative, but properly belongs to the civil courts of the country. You could, of course, after you have fully secured your release, sue your brother-in-law, but I do not believe you can possibly recover any damages from the Austrian Government for false imprisonment or for losses resulting from your detention

I am, etc.,

FREDERICK D. GRANT.

[Inclosure 8 in No. 353.—Telegram.]

Mr. Mercy to Mr. Grant.

KRAKAU.

Police will not give permit; can't come to Vienna. Do all you can. Must get home. Very important. Telegraph particulars my expense.

CHARLES MERCY.

[Inclosure 9 in No. 353.]

Mr. Grant to Count Kalnoky.

LEGATION OF THE UNITED STATES,
Vienna, March 14, 1893.

YOUR EXCELLENCY: Referring to previous correspondence upon the case of Charles Mercy, alias Saul Moerser, an alleged citizen of the United States, who has been arrested at Krakau upon the charges of violation of military law and fraud, I have the honor to inclose herewith a copy of a letter from him. This letter of Charles Mercy, alias Moerser, would indicate that the charge of fraud had been dismissed, and that there only remained the charge of his having violated the military law. It appears further that Charles Mercy's, alias Moerser's, naturalization certificate has been taken from him by the Austrian authorities, and that he is therefore not provided with the proper documents to prove his American citizenship.

In reading your excellency's esteemed favor of March 1, I inferred that the citizenship of Charles Mercy, alias Moerser, would be the first point investigated, and if it was found that he had been properly naturalized a citizen of the United States,

that the charge of having violated the Austrian military law would have been dropped.

It does not seem possible to believe, as intimated in Charles Mercy's, alias Moerser's, letter, that the local authorities at Krakau could take the responsibility of seizing the identification papers of a citizen of a friendly power and hold him to prove his foreign citizenship, which they have made it impossible for him to prove. However, I write to request your excellency to have the matter investigated at your earliest possible convenience, and at the same time I beg your excellency to accept, etc.,

FREDERICK D. GRANT.

[Inclosure 10 in No. 353.]

Mr. Mercy to Mr. Grant.

KRAKAU, March 11, 1893.

SIR: Your letter of the 9th instant received and hasten to answer. I have been to see the K. K. Landesgericht about my citizen papers to-day so that I could send them to you. They claim that they can not surrender them to me, but will set at them to you on a written demand in German, and it will have to be written direct to them addressed as follows: "K. K. Landesgericht für Strafangelegenheit Saul Mürser.

The other charge of fraud has been straightened, and all I am held for is on account of military matters, and as soon as that can be straightened I will be set at liberty; all they are waiting for now, they have been searching for my name in the books in the magistrate for over two weeks without result.

Hoping you will take prompt steps to secure my citizen papers and release, as this matter may affect me seriously in my business,

I am, etc.,

CHARLES MERCY.

[Inclosure 11 in No. 353.]

Mr. Grant to Mr. Mercy.

LEGATION OF THE UNITED STATES,
Vienna, March 14, 1893.

SIR: I hasten to acknowledge the receipt of your letter of the 11th instant, and to inform you that I have made your case the subject of a note to the imperial and royal minister of foreign affairs. As soon as I receive an answer from the foreign office I will inform you of its contents,

I am, etc.,

FREDERICK D. GRANT.

[Inclosure 12 in No. 353.—Translation.]

Count Welserheimb to Mr. Grant.

MINISTRY OF FOREIGN AFFAIRS,
Vienna, April 12, 1893.

The imperial and royal ministry of foreign affairs has not failed to inform the imperial and royal ministry of justice of the contents of the honored note of the 14th of March, concerning the arrest of the naturalized citizen Saul Moerser, alias Charles Mercy, which took place in Krakau, and to request that this ministry should immediately make the necessary inquiries regarding the actions of the Krakau authorities.

The ministry of foreign affairs take the liberty to send to the honorable United States Minister Frederick D. Grant, the report just received from the imperial and royal ministry of justice made by the imperial and royal court of justice in Krakau, on the 24th of March, No. 6057, to the superior court in Krakau, with the request to return it. This document will inform the honorable envoy as to the steps taken in this matter up to now and the present state of this affair. The details of the report will clearly prove that the assertion made by Saul Moerser in his letter to the honorable envoy of the United States, on the 11th of March of this year, that the

charge made against him had been already withdrawn, and that he was detained at that moment only for violation of military law was not true, for the Krakau court of justice had, upon the 4th of March, withdrawn the charge against him for violation of the military law, in consequence of his statement that he was an American citizen, and in compliance with Art. II of the convention of September 20, 1870, but upon the other hand the court has fully maintained the charge against Moerser for fraud confessed by himself, therefore, the above-mentioned individual against whom the charge of fraud is made, according to section 183 of the Austrian penal code, must submit to a trial before the imperial royal district court in Krakau.

As to the item in the honored note questioning the retaining of the documents of legitimation taken from Saul Moerser the imperial royal superior court in Krakau states that the retention of these documents is a measure accorded by law, as Moerser can claim these papers only after a lawful decision in his case or after he has finished serving a sentence. The superior court is of the opinion that it would not be a groundless suspicion to think that Moerser had applied to the honorable envoy to intervene to secure his papers after he had been released from confinement through a small bail and a promise not to leave Krakau in order to use the papers possibly for dishonest purposes.

Thus, far remote from seeing in the action of the authorities any sort of violation of the conventions with the United States of America or the laws of Austria, the superior court in Krakau, on the contrary emphasizes that the imperial royal court of Krakau in this case has not only acted in complete compliance with the laws, and with the strictest impartiality, but the court has applied all possible leniency granted by law by handing to Saul Moerser, in spite of the pending trial, all his effects except the documents of legitimation.

The undersigned takes the liberty to notify the honorable envoy of these facts and will not fail to inform him of the result of the trial. While he now avails, etc.

WELSERKIMB,

For the Minister of Foreign Affairs.

[Inclosure in inclosure 12 in No. 353.—Translation.]

KRAKAU, March 24, 1893.

To the Honorable the Imperial Royal Superior Court:

In according with the order, issued on March 22, 1893, F 4837, I take the liberty of sending the following report regarding the trial for violation of section 45 of the law of national defense, April 11, 1889. No. 14, R. G. and of section 183 (St. S. G.—crime of defending) brought in action against Saul Moerser, alias Charles Mercy.

Saul Moerser, alias Charles Mercy, was arrested by the police of the city of Krakau, under the suspicion of having violated section 45 of the law of national defense, and of the crime of defrauding, as the result of a denunciation made by his brother-in-law, Saul Liebeskind. On the 26th of February he was delivered to the imperial royal court of justice at Krakau.

On the proposition of the imperial royal attorney of the state, made on the 27th of February, 1893, and on the order of the chamber of inquiry (28th of February, 1893) a trial was brought in action against Saul Moerser, for:

(a) Violation of section 45 of the law of national defense (April 11, 1889, No. 41, R. G. Bl.) by living outside the frontiers of the Austro-Hungarian monarchy during the time when he was enrolled for military service, with the intention of evading his military duty, and for defrauding, in accordance to section 183, St. G. B., committed by taking a sum of 500 marks—consequently more than 50 gulden in Austrian money—entrusted to him by Isidor Leon Eisenburg in Krakau in the year of 1877 or 1878; finally the court of justice, in accordance with section 175 (section 2, St. P. O.) decreed on Saul Moerser, alias Charles Mercy, confinement during the time of trial. According to the protocol of his cross-examination, which took place on the 28th of February, Saul Moerser, alias Charles Mercy, denied any guilt regarding his violation of the laws of national defense, he having acquired American citizenship in the year 1888, proved by a certificate, issued by a competent court of the United States (a certificate which had been taken from him when he was arrested and added to the other documents of this case), and as a naturalized citizen of the United States protested against any trial or penalty for having neglected the duties of military service. To the charge of having defrauded to the amount of 500 marks, property of his late employer, Isidor Leon Eisenburg, Saul Moerser deposed an avowal and confessed that in 1877 or 1878 he opened a letter confided to his care by his employer, Isidor Leon Eisenburg, which contained the sum of 1,000 marks, took the sum of 500 marks out of the letter and spent the money defrauded in this way for his fare to America.

In palliation of his guilt Saul Moerser mentioned that the whole sum had been returned by his father, Elias Fischel Moerser; partly directly this deed had been committed, thus in the year 1877 or 1878, partly after his arrest, *i. e.*, in the month of February, 1893.

Saul Moerser, alias Charles Mercy, protested against his confinement during the time of his trial, and demanded a decision of the chamber of the court of justice. Considering the fact that Saul Moerser, alias Charles Mercy, according to the certificate above mentioned, had acquired American citizenship in the year 1888, and therefore had become a naturalized citizen of the United States during his uninterrupted residence of fifteen or sixteen years in America, the chamber of the court of the court of justice, in accordance with article II of the treaty of September 20, 1870, has decided on the 4th of March, 1893, that Saul Moerser can not be called to account for violation of the laws of national defense, and the trial for violation of section 45 of the law of national defense should be stopped, but the decree regarding the trial for defrauding, as well as that of his confinement during the time of trial, according to section 175, should be continued, especially since in this case the regulations of sections 187 and 229 (St. G. Bl.) can not be applied, and the man under trial, being a foreigner, could be suspected of intentions of flight.

In consequence of a petition made by Saul Moerser's father, Elias Fischel, and of the request made in the protocol by Saul Moerser himself, it was concluded at the same time that the arrest during the time of trial should be suspended, in accordance with section 192 (St., P. O.), in case a bail of 1,000 guildens should be deposited. This decree permitted that the amount of 820 guildens, found in the possession of the prisoner at the time of his arrest and taken in custody by the court, should be used for bail, and that Elias Fischel might add the deficiency, 120 guildens.

According to the protocol of March 4, Elias Fischel deposited the deficient amount of 120 guildens on the 4th of March, 1893, and in consequence of this Saul Moerser, alias Charles Mercy, was set at liberty at once on the 4th of March, 1893, after giving oath not to flee.

According to a resolution upon the 4th of March, 1893, the bail of 1,000 guildens was taken in custody by the court of justice.

When Saul Moerser, alias Charles Mercy, was arrested by the police the following pieces of money, documents, jewelry, and effects were found and deposited as his property with the court:

- (1) The above-mentioned amount of 820 guildens, and 15 kreutzer (Austrian money).
- (2) One hundred and thirty-six dollars in paper.
- (3) One hundred and five pounds sterling in paper.
- (4) One-half pound sterling in gold.
- (5) Four silver shillings.
- (6) One franc in silver (2 50-cent pieces).
- (7) One mark and 55 pfennings.
- (8) One Indian copper coin.
- (9) A document stating a deposit of 2,400 guildens, made at the Wiener bank, on the 15th of February, 1893, No. 706.
- (10) A document certifying a deposit of 414 pounds sterling, 11 shillings, 10 pence, at a Vienna bank.
- (11) A gold watch, No. 522069.
- (12) A gold watch chain, with a medallion of brilliants.
- (13) One gold ring, with the initials E. C. C. M.
- (14) A gold wedding ring, with the initials E. H. & C. M.
- (15) One trunk, one box, and two satchels, containing various effects.
- (16) Two gold buttons, with diamonds.
- (17) Finally, an amount of 3,000 guildens (Austrian money). This latter was proven to be the property of Elias Fischel Moerser and his daughter, Ernestine Liebeskind, *née* Moerser.

All of these articles were returned to Saul Moerser on the 14th of March, 1893, on his petition, made on the 5th of March, with the exception of the above mentioned American certificate, which was deposited for the use of the court among the other documents of the case.

On the 24th of March, 1893, the above-mentioned sum of 3,000 guildens was handed over to the owners, Elias Fischel Moerser and Ernestine Liebeskind.

It must be finally mentioned that the imperial royal attorney of the state has delivered to the court of justice the bill of indictment for defrauding against Saul Moerser, alias Charles Mercy, already upon the 22d of March, which indictment has not yet become valid in law.

Mr. Gresham to Mr. Grant.

No. 299.]

DEPARTMENT OF STATE,
Washington, May 8, 1893.

SIR: Your dispatch, No. 353, of the 19th ultimo, in regard to the arrest of Charles Mercy (or Saul Moerser), said to be a naturalized citizen of the United States, has been received.

It appears from the statements made to you that Charles Mercy, born at Krakau, Galicia, in 1858, was taken to the United States by his parents when about 2 years old, returned with them to Krakau in 1867, again came to the United States when 16 years old (1874); enlisted in the United States Army in 1881; was discharged, but at what date is not stated; was naturalized in November, 1884 (when 25 years old), at Newark, N. J.; engaged there in successful business, and returned to Krakau on a visit to his parents, sailing in the *Aller* January 31, 1893, and reaching Krakau February 16. No record of the issuance of a passport to Charles Mercy or Saul Moerser is found in this Department, and the only citizen paper he carried on his return to Galicia is supposed to have been his certificate of naturalization, which you have never been permitted to see.

On the 24th of February Mercy was arrested at Krakau on two charges—evasion of military duty and fraudulent appropriation of a sum of 500 marks belonging to his employer, one Eisenberg, before his departure in 1874. The latter charge he admits; alleging, however, that the money has been repaid, as would seem to be the case.

It appears from the report of the court at Krakau, dated March 24, 1893, which accompanied Count Welsersheimb's undated note to you, that the court, on March 4 (not April 4, as stated on the sixth page of your dispatch) decided that the fact of Mercy's naturalization was proved, and thereupon dismissed the military charge against him; but at the same time held him for trial on the criminal charge and admitted him to bail in the sum of 1,000 gulden.

Mr. Mercy is presumed to have subsequently forfeited his bail and quitted the country. There appears, therefore, to be no ground for any further intervention by the legation in his behalf.

It is proper, however, to advert to a circumstance which in this case, as in others heretofore, especially attracts the Department's attention. Upon arrest, the citizen papers of the accused are taken away, and he is thus deprived of the means of proving his citizenship before the legation of his country, to which he has an indisputable right to appeal for protection. You have very properly invited Count Kalnoky's consideration of the anomaly of seizing the identification papers of a citizen of a friendly power, and holding him to prove his foreign citizenship, which it has been made impossible for him to prove. Besides this, great delays have often occurred in past instances through this needless obstruction of the legation's right to promptly intervene to establish the rights of the citizen. Frequent cases of such hardship are of recent record in your legation. You should intimate to the minister of foreign affairs the confident expectation here entertained, that it is only necessary to point out this abuse to ensure its correction, and to secure to any American citizen accused of violation of the military laws of Austria-Hungary the right of free and instant appeal to the legation for protection, and the opportunity to establish, to its satisfaction, by documentary proof, his claim for its intervention to secure his rights as a citizen under the naturalization

treaty of 1870 between the two countries. In this way, moreover, the intervention of the legation in any case of unfounded or fraudulent claim to protection would be averted.

I am, sir, etc.,

W. Q. GRESHAM.

Mr. Grant to Mr. Gresham.

No. 360.]

LEGATION OF THE UNITED STATES,
Vienna, May 12, 1893. (Received May 27, 1893.)

SIR: Referring to my dispatch, No. 353, under date of April 19 last, giving an account of the arrest of Saul Moerser, alias Charles Mercy, a naturalized citizen of the United States of America, I now have the honor to submit for your information the translation of a note received from the imperial and royal ministry of foreign affairs here, which note should be added to the inclosures of my dispatch, and will complete the file of Charles Mercy's case.

I have, etc.,

FREDERICK D. GRANT.

[Inclosure 1 in No. 360.—Translation.]

Count Cziraky to Mr. Grant.

MINISTRY OF FOREIGN AFFAIRS,
Vienna, May 8, 1893.

SIR: Supplementary to the note of the 12th of April last, No. 14313, the ministry of foreign affairs has the honor of informing the honorable envoy of the United States that notice has been received from the director of police at Krakau to the effect that Saul Moerser, alias Charles Mercy, who, as the honorable envoy of the United States will remember, was set free on March 4 last, on giving bail to appear at his trial for fraud and embezzlement, has left for London shortly after regaining his liberty, with the evident intention of going from there to America.

The flight of the aforesaid individual fully proves that the suspicion, expressed in the above-mentioned note, was well founded, and that Saul Moerser was entertaining dishonest thoughts when he impatiently clamored for his documents of identity which were in the safe keeping of the court, and that the authorities at Krakau were perfectly justified in refusing to hand these documents over to Saul Moerser, because they knew his true character.

The undersigned avails, etc.,

CZIRAKY.
For the Minister of Foreign Affairs

Mr. Gresham to Mr. Grant.

No. 310.]

DEPARTMENT OF STATE,
Washington, June 1, 1893.

SIR: Your dispatch, No. 360, of the 12th ultimo, relative to the case of Saul Moerser alias Charles Mercy, has been received.

Referring to the Department's instruction No. 299 of the 8th ultimo, in regard to the action of the Austro-Hungarian authorities in withholding the evidence of the citizenship of Mr. Moerser, it may be observed that there is an essential distinction between withholding the papers from the individual and withholding them from the legation. By the latter course the legation is deprived of all opportunity to

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ascertain whether the party is in fact a citizen of the United States by lawful process and as such entitled to the protection of the legation to secure him speedy and impartial justice or to defend his rights under the treaty if infringed.

I am, sir, etc.,

W. Q. GRESHAM.

Mr. Tripp to Mr. Gresham.

No. 13.]

LEGATION OF THE UNITED STATES,
Vienna, July 1, 1893. (Received July 21, 1893.)

SIR: I beg leave to present, for the consideration of the Department of State, the case of John Benich, and to ask for instructions in the premises. I inclose herewith copies of all the correspondence between the legation and the consul and consular agent at Buda Pesth and Fiume, also the correspondence between this legation and the imperial and royal ministry of foreign affairs at Austria-Hungary. From this correspondence it will be seen, if the facts therein stated are true, that a gross outrage has been perpetrated upon an American citizen, not only without justification but without apparent excuse or reason for such hasty and arbitrary action on the part of the Croatian authorities, to say nothing of the contemptuous language used in reference to the national treaty and the authority of the American consular agent who sought to intervene in behalf of an American citizen traveling abroad under the protection of a passport issued by proper authority and his certificate of naturalization under the seal of his adopted country.

If the facts remain undisputed, this is not one of those cases which have given this legation so much trouble in the past, where subjects from Austria from 17 to 19 years of age, liable to military duty here and about to be enrolled, have fled to America and remaining there just the required length of time to become naturalized, have taken out their citizenship papers and returned here to remain permanently, evading their duties as Austrian citizens by committing a fraud upon American courts and the American Government. In such cases this legation, as I find by examination of its records, has not attempted to uphold the rights of such *pseudo* citizens, but in cases of palpable fraud when the rights of both nations have been violated it has left the Government of Austria-Hungary to take its own course and to deal with such persons as it deemed proper, consistent with its own laws and usages in the given case.

But this is an entirely different case. John Benich left his native country when he was a mere child, but 14 years of age. If a fear of future liability to military duty entered into his motives for expatriation, it was too remote to be a primary cause. He lived continuously in America for eight years, and at the age of maturity became a naturalized American citizen. He did not leave his adopted country to take up a permanent residence in his native country after obtaining his certificate of naturalization, but he left his employment at his adopted and permanent home on temporary leave of absence, on account of assisting his sick parent, expecting and intending to return again within a short period of time. On his arrival in his native country, he is seized, in defiance of consular authority, in contempt of his certificate of naturalization as an American citizen, in contempt of his passport

under the seal of the legation of the United States, both of which were shown and translated to the officers making the arrest, and in contempt of the provisions of the solemn treaty between Austria-Hungary and the United States, whose provisions were also read and clearly stated before his arrest was made, and he is subjected to the indignity of being stripped of his citizen's clothes and forcibly put into the uniform of a common soldier of the country whose allegiance he had renounced, and is put into military confinement and subjected to military discipline for a number of weeks, among strangers and out of reach of friends, consular or legation authority.

At last, after presentation of this matter to the imperial and royal ministry for foreign affairs and the expiration of the long time usual in such cases, the prisoner is released on parol, pending inquiry as to the bona fides of his citizenship. There is no reason given for the arrest, no statement of suspicious circumstances connected with the young man that led to such an arbitrary action on the part of the officers at Croatia. The case made by the legation in its application for Benich's discharge is taken as confessed by the imperial and royal ministry of foreign affairs by its silence on that subject and in seeking as a reason for the delay in erasing his name from the rolls that inquiry is to be made as to the genuineness of citizenship. Common prudence would seem to dictate that before persons, claiming to be American citizens, are arrested as owing allegiance to their native country, the officers making such arrest should be informed of the exact ground on which the arrest is made, not to make the arrest first and the inquiry afterward. If Benich be a bona fide citizen of our country, a gross wrong has been done him and an insult offered the nation of which he is a citizen, and if he be not, and if his certificate be fraudulently obtained, the courtesy existing between nations and the respect due to our own courts, who issue certificates of naturalization, and to our department of foreign affairs that issues passports to its citizens, should incline officers of a friendly government acting under the provisions of a solemn treaty, to have positive information of such fact before they attempt to deprive him of his liberty and his rights as a citizen.

I have not yet replied to the last communication from the imperial and royal ministry of foreign affairs. I am awaiting the result of final action in the premises, and in the meantime I lay before you the correspondence, that you may give me such advice as you may deem proper in the event Benich should be finally discharged or held in military service as a citizen of Austria-Hungary.

Inclosed please find copies of correspondence in this case, arranged in order of time.

I have, etc.,

BARTLETT TRIPP.

[Inclosure 1 in No. 13.]

Mr. Hammond to Mr. Grant.

CONSULATE OF THE UNITED STATES, BUDA-PESTH.

SIR: I inclose you copies of letters and telegrams in the case of John Benich that have passed between this consulate and the consular agency at Fiume. The ban of Croatia is appointed by the Emperor, by and with the advice and consent of the president of the ministry here, Mr. Wekerle. The latter is in Vienna, and I can not see him, so turn the matter over to you for your action. The judge of Novi, in

refusing to recognize the treaty between this country and America is surely asserting state rights with a vengeance, as some of those Croatians are wont to do. I trust this case will teach him a wholesome lesson.

I await further instructions (if any) from you.

I am, etc.,

E. P. T. HAMMOND.

[Inclosure 1 in inclosure 1 in No. 13.]

Mr. Gelletich to Mr. Hammond.

CONSULAR AGENCY OF THE UNITED STATES,
Fiume, May 16, 1893.

SIR: To-day I received a telegram from Novi, near Segna, where notice is given to me that John Benich, American subject and naturalized citizen, in possession of passport No. 379, Vienna, April 15, 1893, is arrested for nonfulfillment of military service. The telegram is styled as follows: "Authority stopped and arrested me for military duty; beg protection; they lock me up for eight days; do what you can for me. John Benich."

I called at once to the governor of Fiume, and I showed to him the telegram, asking the immediate liberty of the man. The governor of Fiume replied to me that in political Croatian matters he can not mix himself, being only the chief of the Croatian sea business; but he instructed me to telegraph at once, without losing time, to the ban of Croatia, asking the release of the man, and at once I forwarded the following telegram: "His excellency, the Count Khuen Hederaary, ban of Croatia, Agram: John Benich, American citizen, arrested for military duty; his papers in full order, according to convention concluded between Austria-Hungary and the United States, Articles I and II. I beg kindly to give order for the release of said man."

Now I am waiting for further news, which I will let you know at once, and in case they will not release him I will telegraph you at once.

Yours, etc.,

GIOV. GELLETICH.

[Inclosure 2 in inclosure 1 in No. 13.]

Mr. Gilletich to Mr. Hammond.

CONSULAR AGENCY OF THE UNITED STATES,
Buda-Pesth, May 18, 1893.

SIR: On the 16th instant I reported to you the arrest of John Benich, American citizen, for nonfulfillment of military duty. Yesterday the said John Benich appeared in my office, stating that he has been released. They served a notice upon him that he is liable to trial and punishment, according to paragraph 44, Hungarian law, and that he must present himself for the military recruiting. I instructed him how he would have to conduct himself, assuring him that this consulate will protect him, and he must not fear to become a soldier.

I am, etc.,

GIOV. GELLETICH.

[Inclosure 3 in inclosure 1 in No. 13.—Telegram.]

Mr. Gelletich to Mr. Hammond.

CONSULAR AGENCY OF THE UNITED STATES,
Fiume, May 20, 1893.

HAMMOND,

American Consul, Buda-Pesth:

John Benich, American subject, recruited as soldier; all my protest as consul unavailing. Croatian authority do not want to recognize convention 20th September, 1870. They keep him with soldierly force. Please protest where necessary, and give me prompt instruction. Case urgent.

GELLETICH.

[Inclosure 4 in inclosure 1 in No. 13.—Telegram.]

Mr. Hammond to Mr. Gelletich.

CONSULATE OF THE UNITED STATES,
Buda-Pesth, May 20, 1893.

GELLETTICH,
Consul, Fiume.

Inform me date of birth, emigration, naturalization, whether summoned before emigration.

HAMMOND.

[Inclosure 5 in inclosure 1 in No. 13.—Telegram.]

Mr. Gelletich to Mr. Hammond.

CONSULAR AGENCY OF THE UNITED STATES,
Fiume, May 21, 1893.

Born 1871; emigrated 1885; naturalized 25th October, 1892; passport dated Vienna 15th April, 1893, No. 379; too young to be summoned before emigration; to-day he leaves for Pola to be soldier. Urgent protection.

GELLETTICH.

[Inclosure 6 in inclosure 1 in No. 13.]

Mr. Gelletich to Mr. Hammond.

CONSULAR AGENCY OF THE UNITED STATES,
Fiume, May 20, 1893.

SIR: This morning I sent you a telegram as follows: (*See No. 615.*) Now I beg to explain that this morning I went where the military recruiting were done, called by the said John Benich asking protection; his passport was exhibited and I protested that the man must not be touched, being under my protection as American consul. The Croatian judge of Novi ordered the military force to seize the man. My remonstrances were not heard. I recalled the convention between Austria-Hungary and the United States dated September 20, 1870, and I had the reply that they do not recognize such a treaty, and the American citizen, John Benich, was recruited as Austrian soldier. He was to leave to-day for Pola, but I remonstrated, so he will leave to-morrow at 4 o'clock in the afternoon. I beg you to protest where necessary in behalf of the man, and in my behalf because my authority as consular agent of the United States was not recognized by the Croatian judge of Novi, and in behalf of the man for being detained in prison and deprived of his personal liberty, and increased expenses.

Awaiting, etc.,

GIOV. GELLETTICH.

[Inclosure 2 in No. 13.]

Mr. Schlessing to Mr. Grant.

CONSULATE-GENERAL OF THE UNITED STATES,
Vienna, May 22, 1893.

SIR: Very respectfully referring to our personal interview of yesterday in respect to John Benich, a naturalized citizen of the United States, having been seized by the imperial and royal authorities of Austria-Hungary in order to make him perform military duty, I have the honor to herein inclose the following three communications, as specified at foot of this, from the consular agency at Fiume, and bearing on that subject; inclosure No. 3 also, containing the request of the consular agent, Mr. Gelletich, that the Hungarian authorities, and especially the Croatian judge of Novi, might be caused to recognize Mr. Gelletich's authority as U. S. consular agent.

I have, etc.,

A. SCHLESSING,
Deputy Consul-General.

[Inclosure 1 in inclosure 2 in No. 13.—Telegram.]

Mr. Gelletich to Mr. Schlessing.

CONSULAR AGENCY OF THE UNITED STATES, FIUME.

John Benich, of Crikvenize, American citizen in possession of passport dated Vienna, April 15, 379, held by the Croatian authority for military recruit; my protest not recognized; convention 20th September, 1870, also not recognized; telegraphed to ban of Croatia and have no reply; reported four days ago to Consul Hammond at Buda-Pesth and telegraphed to him this morning and I have no reply. Military force took him from my hands; they want to forward him at once to Pola; he asks urgent protection. Please protest against this illegal recruiting of an American citizen. I am awaiting prompt instruction.

GELLETICH.

[Inclosure 2 in inclosure 2 in No. 13.—Telegram.]

Mr. Gelletich to Mr. Schlessing.

CONSULAR AGENCY OF THE UNITED STATES, FIUME.

Benich born in 1871; emigrated 1885; naturalized October, 1892; passport dated Vienna, 15th April, 1893, No. 379. This afternoon they send him to Pola. Will write tomorrow.

GELLETICH.

[Inclosure 3 in inclosure 2 in No. 13.]

Mr. Gelletich to Mr. Schlessing.

CONSULAR AGENCY OF THE UNITED STATES,
Fiume, May 30, 1893.

SIR: To-day I forwarded to this consulate-general the following telegram: (given on pages 11 and 12.) I have done everything in my power to get him free, but the Croatian authority denied to recognize my authority as consular agent. I remonstrated to the governor of Fiume, and he replied to me that the man does not belong to his district, so he could do nothing.

The case being urgent please protest on behalf of John Benich for his expenses and for his liberty, and on my behalf for my authority not being recognized as consular agent by the Croatian judge of Novi.

GELLETICH.

[Inclosure 3 in No. 13.]

Mr. Schlessing to Mr. Grant.

CONSULATE-GENERAL OF THE UNITED STATES,
Vienna, May 26, 1893.

SIR: I have the honor very respectfully to refer to my communication respecting the seizure by the imperial and royal authorities of John Benich, a naturalized American citizen, and inclose herewith another communication on the same subject, which has been sent by the consular agent at Fiume to this consulate-general.

I am, etc.,

A. SCHLESSING.

[Inclosure in inclosure 3 in No. 13.]

Mr. Gelletich to Mr. Schlessing.

CONSULAR AGENCY OF THE UNITED STATES,
Fiume, May 22, 1893.

SIR: In obedience to your telegram of yesterday I beg to report as follows:

In the beginning of the month of April appeared in my office a man who stated that he was born in Crikvenize in 1871; that he emigrated to the United States in

1885; that he resided in Chicago, where he was naturalized American citizen on October 25, 1892, and produced his naturalization paper, issued by the superior court of Cook County, at Chicago, on the above date; he said he had accompanied home his old sick father, and being in a hurry had no time to obtain a passport there, so he applied that a passport may be to him granted.

After being satisfied that he is the man he claims to be, I filled his application for the passport and forwarded it to Buda-Pesth. The passport was granted him from the legation at Vienna on the 15th of April, No. 379.

On the 16th instant I received a telegram from Novi from the said John Benich, styled as follows:

"Authority stopped and arrested me for military duty; beg protection; they lock me up for eight days. Do what you can for me.

JOHN BENICH."

Soon as I received this telegram I called on the governor of Fiume and asked him that the man must be released, being American citizen. He excused himself that he would gladly do so, but Novi is not his political district, and so he would not intervene, and instructed me to telegraph at once to the ban of Croatia, the case being urgent.

I have done so, and at the same time I reported by letter the case to Consul Hammond at Buda-Pesth, urging protection.

On the 17th instant the said John Benich appears in my office, stating that he has been released, but the chief of the Croatian district of Novi made him sign a paper where he states that he is an American citizen, and in the same paper the said chief wrote that the said John Benich is liable for trial and punishment for nonfulfillment of military duty, according to paragraph 44 of the Austro-Hungarian law. The same day I reported to Consul Hammond at Buda-Pesth.

Saturday, the 20th, the said John Benich was forwarded to Fiume to be examined for military service; he was accompanied by the said chief of the Croatian political district of Novi. I was summoned by the said American citizen to protect him. Went where the examination was held and asked the commission for the release of the man according to the treaty stipulations, and thereby placing the said Benich under my protection as consular officer of the United States in Fiume. The commission hesitated. I protested against the illegal recruiting of an American citizen. Then the chief of the Croatian political district of Novi protested and ordered military force to seize the man and undress him to be examined, saying that he does not recognize the convention of September 20, 1870, and neither the authority of the U. S. consular officer. After that I called to the post commander and to the district commander, but nothing could be done; then I telegraphed to Buda-Pesth and in the afternoon to you.

The man, John Benich, was escorted yesterday to Pola to get at once into military service, and he requested me to protest against his illegal recruiting and for having lost his personal liberty and encountered expenses; so I beg you to protest where necessary in his behalf and have him free as soon as possible.

I think I have done what a mortal man could to protect an American citizen from the autocracy of one man alone, that is the chief of political district of Novi.

I am, etc.,

GIOV. GELETTICH.

[Inclosure 4 in No. 13.]

Mr. Grant to Count Kalnoky.

LEGATION OF THE UNITED STATES,
Vienna, May 21, 1893.

YOUR EXCELLENCY: I have the honor to inform your excellency that I have just received a telegram from the U. S. consular agent at Fiume, which contains the following information, viz: That John Benich, of Crikvenize, a naturalized citizen of the United States, is held by the Croatian authorities as a military recruit; that neither the protest of the U. S. consular agent nor the provisions of the convention of September 20, 1870, have been considered; that the military force have taken John Benich from the hands of the U. S. consular agent and are about to forward him to Pola; that John Benich was provided with a United States passport and also with his naturalization certificate.

For your excellency's information I beg to say, that at this legation is held the following record in regard to John Benich, viz:

Born at Crikvenize on or about the 3d of August, 1871, emigrated to the United States, sailing from Bremen on or about the 10th of April, 1885; resided uninterruptedly in the United States for eight years, from 1885 to 1893, at Chicago; naturalized a citizen of the United States before the county court of Cook County, at Chicago, Ill., on the 25th of October, 1892; permanent residence is Chicago, where he follows the occupation of "barkeeper" (an attendant in, or a proprietor of, a liquor shop);

left the United States on or about the 20th of March, 1893, and has visited Crikvenize since the 1st of April, 1893; says he intends to return to the United States within six months.

In view of the statement made by the United States consular agent at Fiume, that John Benich is "held as a military recruit," and that the military force have taken John Benich from the hands of the United States consular representative at Fiume, I hasten to request that your excellency will cause this United States citizen to be immediately released from military service, and also cause an investigation to be made into the facts leading to his arrest. I do not feel that the Government of the United States would anticipate too much in expecting that through your excellency's kind and early action, the imperial and royal Government of Austro-Hungary will cause prompt and ample reparation to be made, should it be proven upon investigation that this citizen of the United States has committed no crime which justifies his arrest, but that the local authorities at Crikvenize have arbitrarily arrested him and forced him in the imperial and royal military service in violation of treaty stipulations, and that at the same time these local authorities have denied to a United States consular agent that consideration which is due to an officer of a great and friendly power.

Trusting that your excellency will kindly give this case your immediate attention, I avail, etc.,

FREDERICK D. GRANT.

[Inclosure 5 in No. 13.—Translation.]

Count Welsersheimb to Mr. Tripp.

MINISTRY OF FOREIGN AFFAIRS.

Vienna, June 23, 1893.

SIR: In the esteemed note of May 21, last, the late U. S. minister at this capital, was pleased to communicate to this ministry the recent arrest of the naturalized American citizen, John Benich and his enrollment in the imperial royal army, requesting intervention in order that he be dismissed, that the circumstances attending his case be ascertained and that the necessary further measures be adopted.

The ministry of foreign affairs has not failed to institute at once the necessary inquiries and is now in a position to make known to the honorable envoy of the United States that it was found that John Benich was born in Crikvenize in 1871; that he was enrolled in the navy on May 20, last, to serve for one year, and that by telegraphic order from the Hungarian minister of defence he has been temporarily discharged from active service, but that the final erasion of his name from the rolls of the army and navy can not take place until full information is on hand relative to his citizenship in the United States.

While the undersigned reserves to himself the privilege of making further communications to the honorable envoy of the United States, as soon as the investigations now in course of being made have been brought to a close, he avails etc.

WELSERSHEIMB.

For the Minister of Foreign Affairs.

[Inclosure 6 to No. 13.]

Giov. Gelletich to Mr. Tripp.

CONSULAR AGENCY OF THE UNITED STATES,

Fiume, June 27, 1893.

SIR: I beg to acknowledge the receipt of your esteemed note of the 26th instant, and in reply I beg to state as follows:

* * * * *
 John Benich, United States citizen, was forced to swear fidelity to the Emperor of Austria; after they had his forced oath he was placed under military surveillance and after twenty-four hours forwarded to Pola for immediate military service. Before they made him a soldier I requested that until the necessary steps are taken and the right thing done to leave him under my protection and warranted for him that he will not run away; but I was not heard. Then I telegraphed at once to the United States consul at Buda-Pesth and to the United States consul-general in Vienna; particulars were reported with letters dated May 20, No. 440, to Buda-Pesth, and

with letter No. 441 to Vienna I requested further particulars. I replied with letter No. 442 to Vienna, dated May 22.

In this case I must appreciate very much the gentle manners of the governor of Fiume, who regretted very much that this thing happened, but he could do nothing, and could not intervene in another district; also the post commander regretted very much that he could do nothing. The imperial and royal marine corps district commander, as chief of the commission for military recruiting in this district, assured me that the men presented and conducted to him by the different district authority must be examined and recruited, and that the entire responsibility in this case rests upon the district authority of Novi, represented by the judge who denied also to recognize the validity of the passport when produced to him by the said John Benich.

Later I was informed that the said John Benich was released from provisory arrest in Novi by order of the ban of Croatia, who ordered by telegraph to the said district authority of Novi, to release immediately the man, and the judge of Novi after a few days conducted him to Fiume to be recruited.

On the 14th instant he was discharged temporarily from active service, and now lives with his father in Crikvenice, near Novi. He is not under arrest but I think he is secretly watched. The said John Benich begs your kind consideration and hopes that he will be discharged, so that he can return to his adopted country, and he claims damages and expenses for his illegal recruiting. He fears that from his arrest he has lost his employment in Chicago, as only a limited leave of absence was granted him.

I beg, etc.,

GIOV. GELLETTICH.

[Inclosure 7 in No. 13.]

Mr. Hammond to Mr. Tripp.

CONSULATE OF THE UNITED STATES,
Buda-Pesth, June 23, 1893.

SIR: Your letter of June 26, 1893, in reference to the case of John Benich is received, and in reply will say that I forwarded copies of all papers and telegrams to the legation and refer you to my letters of May 22, No. 619, and May 26, No. 623. I beg further to inform you that I have received a letter from the United States consular agent, at Fiume, informing me that John Benich, who was seized for military duty, was released, and to-day arrived clad in military uniform. I presume he is at liberty, as he came from Pola to Fiume, having been sent to the former place, before his release could be effected. Will communicate with said consular agent at Fiume and find out exact status of the man since his arrival in Fiume "clad in military uniform."

I am, etc.,

E. P. T. HAMMOND.

Mr. Tripp to Mr. Gresham.

No. 14.]

LEGATION OF THE UNITED STATES,
Vienna, July 12, 1893. (Received July 26, 1893.)

SIR: Referring to dispatches No. 353, under date of April 19, and No. 360, under date of May 12, written by my predecessor, Col. Grant, giving an account of the arrest and subsequent release on bail of Saul Moerser, alias Charles Mercy, a naturalized citizen of the United States, I now have the honor to submit, for your information, the translation of a note just received from the imperial and royal ministry of foreign affairs, which I think might be added to the file of Charles Mercy's case.

I have, etc.,

BARTLETT TRIPP.

[Inclosure 1 in No. 14.—Translation.]

*Count Welsersheimb to Mr. Tripp.*MINISTRY OF FOREIGN AFFAIRS,
Vienna, July 9, 1893.

Sir: Supplementary to the note of May 8, last, conveying the intelligence that Saul Moerser, alias Charles Mercy, who had been liberated on giving bail has fled and left the country, the imperial and royal ministry of foreign affairs has the honor of informing the Hon. Bartlett Tripp, envoy extraordinary and minister plenipotentiary of the United States, that the imperial and royal ministry of justice reports the amount of one thousand florins, deposited by the above-named individual as bail, has been declared forfeited and has been withdrawn.

The ministry of justice further reports that the imperial and royal state attorney at Krakow has made motion that the proceedings against absentees and fugitives, as provided in paragraph 421 of the St. P. O., be applied against Saul Moerser and that the latter's defending attorney, Dr. Fischer, has received the bill of indictment for embezzlement.

The undersigned avails, etc.,

WELSERSHEIMB.
For the Minister of Foreign Affairs.

Mr. Gresham to Mr. Tripp.

No. 29.]

DEPARTMENT OF STATE,
Washington, September 4, 1893.

Sir: Your dispatch No. 13, of the 1st July last, in regard to the arrest of John Benich, a naturalized citizen of the United States for alleged liability to military service, has had my careful attention.

The facts are stated as follows: John Benich was born at Crikvenize, on the Adriatic shore of Croatia, in 1871; emigrated to the United States in 1885, at the age of 14; resided uninterruptedly in this country for seven years until October 5, 1892, when he was naturalized according to law, before the superior court of Cook County, at Chicago; soon afterwards accompanied his sick father to his former home in Austria; received a passport in due course from the U. S. Legation at Vienna, No. 379, April 15, 1893; and was arrested about May 16th, at Novi, in Croatia, and held for military duty. The case having been brought to the attention of the consular agent at Fiume, Mr. Gellelich intervened with the local authorities, particularly with the military recruiting commissioner at Fiume, before whom Mr. Benich had been brought. Mr. Gellelich was informed by the commissioner that "he does not recognize the convention of September 20, 1870, and neither the authority of the U. S. Consular officer." The judicial authorities took the same extraordinary view; Benich was escorted to Pola to perform military service.

In answer to Col. Grant's very clear statement of the case, in his note of May 21, Count Welsersheimb replied to you June 23 that John Benich had been enrolled in the navy, May 20, to serve for one year; that by telegraphic order from the Hungarian minister of defense he has been temporarily discharged from active service, "but that the final erasion of his name from the rolls of the army and navy can not take the place until full information is on hand relative to his citizenship in United States."

By a later dispatch from Mr. Max Judd, the consul-general at Vienna, dated July 10, it would appear that the awaited information, to which Count Welsersheimb adverts, was sought from Mr. Judd by the Bezirkvorstand (district chief) of Novi, on July 3d, and was furnished by Mr. Judd's giving the date and number of Mr. Benich's

passport, a paper which, with the original certificate of naturalization, had been in the knowledge of the Croatian authorities since May 17, when they were submitted in original and translation to the judge at Novi, without avail.

It is evident, on the facts as shown, that Benich is exempt from military service or penalty in Austria-Hungary under the provisions of the naturalization treaty with the United States of 1870, for his emigration at the age of 14 makes it impossible that his case could have fallen under either of the exceptions of Article II. The contemptuous refusal of the recruiting commissioner and the judicial authorities of Fiume and Novi to recognize the validity of that treaty can only be attributed to sheer ignorance, and it is not supposable that the Austro-Hungarian Government will fail to visit its severe displeasure on its officials who have thus thrown discredit upon the national good faith, or omit proper instructions to them to duly respect the treaty obligations of the Empire. A voluntary and frank expression of regret in this regard is also naturally to be expected.

The real grievance in the case is one to which attention has lately been called in several instances, namely, the refusal of the Austro-Hungarian authorities to accord respect to the passport, duly issued by the lawful agencies of the United States as *prima facie* attestation of the citizenship of the bearer, and therefore, of his treaty rights. I had occasion to notice a peculiarly dilatory and illogical phase of this matter in the recent case of Moerser, where the man, having been deprived of his citizen papers, to which no respect whatever was shown, was held to prove his American citizenship. In the present case, the passport and naturalization certificate of Benich have been equally disregarded by the judicial and military authorities, who seem to have been left free to take whatever course they chose, to independently ascertain the citizenship of the party.

In these, as in many other cases, the Austro-Hungarian officials appear to proceed on the intolerable assumption that a foreign passport is valueless as evidence *per se*, and that the true citizenship of an alien found within Austrian jurisdiction is to be ascertained by some independent municipal investigation having no regard whatever to international obligations. This assumption is wholly incompatible with the universally admitted doctrine that a state is the sole and ultimate judge of citizenship of its own dependents, and is, in its sovereign capacity, competent to certify to the fact. A passport, in the eye of international law, is one of the highest sovereign acts of a state, whereby it attests that the holder is a lawful citizen. In the nature of the case it must be assumed to be *prima facie* valid until shown to be otherwise. This Government can be satisfied with no less degree of respect in Austria-Hungary for its sovereign acts, than it shows in the United States for the like sovereign acts of Austria-Hungary.

This unassailable ground in no wise impedes the investigation and correction of fraud in matters of international citizenship. Should circumstances cast a tangible doubt upon the identity of the holder of a passport, or impute to him fraud upon the naturalization laws of the country which has received him as a citizen, the fullest cooperation and redress is immediately at hand. The Government of the United States is as deeply interested as the Government of Austria-Hungary can be in reaching the truth in such cases. But reasonable ground should appear to impugn the solemn evidence borne on the face of a passport. The burden of proof is not to be arbitrarily shifted. It is neither incumbent upon the bearer to prove his citizenship by extraneous evidence at the will of the country of his sojourn; nor upon the

certifying government to support its official attestation of the fact of the citizenship by collateral proof under the municipal requirements of another country.

The frequent recurrence of these vexatious denials, by the imperial and royal authorities, of the validity of United States passports calls for an immediate and sufficient remedy. We claim that they are, on their face, entitled to faith and credit. But should the Austro-Hungarian authorities have reason to believe that they are fraudulently held by others than the persons to whom they were lawfully issued, or that the holders have obtained naturalization in fraud of the laws of the United States, or claim privileges of citizenship not granted by the treaty of naturalization between the two countries, the facts should at once be brought to the notice of the Government of the United States through its accredited envoy in Austria-Hungary.

It may be that the Austro-Hungarian Government finds excuse for its procedure in the stipulations of the treaty of 1870. If so, this Government must contest that point. That treaty, being a contract between equal sovereignties, stipulates that five years' residence in the territory of the one, coupled with naturalization, shall constitute full citizenship to be duly recognized and respected in the territories of the other. Naturalization is a sovereign attribute within the sole competence of the respective parties and each is competent to certify the fact under its own laws. By the laws of the United States a five years' uninterrupted residence is essential to the lawful naturalization of all aliens, save minor children of naturalized parents (such children residing within the jurisdiction of the United States) and honorably discharged soldiers, which latter may be naturalized on proving at least one year's residence.

While in these exceptional cases the Austro-Hungarian Government may rightly require the facts, there is nothing in the treaty which can authorize its *ex parte* municipal action to that end. It rests with the Government of the United States to certify those facts, upon request, if need be, and it is equally incumbent upon this Government to press no case where citizenship may be ascertained to have been conferred and the naturalized Austrian to have quitted the United States within the stipulated term of five years. As for the provisions of Article II, they are clearly intended to authorize the respective governments to apply the penalties in certain specified cases, and the opportunity and obligation to prove the facts necessarily rest with the government which takes advantage of the right conferred. But the facts so to be shown are wholly distinct from any question of citizenship; for the returning offender may be punished according to Austro-Hungarian law for any of the specified acts of nonfulfillment of military duty before emigration, without impugning the validity of his subsequent naturalization in conformity with the laws of the United States.

It is hoped that the incident will have been satisfactorily terminated before this reaches you by the full release of John Benich; by the disavowal of the contempt shown by the Croatian authorities for the sovereign acts of the United States under our treaty with Austria-Hungary; by a frank expression of regret; and by the adoption of measures to prevent the recurrence of so vexatious a class of questions and to dispose of any doubtful cases of citizenship by the cooperative action of the legation and the foreign office. Should this hope not be realized, this instruction will be your guide in pressing the matter further to a just and honorable agreement.

I am, sir, etc.,

W. Q. GRESHAM.

BRAZIL.

Mr. Blaine to Mr. Dockery.

No. 135.]

DEPARTMENT OF STATE,
Washington, March 1, 1892.

SIR: I inclose copy of a dispatch recently received from our consul at Bahia, reporting that on January 11 last the State of Bahia enacted a law imposing a duty of 19 per cent on skins exported to the United States.

As by the terms of our reciprocity arrangement with Brazil no new nor increased export tax can be levied in that Republic on any article admitted free into the United States, you are instructed to bring the matter to the attention of the minister of foreign affairs in order that the Government may provide for the observance of the stipulations of the arrangement.

I am, etc.,

JAMES G. BLAINE.

[Inclosure 1 in No. 135.]

Mr. Thomas to Mr. Wharton.

No. 13.]

CONSULATE OF THE UNITED STATES,
Bahia, January 23, 1892. (Received February 26, 1892.)

SIR: I have to state that on the 11th of the present month the legislature of the state of Bahia enacted a law, made operative by the signature of the governor, imposing a duty of 19 per cent upon skins exported to the United States. This plainly seems to be in violation of the commercial arrangement entered into between the United States of Brazil and the United States of America, concluded January 31, 1891, and promulgated February 5, 1891.

By this treaty, skins, with the exception of sheep skins with the wool on, were exempted from duty and classed on the free list.

Nearly all of the skins produced in Brazil are exported to the United States. Bahia is the only State in Brazil, so far as I know, that has imposed this duty, and this manifestly unjust tax operates oppressively upon the American merchants who are engaged in the buying and exportation of skins. The first shipment of skins, after the new law went into effect, was on the 22d instant. The merchants interested paid the duty under protest, noted in this consulate. A protest has also been filed with Consul-General O. H. Dockery, with the request to bring the matter before the General Government.

Any advices the State Department may transmit to me bearing upon this subject will be duly appreciated.

I am, etc.,

WM. O. THOMAS,
U. S. Consul.

Mr. Lawrence to Mr. Blaine.

No. 228.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, April 23, 1892. (Received May 28, 1892.)

SIR: With reference to increased export tax, levied by the States of Bahia and Pernambuco on certain articles exported to the United

States, I have the honor to report that I have brought the matter to the attention of the Brazilian Government in a note to the minister of foreign affairs, and in reply am advised that he will seek an understanding with the respective governors, that the protests may be attended to.

I inclose copies of the correspondence.

I have, etc.,

WILLIAM H. LAWRENCE,
Charge d'Affairs ad interm.

[Inclosure 1 in No. 228.]

Mr. Lawrence to Senhor Corrêa.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, April 4, 1892.

SIR: I have the honor to bring to the notice of your excellency that complaints and protests have been made by exporting merchants of Bahia and Pernambuco of the imposition of an increased export tax on merchandise shipped from those cities to the United States of America, to wit:

By the merchants of Bahia, that under the provisions of a law enacted by the legislature of that State, on the 11th of January last, they are obliged to pay a duty of 19 per cent on all skins exported to the United States of America.

And by the merchants of Pernambuco, that under a decree of the junta, on the 1st of February last, there has been and is levied an additional tax of 2 per cent on all sugars exported from Pernambuco to the United States of America.

Referring to the commercial arrangement entered into between our respective Governments, and which was proclaimed by both on the 5th day of February, 1891, in which it is provided by the Government of the United States of Brazil "that no increase shall be made in the export tax now in force, whether national, State, or municipal, 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," I beg to call your attention to the present tariff law of the United States of America, in the third section of which provision was made for "the admission into the ports of the United States, free of duty, whether national, State, or municipal, of the following articles: Sugars, all not above No. 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 uncurd, 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."

As it would therefore appear that the imposing of these duties of export is a violation of the provisions of our commercial arrangement, my Government has instructed me to bring the matter to the attention of your excellency, in order that the Government of Brazil may provide for the stipulations of the arrangement.

In presenting the subject to your excellency, I reiterate the assurance of Minister Conger that my Government has entire confidence in the desire and determination of the Government of Brazil that the provision of the arrangement shall be faithfully executed.

If, upon investigation, these complaints should prove to be well founded, I will thank your excellency to advise me at as early a date as practicable of the action taken for the relief of these exporters and to secure to all the advantages to which they are entitled.

I avail myself of the occasion to renew to your excellency the assurance of my highest consideration.

WILLIAM H. LAWRENCE,
Charge d'Affairs ad interm.

[Inclosure 2 in No. 228—Translation.]

*Senhor Corrêa to Mr. Lawrence.*MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, April 18, 1892.

I have the honor to acknowledge the receipt of the note addressed to me by Mr. William H. Lawrence, chargé d'affaires of the United States of America, on the 4th instant, informing me that protests had been made by certain exporting merchants of Bahia and Pernambuco against an increased tax on merchandise exported from those States referred to.

I will have an understanding with the governors of those States in order that the protests may be attended to.

I renew, etc.,

SERZEDELLO CORRÊA.

Mr. Blaine to Mr. Conger.

No. 155.]

DEPARTMENT OF STATE,
Washington, June 2, 1892.

SIR: I have received Mr. Lawrence's No. 228 of April 23 last, stating that he had brought to the attention of the Government of Brazil the action of the State of Bahia in imposing an export tax on skins exported to the United States, and that of the State of Pernambuco in imposing an export tax on sugars shipped to this country, the action in each being in violation of the commercial arrangement between the United States and Brazil. Mr. Lawrence's note is approved.

I am, etc.,

JAMES G. BLAINE.

Mr. Markell to Mr. Foster.

No. 390.]

LEGATION OF THE UNITED STATES,
Petropolis, February 10, 1893. (Received March 27.)

SIR: Concerning the violations of the reciprocity arrangement, in the imposition of an export tax upon skins, by the State of Bahia, which has been the subject of correspondence between the Department of State and this legation, and last touched upon in Department dispatch No. 155, I have the honor to report that the governor of Bahia has decided that no such tax can be imposed and that the demands of the export merchants for reclamation thereon hold good. The note from this legation to the foreign office of April 4, 1892, referred to in inclosed note of February 9, 1893, the Department already has in Mr. Lawrence's No. 228.

In appending the recent correspondence up to date, relative to this subject,

I have, etc.,

C. F. MARKELL,
Chargé d'Affaires ad interim.

[Inclosure 1 in No. 390.]

*Mr. Conger to Senhor Souza.*LEGATION OF THE UNITED STATES,
Petropolis, January 7, 1893.

SIR: I beg leave to call the attention of your excellency to the subject matter of the notes from this legation of April 4 and September 19, 1892, and the replies of your distinguished predecessors thereto, dated respectively April 18 and September 27, 1892, to wit: the violations by the States of Bahia and Pernambuco of the reciprocity arrangement between the Republics of Brazil and the United States of America.

I trust that by this time the Federal Government has been able to so bring this matter to the attention of the respective States that further violations of the arrangement will cease, and a satisfactory adjustment be made for the unwarranted taxes already collected. In view of the fact that both our Governments must desire the faithful execution of the arrangement, in every particular, in order that by fair trial its benefits to either may be definitely determined and acknowledged, I will thank your excellency for the earliest convenient reply in order that I may furnish my Government with accurate information as to the present situation.

I improve, etc.,

E. H. CONGER.

[Inclosure 2 in No. 390—Translation.]

*Senhor Souza to Mr. Conger.*MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, January 17, 1893.

SIR: Acknowledging the receipt of the note which Mr. E. H. Conger, envoy extraordinary and minister plenipotentiary of the United States of America, addressed to me on the 7th instant, I have the honor to communicate to him that the Federal Government awaits information from the governors of the States of Bahia and Pernambuco, which it has just sought with urgency, that definite measures may be taken in order that the violations of customs agreement referred to in said note may cease in those States.

I renew, etc.,

A. F. PAULA SOUZA.

[Inclosure 3 in No. 390—Translation.]

*Senhor Souza to Mr. Conger.*MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, February 9, 1893.

SIR: Referring to the note which on the 17th of the month just passed I directed to Mr. E. H. Conger, envoy extraordinary and minister plenipotentiary of the United States of America, I have the honor to inform him that the governor of Bahia has decided that no impost or taxes whatever can be collected upon skins exported to those States, considering as tenable the claims of the export merchants of which the note of the legation of April 4, 1892, treated.

I reiterate, etc.,

A. F. PAULA SOUZA.

Mr. Markell to Mr. Gresham.

No. 408.]

LEGATION OF THE UNITED STATES,
Petropolis, March 13, 1893. (Received April 27.)

SIR: Touching the subject-matter of my dispatch No. 390 of February 10 last, I have, in addition thereto, the honor to report that as advised by the Government of Brazil, copy and translation of said

advice herewith inclosed, the State of Bahia is willing to reimburse the export merchants for the erroneous taxes paid upon skins, as soon as the amounts of said payments are properly ascertained and presented.

The same claims against Pernambuco will shortly be presented by the Federal Government to the legislative assembly of that State now in session.

I have, etc.,

C. F. MARKELL,
Chargé d'Affaires ad interim.

[Inclosure in No. 408—Translation.]

Señhor Souza to Mr. Markell.

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, March 4, 1893.

In addition to my note of the 9th of the month just past, I have the honor to inform Mr. Charles F. Markell, chargé d'affaires of the United States of America, that, as advised by the governor of Bahia, as soon as reclamation of those interests, relative to indemnification for the payment of duties upon skins exported to the referred States is made, the same will be paid out of the treasury. Concerning the reclamations of the merchants of Pernambuco, the governor of that State is going to submit the matter to the judgment of the legislative assembly, the opening session of which will take place on the 6th instant.

I renew, etc.,

A. F. PAULA SOUZA.

Mr. Gresham to Mr. Conger.

No. 248.]

DEPARTMENT OF STATE,
Washington, March 30, 1893.

SIR: I have to acknowledge your No. 390 of the 10th ultimo reporting that, in view of the protest of your legation against the violation of our commercial arrangement with Brazil in the imposition by the State of Bahia of an export tax on skins, the tax has been removed.

This information is very satisfactory to the Department, and will be communicated to the consul at Bahia who first reported the violation to the Department.

I am, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Conger.

No. 250.]

DEPARTMENT OF STATE,
Washington, April 3, 1893.

SIR: I regret to have to inform you of the death in this city, on the 25th ultimo, of Baron de Aguiar de Andrada, envoy extraordinary and minister plenipotentiary from Brazil on a special mission to the United States. Funeral services were held at St. Matthew's Church on the 28th ultimo, this Department being represented by several of its officers, the Secretary of State acting as one of the pall-bearers. Two troops of cavalry attended as a guard of honor by order of the Secre-

tary of War, and the Marine Band was present, rendering appropriate funeral music.

I have addressed notes to Senhor de Mendonça, the Brazilian minister, and to Gen. Castro de Cerqueira, the special envoy of Brazil, expressing the sympathy felt by the President at the death of this eminent citizen of Brazil.

I am, etc.,

W. Q. GRESHAM.

Mr. Conger to Mr. Gresham.

[Extract.]

No. 419.]

LEGATION OF THE UNITED STATES,
Petropolis, April 3, 1893. (Received May 4.)

SIR: With reference to the revolution now in progress in the State of Rio Grande do Sul, and concerning which the news columns of the New York papers furnish such detailed accounts, I have the honor to report that absolutely accurate information is impossible to be obtained here, since the Federal Government controls the telegraph lines and refuses to give out detailed information; but as correctly as can be obtained this is the situation: There exist in the State two rival factions, the one headed by Julio de Castilhos, the present governor, and the other by Gasper Silveira Martins. The struggle is on the part of the latter and his followers to depose the former, and a majority of the people of the State are in sympathy with the Silveira Martins party.

But the national Government supports Castilhos and has sent large bodies of troops from this and other parts of the Republic to uphold him.

The Martins forces are not well organized and are very poorly equipped, yet their devotion to their cause and their determination not to submit to a régime forced upon them by the national Government will make their suppression a difficult matter by the national force. * * * There has already been some severe fighting, with considerable loss of life, but the consensus of opinion here among those best informed seems to be that the struggle will not last long and that the national troops will be successful and the Castilhos Government be upheld. It is possible that when congress convenes, which it will in regular annual session the 15th of next month, affairs may assume a different phase, but there is nothing to indicate it at present.

I have, etc.,

E. H. CONGER.

Mr. Adee to Mr. Conger.

No. 258.]

DEPARTMENT OF STATE,
Washington, April 28, 1893.

SIR: I have received Mr. Markell's No. 408 of the 13th ultimo, reporting that he has been advised by the Government of Brazil that the export duties on skins improperly collected by the State of Bahia will be returned to the exporters on presentation of their claims to the treasury of the State, and that similar action will be recommended by the governor of Pernambuco to the State legislature.

You will express to the Brazilian Government our satisfaction at the action taken by the State of Bahia, and our hope that that of the State of Pernambuco will be equally satisfactory.

The consuls at Bahia and Pernambuco will be advised.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Conger to Mr. Gresham.

[Extract.]

No. 436.]

LEGATION OF THE UNITED STATES,
Petropolis, May 3, 1893. (Received May 31.)

SIR: I have to report another important change in the cabinet of Vice-President Peixoto.

On the 27th ultimo Dr. Innocencio Serzedello Correa tendered his resignation as minister of finance, and on the 28th Admiral Custodio José de Mello surrendered the portfolio of marine.

On the 30th Dr. Felisbello Firmo de Oliveira Freire, the recently appointed minister of foreign affairs, was transferred to the ministry of finance, still having charge of the foreign ministry ad interim, and Admiral Felipe Firmino Rodrigues Chaves was appointed minister of marine.

The reasons given for the resignation of Serzedello Correa were a general disagreement with the vice-president on matters of financial administration. Admiral Custodio de Mello sets forth as his grievances the refusal of the vice-president to adopt his views for a settlement of the civil war now in progress in Rio Grande do Sul, and a general disposition on the part of the vice-president to manage matters without consultation with him. This is a very serious rupture in the vice-president's official family; from the fact that these two resigned ministers were the strongest and most influential characters in the cabinet, Admiral de Mello having been the chief organizer and leader of the movement of November 23, 1891, which deposed Marshal Deodora from his assumed dictatorship, and restored the legal government with Vice-President Peixoto at its head.

It is also currently reported and believed that both Dr. Serzedello and Mello are candidates for the Presidency at the election which must take place in March next.

What the result of this crisis will be can only be conjectured; but as the immediate future will shortly disclose it, I shall not offer any prophecy. As setting forth more particularly the situation, I inclose a copy of an editorial clipped from the Rio News, together with the letter of Admiral Custodio de Mello.

I have, etc.,

E. H. CONGER.

[Inclosure in No. 436.—Clipping from the Rio News of May 2, 1893.]

CABINET CHANGES.

The long impending rupture in the cabinet took place on the 27th, the minister of finance offering his resignation on that day and the minister of marine withdrawing from the council of ministers to send in his resignation on the following day. That

dissensions existed has long been known, and it was also known that they were sufficiently serious to make it impossible for the cabinet to act harmoniously much longer. The resignation of Dr. Limpo d'Abreu a fortnight since was of too personal a character to indicate the course which other members of the cabinet would pursue, but as it was well known that the ministers were not entirely agreed upon the coercive policy begun in Rio Grande it was certain that the recent policy adopted by the minister of war could not fail to bring these differences to an issue. This was practically what occurred at the cabinet meeting of the 27th. Instead of appearing the minister of finance sent in his resignation, which was based on the financial policy of the executive, and the minister of marine withdrew to prepare a letter tendering his resignation for the following day.

The immediate cause of the resignation of the minister of finance was a communication received by him from the President on Thursday evening containing a memorandum for a decree reforming the tribunal de contas, or annulling its acts in trying to restrict public expenditures to the legislative appropriations. The requirements of the army in Rio Grande have caused many extraordinary and unauthorized expenditures, and the opposition properly shown by the tribunal to these unwarranted uses of the public money led the President to resolve upon its practical dissolution. Although Minister Serzedello has not been particularly sensitive over these dictatorial acts of authority, he resolved not to be an accomplice in the destruction of so necessary a branch of the treasury as this auditing commission.

In his letter of resignation he first alludes to the critical situation of the treasury and to the "urgent measures" which he presented at the last cabinet meeting to secure economy in expenditures. Among these were the suppression of advances and commissions abroad, a reduction of expenses abroad, the postponement of all public works not urgently required, a reduction in the China and Chicago commissions, and the recall of all naval vessels in foreign waters, the expenditures for all of which are now increasing the deficit.

As to the tribunal de contas, he considers it the best protection the Treasury can have, and for this reason he considers the proposed reform a serious error. Instead of auditing accounts and refusing those not regular, or not legal, it will become simply an instrument for conferring and registering them, without power to protect the treasury against abuses in expenditures.

The reasons for the resignation of the minister of marine are both political and administrative, and as they relate to the civil war in Rio Grande we give them in full:

LETTER OF RESIGNATION OF THE MINISTER OF MARINE.

RIO DE JANEIRO, *April 28, 1893.*

MARSHAL: Much more than a month ago I had the honor of apprising your excellency, in a cabinet council, of the possibility of a pacific solution of the conflict in which Rio Grande do Sul is engaged. My purpose was patriotic, and would, by means of a conciliation, have relieved that state of the Republic from a situation which has converted it into a perennial source of hatreds and internal discords.

In order to not disturb the country at a time when the action of the government in a time of such political gravity should be homogeneous, I did not at once hand in my resignation of the portfolio which I held, and, insisting on the solution proposed and which your excellency afterwards undertook to realize, I hoped to see peace soon reestablished in that unhappy state.

In view, however, of the mission with which the minister of war has been charged by your excellency of continuing the conflict which is imbruing Rio Grande do Sul with blood, I consider my permanence in the government unprofitable, since it was not permitted me to secure that desideratum of mine for internal policy and public peace.

In a ministerial conference realized on the 20th instant, after hearing me, your excellency was good enough, in accord with the whole ministry, to accept my reasons, and then again undertook to transmit your orders in a sense of a pacification.

After a promise so categorically and twice confirmed, it was not permitted me to doubt that it would be at once realized, and therefore, to my amazement, I was yesterday surprised with a declaration in a sense wholly opposed to the preceding undertakings and solemnly agreed to by your excellency.

I was and am of opinion that the federal government ought to sustain the governors elected by the states. The principle, however, can not be absolute. It admits exceptions like all those which regulate the guidance of public opinion. It is publicly known and felt that the actual administration in Rio Grande do Sul does not represent the majority of our compatriots in that state. It is not a chosen government imposed by popular opinion, and under such conditions it is a weak government, which can only be sustained by the support of the federal military forces.

Now, marshal, the republican situation needs stability; its institutions need to be consolidated, and the first condition of steadiness which the Republic stands in need

of is, precisely, peace and public tranquility, avoiding henceforth and forever these internal commotions which disturb our credit and hold the country constantly under the threat of armed agitations and the surprises of sanguinary conflicts.

I have within me the unalterable conviction that the revolutionary movement of the south has no purpose of restoration. At the front of it are to be found historic republicans, whose political traditions exclude every suspicion of an attempt against the political institutions of the country. Most of them fought after the *coup d'etat* of 3d November for the revindication of national honor and dignity, cooperating in the great movement of reaction in favor of legality.

Under such conditions it would be a libel to assert that the revolutionists are fighting to-day for another cause that shall not be a guarantee of the rights and liberties which have been trampled under foot. We ought at least to judge these our compatriots with the impartiality which old servitors of the country are entitled to and by their political antecedents.

You now say that you can not adopt by suggestion because the constitution is opposed to the means that would have to be used to carry it out.

But, marshal, your excellency must understand that no law can be opposed to order, nor be made an obstacle to the progress and development of a nation. If our constitution is, in your opinion, an obstacle to the pacification of Rio Grande do Sul, the executive, whose duty it is to maintain domestic peace and watch over public tranquility, and which can not, therefore, leave to an armed struggle the fate of the whole state, should, in my opinion, in a question of public safety, like that which is now agitated, adopt extraordinary and even extra-legal measures to save the country at all hazards.

Your excellency thinks that a reconciliation with the revolutionists may be effected after the federal troops have won a victory over the enemy; but if you admit the possibility of a conciliation after a battle, why not admit it before a battle?

What, then, justifies this bloodshed? Does the Federal army require it?

It is assuredly not the blood of immolated brethren that will give it glory and luster.

And who can assure us that this victory is certain? Who knows what means of action are at the disposal of the revolutionists, who certainly have the advantage of being inured to the effects of the climate which can not fail to decimate our brave, intrepid, and valiant northern soldiers.

And what if the revolutionists, whose policy seems to be to wear out our soldiers, refuse to give battle?

You perceive, then, marshal, that you propose a solution that does not correspond to the present political emergency, nor find any justification whatever in history. Your policy, then, endangers the public weal, aggravating a situation that can not be maintained and against which protest the simplest precepts of humanity and all feelings of republican fraternity. It is a perennial source of evils for the Republic, since you indefinitely postpone a just and reasonable solution for a crisis to which you should have long since put an end.

There is another circumstance of great political weight which strengthens my purpose of resigning my portfolio, and that is the want of skill with which, in my opinion, the military operations have been conducted and from which resulted the disaster at Alegrete, a disaster which will inevitably be followed by others.

No one more than myself, marshal, renders homage to the spirit of rectitude which governs your conduct in public and private life, and which places it above the suspicion of any motive not dictated exclusively by your concern for the public weal, and it is, consequently, to be regretted that you should retain in the Republic of Uruguay as a purchasing agent for the army a man who, according to information received from trustworthy sources, including a letter from our minister in Montevideo, is wanting in respectability, and is otherwise unqualified for so responsible a position.

I regret, I repeat, that the information which has been furnished to you in regard to this commissioner does not coincide with that to which I have just referred.

In addition to what has herein been set forth, your excellency has not only failed to consult me in regard to matters connected with the revolutionary movement in Rio Grande do Sul, but has actually withheld them from my knowledge in a manner highly offensive to the honorable office that I hold. Some of the most important acts have been performed without my intervention.

There has been nothing to justify this treatment, and your excellency can not deny that I have displayed the utmost solicitude in affairs of state, offering free and loyal support to the head of the Government and giving the republican administration all the political and moral force which it has needed in the arduous task, imposed upon us by circumstances, of upholding the sway of the law. Neither my political self-respect nor the elevated office which I hold will permit my remaining in the position in which your excellency has thus placed me.

I hold, marshal, that I do not merely share the political responsibility of the Gov-

ernment and of its administrative acts; it is my duty as minister to manage public affairs and to be responsible for the events that may result from the manner in which they are managed, especially at this period, bristling with difficulties. Thus, equally upon the head of the Government and his ministers public opinion is entitled to exercise the right of criticism and censure. I can not, then, submit to the rôle of an automaton, nor will a republican administration find worthy men who will sacrifice the nobility of their political mandate to an office which does not elevate, but degrades; which does not ennoble, but humiliates.

For these reasons I present my resignation; but outside of the Government I will continue to serve the Republic, upholding its institutions and legally constituted authorities, with the same devotion, fortitude, and loyalty with which I have served it as minister.

With the utmost respect and esteem I have the honor to sign myself,
Your friend, admirer, and obedient servant,

CUSTODIO DE MELLO.

Mr. Conger to Mr. Gresham.

No. 442.]

LEGATION OF THE UNITED STATES,
Petropolis, May 13, 1893. (Received June 9.)

SIR: I have the honor to report that I have this day been requested by his excellency Felisbello Freire, minister of foreign affairs, to express to you the gratitude of his excellency the Vice-President of the Republic of Brazil for the courtesies manifested at the obsequies of the late Baron Andrada.

I transmit herewith copies and translation of correspondence touching the subject between the foreign office and this legation.

I have, etc.,

E. H. CONGER.

[Inclosure 1 in No. 442.]

Mr. Conger to Senhor Freire.

LEGATION OF THE UNITED STATES,
Petropolis, May 4, 1893.

SIR: I have the honor to inclose herewith a copy of a dispatch just received from the Department of State in Washington, giving official notice of the death of the distinguished Brazilian citizen, Baron de Aguiar de Andrada, envoy extraordinary and minister plenipotentiary from Brazil, on a special mission to the United States of America, and giving an account of the funeral services and the representation of my Government therein.

With sincere personal sympathy for this great loss to Brazil, I reiterate, etc.,
E. H. CONGER.

[Inclosure 2 in No. 442.—Translation.]

Senhor Freire to Mr. Conger.

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, May 11, 1893.

I acknowledge receipt of the note which Mr. Edwin H. Conger, envoy extraordinary and minister plenipotentiary of the United States of America, addressed me on the 4th instant, transmitting copy of a dispatch in which his Government notified him of the death of Sr. Baron de Aguiar de Andrada.

In view of this information I beg you, Mr. Minister, to present to Mr. Gresham the gratitude of the Sr. Vice-President of the Republic for the courtesies mentioned in said dispatch extended to the late diplomat and at his funeral.

I have the honor to reiterate, etc.,

FELISBELLO FREIRE.

Mr. Conger to Mr. Gresham.

No. 446.]

LEGATION OF THE UNITED STATES,
Petropolis, May 26, 1893. (Received June 19.)

SIR: In addition to the information contained in my dispatch No. 436, of the 3d instant, I have to report the introduction in the House of Deputies on the 24th instant of formulated charges against Vice-President Peixoto, with a demand for his impeachment. These articles are signed by Deputies Seabra, from the State of Bahia; Oriques, from the Federal District, and Espirito Santo, from Pernambuco, and charge the Vice-President with numerous violations of the constitution and laws, to wit, declaring martial law without warrant, improperly interfering in state affairs, carrying on unnecessary war, squandering the public funds, compulsory recruiting for the army and navy, chartering banks of emission, ignoring legal tribunals, etc.

These charges have been referred to a committee, and since the house is pretty evenly divided between the Vice-President's supporters and the opposition, the outcome is uncertain.

There is very strong opposition in Rio de Janeiro to the Vice-President's policy in Rio Grande do Sul, and because a very large part of the army is now absent, engaged in the Rio Grande war, a general feeling of uncertainty and anticipation of trouble prevails here; but at present nothing definite can be predicted. Should events warrant, however, I will cable.

I have, etc.,

E. H. CONGER.

Mr. Conger to Mr. Gresham.

No. 448.]

LEGATION OF THE UNITED STATES,
Petropolis, June 2, 1893. (Received July 3, 1893.)

SIR: Notwithstanding the promise of the minister of foreign affairs, communicated to you in my dispatch of April 19, that the collection of duties on wheat flour from the United States should cease, complaints were made to me by the importers here that the so-called *expediente* duties were still demanded. I therefore again persistently presented the matter to the minister of foreign affairs, with the result that finally an order has been issued to the customs authorities by the minister of finance to the end that such collections on all articles agreed to be admitted free under the reciprocity arrangement shall stop, and the terms of the arrangement be vigorously maintained. I inclose copies of all correspondence with the foreign office on the subject since my dispatch of April 19.

I have, etc.,

E. H. CONGER.

[Inclosure 1 in No. 448.]

Mr. Conger to Senhor Freire.

LEGATION OF THE UNITED STATES,
Petropolis, May 1, 1893.

SIR: I regret that I am obliged to call the attention of your excellency to the fact that, notwithstanding the information contained in note No. 11 from your ministry of April 12, that the collection of duties on wheat flour from the United

States of America shall cease in the custom-houses of Brazil, yet such duties are still demanded and collected.

Messrs. Levering & Co., of Rio de Janeiro, complain to me by letter of April 29, a copy of which I inclose, that on the 28th ultimo they were compelled to pay duties on 1,100 barrels of flour, and I am notified by other importers that they are daily expecting shipments upon which the authorities must collect same tax, unless competent instructions are issued for their free entry. In order to avoid further complaints and reclamations, I confidently trust that such measures may be taken as will early accomplish the just determination of the Brazilian Government as expressed in the said note of April the 12th to carry out the spirit and letter of the reciprocity arrangement.

With pleasure I improve the occasion, etc.,

E. H. CONGER.

[Inclosure 2 in No 448—Translation.]

Senhor Freire to Mr. Conger.

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, May 6, 1893.

SIR: I have the honor to acknowledge the receipt of the note of the 1st instant, by which Mr. E. H. Conger, envoy extraordinary and minister plenipotentiary of the United States of America, reclaims against the continuance of collections by the Brazilian custom-houses of the *expediente* tax on wheat flour exported from his country. I go to have an understanding with the minister of finance for the purpose of replying definitely to Mr. Conger, to whom I reiterate the protests of my high consideration.

FELISBELLO FREIRE.

[Inclosure 3 in No. 448.]

Mr. Conger to Senhor Freire.

LEGATION OF THE UNITED STATES,
Petropolis, May 15, 1893.

SIR: In consequence of continued complaints from the shippers of wheat flour from the United States of America of the collection of duties, by the Brazilian customs authorities, on wheat flour from the United States of America, in violation of the express terms of the reciprocity arrangement, I am constrained to again ask your excellency if the early execution of the decision expressed in the notes from your ministry of April 12 and May 6, respectively, is not possible.

I can well understand how overwhelming must be the management of the two great portfolios of which your excellency has charge; and yet the fact that these departments control the subject-matter under discussion may render the problem easy of solution.

Again expressing my confidence in the purpose of your excellency and the Brazilian Government to faithfully carry out the stipulations of the treaty,

I reiterate, etc.,

E. H. CONGER.

[Inclosure 4 in No. 448—Translation.]

Senhor Freire to Mr. Conger.

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, May 31, 1893.

SIR: In reply to the note which Mr. E. H. Conger, envoy extraordinary and minister plenipotentiary of the United States of America, addressed to me on the 15th instant, I have the honor to inform him that the minister of finance has already ordered the inspectors of customs to take measures to the end that the American products mentioned in article 1 of decree No. 1338 of February 5, 1891, should be despatched free of all and whatever duties.

I improve, etc.,

FELISBELLO FREIRE.

[Inclosure 5 in No. 448.]

*Mr. Conger to Senhor Freire.*LEGATION OF THE UNITED STATES,
Petropolis, June 1, 1893.

SIR: I have the honor to acknowledge receipt of your excellency's note of the 31st ultimo, with information that the inspectors of customs have been instructed to dispatch free of all duties the products mentioned in article 1 of decree No. 1338 of February 5, 1891. This determination on the part of the Brazilian Government to vigorously maintain the conditions of the reciprocity arrangement will be duly appreciated by my Government.

Thanking your excellency for your prompt personal attention to the matter, I again assure you, etc.,

E. H. CONGER.

Mr. Conger to Mr. Gresham.

No. 453.]

LEGATION OF THE UNITED STATES,
Petropolis, June 9, 1893. (Received July 3.)

SIR: Adverting to my dispatch, No. 446, of the 26th ultimo, I have to report that the House of Deputies, on yesterday, by a vote of 93 to 52, refused to present articles of impeachment against Vice-President Peixoto.

I have, etc.,

E. H. CONGER.

Mr. Gresham to Mr. Conger.

No. 277.]

DEPARTMENT OF STATE,
Washington, July 5, 1893.

SIR: I have to acknowledge the receipt of your No. 448 of the 2d ultimo, and am gratified to learn of the success of your efforts to obtain the removal of the *expediente* tax on wheat flour, and an assurance from the Government of Brazil that the tax on all free articles mentioned in the reciprocity arrangement should cease.

I am, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Conger.

No. 283.]

DEPARTMENT OF STATE,
Washington, July 18, 1893.

SIR: I transmit a copy of letters representing that the Brazilian Government owning the telegraph lines along the Brazilian coast has prohibited all cipher messages from the United States to Brazil, while allowing messages in cipher to be sent from Brazil to the United States.

The restriction is not only an onerous fetter upon legitimate commerce, and quite unusual in the intercourse of trading nations, but is singular in permitting cipher messages to pass in one direction, yet not in the other. Efforts should be made to have it altogether removed; but if this be impossible, the expedient suggested by the writers, of

lodging with the Government officers their cipher codes, might be resorted to, although objectionable in many respects and open to the charge that it would operate as a censorship and be calculated to embarrass the operations of American importers, who, as the Government is aware, take a very large proportion of the staple exports of Brazil.

I am, etc.,

W. Q. GRESHAM.

[Inclosure 1 in No. 283.]

Mr. Seligsberg to Mr. Gresham.

THE COFFEE EXCHANGE OF THE CITY OF NEW YORK,
53 Beaver street, New York, July 13, 1893. (Received July 14.)

SIR: The Brazilian Government, owning the telegraph lines along the Brazilian coast, has prohibited all cipher dispatches from the United States to Brazil, while allowing messages in cipher to be sent from Brazil to the United States. This places our merchants, and especially the coffee trade of the United States, at a great disadvantage and under heavy expense.

I respectfully submit to your consideration, in behalf and under instructions of the board of managers of this exchange, the feasibility of inducing the Brazilian Government to so modify the prohibition as to allow merchants in Brazil, correspondents of American merchants, to lodge with the proper Government officers in Brazil their cable or cipher codes in use in their telegraphic correspondence, and to permit recipients of messages to translate them in the presence and under the direction of the proper officials.

Very respectfully,
[SEAL.]

LOUIS SELIGSBURG,
Secretary.

[Inclosure 2 in No. 283.]

Mr. Eckert to Mr. Gresham.

EXECUTIVE OFFICE WESTERN UNION TELEGRAPH COMPANY,
New York, July 14, 1893. (Received July 15.)

DEAR SIR: The Government of Brazil has issued instructions, on account of political disturbances, forbidding the use of cipher or code words in telegrams sent to Brazil. As ciphers or codes have always been in universal use by the commercial public for cable messages, these instructions can not but result in great inconvenience and in the restriction of business.

The Coffee Exchange at New York informs me that it has therefore written to you a request that your Department may endeavor to induce the Brazilian Government to so modify its instructions as to permit correspondents of American merchants to lodge with the proper Government officials their cable or cipher codes, and to permit the addressees of the messages to translate them in the presence and under the direction of the proper Government officials. The Exchange also asks that the Western Union Telegraph Company shall indorse its request. As the action of the Brazilian Government will naturally have an influence upon the volume of cable messages, I shall be very glad if you will exercise such powers as your Department may have in favor of the request of the Coffee Exchange.

I have, etc.,

THOS. T. ECKERT.

Mr. Conger to Mr. Gresham.

No. 468.]

LEGATION OF THE UNITED STATES,
Petropolis, July 24, 1893. (Received August 18.)

SIR: In addition to my dispatch (No. 419) of April 3 last I have the honor to report that the struggle in Rio Grande do Sul has since that date been progressing with no material change in the general situation.

Several battles have been fought with varying success on each side, no important advantage, however, having been gained by either.

But on the 6th instant Admiral Wandenkolk, one of the foremost officers of the Brazilian navy, now retired and a member of the national senate from the federal district, who for the past three months has been vibrating between Buenos Ayres, Montevideo, and the Rio Grande frontier, undoubtedly advising and counseling the revolutionists or federalists, as they call themselves, took possession, either by previous purchase or seizure (it has not yet developed which), at Montevideo, of a Brazilian merchant vessel, the *Jupiter*, embarked thereon several hundred pretended emigrants, with a full equipment of firearms, including small artillery and ammunition, and proceeded at once to Rio Grande do Sul, in front of which city he arrived on the 9th.

There he took possession of a couple of small Brazilian war vessels and several merchant ships, issued a proclamation to his comrades in the navy, inviting them to join, and in the name of "liberty" urging them to support him, and prepared to attack the city.

The authorities there, however, immediately trained the land batteries on the fleet with such effect that it was compelled, after three days of maneuvering, to withdraw, the *Jupiter* sailing north towards Desterro, and the other vessels either returning to their former positions in the harbor of Rio Grande or scattering elsewhere.

There is no doubt that a simultaneous attack by the revolutionary land forces, under Gen. Gumerscindo Saraiva, had been agreed upon, but a failure on their part to reach the coast and cooperate in the attack rendered Wandenkolk's efforts fruitless. In the meantime the National Government had dispatched the cruiser *Republica* and the steamer *Santos* from Rio de Janeiro, with instructions to capture or sink the *Jupiter*. The *Republica* came up with her on the 15th near Canavieiras, on the coast of Santa Catherina, where she immediately surrendered, and with Admiral Wandenkolk and such of his followers as had not already escaped, on board, was brought to Rio de Janeiro, arriving on the 20th.

Wandenkolk was at once confined in Fort Santa Cruz and a naval commission appointed to make a preliminary inquiry, which is expected to hold its first session to-day.

A resolution has also passed the Senate calling upon the Executive for the reasons, etc., of the arrest of one of its members.

There exists here a very general sentiment of unrest and uneasiness, coupled with a feeling of bitter opposition to Vice-President Peixoto for continuing what is deemed an unjust war and a useless waste of public money. Yet this is now somewhat alleviated by the hope that since this successful capture he will be willing to enter into negotiations for some sort of compromise, he having heretofore said that he was only delaying such negotiations until some substantial victory on the part of the National Government had been achieved. It is expected that an annoying question will arise with the Government of Uruguay in reference to the arming and equipping the *Jupiter* at Montevideo; but it is believed that it can be diplomatically and amicably settled.

I have, etc.,

E. H. CONGER.

Mr. Adce to Mr. Conger.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 27, 1893.

Mr. Adce, Acting Secretary, communicates to Mr. Conger a report that cipher messages from the United States to Brazil are prohibited by the Government of that country, which, however, allows them to be transmitted from Brazil to the United States. He remarks that legitimate commerce is hampered by this restriction which, besides being singular in permitting the transmission of cipher messages in one direction and not in the other, is unusual in the intercourse of trading nations. He instructs him to use every effort toward the absolute removal of the burdensome discrimination on the trade of the United States, whither so many Brazilian products are imported, and adds that, as a last resort, he may adopt the expedient, objectionable though it be, that the merchants suggest, and which is already in operation at Pernambuco, of having their codes deposited with the authorities of Brazil and their messages translated by the receivers.

Mr. Conger to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, July 29, 1893.

Mr. Conger announces the removal of restrictions on commercial messages sent in cipher from the United States.

Mr. Conger to Mr. Gresham.

[Extract.]

No. 474.]

LEGATION OF THE UNITED STATES,
Petropolis, July 31, 1893. (Received December 11.)

SIR: I have the honor to acknowledge receipt of your cipher telegram of the 27th inst. Upon receiving your telegram I at once, on the 29th instant, proceeded to Rio de Janeiro, and as the result of an interview with the minister of foreign affairs, in which I presented the matter as forcibly as I could, he promised to submit the question to a cabinet meeting to be held the same afternoon, press its favorable solution, and telegraph me the decision in the evening, which he did, saying:

Cipher communications will be reestablished between the United States of America, this capital, and the States of the North.

I have to-day addressed the minister a note asking that Santos be included in the permitted list, presuming its omission was an oversight.

I have, etc.,

E. H. CONGER.

Mr. Conger to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, August 3, 1893.

Mr. Conger announces that for the present cipher messages can not be sent from the United States to Santos.

Mr. Conger to Mr. Gresham.

No. 481.]

LEGATION OF THE UNITED STATES,
Petropolis, August 19, 1893. (Received Sept. 19.)

SIR: With reference to the claim of Messrs. Charles Ahrenfeldt & Son of New York, for refund of transit tax wrongfully levied on their rubber by the State of Amazonas, the subject-matter of Department dispatches Nos. 235 and 278, I have the honor to report that on March 27 last I called the attention of the minister of foreign affairs to the matter, and he replied that he would at once telegraph to the governor of Amazonas in regard to it. I also wrote our consular agent at Manaos asking if any action had yet been taken by that State government. He replied that no appropriation for the purpose had yet been made, but that the legislature would meet in the middle of June, and he was informed by the governor that it was expected the necessary appropriation would be made.

On receipt of your No. 278, I again addressed the minister of foreign affairs on the subject in a note, copy of which I inclose, and have today received his reply (copy and translation inclosed), in which he says he has received no information from the government of Amazonas, although having telegraphed thence three different times, but he would again call the attention of that government to the question and ask for its speedy settlement.

I have, &c.,

E. H. CONGER.

[Inclosure 1 in No. 481.]

Mr. Conger to Senhor Pereira.

LEGATION OF THE UNITED STATES,
Petropolis, August 12, 1893.

SIR: Pursuant to instructions this day received from the Department of State, I have the honor to call your excellency's attention to the claim of Messrs. Charles Ahrenfeldt & Son for the refund of a transit tax improperly levied and collected by the State of Amazonas on rubber passing through that State during the year 1891, which seems to be still unpaid.

On the 10th of April, last, I received a note from your excellency's predecessor saying that he had telegraphed the governor of Amazonas in regard to it.

May I ask your excellency what, if any, reply has been received, in order that I may make to my Government a correct report as to the prospect of an early payment.

I again offer, etc., etc.,

E. H. CONGER.

[Inclosure 2 in No. 481—Translation.]

Senhor Pereira to M. Conger.

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, August 13, 1893.

I have received the note which Mr. E. H. Conger, envoy extraordinary and minister plenipotentiary of the United States of America, addressed me on the 12th instant, and in reply I communicate to him that as yet I have received no information from the government of the State of Amazonas in respect to the reclamation of Charles Ahrenfeldt & Son relative to the illegal duties collected upon cargo of rubber in transit.

I will call the attention of the aforesaid government to the telegrams sent it on the 10th of April, 7th of June, and 10th of July of this year, and request a speedy settlement of the question.

I have, etc.,

JO. FELIPPE PEREIRA.

Mr. Conger to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, August 30, 1893.

Mr. Conger announces that the interdiction of cipher messages to Santos has been removed.

Mr. Conger to Mr. Gresham.

[Extract.]

No. 485.] LEGATION OF THE UNITED STATES,
Petropolis, August 30, 1893. (Received September 26, 1893.)

SIR: I have the honor to acknowledge receipt of dispatch No. 283 of July 18, 1893, with inclosed copy of letters representing the prohibition by the Brazilian Government of cipher telegrams from the United States to Brazil, and your instructions in reference thereto.

Acting upon your telegraphic instructions of July 27, I at once secured the removal of the restrictions to all ports except Santos, as reported in my dispatch No. 474 of July 31 last. I have now to report the removal of the restriction as to that city, and inclose herewith copies and translations of all the correspondence with the foreign office on the subject.

I have, etc.,

E. H. CONGER.

[Inclosure 1 in No. 485.]

Mr. Conger to Senhor Pereira.

LEGATION OF THE UNITED STATES,
Petropolis, July 31, 1893.

SIR: I have the honor to acknowledge the receipt of your excellency's telegram of the 29th instant, informing me that cipher communications would be reestablished between the United States of America, this capital, and States of the North.

I beg your excellency to accept my sincere personal thanks for the prompt and willing attention to this matter, and I feel sure my Government will experience genuine pleasure in the report of its speedy and favorable solution.

May I ask if it was not intended that Santos also should be included in the permitted list? The magnitude of the coffee trade between that port and New York makes it almost as important in this particular as Rio de Janeiro.

I take pleasure in proffering to your excellency the assurances of my highest consideration.

E. H. CONGER.

[Inclosure 2 in No. 485—Translation.]

Senhor Pereira to Mr. Conger.

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, August 2, 1893.

I have before me the note which Mr. E. H. Conger, envoy extraordinary and minister plenipotentiary of the United States of America, addressed me on the 31st ultimo, thanking me for the notice of the reestablishment of cipher telegraphic communications between his country, this capital, and the States of the North.

As to the request which the Mr. Minister formulates in respect to Santos, I regret to say to him it is not possible, however, to extend to that city the measure mentioned.

I improve the opportunity to have, etc.,

JO. FILIPPE PEREIRA.

[Inclosure 3 in No. 485.]

Mr. Conger to Senhor Pereira.

LEGATION OF THE UNITED STATES,
Petropolis, August 3, 1893.

SIR: Acknowledging receipt of your excellency's note of the 2d instant, with information that it is not possible to extend the privilege of cipher communication from the United States of America to the city of Santos, I beg to inquire if it is not possible that some plan may be devised whereby the merchants of Santos may deposit their cipher codes with some trusted and intelligent Brazilian official of that city, and have all messages delivered to him for translation.

Even this course is objectionable, yet it will save much of the annoyance and expense of a total prohibition, and I trust your excellency's Government will find its adoption both possible and convenient.

I improve the occasion to renew, etc.,

E. H. CONGER.

[Inclosure 4 in No. 485—Translation.]

Senhor Pereira to Mr. Conger.

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, August 5, 1893.

I acknowledge the receipt of the note which Mr. E. H. Conger, envoy extraordinary and minister plenipotentiary of the United States of America, addressed me on the 2d instant, asking if it was not possible to permit, with reference to the American merchants of Santos, some measure, by virtue of which their cipher code might be placed in the hands of some Brazilian official in that city to whom should be delivered all telegraphic dispatches for translation.

I have to-day addressed upon this subject the ministry of industry, communication, and public works.

I have, etc.,

JO. FILIPPE PEREIRA.

[Inclosure 5 in No. 485.]

*Mr. Conger to Senhor Pereira.*LEGATION OF THE UNITED STATES,
Petropolis, August 16, 1893.

SIR: Referring to the note of the 5th instant, in which your excellency informs me that you had on that date addressed your colleague, the minister of industry, communication, and public works, upon the proposition to permit cipher telegrams from the United States of America to the city of Santos, and have all such telegrams translated by a Brazilian official, as suggested in my note of the 3d instant. I am constrained by the great importance of the question to inquire of your excellency if the matter has not yet been determined.

Hoping for an early and favorable reply,
I improve the occasion to renew, etc.,

E. H. CONGER.

[Inclosure 6 in No. 485—Translation.]

Senhor Pereira to Mr. Conger.

MINISTRY OF FOREIGN AFFAIRS.

Rio de Janeiro, August 27, 1893.

The note which Mr. E. H. Conger, envoy extraordinary and minister plenipotentiary of the United States of America, addressed me on the 16th instant, with reference to means for facilitating the reception of cipher telegrams, sent from the said States to the city of Santos, was duly received.

The question having been submitted to the ministry of industry, communication, and public works, he took the opinion of the director general of telegraphs. From him he learns that the foreign telegraph service North in secret language has been reestablished, there remaining, however, the requirement of translating into plain language the correspondence between Brazil and the Republics of the Plate, which determination was duly communicated to the central bureau of telegraphic administrations in Berne.

If meanwhile there should still be refused in the United States of America cipher telegrams for Brazil, will the Mr. Minister inform me to the end that the director general of telegraphs may provide such remedy as the case may require?

I have, etc.,

JO. FILIPPE PEREIRA.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, September 6, 1893. (Received September 7.)

Mr. Thompson reports that the navy of Brazil has revolted, assumed complete control over the harbors, and seized all the war vessels. It has made no attack but threatens, unless the vice-president resigns, to bombard Rio de Janeiro.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, September 7, 1893. (Received September 9.)

Mr. Thompson reports that on the previous night the representatives of France, Great Britain, Germany, Italy, and Portugal all, with himself, declined, for the purpose of maintaining a strict reserve with

regard to political events in Brazil, to attend a conference to which they had been invited by the vice-president of Brazil in which measures to adopt in the event of bombardment were to be discussed with him.

Mr. Thompson to Mr. Gresham.

No. 3.]

LEGATION OF THE UNITED STATES,
Petropolis, September 7, 1893. (Received October 6.)

SIR: In confirmation of my telegram same date I am sorry to report that on September 6 a note was received from the foreign minister informing me that a part of the squadron had revolted, manifesting open hostility against the legal government of Brazil, and is still in progress, this being the sixth day. Admiral José Custodio de Mello, of the Brazilian navy, is commander of the revolting squadron. He has possession of the Brazilian war ships *Aquidaban*, *Jupiter*, and *Republica*, and a number of merchant vessels which have been seized in the harbor of Rio.

The Government has possession of Fort Santa Cruz, which commands the entrance to the harbor of Rio de Janeiro, and the army is apparently loyal to the legally constituted authorities. The revolting squadron controls the inner harbor to within a limited distance of the shore line, which is defended by artillery, infantry, and police forces. Some desertions are reported from the revolting naval forces. Foreign powers are represented in the harbor by ships of war as follows: England, 3; France, 1; Italy, 1; Portugal, 1. Congress is supporting the Government. Local trade on land continues as usual; foreign commerce has been entirely suspended until to-day, when restrictions on telegraphic communications were partly removed. One French ship commenced to discharge cargo to-day. No shipments to foreign ports have been made since the revolt commenced. Desultory firing has been kept up between the opposing naval and land forces, resulting in some deaths and considerable damage to property. No interference with railroad communication has occurred. The supply of coal is limited.

I have, etc.,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, September 8, 1893. (Received September 9.)

Mr. Thompson suggests that a war vessel of the United States be sent at once, declaration of martial law having been authorized by the Congress of Brazil.

Mr. Gresham to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 8, 1893.

Mr. Gresham instructs Mr. Thompson to concert with other legations and make by separate note representations to the Brazilian Government in regard to the suspension of telegraphic intercourse, by which, especially at this time, commerce suffers serious injury.

Mr. Gresham to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 9, 1893.

Mr. Gresham informs Mr. Thompson that the U. S. S. *Detroit* has been ordered to proceed to Rio de Janeiro and that the *Charleston* will probably arrive there on this day.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, September 11, 1893. (Received September 12.)

Mr. Thompson announces that all telegrams viséed by the minister of marine and written in plain language may be transmitted from this day.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, September 11, 1893.

Mr. Thompson reports that martial law has been declared and that commerce and trade are suspended.

Mr. Thompson to Mr. Gresham.

No. 4.]

LEGATION OF THE UNITED STATES,
Petropolis, September 11, 1893. (Received October 6.)

SIR: I have the honor to transmit herewith copy of the proclamation of Admiral Custodio José de Mello, who is the leader of the revolutionary movement now in progress.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure in No. 4.—From the Jornal do Commercio.—Translation.]

Admiral de Mello's proclamation to his fellow-citizens.

FELLOW-CITIZENS: The revolutionary movement of the 23d of November had no other object than the restoration of constitutional government and the free action of the constituted powers which the *coup d'état* of the 3d of November destroyed, to the general consternation of the nation and especially of all those who were responsible for the establishment of the republican government.

The dictatorship of the 3d of November seemed to be utterly irresponsible in the administration of the finances of the Republic; if, on the one hand, it aroused unconfessed ambitions and less legitimate self-interest, on the other it lowered the national character, making it ridiculous, and gave the impression that the nation, incapable of creating free institutions and of living in its own shade, would submit, subdued and without protest, against an autocracy that covered us with indignity and humiliation.

You are aware of the part that fell to me, determined by the events which occurred in this memorable period of revolutionary operations against the arbitrariness of power; I served the cause of the public welfare on the 23d of November; I filled with honor as a soldier and with a comprehension of my civic duties as a Brazilian the post which my country had a right to exact.

And if since that day some particles of public authority descended to my modest hearth, it was not from suggestion of my own, but from those of political responsibility which the vicissitudes of the revolution determined, creating a new state of affairs.

As long as I was in the government I tried to maintain my patriotic views, sustaining, with irrefutable logic, the supremacy of the constitution and submission to the laws. Not a single day passed that, as minister, I was not on the alert for the advancement of public right and freedom against an invasive and absorbent form of administration, which, joining in its hands all the political functions of the nation, all the emblems of popular sovereignty, attempted by arbitrariness and transgression of power to climb all the steps of political control and to annul all constitutional privileges.

Against the constitution and against the integrity of the nation itself the chief of the executive power put the national army into movement at will and sent it to the unfortunate States of Santa Catherina and Rio Grande do Sul.

Against whom? Against outside enemies? Against foreigners? No. The President of the Republic armed Brazilians; against Brazilians he raised legions of so-called patriots, carrying mourning, desolation, and misery to all the corners of the Republic, merely in order to satisfy his personal caprice and to strengthen for the future, by terror, his iron dictatorship.

Sentinel of the national treasury, as he promised to be, the chief of the executive power perjured himself and deluded the nation, opening the coffers of the public treasure with profane hands, and, by a political system of subornation and corruption, sacrificing the authority which, in an unlucky hour, the revolution of the 23d of November placed in his hands.

Bankruptcy already beats at our door with all its train of horrors and miseries.

Fellow-citizens: In the fatal decline of power that loses itself, the Republican administration descends to every abuse. Mutilated and wounded innumerable times, the constitution of the 24th of February has no longer any form by which it may be recognized as the supreme law of public liberties and the guaranty of citizens. Self-willed power reigns everywhere.

I can not remain inactive in this fearful position of my country. The men by whose actions the political events were determined can not but concentrate in themselves the tendencies and the aspirations of an epoch.

The nation is anxious to see itself freed from a government that degrades it; the time is therefore come for the reconquest of rights that were suppressed and trampled under foot.

In the life of nations, as in that of individuals, there are moments for decisive action.

To struggle not to see our country degraded and thrown down; to fight for the principles of liberty, which human honor sanctified as the first attribute of our mind and nature; to hand down spotless to our sons the name and honor of the ancestors who made free the Government of Brazil—this is the position in which we find ourselves.

Officer of the navy, Brazilian and citizen of a free country, I once more find myself on the field of revolutionary action to offer battle to the annihilators of the constitution and to restore the rule of law, order, and peace.

No suggestion of power, no wish for government, no aspiration to obtaining con-

trol by the exercise of violent efforts on my own part induce me to enter upon this revolution.

That the Brazilian nation may assume possession of its sovereignty and know how to direct it within the limits of the Republic, this is my desideratum, this my supreme purpose.

Long live the Brazilian nation. Long live the Republic. Long live the constitution.

CUSTODIO JOSÉ DE MELLO.

CAPITAL FEDERAL, 6th of September, 1893.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, September 14, 1893. (Received September 14.)

Mr. Thompson reports that the fort commanding the entrance of the harbor and the arsenal situated on a wharf in the center of the city were bombarded at 11 o'clock in the morning by the revolting squadron, which also fired a few shells into the city, one woman being killed in her house. He adds that commercial telegrams are again forbidden, and that the U. S. S. *Charleston* has not yet arrived.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, September 15, 1893. (Received September 15.)

Mr. Thompson transmits advices received by him to the effect that the revolting squadron, with the apparent purpose of bombarding the city, has ordered merchant vessels in the harbor to move far up the bay.

Mr. Thompson to Mr. Gresham.

LEGATION OF THE UNITED STATES,
No. 11.] *Petropolis, September 19, 1893. (Received October 18.)*

SIR: I have the honor to acknowledge receipt of your telegram dated September 8, and at the same time to confirm mine dated September 11, in reply thereto. Previous to the receipt of your telegraphic instructions I had, upon the application of Mr. Frank Norton and others, urged upon the foreign office the necessity for the immediate removal of the restriction. In response to my interview a note was received the following day, copy and translation inclosed (inclosure 1), denying the request.

I was again on my way to the foreign office, after receiving your telegram to renew the request, when I was advised that the restriction had been removed. The prohibition was again established on the 14th instant, owing to the disturbed condition of affairs, but from to-day's

Jornal do Comercio I clip an article (inclosure No. 2) showing that it has been modified.

I will use my best efforts to have the restriction renewed entirely at the earliest date possible.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 11—Translation.]

Senhor d' Mave to Mr. Thompson.

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, September 3, 1893.

I communicated to the minister of the foreign office the two letters in which Messrs. Frank Norton and Levering & Co. address themselves to the consul-general of the United States in order to obtain the necessary permission to deliver and accept telegrams in ordinary language. His excellency answered that he regrets much but that for the present it will not be possible for the Government to grant the request.

Returning to Mr. Thompson the above-mentioned letters, I have the honor to renew the assurance of my high consideration.

J. F. D'MAVE.

[Inclosure 2 in No 11—Translation—Extract from the Jornal de Comercio—Telegrams.]

The Diarie Oficial to-day published the following declaration:

In order to facilitate communications of purely business matters, the Government has resolved to permit the banks of this place to transmit telegrams relative to their transactions, with the understanding that they shall be visaed by the minister of the treasury.

Mr. Thompson to Mr. Gresham.

No. 17.]

LEGATION OF THE UNITED STATES,
Petropolis, September 19, 1893. (Received October 18.)

SIR: Since the transmission of my dispatch No. 3, dated September 11, I have the honor to report briefly that there is no apparent improvement in the political situation here, if indeed it is not becoming more complicated. No popular demonstrations on the part of the people have been made and very little interest is manifested in the contest, which seems to be confined to the army and navy, the former supporting the President and civil authority and the latter Admiral Mello, who is in command of the revolting squadron. The disaffection extends throughout the entire naval force of the Republic. On the 11th instant martial law was proclaimed for ten days. In addition to what I have otherwise given and for further particulars concerning what has transpired, I inclose excerpts taken from the Rio News, a paper published by an American citizen, and which affords in detail the most reliable information to be had at this time.

I have, etc.,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Pétropolis, September 28, 1893. (Received September 28.)

Mr. Thompson reports that the repeated firing on Rio de Janeiro has resulted in the death of many noncombatants and the destruction of property; says that the further bombardment of the city is a danger to American life and property, and that if approved by the Department he will advise that a decided stand be taken against allowing it against a defenseless city. He says that he has advised the commanding officer of the *Charleston* to protect American goods on barges against seizure by the revolutionists, and to use force if necessary.

Mr. Strobel to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 28, 1893.

Mr. Strobel, Acting Secretary, directs Mr. Thompson, at the request of the Navy Department, to furnish the commanding officer of the U. S. S. *Charleston* with a copy of order to the effect that further destruction and bloodshed should be prevented by the exertion of all the moral force of the Government of the United States, by protest and otherwise, and that the protection of American persons and property should be made the object of every possible effort.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 2, 1893. (Received October 2.)

Mr. Thompson reports that upon the announcement made by the admiral commanding the revolting war vessels of his intention to bombard Rio de Janeiro, the French, English, Portuguese, Italian, and U. S. ministers held on this day a conference, and advised the commanders of the foreign vessels, who agreed to do so, to take measures to prevent such bombardment in case of necessity. He reports that on the previous day the forts in the harbor were bombarded without result.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 2, 1893. (Received October 3.)

Mr. Thompson reports that a verbal note has been addressed to the minister of foreign affairs conveying to him the unanimous action taken

by the diplomatic corps with regard to the bombardment of Rio de Janeiro and requesting that the Brazilian Government abstain from doing anything which would afford to the revolting squadron any pretext for hostile action against the city. He says that he will communicate the reply of the minister of foreign affairs and ask for instructions in the event of the request not being acceded to by the Government.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 9, 1893. (Received October 10.)

Mr. Thompson transmits a rumored report that the restoration of monarchy is to be attempted, and announces that the commanding officers of foreign men of war have obtained from the admiral commanding the insurgent vessels a statement that the bombardment of Rio de Janeiro will cease.

Mr. Gresham to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 11, 1893.

Mr. Gresham instructs Mr. Thompson to exert himself in favor of the innocent trade of American vessels and of the legitimate inward and outward trade of merchandise belonging to the citizens of the United States.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, October 12, 1893. (Received October 13.)

Mr. Thompson reports that the previously neutral fort of Villegaignon has declared for the cause of the revolution and participated in the general but fruitless bombardment on Tuesday last between the revolting vessels and three loyal forts. He announces that Rio de Janeiro will not be fired on. The revolutionists seized an English barge, but no report of interference with United States barges has been heard. A notice was issued by him on September 18 that the legitimate entry and export of merchandise owned by Americans would receive such protection as may be necessary.

Mr. Thompson to Mr. Gresham.

No. 39.]

LEGATION OF THE UNITED STATES,
Petropolis, October 13, 1893. (Received November 24.)

SIR: I have the honor to acknowledge the receipt of your cipher telegram of October 12, and at the same time to confirm mine of even date in reply.

With reference to the entry and export of American goods, I decided, after conference with commanding officer of the *Charleston*, to notify our citizens to continue with the loading and unloading of their vessels, using the American flag upon lighters and launches. A notice was published, of which I inclose copy (Inclosure 1), and no report of any interference has reached me.

It is difficult under present conditions to fix the legal status of Admiral de Mello and the revolting squadron. No favorable demonstration has been made for them on shore. Almost a constant bombardment of Nictheroy opposite Rio has been kept up, and though the place is poorly provided with means of defense the insurgents have not succeeded even in getting a foothold there. No force has been landed at any point, and no response to their appeal for support has been made outside of the navy. They are insurgents without apparent responsibility or backing.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure in No. 39—Notice published by Mr. Thompson.]

The envoy extraordinary and minister plenipotentiary of the United States of America to Brazil informs all American citizens engaged in commerce at this port that lighters, launches, sloops, barks, and all other means of navigation used in embarking or disembarking passengers or in loading or unloading freight, should carry the flag of the United States of America at the prow in order that their traffic may be performed safely and under the protection of American war vessels.

Such protection may be had by applying at the consulate-general of the United States of America, No. 20 Largo do Carioca, or, if necessity should require, on board the U. S. cruiser *Charleston*.

RIO DE JANEIRO, 27th September, 1893.

Mr. Thompson to Mr. Gresham.

No. 43.]

LEGATION OF THE UNITED STATES,
Petropolis, October 13, 1893. (Received November 24.)

SIR: Following my last dates I have the honor to report: The 20th and 21st ultimo were uneventful days. The city was calm and business showed signs of revival. The banks were all open and the streets resumed their usual appearance. On the 21st definite news was received of the appearance of the *Republica* at Santos and a detachment of soldiers was dispatched to São Paulo to reinforce that point. The 22d was full of excitement. The insurgents captured four merchant steamers belonging to national companies, together with a quantity of provisions. At 3 p. m. heavy fire opened between Santa Cruz and the *Aquidaban*, *Trajano*, and *Guanabara*, and one of the torpedo boats which lasted until 6. Owing to the remarkably bad gunnery neither side suffered much from the firing. One shot entered the city and killed two

persons. On the 23d a bombardment between Santa Cruz and the fleet lasted from 6 to 9 a. m., during which the *Guanabara* was struck by a shell. There was more or less firing all day on the 24th between Santa Cruz and the fleet. On the 25th about 500 Government troops concentrated at the custom-house for embarking and crossing the channel to the Island of Ilha dos Cobras occupied by the marine hospital and guarded by cadets of the naval school, thus far neutral. Admiral Saldana da Gama had raised the "red cross" flag over the hospital. As the island with good artillery would endanger the position of the fleet it was decided by the Government to occupy it. The insurgents, however, discovered the movement and the *Aquidaban* threatened the first barge load of soldiers that disembarked.

At 4 p. m. firing began, and for half an hour there was a rain of shot and shell over the business part of the city. The batteries on Sao Bento and Castle hills were also bombarded, and the shot fell in various parts of the city, as far away as Rua Princeza Imperial. The troops at the custom-house soon retreated and the engagement came to an end. On the 26th the attempt was renewed, and Henry T. Watmough, a London and Brazilian bank clerk, while eating his lunch was struck by a piece of shell and killed. The whistle of the shot was heard on the Rua do Ouvidor, and several shells burst directly over the city. The people fled in every direction. Many buildings were struck and damaged, though the actual loss of life was not very great. The Government having relinquished the idea of capturing Ilha das Cobras, there was a lull in hostilities on the 27th. Business, however, was wholly suspended in the city. The situation was made more critical by an order from the marshal to the shore batteries to fire on every vessel coming within range. There was a meeting of bankers and merchants, who talked of closing their doors until the crisis was over. On the 28th a sharp engagement occurred at the Ponta do Caja, S. Christovao, which was visited by steamers and launches of the squadron for the purpose of obtaining coal. The insurgents captured six lighters of coal belonging to the Brazilian Coal Company, the representatives of Corey Bros. & Co., of Cardiff. No demand seems to have been made, as was expected, by the British authorities for the return of the coal. On the 29th an incident occurred on the bay which is reported as follows: A boat being seen at the customary anchorage of the *Aquidaban* flying the British flag, a launch was sent from the British cruiser to investigate with the result of finding that it contained a torpedo, and was preparing to blow up the revolting ironclad. Two well-known Brazilian officers were of the party, an American named Boynton, an Englishman, and others. They were taken aboard the British cruiser charged with illegally flying the British flag, and subsequently Boynton was turned over to the commander of the *Charleston*, and is still in his custody. It is also reported that Boynton openly talked of his intention to blow up the *Aquidaban*, and of the large sum he was to receive for the service.

The 29th passed quietly. Business houses remained closed under the influence of more rumors of the bombardment of the city. A note was posted at the German consulate advising Germans to retire from the city. On the 30th notices were sent out from British and French legations that the bombardment of Santa Cruz would begin about mid-day and advising that people of those nationalities should at once retire from the city. A notice advising American citizens of the alarming condition was also posted at the American consulate. The exodus from the city was prompt and general. Firing was commenced on Santa

Cruz at 2 p. m. It is estimated that 196 shots were fired by the fleet and about double the number from the forts in the two hours during which the engagement lasted. As usual no serious damage was done by either side. Government authorities posted during the evening a bulletin declaring that the Government "is provided with all necessary means for maintaining order, and that it will immediately order shot every one who attempts to commit a crime against private property." On the 1st of September it was definitely known that foreign representatives were trying to arrange an accord by which the city should be protected from bombardment. There was but little movement on the bay during the day and quiet prevailed generally.

The 4th passed quietly and without any incident of importance both in the city and on the bay, with one exception. The news that an accord had been arranged through the mediation of the foreign powers possessing a naval force in the harbor, and to the effect that the city would not be bombarded nor provocation given therefor, had caused a return of confidence and a very general feeling of security. The banks and business houses were again open, coffee shipments were made, activity prevailed in the custom-house, and the streets were again full of people. No matter what steps were taken to overcome the revolt it was universally believed that the city would be protected from harm. On the morning of the 5th, soon after 7 o'clock, a part of the insurgent fleet drew up in front of the Saude Trapiches and sent two launches to the D. Pedro II docks after the coasting steamer *Barão de S. Diogo* which was discharging there. Fire was promptly opened on the launches not only with small arms but with cannon by the new battery and the S. Bento battery. The larger vessels supporting the raid then opened fire on the batteries about 8 o'clock, and for a few minutes a perfect storm of shot and shell swept over the Saude and the city beyond. It was the hottest engagement which has thus far been experienced. The fire directed at the two batteries on the hill led to some slight damage in the city. The 6th passed without any incident of importance other than the renewal of the accord for the protection of the city from bombardment, the vice-president giving orders for the removal of the artillery from the batteries which have done so much to provoke the firing on the city. The surprise of the 9th was the white flag of the revolutionists flying over Fort Villegaignon. It was known of course that the sympathies of the garrison were with their comrades and that if forced to take sides they would most probably join the fleet. The fort includes the marine barracks containing about 700 men. On the 10th a general bombardment took place between the fleet and Villegaignon against the three loyal forts in the bay, lasting from 4 to 7 p. m. A very grand display with no effective results.

I have, etc.,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Gresham

No. 44.]

LEGATION OF THE UNITED STATES,
Petropolis, October 13, 1893. (Received November 24.)

SIR: I have the honor to report that the cruiser *Charleston* arrived at Rio de Janeiro September 26. On the 27th I received Capt. H. F. Picking, her commander, at the American consulate-general, and informed him of the situation, advising that everything possible within

the scope of international law should be done through the instrumentality of his force to foster American commerce and protect American interests. Capt. Picking concurred in my views, and I immediately directed the publication of a notice to cover our conclusions.

On the 1st of October, by invitation of the British minister, I conferred with the representatives of England, Portugal, Italy, and France with regard to taking some action to prevent a bombardment of the city, when it was agreed that we should consult the commanders of the warships of our respective governments in the harbor, and we accordingly met them the same day on the French flagship *Aréthuse*, Admiral Libran commanding. At this conference it was stated by the French admiral that Rear-Admiral Custodio José de Mello, of the insurgent fleet, had informed him of his intention to bombard Rio de Janeiro. Based upon this threat it was advised that Admiral Libran protest against the execution of the threatened bombardment, and that the diplomatic representatives make a request through the foreign minister that the marshal vice-president deprive Rear-Admiral de Mello of every pretext for hostile action against the city of Rio de Janeiro. On the following day a note was prepared and presented to the minister of foreign affairs (inclosure 1), to which a response was in due time received (inclosure 2.)

On the 4th instant the commander of the foreign naval forces complained that measures had not been taken in the spirit of the reply of the minister for foreign affairs to deprive Rear-Admiral de Mello of every pretext for hostile action, and accordingly another note (inclosure 3) was submitted, to which a reply (inclosure 4) was returned. I also submit the response (inclosure 5) of the representatives to the note of the minister for foreign affairs (inclosure 4) of October 5.

These several notes explain themselves. In conclusion I am happy to inform you that through this action the safety of Rio de Janeiro from bombardment has been secured.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 44—Translation.]

Diplomatic Corps to Senhor Pereira.

RIO DE JANEIRO, October 2, 1893.

The commanders of the English, Italian, American, Portuguese, and French naval forces before Rio de Janeiro have informed Rear-Admiral de Mello that they will oppose, by force if necessary, all his attacks upon the city of Rio de Janeiro.

The representatives of England, Portugal, Italy, the United States of North America, and France, continuing in the line of conduct followed up to this time, not to interfere in the internal affairs of Brazil, but to assure the protection and safety of their fellow-countrymen and the higher interests of humanity, have the honor, in view of the above-mentioned declaration of the foreign commanders, urgently to request the Government of the United States of Brazil to deprive Rear-Admiral de Mello of all pretext for hostile action against the city of Rio de Janeiro.

The representatives of the same powers, in the event of the federal Government not acceding to this request, will communicate their reply to their respective governments, asking for instructions.

[Inclosure 2 in No. 44—Translation.]

Senhor Pereira to the Diplomatic Corps.

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, October 3, 1893.

The Vice-President of the Republic of the United States of Brazil saw with satisfaction that the commanders of the English, Italian, Portuguese, American, and French naval forces informed Rear-Admiral Custodio José de Mello that, if necessary, they would oppose with force all his undertakings against the city of Rio de Janeiro.

The representatives of England, Portugal, Italy, the United States of America, and France may rest assured that this intimation will not be prejudiced by the act of the Brazilian Government, which will deprive the said rear-admiral of every pretext for hostility against the said city.

JO. FELIPPE PEREIRA.

[Inclosure 3 in No. 44—Translation.]

Diplomatic Corps to Senhor Pereira.

RIO DE JANEIRO, *October 4, 1893.*

The representatives of England, of Portugal, of Italy, of the United States of North America, and of France have not failed to bring to the knowledge of the commanders of the naval forces of their respective countries, stationed in the bay of Rio Janeiro, the reply in which the minister of foreign affairs announced to them that the federal Government "will deprive" (*hade terar*) Rear-Admiral de Mello of every pretext for hostile action against the city of Rio Janeiro.

The commanders of the naval forces of the before-mentioned powers assembled in conference this morning, expressed great surprise that no measure had been taken in the spirit of that reply, but, on the contrary, they were equally surprised to observe that the Government was actively employed not only in increasing the armament of the existing batteries but also in constructing new ones.

The commanders of the naval forces, in bringing these facts to the knowledge of the representatives of their respective governments, have asked them to intervene with the federal Government in order that it shall give the necessary orders for the removal of the cannons comprising the batteries actually in the city, otherwise the commanders might find themselves obliged to withdraw the intimation which they addressed to Rear-Admiral de Mello to abstain from every act of hostility against the city of Rio de Janeiro.

The representatives of England, of Portugal, of Italy, of the United States of North America, and of France have the honor to bring the present communication to the knowledge of your excellency in asking urgently for the reply of the federal Government, which they will hasten to transmit to the commanders and, if necessary, to their respective governments in asking for instructions.

[Inclosure 4 in No. 44—Translation.]

Senhor Pereira to the Diplomatic Corps.

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, October 5, 1893.

In conference on the 14th of the past month the representatives of England, Italy, Portugal, and France requested the Government of the Republic to withdraw the batteries established on the heights of this city in order that its character as an open city might be preserved. On the following day I communicated to them the reply of the Vice-President of the Republic. His excellency declared that he had only placed the batteries on the 12th because he concluded from the inaction of the foreign squadron, in view of the bombardment of Nitheroy and many points of Rio de Janeiro that it considered the two cities as fortified, and he declared further that he could not accede to that request for the reasons shown, but he promised to order that the batteries should not provoke hostilities on the part of the revolted squadron, and this resolution was accepted as sufficient.

On the 25th the same representatives, and in addition that of Germany, honored me with a conference in which they advised me that they saw with pleasure the absten-

tion of the said batteries and promised to declare to Rear-Admiral Custodio José de Mello that he must not fire upon the custom-house. Notwithstanding this he did it on that same day without the least provocation and with the pretext that torpedoes were manufactured there which was entirely untrue. A few days afterwards, on the second of this month, the same representatives, except that of Germany, and in company with that of the United States of America, delivered me a note which had for its purpose to announce that the commanders of the respective foreign ships had informed Rear-Admiral de Mello that if it should be necessary they would oppose with force all his undertakings against the city of Rio de Janeiro, and to request the Government of the Republic to deprive him of every pretext for hostility against this capital. (*qu'il enlève à M. le Contre Amiral de Mello tout prétexte d'hostilité contre la ville de Rio de Janeiro.*)

I replied on the following day that Marshal Floriano Peixoto saw with satisfaction that such an intimation had been made to the rear-admiral and that he would remove every pretext. Finally, last night the representatives of England, Portugal, Italy, and France delivered me a new note, in which, though absent, is also mentioned that of the United States of America. From this it appears that the commanders of the naval forces saw with great surprise that no measure had been taken in the spirit of that reply and, that, on the contrary, the Government was actively employed in strengthening the existing batteries and in constructing new ones. The commanders had asked the representatives that they should intervene with the federal Government in order that it should remove the cannons from the said batteries, and if it were not done they would be obliged to withdraw the intimation made to the rear-admiral. The Vice-President, to whom I communicated this note without delay, was painfully surprised at the imputation which it contained, and at the interpretation which was given in it to the words, *enlever tout prétexte*, and to those others of my reply, "that every pretext should be taken away from the said rear-admiral."

It now appears that in the mind of the representatives and commanders, the first word signified the withdrawal of the cannons from the batteries, and that the others were interpreted by them as cumulative.

The Vice-President of the Republic did not understand nor could he understand that he was requested to withdraw the cannons; first, because in so important a matter the greatest clearness is indispensable, and secondly, because he considered as in force the agreement which I mentioned. The commanders of the naval forces are not well informed. The existing batteries were not strengthened, and no other was constructed. The Vice-President of the Republic does not understand the reason of so sudden a change in resolutions which appeared well agreed upon and sees with regret that this change may be interpreted, against the wish of the commanders and representatives, as moral aid given to the chief of the revolt who thus is put almost into the position of a belligerent. Still, leaving to these gentlemen the responsibility of the consequences of their new position, he will order that the cannons be withdrawn from the said batteries.

JOAO FELIPPE PEREIRA.

To the representatives of England, Italy, Portugal, United States of America, and France.

Diplomatic Corps to Senhor Pereira.

[Inclosure 5 in No. 44.—Translation.]

RIO DE JANEIRO, October 6, 1893.

The representatives of England, Portugal, Italy, the United States of America, and the chargé d'affaires of France have the honor to acknowledge the receipt of the note of the 5th instant from the minister of foreign affairs of the Federal Government, by which he informs them that orders will be given to remove the cannons from the batteries established in city.

The representatives of the above-named powers in expressing their satisfaction in this regard thank the minister of foreign affairs of the Federal Government for his communication. They have not failed to bring it to the knowledge of the commanders of the naval forces of their respective countries who on their side hastened to inform Rear-Admiral de Mello.

His excellency the minister of foreign affairs having observed that the President of the Republic "had not understood and could not understand that the removal of the cannons was in question," the representatives of the above-mentioned powers think it necessary to call his attention to the fact that in the belief of the commanders the presence of improvised batteries in the city of Rio de Janeiro has always been

the pretext given for a bombardment. They had the honor to call his attention to this point at the time of their first action on the afternoon of the 14th of September, action in which the minister of the United States of America did not join as there was no war vessel of his country in the bay of Rio de Janeiro.

With regard to the remark of his excellency the minister of foreign affairs that, contrary to the information which had come to the knowledge of the commanders of the foreign naval forces, "the batteries already established had not been strengthened and that no new ones had been established," the commanders of the said forces, relying upon direct observations and upon facts of public notoriety, hold to their opinion.

As to the attack on the custom-house in the afternoon of the 25th of September, and which has had assuredly regrettable consequences, the representatives of the before-mentioned powers have the honor to call the attention of his excellency the minister of foreign affairs to the fact that this attack was made before it was possible to communicate the reply of Mr. Joao Felippe Pereira to the commanders, who would have hastened to bring it immediately to the knowledge of Rear-Admiral de Mello.

The representatives of England, Portugal, Italy, the United States of America, and the chargé d'affaires of France, persevering in the line of conduct from which they have never deviated up to this day, not to interfere in the internal affairs of Brazil, have the honor to declare to the minister of foreign affairs that they can not accept any other responsibility than that which may result from the necessity of protecting the general interests of humanity and the lives and property of their countrymen.

Mr. Thompson to Mr. Gresham.

No. 45.]

LEGATION OF THE UNITED STATES,

Petropolis, October 14, 1893. (Received November 24, 1893.)

SIR: I have the honor to transmit herewith copy of a decree No. 1560, Brazilian Government, placing the revolting squadron and forts without the protection of the national flag.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure in No. 45.]

Decree No. 1560, of October 10th, 1893, concerning vessels and forts under the control of those engaged in the revolt of the 6th of September last, or that may hereafter join said revolt.

Whereas the national flag symbolizes and expresses the juridical personality of the Union, the perpetuity and integrity of the country, and its international sovereignty;

Whereas the national sovereignty extends to those vessels only that have a legal right to hoist the flag, which is the emblem of the natural and patriotic tie that binds them to the territory of the Republic and to the constitutional organs of sovereignty;

Whereas the right to use the national flag includes juridical protection, and, in the case of vessels of war, the representation of the armed force of the nation;

Whereas the land and sea forces, which are permanent national institutions, designed to defend the country abroad and to uphold the laws at home, are under obligations to maintain our constitutional institutions;

Whereas unmindful of their constitutional functions some of the vessels belonging to our national navy took possession of certain merchant vessels, armed them for war, and have since the 6th of September last committed all sorts of hostilities against the constitutional Government, the inoffensive people of Brazil, and both public and private property;

Whereas they have thus trampled upon the constitution, and by continuing to use the national flag have appropriated a symbol and emblem which they have no right to use, and under its shadow have committed criminal acts;

Whereas it is the duty of the Executive, in the exercise of the functions with which he is invested by the constitutionally expressed will of the nation, to maintain

unimpaired the international juridical personality of the Republic and to protect the honor of the national flag;

Now, therefore, the Vice-President of the Republic of the United States of Brazil hereby decrees as follows:

ARTICLE 1. For all effects of public, private, and international law the vessels and forts designated below are hereby declared to have forfeited their immunities, privileges, and prerogatives, together with the protection of the national flag.

(a) Those vessels of war which, on the 6th of September last, under the leadership of Rear-Admiral Custodio José de Mello, revolted in the bay of Rio de Janeiro against the constitution of the Republic and the legally-constituted authorities;

(b) Those merchant vessels which have been armed for war by the organizers of the revolt, and now are so armed, together with all other vessels of any kind whatever that are in their service;

(c) Those forts that are aiding the revolt.

ART. 2. All vessels and forts, whether permanent or temporary, that shall hereafter take part in the revolt, shall immediately become subject to the above provisions, without the necessity of any express declaration to that effect by the Government.

ART. 3. All legal provisions at variance with the foregoing are hereby repealed.

FLORIANO PEIXOTO.

FIRMINO CHAVES,

Minister of Marine.

FERNANDO LOBO,

Minister of Justice and of the Interior.

CARLOS AUGUSTO DE CARVALHO,

Minister of Foreign Relations.

JOAO FELIPPE PEREIRA,

Minister of Industry, Internal Communication, and Public Works.

FELISBELLO FREIRE,

Minister of Finance.

Done at the Federal capital, October the tenth, 1893, the 5th year of the Republic.

Mr. Thompson to Mr. Gresham.

No. 46.] LEGATION OF THE UNITED STATES,
Petropolis, October 16, 1893. (Received November 24, 1893.)

SIR: I have the honor to transmit a copy of the second proclamation of Rear-Admiral José Custodio de Mello, commander of insurgent forces in Brazil.

I was not able to procure a copy until this morning, and as the steamer leaves to-day I send it without the customary translation.

Your obedient servant,

THOS. L. THOMPSON.

[Inclosure in No. 46—Translation.]

Proclamation of Rear-Admiral de Mello.

The reestablishment of constitutional authority, the pacification of the Republic, and the suppression of militarism.

To my fellow-citizens:

The manifesto which I addressed to you on the 6th instant shows that I assigned as the principal objects of the revolution which, in command of the war vessels anchored in this port, I have set on foot against the dictatorial government of the Vice-President of the Republic, the following: The reestablishment of constitutional authority, the pacification of the Republic, and the suppression of militarism.

Twenty-seven days have elapsed since then, and not a single one of the war vessels stationed outside of this port has made any manifestation against the lofty and patriotic cause espoused by its companions in arms; on the contrary, their sympa-

thies are all with the revolution, whose objects are in all points identical with that of Rio Grande do Sul.

The only ones that have declared against it are the authorities created by the Vice-President of the Republic.

If these positive facts are not sufficient to show how great is the isolation of the Vice-President in the midst of the nation, there are others, still more significant, which clearly show his weakness. I refer to the means to which he is now having recourse for the purpose of putting down the rebellion.

These means are *lying, bribery, cunning, and even crime*, in their most revolting and odious forms.

He has *lied* to the nation (1) by saying that my real motive in pursuing the course I have adopted is the desire to secure greater power, pretending not to know that it is impossible for a man to be ambitious who, after the revolution of November 23, 1891, handed over the power to the Vice-President of the Republic and resigned the office of minister of the marine (which circumstances had compelled him to accept) as soon as he found that it was impossible for him to prevent the Vice-President from continuing to misuse his authority, and when the latter had capriciously determined to continue to carry on the civil war in Rio Grande do Sul, in spite of the desire for peace which had been manifested by the nation at large; (2) by asserting that the Vice-President of the Republic has abundant resources at his disposal, and that the revolted squadron can not leave this port owing to the torpedoes that have been placed at the entrance to the bar.

He has resorted to bribery in all its forms, more or less seductive, especially (1) with the naval officers who were on shore (at the meeting at the navy-yard on the 8th instant), by offering large sums of money to the inferior officers of the corps of national marines if they would incite the garrison of the fortress of Villegaignon to revolt; (3) by increasing the pay of the land troops.

He has had recourse to *cunning*, principally (1) for the purpose of depriving the revolutionists of the benefit of the neutrality of the strong fortress of Villegaignon, by trying to relieve the present commandant and to put in his place Capt. Baptista Leão - whom the officers of the fort refused to receive; afterwards, by sending there, to take the places of those officers, a numerous commission composed of other officers, at the head of whom was the reformed Vice-Admiral Jeronymo Gonçalves, who was driven away by the indignant national marines at the point of their rifles; (2) by ordering the commander of the ironclad *Bahia*, which was stationed at Monte Ideo, to repair to the city of Rosario, in the Argentine Republic, and by instructing the commander of the cruiser *Tiradentes* to order that vessel into the dock at Montevideo, where its engine was ruined; this caused a revolt of the crew, which could not be put down without assistance from the authorities on shore; (3) by seeking to cast odium upon the revolted squadron by asserting that it had bombarded the peaceful city of Rio de Janeiro for the sole purpose of forcing its inhabitants to compel the Vice-President to surrender the executive power.

He has had recourse to perfidy on various occasions, the most disgraceful case being the following, inasmuch as it affected the honor of the nation: On the 27th instant a steam launch carrying the British flag was captured by a vessel belonging to the British cruiser *Sirius*. The launch was stationed near the ironclad *Aquidaban*, and on board of it was found a large torpedo together with several hundred dynamite cartridges.

The crew of this launch consisted of two Englishmen, two Americans, one Belgian, one German, and three Brazilians.

He has had recourse, finally, to the crime of *murder*. On the 24th instant, at nightfall, a Spanish boatman came on board of the *Aquidaban*, saying that he was the bearer of an article which was to be placed in Admiral Mello's own hands. That article was an infernal machine charged with dynamite, and fastened inside of a book.

In order to preserve evidence of this infamous attempt at assassination, a statement was prepared, which was signed by many persons on board, and also by the bearer of the infernal machine, which was shown to the commanders of the foreign war vessels, and which is now in my possession.

The mere statement of these facts is sufficient to show the weakness of the dictator and his inability to cope with the revolutionists, who have him besieged in his residence, the capital of the Republic, and offers a sad picture of that unpatriotic, scandalous, and criminal policy which has reduced Brazil to the condition which we now see her, and which furnishes ample justification for the revolution.

The only stronghold in which the Vice-President of the Republic still finds support is the fortress of Santa Cruz, but the inability of that fortress to resist the squadron was made manifest on the occasion when a naval division, consisting of armed vessels and torpedo boats, convoyed by the cruiser *Republica*, went to operate on the southern coast.

As to the bombardment of the 13th instant, its sole object was to silence the bat.

teries that were firing on the squadron from Castle Hill and from that of São Bento; and the bombardment of the 25th, when the navy-yard and the custom-house docks were fired upon, was because no attention was paid to the summons to surrender—either to the squadron or to the commander of a foreign warship—the tug *Audaz* and other vessels which were being armed in those docks to enable them to resist the squadron.

Such, fellow-citizens, is the situation of the revolution, and such is that of the personal government of the Vice-President of the Republic, blockaded, as it is, in the federal capital, and powerless to send assistance to the States. When I think that the proper time has arrived to help them shake off the yoke of tyranny I shall do so, and the squadron will find on our coasts the supplies which it needs, besides those which are already stored on board of the vessels that have been captured in this port. The triumph of the revolution will then be final, unless the Brazilians understand, before that time, that they are the victims of a treasonable crime, committed by a man whose sole purpose is the retention of power, and who obeys no principles save those which are flagrantly subversive of the constitution, from the reckless squandering of the public funds to intimidation and terrorism.

The liberties and the justice of the Republic have never yet been overthrown by tyranny and absolutism.

The divine laws are infallible, and infallible will be the triumph of our cause.

CUSTODIO JOSÉ DE MELLO,
Rear-Admiral.

On board the *Aquidaban*, in the port of Rio de Janeiro, September 30, 1893.

Mr. Gresham to Mr. Thompson.

No. 30.]

DEPARTMENT OF STATE,
Washington, October 19, 1893.

SIR: I have to acknowledge receipt of your No. 11, of the 19th ultimo, in relation to the restrictions placed on commercial telegrams by the Brazilian Government, and to commend your efforts to free legitimate commerce from unnecessary restraints of the character set forth in your dispatch.

I am, etc.,

W. Q. GRESHAM.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 21, 1893. (Received October 21.)

Mr. Thompson represents the situation as unchanged. He reports repeated failures of the insurgents in their attempts to disembark forces, and the daily continuance of bombardment between the forts. He announces the arrival on this day of the U. S. S. *Newark*.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 21, 1893. (Received October 21.)

Mr. Thompson reports the efforts of Admiral Mello, commander of the revolting squadron, for the formation of a government at Catharina and his renewed threat to bombard Rio de Janeiro, founded on the

alleged manufacturing of torpedoes at the Government arsenal; also a rumor to the effect that Rio de Janeiro will be declared under blockade.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 24, 1893. (Received October 25.)

Mr. Thompson reports the receipt on this day, through the officer commanding the United States naval forces, of a communication from Admiral Mello announcing that a Provisional Government of the United States of Brazil was established on October 14 at Desterro, the capital of Santa Catharina, and requesting recognition by the United States as belligerents. The minister for foreign affairs of that Provisional Government has addressed in the same way a similar communication to him and the representatives of the European governments. He gives the names and attributions of the head of the government and members of the cabinet; transmits the reported failure of the insurgent vessel *Republica*, which had gone to Montevideo for the purpose of asking recognition by Uruguay, in securing the same; adds that, according to Admiral Mello's assertion, the Rio Grande revolutionists and the insurgent navy are making common cause against the Peixoto Government.

Mr. Gresham to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 25, 1893.

Mr. Gresham acknowledges Mr. Thompson's telegram of the 24th, and remarks that recognition by the United States of the insurgents as belligerents would be an unfriendly act toward Brazil and a gratuitous demonstration of moral support to the rebellion, the insurgents having not, apparently, up to date established and maintained a political organization which would justify such recognition on the part of the United States. He instructs him to observe, until further advised, the attitude of an indifferent spectator, and communicates to him the President's expectation that he will transmit to the Department all information bearing on events transpiring at Rio de Janeiro and other ports of Brazil and espouse the cause of neither side.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 30, 1893. (Received October 31.)

Mr. Thompson asks whether he is authorized to protect American merchandise placed on Brazilian barges against the insurgents, using force if necessary. He explains that cargoes can not be landed in Rio de Janeiro unless barges are used.

Mr. Gresham to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 1, 1893.

There having been no recognition by United States of the insurgents as belligerents and there being no pretense that the port of Rio is blockaded, it is clear that if an American ship anchored in the harbor employs barges and lighters in transferring her cargo to the shore in the usual way and in doing so does not cross or otherwise interfere with Mello's line of fire and he seizes or attempts to seize the barges or lighters, he can and should be resisted. You will deliver or send a copy of this instruction to the commander of the insurgents.

GRESHAM.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, November 7, 1893. (Received November 8.)

Mr. Thompson reports are markable prevalence of good order in Rio de Janeiro. The insurgents do not appear to make any progress, and the daily fighting in the bay and along the shore is attended with no important results. The Government fire destroyed two powder magazines on islands held by the insurgents. Two English officers, whose bodies have not been found, and 1 sailor were killed and 5 injured by the last explosion. The newly-appointed minister for foreign affairs is a deputy from Rio Grande do Sul, an insurgent province whose leaders are averse to act with Admiral Mello. The Government cause is believed to have been helped by the latter's movements.

A Government force of 1,500 men is now advancing from Paranagua, where ammunitions and supplies have been sent from Bahia by Vice-President Peixoto, for the purpose of driving the insurgents from Catharina Island, which they hold. Its population amounts to 12,000, but the remainder of the State on the mainland is still loyal to the Republic.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, November 8, 1893. (Received November 8.)

Mr. Thompson reports the killing, from the machine-gun firing directed on the previous day on Rio de Janeiro, of several noncombatants and of a young woman who was standing in front of the consulate of the United States. He transmits the information, which still lacks confirmation, of the recapture of Catharina Island by the Government forces.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES.

Petropolis, November 9, 1893. (Received November 10).

Mr. Thompson transmits the complaint of Vice-President Peixoto in regard to the nonintervention of the foreign commanding officers in the matter of the violation of the arrangement, to which the Government has adhered, for its part, by the insurgents who, actuated by desperation, have been aggressive during the past few days and are still continuing to fire on Rio de Janeiro. The damage to property in the city has not been very great so far, but much danger is apprehended from bombardment. He reports that the apparent lack of gain on the side of the insurgents is adding strength to the cause of the Government, that the former lost a torpedo boat in the engagement of November 8, and that mutiny and disease is currently said to prevail among them.

Mr. Thompson to Mr. Gresham.

No. 65.]

LEGATION OF THE UNITED STATES,

Petropolis, November 10, 1893. (Received December 18.)

SIR: While at our consulate in Rio de Janeiro on the 24th of October Rear-Admiral Stanton delivered to me two inclosures which contained, respectively, a communication from the minister of foreign affairs of the Provisional Government of the United States of Brazil (inclosure No. 1) and a letter from Rear-Admiral Custodio José de Mello, of the insurgent squadron of the United States of Brazil (inclosure No. 2). I hesitated to receive them, but as they came through the medium of our admiral, decided to do so, and at once wired the contents of same to you. I did not acknowledge receipt of the documents by letter, but authorized Admiral Stanton to say they were delivered to me. I now have the honor to forward copies of the papers received as per inclosures noted above.

I have, etc.,

THOMAS L. THOMPSON.

[Inclosure 1, in No. 65—Translation.]

Senhor Cardozo to Mr. Thompson.

PROVISIONAL GOVERNMENT OF THE UNITED STATES OF BRAZIL,
DEPARTMENT OF FOREIGN AFFAIRS,

Desterro, October 17, 1893.

I have the honor of announcing to your Excellency that on the 14th day of this month was organized, with seat in this capital, the Provisional Government of the Republic of the United States of Brazil, instituted for the defense of the constitution.

The Naval Captain Frederico Guilherme Lorena assumed the post of Chief of this Government.

The Legislative Assembly, president of this state, supreme court of justice, and land and sea forces proclaimed this Government. In the whole territorial extent of the State, the people joyfully received this news and pledged their aid to the Government instituted for the salvation of the Republic and constitution. Peace reigns throughout the State.

By the Chief of the Government the citizen Joaõ Carlos Monraõ doz Santos was named minister of marine, public works and interior and the undersigned for war, treasury and foreign affairs.

On this date I have the high honor of directing to your Excellency this same communication by telegraph.

ANNIBAL ELOY CARDOZO,
Minister of Foreign Affairs.

[Inclosure 2 in No. 65—Translation.]

Rear-Admiral Mello to Mr. Thompson.

HEADQUARTERS OF THE INSURGENT SQUADRON OF THE
UNITED STATES OF BRAZIL,
On board the Aquidaban at Rio de Janeiro, October 23, 1893.

SIR: I have the honor to inform you that the State of Santa Catharina, the revolutionists of the State of Rio Grande de Sul, and the insurgents of the Brazilian squadron, making common cause, have just founded a Provisional Government of the republic in opposition to the personal and unconstitutional government of Marshal Floriano Peixoto.

The new Government, whose seat is the city of Desterro (capital of the State of Santa Catharina, and which has as chief of the executive power Naval Captain Frederico Guilherme de Lorenca, has charged me to solicit the European Governments and that of the United States of North America to recognize it as a belligerent.

You are a witness, sir, of the progress of the revolution of Rio Grande and of the insurrection of the squadron as well as the sympathy that they have aroused in the entire country; so much so that I am of the opinion that with the already assured material support of the State of Santa Catharina and of other States in which the revolution has powerful means of action (Paraná, for instance, the conquest of which is very easy), the government of Marshal Peixoto will necessarily be overthrown. As evident proof in support of my affirmation I will cite his powerlessness in face of the revolution of Rio Grande, which has now lasted nearly a year, and with regard to the insurgent squadron, which holds him in check even in the bay of the capital of the Republic, where he can perform no sovereign act.

Not yet wishing to employ extreme and bloody measures (such as the bombardment of cities) to hasten the end of this unfortunate civil war, the Provisional Government of the Republic thinks that by its recognition as a belligerent the same result would be reached, only more slowly.

I dare then beg you to be the kind intermediary with your Government in order that the humanitarian work which we should all take to heart may be accomplished as quickly as possible.

I seize this opportunity, etc.,

CUSTODIO JOSÉ DE MELLO,
Rear-Admiral.

Mr. Thompson to Mr. Gresham.

No. 66.]

LEGATION OF THE UNITED STATES,
Petropolis, November 10, 1893. (Received December 18.)

SIR: On the 21st of October Rear-Admiral Libran, in behalf of the commanders of the foreign naval forces in the bay, informed the diplomatic representatives through the dean of the corps that the Federal Government was having cannon prepared in the arsenal of marine, and projectiles made in the war arsenal and that these acts would provoke on the part of the insurgents an attack upon the arsenals which would bring disastrous consequences upon the neighboring quarters and especially the Misericordia hospital, which contained 1,400 or 1,500 patients of all nationalities. A meeting of the diplomatic representatives was held and I have the honor to report herewith correspondence covering the matters noted below.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1, in No. 66.—Translation.]

Diplomatic Corps to the Naval Commanders.

RIO DE JANEIRO, *October 22, 1893.*

The representatives of England, Portugal, Italy, the United States of North America, and the chargé d'affaires of France present their compliments to Rear-Admiral de Libran and have the honor to submit for his consideration, as well as that of the other commanders interested, copy of the draft of a note that they intend to send to the Federal Government in case the said draft shall meet with the joint approval of Admiral de Libran and the said commanders.

[Inclosure 2 in No. 66.—Translation.]

Naval Commanders to the Diplomatic Corps.

Rio de Janeiro, October 23, 1893.

The commanders of the foreign naval forces have the honor to present to the representatives of their respective powers the observations which the note addressed to them suggests.

They think that the operations of the war arsenal can not be assimilated to the presence of cannon in the city, for if the arsenal is making arms, these arms are not destined for an action of the city itself but for an action of the forts. One can not, therefore, accuse the Government of failing in its promises, for up to the present we have asked for the abstention of the city in direct acts of war only. Moreover, they think that one can not indicate to the Government what it should do to deprive Rear-Admiral de Mello of his projected pretext for an attack. For, to indicate to the Government a line of action to follow is to become responsible for the consequences which might ensue.

They think, therefore, that it would suffice to point out the new situation to the Government and to confine the note to the contents of the first paragraph in calling attention to the consequences which a military action would bring upon the arsenal and population, while leaving it free to decide upon that which it shall think proper to do.

The commanders of the Portuguese, Italian, English, American, and French naval forces.

A. DE LIBRAN.
O. F. STANTON.
W. M. LANG.
A. DE LIBERA.
AUGUSTO DE CASTILHO.

[Inclosure 3 in No. 66.—Translation.]

Diplomatic Corps to Minister of Foreign Affairs.

RIO DE JANEIRO, *October 23, 1893.*

The representatives of England, of Portugal, of Italy, of the United States of North America, and of France have been informed by the commanders of the naval forces of their respective countries that the Federal Government is at the present moment having cannons prepared in the arsenal of marine and projectiles made in the war arsenal, and that these acts will provoke on the part of the insurgents an attack upon the arsenals.

This attack would bring disastrous consequences upon the neighboring quarters, and especially the Misericordia Hospital, which contains from fourteen to fifteen hundred patients of all nationalities.

à S. E. CARLOS DE CARVALHO.

[Inclosure 4 in No. 66.—Translation.]

*Minister of Foreign Affairs to the Diplomatic Corps.*MINISTRY FOR FOREIGN AFFAIRS,
Rio de Janeiro, October 24, 1893.

I have received the joint note which your excellency and the representatives of Portugal, Italy, the United States of America, and France addressed to me to-day, saying that they have been informed by the commanders of the naval forces of their respective countries that the Federal Government is at the present moment having cannon prepared in the marine arsenal and projectiles in the war arsenal.

I have brought to the knowledge of the Vice-President of the Republic the facts set forth on this subject in the said note.

Be pleased, etc.,

CARLOS DE CARVALHO.

[Inclosure 5 in No. 66.—Translation.]

*Senhor Nascimento to the Diplomatic Corps.*MINISTRY FOR FOREIGN AFFAIRS,
Rio de Janeiro, October 27, 1893.

The Vice-President of the Republic has taken cognizance of the verbal note which the representatives of England, Portugal, Italy, the United States of America, and France addressed on the 24th of this month to my predecessor concerning information received from the commanders of the respective naval forces according to which the Federal Government is having cannon prepared in the marine arsenal and projectiles made in the war arsenal. The Vice-President thinks that the rights of the legal government would be singularly limited to the advantage of the insurgents if its means of defense were successively considered dangerous, but his excellency authorizes me to declare to the representatives that the acts denounced do not exist; no preparation of the kind indicated has been made in the two arsenals.

CASSIANO DE NASCIMENTO.

Mr. Thompson to Mr. Gresham.

No. 68.]

LEGATION OF THE UNITED STATES,
Petropolis, November 10, 1893. (Received December 18.)

SIR: I transmit herewith a short résumé of historical events and of the causes bearing upon the present revolution in Brazil. The data were gathered from various sources, and were prepared with the hope that it will be of assistance in the determination of questions arising here.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure in No. 68.]

REPORT UPON THE CAUSES OF THE REVOLUTION.

The fall of the Empire and the proclamation of the Republic took place on the 15th of November, 1889. This result was brought about by means of the united action of the people, sustained by the army and navy. Marshal Deodoro Fonseca was acclaimed provisional president, and he at once set about establishing a firm government, being greatly aided by Col. Benjamin Constant, to whom most Brazilians seem now to give greatest credit for the success of the revolution. A general election for deputies and senators from the respective States (provinces) to form the

first congress was ordered, and in due time 265 members were chosen, representing all of Brazil. This congress, after much debate and the careful consideration of every article, on the 24th of February, 1891, adopted a federal constitution, with certain temporary articles attached. The constitution is modeled principally by those of the United States of America, Chile, and Switzerland, and is liberal. As soon as this was done, in obedience to one of temporary articles, which declares that the first President and Vice-President shall be elected by Congress, an election was held and Deodoro Fonseca was chosen President and Floriano Peixoto Vice-President for the first term, which ends on the 15th of November, 1894. After much contention with the congress which had elected him, President Deodoro, on the 3d of November, 1891, dissolved that body and ordered a new election for March of the following year.

On the 23d of the same month the army, navy, and a majority of the expelled congressmen combined and forced the abdication of President Deodoro in order, as they declared, to vindicate the law and the constitution, and Floriano Peixoto, the Vice-President, succeeded according to the constitution. Deodoro, supported neither by the people, army, or navy, was obliged to accede to the demands of the revolution, and, being in a wretched state of health, died soon afterwards. In the meantime the provinces had respectively adopted their state constitutions and elected governors, and during the twenty days of his dictatorship most of them had given their adherence to Deodoro Fonseca. When Floriano Peixoto was firmly seated, however, by the advice of his cabinet, the most active of whom was Admiral José Custodio de Mello, his minister of marine, who is chief of the present naval revolt, the people of the states were incited to depose their governors, and, with the aid of newly appointed local officers, they elected new governors, who in time appointed new officers, all of whom were supposed to be favorable to Floriano's ideas. Now, one of the principal charges made by Mello against Peixoto is the act of interposing in state governments.

The reestablished Republic found the state of financial affairs very low and Floriano took means at once to restore confidence. Amongst other embarrassments the General Company of Railways (Companhia Gareas) had issued an immense deal of stock in excess of the legal limit and its officers, it was charged, had falsified more shares, aggregating millions beyond the legal issue. Deodoro was about to extend the protection of the Government to this gigantic scheme when Floriano refused to have anything to do with it. The company was thrown into bankruptcy and the losers (counted by hundreds of thousands) who suffered by the failure of the Gareas Company at once became vindictive enemies of the Government and especially of its President, Floriano Peixoto. From this source commenced the opposition to Floriano which culminated when 13 of the highest army and navy officers, backed by politicians, addressed an open letter to Floriano ordering the President to call an election of the people to choose a President in accordance with the provisions of act 42 of the constitution, which reads: "In case of vacancy from any cause, in the presidency or vice-presidency, before the expiration of the first two years of the presidential term, a new election shall be held." But the Vice-President, Peixoto, taking as his guide the temporary provision of the constitution, which reads, "Article 1, section 2. The President and Vice-President thus elected shall occupy the presidency and vice-presidency of the Republic during the first presidential term," refused to call an election. It is claimed that it was openly declared at the time of the adoption of the constitution that the object of the temporary provision referred to was to prevent a popular election until after the first presidential term, in order that the people should be able through experience to make a proper choice. The Vice-President ordered the protesting generals placed upon the retired list of the army.

On the 10th of April, 1892, some of these retired officers, in association with other discontented elements of society, attempted a revolution, which was quickly suppressed, and the leaders of it were exiled. In June of the same year Congress met and by a large majority approved the action of Floriano with regard to the quasi revolt, and then voted a bill of amnesty to the exiles. That Congress also confirmed Floriano's interpretation of the temporary provision of the constitution. Article 43 of the constitution provides that "the President shall hold his office during four years, and is not eligible for reelection for the next succeeding term. (Sec. 1.) The Vice-President, who shall fill the presidency during the last year of the presidential term, shall not be eligible to the presidency for the next term of that office." A bill was passed in the last Congress providing that a Vice-President can under no circumstances be reelected in case he has served as President for the last two years of the term, and Peixoto vetoed the bill. This veto is said to have been the immediate pretext of Mello's revolt, the design being to obstruct the approaching congressional and presidential elections. Santa Catharina was never considered steadfast in political attachments. It is one of the States which gave its adhesion to the Republic only after it was established. When Deodoro by his own *ipse dixit* dissolved

Congress, the governor of Santa Catharina, who had been chosen almost unanimously by the people, wrote at once, applauding the violent action, and giving his adhesion to Deodoro's cause.

Twenty days later, when Mello started a revolution, which resulted in Deodoro's resignation, and Floriano, as vice-president, succeeded him and reestablished the Congress which Deodoro had dissolved, Governor Lauro Muller, at the behest of revolutionists, was forced to resign and Floriano nominated Machado as governor. New state officers were commissioned and a day appointed for a general election, which returned a new state legislative assembly, and that body chose Machado governor. Afterwards when the revolution broke out in Rio Grande Machado took the part of the revolutionists against Floriano, the source of his power and position. He also dissolved the supreme court and denounced Floriano as an anarchist and tyrant. Philip Schmidt, member of the National Congress from Catharina, brought charges against Machado for having dissolved the supreme court, and under the operation of law he left the executive chair until his case would be heard before the proper tribunal. Elisen Guilherme, the first vice-president, succeeded him. The people from the colonies, together with Brazilians, it is said, put out *vi et armis* Guilherme and proclaimed Hercilio de Luz, President, but the National Congress made a protest and Floriano was forced to reinstate Guilherme. Guilherme left the Presidency to Vice-President Christovao Pires, who is now serving. When Mello made the existing naval revolt Christovao telegraphed to Floriano, announcing himself loyal to the Government. His son, employed in the post-office department, was, however, a suspect, and was recently discharged, and the father, as governor or president of Catharina, is now in alliance with Mello. The Federal Government having little faith in the governor of Santa Catharina, recently dispatched an aide-camp and several military officers to raise a force to defend the State in conjunction with Col. Serra Martini and Maj. Firmins, who commanded the military stationed there. Desterro, the capital of the State, is on the island of St. Catharina, which contains, including the city, about 12,000 inhabitants, the population of the State of Santa Catharina being about 238,000. Latest reports from that locality indicate that the forces of Peixoto have recaptured Desterro, which is the seat of Mello's provincial government.

Mr. Thompson to Mr. Gresham.

No. 69.] LEGATION OF THE UNITED STATES,
Petropolis, November 10, 1893. (Received December 18, 1893.)

SIR: A holophote established by the Government on Gloria Hill, one of the commanding points of the city, having been fired upon by the insurgents, complaint was made that the light was being used to assist the Government forts against Villegaignon, an insurgent fort, which led to the correspondence I have the honor herewith to report, as noted below.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 69—Translation.]

Senhor de Carvalho to Mr. Wyndham.

MINISTRY FOR FOREIGN AFFAIRS,
Rio de Janeiro, October 19, 1893.

SIR: The Vice-President of the Republic to whom I have just communicated the object of the conversation which, at your request, I had to-day with you, the ministers of Portugal, Italy, and the United States of America, and the *chargé d'affaires* of France, authorizes me to say that he agrees with you that the holophote established on Gloria Hill being destined for the service of the police of the port should not assist the fortresses of entrance against Fort Villegaignon.

Accept etc.,

CARLOS DE CARVALHO.

[Inclosure 2 in No. 69—Translation.]

Mr. Wyndham to Senhor Carvalho.

RIO DE JANEIRO, *October 20, 1893.*

SIR: I have the honor to acknowledge receipt of your excellency's note of yesterday, in which you inform me by authority of His Excellency, the Vice-President of the Republic, that the holophote established on Gloria Hill, being destined for the service of the police of the port, shall not assist the fortifications of entry against the fort of Villegaignon.

I hastened to transmit copies of this communication to the ministers of Portugal, Italy, the United States of North America, to the chargé d'affaires of France, as well as to Admiral Libran for his information and of the commanders interested.

Accept, etc.,

HUGH WYNDHAM.

[Inclosure 3 in No. 69—Translation.]

Senhor Carvalho to Mr. Wyndham.

MINISTRY FOR FOREIGN AFFAIRS,

Rio de Janeiro, October 23, 1893.

SIR: Acting under the authority of the Vice-President of the Republic, I declared to your excellency, in a letter dated the 19th inst., that the holophote erected on the Gloria Hill, being destined for the service of the police of the port, would not aid the fortresses at the entrance against that of Villegaignon, and it has been strictly confined to this purpose, thus avoiding all pretext for hostilities that might compromise the security of the harmless population of this city. But, nevertheless, on the night of the 20th to the 21st, the light being turned upon a part of the bay lying between the fort of Santa Cruz and Boa Viagon, the fort of Villegaignon fired three times, and again a few minutes afterward, when the light was turned upon the squadron anchored toward the end of the bay.

On the same night, about 9 p. m., a torpedo boat was seen by the light of the holophote near the quay of Flamengo which approached rapidly, followed by the said light. Upon this the fort of Villegaignon fired three shots with a quick-firing gun; these shots were accompanied by firing from "mitrailleuses" from the said launch as far as the point of the military arsenal.

The same torpedo boat returned at 11 p. m., and having been seen by the light of the holophote when she was off the quay of Santa Lucia, she fired on the Gloria height and the shore. Again yesterday Villegaignon opened a most lively fire with cannon and mitrailleuses on the said Gloria height and on the shore.

From these attacks it results that a number of projectiles fell in the suburbs of Cattete and Sarangeiras. In informing your excellency of these occurrences I abstain from all comment, and I take this step simply to place your excellency in possession of authentic information without in any way wishing to create situations which can not be easily explained, or which can even lightly be suspected of not being the expression of the conscience of the rights and duties which nations admitted to the communion of the international law of the West must defend and observe.

I have, etc.,

CARLOS DE CARVALHO.

[Inclosure 4 in No. 69—Translation.]

Diplomatic Corps to the Naval Commanders.

RIO DE JANEIRO, *October 24, 1893.*

The representatives of England, Portugal, Italy, the United States of North America and France have the honor to inclose herewith to Admiral de Libran and to the commanders of the naval forces of their respective countries copy of a note addressed yesterday evening by the minister of foreign affairs of the Federal Government to Mr. Wyndham.

The representatives of the same powers beg Admiral de Libran and the commanders interested to take into consideration the observations presented by the minister of foreign affairs and which appear provoked and to make to Rear-Admiral Mello such representations as they shall judge useful to prevent nocturnal attacks on the

city of Rio de Janeiro by the insurgent forces, attacks that have for several days past endangered the lives and safety of foreigners and of all the inhabitants of the city.

[Inclosure 5 in No. 69—Translation.]

Naval commanders to the Diplomatic Corps.

The commanders of the American, English, Italian, Portuguese and French naval forces stationed in the bay of Rio de Janeiro, assembled to-day, the 25th of October, on board the *Arethuse* in order to take cognizance of a letter from the minister of foreign affairs of the Government of the United States of Brazil, which was transmitted to them by the representatives of England, Portugal, Italy, the United States of North America, and of France.

This letter speaks of the firing upon the city by the fort of Villegaignon and an insurgent torpedo boats discovered during the night by the holophote placed on the Gloria Hill, and the members of the diplomatic corps beg the commanders to consider what representations it would be possible to address on this subject to Rear-Admiral de Mello.

The commanders have the honor to inform the above-mentioned members of the diplomatic corps that they do not think it possible to intervene in an efficacious manner in questions of this kind.

They have, indeed, occasion to state that the failures to observe the agreements entered into to prevent these unfortunate incidents, occur as well on the side of the city as on that of the insurgents; that they are the acts of subordinates, and by consequence they think it would be very difficult to prevent a renewal of them.

AUGUSTO DE CASTILLO.
W. M. LANG.
A. DE LIBERO.
O. F. STANTON.
A. DE LIBRAN.

[Inclosure 6 in No. 69—Translation.]

Diplomatic Corps to Senhor de Carvalho.

The representatives of England, Portugal, Italy, the United States of North America, and of France have not failed to communicate to the commanders of the naval forces of their respective countries the note of his excellency the minister of foreign affairs of the 23d of October, in which he calls attention to the attacks to which the shore and Gloria Hill were subjected by the insurgents on the occasion of the projection of electric light from the holophote situated on this hill.

The foreign commanders have just informed the representatives of the before-mentioned powers that they do not think it possible to intervene again in an efficacious manner in questions of this character. The commanders have in fact been in a position to state that the failures to observe the agreements entered into to prevent these unfortunate incidents come as frequently from the side of the city as from that of the insurgents that they are the deeds of subordinates and that it would be very difficult to prevent their recurrence.

Mr. Thompson to Mr. Gresham.

No. 70.]

LEGATION OF THE UNITED STATES.

Petropolis, November 10, 1893. (Received December 18.)

SIR: I have the honor to report that the U. S. S. *Newark* arrived at Rio de Janeiro October 19 and on the 20th I had the pleasure of a call from Rear-Admiral Stanton at the U. S. consulate, which I returned on Saturday the 21st and was received with the usual formalities and great kindness by the admiral on board the *Newark*.

On the 22d I had occasion to visit the *Newark* again to consult the

Admiral, and before my departure Rear-Admiral de Mello, commander of the revolting squadron, came on board. When the visitor was announced I signified my desire to leave, but it was not convenient for me to do so at once, and a few minutes later I was introduced by Admiral Stanton to the commander of the insurgent naval forces. His visit was brief and seemed to be entirely of a social character, as no allusion whatever was made to politics or the revolution.

In this connection it may not be out of place for me to state in justice to that gentleman that during his stay here and my official intercourse with him I saw nothing whatever to indicate partiality on the part of Admiral Stanton.

I have, etc.,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Gresham.

No. 74.]

LEGATION OF THE UNITED STATES,
Petropolis, November 14, 1893. (Received December 18.)

SIR: If there is a precedent covering the conditions which have prevailed here since the inauguration of Mello's revolution, on the 6th of September, I have not been able to find it. Over two months have elapsed and there seems to be at this time no indication of an early solution of the unhappy issues.

A remarkable feature of the conditions at the beginning of the revolution was the attitude of neutrality assumed and maintained for several weeks by one of the principal forts in the harbor, Villegaignon, and also that of the naval school and arsenal situated upon the Ilha das Cobras, commanded by Admiral Saldanha de Gama, who also has possession of a gunboat. This admiral is reputed to be an avowed monarchist. It is said he does not hesitate to proclaim himself on all occasions in favor of the reestablishment of the Empire, and that he declined, for that reason, to accept appointment from the Republic. But while he claims to be neutral in the pending contest it is generally believed, and I have knowledge that confirms me in the opinion, that he is in sympathy with the insurgents, possibly in the hope that results favorable to the restoration of the monarchy may follow the overthrow of the existing Government. His status of neutrality has undoubtedly been of great advantage to the Mello movement. This, however, has not been noticed by the existing Government until the last few days. There is now talk of steps being taken to subject the command of Admiral de Gama to governmental authority. Such action will probably cause him to declare openly for the insurgents.

The situation has been an exceedingly difficult one to deal with and we have been fortunate in suffering no losses to this date, either in life, property, or commerce. The position taken by this legation at the outset with regard to commerce has just been applied by the joint action of the commanders of the foreign naval forces to all foreign commerce, and I feel assured we shall have no serious difficulty as long as that attitude is maintained.

Before the arrival of the *Charleston* diplomatic representatives of foreign nations having war ships in the harbor, viz, England, Italy, France, Portugal, and Germany, had conferred together with a view of preventing, if possible, the bombardment of the city of Rio. Agreeably to the terms of your cipher telegram of September 29, in response to

an invitation received through the dean of the diplomatic corps, I conferred on the 2d of October with the ministers of England, France, Portugal, and Italy, and have advised you of all intermediary action taken to prevent further destruction of property and bloodshed.

I have, etc.,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, November 15, 1893. (Received November 16.)

Mr. Thompson announces that the State of Pernambuco has this day been placed under martial law.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, November 16, 1893. (Received November 17.)

Mr. Thompson transmits information sent him by the consul of the United States at Pernambuco stating that the peace is not disturbed in the city, and reporting the suppression of newspapers and imprisonment of three members of Congress.

Mr. Thompson to Mr. Gresham.

No. 78.]

LEGATION OF THE UNITED STATES,
Petropolis, November 16, 1893. (Received December 18.)

SIR: I have the honor to transmit copy and translation of decree No. 1597, Brazilian Government, dated November 14, placing the State of Pernambuco under martial law.

This fact was reported in my cipher telegram of the 15th instant, and is said to have been caused by the action of a deputy of the national Legislature attempting to aid the cause of the insurgents by inflammatory speeches. The deputy, together with two other members of Congress, was imprisoned.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure in No. 78.—Translation.]

Decree declaring state of siege in Pernambuco.

[From Diario Official, November 15, 1893.]

Decree No. 1597 of the 14th of November, 1893, declares a state of siege until the 30th of the current month in the State of Pernambuco. The Vice-President of the Republic of the United States of Brazil considering that the grave internal commotions

which called for the actual suspension of the guaranties of the constitution in the District Federal and in some of the States in the south of the Republic, being likewise manifest in Pernambuco, he has determined by the terms of article 80 of the constitution to extend to that part of the territory of the union the state of siege declared by decree No. 1577 of the 28th of October ultimo from the present date to the 30th of the current (month).

Federal Capital, the 14th of November, 1893, fifth of the Republic.

FLORIANO PEIXOTO.
FERNANDO LOBO.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, November 17, 1893. (Received November 17.)

Mr. Thompson reports that the commanders of foreign vessels have asked the insurgents to cease firing while they search the harbor for floating torpedoes, and ask whether he may, jointly with his colleagues of the diplomatic corps, present that request of the commanders in view of obtaining that the forts do likewise.

Mr. Gresham to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 17, 1893.

Mr. Gresham instructs Mr. Thompson to join in the request, which should be made to both parties, if the floating torpedoes are proving a damage to neutral vessels, that they permit the removal of those torpedoes.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, November 18, 1893. (Received November 19.)

Mr. Thompson transmits a request of the United States consul at Pernambuco, where, according to a prevalent report, the citizens and troops have been engaged in a conflict, that at the instance of American citizens a war vessel of the United States be sent to that port.

Mr. Gresham to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 20, 1893.

Mr. Gresham, remarking that Mr. Thompson's telegram of the 19th does not afford a sufficient basis for instructions, directs him to confer with the commander of the naval forces of the United States, and warns him that he should report facts and not rumors.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, November 23, 1893. (Received November 23.)

Mr. Thompson reports that on the previous night a shell fired from one of the Nictheroy batteries sank the monitor *Javary* of the insurgent fleet.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, November 23, 1893. (Received November 24.)

Mr. Thompson transmits the information given him by the minister of foreign affairs that a decisive battle may be expected to take place within a few days between a force of 1,800 revolutionists marching from Rio Grande to Santa Catharina and 5,000 troops ordered against them in ten detachments by the Government.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, November 29, 1893. (Received November 29.)

Mr. Thompson reports that the attack of the insurgents on Nictheroy and Santa Catharina has been repulsed, the *Pallas* being wrecked and the *Madeira* burned. He says that the situation appears favorable to the Government.

Mr. Thompson to Mr. Gresham.

No. 88.] LEGATION OF THE UNITED STATES,
Petropolis, November 30, 1893. (Received January 2, 1894.)

SIR: I have the honor to transmit copy and translation of decree No. 1602, Brazilian Government, continuing in the District Federal and the States of Pernambuco, Rio de Janeiro, San Paula, Parana, Santa Catharina, and Rio Grande do Sul, the state of siege (martial law) heretofore declared.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure in No. 88.—Translation.]

Decree No. 1602, November 29, 1893, declaring state of siege.

Continues until December 25 next to come the state of siege declared by decrees No. 1577, October 28 last, and No. 1597, November 14 current.

The Vice-President of the Republic of the United States of Brazil.

Considering that the reasons of the decrees No. 1577, October 28 last, and No. 1597 of the 14th of the current month, continue to exist, resolves by the provisions of article 80 of the constitution to continue until the 25th of December next to come the state of siege declared by the decrees cited in the District Federal and the States of Pernambuco, Rio de Janeiro, San Paula, Parana, Santa Catharina, and Rio Grande do Sul.

Federal Capital, November 29th, 1893, fifth of the Republic.

FLORIANA PEIXOTO.
FERNANDO LOBO.

From Diario Official, November 30, 1893.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, December 1, 1893.

Mello left bay at one this morning, going south in *Aquidaban*.

THOMPSON.

Mr. Thompson to Mr. Gresham.

LEGATION OF THE UNITED STATES,

No. 93.] *Petropolis, December 4, 1893.* (Received January 2, 1894.)

SIR: Since the transmission of my No. 74, November 14, the most important event which has taken place here was the departure of Admiral Mello from the waters of the bay of Rio de Janeiro. On the 29th of November he notified the foreign naval commanders that he was preparing to leave, and at 1 o'clock in the morning December 1 sailed out of the bay in his flagship the *Aquidaban*, accompanied by the *Esperanza*, an armed transport belonging to his fleet. I witnessed the departure of the insurgent commander from the deck of the *Charleston*. The transport was in advance of the flagship and they passed the entrance to the sea under a blaze of fire from the forts, which was hotly returned by the *Aquidaban* and the insurgent fort Villegaignon. Mello sailed south, and has since been reported at anchor off Ilha Grande, a quarantine station 60 miles south of Rio. During the firing, as the ships went out, they were struck; the engineer of the *Esperanza* was killed and her machinery damaged. No other damage has been reported on either side. The destination of Mello is supposed to be Desterro, the seat of the Provisional Government set up by him, or Montevideo, though it is conjectured he may change his course and go north to Pernambuco for the purpose of intercepting there some new war vessels arriving for the Government. The effect of Mello's change of base is variously estimated, one theory being that he has made an agreement with the neutral admiral, Saldanha da Gama, by which the latter is to unite with him and aid in the overthrow of Peixoto, and in the event of success the proposition of da Gama to reestablish the empire is to be submitted to the people. Certain it is that Admiral da Gama has been actively engaged in fortifying the Ilha das Cobras, and it is believed he will in the course of a few days assume command of all the insurgent forces in the bay. Except as to his past attitude of neutrality in the pending crisis, he seems to be well thought of by the

people. From conversations had with them on the subject I conclude that the commandants of the foreign naval forces are of the opinion that in the recent engagements preceding the departure of Mello, the insurgents suffered some irreparable losses, chiefly in ships and munitions of war.

I have, etc.,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, December 5, 1893. (Received December 12.)

Fifteen leading American merchants Riode Janeiro send this message: This city fired into daily with small shot and shell without any notice. A number of foreigners have been killed. We ask that our squadron be instructed to prevent firing into the city until proper notice is given, and to keep constantly a line of communication with the consulate.

THOMPSON.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, December 5, 1893. (Received December 6.)

Mr. Thompson reports that the insurgent vessels are at present in a very bad condition; that Mello has sailed from the quarantine station at Ilha Grande, which he pillaged, in a southerly direction, and that it does not seem to be necessary to send a war vessel at this time to Pernambuco under the present condition of affairs there.

Mr. Thompson to Mr. Gresham.

No. 94.]

LEGATION OF THE UNITED STATES,
Petropolis, December 5, 1893. (Received January 2, 1894.)

SIR: Concerning the matter of bombardment, I have the honor to report great difficulty in dealing satisfactorily with that subject owing to peculiar conditions which embarrass the situation. The Government is situated within the corporate limits of the city of Rio de Janeiro and can not be deprived of the right to defend itself from assault. The city has remained unfortified, but infantry with small arms are stationed near the shore to prevent the approach of insurgent launches to land troops.

When launches or torpedo boats approach the shore they are fired upon by the Government troops stationed on the water front, and that is made a pretext for indiscriminate firing on all parts of the city

with machine guns stationed at Fort Villegaignon and on the war ships of the insurgents.

No regular bombardment with large guns has taken place, but many men, women, and children have been killed at points far removed from the location of the infantry on the city front, and the commanders of the foreign naval forces declined to interfere to prevent the indiscriminate firing. I foresaw this difficulty and suggested that the naval commanders should require the insurgents to give notice of any intention to bombard the city. They did not, however, think they could do that, because in warning Mello not to bombard they had assumed an attitude of hostility to the insurgents. I am still of the opinion that the indiscriminate firing upon innocent people should stop or at least timely notice be given of the bombardment to enable noncombatants to place themselves beyond the reach of the fire. In some instances large shells have been fired into the city. It seems to me that instructions similar to those given to Admiral McCann* in Chili covering bombardment would apply very well to the situation here. In this connection I have the honor to submit, as per inclosures herewith, copies of correspondence that has taken place since my last report between the Government, the diplomats whose Governments are represented by naval forces, and the foreign commanders; also a letter touching the subject of bombardment, addressed to me by American merchants residing in Rio, most of whom are engaged in the coffee trade, and all of whom are worthy citizens.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 94.]

MEMORANDUM.

Observations made by the British Minister.

BRITISH LEGATION, November 9, 1893.

On the night of the 7th instant I received a telegram from the minister for foreign affairs begging me to call upon him at his ministry on the 8th instant at midday. I accordingly did so. His excellency said that on the 6th instant while firing was going on between the forts at the entrance of the bay and Villegaignon, some people along the shore had applauded when some shots fell upon the fort, which then fired upon them, the fire being returned with rifles by the Government troops; that on the same day the *Aquidaban* fired for nearly a quarter of an hour upon the town with machine guns throwing balls in various directions, and amongst other places the Miserecordia hospital was struck on that day. That by the fire from the *Aquidaban* and Villegaignon one civilian had been killed and two persons wounded in the city; that while the *Aquidaban* was firing some steam launches from the foreign squadron were seen to approach her, and that she then ceased firing and had not since then fired upon the town. His excellency said that he did not know whether to attribute this fact to any remonstrances on the part of the foreign squadron or not. But he said that although the *Aquidaban* had ceased to fire on the town, Villegaignon had not, and that guns had been at intervals fired during the following day, the 7th instant, sometimes in one direction, sometimes in another, and that the holophote on the *Gloria* had been fired at in broad daylight.

Senhor Nascimento reminded me that the Government had entered into an agreement with the foreign representatives not to fire with guns upon the fort or ships; there had, he said, been rifle firing from the town and into the town from steam launches which had not done much harm. Alluding to the firing onto the *Gloria* holophote some time ago he said that that had been attributed by the foreign naval commanders to the act of subordinate officials, which statement the Federal Government had accepted, it having emanated from the foreign commanders, but in this case the

* See House Ex. Doc. No. 91, Fifty-second Congress, first session, pp. 237, 244.

town had been fired upon by the insurgent flagship. His excellency went on to say that the Government had strictly observed their engagement but that they would be strangely limited in their rights if they were not to return the fire of the insurgents if they fired upon the town. He said that he was afraid that as they became desperate they would have recourse to the same acts in order to create, if possible, a panic in the town and he begged to call my serious attention to the matter.

I sent a short memorandum of my conversation with Senhor Nascimento to Capt. Lang yesterday, begging him to report it to the Italian admiral, and I also spoke to M. Lugun on the subject and I expressed the hope that he would see Admiral Magnaghi at once with regard to it, which he said he would.

[Inclosure 2 in No. 94.—Translation.]

Naval commanders to the Diplomatic Corps.

RIO DE JANEIRO, November 17, 1893.

The commanding officers of the naval forces, as a sequel to their telegram of the 9th instant, have the honor to add that in their opinion the cannon firing that the Brazilian Government reproaches the *Aquidaban* and Villegaignon with having directed against the city is not of a different nature from that which passes incessantly between the insurgents and the Government troops along the quays, in the fusillades to which the Government itself does not seem to attach much importance, as shown by its note to the dean of the diplomatic corps. Indeed, the shots from the *Aquidaban* and Villegaignon in the direction of the city were evidently fired with mitrailleuse and other arms of small caliber, to reply to the fire of the land troops against the insurgent boats and the garrison of Villegaignon.

The commanding officers have several times had to recognize that the insurgent forces could not always be accused of having provoked these little fights. They have probably been frequently brought about by the inexperience of the troops stationed along the quays, an inexperience that has been proven by the fact that these troops fired upon a Portuguese boat carrying its war flag.

On this occasion the Government excused itself by saying that the troops had not recognized the flag and thought that they were firing upon an insurgent boat.

In this state of affairs the commanding officers can only confirm the opinion that they have expressed in their telegram, namely, that there is not sufficient reason to address a collective note to Admiral de Mello in order to remind him of his agreement.

The commander of the Portuguese naval forces.

AUGUSTO DE CASTILHO.

The commander of the Dutch naval forces.

HOFFMANN.

The commander of the naval forces United States America.

HENRY F. PICKING.

The commander of the English naval forces.

N. M. LANG.

The rear-admiral commanding the French naval forces.

A. DE LIBRAN.

The rear-admiral commanding the Italian naval forces.

G. B. MAGNAGHI.

[Inclosure 3, in No. 94.—Translation.]

Diplomatic corps to the Minister of Foreign Affairs.

RIO DE JANEIRO, November 16, 1893.

The ministers of England, Portugal, Italy, the United States of America, and the chargé d'affaires of France have the honor to inform his excellency the minister of foreign affairs that the commanding officers of the foreign naval forces in the bay of Rio de Janeiro having examined the complaints made on the 8th instant to the dean of the diplomatic corps are of the opinion that the fire directed upon the city of Rio de Janeiro by Fort Villegaignon and by the *Aquidaban* with machine guns was provoked by the incessant firing of inexperienced troops stationed along the shore of the city.

The commanders are fully of the opinion that under the circumstances it would not be appropriate to communicate with Admiral de Mello in order to remind him of his engagements.

[Inclosure 4 in No. 94.—Translation.]

Minister for Foreign Affairs to the Diplomatic Corps.

MINISTRY FOR FOREIGN AFFAIRS,
Rio de Janeiro, November 21, 1893.

The minister of state for foreign affairs has had the honor to receive the note which the ministers of England, Portugal, Italy, the United States of America, and the chargé d'affaires of the French Republic addressed to him on the 16th instant announcing that the commanding officers of the respective naval forces in the bay of Rio de Janeiro having examined the complaints made by him to the dean of the diplomatic corps are of the opinion that the fire directed upon the city by the fort of Villegaignon and the battle ship *Aquidaban* with quick firing guns was provoked by the incessant fusillades of inexperienced troops stationed along the shore of the city.

The object of the conference of the 8th instant to which the note alludes was not and could not be the presentation of complaints against the conduct of the insurgents, but merely to make known that they continued to fire upon the defenseless city in spite of the existing agreements.

In this conference the minister of state for foreign affairs confirmed what he said on the 27th of the preceding month to the foreign diplomatic agents, namely, that his entrance into the ministry would in no wise change that which had been agreed upon, for the reason that under the present administration the direction of political affairs belongs to the President of the Republic, that the Government persisted in its intention of not placing cannon on the existing batteries, and that it was not exact to say that cannon were being prepared in the marine arsenal and that projectiles were being made in the war arsenal, and finally that the squadron, already despairing of victory, as soon as it thought itself lost would violate *in toto* the agreements it had entered into with the foreign naval forces.

The Vice-President of the Republic, with all due deference to the belief of the commanders, can not understand how, their ships being actually anchored at the end of the bay and the view being intercepted by the Ilhas da Cobras, they can be certain that the fire of the fort of Villegaignon and of the battle ship *Aquidaban* was provoked by the incessant fusillades of the inexperienced troops of the shore.

Doubtless muskets have been fired from the shore, but always justifiably. The commanders can not pretend, for instance, that the troops stationed along the shore should remain passive when the boats of the insurgents approach in a hostile manner. In driving them off by musket firing they exercise the right of defense which the Government has not yet surrendered and certainly will not surrender. It is a matter of public notoriety and one which the commanders can not ignore that the insurgents fire upon the city indiscriminately, killing and wounding many people and destroying property in places which are free from all hostile action.

The Vice-President takes cognizance of the notice given out by the commanders that it would not be proper for them to address Mr. Mello to remind him that he should respect his agreements.

[Inclosure 5 in No. 94.]

Messrs. James B. Kennedy and others to Mr. Thompson.

RIO DE JANEIRO, November 29, 1893.

SIR: The undersigned American citizens doing business in this city, feeling that their lives are daily endangered without any notice, respectfully request that, if you do not deem it inappropriate, you will send to our Government at Washington in their name the following message: "This city is fired into daily with small shot and shells without any notice. A number of foreigners have been killed. We ask that our squadron be instructed to prevent firing into the city until proper notice is given and to keep constantly a line of communication with the consulate."

Thanking you in advance for complying with our request, which we trust you will feel able to do, we subscribe ourselves, your obedient servants,

JAMES B. KENNEDY.
 LOUIS R. GRAY.
 WILLIAM T. ANDERSON.
 WILLIAM J. EWING.
 FRANK NORTON.

E. T. LAWRENCE, JR.
 WILLIAM H. LAWRENCE.
 JOHN S. KEOGH.
 S. T. STRATTON.
 J. V. BECHTINGER.
 A. C. HILL.

Mr. Thompson to Mr. Gresham.

No. 95.]

LEGATION OF THE UNITED STATES,
Petropolis, December 5, 1893. (Received January 27, 1894.)

SIR: I have the honor to acknowledge the receipt of your telegram of November 20, stating that you were unable to base instructions upon my telegram of November 18.

Referring to the above, I beg to state that the information telegraphed was the same as received by me and I have not been able to obtain anything more definite from Mr. Burke, who reports only rumors of impending dangers at Pernambuco. Information from other sources, however, signifies that all is quiet in that State, and Capt. Picking will not send a naval vessel there.

I have, etc.,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, December 9, 1893. (Received December 10.)

Mr. Thompson, referring to his dispatch No. 74, reports that Admiral da Gama has declared in favor of a restoration of the Government such as it existed before the Republic was established and joined the cause of the insurgents.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, December 13, 1893. (Received December 14.)

Mr. Thompson reports that he has had an interview with the minister of foreign affairs of the Federal Government, who declared on behalf of the same, that the restoration of the Empire will be henceforth the object of the insurgents.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, December 14, 1893. (Received December 14.)

Mr. Thompson announces that the naval officers of Great Britain have ceased protecting their shipping upon a notice given by Da Gama to the foreign commanders that he is about to make an effort to stop merchandise from being landed.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, December 17, 1893. (Received December 18.)

Mr. Thompson, in announcing that the commanding officers have ceased to interfere for the protection of commerce, states that there has been no change in the situation, and expresses the opinion that Mr. Gresham's instructions of November 1 should be carried out. He adds that it appears from the protest of American vessels that Capt. Picking, the senior officer of the United States forces, has also withdrawn intervention; but it has not been possible to verify this, as Capt. Picking does not communicate with the land.

Mr. Thompson to Mr. Gresham.

No. 107.] LEGATION OF THE UNITED STATES,
Petropolis, December 18, 1893. (Received February 3, 1894.)

SIR: I have the honor to transmit copy and translation of the manifesto of Rear-Admiral Saldanha da Gama, dated December 7, but which was not made public until the 9th of this month, also copy and translation of a decree issued by the Brazilian Government declaring Admiral Saldanha a deserter, etc.

From the manifesto it will be seen that the insurgents now propose to change the form of government, overthrowing the Republic and restoring the Empire, subject, however, to a ratification by the people. It is understood that this ratification would be merely a matter of form, and should the insurgents be successful the Empire will undoubtedly be restored. The moral effect alone of a victorious armed force would insure this result.

The reception, however, of this manifesto has not been at all flattering to the monarchical cause. It has been met by opposition in nearly every state, and the press has been filled daily with protestations. The many appeals of Admiral Saldanha to the officers of the federal army to aid him have been met with refusals and expressions of loyalty to the Republic.

It can not be denied, however, that there is much sympathy with the restoration movement. This is confined mostly to the former officers under the Empire, and those who received distinction, social or otherwise, under it. They have very little, if any, influence with the masses, and are apparently inactive, giving, no doubt, financial aid to the insurgents.

Since the failure of the people to flock to the imperial standard, it is said Admiral Saldanha will issue another manifesto denying that it was his purpose to restore the monarchy. What effect this will have can not be foretold.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 107.—Translation.]

Manifesto of Rear-Admiral Saldanha da Gama, of the Brazilian navy.

[From O Paiz, December 10, 1883.]

To my Fellow-citizens:

Being averse, both on principle and by instinct, to all manner of revolt, I have never engaged in intrigues of any kind.

Now, however, in the painful historical crisis through which our native land and our government are passing, the situation of the country compels me to take part in the contest.

Accepting this situation, which patriotism forces upon me, I join hands—without any preliminary arrangement, in broad daylight, and with a realizing sense of the responsibility which I am assuming—with my brethren who have been valiantly fighting for a year past on the plains of Rio Grande do Sul, and for three months past in the harbor of this capital, to free Brazil from a military despotism, which is rendered still more unbearable by a combination of partisan bigotry with the most unbridled Jacobinism.

Being a naval officer and having been an opponent of militarism all my life, I am now going to fight it with the sword. Being a Brazilian, it is to my interest to make every effort to put an end to this terrible crisis which has brought our country to anarchy and into discredit, and has crushed out all its liberties.

Both logic and justice warrant us in seeking, by force of arms, to replace the Government of Brazil where it was on the 15th of November, 1889, when in an unguarded moment—a moment of national stupefaction—it was overthrown by a military insurrection, of which the present Government is but a continuation.

The respect, however, which is due to the will of the nation, freely expressed, tells us that it is proper for it to choose, on its own responsibility, the kind of institutions that it desires to adopt.

I offer my life, together with the lives of my companions in arms, as a sacrifice on the altar of my country.

The army, which is now doing battle with its proverbial bravery, can no longer continue to defend a Government that has lost the moral support of the nation and its credit in foreign countries. Its persistence in that inglorious role, even should it be successful, would at length change it from a national force, as it is now, into a pretorian guard, like those under the later Roman Empire.

The cry for our political redemption, which was raised on our southern frontier, and which passed through Santa Catharina, Paraná, and S. Paulo until it reached this capital, has now reechoed in the extreme north.

Brazilians, in order to hasten the victory which, sooner or later, is sure to come, you must lend the weight of your moral influence to the struggle. It is a well-known fact that the national cause in whose defense I am about to enlist already has the support of all the conservative classes of Brazilian society, of the toilers and producers, and of those, too, who are opposed to sedition, mutiny, and disorder.

The will of these classes must prevail, and they must, therefore, unmistakably make it known that they are determined to shake off the abominable yoke of slavery which the military despotism of 1889 would fain keep on their necks.

Compatriots, nations that yield up their rights can not complain of their oppressors.

Brazil, whose past history is brief but honorable, has a great future before her. She can only attain it by freeing herself from a despotism which degrades her, both in her own eyes and in those of the civilized world.

Show that we are not a conquered but a free people that is conscious of its destiny.

This is the situation.

I hope to be able to perform my duty as a Brazilian, whatever sacrifices it may cost.

Do you perform yours!

LUIZ FELIPPE SALDANHA DA GAMA,
Rear-Admiral in the National Navy.

ILHA DAS COBRAS, December 7, 1893.

[Inclosure 2 in No. 107.—Translation.]

Decree of Acting President Peizoto, of December 10, 1893.

Whereas, Rear-Admiral Luis Felipe de Saldanha da Gama, the officer in charge of the naval school, who enjoyed the full confidence of the Government, has betrayed his trust by abetting the insurrection led by Rear-Admiral Custodio José de Mello, which he has declared, in a public document, that he favors;

Whereas, Rear-Admiral Saldanha, who was charged with the training of youth for the honorable profession of seamanship, has, instead of instructing his pupils in the principles of order and discipline, incited them to revolt, in direct opposition to republican teachings, and has inculcated doctrines at variance with, and subversive of, all principles of civil probity and military honor;

Whereas, he has for three months betrayed the confidence placed in him by the Government, which supposed him to be engaged in the faithful performance of his duties, inasmuch as he was almost daily asking for the supplies which he needed, in order to meet the wants of the naval school;

Whereas, when he visited the marine hospital, in the name of humanity, to maintain order and security, his only object was to incite the seamen of the navy who were on sick leave and the employés of that institution to revolt just as he had previously done to the naval cadets;

Whereas, he has secretly collected elements of war and illegally taken possession of articles belonging to the Government that were in the commissariat-general of the navy;

Whereas, during the night between the 9th and 10th instant he opened a brisk fire with artillery and small arms upon the troops that are guarding public establishments and defending the coast, his projectiles striking many central points in this capital;

Therefore, I, the undersigned, Vice-President of the Republic of the United States of Brazil, have resolved to include Rear-Admiral Luiz Felipe de Saldanha da Gama among the number of the insurgents of the national navy, who are already considered deserters, to declare him a traitor to his country, because he seeks to overthrow the Republic by force of arms, and to subject him, on account of these crimes, to the penalties provided by military law.

Rear-Admiral Felipe Firmino Rodrigues Chaves, minister of state for naval affairs, will see that this decree is executed.

FLORIANO PEIXOTO,
FIRMINO CHAVES.

Done at the federal capital, December 10th, 1893.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
December 21, 1893. (Received December 21.)

Mr. Thompson reports that Capt. Picking has refused protection to American vessels which have been allowed by the proper authorities to land their cargoes at the docks and in the neighborhood, basing his action on the ground that the line of fire of the insurgents would be interfered with and neutrality consequently violated. He explains that inasmuch as the said line of fire is not confined to any particular place in the bay, besides being desultory, the commerce of the United States will suffer serious impediments in consequence. He reports that in compliance with an order issued some days ago by the Government merchant vessels have left their berths near the islands of Enchados, Cobras, and Santa Barbara.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, December 22, 1893. (Received December 22.)

Mr. Thompson reports that the Federal Government, with a view to attacking the insurgent ships which lately adopted the practice of firing upon the troops on shore from amongst the merchant vessels of foreign nations with which they had sought refuge, has issued an order for such exposed vessels to move.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, December 25, 1893. (Received December 27.)

Mr. Thompson communicates a notice sent by the insurgents to the Italian admiral of their intention to bombard should they not receive recognition as belligerents; he observes that the engagements with the insurgents have not been enforced by the naval commanding officers and reports that a very perceptible change of feeling in favor of the Government has been created by the proclamation in which Da Gama favors the restoration of the Empire.

Mr. Gresham to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 25, 1893.

You should remain in Rio unless danger is greater than reported.
GRESHAM.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, December 26, 1893. (Received December 27.)

Mr. Thompson reports that Da Gama has on this day sent him, through Capt. Picking, a communication setting forth that the insurgents have the support of the people; that they are conducting naval operations in the south, where they have a squadron; that it is now four months since they engaged in the revolution, and that they ask for recognition as belligerents. He adds that the request will not be recommended by the diplomatic corps.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, December 27, 1893. (Received December 28.)

Have been in Rio most of the time; always when needed. Your suggestion will be observed.

THOMPSON.

Mr. Thompson to Mr. Gresham.

No. 112.] LEGATION OF THE UNITED STATES,
Petropolis, December 27, 1893. (Received February 3, 1894.)

SIR: I have the honor to transmit herewith copy and translation of decree No. 1617, Brazilian Government, prolonging the state of siege heretofore declared in certain States of the Republic.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure in No. 112—Translation.]

Decree No. 1617 of the 25th of December, 1893—Prolongs to the 31st of January next the state of siege declared by decree No. 1602 of November 29, 1893.

The VICE-PRESIDENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL:

Seeing that the serious internal disturbance that led to the suspension of the constitutional guaranties in certain parts of the territory of the Republic has not yet ceased, resolves by the terms of article 80 of the constitution to prolong up to January 31 next the state of siege in which, by decree No. 1602 of November 29 last, were declared the federal district and the States of Pernambuco, Rio de Janeiro, São Paulo, Parana, Santa Catharina, and Rio Grande do Sul.

Capital federal, December 25, 1893, fifth of the Republic.

FLORIANO PEIXOTO,
CASSIANO DO NASCIMENTO.

Mr. Thompson to Mr Gresham.

No. 114.] LEGATION OF THE UNITED STATES,
Petropolis, December 28, 1893. (Received February 3, 1894.)

SIR: I have the honor to acknowledge the receipt of your telegram of December 26, instructing that I remain in Rio and at the same time to confirm mine of the 27th in reply.

In this connection I beg to state that from the beginning of the naval revolt we have had two trains a day without interruption between Rio and Petrópolis; that during the months of September and October, and until the 20th of November, I was in Rio every day from 10 a. m. until 4 p. m., and when necessary remained there over night. During this period I was several times exposed to the fire of the insurgents, and on one occasion to that of the Government troops while on official business at the foreign office. I have never missed an engagement, and am not aware that I was ever absent when my presence there was required in an official capacity. About the 20th of November the dean and other members of the diplomatic corps, whose governments are represented here by naval forces, having, through the intermediary action of the latter with the insurgents, adjusted an accord to prevent bombardment of the city, ceased making daily trips to Rio. Excepting one period of eight days since the 20th November, when I was not well enough to go, I have been down from two to three times a week.

Fearing that some unwarranted report may have caused you to think otherwise I deem it proper to make this statement.

I have, etc.,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, December 30, 1893.

Da Gama has been notified by the commandants that two days' notice must be given before a bombardment.

THOMPSON.

Mr. Thompson to Mr. Gresham.

No. 117.]

LEGATION OF THE UNITED STATES,
Petropolis, December 31, 1893. (Received Feb. 3, 1894.)

SIR: I have the honor to inclose copies of three notes from the diplomatic corps to the foreign commanders.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 117—Translation.]

Diplomatic Corps to the Naval Commandants.

PETROPOLIS, *December 17, 1893.*

The representatives of Great Britain, Italy, the United States, Germany, Austria-Hungary, France, and Portugal, at the request of Rear-Admiral Magnaghi, handed to the dean of the diplomatic corps by Capt. Lang, on the 3d of this month, have lost no time in approaching the minister for foreign relations of the federal Government, with a view to securing for foreign shipping a landing place other than that at the navy-yard, which no longer afforded the requisite safety.

The federal Government, in compliance with the request of the representatives of the above named powers, have just given notice to the consular authorities concerned that the new landing place selected is the place of the city of Rio de Janeiro, known as Praça da Harmonia.

[Inclosure 2 in No. 117—Translation.]

Diplomatic Corps to the Naval Commandants.

PETROPOLIS, *December 19, 1893.*

The representatives of Great Britain, Italy, the United States, France, and Portugal, have the honor to submit for the consideration of the commanding officers of their respective naval forces certain information to the effect that it is Rear-Admiral Saldanha da Gama's intention to prevent all merchandise from reaching either the custom-house or the shore. They beg them to observe that such a pretension would hamper the commercial operations of the foreigners which the said representatives and commanding officers are charged by their respective governments with the duty of protecting. The representatives of the above-named powers also call the attention of the commanding officers to the fact that shells and projectiles of various calibers fired by the insurgent forces fall into the city of Rio de Janeiro and make numerous and innocent victims of all nationalities. They deem it their duty to especially call the commanders' attention to the engagement assumed by Mr. Saldanha da Gama not to fire upon the city "save under imperative circumstances." (Salvo circunstancias imperiosas.)

[Inclosure 3 in No. 117—Translation.]

Diplomatic Corps to the Naval Commandants.

PETROPOLIS, December 17, 1893.

The diplomatic corps have the honor to acknowledge the receipt of the telegram of the 13th of December, of the commanders of the foreign naval forces, and beg to remark that they hold themselves, as they have heretofore, at their entire disposal whenever imperative circumstances may render a conference necessary. A notice, either by letter or telegram, sent in good time to Petropolis will suffice to secure a meeting on the very next day at noon, at the dean of the diplomatic corps, in the office of the British consulate, Travessa Dom Manoel, No. 8, at Rio de Janeiro.

Mr. Thompson to Mr. Gresham.

No. 118.] LEGATION OF THE UNITED STATES,
Petropolis, December 31, 1893. (Received February 3, 1894.)

SIR: I have the honor to inclose herewith a note from the foreign commanders to Admiral da Gama on the subject of the bombardment of Rio.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure in No. 118.—Translation.]

Naval Commandants to Rear-Admiral da Gama.

RIO DE JANEIRO, December 25, 1893.

The commanding officers of the naval forces of Italy, England, France, the United States of America, Portugal, and Austria-Hungary have the honor to inform Admiral Saldanha that in case the bombardment should become inevitable, contrary to every expectation, they will exact, while not committing themselves to any course of action, that a previous notice of at least two days will be given in order to put in safety their fellow-countrymen who inhabit the city, and all their property floating on the bay.

The commander of the Austrian naval forces,

HOLECJIK.

The commander of the Portuguese naval forces,

DE CASTILHO.

The commander of the naval forces of the United States

of America,
PICKING.

The commander of the French naval forces,

DE BARBEYRAC.

The commander of the English naval forces,

LANG.

The rear-admiral commanding Italian naval forces,

G. B. MAGNAGHI.

Mr. Thompson to Mr. Gresham.

No. 119.] LEGATION OF THE UNITED STATES,
Petropolis, December 31, 1893. (Received February 3, 1894.)

SIR: I have the honor to inclose copy of a letter from the minister of foreign affairs of December 16, 1893, to the dean of the diplomatic corps, and a note from the diplomatic corps of the 19th instant, transmitting the above to the commanding officers of the foreign naval forces.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 199—Translation.]

Senhor Nascimento to Mr. Wyndham.

RIO DE JANERIO, December 16, 1893.

SIR: On two of the points of our conference of the 14th instant I have to communicate to you that which follows:

The Vice-President of the Republic, wishing to give to the members of the diplomatic corps a proof of his desire to be agreeable to them, permits the embarking and disembarking to be made at the quay of the Praça da Harmonia as stated in the notice of the chief of police published by the *Diario Official* in its issue of to-day.

As to the anchorage of the ships of war, it has not been changed by the Government. The change was made by the commanders of the foreign naval vessels who, without asking permission from the competent local authority and accepting an invitation from M. de Mello, anchored in the part of the bay where they now are. If the commanders should come back to the customary anchorage and if the Government wished to fire on Cobras Island another would be assigned to them.

Be pleased to accept, etc.,

CASSIANO NASCIMENTO.

[Inclosure 2 in No. 119—Translation.]

Diplomatic Corps to the Naval Commandants.

PETROPOLIS, December 19, 1893.

As a sequel to their note of the 17th instant the representatives of the powers interested have the honor to transmit to the commanding officers of the foreign naval forces the inclosed copy of a communication from M. Cassiano Nascimento dated the 16th of the present month and received yesterday by the dean of the diplomatic corps, the English minister.

As the commanders will see, the minister of foreign affairs of the Federal Government, in the said communication, indicates as fixed at the quay of the Praça da Harmonia the new place for embarking and disembarking; he replies, likewise to the request which Mr. Wyndham had made at the request of the commanders and which was the object of the telegram of Capt. Lang, dated the 12th of this month, concerning the question of the change of anchorage of the foreign warships.

Mr. Thompson to Mr. Gresham.

No. 120.]

LEGATION OF THE UNITED STATES,

Petropolis, December 31, 1893. (Received February 3, 1894.)

SIR: I have the honor to inclose copies of two notes from Admiral Saldanha da Gama to the commander of our naval forces in these waters, the first asking for recognition as a belligerent; the second threatening, in certain events, to bombard the city, and copy of a note from the foreign commanders in reply to the second of the above notes.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 120.—Translation.]

Rear-Admiral da Gama to Capt. Picking.

RIO DE JANEIRO, December 24, 1893.

To his excellency, the commanding officer of the naval force of the Republic of the United States of North America:

As your excellency will have occasion to verify for yourself to-morrow or later, the Government of Marshal Floriano Peixoto for the fifth time will decree the state of siege for this capital and six States included within the most important zone of

the country. That is to say, that in four months of struggle the Government not only has not succeeded in putting down the revolution, but that it continues its progress with the head each time higher advancing towards the capital. Besides the army corps which master the States of Rio Grande do Sul, Santa Catharina, Parana, and São Paulo, an important part of the squadron operates in the waters of the south, while another part, which I have the honor to command, continues in the port of this capital, opposing all the plans of action of the Government at its own headquarters. In view of what I have just presented to your excellency, and of the manifest public sympathy with the cause of the revolution, you can no longer have any hesitation on the ground of neutrality, which might hinder or delay our recognition as belligerents on the part of the nations, like that which your excellency represents, more directly interested in the affairs of Brazil.

It is recognition then that I ask, requesting that your excellency may be pleased to advise the diplomatic representative of the United States of North America in this country of the contents of this note, that he in his turn may transmit it to his Government.

I avail, etc.,

LUIZ PHILIPPE DE SALDANHA DA GAMA,
Commander-in-chief of the naval forces of the revolution against the Government of Marshal Floriano Peixoto in the port of Rio de Janeiro. On board the cruiser Liberdade.

[Inclosure 2 in No. 120.—Translation.]

Rear-Admiral da Gama to the Naval Commandants.

RIO DE JANEIRO, December 23, 1893.

To his excellency, rear-admiral, commander of the naval force of the Italian Royal Marine, stationed in the Port of Rio de Janeiro:

In view of the measures and attitude lately adopted by the Government of Marshal Floriano Peixoto, the squadron under my command, on its part, can not fail to put into practice corresponding measures, though of a character and nature repugnant to me. It is notorious that all the heights around the city are fortified with batteries of cannon. Even holy places, and those set apart for the benefit of suffering humanity have not been respected. Morro do Castello, which dominates the Hospital Santa Casa da Misericordia, as well as the hills of San Bento and Conceição—the first with its secular and historic Benedictine convent, the second the Episcopal palace; finally, the hill of Bom Jesus, at whose side is erected the hospital of our own disabled of land and sea.

In these conditions your excellency will doubtless understand that the squadron with difficulty can maintain until the end of the contest the promised respect for the city of Rio de Janeiro, which has ceased to be an open city and becomes a stronghold of war in the strictest sense of the term.

From the first cannon shot from any of these points, including Bom Jesus, the squadron will reply to the attack with its heavy artillery.

Asking that your excellency will kindly inform the chiefs of the foreign naval forces also stationed in this port of the contents of this communication, I avail myself of the opportunity to renew, etc.

LUIZ PHILIPPE DE SALDANHA DA GAMA,
Commander-in-chief of the naval forces of the revolt against the Government of Marshal Floriano Peixoto in the port of Rio de Janeiro. On board of the cruiser Liberdade.

[Inclosure 3 in 120.—Translation.]

Naval Commandants to Rear-Admiral da Gama.

RIO DE JANEIRO,

On board the Italian cruiser Etna, December 25, 1893.

The commanding officers of the naval forces of Italy, England, France, the United States, and Portugal, present in the bay of Rio de Janeiro, having taken cognizance of the note of Admiral Saldanha, dated the 23d of December, are of the opinion that the facts enumerated in that note could not constitute a provocation of a kind to justify the threat of a bombardment of the city announced by Admiral Saldanha.

They find, especially, that the firing from Bom Jesus, which is an island completely outside of and distant from the city, can not be considered one of the war measures from which Marshal Peixoto bound himself to the commanding officers of the foreign naval forces to abstain.

In consequence the above-mentioned commanders have the honor to announce to Admiral Saldanha that for the moment they intend to hold to the attitude which they took with regard to Admiral de Mello in the note of the 1st of October, of which a copy is hereunto attached.

The commanding officer of the Portuguese naval forces,	DE CASTILHO,
The commanding officer of the naval forces of the United States of America,	PICKING,
The commanding officer of the French naval forces,	DE BARBEYRAC,
The commander of the English naval forces,	LANG,
The rear-admiral commanding Italian naval forces,	G. B. MAGNAGHI.

Mr. Thompson to Mr. Gresham.

No. 121.] LEGATION OF THE UNITED STATES,
Petropolis, December 31, 1893. (Received February 3, 1894.)

SIR: Since Admiral Saldanha da Gama assumed command of the insurgent forces in the harbor of Rio de Janeiro there has been no material change in the situation. His control of the islands of Cobras and Enxadas give to the insurgent forces a better position, and the men which were upon them slightly increase their force.

The usual fighting has been carried on daily, but has not resulted yet in any definite gain to either side. The Government forces have gained a few of the islands in the northern and western part of the bay. The islands Governador, Eugenio, Mocangue, and Conceição, have come into their possession. They are apparently endeavoring to surround the insurgents so that they can be reached by artillery in any part of the bay. During the attack on Ilha do Governador, Gen. Telles, one of the oldest, bravest, and most successful officers of the Government, was mortally wounded and has since died. It is also claimed that 300 Government troops were upon this occasion taken prisoners; but, notwithstanding this, the Government is still in possession of it.

Considerable adverse criticism has been caused by the alleged fraudulent issue of a retired currency by the Government, in order to relieve an embarrassment. As far as my inquiry has gone, however, I am of the opinion that the charge is unjust.

The fleet of vessels fitted out in foreign countries have not yet taken an active part in the struggle. The *Nitheroy, America, Aurora*, and several torpedo boats are in Pernambuco, where it is reported that much difficulty has been encountered with the crews.

The complete control of the Government over all lines of communication with the south makes it impossible to obtain reliable information of the operations in that quarter. Nothing definite has been known of Admiral Mello's whereabouts, nor of his movements, since he left on the night of November 30. It is, however, believed that he is at Des-terro.

Many rumors are current, but there is nothing confirmed or reliable.

I received recently information, which was alleged to have come from Admiral Saldanha, that a large force of insurgents from Rio Grande were approaching the border line of São Paulo and would come to Rio. Other information, when it was confirmed, I communicated by telegraph, as directed.

I have, etc.,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Gresham.

No. 122.]

LEGATION OF THE UNITED STATES,

Petropolis, December 31, 1893. (Received February 3, 1894.)

SIR: Referring to my telegram of December 21, wherein I acquainted you with the action of Capt. Henry F. Picking, U. S. Navy, commanding naval forces, South Atlantic Station, in denying protection to certain American vessels which were about to unload cargoes at the port of Rio de Janeiro in a zone described by the islands of Cobras, Enxadaes, and Santa Barbara, I have the honor to report that Capt. Picking still adheres to his decision in this matter, and that the commercial operations of American vessels are now carried on by sufferance of the insurgent commander.

This unfortunate situation arose through the construction placed upon your instructions to me of November 1 by Capt. Picking, who contends that the question of protection to life in commercial operations is not included therein, and, therefore, he can not guarantee safety to persons so engaged. Also, that as the government had by order of the captain of the port, copy inclosed, directed the removal of all vessels anchored in the above-described zone in order that an attack might be made upon those islands it became the line of fire, and vessels anchored there or at the docks bordering on the zone could not be protected.

As this ruling would practically result in a blockade of the port and was contrary to the spirit if not the letter of your instructions of September 28, October 11, and November 1, I sought to confer with Capt. Picking in regard to the matter and therefore addressed to him a communication on December 22, by reference to which (enclosure No. 2), you will more fully understand my position.

The question seemed to be what constituted a line of fire? I contended and am of the same opinion that an irregular and desultory firing was not the line of fire which your instructions direct should not be interfered with, but it must be actual and maintained.

If the irregular and desultory discharge of guns be a line of fire, then the entire bay is one, and has been, since the commencement of the revolution, which, carried to its logical conclusion, results in the suspension of all commercial operations.

I am unwilling to recede voluntarily from a position which was inaugurated at the beginning of the revolution and has been maintained throughout the entire time, notwithstanding the sudden change in the attitude of the foreign naval commanders since Saldanha da Gama assumed command of the insurgent forces. Prior to this time all foreign Governments represented by naval forces had assumed and maintained a position similar to that of our Government, as will be seen from a notice to Admiral Mello, copy inclosed, bearing on the subject. No trouble was reported until December 12, when suddenly the foreign commanders cut off, temporarily, communication with the shore and the British authorities promulgated a notice, copy inclosed, that the commanders could give no further protection. As no change in the status of the insurgents internationally had taken place, I could see no good reason for treating them with more consideration under the command of Admiral Saldanha than had been given them while under the command of Admiral Mello.

I regret to state that Capt. Picking responded to my communication

in no manner intended to be offensive, only in an unnecessarily curt note, of which I inclose you a copy.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 122.—Translation.]

Captain of the Port to the United States Consul-General.

RIO DE JANEIRO, December 7, 1893.

I ask your excellency to take the necessary steps that the ships of your country anchored near the Islands of Enxadas, as well as those which are between that island and Cobras Island and also Santa Barbara, shall be removed from their anchorages in order that they may not be exposed to the fire from the main land.

CAPTAIN OF THE PORT.

[Inclosure 2 in No. 122.]

Mr. Thompson to Captain Picking.

LEGATION OF THE UNITED STATES,
Petropolis, December 22, 1893.

SIR: I have the honor to acknowledge the receipt of your communications dated December 18 and 19, with the inclosures thereto.

It appears from your reply to the masters of several American vessels, and your communication of the 17th, that protection was denied to the vessels anchored in a zone formed by the Islands of Enxadas, Cobras, Santa Barbara, and those at the docks bordering on that zone, for the reason that they would be in the line of fire of the insurgents, and, consequently, to protect them there would be a violation of neutrality. You further state that the Government "issued a positive and peremptory order to all merchant vessels to clear the water front."

Your decision in this matter seems to be the basis for the protests of the masters of the American vessels to which I referred in a former communication. Under the circumstances of the case I regret to say I find it impossible to coincide either in your decision or the reasoning upon which it is based.

In the first place the Government did not "issue a positive and peremptory order to all merchant vessels to clear the water front," as I understood it, and the subsequent action of the Government affirmed.

The order from the captain of the port to the Consul-General is as follows:

"I ask your excellency to take the necessary steps that the ships of your country anchored near the islands of Enxadas as well as those which are between that island and Cobras Island and also Santa Barbara, shall be removed from their anchorages, in order that they may not be exposed to the fire from the mainland."

There is nothing in this order about "clearing the water front," or reference to ships at the docks, but I understand it was hastily construed by the Consul-General to include ships at the shore and he included them in his notice until he received a few hours later from the captain of the port the following:

"I received your note of to-day's date and note the contents. I have to declare to you that those ships which are alongside the shore line (the wharves) and those which are very near to the same are exempt from (the necessity of) moving from those points."

This, it seems to me, settled beyond doubt the question of the consent of the Government to the landing of the ships, and, indeed, there was no authority given by the Government to have them moved from the shore. But in addition to all this the masters of the protesting ships hold special permits from the Government to land and discharge. Admitting the legality of the permits, the sovereignty of the Brazilian Government and its authority over the waters of the port as against unrecognized insurgents, what other guarantee could they have from any sovereign state? As to the violation of neutrality and the suggestion that by going in there we would be aiding the one side, is it not possible that if you decline to go in purely on the basis of a prejudged motive of the Government in granting the permits, you may be aiding the other side in refusing to accept the guarantee of the legal authorities? I could not learn at the consulate that the Government had made an order forbid-

ding lighters to go to the ships for the purpose of discharging their cargoes. You say in your letter of the 12th the senior commanders did not advise Admiral Mello that they would protect all commerce. I think they did in a general sense assert their right to do so.

That at least was the spirit of their notice when they gave expression to these words.

First. "They do not recognize the right of the insurgents' forces to interfere in any way with commercial operations in the bay of *Rio de Janeiro*, operations which should be allowed to be accomplished freely everywhere except in the actual lines of fire of the batteries of the land fortifications. In consequence they have decided to protect merchandise not only on board their countries' vessels or those that put themselves under their flag, but also on lighters, barges, and other means of maritime transport whatever may be the nationality to which they belong, provided they be employed by these same ships in commercial operations."

The spirit of this notice is the international right to protect foreign commerce generally against the illegal interference of the insurgents. It can not be denied that the Brazilian Government, when it granted the permits to land and discharge cargoes, assumed responsibility for any damage they might subsequently inflict upon the vessels by the firing from the shore. To allow the insurgents to stop their operations by firing upon them when they have complied with all the legal requirements of the port, is practically recognizing an illegal blockade to commerce. Again, admitting for argument that you are right in deciding that the zone described embraces the line of fire of the insurgents, can that line be imaginary? If so, has not the entire bay been from the beginning a line of fire? Does the insurgent line of fire cover the entire water front? If it does and is not actual, but imaginary, how can any ships land without their consent? If they can not, is it not practically a blockade to commerce? Have the insurgents (not having been recognized) a right to forcibly stop the carrying on of our commerce with Brazil? Your position seems to give an affirmative answer.

The position taken by me in the published notice of September 29, which was concurred in at the time by you and afterwards adopted by all the superior commanders, negatives such a right. There has been no change in the legal status of the contending parties since that time. If the insurgents had no such right then, neither have they now. True, the Government may be benefited by the non recognition of the insurgents, but they enjoy that benefit under universally recognized principles of the law of nations. Why should those principles be disregarded in this case? If they can object to commerce being carried on by American ships at the docks, they can extend that objection to any other part of the bay, and so cause an effective blockade of the port. There is no escape from this result. From my observation and knowledge of their resources, to cover the distance embraced in the zone referred to by you the insurgent line of fire must necessarily be desultory and imaginary, not continuous and actual. In my opinion the promiscuous and irregular discharge of guns does not constitute a line of fire which my instructions of November 1 directed to be observed.

I have wired the Department concerning your action, and expressed the opinion that the instructions of November 1 should be observed.

It can not be shown that the insurgents have gained any position that warrants a change in our attitude. Saldanha says he will endeavor to prevent merchandise passing to the custom-house or shore. For myself, I will not, without opposition, surrender our commercial rights at the dictation of an irresponsible force.

I am, etc.,

THOS. L. THOMPSON.

[Inclosure 3 in No. 122.—Translation.]

Naval Commandants to Rear-Admiral de Mello.

ON BOARD THE ITALIAN CRUISER *ETNA*,
Rio de Janeiro, November 6, 1893.

The commanders of the foreign naval forces of Germany, England, the United States of America, France, Italy, and Portugal assembled on board the *Etna* have observed that in spite of the orders that Admiral de Mello has given to his subordinates, acts have been performed on the part of the Brazilian insurgent forces to prevent commercial transactions in the bay and port of *Rio de Janeiro*.

The Portuguese boat *Alice* was ordered to change her anchorage with the threat of having her cargo taken when put on lighters. Goods were taken by order of Naval Capt. Elieser Continho Cavanes from the lighter in the employ of the German boat *Santos* and were restored only upon the demand of the commander of the German

naval forces. On account of these acts and of the apprehension that results therefrom, the commerce of all nations has suffered for a long time, either directly or indirectly.

This state of things being contrary to the legitimate interests that commanders of the naval forces are bound to have respected, they have unanimously taken the following decision, which they bring to the knowledge of Rear-Admiral de Mello:

First. They do not recognize the right of the insurgent forces to interfere in any way with commercial operations in the bay of Rio de Janeiro, operations which should be allowed to be accomplished everywhere except in the actual lines of fire of the batteries of the land fortifications.

In consequence they have decided to protect merchandise, not only on board their countries' vessels or those that put themselves under their flag, but also on lighters, barges, and other means of maritime transport, whatever may be the nationality to which they belong, provided they be employed by these same ships in commercial operations.

Second. In order to avoid all disputes, these means of transportation or their tugs shall carry at their prow the flag of the country under whose protection they may be.

Third. The commanders of the foreign naval forces strongly hope that these measures will put an end to unfortunate incidents that they would find it necessary to repress.

Signed by the commanders of the German, English, French, Portuguese, American, and Italian naval forces.

[Inclosure 4 in No. 122.]

NOTICE.

BRITISH CONSULATE-GENERAL,
Rio de Janeiro, December 12, 1893.

All communication between Her Majesty's ships and Rio has been stopped, owing to the dangerous force of the Government batteries at Nictheroy and the rifle fire of the insurgents. The guard boat appointed to attend upon the diplomatic corps has been withdrawn. Until the Government assigns some safe landing place out of the line of fire, no further communication can be held between the shipping and Rio. Admiral Saldanha has informed the foreign naval commanders that he will endeavor to prevent any merchandise passing into the custom-house or to the shore. All boats making any landing along the shore of Rio run very great risk of being fired into, and men-of-war can not give protection to anyone foolish enough to run any such risk after this warning.

[Inclosure 5 in No. 122.]

Capt. Pickings to Mr. Thompson.

U. S. CRUISER CHARLESTON,
Rio de Janeiro, Brazil, December 24, 1893.

SIR: I have the honor to acknowledge the receipt of your communication of the 22d instant. I acted on your advice once, very much to my regret ever since. I have informed you of this verbally heretofore.

I am, sir,

HENRY F. PICKING.

*Captain, U. S. Navy,
Commanding U. S. Naval Forces, South Atlantic Station.*

Mr. Thompson to Mr. Gresham.

No. 123.]

LEGATION OF THE UNITED STATES,
Petropolis, December 31, 1893. (Received February 3, 1894.)

SIR: I have the honor to transmit a copy of a translation of Rear-Admiral Saldanha da Gama's second proclamation, bearing date of

December 20; also copy and translation of an anonymous circular distributed on the streets of Rio in aid of the insurgents' cause. It was impossible to obtain a copy of the original manifesto, but can assure you of its correctness.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure in No. 123.—Translation.]

PROCLAMATION OF REAR-ADMIRAL DA GAMA.

To the nation:

The people, not only of this capital, but of all Brazil, are well informed and know perfectly that the manifesto and other documents attributed to me were and are unworthily falsified in the printed copies, with the perfidious and miserable intention of displacing (changing) artificially the noble object of the revolution and also the dictatorial Government which shames us before the civilized world. The people ought to know that the idea of a plebiscite is precisely the same for which they are fighting in Rio Grande do Sul, and means only to consult the people as to the form of republican government which it prefers to carry out its glorious destinies. Being sure that all kinds of infamies have been used against this revolution, the people of Rio de Janeiro, notwithstanding the reign of terror in which they live, may be tranquil and expect the victory of revolution, and may be sure that with said victory will come the institution (establishment) of a civil government for the Republic, and military domination and Jacobinism which oppress the nation will be forever banished. It is for this end that the revolution fights victoriously, let the Government's paid faction say what it will. They are now paid by a false emission of paper money of the late monarchy which has been put in circulation.

Live the civil republic! Death to Jacobinism! Live the revolution.

LUIS FELIPPE DE SALDANHA DA GAMA.

FORT ILHA DAS COBRAS, 20 December, 1893.

[Inclosure 2 in No. 123.—Translation.]

SPECIAL ATTENTION.

Know Brazilians who truly love your country that the crews of the ships now expected from the United States are made up almost wholly of mercenaries. Minister Salvador de Mendonça, with the help of the commercial house of Flint & Co., (companions with him in the shameful speculations of 1889-90) has bought and armed the ships at a cost greater than 5,000 contos. This squadron comprises the *Cid* (Nietheroy), the *Britannia* (America), the *Destroyer*, and two small steam launches turned into torpedo boats.

Both the officers and crew are foreigners enlisted in the United States and paid at an exorbitant rate. The superior officers receive \$5,000 for three months' service, or about \$100,000 a year; the ordinary sailors get \$100 a month, or nearly 16,500 milreis a day. And all these mercenaries have demanded three months wages in advance. About to fight for the Brazilian Republic they will do nothing until they receive beforehand their money in an amount much greater than a Brazilian sailor would earn under the same circumstances.

More, they insist on having the absolute command of the ships! They have come to sink Brazilian ships, to slay Brazilian sailors, and all that to earn money. They know nothing of our Republic, they have no concern with it, and they do not even trust the Government to whose help they have come.

What a wretched sight—what goodly allies! Look how Sr. Floriano Peixoto fights against his fellow-countrymen! Look at the patriotism of which we have heard so much praise! The Federalists of Rio Grande were condemned because they allowed a few Uruguayans to fight in their ranks without pay; but here we have the President of a nation of 13,000,000 souls, the President of Brazil engaged in procuring the foreign mercenary; and to what end? The destruction of his own fellow-countrymen and national property. Does it show that the country is with him when he is obliged to resort to such means? And what worth will the Brazilian people give to such a victory won by paid foreigners over the dead bodies

of their own brothers? Is it necessary that the military dictatorship should be saved at such a price and with such humiliation?

Rather will it not be better that we die sooner than consent to this national disgrace, for the victory can only be won with dishonor to Brazilian arms and to the nation. We are threatened by slavery and shame for all time! Is this what our people want and our soldiers?

To your arms for the true Republic and down with tyranny!

[Telegram.]

Mr. Thompson to Mr. Gresham.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, January 2, 1894. (Received January 2.)

Mr. Thompson reports the resignation of the Brazilian minister of marine and says that Saldanha da Gama now declares that he is ready to support a plebiscite, and charges that his first pronunciamento, the original of which he fails, however, to publish, was falsified.

[Telegram.]

Mr. Gresham to Mr. Thompson.

DEPARTMENT OF STATE,
Washington, January 6, 1894.

Mr. Gresham notifies Mr. Thompson that the renewed request of the insurgents for recognition as belligerents does not appear at present to call for a different response, as no information has reached the Department of any essential change of conditions having taken place since the previous application was made.

[Telegram.]

Mr. Gresham to Mr. Thompson.

DEPARTMENT OF STATE,
Washington, January 9, 1894.

Mr. Gresham directs Mr. Thompson to induce, by cooperation with the commanding officer of the forces of the United States, and if possible with others, the insurgents to designate a place, if such a place can be found, at which vessels of neutral nations may, without interfering with military operations, take and discharge cargoes in safety.

Mr. Gresham to Mr. Thompson.

No. 78.]

DEPARTMENT OF STATE,
Washington, January 11, 1894.

SIR: As you are aware, the understanding between the foreign naval commanders and both the hostile parties at Rio, supplemented by the

understanding between the foreign diplomatic representatives and the Government, has been that a bombardment of that capital would be averted so long as the Government afforded no pretext for an assault by fortifying the city of Rio or directing therefrom active hostilities against the revolted fleet and forts.

Under date of the 5th instant Capt. Picking reports the effective fortification and armament of strategic positions within the limits of the city, adding that the naval commanders in conference had thereupon agreed that in view of this action they could no longer maintain their intention to prevent bombardment. The facts reported appear to justify this conclusion.

An actual condition of hostilities existing, this Government has no desire to intervene to restrict the operations of either party at the expense of its effective conduct of systematic measures against the other. Our principal and obvious duty, apart from neutrality, is to guard against needless or illegitimate interference, by either hostile party, with the innocent and legitimate neutral interests of our citizens. Interruption of their commerce can be respected as a matter of right only when it takes one of two shapes—either by so conducting offensive and defensive operations as to make it impossible to carry on commerce in the line of regular fire, or by resort to the expedient of an announced and effective blockade.

Vexatious interference with foreign merchant shipping, at a designated anchorage, or with the lightering of neutral goods between such anchorage and a designated landing, by random firing not necessary to a regular plan of hostilities and having no other apparent object than the molestation of such commerce, is as illegitimate as it is intolerable. Hence we have a right to expect and insist that safe anchorage and time and place for loading and unloading be designated, if practicable, to be interrupted only by notice of actual intention to bombard, or by notification and effective enforcement of blockade.

The insurgents have not been recognized as belligerents, and should they announce a blockade of the port of Rio the sole test of its validity will be their ability to make it effective.

Our naval commander at Rio has been instructed as above with regard to the protection of neutral commerce under our flag, which it would seem represents only a small part of the foreign commercial interests afloat in the harbor of Rio. The British ships there are said to outnumber those of the United States nine to one, but no substantial interference with our vessels, however few, will be acquiesced in, unless made effective with regard to all foreign shipping, and, moreover, so made effective in pursuance of some tangible plan of orderly military operations.

I am, etc.,

W. Q. GRESHAM.

Mr. Thompson to Mr. Gresham.

No. 130.]

LEGATION OF THE UNITED STATES,
Petropolis, January 12, 1894. (Received February 8.)

SIR: I have the honor to transmit herewith copy of a note and translation from commanding officers of the foreign fleets to the diplomatic representatives, inclosing four notices with translations from the captain of the port of Rio de Janeiro to the consular officers resident there.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 130.—Translation.]

*Naval Commandants to the Diplomatic Corps.*ON BOARD THE ITALIAN CRUISER, ETNA,
Rio de Janeiro, December 21, 1893.

The commanding officers of Italy, England, France, United States of America, Germany, Portugal, and Austria-Hungary have the honor to bring to the knowledge of the respective members of the diplomatic corps that which follows:

Several notices have been received, emanating from the captain of the port of Rio de Janeiro, and announcing to the consular authorities the anchorages which the foreign ships were invited to give up because of the existing hostilities. The boundaries of the zone in which foreign ships, whether of war or commerce, could remain in safety with the guaranty that the batteries of the Government would not fire upon that zone, have never been indicated with precision.

In order to obtain information upon this point, the senior commanding officer has been obliged on several occasions to ask, through an officer, the captain of the port for precise instructions. These instructions have always been given verbally and in a somewhat vague manner, which might produce unfortunate misunderstandings. In order to avoid such inconvenience the commanding officers think that it is necessary to be informed officially and more definitely by the Brazilian Government, and not by inferior agents, as to the place that foreign ships, either of war or commerce, should occupy in order to be completely sheltered from shot fired by troops subject to the orders of the Brazilian Government.

The commanding officers have, therefore, the honor to beg the above-mentioned members of the diplomatic corps to kindly solicit from the Brazilian Government precise written instructions to that effect, and with as little delay as possible.

The commanding officers think it worth while to add in support of this note the different notices from the captain of the port, which prove besides that the measures taken concerning commerce have often been radically changed, which produces serious inconvenience.

The commander of the Austria naval forces,

HOLECZECK.

The commander of the Portuguese naval forces,

AUGUSTO DE CASTILHO,
Frigate Captain.

The commander of the German naval forces,

HOFMEIER.

The commander of the United States naval forces,

HENRY F. PICKING.

The commander of the French naval forces,

DE BARBEYRAC.

The commander of the English naval forces,

N. M. LANG.

The Rear-Admiral commanding Italian Naval forces.

G. B. MAGNAGHI.

[Inclosure 2 in No. 130.—Translation.]

*Notice of the captain of the port.*RIO DE JANEIRO, *September 25, 1893.**To the consul:*

It being advisable to withdraw from the neighborhood of the fortified places, especially from those situated on the Gamboa and Saude, the foreign ships, that they may escape damage from the artillery fire on land, I beg you to take the needful measures that the ships of your nationality may withdraw to the lower part of the bay, out of reach of the same artillery, and that this be done with the greatest speed.

I take advantage, etc.,

JOSÉ PINTO DO SUZ,
Captain of the Port.

[Inclosure 3 in No. 130.—Translation.]

Notice of the captain of the port.

RIO DE JANEIRO, November 2, 1893.

To the Italian consul:

There being absolute necessity for the immediate withdrawal of the ships of your nationality from the neighborhood of the islands of Mocangue and Viauna and others situated near the Ponte d'Arcia and Toque Toque, I have to ask you to take the necessary measures that such ships may leave as soon as possible the anchorages in which they lie. I take this opportunity to inform you, as is my duty, that the Government of the United States of Brazil does not deem itself bound to give compensation for any loss that such ships may suffer through being in range of the artillery on land.

I take the opportunity, etc.,

JOSÉ PINTO DO SUZ,
Captain of the Port.

[Inclosure 4 in No. 130.—Translation.]

Notice of the captain of the port.

RIO DE JANEIRO, December 9, 1893.

I advise the agents of steamship companies and the consignees and masters of merchant vessels anchored in the neighborhood of Ilhas das Enxadas and between this island and Ilha das Cobras, to have them withdrawn to that part of the bay comprised between the naval arsenal and the central Brazil Railway station, in order that they may with greater safety and speed perform their unloading and keep up their land communication under shelter from the attacks of the revolted ships and from the firing of the fortresses at the entrance and of the Nictheroy fortifications.

Hereby the notice of the 7th December of this year is superseded.

JOSÉ PINTO DO SUZ,
Captain of the Port.

[Inclosure 5 in No. 130.—Translation.]

Notice of the captain of the port.

RIO DE JANEIRO, December 20, 1893.

To his excellency the Italian consul:

I have the honor to ask your excellency to take the necessary measures that the ships of your nationality that are anchored between the Ilha das Cobras and the Ilha das Enxadas and those in any point near these islands may withdraw with the greatest speed from such anchorages, to leave free range to the legal batteries and forts so that they may attack the revolted ships which go and seek shelter alongside the foreign ships and fire thence upon the land forces.

I repeat to his excellency, etc.,

JOSÉ PINTO DO SUZ,
Captain of the port.

Mr. Thompson to Mr. Gresham.

No. 131.]

LEGATION OF THE UNITED STATES,
Petropolis, January 12, 1894. (Received February 8.)

SIR: I have the honor to transmit herewith correspondence relating to that part of the proclamation of Rear-Admiral Saldanha da Gama, in which he declares his intention to bombard the city of Rio in certain events, and to the withdrawal of protection by the foreign fleet in view of the said city's being a fortified town.

You will observe that the Brazilian minister for foreign affairs reiterates on behalf of the Government that the cannon on the several heights are not mounted on batteries, and the agreement to deprive the insurgents of every pretext for bombarding the city of Rio has, at no time, been violated.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 131.—Translation.]

Minister of Foreign Affairs to the Diplomatic Corps.

MINISTRY FOR FOREIGN AFFAIRS,
Rio de Janeiro, January 5, 1894.

The minister of state for foreign affairs had the honor to receive the verbal note which the representatives of England, Italy, the United States of America, of France, and of Portugal, addressed him on the 31st of last December, to communicate to him the reply which the commanding officers of the foreign naval forces in the bay made to a letter from Mr. Saldanha da Gama of the 23d of the same month.

Mr. Saldanha da Gama declared that he had decided to bombard the city of Rio de Janeiro with cannon of heavy caliber as soon as the first shot was fired from the heights or from the Island of Bom Jesus. The commanders replied to him that the facts enumerated by him would not constitute a provocation of a nature to justify the threat of bombardment, and that the fire of the batteries established on Bom Jesus, an island completely outside of and distant from the city, could not be considered one of the war measures from which the Federal Government had agreed to abstain. The commanders added that for the time being they held in the question of bombardment the position taken with regard to Mr. Mello in their note of the 1st of last October.

In consequence, the representatives express the hope that the Federal Government will continue to deprive Mr. Saldanha da Gama of every pretext for bombarding this city, but they beg at the same time that a previous notice of at least two days be given them in case, contrary to every expectation, the bombardment should become, through provocation, inevitable.

The vice-president of the Republic sees with pleasure that the commanders have not allowed the strange pretention of Mr. Saldanha da Gama with regard to the Island of Bom Jesus, but he considers it his duty to remove all idea of lack of faith on his part with reference to his agreement not to mount batteries.

This agreement is observed, and the representatives recognize it when they ask the Federal Government to continue to deprive Mr. Saldanha da Gama of every pretext. But the Government has not deprived itself of the right to prepare to act against the insurgents energetically, according to circumstances.

If, unfortunately, the case, not of provocation but of action, present itself, the representatives may rest assured that they will be informed in good time. The Federal Government would do so spontaneously.

[Inclosure 2 in No. 131.—Translation.]

Diplomatic Corps to the Naval Commandants.

PETROPOLIS, *January 2, 1894.*

The representatives of England, Italy, the United States, France, and Portugal have the honor to inform the commanders interested that they have not failed to properly follow up their note of December 25. They have the honor to inclose herewith for the information of the commanders the note dated December 31, which, in consequence, they have addressed to the minister of foreign affairs. They likewise inclose herewith the note of the 2d of January, which they addressed to Mr. Cassiano do Nascimento as a sequel to the information which the commanders kindly submitted to them in their two notes of the 1st of January, which reached them on the same day.

[Inclosure 3 in No. 131.—Translation.]

Diplomatic Corps to the Minister for Foreign Affairs.

RIO DE JANEIRO, December 31, 1898.

On the 23d instant Rear-Admiral S. da Gama addressed to the commanding officers of the foreign naval forces in the bay a letter, in which he announced to them that he has decided to bombard the city of Rio de Janeiro with cannon of heavy caliber if acts of aggression occur, not only from the heights of the said city but even from an island in the bay known as Bom Jesus.

The commanding officers of the naval forces of Italy, England, the United States of America, France, and Portugal have thought it necessary to reply to R. A. Saldanha da Gama that the facts enumerated in his note could not constitute a provocation of a nature to justify the threat of a bombardment of the city of Rio de Janeiro; that the fire from the batteries established on Bom Jesus, an island of the bay, completely outside of and distant from the city, could not be considered as one of the acts of war from which the Federal Government had agreed to abstain. The commanders have, in consequence, signified to R. A. Saldanha da Gama that for the time being they intend to hold in the question of the bombardment of the city the position which they had taken with regard to R. A. de Mello in their note of October 1 last. The commanders, in submitting to the representatives of England, Italy, the United States of America, France, and Portugal the above-mentioned agreements, have added that, as a consequence of the notification which they have just addressed to R. A. Saldanha da Gama, the fate of the city of Rio will remain subject to strict regard for the agreement entered into by the Federal Government not to mount cannon on batteries in the city. In consequence, the representatives of England, etc., express again the firm hope that the Federal Government will continue, by its attitude, to deprive R. A. Saldanha da Gama of every pretext for bombarding the city of Rio. In case, contrary to every expectation, the bombardment should become inevitable because of provocation, the representatives of the above-mentioned powers would ask that a previous notice of at least two days be given to assure the safety of those of their countrymen who reside in the city as well as all the property floating on the bay.

[Inclosure 4 in No. 131.]

*Naval Commandants to the Diplomatic Corps.*ON BOARD THE UNITED STATES CRUISER CHARLESTON,
Rio de Janeiro, Brazil, January 1, 1894.

The senior commandants of the naval forces of the United States of America, France, Portugal, Austro-Hungary, England, and Italy have the honor to bring to the knowledge of the diplomatic representatives of their respective governments, that if it be the intention of the Brazilian Government to fire on the insurgents from the batteries erected on the heights in the city of Rio de Janeiro, and in so doing to endanger the foreign vessels in the harbor, the above-mentioned senior commandants would request that the diplomatic representatives of their respective countries obtain from the Brazilian Government a previous warning of at least forty-eight hours in order that all foreign vessels in the harbor may be removed to a place of safety.

Signed by above-named senior commandants.

[Inclosure 5 in No. 131.]

*Naval Commandants to the Diplomatic Corps.*ON BOARD THE UNITED STATES CRUISER CHARLESTON,
Rio de Janeiro, January 1, 1894.

The senior commandants of the naval forces of the United States of America, France, Portugal, England, and Italy have the honor to bring to the knowledge of the diplomatic corps that they have in their possession authentic and positive information that on one of the heights in the city of Rio de Janeiro, known as Morro do Costello, there have been already mounted some large guns ready for use; that in the same place there are also other large guns in the process of being mounted, and that

there are a number of guns of smaller caliber, all of the guns being in batteries protected by bags of clay. The vice-president of the Republic of Brazil announced through his minister of foreign affairs to the diplomatic corps, and through it to the senior commandants, in a note dated October 5, 1893, that the Government was going to give the order that the guns be removed from the batteries in the city of Rio de Janeiro.

The senior commandants of the aforesaid powers can, therefore, only regard the mounting of these guns on the Morro do Costello as a breach of the agreement expressed by the Brazilian Government on October 5, 1893, and as giving to the city the qualities of a fortified town.

Under these circumstances the senior commandants have the honor to state that they can no longer consider themselves under obligations to adhere to the attitude which they expressed in their communication of December 25, 1893, to Rear-Admiral Saldanha da Gama.

Signed by above-mentioned senior commandants,

AUGUSTO AUBEX,	<i>Italy.</i>
F. J. FOLEY,	<i>England.</i>
AUGUSTO DE CASTILHO,	<i>Portugal.</i>
DE BARBEYRAC,	<i>France.</i>
H. F. PICKING,	<i>United States of America.</i>

[Inclosure 6 in No. 131.—Translation.]

Diplomatic Corps to the Minister for Foreign Affairs.

PETROPOLIS, *January 2, 1894.*

The representatives of England, Italy, the United States of America, France, and Portugal have received from the commanders of the naval forces of their respective countries a communication notifying them that the said commanders are in possession of authentic and positive information from which it appears that upon one of the heights of the city of Rio de Janeiro, known as Morro do Costello, cannon of heavy caliber have been mounted, and that at the same place there are others that are about to be mounted; that at that place there is a number of cannon of smaller caliber, all on batteries protected by bags filled with earth.

Moreover, the commanders add: "The Vice-President of the United States of Brazil announced through his minister of foreign affairs to the diplomatic corps, who, in a note dated October 3, 1893, transmitted it to the commanders of the foreign naval forces, that the Government would give the order to withdraw the cannon from the batteries established in the city of Rio." The commanding officers of the foreign naval forces, in consequence, can not but regard the remounting of these cannon on the Morro do Costello as a rupture of the agreement entered into by the Brazilian Government on the 5th of October, 1893, and as giving to the city of Rio the quality of a fortified town.

Under these circumstances the commanders of the foreign naval forces declare that they can no longer consider themselves obliged to maintain the position which they assumed with regard to Rear Admiral de Mello in the communication addressed to him on the 1st of October, 1893, a position likewise assumed with regard to Rear-Admiral Saldanha da Gama in another communication to the latter on the 25th of December, 1893, and which the representatives of the powers interested brought to the knowledge of His Excellency M. Cassiano Nascimento, the minister of foreign affairs, in a note dated the 31st of December last.

The representatives of the powers interested, in referring to their above-mentioned note of the 31st of December in its last paragraph, and, besides, as well from sentiments of humanity as from care of the interests with which they are charged, come to-day to ask the Federal Government, in order to assure the safety of those of their fellow-countrymen who reside in the city of Rio de Janeiro and that of foreign ships anchored in the bay, to kindly grant a delay of forty-eight hours at least before firing from the batteries established in the said city.

[Inclosure 7 in No. 131.—Translation.]

*Minister for Foreign Affairs to the Diplomatic Corps.*MINISTRY FOR FOREIGN AFFAIRS,
Rio de Janeiro, January 8, 1894.

By their verbal note of the 2d of the current month the representatives of England, Italy, the United States of America, France, and Portugal have communicated to the minister of state for foreign affairs that the commanders of the naval forces of their respective countries are in possession of authentic and positive information from which it appears that cannon of heavy caliber have been mounted on the Morro do Costello, and that at the same place there are others that are about to be mounted and a number of cannon of small caliber, all on batteries and protected by bags filled with earth; that the Vice-President of the Republic having announced on the 5th of October last that he would give the order to withdraw the cannon from the batteries, the commanders can not but regard the mounting of cannon on the Morro do Costello as a rupture of the agreement of the date mentioned, as giving to the city of Rio de Janeiro the quality of a fortified city; that under the circumstances the commanders can no longer consider themselves obliged to maintain the position which they assumed with regard to M. Mello and recently M. Saldanha da Gama.

The commanders are well informed when they assert that new cannon are being placed on the Morro do Costello, but they will permit this rectification, that the cannon are not placed on batteries, but are, like the old ones, behind the batteries, which does not indicate the intention of using them immediately and is not contrary to the agreement of the 5th of October.

The Vice-President of the Republic would be lacking in his duty to the nation if he permitted the insurgents to act freely in the pursuit of their criminal enterprise. Four months have elapsed since M. Mello arose against the legal government of his country, and during all this time the city of Rio, which was considered open (unfortified) in spite of the existence of cannon on some of the heights, has been subjected to a lively bombardment. In this almost daily bombardment the insurgents have not confined themselves to attacking the troops that defend the shore, but have fired upon the interior of the city.

M. Saldanha da Gama threatens to use cannon of heavy caliber. He will have changed the instruments of destruction, not the method. The agreement has been broken on his side for a long time.

The representatives desire that, for the safety of their fellow countrymen who reside in the city of Rio de Janeiro and the foreign ships anchored in the bay, the Federal Government will allow a delay of forty-eight hours at least before firing from the batteries established in the said city. On this point the minister of state for foreign affairs has only to repeat the assurance contained in his preceding note.

Mr. Thompson to Mr. Gresham.

No. 134.]

LEGATION OF THE UNITED STATES,
Petropolis, January 12, 1894. (Received Feb. 8.)

SIR: Following my Nos. 121 and 122, December 31, I have the honor to report comparatively little firing by the insurgents on Rio de Janeiro having taken place. The fighting has been confined mostly to the islands and fortified points beyond the confines of the city, and within a few days the insurgents have taken forcible possession of an island used as a coal depot, and with it captured a large quantity of coal belonging to the Royal Mail Steamship Company of England.

Up to the time Admiral Mello left the bay no very serious interruption of our commerce had occurred. Since the advent of Admiral Saldanha da Gama to the command of the insurgent forces, many impediments to its free operations have been experienced, owing to his efforts to stop the passage of goods to the custom-house and the apparent change in the attitude of the foreign naval forces from the more effective position taken by them against Mello. The several American ships,

however, that went to the docks on their own responsibility and with the consent of the Government have discharged and taken on cargo without interference. Some German and other foreign ships have also proceeded with their operations without interruption. I trust this may continue, but the object of the insurgents being to deprive the Government of the revenues of the custom-house, there can be no assurance of it without the moral support of the naval forces of the powers respectively interested. The Germans have maintained independently the position taken by all the powers in regard to commerce against Mello.

With regard to the question of bombardment, the inclosures herewith of correspondence will explain the situation, the most important feature of which is the withdrawal on the 2d instant of the engagement of the commanders to prevent bombardment and the reply of the Government on the 8th instant to that communication. The arrangement, however, for notice of forty-eight hours continues in force with both the Government and the insurgents.

Inclosures from Consul Burke at Pernambuco explain the situation at that point, which, at last accounts, the 4th instant, was quiet.

Private information of a reliable character from São Paulo, Minas, San Francisco, and other points advise that the people of the interior are loyal in their support of the Government, and no advices to the contrary has come to hand. Concerning the question of the Government's finances mentioned in my No. 121, I am creditably informed that under the administration of Deodora Fonseca banks all over the country were authorized to issue notes to be used as currency. This privilege was much abused when, under Peixoto, Congress withdrew the privileges to all except the Banco da Republica of Rio de Janeiro, and the notes in circulation were redeemed, or are being redeemed, at par by that bank, which is alone authorized to issue money for general circulation. This bank not having on hand notes sufficient was furnished by the Government with the old blank Imperial notes, thousands of which were on hand, and they are being signed by the bank officers as required by law, and not by the treasury officials. These notes are generally accepted by the banks of the country.

The *Aquidaban*, Admiral Mello's flagship, returned from the south and entered the bay under heavy fire from the forts this morning between 4 and 5 o'clock. It is stated by some of our naval officers that Admiral Mello is not on board.

I have great pleasure in reporting also the arrival of the *San Francisco* at 8 o'clock this morning, with Rear-Admiral Benham, whom I hope to see to-morrow, having been engaged to-day with this mail.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 134.]

Mr. Burke to Mr. Thompson.

CONSULATE OF THE UNITED STATES,
Pernambuco, December 26, 1893.

SIR: I have the honor to report that since my dispatch of December 13 affairs have remained in *statu quo*; no disorder, no disturbance of any kind has taken place in the city. Rumors of difficulties between the citizens and soldiers in the interior have come to my ears. I have reason to believe that some conflicts have taken place in the interior between citizens there and soldiers sent from here by the Government.

This information comes from what I regard a reliable source. I do not know how serious the conflicts were or what effect they may have upon subsequent events. The state of siege which was decreed to continue to the 25th will I presume be prolonged, though I have not as yet received any notice of its being extended. Quiet reigns throughout the city. The steamship *Nitheroy*, which I cabled you arrived on the 14th, is still in port. Why it should remain so long here seems to be shrouded in mystery. Five days after her arrival there was a rumor of a mutiny on board, and 60 or 70 men in irons. That there was an attempt at mutiny I have reason to believe, but the vigilance and firmness of the officers crushed it out before it developed any strength. From information I receive from Capt. Baker, in charge of the *Nitheroy* from New York here, the said steamship was taken possession of by the Brazilian authorities on the 15th, one day after her arrival at this port. From the day of her anchoring in the harbor outside the reef up to the 18th no one from the ship communicated with the shore.

On the 18th Mr. Bryson, of the New York Herald, Mr. Fontaine, of the World, and Mr. Mariotte, of the Associated Press, came on shore against the wishes of Capt. Baker, as they stated. The following day from 55 to 60 of the crew, including Mr. Judge, a gunner on board, and Mr. Conway, one of the lieutenants, were allowed to land. These officers and men are still in the city, waiting a steamer to take them to New York.

According to the agreement signed between Salvador Mendonça, minister to the United States from Brazil, and the officers and crew of the *Nitheroy*, the Brazilian authorities here were to arrange passage of those not willing to enlist, to return them to New York. I am informed that the matter is now under consideration, and that they will be sent by the first opportunity. With the exception of the two officers mentioned and the 65 to 50 men that were landed, the rest are still on board, viz, 160 or 170 all told. It is stated by some, the reason the cruiser, as it is called, does not proceed to Rio is that the Government is not willing to accede to the terms proposed by officers and crew willing to enlist. Others say that the ship has not been paid for, and that Flint & Co. have given orders not to proceed until payment is made. There is still another rumor that the captain and officers refuse to be under the supervision of any Brazilian officers, of which there are some on board, together with a hundred or more cadets from the military school at Ceara. These, however, are rumors. I do not know whether there is any foundation for them or not. At all events, the ship is still in port. The *America* has not arrived. It is said a mutiny arose on board the *America* after leaving New York, and that she put into St. Thomas or Martinique. It seems, from information requested by this consulate from Capt. Baker, that neither officers nor crew were shipped before the U. S. shipping commissioner, nor was there any clearance from the custom-house in New York, and that she sailed under the Brazilian flag; therefore this consulate has no jurisdiction in the matter, and in case of any ill treatment by the Brazilian authorities toward this crew the consul can not interfere in his official capacity, as it would devolve upon him to do were they regularly shipped seamen.

He can only act as he would in case of complaint by any American citizen. However, as far as I can learn, the Brazilian authorities here are treating the men fairly and properly, and doing what they can to return them to New York as soon as possible. Should any events of importance occur later will communicate them.

I have, etc.,

DAVID N. BURKE,
U. S. Consul.

[Inclosure 2 in No. 134.]

Mr. Burke to Mr. Thompson.

CONSULATE OF THE UNITED STATES,
Pernambuco, January 4, 1894.

SIR: I have the honor to report that since my dispatch of the 26th ultimo martial law, as I cabled you on the 27th, has been extended to the 31st of January. As I also cabled on the 2d, the *America* arrived at this port under the Brazilian flag on the 31st ultimo. On the same day, shortly after the *America* anchored, the U. S. steamship *San Francisco*, under command of Admiral Benham, who now has charge of the South Atlantic squadron, arrived in this port. Having taken some coal, the *San Francisco* left here yesterday, proceeding to Bahia, where she will take more coal and then proceed to Rio. I am reliably informed that satisfactory arrangements have been made by the Brazilian Government with the officers and crew of the *Nitheroy*, and that she will shortly proceed to Rio. I am informed also that there are about 120 of the crew and all the officers except two, that brought the ship from New York, enlisted.

Negotiations are now pending between the Brazilian Government and the officers and crew of the *America*. When any result is reached will communicate it. Quiet reigns in and about the city. Mr. Mariotte, of the Associated Press, and Mr. Fontaine, of the World; left on the *San Francisco*.

I am, etc.,

DAVID N. BURKE,
U. S. Consul.

Mr. Thompson to Mr. Gresham.

No. 135.]

LEGATION OF THE UNITED STATES,
Petropolis, January 12, 1894. (Received February 8.)

SIR: I have the honor to transmit herewith copy of a communication from Capt. Picking, inclosing a letter to him from R. A. Saldanha da Gama.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 135.]

Capt. Picking to Mr. Thompson.

UNITED STATES CRUISER CHARLESTON,
Rio de Janeiro, December 14, 1893.

SIR: I have the honor to inclose herewith the translation of a note received from Rear-Admiral Saldanha da Gama this morning. The translation was kindly made for me by Capt. Castilho, commanding the Portuguese man-of-war *Mindello*. I will send a copy of the original if you desire it.

I am glad that Saldanha da Gama has finally taken a stand in one direction or the other. Certainly he should have done this a long time since.

You note what he says relating to the conditions on which he will fire on the city. The insurgent vessels have finally been driven to seek an anchorage at a considerable distance from the coast on the west side of the bay. The firing there has been too hot for them.

There is no special news here, and I am sorry I can not report a clear day.

Yours, etc.,

HENRY F. PICKING,
Captain U. S. Navy, Senior Officer Present.

[Inclosure 2 in No. 135.]

• *Rear-Admiral da Gama to Capt. Picking.*

RIO DE JANEIRO, December 10, 1893.

To his excellency the superior commander of the naval forces of the Republic of North America anchored in the harbor of Rio de Janeiro:

I have the honor to communicate to your excellency that on this date I have taken the command in chief of the naval revolutionary forces in this harbor against the government of Maréchal Floriano Peixoto.

In this position, being decided to use my best endeavors to overthrow the situation which oppresses and degrades my country, my most earnest wish is at the same time to safeguard as much as possible the city of Rio de Janeiro, with its numerous commercial interests, from the effects and contingencies of the struggle. For my part, therefore, the compact entered into by my predecessor of not firing with great guns from the fleet against the city unless some very urgent circumstances or unless the batteries on shore shall provoke such fire.

I beg your excellency to be kind enough to give notice of the contents of this communication to the diplomatic representative of the Republic of the United States of North America in this country and avail myself of this opportunity to offer to your excellency the assurance of my personal esteem and distinct consideration.

LUIZ FELIPPE DE SALDANHA DA GAMA,
Rear-Admiral.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, January 16, 1894. (Received January 16.)

Mr. Thompson reports the arrival of the U. S. S. *New York* on this morning, an attack of Governor Island by the insurgents on this day, and a serious engagement at Nictheroy on the preceding night.

Mr. Thompson to Mr. Gresham.

No. 138.] LEGATION OF THE UNITED STATES,
Petropolis, January 20, 1894. (Received February 24.)

SIR: I have the honor to transmit copy and translation of a manifesto published by Dr. Alfonso Augusto Moreira Penna, the present governor of the State of Minas-Geraes, in which he strongly advocates the maintenance of the existing government both as to form and personnel.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 138.—Translation from the O Paiz.]

Proclamation of Dr. Alfonso Penna to the citizens of Minas-Geraes.

The revolt of the national navy, which for three long months has imperiled our national existence and caused irreparable loss of life, property, money, and credit, has assumed a new phase in consequence of Rear-Admiral Saldanha da Gama's manifesto.

The instigator of the revolution, Rear-Admiral Custodio de Mello, has declared himself in his manifestoes to be in favor of the republican constitution, and has pledged himself to restore it in its purity in the face of all opposition by the constitutional chief magistrate, Marshal Floriano (President Peixoto), and has at the same time declared the necessity of putting an end to military despotism in Brazil.

In joining the revolution Rear-Admiral Saldanha da Gama goes much farther in his manifesto of the 7th instant (December 7), which fact is shown by the following important declaration:

"Both logic and justice warrant us in seeking, by force of arms, to replace the Government of Brazil where it was on the 15th of November, 1889, when, in an unguarded moment—a moment of national stupefaction—it was overthrown by a military insurrection, of which the present government is but a continuation.

"The respect, however, which is due to the will of the nation, freely expressed, tells us that it is proper for it to choose, on its own responsibility, the kind of institutions that it desires to adopt."

It follows, therefore, that all that has been accomplished since 1889, up to to-day, in the way of constitutional and governmental organization, whether in the federal government or in the separate administration of our States, is valueless, and disappears as if it had never existed. The autonomy of the State constitutions, the organization of their magistracies and municipalities, the public land system, the colonization and immigration laws, etc., all must be abolished and the people again be consulted for a free expression of their opinion.

But under what government shall we appeal to the voice of the people? Rear-Admiral Saldanha da Gama would have public affairs regulated according to the requirements of logic and justice. And if these were not complied with, what new guaranties of exemption and impartiality can any *de facto* government offer in order to escape the suspicion with which he accepts the decisions of the ballot-box ordered by the revolutionary government which was the outgrowth of the revolution of 1889? With the very same right by which the admiral condemns the elections held during the revolutionary period and the constitutional period which followed, any officer of the army or navy might in the future come forward and declare the new

election, which it is now proposed to order, to be null and void. And thus Brazil would be subjected to a series of uninterrupted revolutions.

Radical revolutions like that of 1889 are sanctioned by the declaration of the people at the ballot box and through the manifestations incidental to national existence in its multifarious and constant relations with the organs of administration, and a *de facto* government created by these circumstances is unable to consult the nation through the regular channel, as is the custom on normal occasions by virtue of constitutional rights and preexisting laws.

An overthrow of political order affecting society to its very foundation will not admit of regular proceedings for consulting the will of the people. This is what was done in virtue of the revolution of 1889. Even the distinguished admirals who have rebelled could pursue no other course if their cause should triumph. It would, however, be the greatest calamity that could befall Brazil if the field should be reopened for political reconstruction, since that would prolong the revolution of 1889 indefinitely.

Revolutions, even when successful, are the cause of incalculable evil to the economic life of a nation. What, then, would be the result if revolutions should succeed one another in such rapid succession as is now attempted amongst us. It would be the complete destruction of public and private wealth, the ruin of the producing and laboring classes; it would cause stagnation of our vast natural resources, which throughout Brazil are awaiting development to lead us to unrivaled prosperity, for labor and enterprise thrive only when peace, law, and order prevail.

They are greatly deceived who hope for the abolition of military despotism by military revolts! That person is blinded who does not see that military despotism is mainly due to the competition and rivalry of army and naval officers for the possession of power, each one that controls an armed force striving to raise himself to the position of supreme arbiter of the established government, and claiming to act under the constitution.

Instead of appealing to constitutional means and to the law for the trial of those in power, they constitute themselves judges from whose decisions there is no appeal, and resort to the *ultima ratio*—arms.

And this is exactly what Admirals Mello and Saldanha are doing.

The manner in which the revolution of 1889 was accomplished was unquestionably deplorable, and, owing to the absence of a popular element to support it, the armed classes appointed themselves the depositaries of the power by force of circumstances. Rear-Admiral Saldanha thinks that for this reason the nation should be again requested to express a decision concerning its destinies, and that all the results of the elections which have been held during the intervening period should be discarded as null and void. The rear-admiral forgets that the Provisional Government also declared that it spoke in the name of the nation, as he now claims to speak.

Let no one be deceived; that which is contended for is firmly to establish for the heads of the army and navy the power to appoint themselves the supreme arbiters of the nation. If, when the constitutional term of office of Marshal Floriano Peixoto, who was constitutionally vested with power by the national Congress, is drawing to a close, just before the Presidential election, and if a portion of the public force, led into revolt by some of its officers, then seeks forcibly to compel it to relinquish its authority, who will put any faith in the stability of power in the hands of Presidents who shall hereafter be elected to serve for four years?

It is no less an error to resort to the restoration of the monarchy as a remedy for our troubles. If that form of government was unable to maintain itself in Brazil after a trial of sixty years, and while so estimable a man as Dom Pedro II was at the head of affairs, how can anyone believe that it could be advantageously restored when it has not a single representative who is at all remarkable for his capacity to govern?

After the States and the local authorities have enjoyed autonomy for more than four years, can anyone believe that we could return to our former *régime* of centralization?

Nations are jealous of their liberties and privileges, and do not readily renounce those which they have once secured.

It usually happens, when radical revolutions take place and when the form of government existing in a country is changed, that the new institutions meet with friction and resistance, although such friction and resistance disappear when the newly introduced institutions have become well established. This is now the case in Brazil.

The people would give evidence of unexampled frivolity if they should think of giving way in the face of this quite natural occurrence, and they would receive immediate punishment for their frivolity, because the old order of things would now meet with greater obstacles than it ever did before, and its reestablishment would, from the force of circumstances, occasion a tremendous reaction, thereby still further complicating the governmental and social problem.

Proof that a republican form of Government is adapted to Brazilian society is furnished by the way in which this form was received and has been developed in our State.

If distinguished writers on international law declare that a republican form of government will, at no distant day, be adopted by the old nations of Europe, who will dare to hope that a monarchy can become popular among those which are thoroughly democratic and opposed to class distinctions, as are the nations of America?

The efforts of all Brazilians should be put forth in order to give to our institutions their true character, to the end that their working may be satisfactory.

Patience is a virtue which is indispensable in a government of the people, and the beauty of such a government lies in the fact that under it no one is all powerful and no one is always powerful. The depositaries of public power are chosen by the people at the ballot box, and they succeed one another after each has held office for a brief period.

There are courts for the punishment of crime and malfeasance in office; no one is free from responsibility. The ballot boxes are there for the repression of political wrongdoing.

In troublous times like the present it is very easy for those who are not thoroughly instructed to be led astray, owing to the erroneous way in which they look at political problems, and I consequently deem it my duty to address the people of the State of Minas-Geraes and frankly to state the view which I take of the situation, after examining it in a calm and unprejudiced manner, and availing myself of the knowledge of men and things which I have acquired in the course of my now long experience in public affairs.

Every one knows that I did not favor, but that I lamented, the revolution of 1889, which overthrew the monarchy, at the head of which was that eminent patriot Dom Pedro II, whose knowledge was so profound, and who had rendered such eminent services to his country. I foresaw the disturbances that were likely to follow that uprising, and I am not surprised by any of the deplorable occurrences which I now see in our country. I nevertheless saw at once that it was impossible for the monarchy to be restored in such a way as to secure peace and order and to initiate a career of prosperity for the country.

The prestige of monarchical government was destroyed, and the new elements which had taken its place could never be eliminated in an American country—at the close of the nineteenth century. Under such circumstances the necessary consequence of a restoration would be the destruction of our beloved country—a disaster which every patriot should do everything in his power to avert. Autonomous and prosperous states have never submitted to become helpless provinces, without any prospect of development.

This is an indisputable truth.

The Republic must be made what it should be—orderly, conservative, and progressive.

Revolutions are never justifiable except when they are necessary to overthrow tyranny, and woe to nations that resort to them as a normal means of correcting the errors and misdeeds of their rulers, before they have exhausted all the means afforded by their laws and constitutions! Instead of liberty they will have anarchy; instead of greatness, decay, and instead of the esteem and respect they will have the contempt of civilized nations.

It is this evil that I desire to see removed from our country, and I therefore did not hesitate for a moment to condemn the revolt of September 6, which has been the cause of so many evils.

It has been a cause of much gratification and patriotic satisfaction to me to see that my view of the interests of the nation and of our State met the approval of the Congress of the representatives of the State of Minas-Geraes, which has just condemned the revolt in unmistakable terms, there having been, so to speak, unanimity of opinion, even among those who did not vote for the resolution as passed, as is shown by the statements made by those who did not favor that resolution.

In conclusion, I pray God to enlighten the minds of the combatants, and to teach them that the blood of women and children and of defenseless aged persons—in a word, that the blood of our brethren—does not fertilize, but exhausts the soil of our country.

ALFONSO AUGUSTO MOREIRA PENNA.

OURO PRETO, *December 11, 1893.*

Mr. Thompson to Mr. Gresham.

No. 139.]

LEGATION OF THE UNITED STATES,
Petropolis, January 20, 1894. (Received February 24.)

SIR: I have the honor to transmit copy and translation of a manifesto published by Annabel Falcao, who, up to the date of Admiral Saldanha da Gama's proclamation urging restoration, had been one of the most formidable opponents of the Government. As a representative in congress during the last session he championed the cause of the revolutionists in Rio Grande do Sul and joined Admiral Mello upon the breaking out of the present revolution. The paper, it is believed, will have considerable weight with the people in the southern states.

Taken with the manifesto of Don Alfonso Penna (transmitted by dispatch No. 138, January 20, 1894) it illustrates in a measure what I have already suggested, that the proclamation of Admiral Saldanha da Gama, in favor of restoration, caused a perceptible reaction favorable to the existing Government.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure in dispatch No. 139.]

MANIFESTO OF AMABEL FALCÃO.

"Pour ma patrie j'embrasserais mon plus cruel ennemi, à qui je donnerais ensuite mon corps à dévorer."—*Danton.*

"The Republic is truly the grand political accomplishment which is reserved, not only for Brazil, but for the entire West, the complex fact which calls it into existence being contemporaneous with the historic situation."—*Manifesto of the first Republican Congress of Pernambuco.*

The extreme gravity of the situation occasioned by the frightful crisis with which the Republic is contending has clearly shown the wholly retrograde character of the insurrectionary movement of the navy, and assigns to each citizen, especially each republican, the part which he should take in this unfortunate contest.

If some upright and patriotic citizen did accept and proclaim the legitimacy of the revolution, whose leader declared that it was destined to end the civil war in Rio Grande by restoring the full enjoyment of constitutional liberty to the people of that Brazilian State, the rectitude and sincerity of those men no longer permit them to be influenced by so fatal a delusion.

The manifesto of Saldanha da Gama can not be misunderstood; it will not allow of sophisms or subterfuges; its purpose is the greatest outrage upon the political progress which our country has accomplished since the establishment of its independence. From this point of view, the tremendous complication of the Brazilian crisis is a fortunate thing, for it necessarily effects the entire solidarity of all the republicans whatever contentions may heretofore have separated them.

If in time of revolution, as Tacitus says: "The difficulty for the citizen does not lie in performing his duty, but in knowing in what that duty consists," no such embarrassment can, in the present case, paralyze the energy of true patriots in upholding the cause of the Republic.

It is no longer proposed to restore peace to the State of Rio Grande by reestablishing selfgovernment in that State; it is no longer proposed to restore the supremacy of the law, or even to oppose the unconstitutional reelection of the Vice-President, now acting as the chief magistrate of the nation. All the reasons, important or otherwise, that could justify the insurrection against the legally established Government were, as is very plain now, nothing but shallow pretexs which concealed the criminal design of reestablishing the monarchy in Brazil.

The real object, the only one of the revolt of the navy, has just been proclaimed by Admiral Saldanha da Gama in his manifesto; it is to consult the nation as to the form of government which it prefers to adopt.

Consequently, the very existence of the Republic is at stake, and its fate is to be decided by a plebiscite, presided over by the conquerors who have strangled it, and who would certainly never attempt to resuscitate it by such a miraculous panacea

as the popular vote. The hypocrisy of this is so glaring that it appears more ridiculous than revolting.

When the most prominent republicans shall have perished, on the battlefield and on the scaffold; when the prisons shall have shut out the rest of them from the social life of Brazil; when only the corrupt and the cowardly shall have a voice, the Brazilian nation will be consulted as to its form of government and its destiny, and it will answer through the mouths of the base and servile, that what it needs, as being best and most salutary is what it yesterday rejected with disgust; *canis reversus ad vomitum suum* (the dog returns to his vomit).

Contemporary history furnishes, among other things, the most suggestive lessons with regard to the value of plebiscites when it relates the circumstances under which, after the republicans of 1848 had been murdered or exiled, thousands of French voters sought to legitimize the imperial régime which afterward perished, wallowing in the bloody mire of Sedan. Nor may we stop to consider the legitimacy of that so-called consultation of the people, which is now the avowed object of the insurgent fleet. Who does not know what may be the result of an election which, when manipulated by arrogance and oppression, may be the source of all sorts of corruption.

Even though a majority of the people voting freely at the ballot box should wish to restore the monarchy, the duty of the republican government of all its supporters and of all patriots is energetically to check any such retrograde movement.

The Republic is the happy result of our entire historic evolution, it is not the work of even one generation, much less is it one of those arbitrary and ephemeral edifices that may be overthrown by the caprice of ungrateful children, whatever sufferings the consolidation of this incontestable progress may have cost them.

Danton, that wonderful political genius, who was as admirable for his lucid good sense as for the energy of his character and immeasurable depth of his love for his country, Danton, that great statesman, who in the midst of the greatest revolutionary upheaval that the world had then seen, saved his country, France, and arranged the elements necessary for the organization of the Republic. He well knew the reactionary character of the masses, and he dared, in the face of the dogma of popular sovereignty as defined by political metaphysics, to proclaim that the government of society belongs to the minority, which is a "truism" not even yet generally understood; that is to say, he was a choice spirit, capable of defining and directing progress by guiding popular aspirations and transforming them into opinions which enlighten and determine the acts of the governing powers. In accordance with this theory of the directing apparatus of nations he saw, before the rest of mankind did, that the revolutions of nations (to use an expression then in use and corresponding to our word progress) were the results of the expression of historic forces wholly beyond the control of the will of individuals, whether isolated or in groups, who are drawn by these forces, often unconsciously, through the most conflicting occurrences. Thus it was that he, the organizer of the insurrection of the 10th of August, which abolished royalty in France, felt and showed that his work was, fundamentally, the same as that of Richelieu and Henry IV; thus it was that he concentrated all political power in the committee of public safety, and the power to pronounce judgment without appeal in the revolutionary tribunal; thus it was finally that, through his decisive and energetic action, the appeal to the people to confirm or reverse the death sentence of Louis XVI was rejected by the convention.

This is the tradition which inspires us; this is the doctrine which animates all true republicans in whose opinion an appeal to the people and a consultation of the nation would, in principle, be a senseless proceeding, and in practice a hypocritical makeshift, which has been used by reactionists to the detriment of liberty, of order, and of progress.

In our present national crisis, as we have already shown, this pretended manifestation of respect for public opinion is the most crafty device whereby the Brazilian people could be ensnared.

But even were this not unnecessary, the time has passed for pointing out wherein our duty lies. It is now time to do our whole duty as our patriotism requires.

My fellow-citizens, to whom I am speaking, especially the people of Pernambuco, know that as soon as Marshal Peixoto gave his efficient and decisive aid to the revolt initiated by ex-Governor Julio de Castilhos against the Government established in Rio Grande do Sul by the supporters of the movement to restore the republican constitution which was violated by the *coup d'état* of November 3, 1891, I openly declared against the policy of the chief magistrate of the nation and vigorously opposed his plans.

They also know that, although I took no part in the insurrectionary movement of the navy of which I had no knowledge until after it had been made, I endeavored to profit by the occurrences therewith connected in order to prevent the State of Pernambuco from again falling into the power of the conqueror, when it could become the arbiter of peace and regain its former supremacy in the Brazilian body

politic. The distress of the present situation alone compels me to make known these views of mine, which were calumniously misrepresented. I kept the most absolute silence while I could do so without being recreant to my duty as a patriot and as a republican, and when, too, this involved the greatest danger to me, owing to my supposed sympathy with the revolt of the navy, whose success I desired as long as I could sincerely believe in the uprightness of its aims.

Now, however, when the proclamation of Saldanha da Gama throws such a sinister light upon this criminal attempt, no suggestion of self interest can stop me. I have been a republican from my youth up. I have been one of the most zealous advocates of the establishment of a republican form of government in our country. I took part in the movement which resulted in the establishment of that form of government on the 15th of November, 1889, when it fell to my lot to organize the popular uprising which on that memorable day culminated in the downfall of the Empire and the establishment of the new political order of things. I favored the revolution of November 23, which restored the constitution of February 24, which constitution as a popular representative I had helped to frame, and my silence in presence of a revolt whose object is the restoration of a monarchy in Brazil would be treason to my whole political life, or at least an abandonment of my political duty. Renouncing as I do all desire to hold office under the present Government, it would be deserting my post as a true republican, which I am proud to be, if I were to refuse to aid the Government in the capacity of a private citizen. The object of these lines is to declare that I deem it my duty to support the Republic.

DECEMBER 14, 1893.

ANNIBAL FALCAO.

RACIFE (PERNAMBUCO), *December 14, 1893—at night.*

I have been unable to reply to your letter until now. In view of Saldanha da Gama's manifesto, which reveals a monstrous attempt at retrogradation, it is, beyond a doubt, my duty to take my stand on the side of the Government, in defense of the Republic.

The welfare of the country is, in my judgment, absolutely dependent upon the maintenance of the Republic. "For my country I would embrace my most cruel enemy, to whom I would afterward give my body to devour." Now is the time for your friend to prove the sincerity with which he has always repeated the above words of Danton. I do not know what fate may have in store for me, but I shall certainly never regret any sacrifices that I may make in behalf of the Republic. What is my own interest, my name, my life, in comparison with such a cause?

Your true, etc.,

ANNIBAL FALCAO

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, January 22, 1894.

Mr. Thompson officially confirms the successes of the Government at Bage and reports the continuance of the fighting at Nictheroy. He transmits the information received by him that the *Nictheroy* and two other war vessels of the Government sailed from Pernambuco for the south on the 20th, and says that the situation remains unchanged.

Mr. Thompson to Mr. Gresham.

No. 141.] LEGATION OF THE UNITED STATES,
Petropolis, January 26, 1894. (Received February 24.)

SIR: With regard to the situation of affairs touching the revolution there has been but few happenings of any importance since my dispatch to you of the 12th instant (No. 134), with the exception of what appears to be a disastrous defeat of the revolutionary forces in the south. But, as I have before stated, information from the outside comes entirely through agencies controlled by the Government, and is, no doubt, often colored in its interests.

The return of the *Aquidaban* to the bay of Rio de Janeiro, which was reported (No. 134) January 12, has given to the insurgents renewed confidence, and they have been much more aggressive. An attack upon the Island of Mocangue resulted in a severe defeat to the Government forces and the abandonment of the island. The position gained, however, is of no particular importance. The repeated assaults of the insurgents upon Nictheroy have thus far been repulsed, but great damage has resulted to both life and property.

The victories of the Government forces in Rio Grande do Sul culminated on the 8th instant when the siege of Bage was raised. The revolutionists were disbanded and fled, without ammunition and poorly horsed. The reports show that constant and incessant fire was kept up for eighteen days, during which the Government losses were 36, while the revolutionists lost over 400; besides, it is claimed 500 from Uruguayan bands deserted. The city of Bage was very much damaged, and many atrocious crimes said to have been committed. In one instance two soldiers were burned to death. No report of the troops sent in pursuit of the retreating revolutionists has been received.

The absence of Admiral Mello from the scene of hostilities has given currency to rumors that he has abandoned the insurgents' cause, and that Admiral Saldanha da Gama has assumed command of the entire force. The truth of this, however, cannot be ascertained; another report indicates that he is at Desterro very ill with disease, beri-beri, or suffering from wounds received while leaving the harbor on the 1st of December. It is positively known that the disease beri-beri was prevalent on the *Aquidaban* at the time of her departure and that Admiral Mello did not return with the vessel.

Commercial operations in the harbor have been carried on without any serious interference with American interests. The English have had trouble with their coal interest, and Admiral Saldanha da Gama has issued orders preventing the landing of coal. This of course has caused loss to English merchants engaged in this trade. I have, however, just received from Mr. Wyndham, British minister, a note stating that he has received from the English commandant information of a conference of the foreign naval commanders, in which it was decided that they would oppose the undertakings of the insurgents to prevent the landing of coal, but as several of the commandants were without instructions authorizing the use of force against force, positive action was delayed until their Governments could be communicated with. If this policy is again instituted it will be a return to the spirit of the notice given by the commanders to Admiral Mello on the 6th of November, and for which I have contended since the commencement of the revolt, as will be seen from my dispatch No. 122, December 31, 1893, and which is, I believe, fully authorized by your instructions.

I have, etc,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, January 29, 1894. (Received January 29.)

Mr. Thompson telegraphs that the American vessels will be convoyed to the dock by the U. S. S. *Detroit*, and that a general engagement may follow if she is fired upon, as she is ready to return the fire.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, January 29, 1894. (Received January 29.)

Mr. Thompson reports that at an interview in which interference with the coal trade of British subjects was discussed, the representative of Great Britain, whose views are shared by his Belgian, French, Italian, and Portuguese colleagues, declared that all other means would be exhausted before force would be resorted to and intimated that recognition might be recommended by him.

Mr. Gresham to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 29, 1894.

Mr. Gresham instructs Mr. Thompson to confer with Admiral Benham, from whom a telegram, indicating a serious situation, has been received, and requests an immediate report.

Mr. Gresham to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 30, 1894.

Mr. Gresham directs Mr. Thompson to transmit promptly a full report of present situation and of events in the city and harbor of Rio de Janeiro, with special reference as to whether there has been any change, and, if so, of what nature and for what reason, in the attitude of the naval forces of the United States towards the Government of Brazil and the insurgents since Capt. Picking was relieved of the command. He inquires whether Admiral Benham disagrees with the other naval commanding officers, and, if so, on what points, and whether the merchant vessels of the United States are now enjoying any protection that was not theretofore accorded by Picking. He also asks as to the nature of his relations with the Brazilian Government and Admiral Benham, and whether a blockade is enforced by the insurgents or any attempt made by them to that end.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, January 31, 1894. (Received January 31.)

Mr. Thompson telegraphs that he is informed by Admiral Benham, with whom he had an interview on this day, that a full report of his

action was sent on the preceding morning to the Navy Department. After notifying the insurgents and the city that he intended to protect by force, if necessary, and to place all American vessels who might wish to go to the docks alongside the wharves, the war vessels of the United States got under way and cleared for action. The *Detroit*, which was stationed in the best position for the ends of protection, had orders to fire back if the merchant vessels were fired upon. A shot from one of the insurgents' vessels was fired at, but missed, the boat of one of the American vessels that was making preparations for hauling in by means of a line running to the shore. The *Detroit* replied with a shot from a 6-pounder, which struck under the insurgent's bows. The latter then fired one shot to leeward from her broadside battery and subsequently another over the merchant vessel. The *Detroit* answered with a musket shot, which struck the stern post of the insurgent vessel. The latter was hailed by the commander of the *Detroit*, as he passed by, who declared that he would return the fire and sink her, if necessary, in the event of her again firing. By this time one of the American vessels was moored near the dock in her new berth, and a tug came up offering to discharge without cost the cargoes of all the vessels. Notice was then given to the commander of the insurgent forces that the cargoes would be taken out of the vessels in the berths they then occupied, but that it was determined, as theretofore, that if American vessels wished to have berths in the docks they would be placed there and given full protection by the squadron of the United States. The *Detroit* was afterward withdrawn and the war vessels anchored. He states that the naval or military operations of either side were not in the least interfered with by Admiral Benham, who entertains no such intention. What he proposes to do is to fulfill his duty of protecting the citizens and trade of the United States, and of this the insurgents have been notified by him. Admiral Benham declares that if American vessels get in the line of fire during the actual course of legitimate hostilities they must take the consequences, but their freedom of movement must be respected. The insurgents are denied the right to search neutral vessels or to seize any part of their cargoes, even though such cargoes should comprise such articles as would, in the case of war between two independent governments, come within the class of merchandise defined as contraband of war. The insurgents, in their present status, would commit an act of piracy by forcibly seizing such merchandise.

He adds that, to the best of his information, all the foreign commanders agree with Admiral Benham, and that the effective action of last Monday has restored complete tranquillity, broken the attempted blockade of commerce and trade, and placed everything in even motion.

Mr. Gresham to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 1, 1894.

Mr. Gresham states that Admiral Benham has acted within his instructions; and that it is therefore hoped that Mr. Thompson, whose telegram is satisfactory, is in accord with the admiral.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 1, 1894. (Received February 1.)

Mr. Thompson states that on the part of the insurgents the only change in their attitude that occurred since Mello inaugurated the rebellion was brought about by Da Gama, who succeeded him in the command of the forces at Rio de Janeiro, and exerted more vigorous efforts to hamper commerce, which had met with no serious obstruction under the enforcement of the notice which he inclosed in his dispatch No. 122, and was given, on the 6th of November, to Admiral Mello by the foreign commanding officers.

It was about December 12 that these officers, except the Germans, apparently modified their attitude toward the insurgents, at least by failing to enforce the terms of said notice against Da Gama, who at that time declared that it was his purpose not to allow merchandise to be brought to the shore or to the custom-house, as stated in inclosure 4 in the same dispatch. The result was that although there was no line of fire, except when a launch happened to run along the water front firing upon the land forces on shore, Da Gama carried the object he had in view, a blockade of commerce. He adds that, as the situation is understood by him, Admiral Benham, except perhaps by refusing to recognize Da Gama's authority, has maintained the same attitude as was from the first assumed by the forces of the United States. He adds that the other commanding officers are now in accord with Admiral Benham and have agreed to ask for authority to use force, that his own relations with the Government of Brazil and Admiral Benham are very cordial, and that the action of the latter meets the views embodied in his dispatch No. 123, even though he was not consulted before it was taken.

As a consequence of said action protection is now afforded to merchant vessels of the United States, and the actual line of fire of the insurgents is the only restriction to their freely receiving and discharging cargoes. He explains that although the insurgents were apparently aiming at a blockade there was none in fact.

Mr. Thompson to Mr. Gresham.

No. 148.]

LEGATION OF THE UNITED STATES,
Petropolis, February 1, 1894. (Received March 19.)

SIR: I have the honor to transmit copy and translation of decree No. 1663, January 31, 1894, continuing the state of siege (martial law) in the district federal and the states of Rio de Janeiro, São Paulo, Paraná, Santa Catharina, and Rio Grande do Sul in the capital of Pernambuco, and extending it to the capital of Parahyba, until the 25th of February.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure in No. 148—Translation.]

DECREE CONTINUING MARTIAL LAW.

Prolongs with modifications, up to February 25 next, the state of siege declared by decree No. 1617 of December 25 last, and extends it to the capital of the State of Parahyba.

The vice-President of the Republic of the United States of Brazil seeing that there continues to exist the grave motives of public order that determined the suspension of constitutional guaranties in certain parts of the territory of the Republic; seeing, too, that the same grave motives have ceased to exist as regards the State of Pernambuco, excepting its capital, and are now showing themselves as regards that of the State of Parahyba, resolves, by the terms of Article LXXX of the constitution, to prolong up to February 25 next the state of siege in which by decree No. 1617, of December 25 last, were declared to be the Federal district, and the states of Rio de Janeiro, São Paulo, Parana, Santa Catharina, and Rio Grande de Sul, the said state of siege also being limited to the capital of the State of Pernambuco and extended to the capital of the State of Parahyba.

Federal Capital, January 31, 1894. Sixth of the Republic.

FLORIANO PEIXOTO,
CASSIANO DO NASCIMENTO.

Mr. Thompson to Mr. Gresham.

No. 150.]

LEGATION OF THE UNITED STATES,
Petropolis, February 1, 1894. (Received March 19.)

SIR: I have the honor to confirm my telegram to you, dated January 29, in which I report an intimation from British minister that he would recommend recognition of the insurgents in preference to recommending the use of force for the protection of British coal interests in the harbor.

This telegram was based upon what occurred at a conference of members of the diplomatic corps held the day it was written.

The insurgents have possession of an island owned by an English firm, Wilson, Sons & Co., and used as a coal depot, from which the gas works of Rio, the Royal Mail Steamship Company, and others receive supplies. The steamship company, an English corporation, and a Belgium company which supplies the gas works, have special deposits of coal on the island. Admiral Saldanha, under the pretext that coal was contraband of war, has denied to the companies the right to land coal in the city. The British minister, Mr. Wyndham, through the senior commander of his squadron, requested Admiral Benham to call a conference of the senior naval commanders with a view of taking some action in the premises.

Subsequently he informed me by note (January 26) that he had heard that the conference had been called and was attended by all the commanders except the Austrian, and that it was agreed that Saldanha da Gama had no right to stop the landing of coal, and that, as he was using force to do so, they should telegraph for instructions to use force. He further stated that the matter was very serious and requested that I attend a meeting of the diplomatic corps on Sunday, which I did. At this meeting Mr. Wyndham suggested that a collective note be sent to the commanders recommending the enforcement of the notice which had been sent to Mello on the 6th of November (reported in my No. 122) against Saldanha da Gama. I declined to join in this note, stating that while I was in favor of enforcing the notice we had never been informed of its abandonment, nor had we

been informed in a formal way of the recent action of the commanders. I expressed a willingness, however, to confer with Admiral Benham about the matter, and was requested to do so and to inform him of the desire of the diplomatic corps to have that notice transmitted to Admiral Saldanha. Mr. Wyndham said that he had advised Capt. Rolleston not to telegraph the admiralty for instructions to use force, without giving him notice, in order that he might wire the foreign office at the same time, and that he did not know but what it would be better to recognize the insurgents as belligerents at once than to use force against them, referring at the time to the fact that a state of siege was being prolonged by the Government in several of the most important states in Brazil.

Those present, except myself, seemed to acquiesce in what Mr. Wyndham said, but there was no other definite expressions on the subject.

With no intention of examining into the merits of the commercial arrangement between the United States and Brazil, it can not be denied that it has given to our merchants a leverage of which all Europeans are extremely jealous.

I have, etc.,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 2, 1894. (Received February 2.)

Mr. Thompson reports that the insurgents have withdrawn their restrictive orders, that ships of all nationalities are no longer kept from coming to the shore, and notes a favorable progress of commerce, all of which he says is due to the influence of the war vessels of the United States having stopped the insurgents' fire against American merchant vessels.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 2, 1894. (Received February 2.)

Mr. Thompson reports the resignation of the minister of war and of marine of the Brazilian Government, and the march on Iguape of 1,000 insurgents. He says that Curitiba is in their possession, that, according to intelligence brought from the south by a British war vessel, the insurgent ship *Republica* is now at Paranagua with Admiral Mello on board, and adds that a threat to bombard Rio de Janeiro without notice, again made by the admiral in command of the insurgent fleet, is likely to be opposed by the foreign commanders.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 3, 1894. (Received February 3.)

Mr. Thompson transmits the substance of a request that Admiral da Gama sent him on that day through Admiral Benham, and in which recognition as belligerents is asked for the insurgents, who are represented as holding most of the State of Rio Grande do Sul, the States of Santa Catharina and Parana, and a portion of Sao Paulo. The communication observes that martial law has been declared seven different times. Mr. Thompson adds that he has seen no appearance of progress on the part of the insurgents with their government nor of correctness as regards their claim as to territory; that the request for recognition is not justified by any information that has reached him, but, judging from the attitude of English residents who are known to be in sympathy with the cause of the insurgents, although they have not overtly so declared, and from the information transmitted in his telegram of January 29 last, recognition might be contemplated.

Mr. Gresham to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 5, 1894.

Mr. Gresham instructs Mr. Thompson to transmit to the admiral in command of the insurgent forces the information that recognition as belligerents is still considered by the President as not being justified by the situation.

Mr. Thompson to Mr. Gresham.

No. 155.]

LEGATION OF THE UNITED STATES,
Petropolis, February 5, 1894. (Received March 19.)

SIR: I have the honor to acknowledge the receipt of your cipher telegram dated February 1, stating that my telegram reporting Admiral Benham's action on the 29th ultimo was satisfactory and expressing the hope that I was in accord with him.

Referring to the last part of the above telegram, wherein you express the hope that I am in accord with Admiral Benham, I have the honor to state that my official and personal relations with him since he assumed command of the South Atlantic station have been of the most cordial and satisfactory character. He has established and maintains the same position with regard to commerce that I have contended for from time to time since the revolution commenced.

No positive action was taken jointly by the commanders until the 6th of November, when they informed Admiral Mello that he must not interfere with the free operation of commerce on the bay. Admiral Mello respected this notice, and no difficulty was experienced until

Admiral Saldanha da Gama succeeded him, about the 12th of December, when he at once announced that he would endeavor to prevent the passage of goods to the custom-house or to the shore. Without any notice of the abandonment of their former position the English acquiesced in Admiral Saldanha's ruling, and the commander of their naval forces went so far as to threaten prosecution of the masters of the vessels of his country who in defiance of this order went to the shore, thereby causing loss of life. Protests alleging similar action on the part of our naval forces were filed at the consulate about the same time.

This ruling of the insurgent admiral and the acquiescence of the naval commanders virtually amounted to a blockade, until the timely action of Admiral Benham on the 29th ultimo, which has been fully reported. In my opinion the action of Admiral Benham falls clearly within your instructions to me of November 1, and it was with the view of carrying out these instructions that I addressed my communication of December 22 to Capt. Picking, which he declined to consider.

In this connection it gives me pleasure to transmit copy of a letter from Admiral Benham to Admiral Saldanha defining his position. This letter is in substance a reiteration of the notice given by the commanders on November 6, which was subsequently abandoned when Admiral Saldanha assumed command. Had the notice been consistently maintained the incident which occasioned the necessity of displaying force to sustain our rights would not have occurred.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure in No. 155.]

Rear-Admiral Benham to Admiral da Gama.

U. S. FLAGSHIP SAN FRANCISCO (SECOND RATE),
Rio de Janeiro, Brazil, January 30, 1894.

SIR: In reply to your communication of yesterday, which I had the honor to receive, asking if my action of the 29th "means positive interference in our domestic trouble, or if it only refers to the protection of commerce under the American flag," permit me to say that a careful perusal of the letters which I have had the honor of addressing you would, I think, make this question unnecessary, as they all refer to acts of violence and interference committed by your orders against American vessels, and of my intention to protect these vessels. However, that there may be no misunderstanding, I have to say, that in no case have I interfered in the slightest way with the military operations of either side in the contest now going on, nor is it my intention to do so. That is not my mission. My duty is to protect Americans and American commerce and this I intend to do to the fullest extent. American vessels must not be interfered with in any way in their movements in going to the wharves or about the harbor, it being understood, however, that they must take the consequences of getting in the line of fire where legitimate hostilities are actually in progress. I am not laying down any new principle of action. My course rests upon well-established principles of international law.

There is another point which it may be well to speak of now: Until belligerent rights are accorded you, you have no right to exercise any authority whatever over American ships or property of any kind. You can not search neutral vessels or seize any portion of their cargoes, even though they be within the class which may be clearly defined as contraband of war, during hostilities between two independent Governments. The forcible seizure of any such articles by those under your command would be, in your present status, an act of piracy. Regretting that I am forced to speak thus plainly,

I have, etc.,

A. E. K. BENHAM,
Commanding U. S. Naval Force on South Atlantic Station.

Mr. Thompson to Mr. Gresham.

No. 156.]

LEGATION OF THE UNITED STATES,
Petropolis, February 6, 1894. (Received March 19.)

SIR: Since the transmission of my No. 141, January 26, 1894, news has reached here of dissensions in the Provisional Government of the insurgents at Desterro, and the retirement of Senhor Annibal Cardoso from the cabinet. Senhor Cardoso was at the head of the four principal departments—war, inland affairs, finance, and foreign relations—and resigned on account of misunderstandings with his colleagues.

Upon leaving the Government, Senhor Cardoso is reported to have said: "To-day the heads of the revolutionary movement are enveloped in a mesh of cabals and far from seeing in them the energy needed to overcome these intrigues, I see these friends to be in great difficulties. I deem it a crime to remain working for the revolution, putting in danger both lives and interests, to serve a policy that, instead of having done away with the hindrances put in our way by the enemy, builds up new obstacles through questions of representation, forgetting for days together that one hour's delay in a war measure may be the loss of a fight, and thus of all that has been done. I part, therefore, from the revolutionists, sorry to see remain among them so many that will be sacrificed to personal ambitions." Senhor João Carlos Monrão do Santos succeeded to the positions made vacant by the resignation of Senhor Cardoso.

The newspapers on the 16th ultimo published long accounts of a Government victory at Itajahy. Itajahy, a small town in the State of Santa Catharina, held by 800 men with 21 cannon and assisted by two of the insurgent vessels, was captured by the Government forces on the 10th of December with but little loss of life to either side.

It was reported about the 25th of last month that the Vice President had in contemplation or had informed the presidents of the several States that if he should succeed in suppressing the revolution, he would immediately resign and turn the presidency over to his legal successor, Dr. Prudente Moraes, the president of the senate, and was heartily in favor of the election of a civilian to the presidency. This has not, however, materialized in a definite form; nor have I been able to trace it to a reliable source, but, notwithstanding, I am aware that there is a strong feeling against again intrusting the affairs of the Government to a military president, and believe that a civilian will assuredly succeed Peixoto. The governor of the State of Minas Geraes, Dr. Alfonzo Penna, whose manifesto was transmitted in my No. 138 January 20, is favorably spoken of as a possible candidate and it is not unlikely that he will become an aspirant. He is spoken of in the highest terms and his manifesto is broad and sensible. The legal term of Peixoto will expire in March.

Further action of the commanders to avoid a bombardment was terminated when the Government insisted upon placing fortifications upon the available positions and apparently preparing to attack. Notwithstanding he and the Government agreed to give forty-eight hours' notice, Admiral Saldanha da Gama has made several threats to commence a general bombardment at any time, but Admiral Benham will require a notice of at least two days, in order that our citizens may be warned to seek places of safety. I inclose copy of a communication Admiral Saldanha da Gama made to Admiral Benham on this subject, dated the 28th ultimo.

Consul Burke informs me by letter, January 16, that there is no

disturbance in Pernambuco, and the Vice-President in the decree continuing the state of siege (martial law) excepts this State but continues the capital under its operation. Mr. Burke also complains of the misconduct of the American crews of the *Nietheroy* and *America*, who have proven to be of a drunken and disorderly class. He also states that Sergeant Silvino, who came to Pernambuco in the disguise of a law student was executed by the military authorities shortly after his arrival. Silvino led the mutiny in Fort Santa Cruz during April, 1891, and has been in command of the *Jupiter*, insurgent cruiser, since the commencement of the revolution. This action seems to indicate that the Government intends to deal summarily with the insurgents when captured.

The Brazilian warships are still holding aloof from actual hostilities and nothing new has been heard from them. It is reported now that the *Riachuela* and *Benjamin Constant*, two of the best vessels in the navy, will shortly leave Toulon, where they have been for repairs, and join the ships at Pernambuco to operate against the insurgents.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 156.—Translation.]

Rear-Admiral da Gama to Rear-Admiral Benham.

ON BOARD THE CRUISER LIBERDADE,
Rio de Janeiro, January 28, 1894.

To their Excellencies the Senior Commanders of the Foreign Naval Forces in the Harbor of Rio de Janeiro:

At the beginning of the present revolution, when the city of Rio de Janeiro, barely defended by some few field pieces placed on its front or principal hills, was at the mercy of the guns of the squadron, the chiefs of the foreign navies, represented in this port in a collective and unanimous note addressed to his excellency Rear-Admiral Custodio Jose de Mello, declared that they would oppose, even by force, any attempt at bombardment of the city, unless previous provocation came from the land.

Taking advantage of this resolution of the chiefs of the foreign vessels, the Government of Marshal Floriano Peixoto hastened to cause the withdrawal from the hills and the front of this city his six small field pieces, not assuredly to safeguard the innumerable lives and high commercial interests which the city contains, but as a stratagem to arm those same points anew and again with a large and numerous artillery.

Commenced hypocritically and with deceit, this work displays itself to-day, without any concealment, in all its completeness.

All the adjacent hills and front of the city are observed to be covered by batteries; even the sacred and historic monasteries of San Benton and the Capuchins in the Castello are converted into fortresses; the manufactories established along the shore have received orders to cease their respective works and to withdraw their personnel in order that they could be transformed into so many more fortified points; there have been dug trenches in all the public streets and even in front of the hospital Santa Casa Misericordia. In a word, it is currently reported that the Government as soon as it considers this work completed will hasten at a given moment to open fire from all these fortifications upon the squadron. Your excellencies, chiefs of the foreign vessels, have certainly not to oppose themselves, even by force, to the squadron replying to this foul aggression of the batteries of the city, or even that it should be anticipated. Nevertheless, would it be permissible for me to ask your excellencies, men of war, conspicuous as you all are, if the conditions of the struggle for the squadron are to-day the same as in September, October, November, and December of last year, and were not your excellencies to blame for this unfavorable situation of the squadron by their intimation that they had only been pleased to safeguard the commercial interests of the city and the lives and property of its population, in a great part foreign? The same reason on which your excellencies supported yourselves to prevent on the part of the squadron an attack by force

upon the city of Rio de Janeiro should at the same time cause the Government of Marshal Floriano Peixoto, even by force, to respect a compact which that Government has broken in bad faith. In behalf of the squadron under my command, I must declare to your excellencies that I deplore, for the city of Rio de Janeiro and for its inhabitants, the rupture of this beneficial compact, respected on our part with all strictness up to the present time, but assuredly a contingency in which the intervention of your excellencies has placed that city. The task may prove for us of the squadron more arduous, more dangerous, more bloody, nevertheless, nothing of this kind will cause us to falter.

The squadron under my command will respect the compact until the last moment; realizing, nevertheless, that if there be any aggression on the part of the batteries of the city, I reserve to myself the right of replying when and how I deem to be suitable, without further notice.

In this case there will be fixed upon your excellencies, in the history of this revolution the responsibility of the inevitable occurrences which your intervention, far from impeding, on the contrary will have aggravated.

Nothing of this prevents me, in the meanwhile, to avail myself, etc.

LUIZ PH. DE SALDANHA DA GAMA,
*Commander-in-Chief of the Naval Forces of the Revolution against the
 Government of Marshal Floriano Peixoto, in the Harbor of Rio de Janeiro.*

[Inclosure 2 in No. 156]

Mr. Burke to Mr. Thompson.

CONSULATE OF THE UNITED STATES,
Pernambuco, January 16, 1894.

SIR: I have the honor to say that, since my last dispatch, dated January 4, nothing of importance has occurred in this city touching the revolutionary affairs at Rio. The city has been and is quiet. There has been no disturbance more than under ordinary circumstances excepting the disorders and scandalous proceedings on the streets caused by the large number of drunken seamen dumped on these shores from the steam ship *America* on the 3rd instant.

The *America* arrived on the 31st ultimo. I have written a strong article to the Department setting forth the facts relating to the drunken and disorderly conduct of a large part of the crew landed from the *America*, and expressing the hope that the Government will not allow any other expedition of a like nature under such an irresponsible management, especially on the part of the crew of the *America*, to come to this country, a shame, a scandal, and a disgrace to our flag, our country, and to American citizens residing here. I have had no end of trouble with these men since they landed, now nearly four weeks since the first ones came on shore from the *Nitheroy*.

I have no official rights in the matter, as they are not American seamen. Yet I have done scarcely anything else during the past four weeks excepting listen to complaints and endeavor to adjust matters between Brazilian officials and these men, though the Brazilian officials have been very courteous in the dealings and treatment of the men, their great fault being a lack of doing the right thing at the right time. The *Nitheroy* is still here, with the *America*. About 170 of the men and officers that brought out the *Nitheroy* have been engaged in the Brazilian service for three months.

The crew receive, I am informed, a bounty of \$500, and \$100 per month for three months. The officers receive \$5,000 for the three months' service. They are drawing their pay, rolling in the trough of the sea outside the reef. It is said the *Nitheroy*, *America*, and *Aurora*, a torpedo boat, will proceed to Rio in five or six days. If these ships are in anywise effective it is a little strange they should continue at anchor in this port when there is so much need of fighting material at Rio.

A man who arrived here on Saturday by the *Wordsworth*, named Silvino (a sergeant), and who was suspected of being an emissary from Admiral de Mello, was taken out on Sunday morning from Fort Brun and shot, together with a companion of his. This Silvino was engaged in the conspiracy of Fort Santa Cruz in April, 1891, and later was in the employ of De Mello at Rio. Martial law, as I think I wrote in my last dispatch, is extended to January 31.

On departure of these ships, *Nitheroy* and *America*, will notify you. Suppose Admiral Benham is now in at Rio. I like him very much.

I am, etc.,

DAVID N. BURKE,
Consul.

Mr. Thompson to Mr. Gresham.

No. 160.]

LEGATION OF THE UNITED STATES,
Petropolis, February 6, 1894. (Received March 19.)

SIR: I have the honor to transmit copy of a note from Admiral Benham, with inclosure copy of a translation of a communication from Admiral Saldanha da Gama, requesting recognition of the insurgents as belligerents and setting forth the reasons upon which the application is based.

The substance of this communication was made known by my telegram to you of February 3, with observations on the subject, and in further confirmation of them I beg to state that the insurgents' claim of territory seems to be exaggerated. They have possession of several towns, including the capital of Parana, in the south, but have no absolute control over any State that I am advised of. The latest reports show that they have in their possession Desterro, Paranagua, Curitiba, and a few minor places. Their Provisional Government is not intact, owing to dissensions among its officers, and they appear to have made no headway in perfecting its organization nor in carrying out its purposes.

There are now rumors of armies advancing from the south, but these can not be verified. The Government, however, is sending additional troops in that direction, and it looks as if a decisive battle may be fought south of the line of São Paulo.

I have, etc.,

THOMAS L. THOMPSON.

[Inclosure 1 in No. 160.]

Rear-Admiral Benham to Mr. Thompson.

U. S. FLAGSHIP SAN FRANCISCO,
Rio de Janeiro, Brazil, February 2, 1894.

SIR: Inclosed you will find a translation of a communication from Rear-Admiral da Gama, which I forward to you at his request.

Very respectfully,

A. E. K. BENHAM,
Rear-Admiral, U. S. Navy,
Commanding U. S. Naval Forces on South Atlantic Station.

[Inclosure 2 to No. 160.—Translation.]

Rear-Admiral da Gama to Rear-Admiral Benham.

ON BOARD THE CRUISER LIBERDADE,
Rio de Janeiro, January 31, 1894.

In my capacity as commander-in-chief of the naval forces of the revolution against the Government of Marshal Floriano Peixoto, I have the honor to call the attention of your excellency to the circumstance that to-day has terminated the time allowed by the seventh decree of the states of siege and of martial law, and to-morrow will be issued for publication the eighth decree for the continuance of this abnormal and oppressive state of the entire country.

This fact expresses and signifies that the Government of Marshal Floriano Peixoto deceived itself and endeavored to deceive Brazil and foreign nations from the beginning of the present revolution as to its forces and extent. In no other way can be explained what it declared in a public document of the month of September, that it did not require more than eight days to bring the matter to a crisis. Already it has

had to use increasingly seven times this extraordinary faculty of the suspension of guarantees, without result.

To this evident demonstration of the want of power of the Government to dominate the revolution, even in this port the forces of the revolution have secured advantages. They control to-day most of Rio Grande do Sul and also the States of Santa Catharina and Parana, where they find fervent adherents, and already they possess parts of San Paulo, which seems to show they are progressing towards a state and condition which all powers are accustomed to consider indispensable in civil struggles, in order that the revolutionary forces may be recognized as belligerents. This is the reason for which anew I ask your excellency to inform his excellency the United States minister in this country of this note, in order that it may be duly considered.

Permit me, etc.

LUIZ PHILIPPE DE SALDANHA DA GAMA,
*Commander-in-Chief of the forces in Revolution against the Government of
Marshal Floriano Peizoto, in the port of Rio de Janeiro.*

Mr. Thompson to Mr. Gresham.

No. 161.]

LEGATION OF THE UNITED STATES,
Petropolis, February 9, 1894. (Received March 19.)

SIR: I have the honor to transmit a copy of a translation of note from Rear-Admiral Saldanha da Gama, purporting to be addressed to Admiral Benham, which has been secretly circulated among Brazilians, ostensibly to create a sympathy for the insurgent cause.

Having secured the copy only on the eve of the departure of the mail, I have not been able to confer with Admiral Benham about it.

My recollection is that no discharge of cargoes from ships with lighters and tugs was made during the interim between the date of the announcement by Admiral Saldanha da Gama that he would endeavor to stop the passage of goods to the custom-house and the action of Admiral Benham which caused the withdrawal of the restriction. A few American ships came to the docks on their own responsibility and were successful in discharging and taking on cargoes without interference during that time.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure in No. 161.—Translation.]

Rear-Admiral da Gama to Rear-Admiral Benham.

ON BOARD THE CRUISER LIBERDADE,
January 30, 1894.

Your Excellency the Commander-in-Chief of the North American Naval Forces:

All ships lying in this port, both war ships and merchantmen, were witness of the grave and open opposition that the navy, under my command, suffered yesterday morning from the naval forces under the command of your excellency Rear-Admiral Benham, of the U. S. Navy.

Starting from the principle that the revolutionary element in Brazil, of which the fleet that operates in this port is but a factor, has not yet been recognized as belligerents, and basing on this the duty of protecting, *quand même*, the maritime commerce under your country's flag, your excellency believed it lawful to use with ostentation the important naval force under your command and obliged the revolutionary fleet to consent that three North American merchant ships, instead of effecting their discharge on anchor, do it alongside this city's wharves.

The measures adopted by the forces under my command have never been of a nature offensive to the interests of foreign maritime commerce. On the contrary, they have constituted a *modus vivendi*, in accordance with which, in return of the

merchant ships not getting alongside the wharves, for it would embarrass our military operations, we agreed in allowing tow boats, launches, and discharging lighters, which, as Brazilian bottoms, are liable to be seized by us, to do their work in port under the protection of foreign flags.

These measures have been so far accepted and respected by the commanders of foreign naval forces lying in this port, including those of the U. S. Navy, which has been represented here, we might say, from the beginning of the present situation.

The delay of our recognition as belligerents by the foreign nations having transactions with Brazil, though not giving us privileges granted by international law, can not prohibit us, however, of using vigilance in behalf of our defense and maintenance. If we have no legal existence in its exact international meaning, our existence in fact as combatants for nearly half year in the port of the country's capital in face of the center of our adversary's power can not, however, be denied. The case is entirely new. For the first time a revolutionary force is maintained such a long time inside a harbor in situation of preventing all its movement.

But your excellency Rear-Admiral Benham did not understand so. On the pretension, as he asserts, of protecting by all means American maritime commerce in whichever way it suits your excellency, through your imposing attitude of yesterday, puts us in the choice of either fighting with the nation that he represents, which is not our intention nor our desire when we are fighting to free our country of a dictatorial government, or break on our part, and in the only interest of his countrymen, the *modus vivendi* accepted up to this date.

Leaving on one side the moral offense resulting from the action, and against which I protested yesterday by voice of cannon and by panic, it remains now to be known whether this alteration of the *modus vivendi* agreed for will not modify it completely.

On the face of the demonstration, against which I can not pretend in this moment react by force as well, I have to consent in future in allowing American ships to get alongside the *Trapiques*, and this, by the principle of impartiality, gives the right of granting the same advantage to all other foreign merchant ships that come to this port.

Therefore the concessions which relatively to the shipping in this harbor we believe to be fair to allow for the benefit of foreign maritime commerce by intervention of the same commanders of the respective naval forces are canceled and against our interests.

As your excellency will have to judge how unjust and disadvantageous this situation is for ourselves who believe to be fighting for a noble and national cause, we beg your excellency to accept the assurance of our great esteem and respect.

LUIZ PHILIPPE SALDANHA DA GAMA,

Commander-in-Chief of the Forces in Revolution against the Government of Marshal Floriano Peixoto in the Port of Rio de Janeiro.

Mr. Thompson to Mr. Gresham.

No. 163.]

LEGATION OF THE UNITED STATES,
Petropolis, February 11, 1894. (Received March 19.)

SIR: Referring to my No. 2, September 11, 1893, wherein I reported the acceptance of my credentials by the Government of Brazil and the postponement of the formal reception by the Vice-President on account of the disturbed condition of affairs, I have the honor to state that I was accorded an audience by his excellency the Vice-President on the 8th instant, at the palace of the Government, at which were present members of the cabinet, members of Congress, and officers of the army.

I inclose copy of the remarks I made to his excellency on this occasion, and copy and translation of his reply thereto.

I was accompanied by the secretary of legation, and at the close of my reception had the pleasure of presenting Admiral Benham to the Vice-President.

I was cordially received and there were many expressions of amity and good will for our Government.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 163.]

ADDRESS OF MR. THOMPSON.

EXCELLENCY: Having at your request, in advance of this reception, had the honor, in compliance with my instructions, to place in your hands the letter of the President accrediting me as envoy extraordinary and minister plenipotentiary of the United States of America to the United States of Brazil, I now desire to express the amity and good will felt by our Government and people for the Government and people of Brazil, and their desire to cultivate and, if possible, to strengthen the relations of friendship and mutually beneficial commercial intercourse which now unite the two nations.

I beg, also, to assure your excellency that on my part no effort shall be omitted to contribute to this end, which the President so earnestly desires, and I trust that during my term of office I may receive from your excellency and the members of your Government, the same courtesy and attention accorded to my esteemed predecessor, and which materially assisted him in performing the duties of his position in a manner so satisfactory to both Governments.

Geographically we are widely separated, but the aims and purposes that actuate our respective republics bring us in touch with each other. Our people are God-fearing and liberty-loving, and in the study of politico-economic questions both strive to permanently secure for the largest number the greatest good under God's providence.

I deem it a high privilege to represent my country among your people, and with your hearty cooperation it shall be my agreeable duty and pleasure to carry out the wish of the President in this mission, in the hope that I may deserve his and win your approbation.

In conclusion I have the honor to assure your excellency of the friendship of the Government and people of the United States of America and of my personal regard and high esteem.

[Inclosure 2 in No. 163.—Translation.]

REPLY OF THE VICE-PRESIDENT.

MR. MINISTER: I have been very pleased to receive the letter by which the President of the United States of America has accredited you in the character of envoy extraordinary and minister plenipotentiary to the United States of Brazil. I regret, Mr. Minister, that political events have deprived me up to to-day of the pleasure that I now have of receiving you. I rejoice that you should have been chosen for such a high and honorable post.

The sentiment and intentions that you have expressed in the name of the American nation and its illustrious President afford just satisfaction to Brazil and its Government, and I see in your mission a new pledge of the certainty that they will be followed out.

Your part will continue to be easy for you; there will not be wanting to you on my side frank and cordial cooperation, that every day the bonds of friendship may grow stronger, and that the many interests which exist between our two countries may develop themselves.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 12, 1894. (Received February 12.)

Mr. Thompson telegraphs that the insurgents on the preceding Saturday landed at Nitcheroy and were repulsed, returning to their ships after an engagement, in the course of which both sides lost heavily and Admiral da Gama received wounds in his arm and breast.

Mr. Gresham to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 14, 1894.

Mr. Gresham approves of Mr. Thompson's action and of the correct interpretation of the Department's instructions, of November 1, as presented in his dispatch No. 122, from which it appears that he understood what it was necessary to do for the protection of American vessels at Rio de Janeiro.

Mr. Thompson to Mr. Gresham.

No. 169.]

LEGATION OF THE UNITED STATES,
Petropolis, February 14, 1894. (Received March 19.)

SIR: I have the honor to transmit the response from the senior naval commanders to the note of the minister of foreign affairs (transmitted as inclosure 7 in my No. 131), denying violation of the agreement of October 5 to remove all guns from the batteries within the city.

The commanders contradict the assertions made by the Government and exhibit drawings of the fortifications to sustain their observations.

The members of the diplomatic corps declined to send this note to the Government, but prepared a note thanking the commanders for the information, and the matter here rests. I concurred in this action.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 169.]

Naval commandants to diplomatic corps.

U. S. CRUISER CHARLESTON,
Rio de Janeiro, Brazil, January 11, 1894.

The representatives of the United States of America, France, Portugal, England, and Italy, in conference assembled, have read the note of the minister of foreign affairs of the Brazilian Government, dated January 8, 1894.

The senior naval commanders are very much surprised at the statements made in this note. A sketch is inclosed showing the exact positions of the guns in battery on Castello Hill, made by two naval officers at different times on December 28.

It was reiterated by these officers that the guns were capable of being fired immediately. All that is necessary to do, which would take but a moment, is to knock out some of the bags filled with clay which are placed to mask the guns from view outside, and these guns can be immediately fired. The senior commanders and their officers have often noted the firing from and against the city by small-arms and rapid-fire guns, and it was frequently seen that the first shot was fired from the shore, which right the Government officially declared not to abdicate.

A. AUBRY,
Commanding Naval Forces of Italy.
S. ROLLESTON,
Commanding English Naval Forces.
AUGUSTO DO CASTILHO,
Commanding Naval Forces of Portugal.
DE BARBEYRAC, M.,
Commanding Naval Forces of France.
HENRY F. PICKING,
Commanding Naval Forces of the United States of America.

[Inclosure 2 in No. 169—Translation.]

Diplomatic corps to the naval commandants.

PETROPOLIS, January 14, 1894.

The representatives of England, Italy, the United States of America, France, and Portugal have the honor to acknowledge receipt of the note which the commanding officers of the naval forces of their respective countries addressed them on the 11th of the present month. They thank them for this communication and for the plans annexed, which confirm their communication of the 1st of this month.

Mr. Thompson to Mr. Gresham.

No. 170.]

LEGATION OF THE UNITED STATES,
Petropolis, February 15, 1894. (Received March 19.)

SIR: Following my No. 156, February 6, I have the honor to report but little change in the military situation. There has been, however, some spirited fighting on the Nictheroy side of the bay, and on the morning of February 10 an attack was made on the Armacão. The insurgents secured possession of the point, but were driven back with considerable loss in life and arms. The Government loss in killed and wounded is said to have been greater than the insurgents', but definite figures can not be obtained. The attack was daring and the fighting on both sides desperate. Admiral Saldanha da Gama in person commanded the insurgents and was severely wounded in the neck, breast and arm.

The latest news from the south is to the effect that Mello, with 1,500 troops, is in possession of Paranagua. Gumaçindo, commanding the revolutionists in Rio Grande do Sul, after defeating the Government forces under Gen. Machado, marched to Curitiba. The revolutionists control the small state of Parana, except the town of Lapa, which, strongly fortified, is defended by Col. Carneira with a force of 1,200 men. The revolutionists are poorly provided with artillery. There are but two natural passes into São Paulo from Parana. These are at Itavare and Santos. The Government has 2,500 troops defending Itavare and about the same number at Santos, with a reserve of 2,500 at São Paulo. Gen. Machado is reported to have rallied his forces, numbering 4,000 men, south of the position of the revolutionists, and it is believed, should the revolutionists attempt to pass into São Paulo at Itavare and be defeated, their retreat will be cut off by Machado. Mello is reported to have abandoned a contemplated advance from Iguape to Santos, and he may reenforce the command of Gumaçindo at Curitiba.

The *Destroyer* and four torpedo boats left Pernambuco on the 10th instant for Bahia, and the Government fleet is expected soon to arrive at Rio, where temporary accommodations for the people are being erected on the outskirts of the city preparatory, apparently, for a general engagement between the loyal and rebel forts and ships.

The recent announcement by the Vice-President of the Republic that the elections would be held on March 1 has, in a measure, given the people more confidence in the Government, although the partisans of Mello and Da Gama condemn it as a prearranged attempt to continue Peixoto's influence in the Government. This, however, appears to be unjust, as Prudente Moraes, an upright, highly educated, conservative man, has been brought forward as the candidate for President, and at this writing it appears as if he will be chosen without opposition.

Alfonso Penna, the present governor of Minas, to whom I have referred before as a possible aspirant, has declined to be a candidate in the interest of peace and the elevation of a civilian to the presidential chair. Prudente Moraes is the president of the national senate and is said to be an able man, and one upon whom all conservative elements can unite, whose election would bring to a close the unhappy condition now prevailing. Above all it is claimed his election would divorce the army and navy influence from civil affairs and bring the people more directly in touch with the Government.

I have, etc.,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Gresham.

No. 173.]

LEGATION OF THE UNITED STATES,
Petropolis, February 17, 1894. (Received March 19.)

SIR: I have the honor to transmit copy and translation of correspondence between the senior commanders of the foreign naval forces, the diplomatic representatives whose governments are represented by naval forces, and the minister of foreign affairs, with the view of securing a safer anchorage for the war and merchant vessels lying in the harbor.

It has been pleasant to observe the willingness and promptness with which his excellency the Vice-President has responded to every request of the commanders.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 173.]

Naval Commandants to Diplomatic Corps.

U. S. CRUISER CHARLESTON,
Rio de Janeiro, January 11, 1894.

The senior naval representations of the United States of America, France, Portugal, England, and Italy have the honor to inform their respective diplomatic representatives that they have observed with great surprise the firing from heavy guns from the battery on Coquerida (Bom-Jesus) Island at two vessels of the insurgents, the *Trajano* and *Guanabara*, lying to the northward and westward a short distance from Euxadas Island. This firing was commenced by the guns on Coquerida Island, and was replied to by the heavy guns on the two vessels. The zone fired over was that in which the merchant ships of many nations lie at anchor; a premature explosion of shells from either side, which not infrequently happens, might have destroyed both life and property.

This seems a strange coincidence after the letter received by the senior commanders, through their diplomatic representatives, from the ministry of foreign affairs for the Brazilian Government, dated January 8, and also after the fact that this position for anchoring was given us verbally but officially by the captain of the port, and we inclose a communication which shows this to be the case absolutely.

A. AUBRY,
Commanding Naval Forces of Italy.
S. ROLLESTON,
Commanding English Naval Forces.
AUGUSTO DE COSTILHO,
Commanding Naval Forces of Portugal.
DE BARBEYRAC,
Commanding the Naval Forces of France.
HENRY F. PICKING,
Commanding Naval Forces of the United States of America.

[Inclosure 2 in No. 173.]

Rear-Admiral Magnaghi to Capt. Picking.

RIO DE JANEIRO, December 26, 1893.

I have the honor to inform you that following the suggestions expressed by the superior commanders of all naval forces present in Rio de Janeiro, I sent an officer to ask the captain of the port to indicate the space assigned for the anchorage of merchant and war vessels. The reply was made verbally but officially, and a line was traced on the plan of the bay fixing the limit of the safe anchorage for all ships. Accept, etc.,

G. B. MAGNAGHI.

U. S. CRUISER CHARLESTON, December 27, 1893.

The line was traced by the Italian officer who communicated the information to this vessel, starting from Caju Point, passing over Chapeo do Sul, and ending at Vianna Island. The safe anchorage for foreign vessels was indicated to the northward of the said line.

JOHN R. EDIE,
Ensign U. S. Navy, Secretary.

[Inclosure 3 in No. 173.—Translation.]

Diplomatic Corps to the Minister for Foreign Affairs.

PETROPOLIS, January 14, 1894.

The representatives of England, Italy, the United States of America, France, and Portugal have received from the commanders of the naval forces of their respective countries a communication informing them that the line of fire of the batteries established on the island of Bom-Jesus cuts the line of refuge of the merchant ships as these find themselves threatened by the premature explosion of projectiles coming either from the batteries or the insurgent ships.

The representatives of the above-mentioned powers have the honor to draw the attention of his excellency the minister of foreign affairs to these facts, from which it appears that the zone indicated by the captain of the port for the anchorage of merchant ships might be exposed to the fire from the batteries of the island of Bom-Jesus. They renew, therefore, the request which they made to him in their note of December 26 last, to designate an anchorage offering every safety as well to ships of war as to merchant ships.

[Inclosure 4 in No. 173.—Translation.]

Diplomatic Corps to the Naval Commandants.

PETROPOLIS, January 14, 1894.

The representatives of England, Italy, the United States of America, France, and Portugal have the honor to acknowledge the receipt of the note of the 11th of January, addressed to them by the commanding officers of the naval forces of their respective countries. They did not fail upon the receipt of this communication to send to the minister of foreign affairs of the Federal Government a note of the same date, a copy of which is annexed, repeating the request made before, that is, December 14, for the appointment of an anchorage offering every safety to the ships of war and to those of commerce.

[Inclosure 5 in No. 173.—Translation.]

PETROPOLIS, January —, 1894.

The minister of state for foreign affairs has received the note which the representatives of England, Italy, the United States of America, France, and Portugal, addressed him on the 14th instant, to call his attention to the communication from

the commanders of the naval forces of their respective countries, informing him that the line of fire of the batteries established on the island of Bom-Jesus, cutting the zone indicated by the captain of the port for the anchorage, threatened by the premature explosion of projectiles coming either from these batteries or the insurgents' ships. The said note having been brought to the knowledge of the Vice-President of the Republic, his excellency has resolved to have the cannon withdrawn from the battery of Bom-Jesus until the outlining of a zone which shall offer every safety for the anchorage either of war ships or ships of commerce.

[Inclosure 6 in No. 173—Translation.]

Diplomatic Corps to the Minister for Foreign Affairs.

PETROPOLIS, January 22, 1894.

The representatives of England, Italy, the United States of America, France, and Portugal have the honor to acknowledge to his excellency the minister of foreign affairs receipt of the note which came to them yesterday in reply to theirs of the 14th instant. They see with satisfaction that his excellency the vice president of the Republic has resolved to have the cannon withdrawn from the batteries of the island of Bom Jesus until the designation of a zone which shall offer every security for the anchorage as well of war ships as of ships of commerce. They hastened to inform the commanders of the naval forces of their respective countries of this resolution.

[Inclosure 7 in No. 173—Translation.]

Diplomatic Corps to the Naval Commandants.

PETROPOLIS, January 22, 1894.

The representatives of England, Italy, the United States of America, France, and Portugal have the honor to transmit to the commanding officers of the naval forces of their respective countries copy of a note from the minister of foreign affairs of the Federal Government which came to them yesterday in reply to theirs of the 14th instant.

The note of Mr. Cassiano do Nascimento announces to them that his excellency, the vice-president of the Republic has resolved to have the cannon withdrawn from the battery of the island of Bom Jesus until the designation of a zone which shall offer every security for the anchorage as well of warships as of ships of commerce.

[Inclosure 8 in No. 173—Translation.]

Minister for Foreign Affairs to the Diplomatic Corps.

RIO DE JANEIRO, January 25, 1894.

The minister of foreign affairs communicates to the representatives of England, Italy, the United States of America, France, and Portugal that the insurgents, profiting by the action of the vice-president of the republic, inspired by their note of the 14th instant, in having the guns withdrawn from the battery on Bom Jesus Island, occupied this latter at 4 o'clock on the morning of the 24th.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 19, 1894. (Received February 19.)

Mr. Thompson announces the arrival on the preceding day of the *Nictheroy*, which proceeded in a southerly direction after landing several hundred men at the entrance of the harbor.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 21, 1894. (Received February 21.)

Mr. Thompson reports that the *Aquidaban* ran the forts in the morning under a heavy fire and joined the *Republica*, which was standing off the port, and that it is expected that she will soon bring back troops. He thinks it possible that an engagement will take place near Bahia, where the Government fleet is stationed.

Mr. Thompson to Mr. Gresham.

No. 178.]

LEGATION OF THE UNITED STATES,
Petropolis, February 23, 1894. (Received March 31.)

SIR: Referring to your No. 78, dated January 10, 1894, wherein you define the position of our Government with respect to efforts to prevent bombardment of the city of Rio de Janeiro and state that Capt. Picking has reported the violation by the Government of the accord upon which the action was based, I have the honor to inform you that as my action with other diplomatic representatives has been only of an intermediary nature, all action in this matter ceased upon the representation of the senior naval commanders that the city was fortified. This declaration of the commanders was not acquiesced in by the Government, as will be seen by the note of the minister for foreign affairs to the diplomatic representatives, dated January 8, transmitted in my No. 131. With regard to the second part of the same dispatch bearing upon the protection of commercial operations, my action has been reported in a previous dispatch (No. 122). It is extremely gratifying to me to realize that the position taken by this legation on the question was so closely in accord with the views you express and that my interpretation of your instructions was correct.

I have, etc.,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 26, 1894. (Received February 26.)

Mr. Thompson reports an extension of the state of siege to February 28 and the rumored taking of Lapa by the insurgents.

Mr. Thompson to Mr. Gresham.

No. 182.]

LEGATION OF THE UNITED STATES,
Petropolis, February 28, 1894. (Received March 31.)

SIR: I transmit herewith copy and translation of decree No. 1679 of the Brazilian Government, continuing the state of siege declared by decree No. 1663 until the 28th of February.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure in No. 182.—Translation.]

Decree No. 1679, February 25, 1894, continuing until the 28th day of the current month the martial law declared by decree No. 1663 of January 31 last.

THE VICE-PRESIDENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL:

Whereas the serious considerations of public order which led to the martial law declared by decree No. 1663 of January 31 last and preceding decrees for the federal district, the capitals of the States of Parahiba and Pernambuco and the States of Rio de Janeiro, São Paulo, Parana, Santa Catharina, and Rio Grande do Sul, involving the suspension of the guarantees of the constitution, are still in existence,

Decides under article 80 of the constitution to continue the said martial law until the 28th day of the current month.

Federal capital, February 25, 1894, sixth year of the Republic.

FLORIANO PEIXOTO,
CASSIANO DO NASCIMENTO.

Mr. Thompson to Mr. Gresham.

[Extract.]

No. 184.]

LEGATION OF THE UNITED STATES,
Petropolis, February 28, 1894. (Received March 31.)

SIR: Following my No. 170 of February 15 there has been nothing of material moment to report, aside from the continued exchange of shots between the hostile parties on the bay and the casualties resulting therefrom.

The *Aquidaban*, on the morning of the 21st, left the harbor under a heavy fire from all the forts and land batteries, but, as far as known, escaped without any serious injury. The *Republica* was off the entrance of the harbor at the time, and was joined by the *Aquidaban*, the two proceeding south, but shortly changed their course to the east, and nothing definite has since been heard from either.

The *Nictheroy* (late *El Cid*) on the 18th arrived at the entrance of the harbor, landed several hundred troops, and then proceeded to Bahia, from whence she had come. The *Santuit*, an American steamship, at about the same time arrived and landed a number of troops.

The latest advices from Bahia report all Government vessels in that harbor and everything quiet.

On the 24th the insurgents lost the steamship *Venus*, a refrigerating vessel which had been transformed into a war ship. The vessel was blown to pieces, but whether caused by a shot from the forts or by the accidental explosion of the boilers has not been ascertained.

No reliable news of military operations in the south has been received.

The Provisional Government of the insurgents at Desterro having failed, another attempt is being made to organize at Curitiba, capital of the State of Parana. There can be no doubt now but what the insurgents control this town and State, but whether the organization will be perfected and exist with any degree of stability can not be foretold at present. The northern States are quiet and the seeds of rebellion sown in Pernambuco appear to have perished.

The yellow fever has become epidemic at Rio, especially upon the vessels that have been moored to the docks. The deaths average, according to official figures, about fifty-five a day, which represents in the larger part foreigners. Several deaths have occurred on the foreign ships of war, but none so far on ours.

In consequence of the prevailing epidemic Admiral Benham has been sending our ships temporarily to sea, and has now cut off all communication with the shore except in cases of urgent necessity.

I have, etc.,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, March 2, 1894. (Received March 2.)

Mr. Thompson reports the departure of the Government fleet from Bahia on the preceding night and the renewal of martial law. He transmits the news sent by the Brazilian minister at Montevideo of a victory gained in Parana by Gen. Hippylyto, who defeated a force of 500 rebels commanded by Gen. David, the latter losing 60 men killed and a large quantity of arms and ammunition. He announces the election, by a large majority, of Drs. Prudente de Moraes and Manoel Victorina Pariera as President and vice-president, respectively. The vote was small and the elections quiet.

Mr. Thompson to Mr. Gresham.

No. 190.]

LEGATION OF THE UNITED STATES,
Petropolis, March 6, 1894. (Received March 31.)

SIR: I transmit copy and translation of decree No. 1683, Brazilian Government, dated March 2, 1894, continuing the state of siege in various localities of the country until the 20th of April next.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure in No. 190.—Translation.]

Decree No. 1683, March 2, 1894, declaring anew the state of siege, with the suspension of the guarantees of the constitution at various points of the national territory.

THE VICE-PRESIDENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL:

Whereas the grave internal disturbances which have caused the suspension of the guarantees of the constitution at various points in the national territory havenot yet ceased and to which the decree No. 1679, February 25 last, and others before referred,

Resolves by the terms of article 80 of the constitution to declare anew martial law with the suspension of the guarantees of the constitution for the federal district, the capitals of the States of Parahiba, Pernambuco, of the States of Rio de Janeiro, São Paulo, Parana, Santa Catharina, and Rio Grande do Sul until the 30th of April of the current year.

Federal capital, March 2, 1894, year sixth of the Republic.

FLORIANO PEIXOTO,
CASSIANO DO NASCIMENTO.

Mr. Thompson to Mr. Gresham.

No. 193.]

LEGATION OF THE UNITED STATES,
Petropolis, March 6, 1894. (Received March 31.)

SIR: The elections held on the 1st of March, I am glad to report, passed off quietly throughout the country, as far as heard from, resulting in the overwhelming election of Dr. Prudente de Moraes (a civilian), President of the Republic, and Dr. Manoel Victorina Periera (a civilian), Vice-President of the Republic. The newly elected President is now the presiding officer of the National Senate and a resident of the State of São Paulo. The newly elected Vice-President is a member of the National Congress and a resident of the State of Bahia.

The vote reported so far is about 100,000 for Dr. Prudente de Moraes (President) and 75,000 for Dr. Manoel Victorina Periera (Vice-President) and appears to be practically unanimous. The result can not be officially proclaimed until the meeting of Congress in May. This being the first popular vote for President there are no returns upon which to base a comparative estimate. The vote appears small but I understand by comparison it approximates closely to that of preceding congressional elections. The result is satisfactory to all supporters of the Government and seems to be generally acquiesced in by its opponents except those actually engaged in rebellion. It is believed this popular expression, through which civilians are placed at the head of the Government, will be potent in breaking the power of the revolutionists and that under the moral effect of its influence peace will soon be restored.

I have, etc.,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, March 10, 1894. (Received March 10.)

Mr. Thompson communicates a report that 800 men with their general Salgado have deserted in Parana from the rebel army, and that insurgents are landing at Abatuba. He reports that the fleet of the Government, which has arrived very near the bay, may be expected to enter at any moment. He believes that there is no doubt that the leaders of the revolution in the south are not in accord with Da Gama.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, March 11, 1894. (Received March 12.)

Mr. Thompson reports that he has communicated to the American residents a notice sent to the diplomatic representatives by the Federal Government declaring their intention to fire upon the insurgents after forty-eight hours counted from noon of that day, from the batteries in the city.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, March 12, 1894. (Received March 12.)

Mr. Thompson reports that Saldanha da Gama has asked for amnesty for his supporters and himself, and that the Portuguese commanding officer submitted to the President in his behalf at 10 o'clock last night the terms under which he offers to capitulate, and that the reply is expected to be returned on this day.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, March 12, 1894. (Received March 12.)

Mr. Thompson telegraphs that the terms proposed by Da Gama are as follows: Actuated by a desire to terminate the bloodshed that has afflicted the country for six months and more in consequence of the war, the officers of such insurgent vessels as are now in port will lay down their arms and, under the guaranty of the Portuguese nation, will leave the country, together with the adherents of their cause, the prisoners will be returned, except those who may be desirous of sharing the fate of the insurgent officers, and the inferiors, whether enlisted or volunteers, will be guarantied their lives.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, March 12, 1894. (Received March 12.)

Mr. Thompson transmits the information given him by the chargé d'affaires of Portugal, that asylum was asked by and granted to Da Gama on the preceding day, on board the *Mindello*, a Portuguese war vessel.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, (Received) March 13, 1894.

Mr. Thompson reports that the terms proposed by Da Gama have been declined by the Government, and that the city is practically deserted. The insurgents have not returned the fire of the loyal forts which commenced at noon. The firing from the batteries in the city will begin at 3.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, March 13, 1894. (Received March 13.)

Mr. Thompson reports the unconditional surrender of the insurgents which took place thirty minutes after the city batteries opened fire and without a shot being fired from their side. It is believed that Da Gama has taken refuge on a Portuguese war vessel.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, (Received) March 14, 1894.

Mr. Thompson reports that business was resumed in the morning, the chamber of commerce showing no sign of unrest. The military operations were conducted by the President from the marine arsenal on the water front. White flags were displayed on Enxadas Island at about half past 3 on the preceding day. A launch sent by the President to the island found that all the insurgent forces were there except the officers, only one of whom, a surgeon, had remained with the men; all the others had sought asylum on board war vessels of Great Britain, France, and Portugal. The rebel war vessels and the islands of Villegaignon, Cobras, had been abandoned. He reports that the French cruiser *Magon* went out of the bay at 4 with Da Gama on board, and that at about 6 the Government squadron, with the *Nietheroy* in the lead came into the harbor and anchored in front of the city.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, March 16, 1894. (Received March 17.)

Mr. Thompson announces that the forts and ships formerly held by the insurgents have been occupied by the Government, by which the revolt in the port of Rio de Janeiro is declared to be terminated.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, (Received) March 17, 1894.

Mr. Thompson reports that a Portuguese merchant vessel which was sailing out of the harbor on the previous day with 91 rebels on board

was twice fired upon by the Government and stopped, the refugees being captured. The surrender of those on board the Portuguese war vessels has been demanded and refused, and the chargé d'affaires at Portugal is awaiting definite instructions. According to the general belief Da Gama was still on board the *Mindello* in the bay of Rio de Janeiro.

Mr. Thompson to Mr. Gresham.

No. 204.]

LEGATION OF THE UNITED STATES,
 Petropolis, March 19, 1894. (Received April 16.)

SIR: The surrender of Saldanha da Gama on the 13th instant, with all ships and munitions of war in his possession, will remove the revolution from the port of Rio de Janeiro, if, indeed, it does not bring it to a close. The insurgents, however, still maintain their army in the south and have possession of some territory. The main points of interest with regard to the surrender were cabled you at the time and I will here only narrate in brief the circumstances.

On Friday the 9th instant flags were displayed over the hill batteries in the city. This indicated aggressive action on the part of the Government, and on Saturday a rumor was current that a general engagement would be inaugurated the next day. Upon inquiry at the foreign office I found there was no truth in these reports and was assured that the Government would adhere to its engagement to give forty-eight hours' notice before using the batteries in the city.

Sunday at 2 p. m. a secretary from the English legation called to show me a telegram which had just been received by Mr. Wyndham, dean of the diplomatic corps, from the minister for foreign affairs. The telegram stated that at the expiration of forty-eight hours from 12 m. of that day, the 11th instant, the Government would use the hill batteries in the city against the insurgents. I immediately communicated to you this intelligence, wired our vice-consul in Rio a notice (Inclosure No. 1 herewith) of warning to be posted at the consulate and otherwise communicated to American citizens, and requesting him to send a copy to Admiral Benham. I then conferred with other diplomatic representatives, the dean of the corps, Mr. Wyndham, the Italian minister, French chargé d'affaires, and the Portuguese chargé d'affaires. Much difficulty was experienced in communicating with the consulates on Sunday, and as the notice did not reach the diplomatic corps until several hours after 12 o'clock, the beginning of the forty-eight hour term, it was agreed that Mr. Wyndham should communicate these facts to the Government and suggest the advisability of an extension, to enable timely notice to be given to the public. Accordingly a telegram was sent (Inclosure No. 2) and answer received (Inclosure No. 3), which extended the notice three hours. I, however, did not think any extension would be given and proceeded accordingly. When I reached the consulate, early Monday, my telegram of Sunday afternoon had just been received by the vice-consul, who had not been able to send notice to the admiral. Having no direct communication with the squadron, at my request Vice-Consul Lewis went on a special mission conveying a letter from me to Admiral Benham, which advised him of the situation.

Early in the morning I met the Portuguese chargé d'affaires, who informed me that he had received at 11 o'clock Sunday night a telegram from the senior commander of the Portuguese naval forces

advising him of the request of Saldanha da Gama for an asylum on his ships, which had been granted. At 10:30 o'clock I met the Portuguese chargé d'affaires again, and learned from him that da Gama had not gone on board the *Mindello*, but had submitted, through the Portuguese commander, terms of capitulation (wired you same day), to which he expected a response before availing himself of the asylum. The chargé d'affaires asked if I would concert with other diplomats in recommending the Government to accept the proposed terms of capitulation and I declined to do so. In response to an inquiry if Admiral Benham had been consulted about the matter I was informed that he had not, for the reason that there was not time. Subsequently I learned that the Government had rejected the proposition and advised you by wire of the same.

Tuesday the 13th all communication with the water front and principal business streets was stopped at 11 o'clock, and at 12 m., Fort Santa Cruz, Largé, San João, and the batteries at Nictheroy opened on Cobras, Villegaignon, and the rebel ships. No response was made by the insurgents, and at 3 p. m., precisely, the hill batteries in the city joined in the action. The fire was incessant for twenty minutes from all the Government's fortified points and at 3:35 it ceased altogether. Having a good view of the bay, I observed at this time the French cruiser *Magon* passing the anchorage of our fleet in the direction of the outlet of the bay, and the Government fleet, which had remained outside, coming in. Soon after this the unconditional surrender of those who had remained on Enxadas Island, where all the insurgent forces had congregated when they left Cobras, Villegaignon, and their ships, was announced. The Government forces proceeded at once to occupy the practically abandoned forts and ships, meeting with slight resistance only from a few courageous spirits who remained at one or two points to the last. While the firing was going on, Saldanha da Gama, with about 480 of his officers and men, left Enxadas Island and went on board the Portuguese war vessels. I am informed by Admiral Benham that during the transfer da Gama was again wounded in the arm by a piece of shell. There seems to be no doubt that the refugees went on board the Portuguese ships under fire. The next day a Portuguese merchant steamer attempted to leave the harbor with some of the insurgents on board and was stopped by the Government, and the refugees, numbering about 90, were taken off.

The Government has demanded from Portugal the surrender of the refugees on board the ships of war, and the matter has become a very interesting case of asylum, which will be reported later. By consent of the Government, with the assurance of the Portuguese commander that the refugees would be held pending the settlement of the diplomatic question, on account of the yellow fever prevailing on the bay, the ships have been allowed to go temporarily beyond the *barra*.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 204.]

Notice to American Residents.

The diplomatic representatives having been advised of the intention of the Government to use the batteries erected in the city of Rio de Janeiro against the insurgent forces at the expiration of forty-eight hours from 12 m. to-day, Sunday, March

11, American citizens are therefore warned to seek places of safety and take such precautionary steps, without interference whatever with the arrangements of the legally constituted authorities, as may seem best for the protection of life from the danger which would result from a general engagement; and I advise a strict observance of order and propriety on the part of all Americans.

THOS. L. THOMPSON.

[Inclosure 2 in No. 204.—Translation.]

Diplomatic Corps to the Minister for Foreign Affairs.

PETROPOLIS, March 11, 1894.

The representatives of England, Italy, United States of America, Portugal, and France, referring to the note of January 5, 1894, which in case of danger of bombardment names an interval of forty-eight hours as an indispensable delay to allow of their respective colonies taking the necessary precautions, deem that the telegraphic notice of Sunday, the 11th of this month, which reached its destination at 2 o'clock in the afternoon, does not give them the expected delay in order to warn their countrymen to any effect, particularly in view of the difficulties of every kind which are put in the way, through the day being Sunday, to the spreading of this notice. Consequently they have the honor to ask the minister of foreign relations to kindly make effective the delay of forty-eight hours mentioned in the said telegram of that day, by lengthening it by twenty-four hours, that is to say, by prolonging it to midnight on Wednesday. The representatives aforementioned will have the honor of appearing to-morrow at midday at the department of foreign affairs.

[Inclosure 3 in No. 204.—Translation.]

Telegram from Senhor do Nascimento, Rio, 12th March, 1894, received at the English legation at 7 o'clock night, March 13, 1894.

In answer to the telegram that your excellency has addressed me in your name and that of the representatives of Italy, United States of America, France, and Portugal, I hasten to communicate to you that the Vice-President grants an increase of three hours in the delay. As to the considerations made as regards the delay mentioned in the note of January 5, last, I will attend to that in due course.

CORRESPONDENCE WITH THE BRAZILIAN LEGATION AT WASHINGTON.

Senhor Mendonça to Mr. Gresham.

LEGATION OF THE UNITED STATES OF BRAZIL,
Washington, March 25, 1893. (Received March 27.)

SIR: It is my painful duty to make known to your excellency the sudden and unexpected death, at 9:15 o'clock p. m. to-day, of Baron de Aguiar de Andrada, chief of the Brazilian special mission in Washington.

Accept, etc.,

SALVADOR MENDONÇA.

Mr. Gresham to Senhor Mendonça.

DEPARTMENT OF STATE,
Washington, March 28, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 25th instant announcing the death in this city on that date of Baron

de Aguiar de Andrada, chief of the Brazilian special mission to the United States.

It is with deep regret that I receive this information, and I beg to express the sincere sympathy felt by the President in the death of this distinguished citizen of Brazil.

Accept, etc.,

W. Q. GRESHAM.

Senhor de Castro Cerqueira to Mr. Gresham.

SPECIAL MISSION OF BRAZIL IN THE UNITED STATES,
Washington, March 29, 1893. (Received March 30.)

SIR: Fulfilling a very painful duty, I inform your excellency that my colleague, the Baron de Aguiar de Andrada, envoy extraordinary and minister plenipotentiary of the United States of Brazil on a special mission, died on the 25th instant, and that his burial took place yesterday.

I return my sincere thanks to the American Government and to your excellency on account of the funeral honors bestowed upon him.

I avail, etc.,

DIONISIO E. DE CASTRO CERQUEIRA.

Senhor Mendonça to Mr. Gresham.

LEGATION OF THE UNITED STATES OF BRAZIL,
Washington, March 29, 1893. (Received March 29.)

SIR: I have the honor to acknowledge the receipt of your note of the 28th instant, conveying the sincere sympathy felt by the President, and the deep regret of your excellency for the demise of Baron de Aguiar de Andrada, late chief of the special mission of Brazil at Washington.

I beg to present to the President and your excellency the heartfelt thanks of the Government of the United States of Brazil for the expressions of condolence and for the civil and military honors extended to the distinguished citizen, my honored colleague, at the close of a diplomatic career commenced in Washington more than forty years ago.

Accept, etc.,

SALVADOR MENDONÇA.

Mr. Gresham to Senhor Cerquiera.

DEPARTMENT OF STATE,
Washington, April 1, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 29th ultimo, announcing the death of your colleague, Baron de Aguiar de Andrada, envoy extraordinary and minister plenipotentiary of Brazil on a special mission to the United States, and expressing your sincere thanks for the funeral honors paid by this Government to his memory.

I beg to assure you of the regret felt by this Government at the death of this eminent diplomatist, and of my personal sympathy with you in the loss you have sustained.

Accept, etc.,

W. Q. GRESHAM.

Senhor de Mendonça to Mr. Gresham.

BRAZILIAN LEGATION,

Keene Valley, N. Y., September 9, 1893. (Received September 11.)

MY DEAR MR. GRESHAM: I have read in the New York Herald of yesterday your note addressed to the secretary of the New York Coffee Exchange, in relation to the closing of telegraphic communication between the ports of Brazil and European and American ports.

In this connection I take the liberty of calling your attention to certain facts which may never have been brought to your notice.

By conventions entered into by Brazil in two conferences held by countries whose postal systems are connected with their telegraph lines, the right was secured to each nation forming a part of said conferences, to prohibit the sending of messages either by code signs or in ordinary commercial language, as by previous arrangement such language might easily become a code to cover seditious designs. Such right was to be exercised whenever any of the parties to the conventions considered such a step necessary for the maintenance of the public order.

I would also call your attention to the fact that the cable company, whose president is Mr. James A. Scrymser, can have suffered no injury to its property in Brazil, because it has none there. His line has its South American terminus in Buenos Ayres whence messages sent through its wires must reach points in Brazil through the Brazilian land lines, or the English cables, along the Brazilian coast.

You will allow me to remark that in the present instance, as at the time when ex-Admiral Wandenkolk was making an attempt to capture certain places in the south of the Republic, notice was given at once to the governments of the countries that were parties to the conventions above alluded to, and that if similar notice was not given to the Government of the United States, it was, in all probability, because this country was not a party to the same.

It may be that it was unnecessary to call your attention to the points above set forth, but I trust that in any case you will see in this communication a desire on my part to clear away any difficulties you might find in treating of this question in your capacity as Secretary of State.

But for the fact that the severe illness of one of my daughters detains me here, I should have proceeded at once to Washington to confer with you personally on this matter. I can assure you the interruption in telegraphic communication will continue not one moment longer than the time judged necessary by my Government for the reestablishment of the public order.

I remain, etc.,

SALVADOR DE MENDONÇA.

Mr. Gresham to Senhor Mendonça.

DEPARTMENT OF STATE,

Washington, September 15, 1893.

MY DEAR MR. MENDONÇA: I duly received your personal letter of the 9th instant in relation to the motives which have led your Government to interdict all telegraphic correspondence between your country and foreign parts, whether in cipher code or in ordinary commercial language.

My response to the New York merchants who addressed me on the subject had reference to the announcement that all such communications were prohibited without regard to the channel of transmission; and Mr. Thompson was directed to represent the serious impediment thus set in the way of legitimate trade at a season when arrangements are on foot at the commercial centers for purchasing and transporting the great staple productions of Brazil, of which, as you are aware, the importers of this country take a notable share.

It has not been represented that the prohibition in question lies only against messages transmitted by the American-owned cables to the countries adjoining Brazil and to be forwarded thence by the Brazilian land lines. I have understood that the European channel was also barred to our merchants equally with the merchants of Europe. If I am in error in this, and it should prove that a discrimination has been made against American interests, that will be a matter for independent consideration. At present I am glad to believe that no such differential treatment exists or is to be apprehended. At the same time I should observe that, being unable to effect telegraphic communication with the American Minister at Rio by the Buenos Ayres route, my instruction was transmitted by the European cables, and, as I have since learned, was delivered to Mr. Thompson without delay. I am as yet uninformed why the American channel should have been closed to official intercourse with our diplomatic agent in Rio.

Trusting that all these points may be satisfactorily explained, and that this abrupt and injurious interference with an important trade, in which Brazilian interests can hardly be less concerned than those of this country, may speedily terminate with the disappearance of the occasion therefor,

I am, etc.,

W. Q. GRESHAM.

Senhor de Mendonça to Mr. Gresham.

LEGATION OF THE UNITED STATES OF BRAZIL,
Washington, October 14, 1893. (Received October 16.)

SIR: I have the honor to communicate to your excellency that I have just received a cablegram from my Government, the contents of which I herewith transmit to your excellency.

Accept, etc.,

SALVADOR DE MENDONÇA.

[Inclosure.—Telegram.—Translation.]

Minister of Foreign Affairs to Senhor Mendonça.

To the BRAZILIAN MINISTER,
Washington:

The Government has issued the following decree:

The Vice-President of the United States of Brazil, considering that the National flag is the symbol and expression of the lawful personality of the union, of the perpetuity and integrity of the country and its national sovereignty, and that only under lawful and legitimate conditions is it permitted to vessels to carry that flag,

which is a manifestation of the natural and patriotic bond that binds them to the territory of the Republic and to constitutional organs of its sovereignty; that to the right to use the national flag is associated that of lawful protection, and as regards vessels of war, they are representatives of the armed force of the nation; that the naval and land forces, being national and permanent institutions intended for the defense of the nation without and maintenance of its laws within, are bound to support its constitutional institutions; that forgetful of their constitutional obligations, a part of the vessels of the national navy have captured others engaged in commerce, have armed them as vessels of war, and have, since the 6th day of September last, committed every kind of acts of hostility against the constitutional government, the inoffensive populace, and public and private property; that by so doing they have betrayed the institutions created by the constitution, still continuing the use of the national flag, a symbol and emblem to which they have no right, and under it have committed criminal acts; that to the executive power, in virtue of the functions with which it has been invested by the will of the nation expressed in the manner directed by the constitution, it belongs to maintain unharmed the personality of the Republic before the law of nations and guard the honor of the national flag, decrees:

ARTICLE 1. For any and all the ends of public law, both private and international, the following are declared to be deprived of their privileges and of the protection of the national flag: (1) Those vessels of war which, since the 6th of September last, under the orders of Rear-Admiral Custodio José de Mello, have continued in a state of revolt, in the Bay of Rio de Janeiro, against the constitution of the Republic and the lawful authority. (2) The merchant vessels which have been and are now armed as vessels of war by the rebels, and all other vessels of whatever description in their service. (3) The fortifications which are taking part in the revolt.

ART. 2. Under the same terms are from this moment included, without further need of declaration by the Government, such vessels and such fortifications, whether permanent or temporary, as may join the rebels.

ART. 3. All acts and dispositions to the contrary are hereby revoked.
Federal Capital, October 10, 1893, and the fifth year of Republic.

FLORIANA PEIXOTO.

FIRMINO CHAVES,

Minister of Marine.

FERNANDO LOBO,

Minister of Justice and Interior.

CARLOS AUGUSTO DE CARVALHO,

Minister of Foreign Affairs.

JOAO FELIPPE PEREIRA,

Minister of Industry, Transportation, and Public Works.

FELISBELLO FREIRE,

Minister of Finance.

Minister of Foreign Affairs.

Mr. Gresham to Senhor Mendonça.

DEPARTMENT OF STATE,

Washington, October 16, 1893.

SIR: I have the honor to acknowledge the receipt, on the afternoon of the 14th instant, of your note of that date, inclosing a copy of a telegram received from your Government, reciting the decree issued by it depriving the revolutionary squadron and the forts now held by the revolutionary party of the privileges and protection of the national flag.

Accept, etc.,

W. Q. GRESHAM.

Senhor Mendonça to Mr. Gresham.

LEGATION OF THE UNITED STATES OF BRAZIL,
Washington, April 19, 1894. (Received April 19.)

SIR: I have the honor to communicate to your excellency the following cablegram just received from my Government:

Aquidaban was sunk in the port of Santa Catharina by torpedo boat of the fleet of the Brazilian Government. Mello went to Buenos Ayres with the cruiser *Republica* and four other vessels, asked for and obtained asylum, declaring to abandon the contention for lack of resources. Delivered vessels to Argentine Government. Rebellion ended.

Accept, etc.,

SALVADOR MENDONÇA.

CENTRAL AMERICA.

GUATEMALA AND HONDURAS.

Mr. Pacheco to Mr. Foster.

No. 181.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, August 25, 1892. (Received September 16.)

SIR: I have the honor to inform you that I am in receipt of a telegram from the President of Honduras, Gen. Ponciano Leiva, of which the following is a translation:

COMAYAGUA, *August 23, 1892.*

Hon. Mr. Minister PACHECO:

In order to circumvent the rebels who had taken possession of the harbors of La Ceiba and Trujillo I was compelled to charter the American steamer *S. Pizzati*, her captain, Enrique Pizzati, being a colonel in the Honduran army, and put aboard of her armed troops of infantry and artillery.

In making use of said steamer I granted her, for the time being, permission to fly the Honduran flag, and she was compelled to leave Puerto Cortez, in combination with the land forces, prior to the arrival of the official commission or permit from the Honduras Government.

Now Capt. Pizzati fears that the Government of the United States may order the confiscation of his steamer or subject him to a fine of some kind.

The faction of the rebel colonel, Nuila, not having any definite object except personal revenge, or any organized force, is not entitled to the rights of a belligerent, and his action can only be considered as that of an outlaw, prejudicial to national interests and the interests of Americans residing in this country.

The services of Capt. Pizzati in this case should be considered as rendered in the interests of humanity and good government, and in protection of the commerce of both countries without any intention to violate the laws of neutrality, which I believe he has not done.

I desire, Mr. Minister, to have your opinion in this particular, and I beg of you to be kind enough to interpose your kind offices with your Government with the view of exonerating said captain from any blame in the matter.

P. LEIVA.

I have, etc.,

R. PACHECO.

Mr. Foster to Mr. Pacheco.

No. 115.]

DEPARTMENT OF STATE,
Washington, September 27, 1892.

Sir: I have to acknowledge the receipt of your dispatch No. 181, of the 25th ultimo, in relation to the revolution in Honduras, and to the action of the President of that Republic, Gen. Ponciano Leiva, in chartering the American steamer *S. Pizzati*, her captain, Enrique Pizzati, being a colonel in the Honduran army, and putting aboard of her armed troops of artillery and infantry, in order to circumvent the rebels who had taken possession of the harbors of La Ceiba and Trujillo.

I inclose for your information a copy of my letter to the Secretary of the Treasury presenting the matter for his consideration and inquiring whether the action of Capt. Pizzati, which was in behalf of the titular authorities of Honduras, with whom the United States maintains diplomatic relations, would affect the registry of Capt. Pizzati's vessel, or subject it or himself to any penalty under our laws.

It affords me pleasure to also inclose a copy of the reply of the Secretary of the Treasury, from which it appears that the circumstances stated by the President of Honduras not being covered by section 4135, Revised Statutes of the United States, relating to vessels "authorized to sail under a foreign flag, and to have the protection of a foreign government during the existence of the rebellion," do not cause any disability to be incurred by the vessel, her owners or master, under the laws of the United States, and that she can continue to enjoy the use of her documents granted by the United States, notwithstanding the transactions herein referred to.

You may make suitable notification of this to the Government of Honduras.

I am, etc.,

JOHN W. FOSTER.

[Inclosure 1 in No. 115.]

Mr. John W. Foster to Mr. Charles Foster.

DEPARTMENT OF STATE, *Washington, September 21, 1892.*

SIR: Our minister to Honduras has transmitted to this Department a telegram from Gen. Ponciana Leiva, President of Honduras, to a portion of which, as follows, I have the honor to invite your attention:

"In order to circumvent the rebels who had taken possession of the harbors of La Ceiba and Trujillo I was compelled to charter the American steamer, *S. Pizzati*, her captain, Enrique Pizatti, being a colonel in the Honduran army, and put aboard of her armed troops of infantry and artillery.

"In making use of said steamer I granted her, for the time being, permission to fly the Honduran flag, and she was compelled to leave Puerto Cortez, in combination with the land forces, prior to the arrival of the officiale patente, or permit, from the Honduras Government.

"Now Capt. Pizzati fears that the Government of the United States may order the confiscation of his steamer or subject him to a fine of some kind.

* * * * *

"I desire, Mr. Minister, to have your opinion in this particular, and I beg of you to be kind enough to interpose your kind offices with your Government with the view of exonerating said captain from any blame in the matter."

The action of Capt. Pizzati was in behalf of the titular authorities of Honduras, with whom the United States maintain diplomatic relations. I have the honor to request your opinion as to whether the action of Capt. Pizzati, as herein reported, would affect the registry of his vessel or subject it or himself to any penalty under our laws.

I have, etc.,

JOHN W. FOSTER.

[Inclosure 2 in No. 115.]

Mr. Charles Foster to Mr. John W. Foster.

TREASURY DEPARTMENT, *Washington, September 23, 1892.*

SIR: I have the honor to acknowledge the receipt of your letter, dated the 21 instant, inviting my attention to a telegram from Gen. Ponciana Leiva, President of Honduras, a part of which is reproduced below for ready reference and as a matter of record, viz:

"In order to circumvent the rebels who had taken possession of the harbors of La Ceiba and Trujillo I was compelled to charter the American steamer *S. Pizzati*, her captain, Henrique Pizzati, being a colonel in the Honduranean army, and put aboard of her armed troops of infantry and artillery.

"In making use of said steamer I granted her, for the time being, permission to fly the Honduranean flag, and she was compelled to leave Puerto Cortez, in combination with the land forces, prior to the arrival of the officiale patente, or permit, from the Honduras Government.

"Now Capt. Pizzati fears that the Government of the United States may order the confiscation of his steamer or subject him to a fine of some kind.

"I desire, Mr. Minister, to have your opinion in this particular, and I beg of you to be kind enough to interpose your kind offices with your Government with the view of exonerating said captain from any blame in the matter."

In reply to your request for my opinion whether the action of Capt. Pizzati, as above reported, would affect the registry of his vessel, or subject it or himself to any penalty, I have to state that the case not being covered by section 4135, Revised Statutes, relating to vessels "authorized to sail under a foreign flag, and to have the protection of a foreign government during the existence of the rebellion," I am advised that the circumstances stated by the President of Honduras do not cause any penalty or disability to be incurred by the vessel, her owners, or master under the laws of the United States, and that she can continue to enjoy the use of her documents granted by the United States, notwithstanding the transactions above mentioned.

Respectfully, yours,

CHARLES FOSTER.

Mr. Gresham to Mr. Young.

No. 2.]

DEPARTMENT OF STATE,
Washington, May 6, 1893.

SIR: Referring to the Department's instruction No. 115, of September 27, 1892, concerning the action of the President of Honduras in chartering the American steamship *S. Pizatti* with which instruction was transmitted a copy of the opinion of the Secretary of the Treasury to the effect that as the circumstances referred to were not covered by section 4135 of the Revised Statutes of the United States, no disability was incurred by the vessel, her owners, or master, under the laws of the United States, and that she could continue to enjoy the use of her documents granted by the United States, Mr. Pacheco was directed to make suitable notification to the Government of Honduras to that effect.

It now appears from depositions taken in a civil action for damages brought by the crew of the *S. Pizatti*, against the owners of the vessel in the U. S. courts in New Orleans, that the steamship, H. Pizatti, master, enrolled and shipped a crew at New Orleans, ostensibly to proceed to Livingston, Guatemala, to which point she cleared in ballast, to procure a cargo of fruit—a purely commercial voyage—when in fact she had received a cablegram from President Leiva to come to Spanish Honduras to enter the employ of that Government to engage in suppressing the revolution.

Instead of going to the port for which she cleared or the ports to which she usually went for fruit, she proceeded to ports in control of the Government troops and immediately commenced taking part in the war by embarking soldiers, guns, and ammunition, removing the small signal gun and placing a Krupp cannon in its place, placing iron barricades in front of the same, H. Pizatti being on deck in Hondurean uniform, sword in hand, directing the movements of the ship and making suggestions as to the firing of the cannon, etc., notwithstanding the crew protested, claiming that they had not been shipped or enlisted for purposes of war or to take part as belligerents.

The statement in the Department's instructions of September 27 last, authorizing Mr. Pacheco to notify the Government of Honduras that there was no violation of the law, was made on the assumption that there had been no preparation in the United States for any participation by the *Pizatti* or any of her officers in the struggle, but that on the contrary the part taken by the steamer was entirely unpremeditated. The facts disclosed in the judicial proceedings above referred to indicate that there was a violation of the neutrality laws of the United States subjecting the vessel to libel and her master to prosecution. In view thereof you are directed to inform the Government of Honduras that information has recently been brought to the attention of this Government relative to the conduct of the *S. Pizatti* and her master before leaving the United States, which would very materially modify the statement which this Department made, through Mr. Pacheco, in October last.

I am, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Young.

No. 25.]

DEPARTMENT OF STATE,
Washington, August 4, 1893.

SIR: In connection with the Department's instruction No. 2 of May 6 last, concerning the American steamer *Pizatti*, I have now to apprise you of the receipt of a letter from the Acting Attorney-General upon the subject, of the 27th ultimo.

It covers one from the U. S. district attorney at New Orleans, dated July 17, from which it appears that the steamship *Pizatti* was libeled on June 5, 1893, No. 13041, docket, U. S. district court eastern district of Louisiana, for violating the neutrality laws of the U. S. Revised Statutes, section 5283. The vessel was bonded in the sum of \$20,000, but the cause will not be heard until the November term of the court, when it will be pushed to trial and judgment.

I am, etc.,

W. Q. GRESHAM.

Mr. Young to Mr. Gresham.

No. 29.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, October 12, 1893. (Received October 27.)

SIR: I have the honor to inform you that about sixty days ago the President of Guatemala issued a proclamation to the effect that after the 1st of October there would be an increase of 10 per cent in gold placed upon all imports now taxed. The executive committee of Congress, resident in Guatemala City, opposed this increased tax, denying the authority of the President to enforce this tax, and they, by authority in them vested, issued a call for the meeting of Congress in extra session to take this matter into consideration. The Congress convened on yesterday, and, finding itself without a quorum, could not proceed.

The President issued a proclamation dissolving Congress and assuming the control of the Government and ordering a new election for dep-

uties for November next. The members of Congress here are under arrest, having to report daily to the military commander of this city. The President is to-day dictator, and apparently with absolute power. The situation is grave. However, there is no fear of an outbreak at an early day. I regret to inform you that Honduras is threatened with revolution, and that that Republic may be involved in war at any moment.

I have, etc.,

P. M. B. YOUNG.

Mr. Young to Mr. Gresham.

No. 32.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS.

Guatemala, October 19, 1893. (Received November 2.)

SIR: Since my last, announcing the assumption by the President of the supreme control of the Government, no new developments have occurred. The President is inaugurating some very salutary measures. He has removed all duties from all live stock imported into the Republic, also all duties on salted meats, which will render that article much cheaper than it has been, and it will be of interest to meat-packers in the United States. The Government is working well, and the Republic is enjoying a season of profound peace. It is feared that there is not perfect tranquility in Honduras. It is very difficult to get reliable news from that Republic, the telegraph wires being down. I will be in condition to report more fully in my next.

I am, etc.,

P. M. B. YOUNG.

Mr. Gresham to Mr. Young.

No. 43.]

DEPARTMENT OF STATE,
Washington, Nov. 2, 1893.

SIR: Your No. 29 of 12th ultimo, relative to the recent proclamation of a dictatorship by the President of Guatemala and to a threatened revolution in Honduras, has been received.

Expressing the natural hope of this Government that prudent counsels may prevail and that peace may continue,

I am, etc.,

W. Q. GRESHAM.

Mr. Young to Mr. Gresham.

No. 33.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, Nov. 2, 1893. (Received Nov. 16.)

SIR: I have the honor to inform you that reports coming from all sections of this Republic confirm me in the belief that the new order of things has been accepted with satisfaction by all the people of the Republic.

The President has inaugurated many new and wholesome measures calculated to lighten the burdens of the people, and he is rapidly winning their esteem and affection.

I have, etc.,

P. M. B. YOUNG.

Mr. Gresham to Mr. Young.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 7, 1893.

Minister Baker reports that American steamer *Costa Rica*, on which he was a passenger, was fired upon at Amapala after clearance because the captain refused, on demand, to give up Bonilla, a Honduran, also a passenger. By direction of the President Mr. Young will protest against this wanton and illegal act.

GRESHAM.

Mr. Young to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
La Libertad, November 9, 1893. (Received November 10.)

Have demanded to be informed if Honduras Government authorized firing on the *Costa Rica*. Am here on *Alliance* waiting reply. Had I authority would make short work of this matter. I await your instructions.

YOUNG.

Mr. Gresham to Mr. Young.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 10, 1893.

Telegram received. You will protest without delay, as instructed 7th, and demand disavowal and apology, whether President authorized firing or not.

GRESHAM.

Mr. Young to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
La Libertad, November 12, 1893. (Received November 12.)

Sent the following Friday, at 2 o'clock:

His Excellency ANTONIO LOPEZ,
Minister of Foreign Relations:

In the name of the United States, I earnestly protest against the insult to the American flag and the illegal act of firing into the American ship *Costa Rica* on the

6th instant, and I demand a disavowal of this act by your Government and an apology for the same. Will your excellency give me an immediate answer to the above?

I received last night the following in reply:

I have received your dispatch of to-day in which you convey to me that in the name of the United States, and in the most formal manner, you protest against the insult to the American flag and the illegal act of firing on the steamer *Costa Rica* on the 6th instant, and demand disavowal of the act by this Government and satisfaction. In answer, and by direction of the President, I inform you that this Government has already disavowed and does so now the acts referred to, not having caused them nor ever having had the least intention of causing any offense to the Government of the United States, with which the President always wishes to preserve the best relations. This Government became aware with great pain of such an unfortunate incident, whose details I hastened to transmit by telegraph to you on the 6th instant. As regards the satisfaction, it would be desirable before offering it to know the terms in which you ask it.

The last sentence in original as follows:

En cuanto a la satisfaccion seria conveniente antes de ofrecerla cono- cer los terminos en que V. E. la pide.

This seems to answer demands so far. Shall I remain here longer?
Answer.

YOUNG.

Mr. Gresham to Mr. Young.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 12, 1893.

You may answer Honduras minister that, having reported his reply, you are instructed to say that the President accepts these frank expressions of disavowal and regret as sufficient and will waive further formal apology in the interest of friendly feeling.

GRESHAM.

Mr. Young to Mr. Gresham.

No. 35.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, November 22, 1893. (Received December 7.)

SIR: I have the honor to inform you that on the morning of the 7th of November, 1893, I received the following dispatch from Minister Baker:

LA LIBERTAD, November 6, 1893—4 p. m.

YOUNG, *American Minister, Guatemala:*

Have sent following cablegram to Washington:

"Left Corinto on steamship *Costa Rica* on the 4th for Salvador. Bonilla, Honduras man, was passenger for Guatemala. His delivery was demanded at Amapala; refused by ship's captain; threats made on President's order to sink ship; seven shots fired after clearance papers received."

Kindly meet me at Acajutla, Wednesday. *Alliance* will bring you. Answer.

BAKER.

I immediately telegraphed Commander Lyons at San José asking him if he could take me to Acajutla, to which he replied that he could. I took the evening train at 3 p. m., arriving at San José at 8 p. m. Went immediately on board the *Alliance* and sailed for Acajutla, arriving

there about 7 o'clock next morning (Wednesday, the 8th). The *Costa Rica* came into port about 9 a. m. Minister Baker and Capt. Dow, of the *Costa Rica*, came on board the *Alliance* and made statements concerning the firing into the *Costa Rica* by the commandant at Amapala, Honduras, on the 6th instant.

The commander of the *Alliance* appointed a board of naval officers of the *Alliance* to investigate the Amapala affair. They went aboard of the *Costa Rica*, organized, and heard the statements of such persons as they invited before them, and made the investigation as thorough as it could be done under the circumstances. I herewith inclose a copy of the report of this board for the information of the Department of State. After a conversation with Minister Baker, I determined to move down to La Libertad, where I would have good cable advantages and be in direct communication with Washington as well as Honduras. On arriving at La Libertad next day, the 9th, at noon, I sent the following dispatch to the minister of foreign relations of Honduras:

ON BOARD U. S. S. ALLIANCE,
La Libertad, November 9, 1893.

His Excellency ANTONIO LOPEZ,
Minister of Foreign Relations, Tegucigalpa, Honduras:

Will you inform me if the Government of Honduras authorized the firing into the American ship *Costa Rica*, at Amapala, on 6th instant. I await your reply..

P. M. B. YOUNG,
U. S. Minister.

To which I received the following reply:

P. M. B. YOUNG,
U. S. Minister, La Libertad:

In answer to telegram of your excellency of yesterday, I reply that this Government has not authorized anyone to fire on the American ship *Costa Rica*, at Amapala, on the 6th instant. On that same day I had the honor of sending to Guatemala a telegraphic message of this same import.

J. ANTONIO LOPEZ.

At the same time I sent my telegram to you of the 9th and received your reply of the 10th.

I then immediately sent the following:

ON BOARD U. S. S. ALLIANCE,
La Libertad, November 10, 1893.

His Excellency ANTONIO LOPEZ,
Minister Foreign Relations, Tegucigalpa:

In the name of the United States, I earnestly protest against the insult to the American flag and the illegal act of firing into the American ship *Costa Rica* on the 6th instant, and I demand a disavowal of this act by your Government and an apology for the same.

Will your excellency give me an immediate answer?

P. M. B. YOUNG,
U. S. Minister.

After twenty-four hours had elapsed and no reply, I again wired Mr. Lopez, as follows:

ON BOARD U. S. S. ALLIANCE,
La Libertad, November 10, 1893.

His Excellency ANTONIO LOPEZ,
Minister of Foreign Relations, Tegucigalpa, Honduras:

I must ask your excellency to give me an explicit and immediate reply to my dispatch to you of yesterday.

P. M. B. YOUNG,
U. S. Minister.

And received this reply, which was repeated to Washington:

TEGUCIGALPA, HONDURAS.

P. M. B. YOUNG,
U. S. Minister, *La Libertad*:

I have received your dispatch of to-day, in which you convey to me that, in the name of the United States, and in the most formal manner, you protest against the insult to the American flag and the illegal act of firing on the steamer *Costa Rica* on the 6th instant, and demand disavowal of the act by this Government and satisfaction.

In answer and by direction of the President, I inform you that this Government has already disavowed, and does so now, the acts referred to, not having caused them, nor even having had the least intention of causing any offense to the Government of the United States, with which the President wishes always to preserve the best relations. This Government became aware, with great pain, of such an unfortunate incident, whose details I hastened to transmit by telegraph to you on the 6th instant.

As regards the satisfaction, it would be desirable, before offering it, to know the terms in which you ask it.

J. ANTONIO LOPEZ.

Upon the receipt of your telegram of the 12th I telegraphed the minister of Honduras in these words:

ON SHIP ALLIANCE,
La Libertad, November 12, 1893.

His Excellency ANTONIO LOPEZ,
Minister of Foreign Relations, Tegucigalpa, Honduras:

Having reported your excellency's reply to Washington, I am instructed to say that the President of the United States accepts the frank expressions of disavowal and regret of your Government as sufficient, and will waive further formal apology in the interest of friendly feeling. I am en route to Guatemala.

P. M. B. YOUNG,
—U. S. Minister.

To which was received in reply from the minister of Honduras this message:

TEGUCIGALPA, November 14, 1893.

P. M. B. YOUNG,
U. S. Minister, *Guatemala*:

I have received your message dated yesterday, in which you say in obedience to instructions from the President of the United States, that in consequence of the frank expressions of disavowal and regret in relation to the incident of the *Costa Rica* and in the interest of the friendly sentiments of both countries, he refrains from demanding any further apology. This Government has seen with pleasure that the Government at Washington has duly appreciated the frank manner with which it has proceeded in this matter.

J. ANTONIO LOPEZ.

Which is the practical ending of this correspondence, and all of which has been conducted by telegraph. I left Guatemala hurriedly on the night of the 7th November, expecting to return on the following night on the *Costa Rica*, but which, owing to circumstances, I found impossible, and I did not return until the afternoon of November the 14th. On my arrival I found your message of the 7th, which failed to reach me until my return.

I can not close this dispatch without calling your attention to the admirable conduct of Capt. J. M. Dow, commander of the *Costa Rica*, who, under the most trying circumstances, preserved the dignity of his command and the honor of his flag in preventing the violent seizure on his ship of a gentleman who had quietly entered the ship, paid his fare to a point on the voyage, and was entitled to a first class passage and a safe convoy to that point.

I am indebted to Commander T. A. Lyons, of the U. S. S. *Alliance*, for important, prompt, and valuable assistance.

Throughout this correspondence I have endeavored to follow as closely as possible the instructions and wishes of the Department of State.

The instructions I am sure I have executed literally. The correspondence, being solely by telegraph, must of necessity be less satisfactory and not so full or thorough as it would have been if it had been conducted in writing.

With the earnest hope that this episode may tend to strengthen the sentiments of amity between the United States and the Government of Honduras,

I am, etc.,

P. M. B. YOUNG.

[Inclosure in No. 35.]

U. S. S. ALLIANCE (THIRD RATE),
At Sea, Lat. 15° 35' N., Long. 93° 33' W., November 9, 1893.

Record of a board of investigation convened on board the U. S. S. *Alliance* (third rate), by order of Commander T. A. Lyons, U. S. Navy, in accordance with article 1720 U. S. Navy Regulations, 1893.

Approved:

T. A. LYONS,
Commander, U. S. Navy, Commanding.

U. S. S. ALLIANCE,
La Libertad, Salvador, November 12, 1893.

U. S. S. ALLIANCE (THIRD RATE),
At Sea, Lat. 15° 35' N., Long. 89° 33' W., November 9, 1893.

Commander T. A. LYONS, U. S. Navy,
Commanding U. S. S. *Alliance*:

SIR: In obedience to your order dated at the Roadstead, Acajutla, November 8, 1893, we have to report that we proceeded on board the Pacific mail steamer *Costa Rica* at Acajutla at 4 p. m. November 8, 1893, and investigated the circumstances connected with the firing by the Government authorities of Amapala, Honduras, upon the Pacific mail steamer *Costa Rica*.

The following statements were declared by the witnesses examined:

Capt. J. M. Dow, master steamship *Costa Rica*, made a statement, which in substance as follows:

"Dr. Policarpo Bonilla, a native of Honduras, came on board the *Costa Rica* at Corinto, Nicaragua, on the 4th instant, as a passenger, to take passage for San Jose, Guatemala.

"I had no knowledge of him more than of any other passenger, until after arrival of ship at Amapala, Honduras. The *Costa Rica* arrived at Amapala at 6:30 a. m. November 5, 1893, and was immediately given permission for general delivery and receipt of cargo.

"At 2:15 p. m. a written communication, signed by captain of port, was brought on board by an official in uniform [a copy, marked "A," of this communication, is appended to this record]. An answer, signed by me to this communication [a copy, marked "B," appended] was sent to the captain of the port. At 6:15 p. m. another communication, signed by the captain of the port and his secretary [a copy appended, marked "C"] was brought on board by the said secretary, J. Castelar. I replied, verbally, that I had sent my answer and had nothing further to say in the matter. At 6:45 Gen. Aguirre, accompanied by an official in uniform, brought back the communication, mentioned last, stated that he had approved of my action, and requested my signature to the paper, saying that the captain of the port would give the ship the clearance papers if I would sign. Gen. Aguirre was not in uniform. I signed, acknowledging receipt of protest. The purser of the *Costa Rica* went on shore and returned with the clearance papers, which he reported correct.

No communication was had with shore until 3 a. m., 6th instant, when a boat came alongside with an official who delivered a communication from the captain of the port. [A copy appended, marked "D."] I sent a verbal message that I would answer in a half hour. I immediately gave orders to get under way. The ship was heading upstream, and twenty minutes were occupied in turning her.

"At 3:55 rang to go ahead fast, to make the final turn, to head out of the harbor. At the same moment a cannon shot was fired from the Amapala shore, the projectile passing about 100 feet astern of the *Costa Rica* and between her and the *City of Panama*, anchored in the harbor. Other cannon shots were fired. but I was too busy to count them, as I was getting the ship out of port. I slowed down after I thought I had gotten out of range, to see if the *City of Panama* had been damaged by the fire."

Mr. J. Mendez, purser of the *Costa Rica*, declared:

"I received the ship's clearance papers from Mr. Villela, the captain of the port at Amapala, being informed that all difficulty was settled on receipt of the captain's signature to the protest. The clearance papers were of usual form—clearance and bill of health. The clearance was left at La Union, Salvador, the bill of health being at Acajutla.

"Mr. Bonilla came aboard at Corinto, Nicaragua, having a ticket which he had purchased on shore, for passage from Corinto to Acajutla, Salvador. He paid the difference on board from Acajutla to San José de Guatemala."

Samuel Redmond, chief engineer of the *Costa Rica*, declared:

"Sometime after 3 a. m., on the 6th instant, the Captain ordered steam ready as soon as possible. The engines were turned over in four minutes and the ship started ahead full speed at 3:55.

"I was standing on the after deck when the first shot was fired. It passed over the after part of ship and sounded like a solid shot from a cannon. I have been under fire and know the sound of a cannon ball.

"After the first shot I went below to see pumps ready, fearing injury to the ship below the water line from another shot. I counted eight shots; the last was a heavy shot. I did not see the flash, but heard the report. I do not know whether the first shot came from the fort or the *Cuartel*, but I saw about five flashes coming from the fort."

J. E. Johnson, second officer of the *Costa Rica*, declared:

"At 3:55 a. m. I came on deck as relief of watch. Passed through pilot house to go on bridge, when a cannon shot was fired from shore.

"At 4:03 a second cannon shot was fired. I heard the report and the whistling of the shot. I noted the times of the shots for the ship's log. At 4:15, third shot; at 4:26, fourth shot; at 4:35, fifth shot; (at 4:45 the ship passed between the Islands Manguera and Conchaguita); at 4:55, sixth shot, and at 5, seventh shot; at 5:08, eighth shot. At 4:30 the ship's speed was reduced to 75 revolutions; at 4:50 slowed still more. At 5:36 went ahead full speed."

Archibald Stewart, second steward of the *Costa Rica*, declared:

"I was asleep in a chair on the after deck and was awakened by the noise of the first shot. The second shot passed between the *City of Panama* and this ship; I saw the flash of the third shot and heard the reports of other shots after the ship had gotten outside."

George E. Terry, first officer of the *Costa Rica*, declared:

"I saw flashes of eight shots; the second and third shots were, I knew, to be projectiles from the sound made. I heard no musketry firing, but there was shouting on shore when the ship's light was hauled down. The first shot appeared to come from the beach and the others from the hill. The ship was making 12½ knots, going out." (The first officer exhibited ship's chart to show position of ship and batteries.)

J. F. Medina, of Managua, Nicaragua, passenger from Corinto, Nicaragua, to Acajutla, Salvador, declared:

"I was awakened after 3 a. m. November 6, by Minister Baker telling me that a new communication had been received from shore, stating that the ship would be bombarded if Dr. Bonilla was not delivered up, and that Capt. Dow had determined to leave immediately. Shortly after ship was maneuvering the first shot was fired; saw the flash; heard the report, followed by several others. I counted seven. I heard shouting on shore and saw lights going up the hill.

"Dr. Bonilla was head of an unsuccessful revolution in Honduras, and is now a member of the Congress at Managua, Nicaragua."

Louis Chable, of New York, secretary to Minister Baker, passenger from Corinto, Nicaragua, to Acajutla, Salvador, declared:

"I counted seven shots, all from the hill; fired from an 8 or 12 centimeter Krupp gun, as I have learned since from the captain of the port of Amapala. The guns are mounted on a parapet on a hill 500 feet high, facing towards La Union, Salvador. The fort is of stone, with lookout towers at the corners. I heard shouting on shore, which I afterwards learned came from the boats being made ready to come off to the ship. I went to Amapala on the 7th instant to obtain information for Minister Baker, and made a written report." (Copy appended, marked "E.")

Policarpo Bonilla, of Managua, Nicaragua, declared:

"I was engaged in a revolution against the Honduras Government two years ago. The Congress of Honduras has since granted amnesty to the participants.

"I am now a member of the Congress at Managua, Nicaragua. I had no knowl-

edge that I was wanted in Honduras at this time, but the Government must have wanted me very badly to put the lives of 150 people in danger."

J. Mendez, purser of the *Costa Rica*, further declared that there were on board the *Costa Rica* on the morning of November 6, at Amapala, Honduras, 58 male passengers (including Hon. Lewis Baker, U. S. Minister to Nicaragua), 16 ladies, including 2 daughters of U. S. Minister Baker, 2 children, and 62 members of the ship's crew.

We find that the origin of the trouble was the noncompliance of the captain of the Pacific mail steamer *Costa Rica* with the demand made by the authorities of Honduras at Amapala, on the 5th day of November, 1893, for the delivery of Dr. Policarpo Bonilla, a passenger from Corinto, Nicaragua, to San José de Guatemala, probably a citizen of Honduras, a former revolutionist against the Government of Honduras, and at present a member of the constitutional Congress of Nicaragua.

Dr. Policarpo Bonilla was evidently wanted by the Government of Honduras for political offenses. No statement was made by authorities of Honduras of the offense of which it was claimed he had been convicted. About 2:15 p. m. November 5, 1893, nearly eight hours after the arrival of the ship at Amapala and prior to the delivery of clearance papers, a demand was made by the captain of the port, under instruction from the Government of Honduras, for the delivery of Policarpo Bouilla to the local authorities; and the information was sent that if this demand was not complied with the steamer would not be allowed to depart.

To this demand the captain of the *Costa Rica* sent a written reply, stating that after consultation with the minister of the United States, then on board, the demand could not be complied with.

Another communication was received about 6 p. m. stating that the captain of the steamer having refused to comply with the demand of the authorities of Honduras for the delivery of Bonilla, the captain of the port of Amapala, in the name of the Government of Honduras, protested formally against the action of the captain of the steamer in case of nondelivery of Bonilla before 6:15 p. m., thus avoiding the consequences which might follow. Capt. Dow's signature was requested to this, and refused. The request was again made by Gen. Aguirre, who came on board accompanied by a military official in uniform, and on their representation that clearance would be given in the event of Capt. Dow signing the protest, he, (Capt. Dow), acknowledged in writing the receipt of the protest. After this acknowledgment was made the clearance papers were delivered to the purser of the steamer and he was informed by the captain of the port that the matter was at an end as far as the ship was concerned. This was about eight hours before the firing took place.

After the delivery of the clearance papers and about 3 a. m. on the 6th of November, 1893, a written communication was received on board the steamer from the captain of the port at Amapala, stating that he had received a new order to demand the delivery of Policarpo Bonilla, and that if this was refused, the ship would not be allowed to raise anchor; if done without the delivery of Bouilla, would subject the ship to a bombardment, for such the captain alone to be responsible on account of his refusal.

The captain of the *Costa Rica* sent a reply to this communication, stating he would send an answer in a half hour. Instead of doing so he ordered the ship to get under way, and as rapidly as possible proceed to sea.

The firing commenced soon after the ship was under way and while turning to head out of the harbor.

Eight shots were fired from the forts at Amapala, Honduras, between the hours of 3:55 a. m. and 5:08 a. m. November 6, 1893, with the intention of sinking the *Costa Rica*. The shots were fired from Krupp guns of 8 and 12 (probably centimeter) caliber.

One of the shots passed over the after part of the *Costa Rica* and another passed between the steamer *Costa Rica* and the Pacific Mail steamer *City of Panama*, also in port. The other shots were evidently directed towards the *Costa Rica* as she steamed out, and the firing continued until the ship was out of range.

The authorities of Honduras were fully aware of the fact that the Hon. Lewis Baker, U. S. minister to Nicaragua, and daughters were passengers on board the *Costa Rica* at the time of the bombardment of that vessel. The captain of the steamer communicated this fact to the captain of the port of Amapala.

No damage was done to vessel or to the people on board. The passengers were greatly alarmed and women and children were terror stricken.

The Pacific Mail steamship, *City of Panama*, in the port of Amapala at the time of the firing, suffered no damage.

The order convening this board is appended. (Marked "F.")

Respectfully submitted.

T. PORTER, Lieutenant, U. S. Navy.
 JAMES H. BULL, Lieutenant, U. S. Navy.
 C. MCR, WINSLOW, Lieutenant, U. S. Navy.

EXHIBIT A.

Commandant Villela to Capt. Dow.

[Translation.]

COMMANDERY AND CAPTAINCY OF AMAPALA.
 REPUBLIC OF HONDURAS.
 (Received 2:15 p. m., November 5.)

To the captain of the Steamship Costa Rica:

I am instructed by my Government to notify you in accordance with the following literal directions:

"Mr. COMMANDANT: You will demand of the captain of the steamer *Costa Rica* the surrender of Dr. Don Policarpo Bonilla, who has been sentenced by the courts of the Republic. The Government directs that you demand his delivery to me with the assurance that his life will be guaranteed; on the other hand, merchant vessels, according to the laws of the United States and of this Republic, do not enjoy the immunities which they claim in waters of foreign countries, they being wholly subject to the laws of the country in whose waters they happen to be."

I hope that you will make no difficulty in delivering the said gentleman, for by not doing so you will place me in the necessity of obeying instructions.

Notifying you that the steamer will not be permitted to weigh anchor without effecting the delivery,

I am, etc.,

BELISARIO VILLELA.

EXHIBIT B.

STEAMSHIP COSTA RICA,
Amapala, November 5, 1893. (Sent 2:30 p. m.)

SIR: Your communication of this date demanding the delivery of Mr. Policarpo Bonilla, a passenger on board this steamer holding a through ticket to San José de Guatemala, has just been received.

After consultation with the minister of the United States now on board my vessel, I beg to state that your demand can not be complied with.

I am, etc.,

J. M. DOW,
Commander.

EXHIBIT C.

[Translation.]

Protest.

Belisario Villela, general of division and principal commandant of the port of Amapala, in obedience to superior orders, has requested of the captain of the American merchant vessel *Costa Rica* the delivery of Licentiate Don Policarpo Bonilla, a criminal sentenced by the courts of the Republic, as appears from the note which reads as follows:

[NOTE.—In line 6 (Exhibit A) instead of "merchant vessels" read "delinquent criminals." Then follow as in exhibit A.]

And as it appears from the appended note that the said captain has roundly declined the delivery, this principal commandery, in the name of its Government and of the laws of the country, formally protests against said captain in the event of his not delivering the criminal, Policarpo Bonilla at 6:15 p. m., disclaiming all responsibilities for whatever may occur in consequence of such refusal. Let this be notified.

BELISARIO VILLELA,
 J. CASTELAR,
Secretary.

EXHIBIT D.

[Translation.]

COMMANDERY AND CAPTAINCY OF AMAPALA,
REPUBLIC OF HONDURAS,*Amapala, November 5, 1893.* (Received 3 a. m., November 6.)*To the captain of the steamer Costa Rica, present:*

I am in receipt of a new order to demand of you the delivery of Don Policarpo Bonilla, so I hope that you will execute it. If not, you will not be permitted to weigh anchor, and if you should do so without first delivering him, you will suffer the consequences of a bombardment for which you alone will be responsible by reason of your refusal.

I am, etc.,

B. VILLELA

EXHIBIT E.

Mr. Chable to Mr. Baker.

STEAMSHIP COSTA RICA,

En route to Salvador, November 8, 1893.

DEAR SIR: In compliance with your instructions, I proceeded from La Union, Salvador, to Amapala, Honduras, at 3 o'clock a. m. of the 7th instant, for the purpose of securing some information relating to the firing on the steamship *Costa Rica* in the latter port on the 6th instant. I reached my destination at 7 o'clock a. m.; called at once on U. S. Consular Agent Kohncke, and made inquiries as to whether the *City of Panama* had suffered during the shelling of the *Costa Rica*. I was informed that she had not been struck, but that a shell burst within 200 feet of her, and that her captain made a formal protest before the consular agent, a copy of which is appended hereto.

Then, in company with Mr. Kohncke, I called on Commander Villela, who received me very pleasantly. I told him I came to advise him that we had outlived his warm reception, and to inquire as to the fate of the *City of Panama*. Mr. Villela told me that about 12 at night on the 5th he had received new orders from President Vazquez insisting upon his compliance with former orders and stating that, if Bonilla had not been delivered, troops should be sent to the steamer to take him out, and if this could not be done, to sink the ship.

"Instead of going on board the steamer with armed men, as instructed to do, I wanted to notify the captain; hence sent him my last note and expected the answer which I was advised verbally I would have within a half hour.

"Meanwhile I was getting ready the men and the launches to go to the steamer, but within the half hour the ship began to steam away, and I had to comply with the other orders which I had, to shell the vessel.

"Accordingly, a Krupp gun, of 8 or 12 caliber, was discharged on the vessel from the fort 5 times, under my orders, twice after orders had been sent by telephone to stop the firing. In the whole matter I obeyed superior orders; there were 7 telegrams sent me by the President in the matter."

Inquired if I could secure copies of these messages, but was told they could not be furnished to me. From Gen. Villela, however, I secured the main points of these instructions, and his statement was corroborated by Dr. Prove, a German physician residing in Guatemala and now on a visit to Gen. Vazquez.

"Bonilla, convicted of crime in Honduras, must be delivered to the authorities under the assurance that his life will be spared. Under the laws of the United States and Honduras jurisdiction extends over merchant vessels when in the waters of the respective powers."

"Take a force of armed men to the ship and take out Bonilla."

"I do not ask your opinion, but give you orders with which you must comply. If you do not I will get some one else to do so."

"Bonilla must be delivered to the authorities. He is a criminal, condemned by the tribunals of the Republic. It is for the peace of Honduras that I ask for his delivery, as he is plotting a new revolution."

"Make a formal protest to captain, if no delivery has been made at 6 o'clock."

During the night after the issue of clearance papers: "If Bonilla has not been delivered take a force of armed men and go on board the ship to take the man out, and, if prevented, sink the ship. It seems you have been consulting everybody else instead of complying with my orders."

In the last telegrams President Vazquez holds Gen. Villela responsible for everything which has happened. I find that the population generally regrets the whole affair, and commerce condemns it. Gen. Villela told me he had advised President Vazquez that the American minister was on board. He tells me also that he advised the President that he had signed the clearance papers of the ship, but does not know if Vazquez had his dispatch to that effect when he renewed his orders to take out Bonilla.

The limited time which I had in Amapala (my instructions being to be back at La Union at 2 o'clock) made it impossible for me to secure other information.

I am, sir, etc.,

LOUIS CHABLE.

NOTE.—This is as correct as I could take from memory, but many citizens of Amapala will corroborate the above points of telegrams from Vazquez.

EXHIBIT F.

U. S. S. ALLIANCE (THIRD RATE),
Roadstead of Acajutla, San Salvador, November 8, 1893.

Lieuts. THEODORIC PORTER, JAMES H. BULL, and CAMERON MCR. WINSTON, U. S. Navy:

GENTLEMEN: In accordance with article 1720, U. S. Navy Regulations of 1893, you are hereby appointed a board to investigate the reported firing by the Government authorities at Amapala, Honduras, upon the Pacific mail steamship *Costa Rica*, which has just arrived and is now at anchor in this roadstead.

You will proceed on board the *Costa Rica* and request her commanding officer, and such others as he may allow who have personal knowledge of the occurrence, to make statement under affirmation of the incident. You will particularly inquire the origin of the trouble, by whom the shots were fired, the caliber and the nature of the arm used, the proximity of the projectiles to the steamer, whether it was after or before the steamer was granted clearance by the proper authorities of the port, the damage done to the vessel or those on board. You will further inquire into any facts that may need investigation from the nature of the evidence given before you and which are not covered specifically in this order, and you will report to me, in duplicate, fully, clearly, and concisely the facts you find established by the evidence.

It is desirable that this inquiry and report be made as speedily as possible, without, however, sacrificing any essential matter.

Respectfully,

T. A. LYONS,
Commander U. S. Navy, Commanding.

COSTA RICA, NICARAGUA AND SALVADOR.

Mr. Shannon to Mr. Foster.

No. 168.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA AND SALVADOR,
Managua, August 17, 1892. (Received September 12.)

SIR: Referring to the Department's instruction numbered 64, of May 24, 1892, in regard to the increase of port charges to which the steamers of the Southern Pacific Company, running from New Orleans to Bluefields are subjected, and directing me to report the facts of the case, and the grounds of the increase, I have the honor to state that I promptly addressed the minister for foreign affairs of Nicaragua upon the subject, and have already received a very lengthy communication from his excellency in reply.

In this note, as will be seen, his excellency promises to inform me without delay of the result of his inquiries into the matter, and then refers to a similar complaint from our legation at Guatemala in 1889, at the same time furnishing a Spanish translation of Mr. Hosmer's note of August 3, 1889, as well as copy of the reply of the minister for foreign affairs of Nicaragua of August 21, 1889. As copies of these notes were doubtless furnished the Department at the time by our legation at Guatemala, I have thought it unnecessary to furnish other copies.

His excellency then enters upon some very extended observations regarding the anomalous condition of affairs in the Mosquito Reservation, quoting largely from Mr. Bayard's No. 999, of November 23, 1888, to Mr. Phelps, then our minister in London, as well as from the note addressed, under date of January 19, 1889, to the Marquis of Salisbury, by Dr. Cardenas, then the Nicaraguan minister in London.

In substance his excellency claims that through the continuance of the English protectorate in the Mosquito Reservation, that should long since have ceased by virtue of treaty stipulations, Nicaragua is prevented from exercising her sovereign rights, thus making possible such irregularities as are complained of by the Southern Pacific Company, and in the new effort which the Government of Nicaragua proposes soon to make near the Government of England to secure the cessation of the protectorate referred to, the hope is expressed that the Government of the United States will extend to this sister Republic the same vigorous and powerful support as on former occasions.

A copy of the entire note in the original Spanish, with translation, is herewith appended.

I have, etc.,

RICHARD CUTTS SHANNON.

[Inclosure 1 in No. 168.]

Mr. Shannon to Señor Bravo.

LEGATION OF THE UNITED STATES,
Managua, July 9, 1892.

MR. MINISTER: I have the honor to invite the attention of your excellency to a copy of a letter herewith inclosed, which has been referred to the Department of State at Washington, and by which it appears that the steamers of the Southern Pacific Company running from New Orleans to Bluefields, Nicaragua, have been lately subjected to an increase of port charges.

Among other statements made by the writer of this letter is the following:

"It is the impression of our friends in New Orleans that there is some treaty under which Bluefields and Greytown were to be free ports, and our people suggest that these port charges are an infringement of the treaty provisions in regard to Bluefields and Greytown."

The Department of State at Washington is not aware of the treaty stipulations referred to in the foregoing passage, and I am instructed to ascertain and report the facts of the case, as well as the reason for the increase of port charges complained of.

I beg, therefore, to respectfully bring the matter to the attention of your excellency, and to ask that I may be furnished with such information as will enable me to comply with my instructions.

With renewed assurances, etc.,

RICHARD CUTTS SHANNON.

[Inclosure 2 In No. 168.—Translation.]

Señor Bravo to Mr. Shannon.

REPUBLIC OF NICARAGUA,
 MINISTRY FOR FOREIGN AFFAIRS,
Leon, July 19, 1892.

Mr. MINISTER: There has been received at the offices of this ministry the note of your excellency of the 9th instant, in which attention is called to the increased duties collected at the port of Bluefields for anchorage, pilotage, and wharfage from the captains of all ships arriving at that place; and it is further stated that those who complain of this increase of port charges consider it a violation of the treaties concluded with Great Britain, since both Bluefields as well as Greytown were to be free ports.

I have already forwarded to the ministry of the interior a copy of your excellency's note, and while awaiting the occasion to transmit such reply as may be received from that ministry, I will take the liberty of presenting some observations which certainly have not escaped the notice of your excellency and which have a solid basis in diplomatic documents.

One of the attributes of the sovereignty of a country consists, unquestionably, in levying duties, and in opening, closing, and establishing ports, acts which, in virtue of rights common to all nations, deserve the mutual respect of each. The sovereignty of Nicaragua extends to the Mosquito Reservation, which is an integral part of its territory, and since it was not the Republic which imposed the increased duties of which the company of New Orleans complains, that measure ought not to be respected, and more so if one remembers that the regulations issued by the authorities of the reserve should be submitted to the revision of the Government of Nicaragua in order to leave its sovereignty intact, according to the treaty of Managua. The measure under consideration has never been submitted for revision, and your excellency will readily understand that this requisite being wanting, according to the text of that treaty, which in its third article says:

"The Indians of the reserve shall be governed according to their own customs and according to any regulations which from time to time may be adopted by them not inconsistent with the sovereign rights of Nicaragua," that measure, I repeat, cannot be obligatory.

According to the convention concluded with England in 1860, the Mosquito tribes of the Reserve only have the rights which I have just mentioned; and in no manner can they regulate foreign commerce, or establish duties upon vessels arriving at their ports, because this right belongs exclusively to the Republic, which is sovereign throughout that region and along its coast.

It is evident that the meaning of the treaty which recognized the Reserve is that the ports of that region should be free, as was expressly stipulated in respect to San Juan del Norte, which was for some time in the power of England.

It was also stipulated in that treaty that the Mosquito tribes, under the rule of an elective chief, and of his own caste, should govern themselves; but the fact is that no measure of that municipal government appears sanctioned by the chief of the tribe, but all measures are issued by a court which resides in Bluefields, composed exclusively of English subjects coming from the Island of Jamaica, who not only exercise administrative functions, but have also arrogated to themselves the rights of legislating, and levying contributions and imposts, not only upon commerce, but also upon emigration and immigration—that is, a capitation tax upon all persons who enter and leave the territory. An authentic proof of this is the reclamation which, under the 3d of August, 1889, was presented to this Government by the Legation of the United States in Central America, of which document, as well as the reply of this ministry, I have the honor to inclose herewith a copy for your excellency.

Nicaragua, on her part, keeps the engagement to respect the self-government of the Mosquito; but that government itself is illusory, inasmuch as the court is formed of individuals who do not belong to the caste—English subjects, as has been said, who have monopolized the government of the Reserve; and it is due to that fact that this court, in its regulations and laws, assumes to exercise powers inconsistent with the sovereignty of the Republic, and which are neither sanctioned by the treaty of Managua nor the arbitral award of the Emperor of Austria.

I also call the attention of your excellency to the fact—denounced in the press—that the punishments inflicted upon offenders in the Mosquito Reserve are of a different nature from those prescribed by the laws of the Republic, whose sovereignty that court should respect.

Only lately my Government has been obliged to protest against the tendencies of the Mosquito council to go beyond the limits traced by the Republic for the Reserve,

establishing a new boundary line by which they pretend to include our gold placers at Cuicuina, and posting notices threatening all those who construct buildings in the town now being established in that locality with the loss of their property.

It is well known to the whole country that the chief of the Reserve is only such in name, and that it is a foreign race which rules throughout that territory against all right, thus postponing the period when the Mosquito tribes may be reincorporated with Nicaragua; and that its council, trusting to the support of a powerful nation, constantly decrees measures in violation of the agreement made, and on account of which the Government of Nicaragua can not be held responsible.

The authorities of the Reserve have on repeated occasions granted rights to exploit for long periods, the natural wealth of the country, even in places not embraced within the limits established by the treaty of Managua; and when the Government of Nicaragua has requested explanations regarding these irregular proceedings, they have been refused in disrespectful terms, leaving to the Republic, as the only evidence of its sovereignty, the obligation of answering to foreign nations for these unjustifiable acts.

In this connection, I take the liberty of transcribing for your excellency some paragraphs from the note which, under date of the 1st of January, 1889, was addressed by our minister in London, Dr. Don Adan Cardenas, to his excellency, the Marquis of Salisbury, as well as some passages from the luminous despatch, which, upon this same question, was addressed by the Hon. T. F. Bayard, Secretary of State of the American Government, on the 23d of November, 1888, to Mr. Edward J. Phelps, minister of the United States in London.

* * * * *

"It is evident that the sovereignty of Nicaragua over the territory of the Reserve and its inhabitants is a limited sovereignty; but the only limitations of the sovereign rights of Nicaragua are expressly set forth in the treaty, and declared in the award of His Majesty, the Emperor of Austria, and are the following:

"1. (Art. III of the treaty.) The right is conceded to the Indians to govern themselves and all persons residing within the district of the Reserve according to their own customs, and in conformity with the regulations which may be adopted by them, the same 'not being inconsistent with the sovereign rights of the Republic.'

"2. (Art. V of the award.) The Republic of Nicaragua has not the right to grant concessions to exploit the natural products in the territory assigned to the Mosquito Indians.

"3. (Art. VI of the award.) The Republic of Nicaragua is not empowered to regulate the trade of the Mosquito Indians, nor to levy duties on goods imported into or exported from the territory reserved to the Mosquito Indians."

"With the exception of these limitations, there are secured to Nicaragua all the other rights inherent in sovereignty. Among these ought to be considered as essential that of providing for the security and defense of the territory, and that of foreign representation, and all the secondary rights which are derived from these; among others, the right of transit, that of occupation, the establishment of military posts, forts, arsenals, etc., ports and custom-houses for the inspection of merchandise intended for consumption in the interior of the Republic, post-offices and telegraphs for the service of the inhabitants of the interior, ways of communication, etc.

"And it can not be alleged that these rights are contrary to the letter or spirit of the treaty, or to the domestic government of the Indians, since there is not to be found either in said treaty or in the award a single clause which forbids their exercise to Nicaragua; because far from these rights being subordinate to the privilege of self-government granted to the Indians, it is rather this privilege itself which is expressly limited by the sovereignty of Nicaragua, according to article 3 of the treaty, which says: 'The Indians will enjoy the right of governing themselves and all the persons residing within the said district according to their own customs, and in conformity with the regulations which may from time to time be adopted by them—the same not being inconsistent with the sovereign rights of the Republic of Nicaragua. Subject to the above-mentioned reserve the Republic of Nicaragua agrees to respect and not to interfere with such customs and regulations so established or to be established within the said district.'

"From these conditions, which limit the right of the Mosquito Indians to local Government, are deduced for Nicaragua other rights indispensable to guarantee its sovereignty. Nicaragua has taken upon itself the engagement to respect and not to oppose the regulations issued under these conditions; but it can disprove them and oppose them whenever it considers them inconsistent with its superior prerogatives. Hence springs the right of veto, and that of preventing regulations from being carried into effect when inconsistent with Nicaragua's sovereign rights.

"The erroneous idea which the authorities of these Indians have regarding the privileges which the treaty grants to them of self-government, within the territory of the Reserve, strengthened by the opinions and the support of the British Government in this matter, has carried the ignorance of their true relations to Nicaragua,

even to the disrespect of actually preventing the transit of goods belonging to the Government destined for the interior of the Republic, and arbitrarily detaining them for several months.

"But it is not only with regard to the points here discussed that an understanding and application have been given to the treaty contrary to its evident meaning, and to the purposes of the high contracting parties. The Government itself established and maintained up to the present time in the Reserve is far from realizing those purposes, as may be inferred from the following extract from some of the stipulations of the treaty:

"(a) Great Britain and Nicaragua agree to secure for the Mosquito Indians of the Reserve the right of governing themselves according to their customs, in the territory of the Republic which is assigned to them under the sovereignty of the same, and under the condition of not ceding the said territory to any foreign person or state.

"(b) Nicaragua, desirous of promoting the social improvement of the Mosquito Indians, so necessary under the system of self-government, agrees to grant a subvention of \$5,000 a year for the period of five years.

"(c) It is declared, moreover, that no clause of the treaty is to be interpreted as preventing the Mosquito Indians from agreeing to their absolute incorporation with the Republic, on the same footing with its other citizens.

"(d) Great Britain thus having secured to the Indians the right of self-government, and in other stipulations the interests of its resident subjects, agrees to withdraw the protectorate which she has exercised over the same three months after the exchange of the ratifications of the treaty.'

"But the Mosquito Indians, contrary to the purposes above expressed, have not been governed by themselves, nor are they now, and the Territory and the Government are virtually in the power of a group of foreigners, complete strangers to the uses and customs of the Indians. It is true that the nominal chief of the Government is an Indian, and that some of his race take part in the general assemblies, but the executive council is formed exclusively of individuals of the group referred to—a circumstance difficult to explain if one reflects that during a period of more than thirty years of such rule many Indians must have reached a sufficient degree of civilization to form part of the executive government, considering the resources which that government has had at its disposal; and it certainly can not be alleged to be the custom for those Indians to be always governed by persons of a distinct race and tongue, since that custom, if such we can call it, would be an imposition and contrary to the natural tendency and autonomy of political associations.

"It is evident that so long as this situation continues, in consequence of the interpretation given to the treaty, the definitive incorporation of the district with the Republic can not be carried out as provided for in the treaty, and consented to by England as the natural result of all its stipulations, notwithstanding that the great majority of the Indians of the Reserve have expressed to the Nicaraguan authorities sentiments of adhesion to the Republic, and the desire to place themselves under the aegis of its laws; because the rule to which they are subjected is a permanent obstacle to every act or public manifestation looking to that end.

"As to the renunciation by England of her protectorate over the Indians, it will remain virtually without effect, because the authorities of the Reserve, considering themselves to be sustained by that Government in all that relates to the extension of their privileges, they will continue to solicit its support so as to oppose the exercise by Nicaragua of her sovereign rights; and the British Government, as signatory of the treaty, will be perpetually authorized to intervene in the affairs of Nicaragua as regards the Reserve, thus contributing to maintain indefinitely the present state of affairs.

"Besides the injury that Nicaragua suffers in her rights and in her interests by the interpretation which is given to the treaty, and by the application which has been made of it to the rule of the Reserve, contrary, as I have sought to demonstrate, to the positive provisions of the treaty, and to the purposes which inspired it; there are other injuries and serious inconveniences for the Republic, of a political and administrative character, inconsistent with the duties and responsibilities which the sovereignty and foreign representation of that district impose upon it, and inconsistent with the development of the interests of the vast and important region of the Republic situated to the west of the Reserve.

"That portion of the Mosquito tribes of Nicaragua which occupy the reserve being organized as a political association upon the basis of the treaty, and in conformity with the English interpretation of the same, according to the opinions communicated by Mr. Gastrell, and according to those sustained on other occasions by the Government of Her Majesty, the district of the Reserve would continue, as regards this Republic, in the situation of a State within a State, and the sovereignty of Nicaragua would be reduced to a nominal sovereignty, inasmuch as there is implicitly denied to her the essential right of defending her territory, she having already been deprived by the authorities of the Reserve of even the right of transit, and

because there is absolutely denied her the right to object to and oppose the regulations and acts of the Indians which are considered to be inconsistent with the sovereign rights of the Republic.

"Obvious are the serious consequences resulting from this state of things, not only for the security of the territory of the Reserve, but also of the Republic, and I will not occupy the attention of your excellency in enumerating them. Not less evident and serious are the complications which may arise in the relations of Nicaragua with other nations in the not improbable case of diplomatic intervention on account of reclamations of foreign subjects for acts of the government of the Indians.

"Before whom, under such circumstances, shall the necessary steps be taken? And who shall be held responsible, if responsibility there be, resulting from such acts? In the first case, not certainly before the authorities of the Indians, since they have no foreign representation and are not recognized by any power as an independent nation, and because the territory of the Reserve forms an integral part of the territory of Nicaragua, under its sovereignty. Consequently such reclamations will be addressed to Nicaragua, and it will evidently be the duty of its Government to discuss the questions thus arising. In the second case the Indians could not be directly held responsible for the reasons stated, but the Government of Nicaragua would be so held, either directly or indirectly, and from this would result a manifest inconsistency, if we accept the British interpretation of the treaty, because denying to the Republic the right to intervene in the acts and regulations of the Indians, and the means of making effective the responsibility which they may have incurred, there would be no ground for holding Nicaragua responsible, or the Indians through her.

"I have taken the liberty of referring to the possibility of these questions, not simply as to probable theoretical cases, but because such questions have already presented themselves in practice, representations and reclamations by foreign governments and persons having, on various occasions been laid before the Government of Nicaragua for acts done or tolerated by the Mosquito authorities; among others, one by the Government of Honduras, because of an armed expedition directed against that Republic, which remained for some time and obtained a supply of provisions in the territory under the jurisdiction of the Indians.

"Administered under such conditions, the territory of the Reserve occupying a vast extent of the Atlantic coast, will be a permanent obstacle to the industrial and administrative development of the adjacent region of the Republic, which has its natural communication with the Atlantic by means of the great rivers which traverse it.

"These difficulties and perils to which the Republic is exposed by the anomalous position of the Reserve in respect to Nicaragua, increase in gravity in view of the movement of foreign immigration which has begun already to set in toward that part of the territory, and in view of the movement which will shortly take place with the commencement of the works for the opening of the Inter-oceanic Canal."

Mr. Bayard made no observation whatever respecting the limits assigned to the Reserve, but expressed himself as follows.

"The matter is one in which the Government of the United States feels at least an equal interest with that of Great Britain, inasmuch as a number of our citizens are now engaged in business within the Reservation, and by far the larger part of the foreign commerce of that region is at present carried on between the ports of Bluefields and New Orleans."

From the paragraph here transcribed your excellency will see that the foreign colony is not only composed of individuals of the English nationality, but also of the American nationality, and even of others; and in case of conflict between these individuals of different nationalities it would not be England that would be called upon to furnish a remedy, but Nicaragua, which, according to the treaty of Managua, is the sovereign of the Reserve, inasmuch as the foreign representation and the right of revision belong to the Government; but these attributes of its sovereignty the Republic can not exercise, due to the fact that, as was before said, the individuals who compose the court of the Reserve belong to a different race from that of the tribe, and whose chief interest consists in preventing the reincorporation of that territory and the submission of its inhabitants to their legitimate sovereign.

Secretary Bayard, referring to the Treaty of Managua, further says:

"The conclusion of this arrangement was officially communicated to the Government of the United States which, regarding it as a final withdrawal of British influence from the Mosquito country, expressed its satisfaction at a settlement that appeared to put an end to the disputes to which the Clayton-Bulwer treaty had given rise."

* * * * *

"The Government of the United States had not, however, anticipated that under cover of this treaty the Government of Great Britain would continue to attempt any interference with the affairs of the Mosquito Indians. It is superfluous to say that if it had been supposed by the United States that the treaty of Managua was

understood by the Government of Great Britain to give that country a right of influence, direction, or control over the destinies of the Mosquito territory, as against the State of Nicaragua, that convention, far from being hailed by this Government as a solution and termination of disputes concerning the British protectorate over the Mosquito Indians, would have been regarded as a serious obstacle to any such settlement. Under Article VI of the treaty of Managua, Her Britannic Majesty was bound to use her good offices with the chief of the Mosquito Indians, so that he should accept the stipulations of that convention; and it might have been naturally assumed that upon such acceptance by the Mosquito chief, Her Majesty's right to further interference was at an end."

According to these views of the State Department, it has interpreted in the same manner as Nicaraguan statesmen the terms of Article VI of the treaty of Managua; and it is not understood why, after Nicaragua has fulfilled the obligations which she contracted by virtue of that treaty, it should be sought to deprive her of the rights which belong to her by virtue of that same instrument; and that Her Britannic Majesty, although under another form, should continue to exercise her protectorate over the Mosquito territory, thus preventing the Republic from seeking the improvement of the Indians, so that when the time comes for their reincorporation in the Republic they may be in a condition to use the rights which the constitution and the laws grant to other citizens of the country.

"To this agreement of arbitration" further says the Secretary of State "the Government of the United States was not a party, and it is not bound by the award of the arbitrator, nor committed in any way to an admission of the right of Great Britain to interfere in disputes between the Republic of Nicaragua and the Indians living within her borders."

"This award, as will be perceived, does not by any means go to the lengths to which the British Government now seeks to proceed under the recent note of Mr. Gastrell to the Nicaraguan authorities. The award declares that the Republic of Nicaragua may hoist its flag throughout the Reservation, and may appoint a commissioner for the protection of its sovereign rights; but that it may not grant concessions for the acquisition of natural products within the territory, may not regulate the trade of the Indians, and may not levy, import, or export dues in the Reservation. Beyond this no limitation is declared upon the sovereign rights of Nicaragua, nor is the extent of its sovereignty further defined."

"To the United States, in common with all other powers, it is important that Nicaraguan sovereignty should exist in fact as well as in name within the Mosquito Reservation. With the sovereign alone can we maintain diplomatic relations, and we have a right to look to that sovereign for redress in the event of wrongs being inflicted upon any of our citizens. If the Republic of Nicaragua is to be limited to the mere formal right of hoisting a flag and maintaining a commissioner within the Reservation, how can it be called upon to perform any of its international obligations?"

"Nor is it consistent with the general views and policy of the United States to look with favor upon the establishment of such an *imperium in imperio* in Central America."

"The President can not but regard the continued exercise of the claim on the part of Great Britain to interfere on behalf of these Indians as the assertion of a British protectorate in another form; more especially when this effort is directed to prohibiting Nicaragua from exercising military jurisdiction in the immediate neighborhood of the Atlantic mouth of the projected canal.

"The United States can never see with indifference the reestablishment of such a protectorate. Not only would the extension of European influence upon this continent be contrary to the traditional and frequently expressed policy of the United States, but the course of Great Britain in assuming or exercising any dominion over the Mosquito coast, or making use of any protection it may afford or any alliance it may have to or with any people for the purpose of assuming or exercising any dominion over that territory, would be in violation of the express stipulations of the Clayton-Bulwer treaty, whose binding force Great Britain has up to the present time so emphatically asserted."

"Whether the interference of the British Government be regarded as a breach of existing treaty engagements, or whether it be looked upon simply as an effort, not prohibited by express agreement, to extend her influence in this continent—in either case the Government of the United States can not look upon such acts without concern. The circumstances of the particular locality render the subject one of

peculiar interest and importance to the people of this country, and I should be wanting in my duty to them should I fail to bring the matter directly and frankly and in a spirit of sincere friendship to the notice of Her Majesty's Government."

* * * * *

My Government, Mr. Minister, will have to take measures near the Court of St. James to the end that there may be given a practical meaning to the sovereignty which, according to the treaty of Managua, this Republic has in the Mosquito territory, with the limitations agreed to between the high contracting parties; and in view of the opinions expressed by Mr. Bayard, in his note to Mr. Phelps, minister to England, my Government hopes that the Government of your excellency will support, as on that former occasion, the justice of its cause, and will act conjointly with it so as to secure, according to the treaty of Managua, that the protectorate may cease, which, under another form, the Crown of England still pretends to exercise in favor of the Mosquito Indians.

Renewing to your excellency, etc.,

JORGE BRAVO.

Mr. Shannon to Mr. Foster

No. 195.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA, AND SALVADOR,
Managua, September 28, 1892. (Received October 22.)

SIR: Referring to my No. 168 of the 17th ultimo, in which it is intimated that the Government of Nicaragua proposes soon to make another effort to secure, if possible, the cessation of the English protectorate in the Mosquito Reservation, I have the honor now to inclose herewith copy of a note lately addressed to this legation by his excellency, the minister for foreign affairs of Nicaragua, transmitting copy of another note addressed by him to the English minister residing at Guatemala City, in which the claim of Nicaragua to exercise the rights of a sovereign state throughout the Reservation, as a recognized part of her territory, is plainly asserted, and the withdrawal of the English protectorate, alleged to be still existing there *de facto*, if not *de jure*, earnestly enjoined.

Translations of these notes are also herewith appended.

I have, etc.,

RICHARD CUTTS SHANNON.

[Inclosure 1 in No. 195.—Translation.]

Señor Bravo to Mr. Shannon.

MINISTRY FOR FOREIGN AFFAIRS,
National Palace, Managua, September 14, 1892.

MR. MINISTER: For the information of your excellency's Government I take the liberty of herewith inclosing a copy of the note addressed by this ministry, yesterday, to his excellency Charles Audley Gosling, Her Britannic Majesty's minister plenipotentiary in Central America, regarding the state of affairs in the Mosquito Reservation.

I renew, etc.,

JORGE BRAVO.

[Inclosure 2 in No. 195.—Translation.]

Señor Bravo to Mr. Gosling.

MINISTRY FOR FOREIGN AFFAIRS,
National Palace, Managua, September 13, 1892.

MR. MINISTER: By direction of the Secretary of State at Washington, the American minister residing in this Republic has addressed an inquiry to my Government regarding an increase of duties to which a company of steamers from New Orleans

has recently been subjected at Bluefields. My Government, Mr. Minister, has been unable thus far to make a definite reply to the American representative, as it will be unable to do to the representatives of any other nation, because, if it be true that the British protectorate does not exist *de jure* in the Mosquito Reservation, it does exist there *de facto*, since in every measure taken by this Republic, which the treaty of Managua, as well as the arbitral award of the Emperor of Austria recognizes as sovereign in the Mosquito territory, the Crown of England intervenes, notwithstanding the fact that those measures have never tended to restrict the self-government which the Indians may rightly claim, and in spite of the fact that Her Britannic Majesty took the engagement to use her good offices with the chief of the Mosquitos to secure the acceptance of the stipulations contained in the treaty referred to.

Neither that document nor the arbitral award authorized the Indians to collect duties for pilotage, light-houses, wharfage, and anchorage, but only those of importation upon merchandise destined for the territory of the Reserve.

It will not escape the notice of your excellency that these unauthorized acts of the Mosquito court can not fail to prejudice the interests of Nicaragua, since no merchant or company will care to subject themselves to the payment of increased and illegal duties of wharfage, pilotage, anchorage, etc., duties which only the sovereign can levy, according to the general principles of international law. The injury consists chiefly in this: that the commerce, which is carried on throughout that region of the Republic, and the industries established there, will be destroyed, thus causing the ruin of both natives and foreigners. Hence Nicaragua can not approve these duties, and has so declared to the minister of the United States.

The Mosquito Indians, according to the treaty of Managua, have the right to govern themselves in accordance with their customs and the regulations which, from time to time, may be adopted, if not inconsistent with the sovereign rights of Nicaragua.

This clause, by implication, grants to the Republic the power of revising the regulations which the Mosquito court decrees, since, otherwise, the distinction set forth as a necessary condition in article 3 would have no practical meaning. It is the fact, however, that the court mentioned does not respect the obligation it is under to submit to the approval of Nicaragua the regulations it adopts and at once carries into effect, although they may be inconsistent with our sovereign rights, as happens in the present case.

It is not the first time that my Government has had inquiries addressed to it for similar reasons, since the nations in general interpret the treaty of 1860 and the arbitral award in accordance with the spirit of those documents, recognizing the sovereignty of Nicaragua in the Reserve, an interpretation very different from that of Her Britannic Majesty, whose opinion upon this subject produces the strange result of making the Mosquitia to appear as a State within a State.

Frankly, Mr. Minister, there is no example in history where, recognizing the sovereign rights of a nation over a part of its territory, one, at the same time, pretends to intervene in the exercise of those rights; forgetting that such intervention encourages the subjects to show disrespect for and to disobey the mandate of their superior, and that there is no law, convention, or statute which can prevent the progressive development of peoples.

But this is no groundless assertion. It has the certainty of facts occurring again and again, and known throughout the whole country. Nicaragua has been opposed in its commercial movement, obstructed in its communications between the Atlantic and the towns situated to the west of the Reserve, in the prolongation of its railway lines on that side of the coast, and in the working of its gold mines, as well as in its measures of vigilance and territorial defense, and the establishment of stations in those places to facilitate immigration and to carry on the works of the Inter-oceanic Canal. The same as it is obstructed in its measures and acts of sovereignty, for fear of causing trouble to the English subjects which form the council of the Reserve.

Thus it is the opinion of my Government that so long as individuals take part in the Mosquito court who do not belong to the native caste, the period of incorporation of the Mosquitos will be put off indefinitely because it suits the interests of those persons that the semi-independent state of the Reserve be continued—a result entirely contrary to the spirit of the treaty of Managua, which gives to Nicaragua the right to procure and carry into effect that incorporation.

My Government, up to the present time, has observed and faithfully obeyed all the stipulations of the treaty referred to, although it might have been disregarded and considered null, since it rests upon the supposed dominion which Great Britain had acquired over the Mosquito coast, arising simply from military occupation, and since ten years before the English Government had voluntarily relinquished the same, as well as all influence and protection over the inhabitants of every part of Central America, by virtue of the Clayton-Bulwer treaty concluded with the United States of America the 19th of April, 1850, a compact which forbids to-day all intervention or claim which the Government of your excellency may make in matters relative to the Mosquito coast.

In the interest of Nicaragua, Mr. Minister, as well as of all nations, it is fitting and desirable that this question be settled in a definitive manner, now that our country is attracting attention and exciting general interest on account of the enviable position which it occupies, and the splendid future that lies before it. Immigrants, by nature suspicious, will refuse to touch at our ports or establish themselves in the territory of the Reserve, lest they be at the mercy of a foreign authority, believing that Nicaragua is powerless to protect them, or to give answer even to reclamations which their respective Governments may present in a given case to save their interests.

Your excellency well knows that where there is not the beneficent shield of a constituted government, and where there is no responsibility for injuries suffered, there immigration will not go, and if the country needs immigration for its development and progress, as happens in the case of Nicaragua, that progress will never be attained because the chief element to secure it will be repelled from our shores.

My Government, Mr. Minister, in the name of that justice and right which belongs to it, trusts to the nonintervention of Her Britannic Majesty in the measures which Nicaragua may dictate in the Reserve, as an independent and sovereign nation—measures intended to provide for the defense and security of the Indians, and for their social improvement, as well as for the reincorporation of that territory, without violating in any manner the stipulations of former diplomatic documents.

In the opinion of my Government, it interests the good name of England not to have it believed that it is in any manner due to her acts that Nicaragua fails to advance with the desired rapidity, and to comply with its duties as a sovereign State; and my Government trusts that the Government of your excellency will give attention to this question, and when it has been settled in favor of this country, as equity and right demand, Her Britannic Majesty will have given one more proof of her elevated views in favor of the progress of the Republic, which opens its doors to all races, and is now struggling to reach that high place to which its destiny calls it.

With assurances, etc.,

JORGE BRAVO.

Mr. Shannon to Mr. Foster.

No. 235.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA, AND SALVADOR,
Managua, November 9, 1892. (Received December 1.)

SIR: Referring to my No. 195, of September 28, which inclosed copy of a note addressed by the minister for foreign affairs of Nicaragua to Her Britannic Majesty's minister resident at Guatemala City, urging the withdrawal of the English protectorate from the Mosquito Reservation, I have the honor now to inclose herewith another note from Dr. Bravo, transmitting copy of the English minister's reply.

From the terms of this reply it would seem that Mr. Gosling disagreed with Dr. Bravo in regard to nearly every point touched by the correspondence.

Your attention is especially invited to the interesting and significant statement quoted from the dispatch written by Mr., now Sir Charles, Lennox Wyke (who negotiated the treaty of Managua) to Lord John Russell, dated January 10, 1860.

I have, etc.,

RICHARD CUTTS SHANNON.

[Inclosure 1 in No. 235.—Translation.]

Señor Bravo to Mr. Shannon.

MINISTRY FOR FOREIGN AFFAIRS,
National Palace, Managua, November 4, 1892.

MR. MINISTER: I have the honor to inclose herewith, for your excellency's information, copy of the reply which the British legation in Central America has given

to the note of this ministry calling attention to the increase of port charges to which the steamers of a New Orleans company have been subjected by the authorities of Bluefields in the Mosquito Reservation.

With assurances, etc.,

JORGE BRAVO.

[Inclosure 2 in No. 235.]

Mr. Gosling to Señor Bravo.

BRITISH LEGATION, Guatemala, October 14, 1892.

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's note of the 13th ultimo, in which you inform me that, acting under the orders of the Secretary of State at Washington, the United States envoy to the Republic of Nicaragua has appealed to your excellency's Government against the excessive dues levied at Bluefields on the vessels of a New Orleans steamship company.

By this mail I am transmitting to the Earl of Rosebery, Her Majesty's principal secretary of state, a copy of your excellency's note; in the meanwhile, and before his lordship's opinion thereon can reach me, I desire to make a few observations, having reference to certain remarks made by your excellency.

Your excellency states your inability to give a categorical reply to the United States representative, because, if the British protectorate over the Mosquito Reservation no longer exists *de jure*, it does exist *de facto*, inasmuch as in every measure dictated by the Government of Nicaragua as sovereign over the Mosquitian territory, a sovereignty recognized by the convention of Managua and the arbitral award of the Emperor of Austria, the Crown of England intervenes, notwithstanding that the measures referred to have never had for their object the restriction of the local autonomy of the Mosquito Indians, and notwithstanding that Great Britain undertook to use its good offices with the chief of the Mosquitians to the end that he should accept the stipulations of the above-named convention.

I am quite at a loss to understand on what grounds your excellency assumes that, *de facto*, the British protectorate over the Mosquito Indians still exists; nor am I able, after careful reference to the correspondence which has taken place between our respective governments, to point to any one instance when England has intervened in favor of Mosquitia, otherwise than in her character of one of the two high contracting parties to the treaty of Managua.

I can best illustrate what in my opinion are the sentiments of Her Majesty's Government in respect to the treaty rights of the Mosquito Indians by quoting an extract from the dispatch written by Mr. now Sir Charles Lennox Wyke (who negotiated the treaty of Managua) to Lord John Russell, Her Majesty's minister for foreign affairs, dated Nicaragua, January 10, 1860.

Referring to his conferences with Don Pedro Zaledon, the Nicaraguan minister for foreign affairs, with whom he was negotiating, he wrote:

"He told me that the general impression here was that I had come to make an unconditional surrender of our protectorate without making any stipulations whatsoever for securing the rights either of the Mosquito Indians themselves or of British subjects who may have obtained grants of land or other advantages from them."

"I at once told Don Pedro Zaledon that if his Government seriously entertained such an idea as this, all negotiations between them and myself would become impossible, as Her Majesty's Government would never consent to surrender their protectorate over Mosquitia, except on certain conditions, which had been made as little burdensome to the Nicaraguan Government as was compatible with our honor and the rights of others which we were bound to defend."

Your excellency writes that neither the convention of Managua nor the arbitral award entitles the Mosquito Indians to levy pilotage, light-house, wharfage, or anchorage dues, but solely duties on imports of merchandise destined for use in the territory forming the reservation.

Your excellency can not fail to be aware, however, that by Article III of the treaty of Managua it is distinctly laid down that within the limits of their territory the Mosquito Indians "shall enjoy the rights of governing themselves according to their customs and according to any regulations which may from time to time be adopted by them, not inconsistent with the sovereign rights of the Republic of Nicaragua, themselves and all persons residing within such district. Subject to the above-mentioned reserve, the Republic of Nicaragua agrees to respect and not to interfere with said customs and regulations so established within the said district."

This article, to which no exception was taken by the arbitral award, clearly gives to the Mosquitians the right of self-government, and surely such self-govern-

ment would cover the framing by them of port regulations whereby to insure the due maintenance and safety of the harbor at Bluefields, the providing of lights and beacons and the defraying of expenses of the police of that port.

According to my view the question to be considered is whether the levying of port dues referred to is inconsistent with the sovereign rights of Nicaragua; whether or not the collection of the said dues is not absolutely necessary for the safety of navigation, and whether the supreme Government has, in virtue of the treaty of Managua, the right to repudiate them.

It appears to me that, if these port dues are excessive, or, as is stated by your excellency, illegal, the matter might be adjusted by the commissioner, which Article III of the arbitral award entitles the Republic of Nicaragua to appoint, for the protection of its sovereign rights; but the adoption of any such constitutional step is not alluded to by your excellency. After stating that your excellency's Government could give no categorical reply to the United States representative relative to the complaint made by his Government against the levying of harbor dues at Bluefields, your excellency remarks further on that your Government has represented to the United States envoy that they can not sanction such taxes.

I fail to see, Mr. Minister, any clause, either in the treaty of Managua or in the arbitral award, which would give, as your excellency assumes, the right to the Republic to revise any laws made by the Mosquito court. Article II of the arbitral award prescribes clearly that the Republic of Nicaragua is *not* entitled to regulate the trade of Mosquito Indians, such right belonging to them.

Your excellency complains of Her Majesty's Government for assuming that Mosquitia is *imperium in imperio*. But such, your excellency, is actually the case; for in Article I of the arbitral award the Emperor of Austria lays it down that "the sovereignty of the Republic of Nicaragua, which was recognized by Articles I and II of the treaty of Managua of January 28, 1860, is not full and unlimited with regard to the territory assigned to the Mosquito Indians, but is limited by the self-government conceded to the Mosquito Indians in Article III of this treaty."

There is another point on which I am unable to agree with your excellency.

Your excellency writes that the treaty of Managua gave to Nicaragua the right of bringing about and the rendering effective of the incorporation of the Mosquito Reserve.

Article IV of the treaty of Managua says:

"It is understood, however, that nothing in this treaty shall be construed to prevent the Mosquito Indians at any future time from agreeing to absolute incorporation into the Republic of Nicaragua on the same footing as other citizens of the Republic, and from subjecting themselves to be governed by the general laws and regulations of the Republic instead of by their own customs and regulations."

But this, Mr. Minister, allow me to remark, does not appear to me open to the interpretation assigned to this article by your excellency; on the contrary, the incorporation of Mosquitia into the Republic is a matter for voluntary arrangement between the supreme Government and the Reservation.

Your excellency refers to the Clayton-Bulwer treaty and to the undertaking entered into by Great Britain to abstain from all intervention or claim in matters referring to the Mosquito court.

Herein, Mr. Minister, I venture again to disagree with your excellency.

Through the whole of the negotiation which took place between Her Majesty's Government and that of the United States during the period of 1856-1860, Great Britain insisted upon the maintenance of the arrangements then existing in regard to the Mosquito Indians, as apart from the Clayton-Bulwer treaty.

In conclusion, allow me to assure your excellency that Her Majesty's Government is fully alive to, and solicitous of, the material progress being made by Nicaragua, and that they would be the last to pursue any policy antagonistic to such development, or which might interfere with the flow of emigration into Nicaragua.

I avail, etc.,

AUDLEY GOSLING.

Mr. Shannon to Mr. Foster.

No. 258.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA, AND SALVADOR,
Managua, December 15, 1892. (Received December 31.)

SIR: Referring to your No. 111 of the 3d ultimo, relative to the case of Henry R. Myers, late consul of the United States at San Salvador, I have the honor to inclose herewith copies of two notes recently addressed

by me to his excellency the minister for foreign affairs of Salvador, repeating the views expressed in your No. 111. One of these notes refers to the nature and terms of the agreement entered into by Lieut. Denfield, U. S. Navy, with the secretary-general of the Provisional Government of Salvador, and the other replies to the propositions set forth in the note of Dr. Gallegos of the 26th of last May.

It is now my intention to set out at once for San Salvador in the execution of your instructions, and expect to reach that capital about the 19th instant. In due time you will be fully advised of the result of my efforts to settle the question.

I have, etc.,

RICHARD CUTTS SHANNON.

[Inclosure 1 in No. 258.]

Mr. Shannon to Señor Gallegos.

LEGATION OF THE UNITED STATES,
Managua, November 26, 1892.

MR. MINISTER: Referring to the courteous note of your excellency of the 28th of last May, requesting me to furnish a certified copy of the original of the agreement concluded between the minister-general of the Provisional Government of that Republic and Lieut. Denfield of the U. S. Navy, I have the honor now to state that as certain documents relating to that agreement were not to be found in the archives of this legation, I was obliged to refer your excellency's request to the Department of State at Washington.

I am now able, after some considerable delay, which I assure your excellency has been unavoidable, to make reply, and beg to say that so far as the Department of State is informed there was no formal written agreement signed by Lieut. Denfield and the Salvadorean secretary-general. It is true that in my note to your excellency of May 2, 1892, I stated that the agreement referred to was "expressed in writing." But those words had reference simply to the fact that an agreement was made to carry out certain conditions, which were at the time in writing, so that every occasion for misunderstanding with respect thereto was removed.

In order that your excellency may have a full and complete understanding of the nature of this agreement, I have the honor to inclose herewith copies of all the documents relating thereto, which I have this day received from the Department of State.

Your excellency will observe that Lieut. Denfield says in his report, that after the first two conditions had been complied with, and the third in so far as the property and archives were remaining, he "then called on the secretary-general," who "agreed to comply with the remaining articles contained in the United States minister's letter of instructions."

That this correctly expresses the understanding which was arrived at, I believe has never been questioned.

With renewed assurances, etc.,

RICHARD CUTTS SHANNON.

[Inclosure 2 in No. 258.]

Mr. Shannon to Señor Gallegos.

LEGATION OF THE UNITED STATES,
Managua, November 26, 1892.

MR. MINISTER: I have the honor to state that a translation of your excellency's courteous note of the 26th of last May was promptly forwarded by me to the Department of State at Washington, and if I have not been able before this to make reply it has been due to causes beyond my control, resulting in an unavoidable delay, which I trust your excellency will excuse.

In accordance with instructions received this day from Washington, I beg now to communicate that your excellency's note above referred to has received attentive consideration from my Government, though it fails, I regret to say, to change its

views with respect to this unfortunate affair and the proper principles which should govern its settlement.

Inasmuch as your excellency recognizes the "principles of justice upon which rest the right to an indemnity for all the damage caused to the American consulate," and inasmuch as your excellency has repeated that recognition in the name of the Government of Salvador, the honorable Secretary of State is unable to understand the contention of your excellency that the Government of the United States should be entirely excluded from the determination of its amount.

The simple statement of the difference between the respective positions of the two governments furnishes its own comment. The Government of the United States insists that the question of the amount of indemnity is one for common agreement between the two governments; it makes no claim of any right to determine it alone, but only to participate in its determination. The Government of Salvador on the other hand maintains it is a question for its own exclusive settlement through its own tribunals.

Did it promise any good purpose there might be a reconsideration in detail of all the points that have been so fully elaborated in your excellency's note, but as it is evident that this already prolonged discussion is not serving to bring the views of the two governments into accord, your excellency will permit me, without reiterating the views of my Government, which are maintained as heretofore expressed, to proceed at once to the offers mentioned at the close of your excellency's note.

Your excellency proposes to submit to the Salvadorean tribunal of public credit "to decide regarding the indemnity to be paid, fixing the amount and the mode of payment." This proposition I am instructed to say is no wise different in principle from the general one which was made in your excellency's note of January 2, last, to refer the matter to the tribunals of Salvador. My Government is necessarily as constrained to refuse the one as it was the other. If the Government of your excellency desires for its own information to take the advice of its tribunal of public credit with respect to the amount of damage which was done, it of course can do so, and should the sum recommended by that tribunal be thought by my Government to be reasonably sufficient, it would gladly accept it. But it could not otherwise.

As to the minor and incidental question with respect to the justice of making some reparation for the personal injury done to Mr. Myers, your excellency proposes that this be referred to the arbitration of a friendly power. My Government always welcomes such a mode of adjustment of international differences, in every proper case where such a resort becomes necessary. But I am sure that your excellency will agree with me that it would be quite futile to refer to international arbitration simply an incidental feature of this case, and that its least important one. Then, too, the whole affair is hardly worthy to be dignified by a proceeding of that importance.

My Government still feeling confident that your excellency and myself could, in a personal conference, easily agree upon a settlement of this matter mutually satisfactory to both governments, I propose shortly to visit that capital, when, if agreeable to your excellency, I shall hope to be favored with a personal conference to that end.

In conclusion I am instructed to say that any reasonable sum sufficient to reimburse my Government for the destruction of its property and the property of its consul, and to afford some slight reparation to Mr. Myers for his injuries, would be entirely satisfactory. And should the Government of your excellency upon further consideration desire of itself to propose such a sum, the spontaneity of such an offer could but strengthen the already happily existing bonds of friendship uniting the two republics.

With renewed assurances, etc.,

RICHARD CUTTS SHANNON.

Mr. Shannon to Mr. Foster.

No. 270.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA AND SALVADOR,

Santa Tecla, Salvador, January 3, 1893. (Received February 10.)

SIR: Referring again to your No. 111 of November 3, 1892, I have the honor to report that on the 19th ultimo, the day following my arrival at San Salvador, I had my first conversation with Dr. Sol, the under secretary of state for foreign affairs, in regard to the Myers case,

and I was told that my last two notes on the subject had been translated, and were all ready for consideration by the new minister for foreign affairs as soon as he should enter upon his duties.

On the 21st ultimo I had a fuller conversation with Dr. Sol upon the subject, and he expressed himself as very desirous of seeing a prompt and final settlement of the question, declaring that so far as he was concerned everything would be done to facilitate that result. He then showed me a telegram from Dr. Morales, the new minister for foreign affairs, appointing the 24th ultimo for my conference with him at the foreign office. On that day, however, I did not have the pleasure of meeting Dr. Morales at the foreign office, as expected; but soon after my call he came to see me at my hotel.

I found him a most agreeable gentleman, full of pleasant reminiscences of his life at Washington two years ago, and recalling with much evident satisfaction the agreeable personal relations he then had with yourself.

It seems he had not yet entered formally upon his duties and so had not examined the papers in the Myers case; but he had already conversed with the President about the matter, and he proposed, as soon as possible, to give it his careful attention.

It was finally agreed that we should have another conference a few days later, thus allowing him the necessary time to go over the correspondence and consider the question.

On the 27th ultimo I received official notice that Dr. Morales had the day before entered upon his duties as minister for foreign affairs, and on the 28th ultimo we had our second conference, during which reference was made to the correspondence that had been carried on during the past year, and each expressed his views regarding the merits of the case.

Finally I made a suggestion as to the amount of indemnity, more or less, that would probably be acceptable to my Government. Dr. Morales then inquired if, in mentioning amounts, I meant "American gold," and I replied that I did. He thereupon said he would at once confer with his excellency the President, and see me again the next day.

On the following day, the 29th, we met again, and while we were observing the troops at drill on the reviewing ground with the President and others, Dr. Morales informed me that he was authorized to offer me the sum of \$2,500, United States gold, as a compensation in full and final settlement of the Myers claim. I at once accepted the offer.

Afterwards we had some conversation as to the form of the notes to be exchanged between us embodying the terms of the settlement.

On the 31st ultimo I received a note from Dr. Morales, under date of the 28th ultimo, in answer to my own note of the 26th of November to his predecessor, expressing entire willingness to personally confer with me whenever I desired upon the subject of the final settlement of the Myers claim.

I replied at once, and in the course of my note stated the result of our final conference, which had taken place two days before, and asked him to confirm my statement of the agreement reached, if found correct. This he did in a note of to-day's date, and which he handed to me himself this evening when he came to take leave of me. After I had read the note through, he remarked that as there had not been time to arrange for the draft before my departure, it would be sent to me by the following steamer.

Copies of the correspondence exchanged upon this subject are herewith respectfully submitted.

It is now my intention to set out for the coast to-morrow morning and sail on the steamer of the 5th instant for Corinto. Unless I take that steamer I shall be delayed here till nearly the end of the month.

I have, etc.,

RICHARD CUTTS SHANNON.

[Inclosure 1 in No. 270.—Translation.]

Señor Morales to Mr. Shannon.

MINISTRY FOR FOREIGN AFFAIRS,
National Palace, San Salvador, December 28, 1892.

MR. MINISTER: I have before me the courteous note addressed by your excellency to my predecessor, Dr. Don Salvador Gallegos, under date of the 26th ultimo, in which, referring to the note of the latter, your excellency is good enough to communicate the view entertained by your Government regarding the unfortunate affair of the ex-consul, Mr. Myers, and particularly with regard to the mode of determining the amount of the indemnity under discussion, a view very different from that held by Señor Gallegos; and in conclusion your excellency expresses the confidence of your Government that a personal conference between your excellency and the minister for foreign affairs would lead to a prompt settlement of the matter satisfactory to both governments.

The undersigned will consider it an honor to personally confer with your excellency upon this subject, and gladly accepts the idea suggested. Judging by the conferences already held of a purely private character, as well as by the conversations in which the case of Mr. Myers has been casually referred to, the undersigned also believes it possible to come to a full agreement with your excellency regarding a final settlement of the matter that will be satisfactory to both governments.

It is for this reason that the undersigned abstains from entering upon any examination of the views which your excellency has been good enough to express, in the name of your Government, relative to the various phases of the question, feeling sure that this can be more easily done in the proposed conferences.

The undersigned will have the honor to receive your excellency in this ministry whenever disposed to appear, and in conclusion begs to renew to your excellency the assurances, etc.

MANUEL I. MORALES.

[Inclosure 2 in No. 270.]

Mr. Shannon to Señor Morales.

LEGATION OF THE UNITED STATES,
San Salvador, December 31, 1892.

MR. MINISTER. I have the honor to acknowledge receipt this day of the courteous note of your excellency of the 28th instant, in which reference is made to the several informal conversations we have already had relative to the claim for damages in the case of Henry R. Myers, late consul of the United States at this capital, and in which note your excellency also kindly expresses a willingness to confer still further with me upon the subject in the hope of reaching a settlement of the question that will be mutually satisfactory to both governments.

The conference which we held on the 29th instant finally resulted in the agreement that your excellency, on behalf of the Government of Salvador, should pay to the Government of the United States the sum of \$2,500, American gold, and that I, on behalf of the Government of the United States, should accept that sum as a compensation in full, for the loss and destruction of the property of the U. S. Government, and of the private property of its consul, Mr. Henry R. Myers, as well as for the personal sufferings experienced by the latter during the events of July, 1890, when the U. S. consulate at San Salvador was occupied by the military forces of the Provisional Government.

Respectfully asking that your excellency will be good enough to confirm this statement of our agreement, if found correct, I beg again to renew the assurances, etc.

RICHARD CUTTS SHANNON.

Inclosure 3 in No. 270.—Translation.]

Señor Morales to Mr. Shannon.

REPUBLIC OF SALVADOR, MINISTRY FOR FOREIGN AFFAIRS,
National Palace, San Salvador, January 3, 1893.

MR. MINISTER: The courteous note which your excellency was good enough to send me on the 31st ultimo, in reply to my own note of the 28th ultimo, has been received at this ministry.

In that note your excellency states the terms of the settlement in the case of the ex-consul of the United States, Mr. Henry Myers, as finally agreed to in our conference of the 29th ultimo, and which were as follows: The undersigned, in the name of the Government of Salvador, to pay to the Government of the United States the sum of \$2,500, American gold; and your excellency, on behalf of the Government of the United States, to accept that sum as a full compensation for the property destroyed, whether belonging to the Government of the United States or the private property of Mr. Myers, as well as for the personal sufferings alleged to have been experienced by the latter during the events of July, 1890, when the consulate of the United States at San Salvador was occupied by the military forces of the Provisional Government.

In obedience to instructions received from my Government, I have the honor to inform your excellency that the agreement reached in our conference on the 29th ultimo, and formulated as above in the communication to which this note is a reply, has been accepted by the Government of Salvador, which is gratified to see the end of this unfortunate affair.

It is my duty, however, in obedience to those same instructions, to declare, as I have already verbally stated to your excellency in our conference above referred to, that by this agreement my Government does not intend to establish a precedent in favor of the Government of your excellency, nor of any other; nor to abandon the ground maintained by my predecessor, the Hon. Señor Gallegos, during the discussion; but that your excellency is to consider it as a new proof which Salvador is pleased to give to the United States of that spirit of cordial friendship by which it is animated in all matters that can affect the maintenance and development of the good relations existing between both countries.

The undersigned takes the liberty of hoping that your excellency will be good enough to so communicate it to your Government, and at the same time begs to inform your excellency that a draft will be promptly remitted for the amount mentioned in favor of the honorable Secretary of State of the United States. The undersigned has already communicated with his colleague, the Secretary of the Treasury, who will make the necessary financial arrangements to carry into effect the result of this negotiation.

It only remains for me to express to your excellency my best wishes for the new year, and to again renew, etc.

MANUEL I. MORALES.

Mr. Shannon to Mr. Foster.

No. 279.]

LEGATION OF THE UNITED STATES,
 COSTA RICA, NICARAGUA AND SALVADOR,
Managua, January 18, 1893. (Received February 10.)

SIR: Referring to my No. 270 of the 3d instant relative to the final settlement of the Myers case, I have the honor herewith to inclose a copy of my note of the 8th instant, replying to the last note upon the subject received from his excellency the minister for foreign affairs of Salvador, a copy of which was inclosed with my No. 270.

So soon as the draft for the money has been received, it will be forwarded to the Department by the first opportunity.

I have, etc.,

RICHARD CUTTS SHANNON

[Inclosure in No. 279.]

*Mr. Shannon to Señor Morales.*LEGATION OF THE UNITED STATES,
Managua, January 8, 1893.

MR. MINISTER: I take the first opportunity that offers upon my arrival at this capital to acknowledge receipt of the courteous note of your excellency, of the 3d instant, which your excellency was good enough personally to hand to me on the eve of my departure from Santa Tecla for Acajutla.

In this note your excellency confirms the statement I had made of our joint agreement for the final settlement of the Myers case; sets forth the views of the Government of Salvador regarding the matter, and requests me to communicate the same to my Government.

In reply, I beg to assure your excellency that copies of all the correspondence we have exchanged upon this subject will be promptly forwarded to my Government; and it will be a pleasure for me to add that in our several conferences, held for the discussion of this question, I was always met by your excellency in the most cordial and friendly spirit.

The result can only be regarded as a new proof of the sincere desire, not only of your excellency's Government, but of my own as well, to preserve and develop those relations of friendship and respect that should ever exist between two sister republics.

With renewed assurances of esteem and consideration,
I have, etc.,

RICHARD CUTTS SHANNON.

Mr. Shannon to Mr. Foster.

No. 281.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA AND SALVADOR,
Managua, January 19, 1893. (Received February 10.)

SIR: Dr. Alberto Lacayo, a native-born Nicaraguan, who was naturalized a citizen of the United States September 27, 1878, recently presented himself at this legation and requested that a passport be issued to him for the purpose of his protection.

I gave him the usual blank form to fill out, and at my request he prepared an additional statement showing, among other things, that he had filled the office of alcalde of Granada for about three months in 1890.

As will be seen from the printed form, which he has only partly filled out, he is unable to state that he is now "domiciled in the United States," and that he has a "permanent residence therein," where he follows an occupation.

He further told me that he is now residing with his parents in the city of Granada, and proposes to remain with them so long as they live. After their death his purpose is to go to the United States and reside there permanently.

Besides his naturalization papers he exhibited two passports that had been issued to him by the Department of State in 1879 and 1886. But under the circumstances I have declined to issue to him a passport before laying the facts before the Department.

I beg, therefore, to respectfully submit his case to the Department, and to ask for instructions in the matter.

I have, etc.,

RICHARD CUTTS SHANNON.

[Inclosure in No. 281.]

Dr. Lacayo's statement.

PHARMACY, ETC., OF ALBERTO LACAYO & Co.

Arrived in the United States of America July, 1872; left the United States March, 1879 (came back to Nicaragua 1879); went back to the States in 1882, left there the same year and went back in 1883. I came to Nicaragua in the same year to return again and which I did in 1886, and went back in 1891.

In 1879 I was given a passport by William M. Evarts and was renewed by T. F. Bayard in 1886.

I was elected mayor of Granada in 1890 against my own will, so that I resigned and succeeded in getting accepted my resignation about three months after I was in service. I made no protest as American citizen, for Consul Wills told me, as also Consul Levitte, that I was no American citizen in Nicaragua. The oath I took was "To fulfill and make them fulfill the laws of Nicaragua" (cumplir i hacer cumplir las leyes de Nicaragua).

I was naturalized 27th of September, 1878.

A. LACAYO.

Mr. Shannon to Mr. Foster.

No. 295.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA AND SALVADOR,
Managua, February 10, 1893. (Received March 14.)

SIR: Referring to my No. 279, of the 18th ultimo, I have the honor now to forward herewith the first of a bill of exchange for \$2,500, United States gold, drawn upon MM. Lazard Frères, of New York, and payable to the order of the Secretary of State of the United States of America, this being the amount in final settlement of the Myers claim, as agreed to between his excellency the minister for foreign affairs of Salvador and myself, in our respective notes of December 31, 1892, and the third ultimo.

A copy of the minister's note inclosing this bill of exchange, together with my reply, are also herewith respectfully submitted.

I have, etc.,

RICHARD CUTTS SHANNON.

[Inclosure in No. 295.—Translation.]

Señor Morales to Mr. Shannon.

REPUBLIC OF SALVADOR,
MINISTRY FOR FOREIGN AFFAIRS,
National Palace, San Salvador, February 1, 1893.

MR. MINISTER: In fulfillment of the agreement concluded between your excellency's legation and this ministry, I have the honor to forward herewith the first of a bill of exchange for \$2,500, United States gold, drawn upon MM. Lazard Frères, of New York, and payable to the order of the honorable Secretary of State of the United States of America.

This sum covers the amount in settlement of the Myers claim as agreed to between your excellency and the undersigned in our respective notes of December 31, 1892, and the 3d ultimo.

Your excellency will allow me further to express my sincere thanks for the courteous, as well as friendly tone of your note of the 10th ultimo, in reference to this subject, and at the same time to renew the assurances, etc.

MANUEL I. MORALES.

[Inclosure 2 in No. 295.]

*Mr. Shannon to Señor Morales.*LEGATION OF THE UNITED STATES,
Managua, February 9, 1893.

MR. MINISTER: I have the honor to acknowledge receipt this day of your excellency's very courteous note of the 1st instant, inclosing the first of a bill of exchange for \$2,500 United States gold, drawn upon MM. Lazard Frères, of New York, and made payable to the order of the honorable Secretary of State of the United States, this being the amount in final settlement of the Myers claim, as agreed to between your excellency and the undersigned in our respective notes of December 31, 1892, and the 3d ultimo.

In reply I beg to say that by the first opportunity I shall forward this bill of exchange to Washington, accompanied by a copy of your excellency's courteous note.

Your excellency will also permit me again to express my personal gratification at the final and friendly settlement of this question in a manner so satisfactory to both governments, and at the same time to renew once more the assurances, etc.

RICHARD CUTTS SHANNON.

Mr. Foster to Mr. Shannon.

No. 144.]

DEPARTMENT OF STATE,
Washington, February 10, 1893.

SIR: I have before me your dispatch No. 168, of August 17, 1892, referring to the complaint of the Southern Pacific Steamship Company, against increase of port charges at Bluefields, Nicaragua, and communicating the reply of the Nicaraguan Government to your representations in the matter; also your No. 195, of September 28, 1892, in further reference to the subject, and your No. 235, of November 9 last, and the copy of correspondence therewith.

The nature of this correspondence, growing out of the complaint, above mentioned of the Southern Pacific Steamship Company, has furnished occasion for this Government to communicate its views on the respective rights of Nicaragua and the Mosquito Indians to our minister in London, and to apprise Her Majesty's Government, through him, that for the settlement of international questions affecting any port of Nicaragua the Government of the United States must look to Nicaragua alone.

I inclose a copy of the instructions* to Mr. Lincoln communicating these views, and you will hand a copy to the minister of state of Nicaragua for his information.

I am, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Shannon.

No. 150.]

DEPARTMENT OF STATE,
Washington, February 15, 1893.

SIR: Your No. 270 of 3d ultimo, and 279 of 18th, in the matter of the Myers claim against Salvador are received.

It now appears by your No. 270 (received on the 10th instant), or, rather, by its inclosures, that the sum of \$2,500, named in your tele-

* For this inclosure see instructions to the U. S. minister to Great Britain, No. 1053, dated February 8, 1893.

gram of 11th January, was accepted "as a compensation in full for the loss of the property of the U. S. Government and of the private property of its consul, Mr. Henry R. Myers, as well as for the personal sufferings" of the consul referred to.

You will see that the draft mentioned in your No. 279 is promptly forwarded to the Department, which will then collect the money and pay to Mr. Myers his proportional part.

I am, etc.,

JOHN W. FOSTER.

Mr. Wharton to Mr. Shannon.

No. 154.]

DEPARTMENT OF STATE,
Washington, March 1, 1893.

SIR: I have received your dispatch, No. 281, of January 19, 1893, wherein you ask instructions in regard to the case of Dr. Alberto Lacayo, who has applied to you for a passport as a measure of protection. It appears that Dr. Lacayo is a native of Leon, Nicaragua, where he was born February 27, 1857; that he sailed from Colon on or about July 7, 1872; that he resided uninterruptedly in the United States for a period of seven years, from July 19, 1872, to March, 1879; that he was naturalized in the superior court of the city of New York on the 27th of September, 1878. His subsequent statement is to the effect that he has been several times in the United States for brief periods, and that in 1879 he was given a passport by the Department, which was renewed in 1886. He last left the United States in the summer of 1891, and for three months during the year 1890 he was mayor of Granada, to which office he was elected, as he states, "against his will."

Dr. Lacayo, from his own showing, has spent but little of his time in the United States since his naturalization; is now engaged in business as a druggist at Granada, where he has lived since 1879, and has since, in 1890, been elected to and held office under the local government of the city of his present residence.

It is probable that in accepting office he was required to subscribe to an oath to support and defend the constitution of Nicaragua and uphold its laws. This seems certainly to imply citizenship, if indeed it is not tantamount to a renunciation of his acquired allegiance.

It is to be regretted that your dispatch does not dwell upon this essential feature of his case, which should practically decide it; and for the Department's information you will report upon this particular point.

Upon the showing before it the Department does not feel justified in authorizing you to issue Dr. Lacayo a passport. In addition to what I have here recapitulated his application fails to disclose when he intends to return for the purpose of residing and performing the duties of an American citizen. "Within a few years" is entirely too vague and indefinite. Besides, your dispatch states that he is now living with his parents and that he proposes to remain with them as long as they live.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Gresham to Mr. Shannon.

No. 167.]

DEPARTMENT OF STATE,
Washington, March 18, 1893.

SIR: I have received your No. 295 of 10th ultimo, and the draft therewith for \$2,500, paid by Salvador in respect of injury to consular property at San Salvador in July 1890, and to Consul H. R. Myers in property and in person.

As I have informed the Hon. Mr. Pickler, the Department will retain as payment for the consular property the sum of \$137.25 named in Mr. Myers's letter of February 4, 1891.

I am, etc.,

W. Q. GRESHAM.

Mr. Shannon to Mr. Gresham.

No. 320.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA AND SALVADOR,
Managua, March 31, 1893. (Received May 15.)

SIR: Referring to the Department's No. 154 of the 1st instant, directing me to report as to the nature of the oath to which Dr. Alberto Lacayo was required to subscribe in accepting the office of *alcalde* of Granada, I have to say that in accordance with article 66 of the constitution of Nicaragua every public official upon assuming the duties of his office is required to take a solemn oath to obey and cause to be obeyed the constitution and laws ("cumplir y hacer cumplir la constitucion y las leyes"). An *alcalde*, being a public official, takes that oath.

Furthermore, should the office of prefect of department suddenly become vacant the first *alcalde* assumes the duties of that office, according to the laws of March 24, 1836, April 22, 1836, and July 4, 1851, as well as executive decree of August 20, 1857. It may be safely said that these laws do not contemplate the possibility of a foreigner serving as prefect of department.

Finally, *alcaldes* are members of the municipal corporation, and since according to the laws of May 9, 1853, and March 23, 1886, one must be a citizen to be a municipal officer, so one must be a citizen to be an *alcalde*. In fact, the language used in these laws is of the most positive character. "Those who are not citizens can not be municipal officers" (that is, *alcaldes*, *regidores*, etc.).

I have, etc.,

RICHARD CUTTS SHANNON.

Mr. Baker to Mr. Gresham.

[Extract.]

No. 4.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA AND SALVADOR,
Managua, May 13, 1893. (Received June 13.)

SIR: I have the honor to report to the Department that, having received my final instructions on the 29th of April, I at once took my departure for Nicaragua, sailing from New York on the above date via

Colon, Panama, and Corinto, accompanied by two daughters, the Misses Anna and Virginia Baker. We arrived at Managua on the evening of May 12, and proceeded at once to the legation, which building we found barricaded with sacks of coffee, and filled with American and other foreign citizens and their families, who had fled thither for protection, as the country was in a condition of extreme unrest.

My predecessor, Richard C. Shannon, had left the post about fifteen days prior to my arrival, having left the property of the legation in the hands of the U. S. consul, Mr. William Newell. About the time of his departure a rebellion against the Government broke out, the headquarters of which seemed to be in and near the city of Granada. It was believed to be formidable in both the numbers and the character of its adherents. Serious alarm existed among the inhabitants of this city, which was greatly stimulated by the wild behavior in the chief hotel during the dinner hour of a man, Mr. Bianca by name, who suddenly lost his reason. Unfortunately this man being a foreign citizen, owing allegiance to the French Government, fired his first shot at a Mr. Rivas, a most estimable and popular citizen, and a strong supporter of the legitimate Government, killing him. This act was misinterpreted by the excited populace as a hostile demonstration by the foreign citizens toward the Government, and came near plunging the people of the city into a serious riot. The madman, often rushing in frenzied manner, and firing his deadly weapons at random through the great dining hall which was filled with people at dinner, and through the corridors, breaking into the private rooms of the hotel, wound up the wretched tragedy by killing himself.

The excited feeling toward the foreign residents thus suddenly and innocently, so far as either the citizens of this Republic or the foreigners themselves were concerned, seemed to justify the U. S. consul, Mr. Newell, in tendering such protection as the legation and the residence attached thereto might afford to the Americans and others and their families.

By the time of my arrival this excited condition of the public mind had measurably subsided. Yet it was deemed best for such of our fellow-citizens as could be accommodated to remain in the building with us. There seems to be no reason for apprehending trouble from those under control of either the Government or of the revolution, but an unlicensed mob might break out at some stage of this contest, when neither the person or property of any nationality would be safe.

I am, etc.,

LEWIS BAKER.

Mr. Gresham to Mr. Baker.

No. 6.]

DEPARTMENT OF STATE,
Washington, May 17, 1893.

SIR: I have received Mr. Shannon's No. 320, of March 31 last, in further reference to the application of Dr. Alberto Lacayo for a United States passport.

The nature of the oath taken by Dr. Lacayo, when accepting the office of alcalde of Granada, appears to be conclusive against the issuance of a passport.

I am, etc.,

W. Q. GRESHAM.

Mr. Baker to Mr. Gresham.

No. 8.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA AND SALVADOR,
Managua, May 23, 1893. (Received July 6.)

SIR: I have to report to you a very sad condition of affairs in this Republic. For some months a conspiracy had been forming for the avowed purpose of overturning the established Government and installing the members of the conspiracy in control. The fact was no secret, only the acts were hidden so far as possible. It was well known that the 4th of May had been agreed upon as the day for the outbreak; but at what points the blows were to be struck and who were to lead in the revolution was not known. But some of the details of the proposed *emeute* in the army becoming prematurely public, the blow was struck on the 28th of April by the delivery to the enemy of the military garrisons at Granada, San Juan del Sur, Rivas, San Carlos, and other points in the east and southern portion of the Republic, while the soldiers at Managua, Leon, and the masses of the people inhabiting the more westerly departments remained loyal to the Government. Five of the twelve departments, which embrace in large part the wealthiest and most intelligent sections of the Republic, are in rebellion. It is due to the truth of the history which is here being made to record the fact that the foreign residents of the Republic are almost, if not quite unanimously, in sympathy with the aims of the revolutionists. This has made my situation the more delicate. I have, on every proper occasion, expressed myself in no uncertain terms, as being in full accord with the established Government; and I have lost no opportunity to impress upon citizens owing allegiance to the United States their duty toward the government which gives them protection.

Several skirmishes have been fought at a *barranca* about 2 miles from Masaya, a deep cut in the railroad leading to Managua, which the revolutionists have fortified with 4 cannon behind earthen breastworks. On the 19th instant the Government attempted to capture this important position, but after a brisk fight lasting several hours, and the loss on the side of the Government of many killed and wounded, the attacking party withdrew.

The foreign residents of the city with great promptness, energy, and liberality organized themselves into a society of the Red Cross, hired a large building well suited for hospital purposes, filled it with beds, the ladies making the necessary sheets, pillowcases, and changes of clothing for the sufferers, and within five hours from the inception of the movement they were receiving the wounded and dying. No trained nurses were to be had, therefore all the labor as well as the responsibility fell upon our own volunteer fellow-citizens. A number of the native ladies, however, most generously gave valuable assistance to the noble cause.

In view of the formidable character of the revolution, and the destruction of life and property that must ensue, many citizens both native and foreign have solicited with much earnestness the tender on behalf of your minister of his good offices as a friendly mediator between the contending parties. After much reflection, and after having received personal assurances from the President that such a tender would be agreeable, I addressed to him, on the 23d instant, the accompanying paper (inclosure No. 1). I also transmit his reply, with translation (inclosure No. 2).

It had been my purpose to start this morning for Masaya, the Presi-

dent having furnished a passport and a special train for myself and suite, for the purpose, but an unfortunate incident affecting members of the Red Cross Society occurred, an account of which is detailed in inclosures Nos. 3, 4, and 5.

Having succeeded in adjusting this matter in a manner which will assure me the implicit confidence of this Government to-day, I will proceed to Masaya and Granada at an early hour to-morrow morning, accompanied by Mr. J. F. Medina, a gentleman of culture, sense, and large means, a native of Central America, an adopted citizen of the United States, a banker in Paris and in several of these States. I shall also be accompanied by Mr. William Newell, the U. S. consul at this city, who has a large personal acquaintance with the leading men of this country.

I am, etc.,

LEWIS BAKER.

[Inclosure 1 in No. 8.]

Mr. Baker to President Sacasa.

LEGATION OF THE UNITED STATES,
Managua, May 22, 1893.

MR. PRESIDENT: The unhappy state of revolution in which I have found your country has been to me, personally, as it will have been for my Government, a cause of regret and sorrow, as the American people and our Government would wish for your beautiful country the continued blessings of peace.

The consequences of the present state of things have been sadly brought home to us by the number of wounded soldiers who have come back to the capital, and in conjunction with other foreigners I and my family have tried to bring assistance to the unfortunate by the establishment of a foreign hospital which is doing all it can for the alleviation of the suffering.

To-day there seems to be a breathing spell in the deadly struggle and I ask myself if, at this juncture, the tender of my friendly services as mediator between the contending parties might not be a means of bringing about a cessation of this unhappy war and be conducive to bringing back to your country peace and prosperity.

If such services would be acceptable to you, in a spirit of broad humanity and patriotism by which I am sure you are animated, I would express a willingness to proceed to Masaya and endeavor to see if it is possible to find a basis for an honorable settlement without further bloodshed and devastation.

With assurances of sincere personal esteem, etc.,

LEWIS BAKER.

[Inclosure No. 2 in No. 8.—Translation.]

President Sacasa to Mr. Baker.

NATIONAL PALACE,
Managua, May 22, 1893.

MR. MINISTER: I have received your important dispatch of this date, which I have studied with due attention, taking into consideration the circumstances through which we pass.

I am aggrieved by the state of calamities that their regular conduct of certain men, who by their position should be the most respectful to the lawful authority, forces us to witness.

My Government, obeying the laws and animated by the best ideas for the prosperity of the country, has not failed to use every means conducive to give protection to all the Nicaraguans and to better our elements of prosperity.

Trusting in the uprightiness of these views, I have given my attention to the betterment of the country only, studying everything necessary to reach that end.

While doing this administrative work, the surrender of the garrison at Granada occurs, and with that betrayal the occurrences which your excellency, as well as

every civilized person regrets, because the serious consequences have paralyzed the general prosperity and business of the Republic.

In my position as ruler of the nation, nothing would be more pleasing than to have this deplorable state of things ended, for my hope is to have peace, based upon the respect due to the lawfully constituted authority.

The noble sentiments of your excellency relative to the cessation of this unfortunate state of affairs are worthy of your elevated station and views. My Government applauds such dispositions, and has no hesitancy in reporting to you that if you wish to go to Masaya to start work conducive to the establishment of peace, harmonized with the legitimate respect due to the authority and to the dignity of the chief magistrate of the Republic, it would be very gratifying that your excellency reach such patriotic end.

As a ruler of the nation I think the conservation of peace one of my principal duties; and it is on this account that I give all the orders tending to soon reestablish the empire of the law.

With the highest consideration, etc.,

ROBERTO SACASA.

[Inclosure 3 in No. 8.—Translation.]

Señor Bravo to Mr. Baker.

MINISTER FOR FOREIGN AFFAIRS,

Managua, May 22, 1893.

MR. MINISTER: Mr. Frederick K. Morris has reported to the President of the Republic, that the locomotive which was put at the service of the hospital of the "Red Cross," established by foreigners in this city, under the presidency of your excellency, is in the enemy's encampment.

The said locomotive was delivered to Mr. Morris because he asked for it with the object of going to pick up the wounded who had not been brought to the hospital.

The confidence which the honorable character of the persons who form the Society of the Red Cross inspires, their position as foreigners, and being presided over by your excellency, minister plenipotentiary of the United States, was sufficient to put the locomotive at the disposition of Mr. Morris with the certainty that it would come back to this capital.

It has then been a surprise to the General-President to hear the report of Mr. Morris, viz, that the locomotive remained in the hands of the enemy and that he had to come back to the city on foot.

Your excellency made it known to the minister of fomento that Mr. Morris was an authorized agent of the Red Cross, which made him believe that the enemies would respect its neutrality and all the elements which are at its service for the purpose of fulfilling its humanitarian ends.

As your excellency will well understand, the matter to which we refer is to my Government, under the circumstances, of great importance, and for this reason can not be disregarded. The Government trusts that your excellency will make all the necessary exertions so that the locomotive be returned; and all the more as the honor of the Society of the Red Cross is involved.

For the reasons expressed I have received instructions from the General-President to address your excellency, so that in view of what has happened you may be pleased to proceed in conformity with our right in the premises.

It is gratifying to me to subscribe myself of your excellency, etc.,

JORGE BRAVO.

[Inclosure 4 in No. 8.]

Mr. Baker to President Sacasa.

LEGATION OF THE UNITED STATES,

Managua, May 23, 1893.

ESTEEMED SIR: After learning of the unfortunate occurrence last evening, viz, the desertion by the Government engineer to the revolutionists with a locomotive engine which drew the train to which a car had been attached to convey a number of the members of the Red Cross Society to the late battlefield on a mission of mercy, I say, after hearing of this incident, I deemed it best that I remain in the city to-day in order to investigate fully and impartially the facts attending the affair.

This course I deemed the more imperative in view of the expressed feeling in some quarters that this Society was in some way responsible for the loss of the engine.

Protesting for myself absolute good faith towards the established Government of Nicaragua, I can not be otherwise than sensitive when even a breath of suspicion is felt in any quarter of the perfect good faith of those with whom both myself and my daughters have become associated in this work of mercy in which much patient labor and money is voluntarily expended.

You must comprehend that the insinuation that I and those associated with me had acted with duplicity wounded me deeply; and you can readily understand that I regard it as my first and highest duty to have a most thorough and impartial investigation of this whole affair.

If this can be accomplished to-day, I will gladly go to Masaya, or to Granada if need be, to-morrow morning on an errand of peace, and during that visit I shall use my best and most earnest efforts to have the engine returned to its rightful owners.

With sentiments of high personal esteem, I beg to subscribe myself, etc.,

LEWIS BAKER.

[Inclosure 5 in No. 8.—Translation.

President Sacasa to Mr. Baker.

NATIONAL PALACE,
Managua, May 23, 1893.

ESTEEMED SIR: I have read your important communication of this date, relative to the occurrence of the locomotive engine which caused a postponement of your excellency's trip to Masaya and Granada.

My Government recognizes your excellency's honorable and highly patriotic views and therefore it has not doubted a moment the integrity and good faith of those who compose the Society of the Red Cross with which your excellency and your daughters have associated yourselves.

Your excellency must not mind the interpretations which are made in some quarters; for your excellency knows very well that they always judge what happens by the impressions they receive, which, in the majority of cases, as in the present one, do not rest on a fixed basis.

I trust that the incident of the locomotive will be resolved in a favorable manner to my Government, according to the justice which it has; and that your excellency will do whatever the actual facts may call for.

With the highest consideration, I remain, etc.

ROBERTO SACASA.

Mr. Baker to Mr. Gresham.

No. 10.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA AND SALVADOR,
Managua, May 31, 1893. (Received July 6.)

SIR: I have the honor to report to your excellency further upon the condition of public affairs in the Republic of Nicaragua. In a preceding dispatch, No. 8, dated May 23, I mentioned my agreement, at the urgent request of many foreign citizens as well as the solicitation of public men on both sides of the military lines, to act as a mediator between the Government and those in rebellion against its authority.

Accordingly on the morning of the 24th instant, at 6 o'clock, I started from this city for Granada, the capital of the revolutionists, at which point they have set up all the machinery of a civil government, which is presided over and directed by a junta composed of three citizens of high character and intelligence, viz, Gen. Joaquim Zavala, Eduardo Montiel, and Santos Zelaya.

I arrived after a hard ride, much of it on horseback as the railroad track has been destroyed by the military. To add to the discomfort the heat was intense and for three hours while in the saddle the rain poured in torrents. I was accompanied by Mr. William Newell, the U. S. consul

at this city. Mr. H. E. Low, the vice-consul, and Mr. J. F. Medina, the latter a native of Central America but an adopted citizen of the United States. His wide acquaintance, general intelligence, the high respect in which he seems to be held by the leading men on both sides, and his fine social qualities combined to make him a most agreeable traveling companion and valuable assistant in the proposed negotiation.

During the two and a half days which we remained we had several conferences with the members of the junta and such of their military officers and distinguished citizens as they cared to call into their councils. They were all polite and profuse in protestations of their desire for the peace and prosperity of Nicaragua, but they were firm in their assertion that these desirable objects could be attained only by a change in the administration of the Government; and they were equally firm in the expression of their belief that the great majority of the people of the country not only were in full sympathy with the views held by them, but were full of enthusiasm in the cause of the revolution; that their armies were more powerful and better handled than were those of the Government; that they would certainly be triumphant in the field and that at an early day; and, therefore, while desiring peace, prosperity, and good order, they would yield nothing in order to gain these desirable ends except a guaranty of protection to the life and property of President Sacasa if he would promptly abdicate. No compromise seemed possible. Nothing short of the complete abdication by the Government and the handing over of all power to the revolutionists.

On my return to Nicaragua I had a lengthy conference with the President. I found him in a reasonable and conciliatory frame of mind. I conveyed to him the kind impressions toward him personally indulged in by the revolutionists; and I explained to him their professions of a desire for peace. While I had no authority from them for saying that they would meet a commission from the government by commissioners from themselves, yet I would advise him to authorize me to express to them the willingness of the Government to refer all differences between them to a commission with full powers to arrange an honorable peace. This proposition the President patriotically acceded to, and I prepared and promptly forwarded by special messenger to the members of the junta (inclosure herewith, marked No. 1), a copy of which I sent to the President.

The junta accepted the terms set forth in the letter, advising me of their action on the forenoon of the 29th. On my notifying the President of this fact, he appointed the three commissioners to act on the part of the Government. (See inclosures Nos. 4 and 5.)

By request of the President I accompanied his commissioners, taking with me Mr. Medina, on a special train to Sabana Grande, where the commissioners from the junta met us.

After calling the members of the commission to order, having read to them in Spanish my letter which formed the basis of the agreement for the creation of the commission, and having impressed upon them the magnitude of the duties devolving upon them as patriotic citizens and statesmen, and cordially thanking them and the respective appointing powers for the ready and courteous responses made to my offers as a peace mediator, I withdrew.

The commission first tendering me a cordial vote of thanks for my efforts in favor of peace, unanimously asked me to preside over their deliberations. * * * I asked in most deferential language to be excused from the honor, giving as reasons my lack of familiarity with their laws, modes of procedure, customs, habits of thought, language,

etc., but I was overruled. Mr. Medina was named as honorary secretary and the serious work began. The proceedings and the conclusions are set forth in the protocol, marked inclosure No. 11.

On the 30th instant I cabled you as follows:

SABANA GRANDE (via Masaya and San Juan del Sur).

May 30, 1893.

GRESHAM,

Washington:

Peace commission, composed of three revolutionists and three for Government, American minister presiding, in session here.

BAKER.

The sessions lasted three days. The discussions were, as a rule, in excellent temper, and much learning and ability were displayed. Every effort was patriotically made to find a basis of permanent peace, and so far as I have been able to gather public sentiment, I believe a fair success has been achieved. The people of Nicaragua are naturally a peace-loving, well-meaning people. They are neither turbulent nor restless. The country has enjoyed a long period of peace, and during the recent years its prosperity has been great and general. This prosperity has been interrupted by the recent military disturbance, and the people have felt the business paralysis keenly. All classes so warlike yesterday, now that peace seems in sight, welcome its coming with joy, and they exhibit many signs of gratitude toward those who were chiefly instrumental in bringing it about.

I have, etc.

LEWIS BAKER.

[Inclosure 1 in No. 10.]

Mr. Baker to Gens. Montiel, Zavala, and Zelaya.

LEGATION OF THE UNITED STATES,
Managua, May 27, 1893.

GENTLEMEN: After my conversation with yourselves on the subject of bringing back to your distracted country the blessings of peace, I have conferred with President Sacasa and I find that he, animated, as well as yourselves, with the desire of coming to a peaceful settlement, has agreed to the following:

The President to appoint three commissioners and you gentlemen to appoint three; these commissioners to meet in convention at Sabana Grande on Monday next at 12 o'clock noon.

A condition of the sitting of such a commission of peace would be that a suspension of hostilities would be agreed upon between the parties from 6 o'clock on Monday morning until 6 o'clock on Wednesday morning, in so far as the commencing of an attack by any division of either army is concerned.

This condition is based upon the sound reason that a peace conference could not be otherwise than seriously disturbed by the sounds of clashing armies, reports of successes and defeats, the groans of the wounded and dying.

The question of any longer armistice will be in the hands of the commission, as will be the question of terms of peace.

Gentlemen, by your acceptance of this proposal, made by me in the cause of humanity and of the good of your country, I hope that the result will be to stop bloodshed and devastation.

Without going into details, which would not be my mission to discuss, the professions which I have heard on both sides and the spirit which has been shown to me by both parties lead me to believe that an understanding can be arrived at if the contending parties should appoint the commission proposed.

Of course this commission will be composed of men of standing, patriotism, and be animated with the patriotic desire of bringing back happiness and prosperity to the Republic of Nicaragua, a country which has been pointed to with pride by all civilized nations as presenting a model of good government to all its neighbors of Central and South America.

Trusting that this suggestion will meet your approbation, and that you will so notify me by wire from your most convenient station and also by the bearer,

I am, gentlemen, etc.,

LEWIS BAKER.

[Inclosure 2 in No. 10—Translation.]

*Gens. Montiel, Zavala, and Zelaya, to Mr. Baker.*GRANADA, *May 28, 1893.*

SIR: Regarding the communication of your excellency, dated yesterday, and our telegram and dispatch of to-day, with the object of complying with what we promised to your excellency, we have named commissioners Messrs. Dr. Franco Alvarez, O. César, Asc. P. Rivas, to go to-morrow to Sabana Grande to confer with the commissioners of Dr. Roberto Sacasa about the basis of a settlement of peace.

Our commissioners will be, as it has been agreed, at the appointed place to-morrow at 12 o'clock noon, and will have due instructions for the fulfillment of their errand.

Trusting that your excellency will present to our commissioners, in their position, to the other party, we protest once more our regard and we subscribe ourselves,

Yours, attentively,

EDUARDO MONTIEL.
JOAQUIM ZAVALA.
J. S. ZELAYA.

[Inclosure 3 in No. 10—Translation.]

*Gens. Montiel, Zavala, and Zelaya to Mr. Baker.*GRANADA, *May 28, 1893.*

SIR: We have had the honor of receiving your excellency's polite communication, dated yesterday, in which you lay before us your humanitarian offices with the object of bringing back the blessings of peace to our country; and you propose us an armistice, which must begin to-morrow at 6 a. m. and end next Wednesday at the same hour, so that a conference may be held between the commissioners on the part of Dr. Sacasa and three on our part, which conference will meet in Sabana Grande to-morrow at 12 o'clock noon, in order to discuss the basis of a settlement.

We have already had the honor to answer your excellency by telegraph, accepting, fully, what you have proposed to us about the armistice as well as the conference of peace; and in confirming now our telegram, we comply with the duty of expressing to you our gratitude for your efforts to save Nicaragua from further suffering the fatal consequences of civil war, and for your kind words about our country.

Wishing that your noble offices, worthy of the great American nation, be crowned with the best success, we subscribe ourselves, etc.,

EDUARDO MONTIEL.
JOAQUIN ZAVALA.
J. S. ZELAYA.

[Inclosure 4 in No. 10—Translation.]

*Señor Sacasa to Mr. Baker.*MANAGUA, *May 29, 1893.*

MR. MINISTER: In reply to your favor of to-day, I have the pleasure to report to you that I have already appointed the commissioners which are to go to Sabana Grande, viz, Dr. Modesto Barrios, Dr. José Franco Aguilar, and Col. Don Hipolito Saballos.

Thanking your excellency for your courtesy, etc.,

ROBERTO SACASA.

[Inclosure 5 in No. 10—Translation.]

*Señor Sacasa to Señores Barrios, Aguilar, and Saballos.*MANAGUA, *May 29, 1893.*

With the important object of responding to the honorable mediation of his excellency, the American minister, Mr. Lewis Baker, in order that our disgraceful civil war may cease, you have been appointed by my Government to immediately go to Sabana Grande to attend the conferences for the settlement of peace, acting in accordance to the instructions which I inclose you herewith.

With the greatest consideration, etc.,

ROBERTO SACASA.

[Inclosure 6 in No. 10—Translation.]

*Señor Bravo to Mr. Baker.*DEPARTMENT OF STATE,
Managua, May 31, 1893.

Mr. MINISTER: To-day the following decree has been issued:

THE GOVERNMENT

Finding the preceding agreement in accordance with the instructions given to the commissioners, Messrs. Dr. Don Modesto Barrios, Don José Francisco Aguilar, and Gen. Hipolito Saballos, jr.,

DECREES:

To approve it in all its parts.
Be it published.
Managua, May 31, 1893.

SACASA,
The Minister of Foreign Affairs,
Provisionally in Charge of the Department of State.
BRAVO.

Which I have the honor to transcribe to your excellency for your information.
And I have the pleasure, etc.

JORGE BRAVO.

[Inclosure 7 in No. 10—Telegram—Translation.]

MANAGUA, June 1, 1893.

To the Commissioners of the Supreme Government Dr Modesto Barrios, Don José Francisco Aguilar, and Don Hipolito Saballos, jr.:

The agreement of peace agreed upon yesterday at Sabana Grande has also been approved on the part of the revolutionary junta.

F. ALVAREZ,
OCTAVIANO CÉSAR,
ASCENSION P. RIVAS.

[Inclosure 8 in No. 10.—Telegram.—Translation.]

Gens. Montiel, Zavala, and Zelaya to Mr. Baker.

MASAYA, May 31, 1893.—2:50 p. m.

Nicaragua enjoys again to-day the blessings of peace, due in a large measure to your generous mediation and to the noble effort with which you worked in order that it might take effect. We protest to you in the name of our country our obligation, assuring you that with this event you have conquered for the American people and Government a new bond of friendship and sympathy on the part of the Nicaraguans.

EDUARDO MONTIEL.
JOAQUIN ZAVALA.
J. S. ZELAYA.

[Inclosure 9 in No. 10.—Telegram.]

Mr. Baker to Gens. Montiel, Zavala, and Zelaya.

SABANA GRANDE, May 31—4 o'clock p. m.

I most sincerely thank you for the kind terms in which you are pleased to refer to my Government and to my modest efforts to serve the best interests of the people of Nicaragua. And I warmly congratulate the people of this Republic and of the cause of good government everywhere on the patriotic and self-sacrificing spirit displayed by yourselves.

LEWIS BAKER.

[Inclosure 10 in No. 10.]

Mr. Baker to Señor Bravo.

HONORED SIR: I beg the high privilege and honor of extending to you and through you to your distinguished and accomplished chief, the President, General Dr. Roberto Sacasa, and your colleagues in the Government, for the highly patriotic course you have all shown during your country's crisis. Especially do I commend the statesmanship, patriotism, and self-sacrifice exhibited by his excellency, the President.

I further desire to bear testimony to the patience, good temper, and consideration exhibited by all the commissioners in the discussion of the many delicate questions which came up for decision, and to their enlightened patriotism.

The good opinion which I and my countrymen have held of the people of Nicaragua as a peace-loving, patriotic, and enlightened people devoted to the development of her great and valuable resources, has been immensely enhanced by what we have passed through during the last few days. The elevated action of your leading citizens, fully indorsed no doubt by the masses, will receive the admiration and applause of the civilized nations of the earth.

With sentiments of the highest respect, etc.,

LEWIS BAKER.

[Inclosure 11 in No. 10.—Translation.]

Organization of the Nicaraguan Peace Commission.

FIRST DAY.

Commission of peace held in the village of Sabana Grande, on the 29th day of May, 1893, Messrs. Dr. D. Modesto Barrios, Dr. D. Francisco Aguila, and Col. Hipolito Saballos, jr., being present as commissioners of the supreme Government of the Republic, and Messrs. Ascencion P. Rivas, Dr. Francisco Alvarez, and Octaviano Cesar as commissioners of the junta of the revolutionary Government. Having examined their respective credentials and found them to be correct, the commission was declared to be inaugurated, in the presence of the U. S. minister, Mr. Lewis Baker.

The Hon. Mr. Baker spoke, in order to express his obligation for the promptness with which the two contending parties in the unfortunate and warlike struggle in which the country was found on his arrival had responded to his offers of mediation. He said that, having succeeded in bringing together the two parties in a spirit of union and peace, his mission was now at an end. It only remained for him to wish the best success for the work of the commission.

Dr. Barrios arose and, in the name of his colleagues, gave thanks to the minister for his mediation in order to obtain the pacification of the Republic.

Mr. Rivas expressed the same sentiment, and he, as well as Dr. Barrios, requested the minister not to consider his mission ended, but to continue assisting the conferences with his advice, and to accept the position of honorary president of the commission.

Mr. Barrios proposed also that Mr. J. F. Medina be appointed honorary secretary and, his nomination being accepted by the other commissioners, the minister, as well as Mr. Medina occupied their respective places.

Dr. Alvarez, in the name of his commission, said that notwithstanding the personal qualities with which Dr. Sacasa is endowed, they believe that his retirement from power was, under the circumstances, necessary for the reestablishment of peace.

Dr. Barrios said that President Sacasa, abounding in sentiments of the most elevated patriotism, does not wish in anyway that his remaining in power should be an obstacle to the reestablishment of peace, and that he is willing to resign power, but, as it must be done in conformity to the constitution, it would be necessary to call Congress together in order that he may present his resignation.

Mr. Rivas said that the reasonings which Dr. Barrios just expressed would be in order if the country was found in normal circumstances, but, after the events which have placed the country in an abnormal state, he believes that Dr. Sacasa would commend his name very highly, and would contribute to the object of this conference if, disregarding this legal form, he should decide to resign the power.

Dr. Barrios said that, in his judgment, the President is not authorized to resign the power in a form different from that established by the constitution, even though the circumstances be abnormal, and that the President can scarcely disregard the

provisions of the constitution even to accomplish so noble a purpose as the establishment of peace. He would not be justified in following a bad precedent rather than to follow a written law.

Mr. Barrios appealed to the patriotism of the commissioners to look for a means of obtaining the result they wish, but respecting the constitution.

After a long discussion, Dr. Alvarez proposed that the conference be continued to-morrow at 12 o'clock noon.

SECOND DAY.

Sabana Grande peace commission reassembled at 12 o'clock, noon, the 30th day of May, 1893. The protocol of the session of the day before was read, and the honorary president opened again the discussion of the objects of the present conference.

Mr. Barrios repeated his appeal to the patriotism of the commissioners of the revolution in order that they present a proposition which might save the situation of the country.

Dr. Alvarez moved that Dr. Sacasa resign the power in favor of Mr. Vicente Quadra or of Mr. Santiago Morales, separating the military command from the Presidency and with the condition that said military command be devolved upon Gen. Eduardo Montiel.

Dr. Barrios, in the name of his colleagues, said that the former proposal could not be accepted on account of being unconstitutional, because the proposed gentlemen were not senators, and because the separation proposed was also unconstitutional; and further, because in the past a similar experiment in the way of separating the civil from the military power of the President had resulted in disturbances.

Dr. Barrios continued, and proposed the following: The deposit of the power in any of the following senators: Mr. S. Machado, Mr. L. A. Aguilar, Mr. E. Arana, Mr. J. Chaves, Mr. T. Tigerino, Mr. J. F. Aguilar, Mr. Santiago Arguello, Mr. F. M. Lacayo, Mr. J. Bravo, Mr. H. Saballos, jr., Mr. S. Avilez, Mr. J. J. Barcenas, Mr. F. Sanchez, Mr. M. Zuniga, Mr. C. Zuniga, Mr. S. Montealegre, Mr. S. Noguera.

Dr. Alvarez, referring to the constitutional point, said that, not to enter into recriminations, he had abstained from stating that the main motive of the revolution was that its promoters thought that Dr. Sacasa had, in many of his acts, totally violated the constitution, and that for this reason they do not accept as a basis of discussion anything that is prescribed in a constitution which they consider violated.

Regarding the persons proposed by Dr. Barrios, the commissioners will go to Masaya to consult.

At this point Dr. Barrios amplified his proposition with the following details: A gradual disarming; a mixed cabinet; to call a constitutional convention within six months to reform the constitution; mutual payment of expenses of war, and recognition of military degrees upon the same footing; reciprocal amnesty and unconditional and ample guarantee to everybody. This amplification was also referred to the Government at Managua as well as to the junta at Masaya.

After having suspended the session for some time, Dr. Alvarez stated that his commission accepts the proposals with the following modifications: First, that the time for calling the constitutional convention be reduced to four months; second, wishing to finish this matter in the most harmonious possible way, we wish to leave to President Sacasa the task of naming of the person to whom the power is to be resigned from the following four taken from the list presented by the Government commissioners: Mr. Salvador Machado, Mr. Eleodoro Arana, Mr. Francisco Mateo Lacayo, and Mr. Hipolito Saballos, jr.; third, that the junta appoint three out of the four ministers which will compose the cabinet, being understood that all the resolutions of any kind whatsoever must be adopted by a majority, inclusive of the vote of the President; fourth, neither the President nor any of the members of his cabinet may be elected president for the first constitutional period.

Mr. Barrios expressed in the name of the Government commission that the President, being animated with the best desire of reestablishing peace and harmony between the Nicaraguans, accepts the modifications proposed.

With this understanding both commissions agreed to meet to-morrow at the hour they may appoint by telegraph, and the armistice is consequently continued until Thursday morning, at 6, to enter into the consequent details of the stipulation. At this moment they agreed to meet to-morrow at 10 o'clock, in Sabana Grande.

It was resolved by both commissions to give a special vote of thanks to Minister Baker and to Mr. Francisco Medina for their assistance in this delicate question, which, through their mediation, has been ended with so happy result.

THIRD DAY.

The commissioners of the supreme Government of the Republic, Messrs. Dr. Modesto Barrios, José Francisco Aguilar, and Gen. Hipolito Saballos, jr., and

those of the junta of the revolutionary government, Messrs. Dr. Francisco Alvarez, Col. Ascencion P. Rivas, and Octaviano Cesar, assembled at Sabana Grande the 31st day of May, 1893, under the honorary presidency of Mr. Lewis Baker, envoy extraordinary and minister plenipotentiary of the United States, with Mr. José Francisco Medina, former minister of Nicaragua in France, as honorary secretary with the important object of treating about the basis for the reestablishment of peace in the Republic, after exchanging their respective credentials and finding them in due form they have agreed upon the following treaty of peace:

ARTICLE 1st.

The President of the Republic, Dr. Roberto Sacasa, will deposit the power in Senator Salvador Machado the 1st of June of this current year at 12 o'clock.

ARTICLE 2d.

The cabinet will be organized with three gentlemen appointed by the junta of the revolutionary government and the other by President Machado, which cabinet will be inaugurated the 2d of June. The President and the ministers will distribute the offices.

ARTICLE 3d.

Each of the members of the cabinet organized according to the former article will have deliberative and decisive vote in all the resolutions of the Government of any kind whatsoever, whether administrative or military, inclusive of those of military command, and they will be adopted by majority of votes, counting that of the President.

ARTICLE 4th.

The President, as well as the cabinet, will be immovable until the country be organized by the constitutional convention, which will be called within four months from the date of the present treaty. Neither the President or his secretaries may be elected President for the first constitutional period.

ARTICLE 5th.

The disarming of the troops of the Government, as well as those of the revolution, will be effected by the new Government. The expenses of war on both sides will be recognized and paid upon the same footing; the military degrees will also be recognized.

ARTICLE 6th.

There will be mutual amnesty and ample and unconditional guaranty for everybody.

ARTICLE 7th.

The troops of the two sides will continue occupying their respective positions until the inauguration of the new Government, for which purpose the hour of twelve o'clock noon of the 2d day of June is appointed and this armistice is prolonged until that day and hour, when it is declared that the Republic begins to enjoy the benefits of peace.

ARTICLE 8th.

In case of absolute absence of President Machado, Messrs. Francisco M. Lacayo, E. Arana, and H. Saballos, jr., will succeed him in order.

In case of absolute absence of any of the ministers appointed by the revolutionary junta the absent one will be succeeded by the person appointed by the remaining ministers of the same source, and if the Minister appointed by President Machado should retire the latter will name the person who must succeed him.

The minister of the United States interposes in the agreement his official mediation and his moral guaranty for the good faith in the compliance by both sides.

LEWIS BAKER,

Hon. President.

OCTAVIANO CESAR,
F. ALVAREZ,
JOSÉ FRANCO AGUILAR,
MODESTO BARRIOS,
ASCENCION P. RIVAS,
H. SABALLOS, JR.,

Mr. Baker to Mr. Gresham.

No. 11.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA, AND SALVADOR.

Managua, June 1, 1893. (Received July 6.)

SIR: I have the honor to report further on the condition of political affairs in this country. To-day at 12 o'clock I was a witness to the change in the presidency of this Republic by the resignation of Dr. Roberto Sacasa and the inauguration of Salvador Machado. As will be seen by reference to protocol and articles of peace, a new constituent assembly will meet within four months and will form a new constitution, better suited to the present spirit, intelligence, and self-reliant character of the people. After this is accomplished a new election for President will be held, and none of the members of the new administration will be eligible to office at that election. Provision is also made for the substantial disbandment of the army.

All parties to the agreement seem to be actuated by high motives and are performing their respective duties in perfect good faith.

I have, etc.,

LEWIS BAKER.

Mr. Gresham to Mr. Baker.

No. 12.]

DEPARTMENT OF STATE,
Washington, June 13, 1893.

SIR: I inclose for your information a copy of a letter from Mr. Lane, of the Pacific Mail Steamship Company, relative to the pointing of a Krupp gun at the *City of New York* on the 11th ultimo by authorities of Corinto.

Awaiting your expected report of the facts,
I am, etc.,

W. Q. GRESHAM.

[Inclosure in No. 12.]

Mr. Lane to Mr. Quincy.

PACIFIC MAIL STEAMSHIP COMPANY,
New York, June 1, 1893.

In case the State Department has not received from the U. S. consular agent at Corinto any advices respecting the pointing a loaded Krupp breech-loading gun against this company's steamer *San José* and *City of New York*, we beg to hand you copy of a letter from our general agent at San Francisco, dated May 25, together with copy of official report of the U. S. consular agent at Corinto, under date of May 11, to Capt. F. H. Johnston, commanding this company's steamship *City of New York*, all of which explain themselves and which we submit to the Department for such action as may be deemed proper.

Respectfully,

W. H. LANE,
Secretary.

[Sub-inclosure 1.]

Mr. Cutler to Mr. Houston.

SAN FRANCISCO, May 25, 1893.

DEAR SIR: Inclosed please find copy of report relating to the pointing a loaded Krupp breech-loading gun against this company's steamer *San José* and *City of New York* as made by the U. S. consular agent at Corinto to Capt. F. H. Johnston of the steamship *City of New York*, under date of May 11, 1893.

I am, etc.,

ALEX. CUTLER,
General Agent.

[Inclosure 2.]

*Mr. Palazzo to Capt. Johnston.*CORINTO, *May 11, 1893.*

DEAR SIR: In compliance with your request that I should give you an official report with regard to the steps taken by this Government to protect itself against the revolutionists from approach by sea, I beg to state that a Krupp breech-loading gun carrying a 50-pound shell was pointed against the *San José* yesterday, and against your ship this morning, and pivoted on both ships from the time of rounding Icaecos Point until anchorage. An officer held the firing-lanyard in his hand, and the slightest accident would have caused its discharge, and the possible sinking of either ship, especially at such close range.

They probably thought that both ships had called at San Juan del Sur, supposed to be held by revolutionary troops, although I had officially advised Gov. A. L. Rivas that the *City of New York* was due this morning with the new American minister, the Hon. Lewis Baker, on board, and coming direct from Panama.

I remain, etc.,

HENRY PALAZIO,
*U. S. Consular Agent.**Mr. Gresham to Mr. Baker.*

No. 15.]

DEPARTMENT OF STATE,
Washington, June 16, 1893.

SIR: With his dispatch, No. 134, of May 10, 1893, Mr. Newell, consul to Managua, transmits translation of a decree issued by the executive power of Nicaragua on April 29, 1893, imposing a forced loan \$600,000 throughout the whole Republic, reimbursable with 10 per cent interest "within two years after the constitutional order has been reestablished."

While it may be premature to assume that the Provisional Government, which took control June 1 (as reported in your telegram of May 31), may be disposed to enforce the execution of the measure thus decreed by the preceding administration of President Sacasa, it may be well, out of abundant caution, and to forestall any possible invasion of the rights of citizens of the United States in this regard, to call your attention to the stipulation of article 9 of the treaty of 1867 between the United States and Nicaragua, which provides that "the citizens of the United States, residents in the Republic of Nicaragua * * * shall be exempted from * * * forced loans in time of war." The decree in its preamble recites that it is enacted "on account of the rebellion which has broken out in the departments of Granada and Masaya," and that its purpose is "to create resources to help the maintenance of the army," which it was found necessary to raise in order to restore public order. It is therefore a "forced loan in time of war" within the clear intent of the treaty; and it is not supposable that its collection will continue after the cessation of the emergency it was designed to meet.

You will report whether the collection of the forced loan in question has been effected from any citizens of the United States resident in Nicaragua. If it has, you will make due protest and ask that the amounts so collected be refunded.

A copy of the decree is inclosed for your more convenient reference.

I am, etc.,

W. Q. GRESHAM.

[Inclosure in No. 15.]

Decree.

The Government, on account of the rebellion which has broken out in the departments of Granada and Masaya to-day, in the morning, the same taking possession of the "plazas" at those towns, and considering that the first and main duty which the constitution imposes on the executive is the conservation of public order, and that in order to reestablish it in the present crisis it is indispensable to create resources to help the maintenance of the army which it has been ordered to raise.

DECREES.

ART. 1. A forced tax of six hundred thousand dollars is imposed for the present, throughout the whole Republic, distributed in the following manner:

In Granada department.....	\$120,000
Leon department.....	80,000
Managua department.....	80,000
Chenandega department.....	50,000
Masaya department.....	30,000
Carazo department.....	40,000
Chantales department.....	40,000
Rivas department.....	50,000
Matagalpa department.....	40,000
Jinotega department.....	20,000
Esteli department.....	22,000
Ocotal department.....	28,000
	\$600,000

ART. 2. For the collection of these sums from the inhabitants of each department there will be boards which will be organized in every capital and in (each) of the cities and towns of every department.

ART. 3. The first will be composed of three individuals—the prefect and two citizens; the second one will be composed of the first judge of the place, the other two citizens to be appointed by the same judge.

ART. 4. Each board of the capital will attend to the following:

- (1) To assign to the towns of the department the sum which it must contribute.
- (2) To keep a nominal register of the contributors.
- (3) To listen to the complaints of those who claim a rebate of their tax on account of said tax not being proportional to their capital, in which case the board will notify the respective local board, so that the sum assigned to the town may be modified.

ART. 5. The functions of the local board are:

- (1) To distribute among the inhabitants the sum which has been assigned to the town or city.
- (2) To executively collect the amounts which they have assigned to the neighbors.
- (3) To give to the inhabitants assessed a receipt for the amount received and to register their names in a book kept for that purpose.
- (4) To rebate or increase the individual tax whenever the board of the capital orders it, and in its turn make the corresponding rectifications pointed out in part 3 of the former article.
- (5) To remit, within the first eight days of every month and under their responsibility, the exact tax of their locality to the prefect of their department.
- (6) To impose fines, up to twenty dollars, upon such individuals who in anyway put obstacles to the compliance of this law without failing at the same time to collect the contribution.

ART. 6. The prefect may also impose fines of from ten to fifty dollars upon the individuals of the board of the capital, or to any of those of the local boards who may show themselves negligent in the compliance of his duty. All these fines must be collected promptly and must be added to the respective local fund.

ART. 7. The prefects will keep, in a separate book, an account of the amounts received from the local boards.

ART. 8. The tax receipts given by the local boards will be exchanged at the prefect's office, for a bill of credit against the Republic; said bill of credit will also be registered in its turn at the chief auditor's office, and at the general treasury, after being signed by the prefect, who will receive from the minister of finance the corresponding forms.

ART. 9. The amounts collected by virtue of the present law will go to the respective treasury offices. The prefect must give an account of the same, as well as the administrator of rents, to the chief accountant's office.

ART. 10. The Government will pay this tax, the latest, within two years after the constitutional order has been reestablished. It will draw 6 per cent annual interest upon the amounts received. The Government will pay 10 per cent annual interest to those who anticipate the payment of the tax assigned them.

Given in Managua, April 29, 1893.

ROBERTO SACASA.

Mr. Baker to Mr. Gresham.

No. 24.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA, AND SALVADOR,
Managua, June 18, 1893. (Received July 6.)

SIR: I have the honor to report that the new Government of Nicaragua, provided for by the peace commission, has now been in power eighteen days, and that the people of the country have, in good faith, loyally accepted the changed condition of things. As was to be expected, there were a few marauders who preferred a condition of war and possible opportunities for promoting their selfish schemes to the public good, but there were not many. Dr. Sacasa, the late President, suffered some personal annoyance from insignificant people, but it is not believed that he was in any real danger. Nevertheless, he deemed it wise to go out of the country for a time until the political sores heal over.

The new administration has addressed itself resolutely to the task of repairing the losses incurred by the war and by precedent civil measures, and in the reestablishment of the credit of the country upon a sound basis.

I am, etc.,

LEWIS BAKER.

Mr. Baker to Mr. Gresham.

No. 38.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA, AND SALVADOR.
Managua, July 6, 1893. (Received August 11.)

SIR: I see now that I erred in not promptly reporting to you the "Krupp gun episode" at Corinto, which occurred on the day previous to my arrival at the place and repeated on the morning of my arrival.

After I landed that morning and got the facts I remarked to Mr. Henry Palazzo, the U. S. consular agent at Corinto, that, as I had not yet been received by this Government as a diplomatic representative, I supposed that I could not well at that time make an official report of the affair. I asked him to prepare the report, which he did, and I gave it to Capt. Johnson, of the steamship *City of New York*, with the request that he forward it from his first available place of mailing it.

The consular agent's report is an exact statement of the facts. A day or two later I verbally called the attention of President Sacasa to the incident, and he promptly ordered that it should not be repeated. And it was not.

I will now thank you for instructions in the premises.

I am, etc.,

LEWIS BAKER.

Mr. Baker to Mr. Gresham.

No. 39.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA, AND SALVADOR.
Managua, July 6, 1893. (Received August 11.)

SIR: In response to the Department's dispatch No. 15, just now at hand, I have the honor to report that among the first things which claimed my attention after my arrival in this country were questions growing out of the Government's attempt to collect "a forced tax of \$600,000 for war purposes."

In a few instances, American citizens (by adoption) had suddenly blossomed out as capitalists and as proprietors of valuable properties which, until that time, had been the acknowledged properties of citizens believed to be in sympathy with the revolution.

In these cases the American flag had, without authority, been run up over the property and the payment of the tax was resisted.

In each case I addressed a courteous note to the minister of foreign affairs of this Government, politely requesting that suspension of efforts to forcibly collect the tax be suspended until the real ownership could be legally established. In every instance the Government acted with all due consideration and without haste; and in the end I believe substantial justice was done and satisfaction given to all concerned.

I am, etc.,

LEWIS BAKER.

Mr. Gresham to Mr. Baker.

No. 27.]

DEPARTMENT OF STATE,
Washington, July 14, 1893.

SIR: I have to thank you for the full and interesting statement, presented in your dispatches Nos. 8 and 10, of the respective dates of May 23 and 31, showing the course of the revolution in Nicaragua and the adjustment of the controversy by means of the peace commission which you were happily instrumental in bringing about.

Your course in this relation merits my cordial approval. You appear to have rightly understood the policy of this Government, which is at all times disposed to lend its impartial good offices, or those of its diplomatic agents, to the honorable adjustment of issues of peace or war in neighboring communities, whenever acceptable to both parties; and it would seem that the tender of your mediation was not made without previous knowledge that it would be equally welcomed by the titular Government and the revolutionists. In the commission itself you appear to have acted merely in the neutral capacity of a presiding officer, concerned only in reaching a harmonious result, and regarding the facts of the situation without advocating the claims of either side. It is pleasant to know that your friendly course has deserved the commendations alike of the retiring Executive and of the party which has succeeded to power.

It is earnestly hoped that the Nicaraguan Republic will enjoy stable peace and increased prosperity under the Government thus auspiciously instituted.

I am etc.,

W. Q. GRESHAM.

*Mr. Gresham to Mr. Baker.**

[No. 28.]

DEPARTMENT OF STATE,
Washington, July 14, 1893.

SIR: You will find on the files of your legation the full record of the correspondence exchanged during the past few years, touching the attitude of the Government of the United States toward the arbitration of the long-pending boundary dispute between Costa Rica and Colombia under the convention between those States of December 25, 1880, and the additional convention signed at Paris January 20, 1886.

The arbitration so agreed upon was initiated with the acceptance of the office of arbitrator by the Queen Regent of Spain on behalf of His Majesty Alfonso XIII; but a contention having arisen touching the date from which to compute the twenty months prescribed by the convention for the presentation of the cases of the respective parties to the arbitrator it has been alleged by Colombia that the cases have not been presented within the stipulated term, and that the power of the arbitrator to act in the premises has lapsed. The cases have not in fact been presented, and the Queen Regent's Government has accepted the position of Colombia, although not without expression of its view that the prescribed period was still open, and with expression of cordial readiness to resume the function of arbitrator should the Governments of Costa Rica and Colombia compose their difference in this regard and request continuance of the arbitration.

The Government of Costa Rica has on several occasions solicited the good offices of the United States toward continuing the arbitration and requested this Government to represent to that of Colombia the propriety and advantage of so doing.

The Government of the United States, maintaining the friendly and impartial consideration for both the parties to the dispute which it has consistently shown since the settlement thereof by arbitration was first broached, is as indisposed to support the claim of Costa Rica that the arbitration is still validly open as it is to accept the converse claim of Colombia that it has lapsed. Not being in any sense a party to the arbitration, and moved only by the desire to preserve the rights of its citizens in the territory in dispute and to fulfill the international obligations of existing treaties the Government of the United States has consistently testified its lively interest in the controversy and its earnest desire that a settlement be reached. It is especially led to this course by the fact that the United States are, by the treaty of 1846 with New Granada, now Colombia, guarantors of the rights of sovereignty and property which Colombia has and possesses over the territory of the Isthmus of Panama "from its southernmost extremity until the boundary of Costa Rica," and this Government is therefore interested in knowing the limits of the guarantee it has so assumed, and regards it as a solemn duty of friendship and good neighborhood to do what it can toward the determination of its own rights and duties in respect to a territory the bounds of which are unfixed and in controversy.

Without, therefore, expressing any opinion touching the merits of the dispute now pending between Costa Rica and Colombia concerning the continuing validity of the boundary arbitration under the treaty of December 25, 1880, and without relinquishing the stand it has heretofore taken in regard to the rights of third parties in such arbitration, the Government of the United States, in a spirit of complete disinter-

* Same, *mutatis mutandis*, to the United States Minister to Colombia.

estedness, feels constrained to represent to the two governments of Costa Rica and Colombia its earnest desire and hope that they shall waive the comparatively trivial obstacle to the accomplishment of the larger purpose of amicable arbitration which they have both advocated, and that they shall come to an understanding whereby that high aim shall be realized, either by the continuance of the arbitration under Her Majesty the Queen Regent of Spain, or if Her Majesty be indisposed to resume her functions, then by the alternative method already agreed upon, or by resort to any impartial arbitrator.

The President, in directing you to convey these views to the Government of Costa Rica, especially desires you to impress upon the minister of foreign relations his sincere conviction that the agreement of arbitration entered into by the two nations constitutes an obligation between them which neither is morally free to disregard on grounds of technical formality, and his confidence that they will use their concurrent endeavors to promote its successful issue.

I am, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Baker.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 17, 1893.

Mr. Gresham directs Mr. Baker to report without delay when the control of the executive power of Nicaragua shall pass with general acquiescence to any government, and to maintain an attitude of impartiality during the deeply deplored continuance of civil dissensions in that country.

Mr. Baker to Mr. Gresham.

[Extract.]

No. 47.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA, AND SALVADOR,
Managua, July 17, 1893. (Received August 11.)

SIR: After the peace of Sabana Grande the whole country apparently not only acquiesced but applauded. A President and cabinet were agreed upon by the respective parties and the new administration set about rectifying abuses which had grown up in the Government, addressing themselves in general to the task of creating a better condition of public affairs. But this naturally peace-loving people has again been plunged into another unfortunate internecine struggle.

The President of the Republic, Señor Machado, and his chief cabinet minister, Señor Sanchez, both citizens of the Leon country and sympathizers with that political and local sentiment, had, in company with Gen. Avilez, the general of the army, made a visit to Leon. As they were about to depart from the city an attempt was made to capture and imprison these gentlemen. Machado and Sanchez were quite easily captured, but Gen. Avilez seemed to think his duties demanded him at the capital, so he eluded arrest, and arrived at Managua some three days later.

This rebellion was headed by Col. Anastacio J. Ortiz, who had been placed in command at Leon as military governor on the recommendation of Gen. Zavala. By depriving the Republic of its President and chief minister, as well as its commanding general, they hoped to throw the Government into anarchy. And in this they substantially succeeded.

Business is paralyzed, the farms are again robbed of the labor necessary to make crops, communication with the seacoast by rail is cut off, prices of all commodities have extravagantly increased, and Americans and other foreigners doing business in this country are disappointed and disheartened.

While I shall hold myself in readiness to aid by patient counsel and friendly offices in the establishment of peace again I shall not be forward in offering my services. I shall hope, if the occasion should arise for mediation, to be able to find some guarantee that the terms of any compact entered into another time will be respected.

On yesterday, Sunday, the 16th, the three remaining members of the cabinet, viz, Vigil, Gomez, and Castillo, called a meeting of principal citizens of Managua, Masaya, Granada, Jinotepe, Leon, and Rivas for consultation. The meeting was held at the palace at 12 o'clock. Gen. Vigil presided. He stated the public situation and the object of the meeting. The three members of the cabinet found that divided authority during a crisis lacked the necessary unity and vigor to handle and defend the interests of the country; therefore he desired to gather the sense of the country upon the question of the present cabinet resigning its power and depositing the same in the hands of a single man. Minister Gomez followed in a similar vein, and proposed that the power be placed in the hands of Gen. Joaquin Zavala, an ex-President and distinguished citizen of Nicaragua. The suggestion was received with cheers, and a motion to that effect was unanimously and enthusiastically adopted. Thereupon a decree issued to that effect.

I am, etc.,

LEWIS BAKER.

Mr. Baker to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA, AND SALVADOR,
Managua, July 24, 1893. (Received July 24.)

Revolutionists cannonaded Managua from steamers this morning without warning, killing one woman near legation, wounding several persons.

BAKER.

Mr. Adee to Mr. Baker.

[Telegram.]

DEPARTMENT OF STATE,
- Washington, July 25, 1893.

Mr. Adee instructs Mr. Baker to present, either jointly with the other diplomatic representatives or in a separate note to the titular Government a protest against the waging of hostilities without warning, whereby foreigners are endangered.

Mr. Baker to Mr. Gresham.

No. 57.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA, AND SALVADOR,
Managua, July 27, 1893. (Received September 5.)

SIR: I have the honor of submitting to you the inclosed brief correspondence between Hon. A. H. Rivas, who occupied the position of minister of foreign relations under the Zavala administration, and myself in reference to the removal of the American legation to Granada for safety on a recent occasion.

I am, etc.,

LEWIS BAKER.

[Inclosure 1 in No. 57.—Translation.]

Señor Rivas to Mr. Baker.

NATIONAL PALACE,
Managua, July 24, 1893.

MR. MINISTER: In view of the criminal attempt perpetrated this morning by the small fleet of the rebels, who bombarded this city without the previous notice which the laws of war require for the protection of the life and property of noncombatants, an attempt of which your excellency has been a witness, and might have been a victim, I am instructed by the President of the Republic to urge you earnestly to take your temporary residence in the city of Granada, where the legation will be safe from damages like those to which it was exposed this morning.

The Government, which regards the presence of the legation of the United States amongst us as a high honor to the Republic, would feel the deepest regret if, by the repetition of the outrageous action which is not in its power to avert since at this moment we can only meet the attack from the land, should suffer injury in the person or property of any of its members.

If your excellency determines to accept this invitation you may immediately avail yourself of a special train which will be placed at your disposition.

And in complying with the instructions of the President, I have the honor, etc.,
A. H. RIVAS.

[Inclosure 2 in No. 57.]

Mr. Baker to Señor Rivas.

LEGATION OF THE UNITED STATES,
Managua, July 25, 1893.

SIR: I have the honor to acknowledge the receipt of your courteous and considerate letter of the 24th. In view of the criminal act of yesterday morning in the throwing of deadly shells from cannon into the houses of defenseless and innocent women and children from steamers on the lake, and without previous notice, you suggest to me the propriety, as a precautionary measure, of removing myself and family to Granada, where we will find perfect protection.

I thank you, sir, for your thoughtfulness and courtesy, but it seems to me that my official duty requires my presence, in these times of trouble, at the seat of the American legation located in the capital of this country.

Besides, with the Government of the country in able hands and fully equipped, located in this capital with the people of ten departments of the twelve, I am assured by your honor, giving willing and loyal support to that Government it would not seem to be expecting too much of this Government so organized and supported to protect this city against the uprisings of two or three cuartels in a distant part of the country.

I am, etc.,

LEWIS BAKER.

Mr. Baker to Mr. Gresham.

[Extract.]

[No. 58.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA, AND SALVADOR,
Managua, July 31, 1893. (Received September 5.)

SIR: I have the honor of submitting to you certain correspondence which passed between your minister and the leaders of what is known as the Leon insurrection, in reference to the bombardment of this city at an early hour on the morning of the 24th instant.

The facts in the case are: Two steamboats well armed with cannon in possession of the Leoneses came over from Momotombo, between 5 and 6 o'clock (just before sunrise) on the morning referred to. As soon as they reached the position desired they commenced throwing shells promiscuously into the city, without any notice whatever, so far as I have been able to learn.

Each steamer had aboard one modern Krupp gun of 6½ caliber.

I have the testimony of an officer on board of one of the steamers that 52 shells were fired into the city. The American legation is situated four blocks from the plaza and five from the cuartel, at which these parties claim to have aimed their guns, and on much higher ground, yet the inmates of this legation will testify that 10 shells passed over or very close to the roof of the house, one of them killing a woman and wounding a man who were in a kitchen of a neighboring house still farther back from the lake. Another shell dug into the street within one-half block of the legation, exploding, and rattling our windows.

As the woman who was killed was a servant in the family of a brother of Gen. Zelaya, the commander of the armies and president of the junta, and it was in his house that the ball exploded, I could readily acquit him of having ordered such wild shooting, but I saw no reason, even after the junta's explanation to modify the terms of my protest.

I am, etc.,

LEWIS BAKER.

[Inclosure 1 in No. 58.]

Mr. Baker to Gen. Zelaya and the revolutionary junta.

LEGATION OF THE UNITED STATES,
Managua, July 24, 1893.

GENTLEMEN: The undersigned, a diplomatic representative of the Government of the United States, residing at the capital of Nicaragua, which is the seat of the legation, noticed with pain and humiliation an act of barbarism, at an early hour this morning, committed by officers and men presumably acting under your authority and direction. I refer to the bombardment, with death-dealing missiles, of this city, without previous notice, thus jeopardizing the lives of American citizens, the citizens of other foreign governments, women, children, and other noncombatants.

I need scarcely call your attention to the fact that such proceedings are condemned by civilized nations throughout the world, and in the name of the civilized sentiment of this age, in the name of a common humanity, in the name of the Government which I represent, I enter this my firm and solemn protest.

I am, etc.,

LEWIS BAKER.

The consular corps residing in this city, founded on the same reasons of the minister of the United States, agrees in the whole to the preceding protest.

VICENTE RODRIGUEZ,
Vice Consul of Spain.

H. E. LOW,
Consul of Austria-Hungary.

PABLO GIUSTO,

In his name and that of the Italian Colony.

[Inclosure 2 in No. 58.—Translation.—Telegram.]

Señor Callejas to Señor Gamez.

LEON, July 24, 1893.

The "Junta de Gobierno" deploras sincerely the misfortunes which occurred in Managua, as we learn from the mail ex *Brasil* in consequence of the bombardment, all the more as the greatest damage was done to our friends.

We earnestly desire that the general in chief give as early a notice as possible to the diplomatic corps, in the event of our being compelled to the grievous necessity of continuing the attack.

CALLEJAS.

[Inclosure 3 in No. 58.—Translation.—Telegram.]

Señor Gamez to Señor Callejas.

MATEARE, July 24, 1893.

Please call a continuous session of the junta de Gobierno and cabinet to hear a report on diplomatic matters which I shall lay before them hereafter.

A foreigner has just arrived, under a flag of truce, from Managua.

J. D. GAMEZ.

[Inclosure 4 in No. 58.—Translation.—Telegram.]

Señor Callejas to Señor Gamez.

LEON, July 24, 1893.

We are in permanent session.

CALLEJAS.

[Inclosure 5 in No. 58.—Translation.]

Señor Gamez to the members of the "Junta de Gobierno."

MATEARE, July 24, 1893.

Mr. Gallard, a French citizen, has just arrived, under a flag of truce, and brought a dispatch of the American minister, subscribed also by the consular corps in which they protest against the bombardment of Managua without previous notice, an action which they consider contrary to the laws of war, although they recognize that the said action comes from subordinate officers and not from any preconcerted arrangement of the junta whose former proceedings place it above any unfavorable opinion. Mr. Gallard also admits that inasmuch as but a few shots were fired, the bombardment clearly was not meant as an actual bombardment but a feint, with a strategic end in view. The action, according to official reports from the commander of the squadron, was only meant for a warning that preparation be made for protection against any subsequent similar attack that might be made in earnest. They only took aim at the wall of the main barracks, but the rather heavy motion of the waves deflected the aim, and some shells fell on the houses of persons dear to the chief of the revolution, among others that of his brother, Francisco Zelaya, and of his friend and associate Gen. Juan de Dios Moriera, thus demonstrating that he is not responsible for what occurred in the city.

I believe with the general commander that these facts may be announced and assurance given to the diplomatic corps that in case the revolution be compelled to resort to actual bombardment, previous notice will be given so that the persons placed under the protection of the laws of civilized nations may seek shelter, it being understood, however, that the diplomatic corps will guarantee that the enemy will respect the same laws in the persons of our bearers of flags of truce. The bearer of the answer to the proposal of peace contained in a letter from Dr. Luciano Gómez sent to them several days ago was taken prisoner, and has never been allowed to return, an act against which the junta must now enter its protest.

I am, etc.,

JOSÉ D. GAMEZ.

[Inclosure 6 in No. 58.—Translation.]

Señor GAMEZ:

The "Junta de Gobierno" applauds the terms of your telegram which we have just received, and request that you enter a counter-protest with the American minister and diplomatic corps in our name against the arrest and detention of the message-bearer who took the answer to Dr. Luciano Gómez, concerning terms of peace, a detention which is in complete violation of the laws of war. This junta wishes for the utmost regularity, if it should unfortunately become necessary to continue the hostilities, and expects that the chiefs of the army will conduct their operations in strict compliance with the law of nations. The demonstration against Managua which took place this morning was not in our mind meant to cause damage to a city which we esteem so much, and we sincerely lament its results. The junta also solemnly declares that the action which it deprecates was a mere feint of bombardment, a strategic move directed against the main barracks, and in no way a formal attack of which it has always been our purpose to give due notice. Please tell us when the session may be adjourned.

F. BACA, JR.,
PEDRO BALLADARES.

[Inclosure 7 in No. 58.—Translation.]

Señor Gamez to Mr. Baker.

MATEARE, July 25, 1893.

SIR: Duly authorized by the honorable Junta de Gobierno, residing in Leon, as you will see by the telegram which I inclose and also by the President of the same junta and general commander of the army, Gen. J. S. Zelaya, I answer your esteemed communication, received to-day from the bearer under flag of truce, Mr. Gallard, and dated yesterday in that capital.

The Junta de Gobierno, for which I speak in this instance, has been very much surprised at the harsh and insulting language used by the American minister in his said communication in appealing to the humanitarian sentiments of said junta, a language which the junta attributes to the unpleasant impression created, as you say, by the act of war against the enemy which is fortified in that capital, and not to any premeditated intention of offending in the name of the Government of the United States a friendly nation like that of Nicaragua.

The circumstances to which the minister refers happened in the following manner: Four days ago the enemy occupied this town (Mateare,) and was attacked during seventy hours by the steamers *Angela* and *Progreso* in cooperation with the land forces until completely defeated. Nobody called us barbarians or savages because we made use of the artillery of the steamers and on land against the besieged place. There were numerous families there, who retired prudently when they saw us arriving with warlike purposes.

The enemy vanquished in Mateare, fled and took refuge in the neighboring forts of the capital from which they resist us. As a consequence the steamers have gone in pursuit to harass them, while our land forces cooperate with their artillery in the attack upon them in the same way they did here. However, wishing to avert casualties they remained for several hours in front of the city sounding the alarm with their fifes, and giving unmistakable indication that they were engaged in warfare and even when their first fire was answered from land with four pieces of artillery they confined themselves to firing some twenty shots upon the main barracks, situated near the shore of the lake, and which is the most important bulwark of the enemy.

You complain that the chief of the steamers did not give previous notice of some hours before firing, and say that such is the usage of civilized nations whenever a town is about to be bombarded. The minister has forgotten that it was not a case of bombarding a defenseless city, but of attacking a fortification of the enemy, who defended themselves with equal arms, that the steamers were the victors in pursuit of the vanquished endeavoring to bring about a definitive surrender, and thus were allowed by the laws of war to act as they did. If an inhabitant suffered personally he must blame himself for not seeking a place of refuge, after seeing two enemies confronting each other, who have been fighting for some time past.

But, inasmuch as the American minister is pleased to believe that the revolution of Nicaragua must give him previous notice of its war operations against the enemy in the capital, I will make it a duty of courtesy to gratify him and to give him notice by the presents that so soon as our land forces occupy certain positions the

artillery at its command on land and water will fire without interruption until it achieves victory or suffers defeat.

Having thus given the so-much-desired notice, I hope the minister will impress upon the families the advisability of leaving as soon as possible, if the enemy, for lack of regard for those people, decline to look for a battle in some uninhabited place, as humanity and patriotism demand.

Before concluding I must counter-protest to the minister upon an act contrary to the laws of war committed by the enemy residing in your city. They spoke about peace, they proposed an armistice, and as soon as they succeeded in taking advantage of our good faith, to the extent of our sending a message-bearer under a flag of truce, they took him prisoner and have unduly held him for over eight days.

I am, etc.,

JOSÉ D. GAMEZ.

[Inclosure 8 in No. 58.]

Mr. Baker to Gen. Zelaya and the members of the Junta de Gobierno.

LEGATION OF THE UNITED STATES,
Managua, July 26, 1893.

GENTLEMEN: I have your reply to my communication dated July 23, in regard to the bombardment of this city, without previous notice to noncombatants and at an hour so early in the morning as to awake the people to the startling music of whistling cannon shells.

Your explanation is a reasonable one, and is accepted in full faith. I am sure that no one could imagine that you would direct the indiscriminate throwing of explosive bombs into the houses of friends and foes alike without previous warning. After more than one shell had whistled over the roof of my residence and one had exploded in the house of a neighbor not far removed, dealing death in its explosion to an innocent inniate, I thought it proper to enter my protest in language that could not well be misunderstood. You enter a counter-protest that you sent a messenger with a white flag to the officers in charge of the Government at the capital, and that, in bad faith; they detained him. This is the first intimation I have had of this occurrence. I have no hesitation in condemning, in terms strong and emphatic, any such behavior, and I regret that I was not promptly advised of this act in order that I might have exerted any influence I might possess in the enforcement of good faith and well-approved methods.

I am, etc.,

LEWIS BAKER.

Mr. Baker to Mr. Gresham.

No. 59.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA, AND SALVADOR,
Managua, August 5, 1893. (Received September 5.)

SIR: I have the honor of inclosing a list of the officials of the present Government of Nicaragua, which occupies this capital.

Also a copy of the new articles of peace between the junta and the Zavala government, which retreated from Managua to Granada.

Also copy of a letter addressed to me by the junta, inviting me to interpose in behalf of peace.

Prior to the receipt of this letter a commission from Granada waited upon me with a similar invitation.

Unfortunately, during the past week I have been confined to my bed by an attack of fever, and my doctor did not permit me to even know that I was being called for in the interest of peace in this Republic.

I am, etc.,

LEWIS BAKER,

[Inclosure 1 in No. 59.—Translation.]

*Señor Barrios to Mr. Baker.*NATIONAL PALACE,
Managua, August 1, 1893.

Mr. MINISTER: I have had the honor of receiving two polite dispatches from your excellency, dated yesterday.

In the first one your excellency acknowledges receipt of my communication of the same date, in which I advised you that a treaty of peace had been agreed upon, which treaty put an end to the unfortunate civil war that had afflicted the country, and at the same time the Government organized in Leon the 11th of last month was recognized, and you ask me for a list of the persons which form the present Government and a copy of the said treaty.

In the second communication your excellency sends me copy of the telegram which the honorable Secretary of State of the United States addressed to you that you might protest against hostilities on the part of this Government without previous warning to the foreigners, so that they may save themselves from said hostilities.

I have the pleasure to inclose you herewith the official list and a copy of the treaty of peace.

In regard to the cablegram, I suppose it refers to the occurrence of the shells thrown by our steamers against the barracks and other fortifications of this city and that, unfortunately, went wide of their mark and alarmed the neighborhood. Your excellency already knows that this Government has deplored the occurrence sincerely, and your excellency has received the explanations about the case.

In this connection I beg to inform your excellency that there are grave fears that certain people displeased with the treaty of peace in Granada may offer to hinder the carrying into effect of the treaty, thus making it necessary for our army to take effective action. We would very much deplore this, since the purpose of the Government organized in Leon, and now recognized by almost all the country, is not to annihilate its enemies, but to restore peace and to guarantee to all the Nicaraguans the exercise of their rights. In prevision of the anticipated trouble a dispatch will be sent to-day to the honorable consul of Her Britannic Majesty at Granada, so that he may continue the commendable efforts which he has been exercising in the interest of peace, and if his efforts should not meet with success in avoiding a new battle, that he be pleased to notify his countrymen and other foreigners residing in that city of the definite purpose, although regretted by us, of making use of all the means of destruction which we dispose of, including the bombardment of that city, in order that the stipulations of the treaty of peace may be respected and carried into effect.

If, on the part of your excellency, who has already shown so much interest in favor of Nicaragua, and for which we owe him a debt of profound gratitude, should like to contribute with your powerful influence to avoid further bloodshed and destruction of property, I hasten to tell you that my Government would feel very much pleased, and I immediately place at your excellency's service the train which runs between this city and Granada at the hour you may need it.

I repeat to your excellency the assurance of my high consideration.

MODESTO BARRIOS.

[Inclosure 2 in No. 59.—Translation.]

TREATY OF PEACE.

In the city of Managua, at eleven o'clock a. m., on the thirtieth of July, eighteen hundred and ninety-three, Messrs. Jose D. Rodriguez and Augustin Passo, commissioners of the government existing in the city of Granada, and presided over by General Joaquin Zavala, and the members of the Junta de Gobierno, established in Leon and residing in Managua, Generals J. S. Zelaya and Anastacio J. Ortiz, Mr. Petro Balladares, and Mr. Francisco Baca, jr., having met the former, declared that they had come with full power to propose certain modifications and explanations which their constituent makes to the treaty of peace agreed upon by the Junta de Gobierno and the commissioners, Messrs. Santiago Morales, Isidoro Lopez, and Gabriel Lacayo, yesterday, and having presented their credentials, which were found correct, the proposed modifications and explanations were discussed and the following agreement reached:

Pact.

1st. There will be peace and amity between the belligerent parties, reciprocal forgetfulness of their dissensions, and ample and unconditional guaranties for all.

2nd. From this moment a constituent assembly, to meet in this city the 15th of September, is called. This assembly, besides framing a new political constitution and a new electoral law, will pass upon any point it may see fit touching the provisional situation in which the Republic stands. The departments of Chinandega, Leon, Managua, Granada, and Rivas will elect four representatives each to the said assembly, the others two each, and the electoral districts one each.

3. The principle of direct and secret suffrage is recognized. The election of the representatives to the constituent assembly, in accordance with this principle, will be the object of a special disposition which the Junta de Gobierno will issue within fifteen days after the final acceptance of this pact.

4. The troops of both belligerents will be disbanded by degrees and with prudence in their respective barracks in conformity with directions of the Junta de Gobierno. In the meanwhile neither side shall move from the positions respectively held at present, and the term fixed for the execution of this article shall not exceed eight days.

5. The debts of both belligerents will be recognized and paid in the same manner as they may have been contracted. The military ranks accorded by either side will also be recognized.

6. Eight days after the final approval of this pact the tribunals of justice will be reopened.

7. The present pact will be ratified and the ratification exchanged at Masaya tomorrow at 8 o'clock in the morning at the latest.

In faith of which we have signed in duplicate of the same tenor in Managua in the said day and hour: J. D. Rodriguez, Ag. Pasos, J. S. Zelaya, F. Baca, jr., Pedro Balladares, Anastacio J. Ortiz.

The Government having examined the preceding pact and found it in accordance with the instructions given to the commissioners who concluded the same in its name resolves to approve it, Zavala, the minister of Gobernacion; Solorzano, in the city of Masaya, at 1 p. m., of the thirty first of July, of eighteen hundred and ninety-three; Dr. D. Modesto Barrios, minister of Government of the Junta de Gobierno, existing in Managua, and special commissioner for the exchange of the ratifications of this agreement, and Dr. Alfonso Solorzano, special commissioner of the Government residing in Granada, appointed to that end, after having shown to each other their credentials and found the same correct, proceeded to the exchange of the above-mentioned agreement of peace, concluded in the city of Managua at 11 o'clock in the morning, yesterday, and sign.

MODESTO BARRIOS,
ALFONSO SOLORZANO.

[Inclosure 3 in No. 59.]

List of members of the Government.

Members of the Junta de Gobierno.—Gen. J. Santos Zelaya, Gen. Anastacio J. Ortiz, Francisco Baca, jr., lawyer, Señor Pedro Balladares.

Members of the cabinet.—Dr. Modesto Barrios, minister of foreign relations and of Gobernacion and annexes, Señor José D. Gamez, minister of Fomento, Señor Santiago Callejas, minister of war, Señor Leonardo Lacayo, minister of finance.

Mr. Gresham to Mr. Baker.

No. 45.]

DEPARTMENT OF STATE,
Washington, August 15, 1893.

SIR: I have to acknowledge the receipt of your No. 39 of the 6th ultimo, concerning the attempt of the Government of Nicaragua to collect forced taxes. Adding that the Department approves your caution in this class of property questions,

I am, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Baker.

No. 47.]

DEPARTMENT OF STATE,
Washington, August 15, 1893.

SIR: I have received your Nos. 44 and 47, of the 14th and 17th ultimo, respectively. They relate to the political disturbances in Nicaragua in consequence of the imprisonment of President Machado and the minister for foreign affairs at Leon, and report the circumstances under which General Zavala was proclaimed Dictator.

In reply I desire to state that the shifting course of present events in Nicaragua precludes any positive instructions looking to the recognition of any one party as the dominant Government of the Republic. The long established rule of the United States is to maintain relations with the power having control of the public machinery of government with the assent of the people, and administering the functions of the state.

Your present dispatches and the later telegraphic reports published in the press do not indicate such a stable retention of public power as to warrant formal action by the United States in recognition of a government in Nicaragua as being titular and effective. In such case the minister should remain in intercourse with the authorities in control of the seat of Government, looking to them for the protection of the interests of American citizens.

To avert embarrassments in dealing with evenly-balanced factions, alternating in power or succeeding thereto in the changes of civil contest, the minister's tact should be exercised to confine his relations with the ascendant authority to questions affecting the public interests of the United States and the security of American life and property in Nicaragua, thus giving to his intercourse a provisional and *de facto* character, without sympathetic leaning to either side, and without prejudice to the fullest liberty on the part of the United States to declare formal recognition of the government which shall eventually establish itself on a firm basis and effectively administer the affairs of the state and insure orderly respect for its acts by the people of the nation.

I am, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Baker.

No. 49.]

DEPARTMENT OF STATE,
Washington, August 15, 1893.

SIR: I have received your No. 42 of the 12th ultimo, concerning the report of another revolutionary outbreak at Leon, Nicaragua, and your declination to give asylum to a sympathizer of the revolutionists, one Jesus Hernandez, to whom you announced that the chief aim of your mission in Nicaragua was to look after the interests of American citizens, and next to courteously decline mixing up with the political affairs of any other people.

The Department cordially approves that sentiment. The views of this Government averse to so-called diplomatic asylum in derogation of the regular and supreme powers of a state are too well known to need repetition, especially as you appear to fully understand your duty in the premises.

I am, etc.,

W. Q. GRESHAM,

Mr. Gresham to Mr. Baker.

No. 53.]

DEPARTMENT OF STATE,
Washington, August 18, 1893.

SIR: I have received your dispatch No. 38, of the 6th ultimo, in reply to my instruction to you, No. 12 of the 13th of June last, in relation to the reported action of the military authorities at Corinto in training a loaded Krupp gun upon the Pacific Mail steamships *San José* and *City of New York* on the 10th and 11th of May last.

The consular agent at Corinto made no report of the incident directly to this Department, and the only statement under his signature which has come to my knowledge is his letter of May 11 to Capt. F. H. Johnston, of which a copy accompanied my instruction, No. 12, and which appears to be the report to which you refer.

No actual injury seems to have been inflicted upon the steamers, but the readiness with which the military authorities prepared to fire upon and injure or destroy a passenger steamer sailing under a friendly flag and filled with noncombatants, can hardly fail to cause disquietude for the future, especially in seasons of abrupt political vicissitudes like that through which Nicaragua is passing. It is noteworthy that the *City of New York* was thus recklessly and wantonly menaced after the commanding authority at Corinto had been officially advised by the consular agent that you, the newly-appointed envoy of the United States, were a passenger on board.

It may be well for you to intimate to the secretary of foreign relations that demonstrations of this character are contrary to the precepts of international law and humanity, and to express the confident hope that they will not be permitted to recur in a Nicaraguan port.

I am, etc.,

W. Q. GRESHAM.

Mr. Baker to Mr. Gresham.

No. 83.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA, AND SALVADOR,
Managua, September 1, 1893. (Received September 23.)

SIR: In obedience to instructions contained in your official dispatch No. 28, dated July 14, in reference to the boundary dispute between Costa Rica and Colombia, I have, after examining the files upon the subject in my office, opened correspondence with the Government of Costa Rica. I have given faithful expression to the views embodied in your dispatch.

I am, etc.,

LEWIS BAKER.

Mr. Adee to Mr. Baker.

No. 58.]

DEPARTMENT OF STATE,
Washington, September 7, 1893.

SIR: I have received your No. 57, of 27th July last, and the copy of a note, which you inclose, from Señor Rivas, dated on the 24th of that month, wherein he refers to the bombardment on that day of the city

of Managua by the fleet of the insurgents without the previous notice required in civilized warfare, and urges you, in order to secure the safety of the legation, to remove the same temporarily to Granada, offering you a special train therefor.

The terms of your reply to this courteous offer are commended. The first test of an organized government being its ability to maintain public order at the seat of its capital, your intimation that your post of duty is at Managua was timely and proper.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Baker to Mr. Gresham.

No. 87.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA, AND SALVADOR,
Managua, September 8, 1893. (Received October 4.)

Sir: I have received your dispatch No. 53, relating to the Krupp gun incident at Corinto. It is, perhaps, proper for me to say that, within two days after my arrival in this capital on the 12th of May and the presentation of my credentials to this Government, I had a personal conference with President Sacasa upon the subject under discussion, in which I stated with much emphasis how the United States Government must necessarily view such a proceeding. I received from him the positive assurance that there should be no repetition of the offense.

I have now to report that I have addressed to the present Government a communication, in which I have related the story in full, and I have pointed out the fact that demonstrations of this character are contrary to the precepts of international law and humanity, and are liable to lead to extremely unpleasant results. I inclose the minister's reply.

I am, etc.,

LEWIS BAKER.

[Inclosure 1 in No. 87.]

Mr. Baker to Señor Madrid

LEGATION OF THE UNITED STATES,
Managua, September 8, 1893.

SIR: Under date of August 18, I am instructed by his honor the Secretary of State of the United States to call your attention to certain occurrences at the port of Corinto on the 10th and 11th of last May, during the incumbency of a preceding administration of the Government of Nicaragua.

On the morning of the 10th of May, as the Pacific mail steamship *San José* sailed into the harbor at Corinto on her regular trip from Panama to Mexican ports, the military authorities at the town of Corinto trained a loaded Krupp gun upon her. It appears that the gun carried a 50-pound shell, and was pointed at the steamer and pivoted on her from the time of rounding Icaos Point until after she anchored. An officer held the firing lanyard in his hand, and the slightest accident would have caused the gun's discharge and the possible sinking of the ship, especially as the range was quite close.

On the 11th day of May the newly appointed envoy extraordinary and minister plenipotentiary from the United States arrived at Corinto on the steamship *City of New York* on his way to this capital to present his credentials to the President of the Republic. This ship had come directly from Panama, not having stopped at any

intermediate port, and this fact had been officially communicated to the governor of the place, coupled with the information that the new American minister was on board. Yet the gun was trained upon the *City of New York* in the same manner as it had been on the previous day upon the *San José*.

I am instructed by my Government to say to you that, although no actual injury was inflicted upon the steamers, yet the readiness with which the military authorities prepared to fire upon and injure or destroy a passenger steamer sailing under a friendly flag and filled with non-combatants can hardly fail to cause disquietude for the future, especially in seasons of abrupt political vicissitudes like that through which Nicaragua is passing at this time.

I most respectfully submit to your honor that demonstrations of this character are contrary to the precepts of international law and humanity, and I may be permitted to express the confident hope that they will not be permitted to recur in a Nicaraguan port.

With sentiments, etc.,

LEWIS BAKER.

[Inclosure 2 in No. 87.—Translation.]

Senor Madriz to Mr. Baker.

NATIONAL PALACE,
Managua, September 10, 1893.

MR. MINISTER: I refer to your excellency's polite dispatch, addressed to this office the day before yesterday, in which you state that the Secretary of State of the United States sent instructions to your excellency, with date of August 18, to call the attention of this Government to some facts which occurred in the port of Corinto on the 10th and 11th of May of this year, during the civil war in Nicaragua at that time. Said facts show that the military authorities of the port placed a piece of artillery pointing to the steamers of the Pacific Mail, notwithstanding that your excellency came on board of one of them as envoy extraordinary and minister plenipotentiary of the United States and having advised the governor of the city about it.

In reply, it is extremely satisfactory to me to tell your excellency that such occurrences are not nor have ever been a general rule in Nicaragua, in whose ports all the ships sailing under the flag of a friendly nation have always been received with entire trust and with demonstrations of hospitality. Perhaps the Government which at that time existed had fears that an expedition against Corinto might be equipped in the port of San Juan del Sur, occupied by the revolutionists, and this undoubtedly caused its military authorities to adopt extra precautions for their security.

As circumstances are now different, and the Republic is in perfect peace, I can assure your excellency that the fact you protest against has not been repeated during this administration, and there is certainty that it will not occur, since the orders issued about this matter will be punctually complied with by the inferior authorities.

With sentiments of high esteem and distinguished consideration,
I have, etc.,

JOSÉ MADRIZ.

Mr. Baker to Mr. Gresham.

[Extract.]

No. 91.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA, AND SALVADOR,
Managua, September 19, 1893. (Received October 4.)

SIR: I have pleasure in being able to report that all is quiet in Nicaragua. Peace reigns. On the 15th was celebrated the anniversary of the independence of this nation with the usual ceremony.

On the same day the new constituent Assembly of the nation, composed of 36 members, met and organized. Into the hands of this Assembly the junta which has governed this country, with Gen. Zelaya as president of the body, since the latter part of July, resigned its pow-

ers and authority. The Assembly accepted the resignations, and afterwards elected Gen. José Santos Zelaya as President of the Republic. This election is for a term the length of which shall be fixed in the constitution which the Assembly has been chosen to frame. Every member of the constituent Assembly is a member of the Liberal party.

The Assembly is likely to complete its work within a period of two months. By that time the coffee crop, which is an exceptionally fine one this year, will be ripening; and the care of this large interest will engage the attention of many of those who might be restless if idle.

I am, etc.,

LEWIS BAKER.

Mr. Adee to Mr. Baker.

No. 69.]

DEPARTMENT OF STATE,
Washington, September 25, 1893.

SIR: I have to acknowledge receipt of your No. 83 of 1st instant, stating that you had addressed the Government of Costa Rica on the subject of the boundary dispute between that Government and Colombia. It is of course desirable that a copy of your note to the foreign secretary should be inclosed to this Department with the copy of his reply so as to complete our documentary record of the incident.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Baker to Mr. Gresham.

No. 127.]

LEGATION OF THE UNITED STATES,
COSTA RICA, NICARAGUA, AND SALVAADOR,
Managua, October 30, 1893. (Received November 23.)

SIR: In reply to your communication No. 69, of September 25, I beg to say that I have not received as yet any answer to my note of September 1 to the minister for foreign relations of Costa Rica in regard to the boundary question between Costa Rica and Colombia.

I have called his attention to the fact, and will comply with your request to send you a copy of my note with his reply thereto.

I beg to remain, etc.,

LEWIS BAKER.

Mr. Gresham to Mr. Baker.

No. 88.]

DEPARTMENT OF STATE,
Washington, November 3, 1893.

SIR: I transmit, with reference to the boundary question between Costa Rica and Colombia, a copy of a dispatch* from our minister at Bogota, and of the communication of September 6, 1893, addressed by the minister of state of Colombia to the Costa Rican Government, to which Mr. McKinney refers.

I am, etc.

W. Q. GRESHAM.

*For this inclosure see dispatch No. 19, dated September 29, 1893, from the United States minister to Colombia.

CHILE.

Mr. Egan to Mr. Gresham.

No. 393.]

LEGATION OF THE UNITED STATES,
Santiago, April 10, 1893. (Received May 19.)

SIR: I beg leave to refer to dispatches Nos. 356 and 357, dated 16th and 17th December last, from Mr. F. E. McCreery, chargé d'affaires *ad interim*, in which he informed the Department of an unsuccessful attempt at an uprising on December 11, and of the suspension for a period of nine months of the law of individual guaranty. Since that time there have been constant rumors of conspiracies and preparations on the part of the Balmacedistas or as they call themselves the Democracia, with the object of overturning the present Government, and the preparations culminated on 8th instant in a serious attempt at revolution, directed by Ex-Col. Fuentes and Señor Blanlot-Holley. The plan was to capture several of the barracks, including the barracks of the artillery, in which there is stored some 14,000 or 15,000 rifles with corresponding ammunition and other arms, as also the *comandancia de armas* or headquarters, then to move upon and capture the *moneda* and make prisoners of the President of the Republic, the ministers and other officials, after which operations would be extended to other cities and throughout the country. This plan was to be carried into operation by various groups of Balmacedistas, under regular captains, scattering themselves around the places to be assaulted and insinuating themselves into the public offices all ready to act in accord on receiving a preconcerted signal. The Government, which had information of the proposed attempt, was prepared, and when the several groups made their appearance captured a large number and dispersed the rest without bloodshed, with the exception of one policeman killed and one or two wounded.

Four of the provinces, Santiago, Valparaiso, Aconcagua, and O'Higgins, were immediately declared in state of siege for thirty days, and a large number of arrests made throughout the city and also in Valparaiso.

On the night of the 8th instant a gentleman called at the legation to say that as it was known that the leaders, Messrs. Fuentes and Holley, against whom the public prosecutor had already demanded the sentence of death for their participation in the attempted uprising of the 11th December, would not submit to arrest without making resistance, positive instructions had been given the police to shoot them, and under the circumstances and in the name of humanity, he asked that I might afford them asylum in the legation. I considered that, in the circumstances stated, it was my duty to comply with the request and I received the two gentlemen in the legation where they now are.

In the absence of a regular ministry I went, accompanied by the secretary of the legation, to wait upon the President of the Republic yesterday morning, informed him of the facts of the case and solicited

safe conducts to enable the refugees to go across the frontier. His excellency expressed himself pleased at, and he thanked me for my action in the matter, saying that if Messrs. Fuentes and Blanlot Holley had been captured they would, as a necessary consequence of what had taken place, have been severely dealt with, and that for his part, being anxious for the restoration of the public tranquillity, he would be glad to see them safely out of the country. Subsequently I had an interview with Señor Errazuriz, who I learned had consented together with the other ministers, to discharge the duties of the cabinet. That gentleman expressed the same views as those of the president, but before giving a final answer, requested time to consult his colleagues. At a later interview he stated that the request for safe conducts had been received in the most friendly spirit, but that some members of the cabinet desired, before taking final action, that the entire matter should be submitted to my own Government for its instructions in the premises. This I did by telegram on yesterday.

The minister explained to me that the idea which dictated the request for the submission of the question to the U. S. Government is that Messrs. Fuentes and Holley, being under accusation for participation in the attempted uprising of December 11, may be considered as not entitled to asylum in the legation. It must be remembered in reference to this point that no sentence has been pronounced against these gentlemen and that asylum was conceded by me solely on the ground of the imminent danger in which I had reason to believe their lives to be, owing to the violent passions aroused by the events of Saturday last, the 8th instant.

No difficulty can, I believe, arise from the arrangement of this question, as the matter is being treated in the most friendly spirit, and the President and a majority of the cabinet are very desirous to facilitate the exit of these gentlemen from the country.

I have, etc.,

PATRICK EGAN.

Mr. Gresham to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 11, 1893.

Mr. Gresham observes that Mr. Egan's telegram of the 9th, in which it is stated that the Chilean Government regards as strictly correct his action in giving asylum, under the belief that their lives were in imminent danger, to Fuentes and Holley, against whom the penalty of death was demanded by the public prosecutor for participation in the attempted uprising which took place in December last, is somewhat vague. He says that the Chilean legation, in a note which was received a few hours after the receipt of Mr. Egan's telegram, denies that the two conspirators are entitled to asylum; asserts that their only purpose in the said attempted uprising was murder and robbery; that violation of the municipal laws of Chile was the ground upon which they were indicted and regularly tried in December last, and demands that they be surrendered. Mr. Gresham asks whether surrender is demanded for trial under the old indictment or for the participation of the refugees in the late attempt at overthrow of the Government, or for both, and directs that a full report be forwarded.

Mr. Egan to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, April 12, 1893. (Received April 13.)

Mr. Egan, in reply to Mr. Gresham's telegram, says that while, on account of the refugees' participation in the occurrences of the 8th of January and 11th of December preceding, by which an overthrow of the Government was attempted, and solely on that account, there was objection to giving them a safe conduct; their surrender has not been demanded of the legation. He states that the indictment of the refugees is for their participation in the December uprising and gives the substance of the report of Señor Padilla, the public prosecutor or *Fiscal*, dated February 7. The offense charged against them is described in article 4 of said report as sedition or mutiny, presented as the material crime in the case, irrespective of the object, which is shown by the evidence to make a counter revolution by taking possession of the capital and thus constitute a new government and control the republic. Article 7 of the same report recommends that the accused, Fuentes, Blanlot-Holley, and others, be sentenced to death. This report, however, is only to be taken as the opinion of the *Fiscal* expressed in an advisory capacity before the case comes before the court. There has been, so far, neither any trial inaugurated before, or sentence passed by any court. He adds that large rewards had been offered for the apprehension of the refugees, and that if asylum had been refused, almost certain death would have been the consequence under the prevailing excitement, the police being, according to positive information, under orders to shoot if the refugees made the slightest offer to resist arrest. He states that the President, upon whom he waited, with the secretary of legation, on Sunday morning, expressed his satisfaction at the refugees having avoided capture, and that the minister of foreign affairs admitted that the circumstances allowed of no other course than that taken by the legation; that both manifested an earnest desire that the refugees would shortly leave the country; that it was only after a cabinet meeting, which took place subsequently, that he received from the minister of foreign affairs a request that the whole question be submitted to the Government of the United States, the most friendly spirit marking the entire negotiation. He adds that the Government of Chile has promised every security against threats that have been publicly made to burn and attack the legation in order to reach the refugees, the information to that effect being given him by the Government itself.

Mr. Gresham to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 15, 1893.

Mr. Gresham declares that Mr. Egan is not authorized to protect Chileans against police officers whose duty it is to arrest them for violation of the laws of their country, which his telegrams, as read at the Department, show that he is doing. He instructs him to cease shelter-

ing them if the Chilean Government demands the refugees on a criminal charge, and if such charge was pending against them before they engaged in the disturbance of the 8th, or in insurrection.

Mr. Egan to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, April 16, 1893.

Mr. Egan requests further instructions in connection with Mr. Gresham's telegram of April 15, some points of which he says are not understood by him. He says that sedition, including riot, mutiny, or insurrection in connection with the attempt made on December 11, to overthrow the Government was the charge brought against the refugees previous to their engaging in the insurrection of the 8th, and that there is no charge against them as common criminals. He asks whether he is to withdraw protection if that charge is made the basis of a demand for their surrender, and whether he should not ask, in that event, for guarantees that their lives will be safe and that violence will not be done to them, and put it as a condition that no trial shall take place for their share in the attempted insurrection of the 8th. He proceeds to explain that the excitement and passion were intense when the Chileans, now in the legation, sought refuge on the night of the 8th, when the attempted insurrection occurred, and that from the information he had, and his personal belief, he gave them protection, not against arrest on previous charge which was not then in question, but against almost certain death. He adds that since their entering the legation, of which the police had no knowledge until the Government was informed by himself, their surrender has not been demanded in any form whatever and expresses regret at not making his previous telegrams sufficiently clear.

Mr. Egan to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, April 17, 1893.

Mr. Egan transmits the substance of a petition received of the refugees by him on this day in which they pray that he ask for authority to continue protection until an impartial trial may be had after a subsidence of public feeling. They represent that the military court which was given cognizance of the disturbance that occurred on December 11 last, declared itself incompetent on the ground that the accused parties were civilians and not military men; that the removal of the members of the court has been demanded on that account by a leading newspaper owned by the minister of foreign affairs, and that application has been made to the court of appeals by the public prosecutor for an order compelling the military court to proceed with the cases. This being the actual status, protection is solicited by them until particulars which are sent by next mail may have reached the Government of the United States. In the event of their request being rejected, they ask that they

be restored to the position they were in before coming to the legation, by a withdrawal of the police force from the legation's surroundings and being freed from surveillance for some four hours or any reasonable length of time. This latter request they base on the claim that precedents established by the U. S. Government afforded the ground upon which asylum was sought by and accorded to them.

He asks consideration of the above points which he has believed it his duty to submit to the Department.

Mr. Gresham to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 18, 1893.

Mr. Gresham acknowledges the receipt of Mr. Egan's telegrams of the 16th and 17th. He informs him that the Chilean chargé d'affaires at Washington has requested the surrender of refugees, who will be tried by a civil court and given assurance that they will, on leaving the legation, be protected against violence. He instructs him to require them to leave the legation accordingly, but to give timely notice to the Chilean Government that protection is expected to be afforded as promised before withdrawing the shelter theretofore accorded.

Mr. Egan to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, April 19, 1893.

Mr. Egan reports that within an hour after the receipt, at 4 o'clock p. m. on April 18, of Mr. Gresham's telegram he communicated its substance to the Chilean Government and requested that the refugees be protected when they should leave the legation, as he was instructed to do; that one of the refugees, Fuentes, who attempted to leave the legation, together with some visitors, at about 8 o'clock in the evening, during Mr. Egan's absence, was arrested at once on the street and lodged in jail by the police, and that the other, Blanlot-Holley, who is supposed to have left at about the same time, made his escape good through a force of 300 detectives and police, at least, who were then surrounding the block in which the legation is situated.

Mr. Egan to Mr. Gresham.

[Extract.]

No. 395.]

LEGATION OF THE UNITED STATES,
Santiago, April 19, 1893. (Received June 1.)

SIR: On yesterday at 3:40 o'clock I had the honor to receive your telegram of same date, instructing me that the surrender of the refugees had been asked by the Chilean chargé d'affaires in Washington for

trial by civil court, with assurance that they would be protected against violence when leaving legation, therefore that I should shelter them no longer, but before requiring them to leave the legation that I should give timely notice to the Chilean Government that it was expected to afford the promised protection.

In accordance with this instruction I intimated to the refugees, at about 4:40 yesterday, that I would be obliged to discontinue the asylum, and that I should at once notify the Chilean Government that it would be expected to afford the protection promised upon their going out. They begged of me not to notify the Chilean Government until 12 or 1 o'clock to-day, in order that they might have time to see their families and obtain some necessary clothing, which request I refused, feeling that it was my duty to act without delay.

I immediately proceeded to the department of foreign relations, where I arrived at 5 o'clock, and informed the chief of the diplomatic bureau, who was the principal officer there at the moment, of the substance of my instructions, which he undertook to communicate to the minister of foreign relations.

I had occasion to be absent from the legation for a short time from some minutes before 7 until half past 8 o'clock in the evening, and upon my return I learned that two ladies, presumably relatives of the refugees, had called at the legation at about 7:30 o'clock and that Mr. Fuentes had just been captured in the street in an attempt to walk out of the legation in company with one of these ladies, his only disguise being a false beard. The second lady and a gentleman who accompanied her were not detained by the police.

I found the intendente or governor of the province and the subsecretary of foreign relations awaiting me in the legation, having already prepared a formal document, which they requested me to sign with them, setting forth that I had received orders from my Government to deliver to the Government of Chile the refugees in this legation, stating the fact of the capture of Mr. Fuentes, and witnessing the delivery, which I was expected to make, of Mr. Blanlot-Holley.

I informed them that I had no authority or right to enter into such agreement, that I was only instructed to discontinue sheltering the refugees and to ask for protection for them on going out from the legation, as I have done.

The intendente then informed me that he was there to receive Mr. Blanlot-Holley, and the subsecretary stated that the Chilean chargé d'affaires in Washington had informed his Government that I had been three times instructed to deliver the refugees. I declined to discuss the matter on the basis of delivering or receiving, whereupon the intendente said he was there to offer protection. I then proceeded to the room occupied by Mr. Blanlot-Holley, in order to require him to leave, but found that he had already gone out from the legation and that he had escaped capture, although the block in which the legation is situated was surrounded at the time by a large number of police and detectives, estimated at about 300 men.

have, etc.,

PATRICK EGAN.

Mr. Porter to Mr. Gresham.

No. 30.]

LEGATION OF THE UNITED STATES,
Santiago, September 12, 1893. (Received October 12.)

SIR: Accompanied by Consul Dobbs, I recently made a visit to the foreigners' cemetery at Valparaiso for the purpose of inspecting the monument erected over the graves of the officers and seamen of the U. S. frigate *Essex*, Captain, afterward Commodore, David Porter, commanding, in the engagement with the British frigate *Phæbe* and brig *Cherub*. The monument is plain and substantial, of Italian marble, and bears the following inscription:

In memory of the officers and seamen slain on board the U. S. frigate *Essex* in this harbor, in an engagement with H. B. M's. frigate *Phæbe* and brig *Cherub*, February 28, 1814.

Lt. JAMES P. WILMER.
Lt. JOHN G. COWELL.
RHEUL. MARSHALL, GUNNER.
FRANCIS BLAND, Q. Master.
HENRY KENNEDY, Bos'n's Mate.
WILLIAM SMITH.

Seamen.

Daniel F. Cassimere.
Wm. Christopher.
John Clinton,
Thos. Davis.
George Douglass.
Lewis F. Earle.
Joseph Ferrell.
Thomas Ferry.
Peter Allen.
John Alvison.
James Anderson.
Thos. Bailey.
George Beden.
Thomas Brannock.
Thomas Brown.
Henry Buff.
Robert Brown.
James Folger.
Francis Green.
Frederic Hall.
George Hallett.
Benj'n Hazen.
George Hill.
Mark Hill.

Seamen.

John Lings.
Zachary Mayfield.
Sam'l Miller.
Thomas Nordyke.
Chas. E. Norgran.
John Powell.
John Ripley.
Thos. Russell.
James Sellers.
John Jackson.
Wm. Jennings.
Thos. Johnson.
Wm. Johnson.
Peter Johnson.
John C. Killian.
William Lee.
Phillip Thomas.
Cornelius Thompson.
Henry Vickers.
Wm. White.
Wm. Williams.
Wm. Wyne.
John Adams.

Erected in 1881 by the Rev. Dr. Trumbull and Gen. L. N. Foote, U. S. consul, aided by Dr. H. E. Ames, assistant surgeon, and other officers of the U. S. ships, *Richmond*, *Adams*, *Omaha*, and *Pensacola*.

I respectfully suggest that this dispatch be given to the Associated Press for publication, that the descendants of these gallant men may learn that if the Government their progenitors served so well has been tardy in their proper recognition that officers and seamen of the service they honored, assisted by patriotic countrymen domiciled at the spot where they fell, have discharged the obligation by the erection of this monument, and that their countrywomen care for it and maintain it in perfect condition.

It would be a graceful act for the Congress to provide for the erection of a monument commemorative of the services and death of these brave men either at the Naval Academy or in one of the squares at Washington.

Yours, etc.,

JAS. D. PORTER.

Mr. Adee to Mr. Porter.

No. 33.]

DEPARTMENT OF STATE,
Washington, October 18, 1893.

SIR: Referring to your No. 30, of the 12th ultimo, in relation to the monument erected at Valparaiso to the memory of the officers and seamen of the U. S. frigate *Essex*, I have to inform you that the Secretary of the Navy has recommended to the favorable consideration of the naval committees of the Senate and House of Representatives your suggestion that a monument commemorative of their services be erected at the Naval Academy or in one of the squares at Washington.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

CHINA.

Mr. Denby to Mr. Foster.

No. 1609.]

LEGATION OF THE UNITED STATES,
Peking, December 1, 1892. (Received January 14, 1893.)

SIR: In my dispatch No. 1385, of September 10, 1891, I referred to my correspondence with the foreign office relating to the Yangtze regulations. I therein urged that these regulations should be rescinded, as by their terms they were to endure only until tranquillity was restored, which had long since happened. The inspector-general of maritime customs took the same view, and the foreign office intimated that it would rescind or modify the said regulations.

Nothing, however, was done touching this subject. The 19th day of November last I again addressed the Yamèn on the subject. I inclose herewith a copy of my communication, together with a copy of the reply thereto.

The Yamèn sets out at great length a report on this subject from the northern and southern superintendents of trade, wherein they make a forcible argument against the doing away with the existing regulations respecting bonds. The Yamèn concludes that as long as foreign merchants charter native junks in trade on the Yangtze they must give bonds. If foreign merchants should cease to employ native junks then the system may be abolished.

There has been a great deal of illicit traffic in munitions of war on the Yangtze during the past year. Under the bond system such importations can in a measure be checked and bad characters can be found out and bona fide merchants protected.

I shall, for the present, let the question rest where it is.

I have, etc.,

CHARLES DENBY.

[Inclosure 1 in No. 1609.]

Mr. Denby to the Tsung-li-Yamèn.

INFORMAL.]

LEGATION OF THE UNITED STATES,
Peking, November 19, 1892.

YOUR HIGHNESS AND YOUR EXCELLENCIES: On the 1st day of September, 1891, I had the honor to receive from your highness and your excellencies a communication relating to the case of Messrs. Burnett & Co., American merchants residing at Hankow, which involved the construction of the Yangtze regulations. This communication embodied the report of the inspector-general of imperial maritime customs on the case stated, and in that report the following language was used: "With reference to doing away with the present regulations respecting bonds, as tranquillity has been restored on the Yangtze, this would seem proper, but until instructions are issued by the Yamèn on this question the present regulations should be adhered to." And, in the conclusion of the communication of your highness and your excellencies the following language was used: "As to modifying the present regulations regarding bonds, when the Yamèn has adopted a satisfactory *modus operandi* the prince

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and ministers will then inform the minister of the United States. Pending this, however, the present regulations are to remain in force."

As more than one year has elapsed since the above communication was received, and as no steps have been taken to do away with the existing regulations, which have long since become unnecessary, and stand only as an annoyance to shippers, I have to request that the matter be taken up by your highness and your excellencies and that the regulations be rescinded.

I have, etc.,

CHARLES DENBY.

[Inclosure 2 in No. 1009.—Translation.]

The Tsung-li-Yamén to Mr. Denby.

NOVEMBER 26, 1892.

The prince and ministers had the honor, on the 19th instant, to receive a note from the minister of the United States relating to the case of Messrs. Burnett & Co., which involved the construction of the Yangtze regulations, etc. The minister cited the Yamén's remarks "as to modifying the present regulations regarding bonds when the Yamén had adopted a satisfactory modus operandi the prince and ministers would then inform the minister of the United States. Pending this, however, the present regulations are to remain in force."

As more than one year had elapsed and no steps had been taken to do away with the existing regulations, the minister of the United States requested that the matter be taken up and the regulations be rescinded, etc.

With regard to the case of Messrs. Burnett & Co., it had been frequently discussed, and the Yamén, considering the very small amount of money involved, addressed the governor-general of the Hu-Kuang provinces to be yielding, considerate, and reasonable in taking action in the premises, and this fact was communicated to the minister of the United States in September last.

As to whether the system of bonds should be done away with or not, the Yamén at the time addressed the ministers superintendent of northern and southern trade to instruct all the superintendents of customs and customs Taotais to consider the matter and report thereon. The ministers superintendent of trade have presented their reports to the Yamén embodying the views submitted at different times of the various customs Taotais, which are to the following effect:

The issuance of bonds to foreign merchants who charter native vessels is not only for the purpose of a security against discrepancies in the cargo manifest, but, further, as a security that the cargo and vessel will reach the port cleared for.

These documents or bonds must be returned to the commissioner at port of departure within two months from the date of issue. They apply to native junks, and not to steamers, as may be known.

Still further, the shipment or illicit discharge of cargo en route, or the conveyance of cargo to other than the place of destination, without these bonds there would be no way of ascertaining whether this was done or not. These irregularities are committed by the merchants, and it would not be convenient that the captain alone should be responsible, hence it is necessary that a guarantee, or bond, should first be given, and any violation of the regulations will subject the offender to a forfeit of a sum to the value of vessel and goods shipped. These regulations have been in force for a number of years and have not been detrimental in any way to the interests of foreign merchants of bona fide and good standing. They are in keeping with the intent and purpose of the fourteenth article of the treaty between the United States and China, signed at Tien-tsin, which, in substance, reads: " * * * And any vessel (under the American flag) violating this provision (and carrying on a clandestine and fraudulent trade) shall, with her cargo, be subject to confiscation to the Chinese Government, and any citizen who shall trade in any contraband article of merchandise shall be subject to be dealt with by the Chinese Government without being entitled to any countenance or protection from that of the United States."

A fine interpretation of the regulations, that this provision is only valid until tranquillity has been restored along the river, would seem to mean the stopping of foreign merchants chartering Chinese junks. If foreign merchants still continue to charter Chinese junks, then the system of bonds can not be done away with. If the bond system is to be abolished, then foreign merchants must be instructed that they can not employ native junks for the purpose of trade in the inner waters of China. This would be fully in harmony with existing regulations, but it is to be feared foreign merchants would not be pleased with the change.

Again, there are numbers of outlaws on the Yangtze at present engaged in the illicit traffic of conveying munitions of war and there is evidence beyond doubt that native junks are employed for the purpose, and it is right that extra precautions be taken to strenuously guard against this traffic at the places and ports along the river. A stipulation should, furthermore, be inserted in the bonds covering this point. How could the bonds, therefore, be done away with?

Cargo that is shipped from Hankow to Chin-kiang, for instance, when payment of duty has been made at Hankow, the commissioner of customs at Hankow sends, under sealed cover, to the commissioner of customs at Chinkiang a certificate of the cargo, which is opened by the latter officer, who is then able to ascertain on examination whether the cargo agrees with the amount specified on the certificate, and when the vessel's dues have been paid the bond can be canceled.

The certificates are not examined when the vessel passes the native inland customs barriers, but the bond specifying the cargo is examined, and if these documents are to be done away with the native inland barrier officials would have no means of holding an examination.

Then, again, captains of native vessels may secretly carry goods with baggage, merchants may make false representations by getting a certain article shipped when specifying another, and from Hankow to Chin-kiang by water is a journey of over 1,000 li or Chinese miles, with any number of branch streamlets running into the Yangtze, where junks may stop or discharge cargo, and such practices would prove detrimental to the revenue.

As to foreign merchants chartering native junks for the conveyance of cargo, they are exempted from paying *likin* at the barriers under existing regulations, which shows that they are treated with every kindness. It is right, therefore, that they should continue to give bonds, which is in harmony with the purpose and intent of the forty-sixth article of the Tien-tsin treaty.

The Yamèn is requested not to make any order doing away with bonds.

The Yamèn would observe that as foreigners will or must charter native junks, in trade on the Yangtze, they must give bonds. If foreign merchants will stop employing native craft then the system of bonds can be done away with. These two conditions in effect are connected together and the principle is easily understood. Since the system of bonds was put in force, it has worked in no way detrimental to trade. The past year has witnessed more and more illicit traffic in munitions of war on the Yangtze River and the Yamèn had in mind the discussion of the question with the diplomatic body with a view to making the rule of action more prohibitive against this practice.

Under this system of bonds the authorities are enabled to find out bad characters as well as give due protection to merchants of bona fide and good standing.

The system can not but prove advantageous. Further, China can of herself exercise such authority as she deems necessary to guard against abuses. This is in accordance with treaty.

Having received the report of the ministers superintendent of southern trade and of northern trade, embodying the views submitted by the various customs Taotais, the Yamèn do not find it convenient to make any change in the regulations.

As in duty bound the prince and ministers send this communication in reply for the information of the minister of the United States.

A necessary communication addressed to his excellency, Col. Charles Denby.

Mr. Denby to Mr. Gresham.

[Extract.]

No. 1649.]

LEGATION OF THE UNITED STATES,
Peking, March 3, 1893. (Received April 22.)

SIR: The Chicago Exposition has created an immense demand in the United States for information concerning China. This legation has supplied this information touching many matters affecting the laws, customs, and trade of China. As the most of these subjects have been discussed in dispatches to the Department, I have not deemed it necessary to treat them again.

It does not, however, appear that the "Peking police system" has ever been described in any communication to the Department. Having had occasion recently to send an account thereof to one of my numerous correspondents, I think it advisable to send it to the Department, so that other inquirers may avail themselves thereof.

THE POLICE SYSTEM.

The police system of Peking is conducted by what is termed the office of the gendarmerie, under which a force recruited from the Eight Banner Corps is placed. The men of this force, numbering from 15,000 to 20,000 are distributed in squads at guard stations throughout the city and suburbs. The head of the police is an officer of the first rank styled General commandant of the gendarmerie. He has charge of the nine gates of Peking. This officer is generally a president or vice-president of one of the metropolitan boards.

STAFF OF THE COMMANDANT.

This officer is supported by the following staff, viz:

Two police provosts, officers of the second rank.

One deputy provost of third rank A.

One assistant deputy provost of third rank B.

One major of police, fourth rank A.

One captain of police, fifth rank A.

One lieutenant of police, fifth rank B.

One deputy lieutenant, sixth rank A.

One controller of alarm signals of fourth rank A. This officer fires a gun, when, in case of emergency, all the members of the force are required to turn out.

THE GENERAL COMMANDANT.

The general commandant is a Manchu, named Fu Kun. This officer is a grand secretary, minister of the foreign office, chief controller of the board of revenue, and controller of the imperial household.

SALARIES.

The salaries paid these officers per annum are as follows:

	Salary.	
	Taels.	Piculs of rice.
General commandant.....	1,884	90
2 police provosts..... each..	1,254	75
2 deputy provosts..... do..	984	65
2 assistant provosts..... do..	984	65
24 majors..... do..	782	52½
24 captains..... do..	384	40
336 lieutenants..... do..	348	40
72 deputy lieutenants..... do..	308	30
1 controller of alarm signals.....	782	52½

OFFICERS OF POLICE IN OUTER CITY.

The officers of the police in the outer city and their salaries are as follows, viz:

	Salary.	
	Taels.	Piculs of rice.
1 colonel.....	1,354	77½
4 lieutenant-colonels.....	984	65
5 majors.....	884	65
5 first captains.....	782	52½
17 second captains.....	348	40
46 lieutenants.....	348	40
92 sergeants.....	226	22½
105 second sergeants (being senior and junior sergeants).....	94 to 164	17 to 20

POLICE STATIONS.

There are 719 stations and 1,300 sub-stations, including stations outside of the imperial city and in the outer city. About 14,000 men are distributed among these stations. In the Imperial city there are 8 special stations, each in charge of a lieutenant with a detachment of 120 men.

The pay of a policeman is $1\frac{1}{2}$ taels per month with a small rice allowance.

ARRESTS AND CRIMES.

It is impossible to furnish statistics of the number of arrests during any given year, or of the number and kind of crimes committed, as none are published. From the crowded condition of the prisons and the number of public executions it is safe to say that crime is very prevalent.

DRUNKENNESS.

As to drunkenness, which has been particularly inquired about, it does not exist to as great an extent as in western countries, the use of opium having greatly superseded the consumption of intoxicating liquors.

Liquors are sold in Peking without license, but an octroi or likin duty is paid on them when they are brought through the city gates.

POLICE SIGNALS.

The signals of the police from station to station are made by word of mouth—that is, by loud cries or yells. No telegraphic or other modern system, such as exists in western cities, is in use in Peking.

PUNISHMENTS FOR CRIME.

The punishments now inflicted for an infringement of the law are:

1. Flogging with the bamboo.
2. Banishment within a limited distance for a limited time or permanently.
3. Death, of which there are three modes—slicing or cutting to pieces, strangling, and decapitation.

Some minor punishments are inflicted by the use of manacles of wood or iron fetters, and by the cangue, a species of stock, consisting of a heavy framework of wood, in which the neck and hands are confined. An instrument for compressing the ankle bones and fingers may be lawfully used for torture, but many other curious modes of torture are also used.

PRISONS.

There are a great many prisons in China. Every prefectural and magisterial city and many others have prisons. These are as cheerless as any place can be. The prisoners are all huddled together. There are no furniture nor any comforts provided, and the fare is usually nothing but millet. It not infrequently happens that prisoners freeze to death.

COURTS.

The board of punishments has the control and direction of punishments throughout the Empire, and has also civil jurisdiction to some

extent. In connection with the court of censors and grand court of revision (which department exercises a general supervision over the administration of the criminal law), the board of punishments is the highest or supreme court of the Empire, though the cases brought before it are mostly criminal.

If the judges are not unanimous in their decisions, these must be reported to the Emperor, who will pass final judgment.

In the provinces, the judicial commissioner or judge constitutes the highest court, but in some cases an appeal lies to the governor-general or governor of the province, who pronounces judgment. An appeal then lies to Peking.

Courts inferior to the court of the provincial judge are those of the intendant, prefect, and local magistrate.

The right of appeal from lower to higher courts is recognized and constantly exercised.

There are no juries in court procedures. It is believed that the Chinese do not desire juries.

POPULATION OF PEKING.

The population of Peking, including the outer, or what is commonly called the "Chinese City," is estimated at 1,300,000.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Gresham.

No. 1664.]

LEGATION OF THE UNITED STATES,
Peking, April 1, 1893. (Received May 23.)

SIR: I have the honor to inform you that I have received from Mr. W. R. Carles, Her Britannic Majesty's consul at Chin-kiang, in charge of United States interests during the absence of Consul Jones, a translation of a communication from Tsai, Taotai, and the commissioners of the Nanking bureau of foreign affairs, a copy whereof is herewith inclosed.

This communication relates to the leasing or purchasing lands for churches, hospitals, or cemeteries by American citizens. One of like character was addressed to Mr. Carles as British consul, and related to British missionaries. It recites that frauds have been perpetrated on missionaries in the purchase of land, and it is ostensibly designed to protect them, but the real purpose is to make it impossible for them to acquire land at all. To that end the rule is laid down that "henceforth when missionaries, or other citizens of the United States, desire to acquire land or houses, no matter where, they must first meet the gentry and elders of the place, and agree with them, and then report to the bureau of local officials for an official survey of the ground."

This clause introduces a new element in the mode of acquiring land. Article 12 of the treaty of 1858 does not require that citizens of the United States desiring to purchase land shall submit the question to the decision of the gentry and elders. It leaves them free to purchase land, enjoins that the prices shall not be exorbitant, prohibits the local authorities from interfering unless objections are offered on the part of the inhabitants respecting the place, requires legal fees to be

paid, provides that particular spots shall not be unreasonably insisted on, and enjoins justice and moderation.

The clause above quoted from the communication of the Taotai is so distinctly antagonistic to the above article of the treaty that I have directed Mr. Carles to notify the Taotai that it will not be acquiesced in or acted on by this legation.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1664.]

Bureau of Foreign Affairs at Nanking to U. S. Consul.

FEBRUARY 11, 1893.

Tsai, Taotai, and commissioner of the Nanking bureau of foreign affairs, makes a communication to Consul Jones.

Missionaries and other citizens of the United States at Nanking, when leasing or purchasing houses or lands for churches, hospitals, or cemeteries, before they obtain the lease are required by regulations to report the matter to the local authority, who, after satisfying himself that the *feng shui* of the neighborhood is not interfered with, authorizes the completion of the conveyance, and, after registering the sale as required by law, affixes his seal to the deed held by the purchaser.

Such has been the regular course of procedure, but of late a lot of scoundrels have devoted themselves to making money by fraudulent dealings with foreigners in lands, the titles of which are complicated or obscure; there are few who fail to fall into their traps, so clever are the arguments which they employ. They are naturally afraid that if an official inspection is made of the land it will be difficult to blind the eyes of the authorities, and the missionaries, through their anxiety to settle the affair quickly, neglect to take thought for the future and are tricked by these men into not complying with the regulations. Later on, when the rights of the case have been officially represented by the gentry, the local authorities have attempted to effect some satisfactory arrangement with the missionaries and have discovered to them the fraudulent tricks with the object of affording them protection, but the latter obstinately gloss over the wrong-doing and refuse to accept any compromise, with the result that in end there are delays which extend over many years without a settlement of the case being arrived at, an instance of haste not effecting speed.

Although among the missionaries there are some who have no lack of intelligence, who transact their business in conformance with regulations, there are others who are played upon to acquire land too hastily.

This bureau has accordingly laid down a plain rule that henceforth, when missionaries or other citizens of the United States desire to acquire land or houses, no matter where, they must first meet the gentry and elders of the place, and agree with them and then report to the bureau and local officials for an official survey of the ground.

On its being found that the *feng shui* of the neighborhood is not prejudiced, the execution of the conveyance will be ordered, and the official tax receipt and title deed will be sealed and forwarded through this bureau to your consulate for delivery.

This course will prevent complications and expedite matters while diminishing correspondence, one measure thus securing several good objects. The consul's intimate knowledge of the circumstances of the case will doubtless induce him to readily accept this course of action.

It is the Taotai's duty accordingly to communicate with him and to express the hope that he will see fit to give instruction to missionaries that in future, when leasing or purchasing land or houses they must conform to these rules, and will also inform them that if the rules are intentionally defied and irregular sales or purchases are effected, deeds for such lands will not receive the official seal, irrespective of whether the titles are complicated or not. If missionaries and others purposely set the regulations at defiance and are outwitted, this bureau and the local officials must decline to entertain any question of complication arising therefrom.

This bureau in asking this is prompted by the desire to take precautionary measures to safeguard foreigners' interests.

A necessary communication.

Mr. Denby to Mr. Gresham.

No. 1666.]

LEGATION OF THE UNITED STATES,
Peking, April 7, 1893. (Received May 23.)

SIR: The construction, now under way, of the new offices for this legation affords an interesting opportunity to obtain some statistics as to the building industry in Peking.

Labor of all kinds, both skilled and unskilled, in China is notoriously cheap, and builders form no exception to the rule. The workmen employed on the new office building number about forty, varying from day to day. At their head is an overseer, whose wages per day are 3 tiao 6, or about 24 cents United States currency, and who supplies his own food. Under this overseer are 30 or 40 masons and carpenters, who are of two classes: First, *takung*, or superior workmen, who receive the equivalent of 11 cents per day and three meals. They have the option of supplying their own food, in which case they receive 16 cents per day, or 5 cents additional. Second, *hsiao kung*, or inferior workmen, who receive 2 $\frac{3}{4}$ cents per day and three meals. In case they supply their own food they receive 5 cents per day additional, or about 8 cents in all. Some carpenters of superior ability receive wages at a higher rate than the above, amounting to 25 or 30 cents a day. These, however, are few in number, and are employed only on the more difficult part of the woodwork.

The food furnished by the contractor consists of three meals daily, viz, at 6 a. m., 12 m., and 6 p. m. Only old rice and salted vegetables are supplied, all three meals being the same. It is said to cost the contractor about 3 $\frac{1}{2}$ cents per day for this food, not counting cook's wages and fire. Less than 5 cents per day is the total estimated cost per man.

It is an unwritten part of the contract between the contractor and his employés that they are to have, in addition to the time allowed for meals, two interims for rest a day, one in the morning and one in the afternoon, of about twenty minutes each. To a western observer this would seem an entirely unnecessary indulgence, for no workmen in the world have so mastered the art of dilatoriness as the Chinese. They move about their task with a deliberation which could scarcely be increased without becoming entire repose. The consequence is that many men here will not perform the work which could easily be done by one American, and the advantage of individual low wages disappears in the greater numbers which it is necessary to employ.

It is a curious commentary on the management of public funds in China that carpenters and masons employed on Government buildings insist on receiving, and do receive, higher wages than for private work. The profits of such contracts are known to be large, and employés, supported by powerful guilds in each trade, demand a division of the spoils. The result is that of funds appropriated for public buildings and other improvements only about 60 per cent is actually spent as ostensibly intended.

The laying of cement foundations for buildings is, in Peking, a specialty of a certain class of workmen, who do nothing else. The contract for foundations is let to a subcontractor at so much per square foot. The usual building foundation consists of a mixture of seven parts earth to three parts lime thoroughly mixed and put down wet. It is then rammed with light wooden mallets and afterwards made firmer still by a very effective Chinese instrument called a "wo." This consists of a heavy disk of iron lifted by a number of coolies, by means of ropes

attached to its rim, and allowed to fall heavily on the cement from a height of about 7 or 8 feet. The coolies engaged in this operation keep time by all joining in the chorus of a song, the verses of which are chanted by a bystander, who seems to take no other part in the work. The shouting of this chorus by a dozen lusty voices is the inevitable accompaniment of foundation building in China, and is persisted in with a perseverance which almost leads one to believe that walls could not be built without it.

An observation of the attitude of contractors toward their workmen seems to show that the lower orders of laborers are possessed of certain privileges and are not devoid of means of insisting on their recognition. No such thing as oppression or ill-treatment is ever attempted. The coalition of laborers into guilds for the advancement of their interests is an ancient institution in China, and recent instances have not been wanting to demonstrate the power of the humblest classes to assert their views and obtain recognition of them before the most exalted tribunals.

It is hoped that the new offices will be completed and ready for occupation during the month of July.

I have, etc.,

CHARLES DENBY.

Mr. Gresham to Mr. Denby.

No. 803.]

DEPARTMENT OF STATE,
Washington, June 5, 1893.

SIR: Your dispatch numbered 1664, of the 1st of April last, has been received. You therein report the promulgation, by the Nanking officials, of a new rule in regard to the acquisition of land by Americans at that place.

This rule will result in making such acquisitions difficult, if not in fact impossible, by requiring that "henceforth when missionaries, or other citizens of the United States, desire to acquire land or houses, no matter where, they must first meet the gentry and elders of the place, and agree with them, and then report to the bureau of local officials for an official survey of the ground."

A similar notification having been addressed to the British consular representative at Nanking, the measure appears not to be directed especially against citizens of the United States.

Your interpretation of Article XII of the treaty of 1838 between the United States and China is clearly correct, but the terms of that convention are only applicable to the treaty ports, and Nanking is not one of these. It does not appear that the requirements announced by the taotai of Nanking is other than a local rule for that city. The adoption of such a measure at a treaty port would undoubtedly be a contravention of the treaty, being an interference by the local authorities, in advance, to prescribe initial negotiations otherwise than directly between the lessor and the lessee.

As you can not be expected to intervene in such action outside of the treaty ports, it is not clear on what ground your notification was made to the Taotai of Nanking, through the acting consul, that the proposed new rule will not be acquiesced in or acted upon by your legation. Your good offices and those of the consul at Ching-kiang should, however, be used, when available, to prevent abrupt reversal of any estab-

lished custom at Nanking whereby the tolerance heretofore accorded in this regard to foreigners there, as in other parts of China, may be impaired or destroyed. The acquisition of land by foreigners outside of the treaty ports being a matter of permission and usage, fortified by long observance, it is desirable that transactions to that end should, as far as practicable, be the same as in localities where the right is stipulated by treaty.

I am, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Denby.

No. 804.]

DEPARTMENT OF STATE,
Washington, June 5, 1893.

SIR: I transmit herewith for your information copies of correspondence exchanged with the Chinese minister in this capital, relative to the application of the Chinese immigration act of May 5, 1892, to the test cases recently brought before the Supreme Court to determine the constitutionality of that act, and to the apprehensions felt by the minister lest the date fixed for the enforcement of the Geary act might be marked by mob violence against the Chinese in the Pacific States.

The minister's fears in the latter regard proved groundless, as I felt confident would be the case.

In pursuance of the intimation conveyed in Mr. Wharton's note to Mr. Tsui, of December 10, 1892, that the constitutionality of the Geary act could be tested only before the judicial branch of this Government, certain test cases were brought before the Supreme Court immediately after the act went into operation on the 5th ultimo, and by the understanding reached, as shown in the correspondence, the proceedings were expedited, and the decision of the court rendered on the 15th ultimo sustaining the law. When it shall be printed copies will be sent to you.

In recent conversations with the Chinese minister since the decision the alarming reports of anticipated acts of retaliation in both countries have been discussed. I have told Mr. Tsui I was satisfied that if the Chinese protect Americans in China and prevent assaults upon them we would be able to protect the Chinese in this country, but that should Americans in China—missionaries, merchants, and others—be injured in person or property it might not be possible to control sentiment here and to effectively protect the widely scattered Chinese.

The minister, in return, assured me that there was nothing in his latest official advices to justify the belief that Americans in China were now imperiled, and that no efforts would be spared for their protection should they be threatened with danger. As regards the execution of the act of May 5, 1892, I have stated to the minister that while the President can not suspend a law of Congress, which it is his constitutional duty to execute, and while it was impossible to give assurance that the Geary act would not be enforced, its terms and requirements will necessarily cause its enforcement to be attended with some delay; so that there was no reason to believe that the Chinese who have refused compliance with the statute will be deported in large numbers between now and the assembling of Congress, at which time there is ground to anticipate further legislation on the subject.

The situation appears, in the main, to be favorable to a rational dis-

position of the whole matter. Some harsh features of the Treasury regulations for the enforcement of the Geary law have been modified, a circumstance which Mr. Tsui assures me is highly appreciated. In the absence of an adequate appropriation for the deportation of nonregistered Chinese, the operations of the Treasury Department are necessarily limited for the present mainly to the cases of the those who are found to have come to the United States unlawfully.

I am, etc.,

W. Q. GRESHAM.

Mr. Denby to Mr. Gresham.

[Extract.]

No. 1691.]

LEGATION OF THE UNITED STATES,
Peking, June 14, 1893. (Received July 31.)

SIR: On the last anniversary of the Queen's birthday, May 24, Sir Robert Hart, inspector-general of imperial maritime customs, was made a baronet.

This gentleman had already received nearly all the honors that China could bestow. He received a piece of silk with the names of his three immediate ancestors inscribed thereon in five colors. This is a higher honor than the yellow jacket. Another special decree also conferred buttons of the first rank on his immediate three ancestors for his able administration of the customs. The effect of this decree was to ennoble his ancestors for three generations.

The rise and progress of the customs service constitute remarkable events in the history of China. Inaugurated in 1853, after the T'ai-ping rebels had captured Shanghai, for the temporary collection of customs duties on foreign bottoms, the institution proved so effective that it became permanent.

The indoor staff of the imperial customs is composed of foreigners only. In the outdoor staff there are many Chinese. The inspector-general is the supreme autocratic head. He has absolute and unquestioned control. Immediately below him are 33 commissioners, who are generally stationed in the open ports. The next rank consists of 12 deputy commissioners. There are then about 133 first, second, third, and fourth assistants; also clerks numbering 21; miscellaneous, 18; and 21 surgeons. Exclusive of the surgeons the indoor staff numbers 218. The outdoor staff numbers 354, consisting of tide surveyors, assistants, boat officers, examiners, etc.

The customs service has charge of all the light-houses on the China coast, and the work of lighting is done in an admirable manner. There is also a small educational department, making a total of 719 foreigners, 3,181 Chinese, or, in all, 3,900 employés.

The British outnumber any other nationality, being 170 in number. There are in the service French, Germans, Americans, Italians, Russians, Portuguese, Austrians, Spaniards, Belgians, Dutch, Hungarians, Norwegians, and others.

Sir Robert Hart succeeded Mr. H. N. Lay as the head of the customs in 1863. He has performed his arduous duties with conspicuous ability. He is now regarded with the highest favor by the Chinese Government. He is more and more, day by day, being intrusted with the administration of difficult questions which arise with foreign countries.

The receipts of the customs are honestly accounted for, and constitute a large portion of the income of the Government. As long as Sir Robert Hart lives the system that he has created will be secure, but at his death it is highly probable that the Chinese Government will resume control over its own customs.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Gresham.

No. 1692.]

LEGATION OF THE UNITED STATES,
Peking, June 21, 1893. (Received July 31.)

SIR: Mr. W. N. Pethick, our vice-consul at Tien-tsin, has resigned his position as manager of the Chinese railways and has gone to the United States. His departure has brought about several changes in the personnel of the railways. Chang Chin-chung, a grandson of Li Hung-chang, has been appointed director-general of the Imperial Railway. This line commences at a place called Kuyen, which is about 90 miles from Tien-tsin, and extends to Shan-hai-kuan and past the Great Wall into Manchuria.

Chang Yen-mou, who is chief manager of the Tungshan colliery at Kaiping, has been appointed director-general of the Commercial Railway, which commences at Tien-Tsin and goes through to Kuyen. The assistant director-general of the Imperial Railway is also a clansman of the viceroy. The assistant director-general of both Imperial and Commercial railways is Wu Ting-fang, better known as Ng Choy, who is a lawyer by profession and speaks English perfectly.

It will thus be seen that the two lines of railway are practically combined in one.

The portion between Tien-tsin and Kuyen is owned by the China Railway Company, a private concern. The balance of the line, as far as it may be extended, is owned by the Imperial Government. Two million taels a year are appropriated for its construction. Li Hung-chang has supreme control as far as Shan-hai kuan; beyond that point the road is controlled by the governor-general of the province of Shing-king.

The road has nearly approached Shan-hai-kuan. It has often been described in my dispatches, but it may not be out of place to indicate here its general direction. It may appropriately be said to start at Tien-tsin, to run thence down the bank of the Peiho River to Tunghu, a place about a mile from the Taku forts, which are near the mouth of the river.

From Tunghu it goes to the Tang-shan coal mines, and thence to Lanchow, a town on the Lan River. The distance completed is now 120 miles. A bridge is being built over the river Lan, which will require a year or more for completion. The line is being constructed beyond the Lan River toward Shan-hai-kuan. It is said that the viceroy forced the engineers to lay this part of the line out farther inland than they proposed in order to avoid attacks from the Gulf.

New-chwang, the most northerly treaty port in China, will not be on the main line to Moukden, but a branch will be built from a point 30 miles from New-chwang. It is said that this branch will be extended to Port Arthur, which is the great naval station of China.

Eventually this line will go to Kirin, a large town situated on the bank of the Sungari. This road was devised as a military line, in order to enable China to protect her frontier against Russian invasion; but the vast resources of Manchuria, if developed, would afford a great trade and commerce.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Gresham.

No. 1695.]

LEGATION OF THE UNITED STATES,
Peking, July 1, 1893. (Received August 19.)

SIR: More than a year ago Sir Robert Hart proposed to the Imperial Government the establishment of a national Chinese postal service. It is now rumored that the Throne has consented to the inauguration of the scheme.

As far as I can learn, it is proposed to place a foreign postal superintendent at the capital city of each province. A European postmaster will be stationed at each prefectural city, with a staff of Chinese who speak English. The district cities and unwalled towns will be in charge of Chinese only.

It is supposed that the number of Europeans connected with the postal service will be about 600.

The new post-offices will be joined with the telegraph offices. The courier service, which has hitherto only carried Government dispatches, will be used in the new scheme, but under European control. It will carry memorials to the throne from high provincial officials and all official correspondence. The private Chinese postal agencies, which are very numerous, will be abolished, but their personnel will be employed in the new service.

It will be some years before this system will be in use all over China. Its application will first be made at the open ports.

It goes without saying that the system will be of great benefit to all the people. Rates under the system of private carriage are very high. From Peking to Shanghai costs per letter from 10 to 15 cents; from Peking to Canton 20 to 25 cents; from Peking to Yunnan, 50 cents. In addition to postage "cumshaw" or wine money is expected, which amounts to as much more.

To the post-office scheme will be added the carriage of parcels.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Gresham.

No. 1754.]

LEGATION OF THE UNITED STATES,
Peking, November 2, 1893. (Received December 19.)

SIR: I have the honor to inform you that I received, in August last, a dispatch from the consul at Hankow, presenting the case of Mr. Jenkins, an American merchant.

Mr. Jenkins had taken out at Hankow transit passes covering certain goods, to wit, kerosene, seaweed, cassia twigs, cassia lignea, cardamons, and camphor, which he shipped into the interior. The kerosene constituted the bulk of the shipment.

At a place called Yoh-chow, on the Yangtze, these goods were required to pay likin dues.

The 10th day of August last I addressed to the Tsungli Yamèn a communication on this matter, of which a copy is inclosed. The Yamèn replied, August 18, that the matter would be investigated.

The 24th ultimo I again addressed a communication on the subject to the Yamèn, a copy whereof is inclosed.

The 29th ultimo the Yamèn sent to me the communication of which a copy is inclosed.

The first day of the present month I addressed to the Yamèn a communication, of which a copy is inclosed.

The Yamèn admits that the collection of likin on kerosene was illegal, and these dues are ordered to be refunded. They claim, however, that some sort of discretion inheres in the likin officials by which they have the right to determine whether goods covered by a transit pass are in reality imported goods or goods of native production and subject to pay likin dues. From my reply to the Yamèn above mentioned it will be seen that I insist that the transit pass certificate issued by the collector must be held to be conclusive. As likin stations are found along all the channels of trade at close intervals, trade and commerce would be greatly impeded if transit passes could be disregarded by native officials.

I have, etc.,

CHARLES DENBY.

[Inclosure 1 in No. 1754.]

Mr. Denby to the Tsung-li-Yamèn.

LEGATION OF THE UNITED STATES,
Peking, August 10, 1893.

YOUR HIGHNESS AND YOUR EXCELLENCIES: I have the honor to bring to the notice of your highness and your excellencies a representation, made to me by the United States consul at Hankow, in regard to the exaction of likin on goods of Mr. M. A. Jenkins, covered by transit passes, at Yoh chow, in Hunan. I inclose copies of the correspondence between the United States consul and the Taotai—three in all—also a list of the goods covered by the transit passes. I have in my possession thirty-three transit passes which can be shown to your highness and your excellencies if desired.

The transaction is a simple one. The likin authorities compelled Mr. Jenkins to pay likin amounting to 101,096 cash on goods covered by transit passes. The goods were foreign goods and were inspected by the customs at Hankow when the passes were issued.

It was not competent for the likin authorities to disregard the transit passes and to collect likin. I have, therefore, to request that your highness and your excellencies will order that there be refunded to Mr. Jenkins the money thus extorted from him, and that you will also order the likin authorities to cease collecting likin on goods covered by transit passes.

I have, etc.,

CHARLES DENBY.

[Inclosure 2 in No. 1754.]

Mr. Denby to the Tsung-li-Yamèn.

LEGATION OF THE UNITED STATES,
Peking, October 24, 1893.

YOUR HIGHNESS AND YOUR EXCELLENCIES: Upon the 10th of August last I had the honor to address your highness and your excellencies in the matter of the exaction of likin by the likin authorities at Yoh-chow, in Hunan, on goods of Mr. M. A. Jenkins, an American merchant, which were duly covered by transit passes in accordance with the stipulations of treaty.

Your highness and your excellencies replied on the 18th *idem*, stating that you had addressed the governor of Hunan, setting forth the representations made in my communication, and on receiving an answer your highness and your excellencies would address me, informing me of same.

More than two months have elapsed without hearing from your highness and your excellencies on the subject, and as the case is one which, under treaty, involves the right of foreigners to send goods into the interior under transit passes, without being subject to the levy of likin, I shall feel obliged by your highness and your excellencies informing me what action has been taken in the premises.

The fact of the goods having been duly covered by transit passes is evidence sufficient to prove that the exaction made by the Yoh-chow officials was illegal and a violation of treaty stipulations.

I have, etc.,

CHARLES DENBY.

[Inclosure 3 in No. 1754.—Translation.]

The Tsung-li-Yamén to Mr. Denby.

OCTOBER 29, 1893.

In the matter of the levy of likin by the likin authorities of Yoh-chow, in Hunan, on goods of Mr. M. A. Jenkins, in August last, the prince and ministers had the honor to receive a communication from the minister of the United States in regard thereto, wherein he transmitted copies of the correspondence between the United States consul at Hankow and the Taotai, also a list of the goods covered by the transit passes, and requested that an order be issued to have refunded to Mr. Jenkins the money thus extorted from him, and that the likin authorities be ordered to cease collecting likin on goods covered by transit passes.

At the time the Yamén addressed the governor of Hunan on the subject and also acknowledged the communication of the minister of the United States, which is a matter of record.

The Yamén has now received a reply from the governor of Hunan, as follows:

"In regard to the kerosene which was covered by transit passes, it may be observed that of recent years there has been a good deal of native oil manufactured which resembles in appearance the foreign article, and when it was first manufactured orders were issued that it should pay likin and thus guard against malpractices.

"Foreign oil is an article specified in the tariff, but it is difficult to distinguish between it and the native oil. Instructions were issued, however, that on the foreign article no likin should be levied, and the practice has ceased for several months.

"But, as to seaweed, it is a native product gathered at island places along the coast and ranks among the principal articles of commerce that are conveyed into Hunan, and, as there have been a good deal of smuggling and malpractice committed, it was proper that it should be regarded as a native product and pay likin in accordance with established regulations.

"In cases, however, where, on investigation, it is found that there is proof positive of the goods having been shipped from Hongkong, then action will be taken differently.

"Instructions have been issued to the likin authorities to address the Hankow Taotai to make this known to the mercantile classes, and to request them to act in due observance of the rules laid down.

"Further, instructions have been issued for the merchant (Mr. Jenkins) who conveyed the oil to go to the likin authorities at Yoh-chow, who have been ordered to refund the amount of the likin levied on the oil.

"The governor requests that the Yamén will communicate the above for the information of the minister of the United States."

The Yamén would observe that the likin levied on the goods by the Yoh-chow officials was almost entirely on kerosene. The likin authorities have already been instructed to refund the amount thus levied. But as to the seaweed and other miscellaneous articles, likin has been levied on them by the said office according to the rules laid down for native goods sent into the interior, and, as the amount levied is very small, there would seem this time no need to consider or take any notice of it.

The Yamén has already addressed the officials of said province, that in future, when goods are shipped from Hongkong and covered by transit passes, which are bona fide foreign goods, they must be allowed to pass freely, and illegal exactions of likin must not be levied.

The prince and ministers were about addressing the minister of the United States when they received his communication inquiring what action the Yamén proposed to take in the matter.

A necessary communication addressed to H. E. Charles Denby.

[Inclosure 4 in No. 1754.]

*Mr. Denby to the Tsung-li-Yamén.*LEGATION OF THE UNITED STATES,
Peking, November 1, 1893.

YOUR HIGHNESS AND YOUR EXCELLENCIES: I have the honor to acknowledge the receipt of the communication of your highness and your excellencies of the 29th ultimo, touching the exaction of likin dues at Yoh-chow on goods covered by transit passes.

The conclusion arrived at, that likin dues collected from the American merchant on kerosene oil were illegally collected and will be refunded, is entirely satisfactory.

Your highness and your excellencies further say: "But as to the seaweed and other miscellaneous articles, likin has been levied on them by the said office according to the rules laid down for native goods sent into the interior."

This statement, so far as it applies to goods covered by a transit pass, is by no means in accordance with the tariff treaty which was signed at Shanghai, November 8, 1858.

Rule VII of that treaty reads as follows:

"In the case of imports; notice being given at the port of entry from which the imports are to be forwarded inland of the nature and quantity of the goods, the ship from which they have been landed, and the place inland to which they are bound, with all other necessary particulars, the collector of customs will, on due inspection made, and on receipt of the transit duty due, issue a transit duty certificate. This must be produced at every barrier station and viscéd. No further duty will be leviable upon imports so certificated, no matter how distant the place of their destination."

The duty of determining whether goods are native or imported is, by this article, intrusted to the collector of customs.

Is it possible that your highness and your excellencies are going to hold, that, because similar goods to those described in the transit passes are produced in China, they will not be protected against likin by a transit pass? Such a construction would cover wheat, corn, cotton, and almost every article that is grown anywhere under the sun.

The collector of customs, who is presumed to do his duty, decided, on proof made, that the collection of likin dues on the goods described was illegal. The amount may be small, but the principle is important.

I have therefore the honor to request that your highness and your excellencies will direct that all the likin dues paid by Mr. Jenkins on goods covered by transit passes be refunded to him.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Gresham.

[Extract.]

No. 1757.]

LEGATION OF THE UNITED STATES,
Peking, November 8, 1893. (Received December 19.)

SIR: The Dowager Empress Tzu Hsi will attain the age of 60 years the 27th day of November, 1894.

In my dispatches No. 790, of January 11, 1889, and No. 831, of February 28, 1889 (see Foreign Relations, 1889, pp. 93-99), I gave some account of the life of this distinguished lady. She ruled China well and wisely from the death of the Emperor Hsien-feng, August 22, 1861, until the 4th day of March, 1889, when the young Emperor, Kuang Hsi, assumed the reins of government.

The anniversary of her birth will be celebrated in the most gorgeous and expensive manner. Commissioners to regulate the exercises for the occasion were selected last year, and were ordered to make all preparations on the grandest scale. The celebrations of the seventieth and eightieth anniversaries of the birth of the dowager

mother of the Emperor Kien-lung have been taken as models. There will be a triumphal progress from the Eho Park to the Forbidden City, about 10 miles. Along this route there will be 7 dragon sheds, 19 ornamental sheds, 26 decorated platforms for the performance of the Buddhistic worship of longevity, 14 theatrical stages, 84 triumphal arches, 6 elaborately decorated kiosks, and 9 spots where it is intended to display certain ancient curiosities handed down by preceding dynasties. More than a million pieces of ancient silk are to be used in decoration.

In the imperial precincts many pavilions made of satin will be erected. The gates of the city and the *pailous* will be festooned with colored satin. The shops and houses along the route will be repaired and decorated. Appropriate mottoes will line the route. Free theatrical performances will take place from the 1st of the ninth month to the 20th of the tenth month.

The Emperor will confer on the Empress dowager, as an additional honorific title, the characters "Chung hsi" (Eminent and Splendid). On her birthday the whole court will wait on her. Punishments will be remitted and degraded officials will be restored to rank. There will be a grand procession, with numerous sedan chairs and chariots, umbrellas, incense burners, banners, and many other things. All the princes, dukes, governors-general, governors, and generals will present memorials. Princes, dukes, etc., down to civil officers of the fourth rank and military officers of the third rank will each present a *ju-i* made of jade. Other presents will be made by the high officials and their ladies.

It is said that the Emperor stated that the cost of this celebration ought to be 10,000,000 taels, but it is supposed that it will cost 30,000,000.

It is my impression that the Imperial Government expects that the foreign powers will send presents commensurate with the grandeur of this occasion. I have reason to believe that some of my colleagues will advise their governments to send presents.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Gresham.

No. 1758.]

LEGATION TO THE UNITED STATES,
Peking, November 15, 1893. (Received December 23.)

SIR: I have the honor to inclose herewith a translation of a communication from the Tsungli Yamén, on the subject of requiring travelers in China to report their movements to the local authorities found en route.

This paper sets forth a communication from the Taotai of Ching-chou, Ichang, and Shihnan, localities in the province of Hupeh, to the effect that travelers have failed to report to the subprefect their arrival and their intended movements, and that, in such cases, he should not be called upon to report them. He further states that "should trouble arise to those who have not reported their arrival, the responsibility of giving protection should not rest on the shoulders of officials of the departments or districts."

The governor-general, in turn, observes that the "Taotai is actuated by a desire of giving due attention to the protection of foreigners traveling with passports and thereby averting any trouble or calamity."

He states that "the departments and districts under his jurisdiction cover a vast area and the population is composed of both good and bad. If foreigners do not report to the local authorities, there will be no way of giving them ample protection." He requests the 'Tsunqli Yamén to arrange some plan of action with the foreign representatives.

The Tsunqli Yamén observes that foreigners "should report to the local authorities of the place on their arrival, to the end that due protection may be accorded them." The Yamén, therefore, requests me to communicate with my colleagues and have them consider the question presented and devise some feasible plan of action.

I have circulated a copy of the Chinese text, and an English translation thereof, among my colleagues for their consideration. Some time, however, will elapse before a conclusion is arrived at.

— On the face of it, the requirement of reports from travelers arriving in any jurisdiction seems reasonable; nevertheless, it is by no means sure that my colleagues will consent to any new regulation in anywise burdening travelers. There are always parties of Russians, and sometimes of Englishmen, traveling over China, ostensibly engaged in scientific occupations. Although these parties are treated with courtesy by the Chinese officials, still they are viewed with some jealousy.

I will report the final action of the foreign representatives.

You are aware that American missionaries travel a great deal, either for pleasure or in search of new localities for permanent location. The passports issued to such persons by this legation usually specify that the intended travel will extend to three provinces. While I would not approve of a requirement that a route should be designated at the time of applying for a passport, because many circumstances might occur to render a change of route desirable, still there would seem to be no hardship in indicating to the authorities of the jurisdiction in which the travel begins the route proposed to be followed. On the traveler's arrival at any departmental (chou) or district (hsien) city, he might be required to report his arrival to the local magistrate, as well as the route which he proposes to follow on his departure therefrom.

The traveler having given notice of his movements to the chief magistrates in the important cities, it would be their duty to notify all the subordinate officials, in the places through which the traveler would pass, of the fact that he was en route and there would be no excuse for a failure to afford protection.

As owing to the near approach of the closing of navigation, communication by post will be very slow, I beg to request that if my views are disapproved I be notified by wire.

It is proper to state that unless the proposed scheme is indorsed by the great powers I will hesitate to consent to it as affecting Americans alone.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1758.]

The Tsung-li-Yamén to Mr. Denby.

PEKING, November 10, 1893.

Upon the 5th of October the Yamén received a communication from the governor-general of Hu-Kuang as follows:

"The Taotai of Ching-chou, Ichang, and Shihnan reports that he has received the governor-general's instructions to the effect that the Tsunqli Yamén addressed him,

stating that, on the 17th of June last the minister of the United States, his excellency Mr. Denby, sent a note setting forth that, in May last, a passport was issued to Mr. Z. S. Beals. That gentleman now desired to have his passport altered, inserting in it the provinces Hupeh and Shensi, and the minister of the United States requested that this alteration be made and that the Yamèn address the authorities of those provinces to give Mr. Beals, in case of need, all necessary protection.

"The Yamèn duly made the alteration desired, viscéd the passport, sent a note in reply to the minister of the United States and requested the governor-general to instruct the local authorities (of Hupeh) to render Mr. Beals the necessary aid and protection in his journey through their jurisdiction, as provided by treaty stipulations. The Yamèn further requested to have communicated to it the date of Mr. Beal's arrival and departure from any district (within the Taotai's jurisdiction), so that a record of the same could be kept for reference. The governor-general commanded the Taotai to instruct the officials under his jurisdiction, in like manner, to observe his injunctions and to afford Mr. Beals all necessary aid and protection, and that a record be kept of his arrival at and departure from places within his circuit to be sent to the governor-general for transmission to Peking.

"The Taotai, in obedience to the instructions received, communicated with the officials under his jurisdiction that, in the event of the American Beals visiting the prefectures of Ching-chou, Ichang, or Shihnan, to give him all necessary aid and protection.

"The Taotai would observe, however, that from the date of his assumption of the duties of his office—the 1st of December, 1892, to July 12, 1893—he had received 60 communications informing him of foreigners who were traveling under passports, embracing 199 persons, male and female. Of this number there were 38 merchants, the rest being men and women engaged in missionary work. During this time, about eight months, there were no cases reported to the authorities of the arrival of foreigners within the prefectures of Ching-chou, Ichang, or Shihnan.

"The Taotai begs that the governor-general will communicate with the Tsungli Yamèn and explain that when foreigners apply for passports, either in Peking or in the provinces, and, when traveling in Hupeh they fail to report their arrival to the subprefect or magistrate, as well as their intended movements, he should not, in such cases, be called upon to report upon them. Should trouble arrive to those who have not reported their arrival, the responsibility of giving protection to them should not rest on the shoulders of officials of the departments or districts.

"The Taotai presents the above for the perusal of the governor-general. The governor-general would observe that the said Taotai is actuated by a desire of giving due attention to the protection of foreigners traveling with passports, and thereby averting any trouble or calamity. The departments and districts under his jurisdiction cover a vast area of territory, and the population is composed of both good and bad. If foreigners do not report to the local authorities, there will be no way of giving them ample protection. The governor-general, therefore, requests that the Yamèn will consider this question with the foreign representatives, with the view of adopting some feasible plan of action, to the end that benefit may accrue to both foreigners and Chinese alike.

"The governor-general transmits the foregoing observations, for the information and consideration of the Yamèn."

The Yamèn would remark that the representations made by the governor-general of Hu Kuang are naturally true. Foreigners traveling with passports should report to the local authorities of the place on their arrival, to the end that due protection may be accorded them from time to time. But, from the representations made by the Taotai of Ching-chou, Ichang, and Shihnan, no reports have been made by foreigners traveling with passports of their arrival at the above places. If such be the case at one place it will be similar at other places, and, in the event of unexpected trouble arising, how will it be possible to render timely and adequate protection?

The Yamèn would, therefore, request the minister of the United States to communicate with his colleagues, consider the question presented and try to adopt, as quickly as practicable, a feasible plan of action and inform the prince and ministers thereof so that they may communicate with the high authorities of the provinces to act accordingly.

The Yamèn is in this matter actuated by a sincere desire to give protection to foreigners traveling under passports.

As in duty bound, the prince and ministers send this communication to the minister of the United States for his information and for such action as may be taken in the premises.

A necessary communication addressed to H. E. Charles Denby.

Mr. Gresham to Mr. Denby.

No. 847.]

DEPARTMENT OF STATE,
Washington, December 20, 1893.

SIR: I have received your No. 1754, of 2d ultimo, touching the exaction of likin dues at Yohchow, on the Yangtze, on merchandise of Mr. Jenkins, covered by a transit pass.

Your claim that transit passes are to be taken as conclusive evidence of the fact that the goods have been imported is reasonable, and should be maintained in the absence of allegation supported by proof, that the goods are fraudulently carried on such passes. No charge of fraud appears in the case you report.

I am, etc.,

W. Q. GRESHAM.

Mr. Uhl to Mr. Denby.

No. 852.]

DEPARTMENT OF STATE,
Washington, December 27, 1893.

SIR: I have received your dispatch No. 1753, of the 15th ultimo, communicating, with comments, the request of the Yamên, that the foreign representatives devise a plan by which travelers in the interior shall be required to report their movements to the local officials in the course of their journey.

Your views on the subject appear to be judicious. Travelers under duly issued permits may not unreasonably be expected to make their whereabouts known to the local officers charged with their effective protection, and this, not by way of surveillance but to facilitate the performance of their duty to give needful protection. Beyond this nothing should be exacted in the way of prior notification of the exact route to be followed or confinement to designated roads, or any other restriction on the liberty of the traveler to shape his movements according to the needs of his journey.

It is sufficient that the general scope of his journey appear in his permit, leaving him free to take such roads and effect his journey in such manner as best suits him within the assigned territory.

You will of course withhold assent to any requirements in this regard which shall not, by common assent, equally apply to all foreign travelers in China.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

CORRESPONDENCE WITH THE LEGATION OF CHINA AT
WASHINGTON.

Mr. Wharton to Mr. Tsui Kwo Yin.

DEPARTMENT OF STATE,
Washington, March 1, 1893.

SIR: I have the honor to say with reference to your personal suggestions touching an arrangement by which a case involving the constitutionality of the "Geary act" shall be heard by the Supreme Court

at this term, that, according to the views of the Acting Attorney-General, in a letter of the 20th ultimo, it seems proper, as the court will not meet for business until the 6th proximo, that the matter be determined by the incoming Attorney-General. He adds that the question will be brought to his attention promptly.

Accept, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Tsui Kwo Yin to Mr. Gresham.

CHINESE LEGATION,
Washington, D. C., March 13, 1893. (Received March 13.)

SIR: I feel it my duty to place before the present administration at its inception, in behalf of the Imperial Government, and also of my countrymen who are lawfully located in the United States, a brief reference to the unsatisfactory condition of affairs that now exist between China and the United States, and which is caused, as is well known, by the unjust and discriminating legislation of the Congress of the United States against the Chinese people and their rights and property interests, without regard to existing treaty stipulations. The Imperial Government objected to this legislation and opposed in every conceivable way, through diplomatic sources, its adoption, and this is especially so as to the very harsh and unfriendly provisions of the act of May 5, 1892. A further discussion of the subject will not be entered upon, however, in this note, inasmuch as the entire correspondence has been published by order of the U. S. Senate in Ex. Doc. No. 54, Fifty-second Congress, second session.

The chief object of this note is to direct your attention to the difficulties and embarrassments that are about to arise and confront both governments by reason of the act of May 5, 1892, and its threatened enforcement, and to ask the aid and cooperation of the executive branch of the United States Government in averting any serious consequences that are likely to result therefrom. The Chinese residents of the United States depend largely for the support and vindication of their rights upon an adjudication by the Supreme Court of the United States as to the constitutionality of the sixth section of the act of May 5, 1892: The penal provisions of the law will go into force on May 6, 1893, and the Supreme Court will, if the usual course is followed in this respect, adjourn about May 15, and the hearing of oral arguments will cease a week earlier. An effort will be made to present a test case to the Supreme Court for the purpose of testing the constitutionality of the law, and such a case can probably be prepared and ready for argument in that court on the 12th day of May, next, if the court will consent to hear it. From information given me, eminent statesmen and great lawyers in the United States are of the opinion that the sixth section of said act is not constitutional. For instance, Judge James C. Carter, of New York, who prepared an opinion for the counsel of the Chinese people of San Francisco, in conclusion thereto, says:

* * * Without discussing other features of this extraordinary statute, I am of opinion that its sixth section is not a valid exercise of any legislative power possessed by Congress.

A printed copy of this opinion and also of an opinion of Mr. J. Hubley Ashton upon the same subject are transmitted herewith for

your consideration. It is apparent, therefore, that great doubt is entertained as to the validity of the most important section of this law, and such being the case, I feel that a great nation like the United States will lend its assistance and friendly offices to the adoption of some method of procedure by which the Chinese people who are rightfully within its borders may be protected from arrest and imprisonment until the validity or invalidity of the law is established by the Supreme Court. To this end I have the honor to request that you lay this matter before his excellency the President and also before the Attorney-General with the request that the Attorney-General may, if not inconsistent with propriety or his duties, join the counsel of the Chinese people in a request to the Supreme Court of the United States to hear the argument in a test case not later than May 12 next, and that a decision may be delivered therein before the adjournment of the court for its present session. If a decision of the Supreme Court can not be obtained, as contemplated above, and for that or any other reason the law shall be enforced, commencing on May 6 next, the embarrassments that will be presented to our respective governments are great and, I think, unmistakable. The necessary appropriation of the immense amount required, as I am informed, for the purpose of carrying out the provisions of the law as to the arrest, imprisonment, and deportation of Chinese persons who may be treated as offenders will be a question of serious embarrassment to our Government. The arrest of the Chinese means, then, that they are to be imprisoned, if arrested, until it shall be the pleasure of Congress to make the required appropriation to enforce this unjust and anomalous law.

If this condition of affairs which is now threatened shall become imminent I would respectfully suggest that some method may be adopted by which my countrymen may be freed from all such hardships and surroundings, and for this purpose I ask that the attention of the President and the Secretary of the Treasury may be called to the state of things which menaces the peace, liberty, and rights of my people in the United States, and I express the hope that, at the proper time, the Secretary of the Treasury may find it in his power to suspend or so modify the regulations as to meet any emergency that may arise or contingency that may exist. And I renew the appeal for some recommendation from the President to the Congress of the United States, when it shall again convene, for a repeal of such legislation as is in violation of the sacred treaty stipulations between China and the United States. I would also inform you that the note of Acting Secretary Wharton of December 10, 1892, in reply to mine has been forwarded to the foreign office at Peking, and an answer is expected from that office in due time. When it is received I shall hope to discuss further, mutually and in a friendly spirit, this subject, which is of such vital importance to our respective governments.

I again renew, etc.,

TSUI KWO YIN.

Mr. Gresham to Mr. Tsui Kwo Yin.

DEPARTMENT OF STATE,
Washington, March 21, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 13th instant, in which you advert to the effort now being made in the interest of certain Chinese persons to present a case to the Supreme

Court for the purpose of testing the constitutionality of certain provisions of the act of May 5, 1892, and ask, in view of certain reasons stated by you, "that the Attorney-General may, if not inconsistent with propriety or his duties, join the counsel of the Chinese people in a request to the Supreme Court of the United States to hear the argument in a test case not later than May 12 next, and that a decision may be delivered therein before the adjournment of the court for its present session."

Upon your previous oral presentation of this request, this Department addressed the Attorney-General on the subject under date of February 21 and was informed in reply, as you were advised by Mr. Wharton's note of the 1st instant, that the matter seemed proper to be determined by the incoming Attorney-General, to whose attention it would be promptly brought.

I have now the pleasure to advise you that I have received from the present Attorney-General a letter dated 17th instant, in which, referring to the previous correspondence on the subject and to the case now pending in the Supreme Court involving the constitutionality of the Chinese restriction law known as the "Geary act," he states that if counsel representing the Chinese will make a motion to advance the case and advise the Attorney-General thereof, he will be glad to concur therein and do all in his power to secure the advancement of the case and its early determination.

The statement thus made by Mr. Olney appears to meet the request contained in your note of the 13th instant.

Accept, etc.,

W. Q. GRESHAM.

Mr. Tsui Kwo Yin to Mr. Gresham.

CHINESE LEGATION,
Washington, D. C., March 25, 1893. (Received March 27.)

SIR: I have the honor to acknowledge the receipt of your note of the 21st instant, in which you advise me that the request presented in my note of the 13th instant has been considered by the Attorney-General of the United States, and that he will be glad to concur in the motion to advance a test case in the Supreme Court involving the constitutionality of the Chinese prohibition and exclusion law, known as the "Geary act," and that he will also do all in his power to secure the advancement of the case and its early determination.

The willingness of the Attorney-General to cooperate with counsel representing the Chinese in such a case will be communicated to Mr. Heber J. May, Washington, D. C., counsel to this legation, and through him to the counsel individually representing my people in the United States.

Accept, etc.,

TSUI KWO YIN.

Mr. Tsui Kwo Yin to Mr. Gresham.

CHINESE LEGATION,
Washington, D. C., April 13, 1893. (Received April 14.)

SIR: I have the honor to inform you that I am in receipt of a note from the Chinese consul-general at San Francisco, in which he advises

me that the Chinese residents on the Pacific coast and throughout the United States apprehend that when the act of May 5, 1892, shall go into effect as a law personal injuries may be inflicted on them and that their property may be destroyed by evil-disposed persons, and also that outrages similar to those committed at Rock Springs, Wyo., and at Tacoma, Seattle, and Olympia, Wash., in former years, may again occur, unless some steps shall be taken by the authorities of the United States to prevent the same, and also to protect the Chinese and their property from such violence and injury.

It is scarcely necessary for me to remind you that when the outrages above referred to occurred the Chinese were supposed to be enjoying the protection of the United States Government, to which they were entitled, and yet the attacks on them were so violent as to result in loss of life, great destruction of property, and their forcible expulsion from some of the towns named.

The enforcement of this new law in May next will result in the arrest, imprisonment, and deportation of the Chinese, and consequently great excitement is anticipated by such Chinese residents, who fear that evil-disposed persons may again make the occasion a pretext for resorting to extraordinary methods for the purpose of committing outrages upon them and destroying their property. The thought of these anticipated troubles greatly alarms the Chinese people, and also causes me such serious anxiety of mind that I feel it is my duty to request that you may give the subject your most sincere consideration.

You will observe that I referred to the subject of the suspension of the arrest and punishment of Chinese laborers until the Supreme Court could determine the constitutionality of the law, in my note of the 13th of March last. I most respectfully suggest that said portion of my note remains unanswered. You will therefore pardon me for again referring to this subject, but you will readily understand and appreciate its inestimable importance to my people who are now in the United States.

Relying, therefore, upon your recognized and profound sense of fairness and justice, I feel assured that the protection guaranteed by the treaty stipulations between our nations will be extended over the lives and property of the Chinese subjects who are now residing in the United States.

I again renew, etc.,

TSUI KWO YIN.

Mr. Tsui Kwo Yin to Mr. Gresham.

CHINESE LEGATION,
Washington, D. C., April 29, 1893. (Received May 1.)

SIR: I had the honor to address you on the 13th of March last and again on the 13th instant on the subject of the apprehension by the Chinese subjects throughout the United States of the anticipated personal violence and destruction of their property that the evil-disposed persons, through race hatred, might inflict upon them by making the threatened enforcement of the act of May 5, 1892, the occasion for that purpose; but up to this moment I have received no reply from your excellency on this point.

I have now the honor to inform you that I am in receipt of a telegram from the Chinese Merchants' Exchange—Chung Wah Way Koon—of San Francisco, Cal., of date the 28th instant, in which is conveyed to

me, from this most reliable and trustworthy source, the information that when the deportation act of May 5, 1892, shall go into effect as a law the Chinese residents and citizens of the city of San Francisco and vicinity will be subjected to personal violence and to the destruction of their property by persons of other nationalities who do not agree with them in the course they have pursued in regard to the said act of Congress. I do feel greatly alarmed at this state of things, and therefore consider it my duty to advise you of the imminent danger which threatens my people and their property in the localities named, and to ask the United States Government to protect them therefrom.

I would most respectfully ask you, therefore, to take such steps on behalf of the United States as to you may seem proper to avoid the anticipated personal violence and destruction of property, and also that you invoke the proper assistance from the governor and other local authorities of the State of California for the same purpose, to the end that such Chinese residents may be protected and their rights maintained against such personal violence and destruction of property.

I would also suggest that the governor of the State of Montana has, as I am advised, approved an unjust bill, which forbids all citizens of that State from holding commercial intercourse with the Chinese residents there. Thus by this act there is good reason to believe that the anticipated ill-treatment and outrage so much dreaded by the Chinese has at least begun to show its effect.

Accept, etc.,

TSUI KWO YIN.

Mr. Gresham to Mr. Tsui Kwo Yin.

DEPARTMENT OF STATE,
Washington, May 5, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 29th ultimo, making known your apprehensions lest acts of violence may take place against the persons and property of Chinese subjects in San Francisco and its vicinity and in Montana, due to race hatred and to the restrictive legislation of the United States.

Your note of April 13 last relates to the same subject and has had my careful attention. As I have said to you on several occasions, the Government of the United States will not fail to exert to its full extent its lawful authority for the preservation of good order and tranquillity, and for securing to all Chinese dwellers in this country adequate protection.

In view of the fears you express and the apparently trustworthy information you have received that, after the statute in question shall have become operative, violent demonstrations may be made in various quarters against your countrymen and their property, I have communicated to the governors of California and other States of the Pacific slope the President's desire and expectation that the authority of the law may be maintained to prevent disturbance of the peace of those States by lawless and evil-disposed men.

Sincerely trusting that your forebodings may prove groundless, and believing that the power of the States in question is ample to avert disturbance of the public tranquillity,

I avail, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Tsui Kwo Yin.

DEPARTMENT OF STATE,
Washington, May 19, 1893.

SIR: Referring to your note to this Department of June 2, 1891, in which you stated 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 now have the honor to request that you will kindly inform this Department what is the nature of the instructions, if any, of the Imperial Government to its consular officers in foreign countries in regard to this subject; and also whether any action has been taken by your Government with respect to the issuance of certificates to persons of the exempt class by its officers resident in China.

Accept, etc.,

W. Q. GRESHAM.

Memorandum of a conversation between the Secretary of State and the Chinese minister.

The MINISTER (by his interpreter). Immediately after going to the legation from the State Department a few days ago, I sent to my Government a dispatch covering the substance of the interview between the Secretary of State and myself, and yesterday I received a reply expressing great satisfaction at hearing that the Secretary did not think there would be serious trouble growing out of the Geary law and the decision of the Supreme Court sustaining its validity.

The SECRETARY. I hope you understood me correctly in our last interview?

The MINISTER. I think I did; and that I correctly reported it. I wish information upon two points. Do you feel reasonably certain that the Chinese in this country will not be abused, beaten, wounded, and murdered as in the past; and do you think the Geary law will at once be enforced?

The SECRETARY. I am satisfied that if the Chinese protect Americans in China and prevent assaults upon them, we will be able to protect the Chinese in this country; but should Americans in China—missionaries, merchants, and others—be injured in their persons and property, and the fact become known in this country, we might not be able to protect your countrymen here. I told you before, and I repeat it again, that the President can not suspend a law of Congress; that it is his duty to execute the laws, and, while I can give you no promise that the Geary law will not be enforced, I can say that, owing to its terms and requirements, its enforcement will necessarily be attended with some delay. I do not believe the Chinese will be deported in large numbers between now and the assembling of Congress, when I have reason to believe there will be further legislation on the subject.

The MINISTER. I am very glad to hear this. Do I understand that no Chinese will be deported between now and the assembling of Congress?

The SECRETARY. Some may be deported, but for reasons, part of

which I have given, they will not be deported in large numbers before then.

The MINISTER. You told me that some of the harsh features of the regulations of the Secretary of the Treasury for the enforcement of the Geary law would be modified, and that, inasmuch as a validity of that law was doubted by some, the administration would likely delay efforts at enforcement until the constitutionality was passed upon by the Supreme Court. I know that you were candid in that statement, because the regulations of the old Secretary were materially modified, some of the harshest features being omitted, and the constitutionality of the law was submitted to the Supreme Court before any deportations were ordered; and I believe you are now perfectly candid in your statements. On my return to the legation I shall take pleasure in sending a dispatch to my Government expressing my confidence that it may safely rely upon what you have communicated to me to-day.

The SECRETARY. May I ask if in your dispatch which you received from your Government yesterday anything was said upon the subject of the protection of Americans in China?

The MINISTER. The dispatch stated that there was nothing to justify the belief that Americans in China were now in danger, and no effort would be spared for their protection should they be threatened with danger.

Mr. Tsui Kwo Yin to Mr. Gresham.

CHINESE LEGATION,
Washington, D.C., May 27, 1893. (Received May 27.)

SIR: Referring to your note of the 19th instant in reference to certificates of identity issued to Chinese persons other than laborers who may desire to come to the United States pursuant to section 6 of the act of May 6, 1882, as amended July 5, 1884 (23 Stat., 116), I have the honor to inform you that the form of the certificates now in use was prepared by ex-Minister Chang Yen Hoon, and submitted by him on July 10, 1889, through the Department of State, to the Secretary of the Treasury, who, on the 23d day of July 1889, approved it.

Upon receipt of the note from the Secretary of State of July 25, 1889, advising this legation of the approval of the form of certificate by Secretary of the Treasury, the same was transmitted to the tsung-li yamên with the request that all officers of the Imperial Government, who were authorized to issue such certificates of identity, should be notified to uniformly use the form of certificate that had been so approved by the Secretary of the Treasury.

The superintendents of the northern and southern trades (the viceroy of Chihli and the viceroy of Nanking) were instructed, therefore, by the Tsung-li-yamên to authorize the customs taotais to take charge of the issuance of these certificates of identity to such Chinese persons, other than laborers, who might desire to come to the United States. And the minister of His Imperial Majesty in the United States, under the same instructions, authorized all Chinese consuls in foreign countries to issue such certificates of identity in the same manner.

Your attention is especially invited to the two concluding paragraphs of the note of the Secretary of the Treasury of June 12, 1891, to your predecessor, a copy of which was inclosed in the note of your Department of the 17th of June, 1891, addressed to this legation.

Accept, etc.,

TSUI KWO YIN.

Mr. Tsui Kwo Yin to Mr. Gresham.

CHINESE LEGATION,
Washington, August 8, 1893. (Received August 8.)

SIR: During the interviews which I had the honor of having with you on the 18th and 20th of May last, respectively, I was deeply impressed with what you said regarding the precautionary measures that should be taken for the protection of American subjects in China. That you should have taken their welfare into your consideration must have been prompted by benevolent motives as well as by fear that violence and injuries might be occasioned to them. At the same time you also kindly expressed an apprehension that violence and injuries might befall the Chinese subjects residing in this country. Consequently while you undertook to cause protection to be extended to the Chinese subjects in the United States, you made a special request that I should, by telegraph, communicate to my Government your strongest desire that proper protection be accorded to the American citizens in China, so that the subjects of both nations might be equally treated with the same benevolence.

I appreciated your good suggestion so much that I, without any delay, cabled your request to my Government and, following it, I wrote repeatedly confirming my dispatch, to which I have the pleasure to say that my Government responded with an assurance that your wishes would be complied with. Three months have elapsed since the said interviews and it is now very gratifying to me to say that the Americans in China, during that period, have been enjoying perfect peace and that no outrages of the nature or character of expulsion and arson have been committed upon the Chinese residents in the United States, and that I have also been able to carry out your wishes. Thus the subjects of both nations can not help feeling grateful to you for your kind protection.

However, with regard to the Chinese exclusion act, known as the Geary law, it is admitted that it violates the existing treaty stipulations between the two nations, and it is condemned by the just and upright persons of the United States. The failure in repealing the said law would assuredly result in the disturbing of the peace and outraging of the Chinese residents in this country. It is sincerely hoped that the President of the United States would not like to see such a state of things, and Your Excellency will also remember that you had already expressed a hope that such occurrences would never happen.

As the special session of Congress has begun to sit, I pray that you will kindly request His Excellency the President to suggest in his message to the Congress the repeal of the said Geary law, to the end that the stipulations of the treaties between the United States and China may be maintained and upheld; that the peace of the merchants and people of both nations may not be disturbed, and that I, on my final departure from this country, may also carry with me pleasant memories of my sojourn therein as well as the deep sense of gratitude for the kindness of your Government and yourself.

Accept, etc.,

TSUI KWO YIN.

Mr. Tsui Kwo Yin to Mr. Gresham.

CHINESE LEGATION,
Washington, August 18, 1893. (Received August 18.)

SIR: I have the honor to advise you that I received this day from the Chinese consul-general at San Francisco a telegram, of which the following is a copy, to wit:

SAN FRANCISCO, CAL.

TSUI KWO YIN, *Chinese Minister, Washington, D. C.:*

During the past two or three days the Chinese laborers in the towns of Fresno and Tulare and in this city have been forcibly driven from these places by mobs and the Chinese merchants have been notified to close their places of business and quit the towns within two weeks. This will result in great loss of money and property to the merchants in these places. Will you please call the attention of the Federal authorities to this matter?

LI YUNG YEW,
Consul-General.

I regard the information conveyed by this telegram of the utmost gravity and importance to the Chinese people in the State of California, and likewise throughout the United States, inasmuch as the acts of the mobs in California will incite the people in other States to inflict similar injuries upon the Chinese laborers and merchants in their respective localities.

I would suggest, therefore, that the United States authorities ought to take the necessary steps to quell the present disturbances, by which course further disaster may be prevented and the rights of the Chinese laborers and merchants in the United States protected and preserved.

I have the honor to request, therefore, that such action may be taken by the U. S. Government as may be deemed essential for the protection of the Chinese laborers and merchants and their business interests and property in the State of California and, if like reasons therefor shall arise, elsewhere in the United States.

Accept etc.,

TSUI KWO YIN.

Mr. Gresham to Mr. Tsui Kwo Yin.

DEPARTMENT OF STATE,
Washington, August 19, 1893.

SIR: I have had the honor to receive your note of the 8th instant, in which you advert to the gratifying fact that no ill effects have followed the apprehensions felt last May respecting the treatment of Americans in China and Chinese in the United States, and express satisfaction at the part both have played toward maintaining the kindly spirit that should prevail. I naturally share your satisfaction, and trust that this experience will be a strengthening proof of the readiness with which popular feeling will yield to temperate counsels when international interests are touched.

With regard to the hope you express that the Geary law be brought forthwith to the attention of the Congress, the President does not regard the moment opportune. Congress has been convened in special session to deal with the serious financial stress that affects the country, and it is not the President's desire to distract the attention of members from this urgent business by the submission of other measures.

As I have heretofore had occasion to say to you, I have reason to believe that the Geary act will be modified at the next regular session of Congress, and I see no ground for your apprehension lest a postponement of action thereon will bring about violations of good order to the injury of the Chinese residents in this country.

On the contrary, the last few months have fortified my belief that the people of this country are disposed to leave the whole question to Congress, where it belongs, instead of resorting to harsh or unlawful means against the Chinese; and I am sure that, on your return to your own country, you will bear witness to this temperate sentiment.

Accept, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Tsui Kwo Yin.

DEPARTMENT OF STATE,
Washington, August 24, 1893.

SIR: Adverting to your note of the 18th instant in relation to the Chinese disturbances in Fresno and Tulare counties, Cal., I have the honor to inclose herewith copy of a letter upon the subject received from the private secretary of the governor of California.

Accept, etc.,

W. Q. GRESHAM.

[Inclosure.]

Mr. Higgins to Mr. Gresham.

EXECUTIVE DEPARTMENT,
Sacramento, Cal., August 18, 1893. (Received August 24.)

DEAR SIR: I am directed by the governor to acknowledge receipt of your telegram of this date in relation to the Chinese disturbances in Fresno and Tulare counties.

Information from the same source (Chinese consul-general at San Francisco) reached the governor yesterday by telegram.

While the governor does not anticipate any violence or bloodshed, he at once notified the peace officers of the two counties to take all precautionary measures to prevent any outbreaks against the Chinese that should be attempted.

He has also requested the proper officers of the two counties to keep him informed in relation to the movements and proceedings in such matter.

Your obedient servant,

M. R. HIGGINS,
Private Secretary.

Mr. Gresham to Mr. Tsui Kwo Yin.

DEPARTMENT OF STATE,
Washington, August 31, 1893.

SIR: I have the honor to say that on receipt of your note of the 18th instant, in which you made known to me the contents of a report from the consul-general of China at San Francisco, that Chinese in Fresno and Tulare counties, California, had recently been subjected to mob violence, I telegraphed the governor of that State.

I am now in receipt of a letter of the 23d instant, from the governor, informing me that he had immediately communicated with the sheriffs of both counties. The sheriff of Fresno County has replied that he does

not anticipate violence, but if any is attempted, he is fully prepared to protect life and property there.

The sheriff of Visalia says no violence has been offered toward Chinese in Tulare County "other than what has occurred in Tulare and been published in the papers;" that he does not anticipate any violence, and will take all precautionary measures for their protection and that of their property, and will notify the other peace officers of the county.

I regret that now and then your countrymen in the United States have been subjected to annoyance and illegal treatment, but it is gratifying to be able to assure you that the sentiment of the people of the United States towards the Chinese grows perceptibly more tolerant.

Accept, etc.,

W. Q. GRESHAM.

Mr. Yang Yü to Mr. Gresham.

CHINESE LEGATION,

Washington, D. C., September 7, 1893. (Received Sept. 7.)

SIR: I have the honor of inviting your attention to the contents of the telegrams received on the 5th instant from Mr. Li Yung Yew, Chinese consul-general at San Francisco, and also from the Chinese Board of Trade at Los Angeles, Cal., which are inclosed. From the information imparted in these dispatches and from advices from other sources, it is evident that an effort has been inaugurated to enforce the sixth section of the Geary law, by the systematical arrest of large numbers of Chinese residents, who were entitled to the benefits of registration under the said law. His Imperial Majesty has been led to believe that no arrests and orders of deportation of Chinese residents of this class would be made until after the Congress of the United States should further legislate upon this subject, so that an opportunity to repeal, modify, or enforce the law might be afforded that honorable body. Has this policy of the Government of the United States been abandoned? I sincerely hope it has not.

I would also respectfully say that the Chinese residents are greatly alarmed at the present attitude of the people toward them in California, and no doubt have good reason to anticipate violence to their persons and property as a result of the present excitement, which is entirely unprovoked on the part of the Chinese people. I have the honor to request that you take cognizance of these matters yourself, and also, that through your courtesy His Excellency, the President of the United States may be informed of the same.

Accept, sir, etc.,

YANG YU.

[Inclosure 1.]

Chinese Board of Trade to Chinese minister.

[Telegram.]

LOS ANGELES, CAL., September 6, 1893.

SIR: Proceeding being taken to deport certain Chinese from United States, one man connected with mercantile house in Los Angeles, who leased land and hired laborers to perform the work, he dealing vegetables in conjunction with other partners in store, ordered deported this morning. Name is Chun Sang Yuen. Can any action be taken for our protection? ANSWER.

CHINESE BOARD OF TRADE.

[Inclosure 2.]

Mr. Li Yung Yew to Mr. Yang Yü.

[Telegram.]

SAN FRANCISCO, CAL., *September 6, 1893.*

The following telegram has just been received:

Twenty and more Chinese arrested to-day for not complying with the Geary act, and hundred others will follow. Notify the consul-general and the minister at Washington for our protection at once. Signed Chinese Board of Trade, by Quong Sang.

Please wire us what you have done in the matter, in order that we may inform our people here and Los Angeles.

LI YUNG YEW,
Chinese Consul-General.

[Inclosure 3.]

Mr. Lung Yew to Mr. Yang Yü.

[Telegram.]

SAN FRANCISCO, CAL., *September 6, 1893.*

The district judge, southern district of California, this morning ordered deportation of a Chinaman who had failed to register as required by the Geary act. The district attorney handed the judge a telegram from the Attorney-General, stating that there were no funds to deport Chinamen who were arrested for failure to register. The judge held that the appropriation made by Congress was for the purpose of carrying out the provisions of the entire act, and that there is no authority for the segregation of the appropriation to certain portions, but that the whole must be used for all purposes until exhausted, and that he had no judicial knowledge of the latter. One hundred and fifty more warrants will be applied for in Los Angeles to-morrow, and warrants will also be applied for in this city. We respectfully ask you to call the attention of the Secretary of State to this matter immediately. The only redress is to be had either through the Executive Departments of the Government or through Congress. The authority of the bill has stated that the intention of the bill was not to deport our people from the country. This being true, the Executive Department ought to be able to prevail upon Congress to give some relief. The Chinese act upon legal advices and the decision of the Supreme Court, which was a five to three decision, shows that the advice was given in good faith. The advice that the law was unconstitutional was given by Choate and Carter, of New York, and Ashton, of Washington. Some relief must be had immediately, or our people will be shipped out of the country and great loss of property will result.

LI LUNG YEW,
Consul-General.

Mr. Gresham to Mr. Yang Yü.

DEPARTMENT OF STATE,
Washington, September 9, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, in which you bring to my attention the reports which have reached you from the Chinese consul-general at San Francisco, and from the Chinese Board of Trade at Los Angeles, California, touching proceedings in the courts at the latter place looking to the deportation of certain unregistered Chinese persons under the sixth section of the Geary act. You state your apprehension that these proceedings indicate a systematic effort to enforce that law by arresting and taking before the courts large numbers of Chinamen who failed to comply with the requirements of that act, and refer to His Imperial Majesty's belief that no arrests or deportation of Chinese residents of this class

would be made until after the Congress of the United States should further act upon the subject so that an opportunity might be afforded to repeal, modify, or enforce the law by appropriate legislation.

The policy of the Government in this regard remains the same as when I spoke to your honored predecessor on the subject some months since, and as stated in my note of May 5th last, to Mr. Tsui, the executive power of the Government has not, for reasons previously stated, initiated any steps looking to the effective execution of the act. I should add, as I told you yesterday, that a bill amending the act by affording another and ample opportunity for your countrymen to register is expected to be introduced in Congress forthwith, and I doubt not it will receive the careful and earnest consideration it deserves.

You are, however, doubtless aware that, under the constitutional organization of the Government of this country, the executive, legislative, and judicial functions are distinct and independent, and that the judicial power is not subject to the orders of the executive.

I am as yet not officially advised of the decision of the courts in the cases to which you refer, or of the extent to which they have taken cognizance of the complaints laid before them. The act makes it the duty of the Secretary of the Treasury to execute sentences of deportation, and I can assure you that he is earnestly alive to the especial circumstances that surround the matter at the present juncture.

With regard to the concluding passage of your note, I can not share your belief that the Chinese residents of the United States have good reason to anticipate violence to their persons and property as a result of the excitement now supposed to exist. A note which I send to you communicating the action of the authorities of the State of California in view of a rumored demonstration against Chinese residents in San Bernardino County and in advance of any representation in behalf of the interested persons, will show you the earnest determination of the State officers to cause law and order to be maintained and to employ all lawful power to that end.

Accept, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Yang Yü.

DEPARTMENT OF STATE,
Washington, September 9, 1893.

SIR: In connection with my notes of the 24th and 31st ultimo, concerning the probable outbreaks against the Chinese in Tulare and Kern counties, California, I have the honor to apprise you of the receipt of two letters from the executive of the State of California of the 1st and 2d instant.

It appears that the sheriff of San Bernardino County was apprehensive that an anti-Chinese demonstration would occur at Redlands on the evening of the 1st instant and requested that the militia of that place and of San Bernardino County might be called to his assistance if necessary. To this appeal Governor Markham directed the brigadier-general of the State militia in that part of the State to take proper steps to have the troops at those points ready for action and to promptly call them out if in his judgment the necessities of the situation required it. Governor Markham further directed that law and order must be maintained throughout the State.

By a telegram of the 2d instant from James P. Booth, sheriff, to the governor, who has transmitted it, with his letter of that date, it is reported that no demonstration was made on the 1st beyond the cutting of electric wires in San Bernardino. Sheriff Booth believes that the determined stand taken by the State authorities averted whatever trouble may have been feared, and he has notified the National Guard that he had no longer need for their services.

I am sure you will be glad to learn of the prompt and patriotic action of the governor and other officials of the State of California to maintain peace and order.

Accept, etc.,

W. Q. GRESHAM.

Mr. Yang Yü to Mr. Gresham.

CHINESE LEGATION,
Washington, September 10, 1893.

SIR: Adverting to our conversation of to-day in which you suggested that appeals ought to be taken in the deportation cases in California, I have the honor to inclose a telegram, just received, from the Chinese consul-general, in which he advises me that such appeals have been applied for and granted by Judge Ross, but that such appeals are rendered ineffective and useless by the refusal of the judge to allow a stay of proceedings. It seems to me that if the persons are entitled to appeals they are also entitled to a stay of proceedings until the cases can be finally decided by the Supreme Court. Will you kindly inform the President of the existing condition of affairs?

Accept, etc.,

YANG YÜ.

Mr. Yang Yü to Mr. Adee.

CHINESE LEGATION,
Washington, September 27, 1893. (Received Sept. 28.)

SIR: I have the honor to ask your especial attention to the facts related in a telegram just received from the Chinese consul-general at San Francisco, bearing date the 26th instant, which is inclosed. Under all the circumstances it appears that the arrest from day to day of respectable Chinese laborers and their incarceration in the jails of California is not only useless, but the procedure in the cases very unusual, and results only in cruelty to such Chinese subjects and in the loss and destruction of their property. The denial of bail in the *habeas corpus* cases which have been appealed to the Supreme Court of the United States is unprecedented, and no such cruel treatment or denial of justice in cases of this class is even contemplated in the drastic provision of the so-called Geary law. No crime has been committed by these persons, yet they are treated as though they are guilty of the highest offenses known to the law, and held in custody while their property and effects are wasted or destroyed.

I desire to suggest that the attention of the Attorney-General of the United States may be directed to the existing state of affairs, with the hope that he may be able by some method of his own to obtain, through the action of the United States district attorneys who have charge of

these cases, bail for these Chinese persons, who may be protected thereby from such cruel persecution and their property saved from such loss and destruction.

I am, etc.,

YANG YÜ.

[Inclosure.]

Mr. Li Yung Yew to Mr. Yang Yü.

SAN FRANCISCO, CAL., *September 26.*

There are now 64 men in the various jails for not registering—17 in San Francisco, 23 in Oakland, and 24 in Los Angeles—and more arrests are being made each day. All of the cases have been appealed to the United States Supreme Court, but it is uncertain when these cases will be heard. They may not be heard for several months. In the meantime the parties are incarcerated in jail among felons and other criminals, and have been denied bail by the courts, notwithstanding the fact that they have not committed any crime and that the courts have decided that a failure to register is not a crime. People charged with any crime under the law except murder are entitled to bail; yet these people who have committed no crime are denied the right of bail pending their appeal, and their property and other effects in the meantime are being irretrievably lost. The people who are being arrested are of the better class of Chinese laborers, and are people who have money and are invaluable to their positions. If something can not be done to check these arrests or to allow these people bail pending the hearing of their appeal, the Chinese on this coast will be irretrievably ruined.

Please remonstrate to the President.

LI YUNG YEW,
Chang Teng Chip.

Mr. Adee to Mr. Yang Yü.

DEPARTMENT OF STATE,
Washington, September 29, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 27th instant, complaining of the imprisonment in California of Chinese laborers, who, pending the hearing of their appeal to the United States Supreme Court, are denied bail.

In compliance with your request a copy of your note and its inclosure has been laid before the Attorney-General for his consideration.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Mr. Yang Yü.

DEPARTMENT OF STATE,
Washington, October 10, 1893.

SIR: In further reply to your note of the 27th ultimo, calling my attention to the arrest from day to day of respectable Chinese laborers and their incarceration in jails in California without being allowed to be relieved on bail pending their appeals to the Supreme Court of the United States, and requesting that the attention of the Attorney-General be directed to this state of affairs, with the hope that he may be able to discover some means by which they may be allowed to be dis-

charged on bail, I inclose herewith for your information copy of a communication received from the Attorney-General under date of October 2.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

[Inclosure.]

Mr. Olney to Mr. Gresham.

DEPARTMENT OF JUSTICE,
Washington, D. C., October 2, 1893.

SIR: I have yours of the 29th ultimo, calling my attention to a communication to the Department of State from the Chinese minister, in which he suggests that the Attorney-General of the United States may be able, by some methods of his own and through the action of the United States district attorneys, to cause Chinese persons to be admitted to bail for whom writs of habeas corpus have been applied in the course of the enforcement of the provisions of the so-called Geary law.

I have had several conferences on the subject with the counsel of the Chinese legation, Mr. May.

The difficulty about admission to bail in the cases referred to is the rule of the Supreme Court expressly declaring that, "pending an appeal from the final decision of any court or judge declining to grant the writ of habeas corpus, the custody of the prisoner shall not be disturbed." I have suggested—and I believe the counsel of the Chinese legation agrees with me—that the only possible remedy is through an application to the Supreme Court for a modification of its rule.

Very respectfully, etc.,

RICHARD OLNEY,
Attorney-General.

Mr. Yang Yü to Mr. Gresham.

CHINESE LEGATION,
Washington, October 10, 1893. (Received October 11.)

SIR: I have the honor to state that my predecessors, through interviews and correspondence, obtained the recognition by the collectors of customs, under regulations and instructions prescribed by the Secretary of the Treasury, of certificates of identity to the exempt class of Chinese persons, in order to facilitate a more perfect compliance with section 6 of the act of Congress approved July 5, 1884, and the Imperial Chinese Government, in accordance with an understanding so made and accepted by both governments, authorized the consuls of China in foreign countries to issue, in behalf of their own Government, to such exempt class of Chinese residents in said countries the certificates of identity required by said law, and such certificates have been issued by such consuls and recognized by the collectors of customs until a very recent date. In this connection I have the honor to say that I am in receipt of a note from the Chinese consul at New York City, and also of a petition signed by the Chinese board of trade and by twenty-four merchants of New York City, complaining that the customs officers decline to recognize and indorse such certificates, and they claim that their action in this respect is controlled by orders from the Secretary of the Treasury.

No information has been received at this legation from the Department of State for transmittal to His Imperial Majesty upon the subject of the revocation of the practice between the respective governments concerning the issuance of these certificates, and I am surprised to

learn of the abrogation by the Secretary of the Treasury of a practice of so much importance without any consultation with, or notice to, my Government or its recognized diplomatic representative, and I regard it my duty, therefore, to ask for an explanation of the causes that led to this summary action of the Secretary of the Treasury in refusing to indorse or recognize such certificates.

I have also the honor of suggesting to you that complaints have been made to me, based upon reliable information, that Chinese Inspector Scharff, an employé of the Treasury Department, who is stationed at New York City, invariably obstructs the landing of Chinese subjects who hold such certificates or passports and treats the holders thereof and other Chinese persons outrageously by using toward them insulting and abusive language.

Trusting that I may be given, for transmission to His Imperial Majesty, a satisfactory explanation of the matters,
Accept, etc.,

YANG YÜ.

Mr. Gresham to Mr. Yang Yü.

DEPARTMENT OF STATE,
Washington, October 23, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant in regard to the recognition of certificates of identity furnished to the exempt class of Chinese persons entering the United States, and, in reply thereto, to inclose herewith copy of letter of the Secretary of the Treasury of the 20th instant.

I think you will find that the statements in Secretary Carlisle's letter fully cover the matters to which you directed my attention.

Accept, etc.,

W. Q. GRESHAM.

[Inclosure.]

Mr. Carlisle to Mr. Gresham.

TREASURY DEPARTMENT,
Washington, D. C., October 20, 1893. (Received October 21.)

SIR: I have the honor to acknowledge the receipt of your communication of the 16th instant, with which was inclosed copy of a note addressed you on the 10th instant by the Chinese minister at this capital, concerning certain regulations of this Department with reference to certificates issued by Chinese consuls and upon which the holders seek admission into the United States.

The complaint of the minister presumably has reference to instructions given to collectors of customs to closely scrutinize certificates from consular officers presented by Chinese persons claiming to be of the exempt class, and before landing such persons to make inquiry as to the truth of the statements set forth in such certificates.

This course became necessary on account of the frequency of instances coming to the knowledge of this Department where Chinese laborers had been admitted upon certificates obtained from the Chinese consul at Havana falsely describing them as merchants, actors, or students. The law relating to certificates of this character does not make them conclusive evidence of the right of the holder to enter the United States, but provides that the facts therein stated may be disproved by the United States authorities. Pursuant to this provision of law and in order to prevent the constant introduction of laborers by means of consular certificates probably obtained from Chinese consul and viséed by the U. S. consul through misrepresentation and perjured testimony, it was decided to verify all certificates where there was any doubt of the true character of the person described therein.

Although the law provides in express terms that Chinese laborers shall not be permitted to enter the United States, our Government in a spirit of liberality has allowed such persons to pass in transit through our territory. This privilege has been taken advantage of by many Chinese laborers to enter at San Francisco and pass in transit via New Orleans to Cuba. The same persons have then returned to the United States with passports from the Chinese consul at Havana certifying them to be persons of the exempt class. A number of these upon investigation have been excluded. While this action causes more or less delay, it has not, so far as is known, prevented the entry into the United States of any person lawfully entitled to admission.

As an illustration, it may be stated that on the 12th instant two Chinese persons, named, respectively, Loui Yon Cai and Lung Wa On, arrived at New York per steamship *Seneca*, and claimed admission on certificates issued by the Chinese consul at Havana, who certified that the persons referred to were members, respectively, of the Chinese firms of Cheung Wa, No. 909 Race street, Philadelphia, and Yan Sang Tong, No. 22 Mott street, New York. Upon investigation it was ascertained that they were not merchants nor members of the firms named. It was shown that Loui Yon Cai had stated on the voyage from Havana to New York that it was his intention upon landing to establish a Chinese restaurant or a gambling house in that city, and that he had no business connection of any kind in Philadelphia. The other person, Lung Wa On, was without means, was a laborer, and intended to work in a laundry at New York upon arrival there. In these cases certificates were obtained in Havana by one Young Sing and one Chuck Sam upon payment of the sums of \$12 and \$7, respectively.

You will recall the fact that I have within the past few months, on account of abuses similar to those above described, repeatedly called your attention to the necessity for instructions to the American consul at Havana to more closely scrutinize certificates of the character in question, with a view of ascertaining whether or not the statements made therein are true.

I am not aware of any instances where action has been taken by direction of this Department, or any of its officers charged with the enforcement of the Chinese exclusion acts, which can properly be construed as indicating a disposition to ignore certificates issued by the accredited officers of the Chinese Government, but, as heretofore stated, efforts have been and will continue to be made to prevent our laws relating to the exclusion of Chinese being violated by fraudulent practices on the part of persons who have no right to land in the United States.

I do not doubt that the Chinese minister will concede that this course is a proper one, as I am advised that he has no sympathy with attempts of Chinese persons to enter the United States in violation of our laws.

With reference to that portion of the minister's note complaining of the conduct of Inspector Scharf, I have the honor to inform you that previous to the receipt of your letter and upon representations made from another source an investigation was ordered. The subject is now under consideration, and if it is found that the inspector has been abusive or has not properly performed his official duties a suitable remedy will be applied.

Respectfully, yours, etc.,

J. G. CARLISLE,
Secretary.

Mr. Yang Yü to Mr. Gresham.

CHINESE LEGATION,
Washington, October 27, 1893. (Received October 28.)

SIR: I have the honor to acknowledge the receipt of your note of the 23d instant and a copy of the letter of the Secretary of the Treasury, which was inclosed, in regard to the action of the U. S. Government concerning the recognition of certificates of identity issued to the exempt class of Chinese persons entering the United States, and I thank you for the information conveyed in these communications.

I am also desirous of avoiding any wrong or imposition in the issuance of such certificates, and to this end I have instructed the Chinese consular officers at Havana, San Francisco, and New York who have charge of these matters to carefully examine all applicants for such certificates and to scrutinize with great care all testimony adduced in support of such applications.

I trust, however, that the applications of actual merchants, whose certificates are required to be viséed by the collector of the port from which they depart may be distinguished from the applications of those who assume to be such merchants, so that the former may not be unnecessarily interfered with or delayed in their right to carry on their mercantile business, and I respectfully request that the collectors may be instructed to visé and recognize the certificates of such bona fide merchants in accordance with the practice and regulations heretofore and now existing, and that they may receive justice at the hands of the U. S. Government.

In regard to the petition of the Chinese consul at New York and the joint petition of the Chinese merchants at that city, to the effect that the collector at that port refuses to visé such certificates, and that Inspector Scharf abuses his authority, I feel assured that Mr. Secretary Carlisle does not sanction any such irregularities as are reported to have been done pursuant to his orders.

Please extend to Mr. Secretary Carlisle my thanks for his valuable letter, and

Accept, etc.,

YANG YÜ.

Mr. Gresham to Mr. Yang Yü.

DEPARTMENT OF STATE,
Washington, November 1, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 27th ultimo, and to say that I have inclosed a copy of the same to the Secretary of the Treasury, calling his attention to the statement you make touching the instructions sent by you to the consuls of China at Havana, San Francisco, and New York regarding the careful examination of certificates on which Chinese subjects seek admission at our ports, and also to the suggestion you make in favor of bona fide applicants for certificates.

Accept, etc.,

W. Q. GRESHAM.

Mr. Yang Yü to Mr. Gresham.

CHINESE LEGATION,
Washington, November 8, 1893. (Received November 9.)

SIR: I have the honor to state that I have received information of the passage by the Congress of the United States of an act to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," and I express my thanks for the provision in the bill which stops the proceedings in the prosecution of Chinese persons under the Geary law in the courts, and as a result releases them from imprisonment.

It was, of course, within the power of Congress to enact the Geary law, and the amendment thereto, notwithstanding their harsh provisions, but I would suggest that if the repeal of the Geary law was an impossibility, the simple extension of the time for a term of six months was the worst treatment anticipated by the Chinese people and by the Imperial Government, and the additional objectionable provisions are a surprise and disappointment.

According to our treaty of 1880 with the United States "Chinese subjects, whether proceeding to the United States as traders or students, merchants or from curiosity * * * and Chinese laborers who are now in the United States * * * shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation;" and, reciprocally, citizens of the United States in China are treated by China in the same manner as citizens or subjects of the most favored nation there are treated. Now, the recent legislation referred to above applies only to the Chinese people in the United States, and for this reason I feel it my duty to express sincere regret and disappointment at the passage of these laws, inasmuch as they are aimed at my people to the exclusion of foreigners from all other countries. If this legislation were so extended as to include the people of other nationalities in the United States, I should deem it my duty to maintain silence upon the subject. But such is not the case.

It becomes necessary under the existing circumstances for the Chinese Government to consider and anticipate at this early date the fact that many worthy Chinese residents of the United States, who may be entitled to remain in the country, may not be able to meet the requirements of the law, or may not, for technical reasons, be accorded the privilege of registration, and hence at the end of the six months our Government may meet with a repetition of the same difficulties, to a greater or less extent, through which they have just passed, and from which they are now enjoying what may prove to be a temporary respite. It appears, therefore, that our respective governments should immediately arrive at an amicable understanding as to the future relations that are to exist between them in regard to the grave and important questions involved.

An explanation of the act of Congress is requested upon the question as to whether it is the intention of its provisions that the number of Chinese persons in the United States may be ascertained in order that the Chinese and Americans may live amicably together in the United States. If this is the intention of the law, I may be permitted to suggest that mutual consideration of the question and cordial cooperation, rather than the enactment of such legislation, would serve to further strengthen the friendly relations which have so long existed between China and the United States. In view of all the facts I would respectfully inquire whether it is now the intention of the United States Government to permit these most serious questions to rest as a finality upon the legislation of Congress as it now exists, or whether the thought is entertained of further negotiation through a different source, to the end that all the existing difficulties between such nations may be permanently settled, and their honor, dignity, and friendship maintained and preserved.

If the Government of the United States desires to entertain and consider any negotiation whatever that may lead to an adjustment of the questions involved, I will willingly join in an interview upon that subject.

It is with a feeling of assurance that the Secretary of State has always entertained a cordial regard for the friendly relations between the two nations that I venture to address this note to him, and I, in conclusion, desire to express to him my sincere thanks for the many courtesies and kindnesses extended by him to me and my Government.

Accept, etc.,

YANG YÜ.

Mr. Gresham to Mr. Yang Yü.

DEPARTMENT OF STATE,
Washington, November 25, 1893.

SIR: I have the honor to say with reference to your note of the 27th ultimo that, as appears by a letter of the Treasury of the 11th instant, collectors of customs have been instructed to place no unnecessary obstacles in the way of the landing, in the United States, of Chinese entitled to enter our ports, but that it is not deemed advisable to renew the practice under which collectors *visaed* certificates issued by consular officers of China in this country to Chinese about to depart for China with the intention of returning.

The letter of the Treasury closes as follows:

It is hoped that by means of the registration of Chinese persons in the United States under the law recently passed, further difficulties and complications in connection with this subject may be obviated.

Accept, etc.,

W. Q. GRESHAM.

COLOMBIA.

Mr. McKinney to Mr. Gresham.

No. 12.]

LEGATION OF THE UNITED STATES,
Bogota, August 24, 1893. (Received September 20.)

SIR: I have the honor to acknowledge the receipt of your No. 6,* dated July 14, 1893, relating to the boundary dispute between the governments of Colombia and Costa Rica.

In accordance with your instructions, I have had an interview with the secretary for foreign affairs and endeavored to impress upon him the importance to all parties concerned of the settlement of this dispute.

He informs me that his Government is at the present time preparing a basis for a new treaty with Costa Rica on the boundary question and hopes to be able to present it to Costa Rica for their approval in a few weeks.

They propose to submit the question of arbitration to the Government of Spain; that the decision of the arbitrator shall be final and go into immediate effect; that the governments of Colombia and Costa Rica shall divide the expenses, etc.

He has promised to forward to this legation a copy of the draft before it is submitted to Costa Rica.

I will cable the Department of State when the draft is forwarded to Costa Rica, and I would suggest that, if it appears fair to both parties concerned, you urge upon the Government of Costa Rica the acceptance of the treaty, to the end that this long disputed question may be finally settled.

I am, etc.,

LUTHER F. MCKINNEY.

Mr. McKinney to Mr. Gresham.

No. 19.]

LEGATION OF THE UNITED STATES,
Bogota, September 29, 1893. (Received October 31.)

SIR: In continuation of my No. 12 in answer to your No. 6,* I have the honor to say that I, immediately on receipt of your communication, sent an official dispatch to the minister of foreign affairs, in which I expressed the feeling of the Government of the United States in regard to the boundary question between Colombia and Costa Rica.

The minister of foreign affairs personally requested that I withdraw the official communication on the plea that he preferred to deal with this legation upon such matters in personal interviews.

* See No. 28 to the U. S. minister to Nicaragua, p. 202.

On his urgent request I withdrew the document and he promised before he sent an official communication to the Government of Costa Rica regarding the boundary question he would transmit a copy to me, that I might ask my Government to use its good services to induce Costa Rica to accept the propositions of the Colombian Government. It appears that the letter of the Colombian Government was sent to Costa Rica on the 6th of September, while we were not given its contents until the 21st of September, when he sent us a copy published in the official organ of the Government, a copy and translation of which I inclose.

I also inclose a copy and translation of his letter to me.

On account of so long a time having elapsed since the communication was sent to Costa Rica, I did not deem myself justified in sending a cable upon the subject.

I am, etc.,

LUTHER F. MCKINNEY.

[Inclosure 1 in No. 19.—Translation.]

Señor Suarez to the minister of foreign affairs of Costa Rica.

MINISTRY FOR FOREIGN AFFAIRS,
Bogota, September 6, 1893.

MR. MINISTER: I have the honor to answer the note of the 29th of last June, in which your excellency refers to the settlement of the boundary between Costa Rica and Colombia, an affair which has been a subject for much discussion between the two governments, and which was submitted for arbitration to the Government of Spain until the respective conventions were rejected, because the time had expired within which the decision in regard to the controversy of the boundary limits should have been rendered.

Your excellency is surprised that the Government of this Republic neglected to communicate to the Government of Costa Rica its intention to denounce those acts, and that it confined itself to making its declaration to the arbitrator in person.

The surprise of your excellency would be well founded if the note which this office sent you on the 16th of March, 1891, had been honored with an answer, but having waited in vain for the said reply, this office concluded that the Government of Costa Rica no longer considered it necessary to treat directly with Colombia in regard to this matter. Moreover, in the notes whereby the Government of Spain was made aware of our intention to reject the conventions, care was taken to inform the Government of Costa Rica that they would also be informed of this fact, after the last pending note should be answered, relative to the settlement of a provisional boundary by which mutual and frequent complaints could be avoided, and it was added that every means should be used to renew the treaties and to prolong the jurisdiction of the arbitrator, always provided that he should consent to act in this capacity for the two republics and do them the favor and the honor to study and decide the subject referring to their common frontier.

Your excellency can ascertain this by looking at the notes, of which I have the honor to send an authorized copy.

Your excellency is also surprised that the Government of this Republic should have rejected the treaties after the arbitrator had declared, without any objection on the part of Colombia or Costa Rica, that the boundary question between these two states should not be touched until after the question between Colombia and Venezuela had been decided, and until after the acceptance of the arbitrament, and for the same reason the decision regarding the limits should not commence to be reckoned until the decision in regard to that other matter had been rendered.

In order to be able to ascertain the force of the argument it must be remembered that the arbitrator accepted the commission on a certain date; that he at that time decided that this question should be studied after the questions relative to the arbitration between Colombia and Venezuela should have been decided, a thing which was likely to happen any minute; that sixteen months after having accepted the jurisdiction he stated that the twenty months' limit allowed him in which to render the decision should not commence to be computed on the date of acceptance, but rather, after the controversy in regard to the boundary between Colombia and Vene-

zuela had been decided, and that the parties made no objection to such a proposal, although the representative of Colombia took care to inform the diplomatic agent of Costa Rica, Señor Peralta, of the necessity of rectifying the treaties.

Thus the question which has been discussed is as follows: An agreement was entered into between two nations to determine by arbitration their common frontier; the decision of this serious and important question was to be given within a fixed time. Can the time which is definitely named in these treaties be indefinitely postponed by any other will or authority than that which gives to them force and validity?

This question is so clear that no misunderstanding can arise in the answer. However, supposing its solution were doubtful, this other question would arise, equally important, and worthy of the strictest attention, namely, jurisdiction being doubtful, and the power being given by two states to an arbitrator to decide a controversy so interesting as that of international limits, will it be prudent, just, or right to hazard the success of a decision requiring so much labor, and of a judgment worthy of respect, by neglecting to remove errors from the treaties, or to correct anything which might make them worthless in the future?

Thus the Government of Colombia, recognizing, as any just and honorable government must, the necessity of repairing a bad foundation in a costly edifice, has worked for the desired end with the impartiality called for by the rights and interests of both parties, with the frankness and fidelity which the gravity of the situation demands, and with the respect which is owed to the high arbitrator, whose decision ought never to be considered as doubtful. Your excellency thinks it strange that the Colombian Government should have rejected the treaties regarding the boundary between Colombia and Costa Rica after Dr. Antonio Roldan and the undersigned, then acting minister of foreign affairs, had stated in letters, written after Colombia had announced the lapse of such treaties, that it was still hoped that Spain would settle the pending question.

In the first place these opinions alone, expressed before an accurate calculation of the terms had been made, bearing in mind the dates of the letters of acceptance of the arbitrator, and of his declarations to that effect, these opinions, I say, are wanting in that force which would be necessary to continue a jurisdiction which Congress alone has the power to do, in conformity with the public law of the nation. In the second place, if your excellency will have the kindness to look at the notes of October 19, 1891, and March 17, 1892, sent by this office to his Catholic Majesty, through his legation at Bogota, you will find that the Government of this Republic, while rejecting the treaties, stated at the same time its intention to renew them if Costa Rica should give her consent, and prolong the jurisdiction conferred upon the Government of Spain, provided that this high arbitrator should deign to accept it.

Thus the ideas of Señor Roldan and of the undersigned regarding the decision to be given by the Spanish Government were in harmony with the prevision voluntary then, as to-day, that the decision shall have that high origin, because it is scarcely possible that Costa Rica will refuse to accept the propositions of Colombia in regard to the renewal of the treaties.

From the foregoing I hope that your excellency will see that the Colombian Government, far from rejecting the idea brought forward by Costa Rica, in the note which I have the honor to answer, strove to suggest it, in the very act by which it announced the lapse of the treaties. Therefore there will be no unwillingness on the part of the Republic that the negotiations which may be necessary for the renewal of these conventions be held at Bogota or Madrid, whereby a treaty may be made, in which the same referee may be named, and in which the boundary limits are clearly and exactly stated, and which contains clauses of obvious advantage, such for instance as those relating to the expenses of the trial, to the carrying out of the sentence, and to the committee which must be named for studying the ground before the decision is given, or to mark the boundary line decided upon by the arbitrator, etc. But to accomplish this it is indispensable that your excellency's Government, as soon as it finds time, answer the above-mentioned note which the Colombian Government had the honor to send you March 16, 1891, and in accordance with this note, do all that is possible to decide upon a temporary boundary, to the end that the frequent quarrels and vexations may be avoided which arise through the trespassing by agents of Costa Rica upon territory which is recognized by your Government in the actual possession of Colombia. Repeated and friendly complaints have been sent by my Government to that of Costa Rica in regard to this matter before commencing, as was right, direct measures to avoid the violation of a *statu quo* which is by common accord perfectly legal until the jurisdiction of the frontiers shall be definitely settled.

Frankly speaking, the note to which I refer was sent in order to obtain an amicable solution of this question, which is urgent in spite of its temporary character. Not only have we waited in vain for a reply to this note, but we have received with increasing wonder the complaints of the authorities of this Government at Bocas del

Toro, making public new acts of violation of the territorial sovereignty of Colombia, committed by citizens or agents of Costa Rica.

With such a condition of affairs and while the two governments, animated by brotherly friendship, neglect to put a stop to such irregular proceedings, the Government of Colombia does not desire, nor would she be able in fact without injuring her rights and interests, to again renew the arbitration treaties regarding the frontiers. For in all such acts the greatest harmony and good will must prevail between the two parties.

It would be impossible for Colombia to sign an arbitration treaty regarding boundary limits, and at the same time be obliged to repel invasions of territory which is in her possession, her expostulations being disregarded.

I take, Mr. Minister, etc.

MARCO F. SUAREZ.

[Inclosure 2 in No. 19.—Translation.]

Señor Suarez to Mr. McKinney.

MINISTRY FOR FOREIGN AFFAIRS,

Bogota, September 21, 1893.

Marco Fidel Suarez politely salutes his excellency, Mr. McKinney, and, referring to their recent interview about the question of boundary, now pending between Colombia and Costa Rica, has the honor to forward to him the *Diario Oficial* of yesterday, in which may be found the last note sent to the Government of that Republic regarding this matter.

CORRESPONDENCE WITH THE LEGATION OF COSTA RICA
AT WASHINGTON.

Señor Peralta to Mr. Gresham.

[Translation.]

LEGATION OF COSTA RICA,
Washington, April 12, 1893. (Received April 17.)

The undersigned, envoy extraordinary and minister plenipotentiary of the Republic of Costa Rica, has the honor to call the attention of the honorable Secretary of State of the United States of America to the following points, which are of the highest importance as regards the international relations of Costa Rica and the United States and with the Republic of Colombia:

The boundary question pending between the Republics of Costa Rica and Colombia which, according to the treaty of San José of December 25, 1880, and the additional convention concluded at Paris, January 20, 1886 (Inclosures Nos. 1 and 2), is to be decided by arbitration, was submitted, in pursuance of an agreement with the United States Government (as appears from the communications of Mr. Bayard, Secretary of State of the United States, to this legation, dated Washington, November 14, 1885, and May 26, 1886), to the Government of Spain by the plenipotentiaries of Costa Rica and Colombia at Madrid, by a note bearing date of May 19, 1887. (Inclosure No. 3.)

The Spanish Government accepted the office of arbitrator *sub conditione suspensiva*, with the proviso that its acceptance was not to begin until after it should have pronounced its decision in the boundary question between Venezuela and Colombia, which had been submitted to it. This declaration was made by Mr. Moret in his note of June 12, 1887. (Inclosure No. 4.)

The representative of Colombia having expressed some doubt with regard to the meaning of the condition imposed by the Spanish Government for its acceptance of the office of arbitrator, the minister of Costa Rica at Madrid requested the minister of state of His Catholic Majesty (by a note of October 23, 1888, Inclosure No. 5) to furnish an explanation of the terms of its acceptance according to the aforesaid note of Mr. Moret. The Marquis de la Vega de Armijo replied, on the 30th of the same month (Inclosure No. 6), "that as the labors relative to the boundary question pending between Venezuela and Colombia had not yet been finally terminated, the acceptance of the office of arbitrator, with which the Government of Colombia and that of Costa Rica had honored that of His Catholic Majesty, would not begin until the decision had been pronounced and the new commission appointed."

This sufficiently precise explanation was communicated by the minister of Costa Rica to the legation of Colombia on the 6th of November, 1888, in a note to Mr. Putnam, chargé d'affaires, and was repeated

on the 11th of January, 1889, to Mr. Bétancourt, who had succeeded Mr. Putnam. The legation of Colombia did not raise the slightest objection, but, on the contrary, the language of the Colombian representative induced His Catholic Majesty's minister of state to believe that not only did Colombia not have any objection to the conditions imposed by the arbitrator, but that it was disposed to present its own argument in due time.

In this belief, which was contradicted by no fact and by no official statement of the Government of Colombia, and after the decision of the boundary question between Venezuela and Colombia(*) had been pronounced, the minister of state requested the parties, by a note bearing date May 11, 1891, to present their respective arguments, reserving the declaration that the arbitration had commenced until the time when these arguments should be in his possession.

Mr Bétancourt, the Colombian minister, replied that he would present the argument of his Government with as little delay as possible. "No objection was made by Mr. Bétancourt on the ground of the nullity of the treaties of arbitration; on the contrary, he recognized that the new arbitration had been initiated between his country and Costa Rica." (Note from the Duke of Tetuan to Mr. Peralta, dated Madrid, January 22, 1892. Inclosure No. 7.)

The Spanish Government was consequently awaiting the presentation of the arguments, and the minister of Costa Rica had repeatedly stated that the argument of his Government was ready, and he desired that the commission which was to take cognizance of the case should be appointed in order that he might transmit that document to the ministry of state.

The Duke of Tetuan, however, being actuated by a lofty sentiment of benevolence, was unwilling that the arbitration should be definitively begun until the argument of Colombia (which he thought was likely to be handed in at any moment) should have been presented.

Such was the state of things in December, 1891, when the Spanish Government was informed by a note from the minister of Spain at Bogotá, bearing date of October 19, 1891, that the Government of Colombia desired to conclude a new treaty of arbitration with Costa Rica, because, in its opinion, the time had expired within which the arbitrator could pronounce a valid decision.

Neither the Government of Spain nor that of Costa Rica has accepted the declaration of the Government of Colombia as being just and well founded, and the Duke of Tetuan has declared that he was very much surprised by the course pursued by Colombia. This he did in a dispatch addressed to the representative of Spain at Bogotá, and in his communication of the same date (January 22, 1892, Inclosure No. 8) to the minister of Costa Rica at Madrid.

As is declared by the arbitrator, through the Duke of Tetuan, the time for taking cognizance of the boundary question had not expired. Colombia, which made not the slightest objection to the conditions imposed by Mr. Moret, ought at least to have presented its argument to the arbitrator, or to have signified in some way that, in its opinion, the time allotted for arbitration had commenced before assuming to itself without the assent or notice of the other party, the responsibility of declaring that the time for the legal arbitration of the case had already expired.

Even supposing that the arbitrator had allowed the time fixed for

* Published in the Madrid Gazette, March 17, 1891.

pronouncing his decision to elapse, such negligence on the part of the arbitrator in no way affects the validity or the obligatory force of the treaty of 1880.

The negligence of the arbitrator may at the utmost be considered as a passive form of his desire not to perform the duties of his office; as a tardy refusal to accept it, or simply as an evidence of his having been unable to render, at the proper time, the eminent service requested of him, and this is the most that can be alleged by Colombia; at all events, however, the contracting parties were still at liberty to have recourse to the stipulation contained in article 5 of the treaty of 1880, and in virtue thereof to request the President of the Argentine Republic to accept the office of arbitrator.

The Spanish Government, however, rejected with very good reason, the charge of negligence implied by the declaration of the Government of Colombia, and has constantly shown its readiness to perform the duties of the noble and disinterested office which was tendered it by the parties; and if these offer it, and again beg the Government of His Catholic Majesty to accept it, that Government has promised that it will accept it, or that it will, at least, most favorably consider the offer.

Be the case as it may, the treaty of arbitration of 1880 provides, in its seventh article, that the boundary question shall be decided by arbitration only, and until such a settlement has been reached, the validity of that treaty is incontestable.

The additional convention of January 20, 1886, stipulated that, notwithstanding the death of His Majesty Don Alfonso XII, the Government of Spain was competent to continue in charge of the arbitration (Article I). It defined with precision, in accordance with the observations of Mr. Bayard, Secretary of State of the United States of America, the extreme and precise limits of the territorial claims of the parties (Article II), and declared that, whatever should be the decision of the arbitrator, the rights of a third party should remain unimpaired (Article III).

The additional convention, furthermore, extends the period of arbitration for ten additional months, so that it may last for twenty months, reckoned from the date of its formal acceptance. (Article IV).

The rights of a third party, as was agreed with the Government of the United States, and as explained by Mr. Bayard in his note of May 26, 1886, to Mr. Peralta, are such as in virtue of preexisting treaties may belong to the U. S. Government or to citizens of the United States. (Inclosure No. 9.)

The Government of Costa Rica has, therefore considered, both in view of the stipulations of Article XXXV of the treaty of December 12, 1846, and of the express declarations of Messrs. Blaine* and Bayard, both before and after the conclusion of the additional convention of January 20, 1886, that the U. S. Government became a party with Costa Rica and Colombia to this latter convention, and consequently to the principal convention of 1880, and my Government thinks that, in this state of things and on account of the respect which the high contract-

*In Mr. Blaine's dispatch to Mr. Putnam, U. S. minister to Belgium, of May 31, 1881 (For. Rel., 1881, p. 70), occurs the following passage:

* * * It can not be a matter of indifference to the United States of America whether the littoral line of either ocean in the neighborhood of any projected inter-oceanic communication is within the guaranteed territory of the United States of Colombia, or within the lawful boundaries of the Republic of Costa Rica, with whom its treaty obligations are of a different character."

ing parties owe to each other, it should maintain the arbitration provided for in those instruments and demand that it be maintained in full force without the conclusion of any new treaty of arbitration, for which the Government of Colombia has expressed its desire to that of Spain.

The treaties which already exist seem to my Government to be more than sufficient to secure to the parties an equitable and speedy settlement of their differences.

The Government of Costa Rica therefore begs the United States Government, in testimony of the friendship existing between it and both Costa Rica and Colombia, in view of the interest which it has ever manifested in the prosperity and peace of those countries, in view of its duties as a guarantor of the neutrality and of the sovereignty of Colombia over the Isthmus of Panama as far as the frontier of Costa Rica, and as a party to the additional convention of 1886, to exert its most friendly and most earnest efforts to induce Colombia, in consideration of the determination of Costa Rica faithfully to abide by what has been agreed upon, and of the declarations of the Spanish Government that it does not consider the time for arbitration as having expired, to withdraw its declaration that the period of arbitration has elapsed, and once more to request the Government of His Catholic Majesty to accept the office of arbitrator; and in case of the nonacceptance of the Spanish Government, to submit the case to the decision of the President of the Argentine Republic.

If the President of the Argentine Republic can not accept, it becomes the duty of the parties, in virtue of Article VII of the treaty of 1880, to designate another arbitrator, and in that case the Government of Costa Rica will be most happy to come to an understanding with that of Colombia and that of the United States of America to tender the office of arbitrator to his excellency Grover Cleveland, President of this Republic.

The Government of Costa Rica begs the United States Government to be pleased to submit this proposition with the utmost earnestness, and with as little delay as possible, to the Government of the Republic of Colombia, to the end that the final settlement of the boundary question may be no longer delayed, that there may be no necessity of resorting to new treaties, and that the settlement may take place in accordance with those now in force, to which, as has already been stated, the U. S. Government is a party.

The undersigned has the honor to reiterate to the honorable Secretary of State of the United States of America the assurance of his highest consideration.

MANUEL M. PERALTA.

[Inclosure No. 1.]

TREATY OF ARBITRATION BETWEEN COSTA RICA AND COLOMBIA.

SAN JOSÉ, December 25, 1880.

The Republic of Costa Rica and the Republic of the United States of Colombia, equally animated by the sincere desire of maintaining and consolidating their amicable relations, convinced that to obtain this benefit, so important to their prosperity and good name, it is necessary to remove the only source of the difference existing between them, which is no other than the question of boundaries, that is foreseen in articles 7 and 8 of the convention of the 15th of March, 1825, between Central America and Colombia has subsequently been the subject of several treaties between Costa Rica and Colombia, none of which were ratified; and both nations, understanding that this antecedent counsels the adoption to-day of other means more expedient, prompt, and sure, of terminating the aforesaid question of boundaries by means of the designation in perpetuity of a dividing line, clear and incontrovertible, for the

whole extent in which their respective territories are contiguous; in consequence, the President of the Republic of Costa Rica, by virtue of the powers invested in him, has conferred full powers on his excellency Dr. José Ma. Castro, secretary of state and of the department of foreign relations, and the President of the United States of Colombia, specially and fully authorized by the legislative chambers of that nation, on the Hon. Dr. José Ma. Quijano Otero, chargé d'affaires, near this Government, who, after mutually communicating their respective full powers, and finding them in good and due form, have agreed upon the following articles:

ARTICLE 1. The Republic of Costa Rica and the United States of Colombia agree to submit to arbitration the question of boundaries existing between them and the designation of a line which shall divide forever and with all clearness the territory of the first from the territory of the second, each one remaining in full, quiet, and peaceful dominion, with respect to each other, of all the lands left on its side of the aforesaid line, which shall remain without special charge or grievance whatever in favor of the other.

ART. 2. The arbitrator who shall be pleased to accept the charge stipulated in the preceding article shall, in order that the decision may be binding, complete his duties within the period of ten months, dating from the period of his acceptance, and this notwithstanding either of the high contracting parties shall fail to be present to maintain his rights by means of a representative or attorney.

ART. 3. In order that the acceptance of the arbitrator may be held to be duly notified to the high contracting parties, and that these may not be able to allege ignorance thereof, it shall suffice that it be published in an official periodical of the nation of the arbitrator or in that of either of the high contracting parties.

ART. 4. The arbitrator having heard by oral or written argument the parties or party presenting, and having considered the documents that they may produce or the arguments they may make, shall emit his decision without other formality; and this decision, whatever it may be, shall be held immediately as a compact concluded, perfect, obligatory, and irrevocable, between the high contracting parties, who renounce formally and expressly all reclamation of whatever nature against the decision of the arbitrator, and oblige themselves to respect and fulfill it immediately, faithfully, and forever, pledging to this the national honor.

ART. 5. In consonance with the preceding articles and for their execution the high contracting parties name as arbitrator His Majesty the King of Belgium; in the unlooked-for case that he shall not choose to accept, His Majesty the King of Spain; and in the event, equally unlooked for, that he shall also refuse, his excellency the President of the Argentine Republic; in all of whom the high contracting parties have, without any difference whatever, the most unlimited confidence.

ART. 6. That one of the high arbitrators named who may come to exercise the arbitration may delegate his functions, not failing to intervene directly in the pronouncement of the definitive sentence.

ART. 7. If, unfortunately, none of the high arbitrators named can lend to the high contracting parties the eminent service of accepting the charge, they, by common agreement, shall make new nominations, and so successively until some one shall take effect; for it is agreed and hereby formally stipulated that the question of boundaries and the designation of a dividing line between the limiting territories of Costa Rica and Colombia shall never be decided by other means than the civilized and humane one of arbitration, preserving in the meantime the *status quo* agreed on.

ART. 8. The present convention shall be submitted to the approbation of the grand national council in the Republic of Costa Rica, and of the legislative chambers in that of Colombia, and shall be exchanged in the city of Panama within the shortest time possible.

In testimony whereof the plenipotentiaries above mentioned sign and affix their respective seals to two originals of the present convention.

Done in the city of San Jose, capital of the Republic of Costa Rica, on the twenty-fifth of December, one thousand eight hundred and eighty.

JOSÉ MA. CASTRO.
J. MA. QUIJANO OTERO.

(From Foreign Relations of the United States, 1881, p. 100.)

[Inclosure No. 2.]

ADDITIONAL CONVENTION OF ARBITRATION BETWEEN THE REPUBLICS OF COSTA RICA AND COLOMBIA.

PARIS, January 20, 1886.

ARTICLE I. The Republic of Costa Rica and the United States of Colombia acknowledge and declare that, notwithstanding the death of His Majesty Don Alfonso XII, the Government of Spain is competent to continue in charge of the arbitration

offered by the two republics and to pronounce, with the character of irrevocable and without appeal, a final sentence in the pending litigation between the high contracting parties as to their territorial boundaries.

ART. II. The boundary line claimed by the Republic of Costa Rica reaches, on the Atlantic side, the island Escudo de Veragua and River Chiriqui (Calobabora), inclusively, and on the Pacific side, River Chiriqui viejo, inclusively, to the east of Burica Point. The boundary line claimed by the United States of Colombia reaches, on the Atlantic side, Cape Gracias a Dios, inclusively, and on the Pacific side, the mouth of River Golfito, in Golfo Dulce.

ART. III. The judgment of arbitration is to be confined to the disputed territory within the extreme limits above described, and can not in any manner whatever affect the rights which a third party, not having taken part in the arbitration, may allege to the ownership of the territory comprised within the limits described.

ART. IV. If, for any cause whatever, the arbitrator were unable to pronounce his decision within the fatal term appointed by Article II of the convention of arbitration of December 25th, 1880, the high contracting parties agree to prorogue said term for ten months longer, to be counted from the day of expiration of the first term.

ART. V. With the exception of the foregoing additions and modifications, the convention of arbitration of December 25, 1880, remains in vigor in all its parts.

In testimony whereof we sign two copies of a tenor, with our respective seals, in the city of Paris, January 20, 1886.

LEON FERNANDEZ.
CARLOS HOLGUIN.

[Inclosure No. 3.—Translation.]

The ministers of Colombia and Costa Rica to Her Catholic Majesty's minister of state.

MADRID, May 19, 1887.

MOST EXCELLENT SIR: We have the honor herewith to inclose a copy of the convention signed at Paris by the plenipotentiaries of Colombia and Costa Rica, being supplemental to that of December 25, 1880, which was signed at San José, and whereby our governments submitted to the decision of His Majesty the King of Spain the questions pending between the two countries relative to their boundaries. Our governments, fearing that the sad death of the distinguished prince who ruled over the destinies of Spain when the San José convention was signed would render doubtful the authority of his worthy successor to bring this case to a termination, desired that a new convention should be signed, which we now present, approved and ratified, expressly declaring that the Spanish Government is competent to pronounce a decision, and that both countries solicit such a decision from this Government.

Hoping that the Government of Her Majesty the Queen Regent will be actuated by the same benevolent disposition by which His Majesty King Alfonso XII was actuated, we hereby lay before you the aforesaid convention, to the end that, when our governments shall present their cases, there may not be the slightest doubt as to the jurisdiction of the Spanish Government.

Trusting that the Government of Her Majesty the Queen Regent will expressly declare its acceptance of this office, we tender your excellency, in the name of our governments, our warmest thanks.

We avail ourselves of this occasion again to assure your excellency that we are, with the highest consideration, your most obedient and faithful servants,

CARLOS HOLGUIN.
MANUEL M. PERALTA.

[Inclosure No. 4.—Translation.]

Señor Moret to Señor Peralta.

MINISTRY OF STATE,
Palace, Madrid, June 12, 1887.

MOST EXCELLENT SIR: I have received, with the polite note which your excellency, together with Don Carlos Holguin, the representative of Colombia, was pleased to address to me under date of the 19th ultimo, the convention signed at Paris by the plenipotentiaries of Costa Rica and Colombia, supplemental to that of December 25, 1880, which was signed at San José, and by which the governments of the two republics submitted to his majesty, the King of Spain, for arbitration, the questions pending between the two countries relative to their territorial boundaries.

The differences which appear to have existed on this subject between the republics which signed that international instrument, and the Republic of the United States having been satisfactorily settled by the said convention, I have thought that the time has arrived to inform the Government of her majesty of the desires expressed by your excellency and your worthy colleague, the representative of Colombia.

Her Majesty's Government, which regards with the greatest interest everything connected with the Spanish American States, cheerfully accepts the office of arbitrator which is tendered to it; but, thinking it very proper that the question submitted to it for arbitration should be laid before the commission now engaged in examining the boundary question between Colombia and Venezuela, which will greatly facilitate the new task confided to it, I have the honor so to inform your excellency, to the end that you may apprise the Government which you so worthily represent, adding that the examination of the case in question will begin as soon as the commission above referred to shall have concluded its labors, which are already far advanced, and which I shall endeavor to have terminated as speedily as possible.

I gladly avail myself of this occasion to reiterate to your excellency the assurances of my most distinguished consideration.

S. MORET.

Señor Peralta to Señor Moret.

[Translation.]

LEGATION OF COSTA RICA,
Madrid, June 23, 1887.

MOST EXCELLENT SIR: I have had the honor to receive your excellency's note of the 12th instant, in reply to that of this legation and of the legation of Colombia of the 19th ultimo.

Your excellency was pleased to inform me that Her Majesty's Government cheerfully accepts the arbitration which is tendered to it, and that the case submitted to it for arbitration will be laid before the commission which is now examining the boundary question between Colombia and Venezuela as soon as the labors of this latter shall have been completed.

I have taken great pleasure in communicating this satisfactory information to my Government, and I have the honor, in its name, to return the warmest thanks to Her Majesty's Government and to your excellency, who represents it so worthily, for this very marked evidence of its friendship and good will.

I have the honor, etc.,

MANUEL M. PERALTA.

[Inclosure No. 5.—Translation.]

Señor Peralta to the Marquis de la Vega de Armijo.

LEGATION OF COSTA RICA,
Madrid, October 23, 1888.

MOST EXCELLENT SIR: I have the honor to inform your excellency that some doubts have arisen with regard to the manner in which the Government of Her Catholic Majesty is to examine and decide the boundary question pending between the republics of Costa Rica and that of Colombia, which has been submitted to it for arbitration in virtue of the treaty of San José of December 25, 1880, and of the supplemental convention concluded at Paris, January 20, 1886.

This latter instrument provides that the decision is to be pronounced twenty months after the acceptance of the office of arbitrator by Her Majesty's Government, and that Government, through your excellency's worthy predecessor, was pleased to give notice under date of June 12, 1887, to the representative of Colombia and the undersigned, that it cheerfully accepted the office which was tendered it, but, inasmuch as it was most appropriate for the question submitted to it for arbitration to be laid before the commission now having charge of the boundary question between Colombia and Venezuela, the examination of the matter in question would begin as soon as that commission should have concluded its labors.

In my opinion the dispatch of that Ministry of state contains, both in its letter and spirit, rather than an actual and final acceptance, one that is conditional and suspensive, a formal promise to accept when the commission of arbitration between Colombia and Venezuela shall have concluded its labors, and that not until

it shall be officially known that the said commission had concluded its work, is the term of twenty months to begin to be reckoned, within which Her Catholic Majesty's Government is pleased definitively to accept the task of examining and settling by arbitration the boundary question between Costa Rica and Colombia.

Such was the understanding of your excellency's worthy predecessor, and thus have I informed my Government; I likewise so informed Gen. Cuervo, the late minister of Colombia at this court, when, in April and June last, he expressed to me his anxiety on this subject, and, in order to dispel any doubts that may be entertained by the Government of Costa Rica and that of Colombia, I beg your excellency to be pleased to explain the manner in which your Government accepted the office of arbitrator, so that it may be accurately known when the term of twenty months fixed by the supplemental convention concluded at Paris, January 20, 1886, is to begin.

I have the honor to be, etc.,

MANUEL M. PERALTA.

[Inclosure No. 6.—Translation.]

The Marquis de la Vega de Armijo to Señor Peralta.

MINISTRY OF STATE,
Palace, Madrid, October 30, 1888.

MOST EXCELLENT SIR: I have read the note which your excellency was pleased to address to me on the 23d instant, and in which, referring to that of my worthy predecessor of June 12, 1887, you express a desire for an explanation of the manner in which Her Majesty's Government's acceptance of the office of arbitrator in the boundary question pending between the republics of Costa Rica and Colombia took place.

Your excellency has correctly interpreted the intention of Her Majesty's Government in this matter, for, as the labors in connection with the boundary question between Venezuela and Colombia, of which your excellency has knowledge, have not yet been finally concluded, until a decision is pronounced and a new commission is appointed, the arbitration with which the Government of Colombia and that which your excellency so worthily represents has honored Her Majesty's Government is not to be considered as having been accepted.

I trust that this explanation will dispel the doubts entertained by your excellency, and I avail myself of this occasion to reiterate to you the assurance of my most distinguished consideration.

THE MARQUIS DE LA VEGA DE ARMILJO.

[Inclosure No. 7.—Translation.]

The Duke of Tetuan to Señor Peralta.

MINISTRY OF STATE,
Aranjuez, May 11, 1891.

MOST EXCELLENT SIR: The decision having been pronounced which has ended the arbitration submitted to Her Catholic Majesty by the governments of Colombia and Venezuela for the settlement of the boundary question between those two republics, Her Majesty's Government has thought that the proper time has arrived to take up the boundary question which the republics of Colombia and Costa Rica have, as a fresh evidence of their affection and regard for their mother country, submitted for settlement by arbitration to Her Majesty, who feels so deep an interest in all countries of Spanish origin.

Her Majesty's Government earnestly desires to comply with the wishes of the high contending parties, and thereby to bring about between the two sister republics the amicable and harmonious understanding which their tranquillity and their interests demand.

I, therefore, beg your excellency to be pleased to send to this ministry, with as little delay as possible, the argument which Costa Rica proposes to present in defense of its rights, and, as soon as the arguments of both parties shall have been received. Her Majesty's Government, in accordance with its promise, will proceed to appoint a commission for the examination of the case, the competence of which commission in the matter will be a guarantee of the reliable character of its work.

I address the representative of Colombia to the same effect.

I avail myself of this occasion to reiterate to your excellency the assurances of my most distinguished consideration.

THE DUKE OF TETUAN.

[Inclosure No. 8.—Translation.]

The Duke of Tetuan to Señor Peralta.

MINISTRY OF STATE,
Palace, Madrid, January 22, 1892.

MOST EXCELLENT SIR: Under date of to-day I write to Her Majesty's minister resident at Bogota as follows:

"By your excellency's Dispatch No. 66, of the 21st of October last, I have been enabled to peruse the note which, under date of the 19th of that month, was addressed to you by the Colombian minister of foreign relations, requesting you to transmit to Her Majesty's Government the views and purposes of the Government of Colombia in reference to the settlement by arbitration of its boundary question with Costa Rica, Mr. Betancourt, the worthy representative of Colombia, being absent.

"In the aforesaid note the minister of foreign relations expresses the desire of the Government of Colombia to conclude a new convention on the subject with the Republic of Costa Rica, since, in his view (and he explicitly so states), the term within which the arbitrator could pronounce a valid decision has expired.

"This proceeding, which, in view of the antecedents and the history of the case, there was no logical reason to expect, has caused great surprise in the mind of Her Majesty's Government, as it doubtless has in that of your excellency, and in order to explain it, it is sufficient briefly to call to mind the facts of the case.

"While examining the boundary question pending between Venezuela and Colombia, Her Majesty's Government received, in December, 1884, a note signed by Mr. Holguin, the representative of that Republic, and Mr. Fernandez, the representative of Costa Rica, whereby, in obedience to the instructions which they had received from their Governments, they submitted to His Majesty King Alfonso XII, as the arbitrator designated by the two Republics, the boundary question pending between them, allowing him a term of ten months in which to pronounce his decision.

"Certain differences having been raised by the U. S. Government in connection with the boundaries of the State of Panama, according to article 35 of the treaty of 1846, His Majesty's Government was obliged to leave in abeyance its acceptance of the office of arbitrator until those differences should have been settled, and in the meanwhile the unexpected and premature death of King Alfonso XII took place.

"Subsequently, and by a collective notesigned by Messrs. Carlos Holguin and Manuel M. Peralta, of May 19, 1887, they transmitted to Her Majesty's Government the supplemental treaty signed at Paris January 20, 1886, whereby the Government of Spain is declared competent, notwithstanding the death of His Majesty King Alfonso XII, to continue to act as arbitrator in the question pending between the Republics of Colombia and Costa Rica and to pronounce a decision from which there is to be no appeal in the dispute concerning the territorial limits of those Republics. By this treaty the term allowed by the former convention of arbitration was extended for ten months longer.

"Her Majesty's Government replied to the first note by another of June 19, 1887, accepting the office of arbitrator, but deferring the examination of the question until the arbitration between Colombia and Venezuela should have been terminated.

"No objection was made to this clause by the parties interested; only the minister plenipotentiary of Costa Rica asked for some explanation with regard to it, in order that it might be accurately known when the twenty months were to commence which were allowed to Her Majesty's Government to pronounce the decision, and the Marquis de la Vega de Armijo, who was then minister of state, informed him by a note dated October 30, 1888, that the acceptance of the office of arbitrator would not begin until a decision should have been pronounced in the question between Colombia and Venezuela and the new commission should have been appointed which was to examine the question pending between Costa Rica and Colombia. The representative of Colombia had official knowledge of this note, since a copy thereof was sent to him by the minister plenipotentiary of Costa Rica under date of January 11, 1889.

"Her Majesty's Government thus naturally thought that no doubt whatever was entertained by the parties interested with regard to the manner of the acceptance of the arbitration.

"Furthermore, the decision in the boundary question between Colombia and Venezuela having been pronounced by Her Majesty, and the first of the clauses which provided for the examination of the question pending between Colombia and Costa Rica having thus been complied with, I addressed an identical note, on the 11th of May last, to the representatives of both Republics at this court (a copy of which note was sent to your excellency), requesting them to present to this department, with as little delay as possible, their arguments in support of the rights of

the states which they respectively represent, in order that the commission of examination might be appointed.

"Both the minister of Costa Rica and that of Colombia hastened to inform me, in writing, that they would present their arguments with as little delay as possible. No observation was made by Mr. Betancourt concerning the alleged lapse of the treaties of arbitration. On the contrary, he admitted that a new one had been initiated between his country and Costa Rica.

"In this state of things I received from your excellency the dispatch to which I am now replying, and I thereby became acquainted with the views and intentions of the Colombian Government on the subject. As these views and intentions involved, in the opinion of Her Majesty's Government, a contravention (at least apparent) of what had been agreed upon, I requested Mr. Betancourt to elucidate these views, since in the various conferences which I had had the honor to have with him I had always expressed myself, without any objections being made by him, as understanding that the term allowed for arbitration had not yet commenced. Mr. Betancourt told me that he had received no instructions from his Government to give me the explanations which I asked, but on the day following (the 22d of December last), when in reality, in view of his statement, there was no ground to expect it, he sent me a note referring to our conversation, in which he expressed himself in the same manner as did the Colombian minister of foreign relations in the note which he addressed to your excellency concerning the lapse of the convention of 1880 and the desire of the Colombian Government to conclude a new arrangement with Costa Rica.

"Great as has been the surprise felt by Her Majesty's Government, and although this surprise is shared by one of the high litigant parties, according to the statement of its representative at this court, the authorized declaration of the Government of Colombia is sufficient to induce that of Her Majesty to decline to take any further action in a matter in which it had only consented to act at the request of the two Republics. It took this course with the noble and lofty desire to lend them a disinterested service, which should be a fresh evidence of the maternal affection which it feels for them. Your excellency is requested so to inform the Colombian Government, in reply to the note which it has addressed to you, and to transmit to it a report of the facts above stated.

"Her Majesty's Government, which is ever ready to lend its aid, so far as this may be desirable, to the sister states of Latin America, is pleased to acknowledge the deference shown to it by both parties in the progress of the case which was submitted to it for decision by the Republics of Colombia and Costa Rica, and it only considers itself released from the obligation to conclude the task intrusted to it, in view of the positive declaration of the Colombian Government that the powers conferred upon it are no longer in force, which opinion it respects, and in conformity with which it will act, although it regrets that it can not share this opinion in view of the facts stated.

"Owing to the fact that the friendship of Her Majesty's Government and of the Spanish nation for the states of Spanish America is firm and sincere, it earnestly desires a satisfactory settlement of the boundary question pending between Colombia and Costa Rica, and if these two friendly states shall succeed in concluding a new arrangement for the settlement of this dispute and shall again honor it with the delicate and onerous office of arbitrator, it will examine the case and determine on its line of conduct in view of the special circumstances."

I have the honor to transmit the foregoing to your excellency for your information and for that of the Government which you worthily represent at this court, to the end that you may be informed of the reasons in virtue of which Her Majesty's Government is obliged, with real regret, to decline to take any further action in the boundary question pending between the Republics of Costa Rica and Colombia, which was submitted to it for arbitration, and your excellency may assure your Government that that of Her Majesty would have been glad to settle the aforesaid boundary question by means of its noble and disinterested efforts, and that it earnestly hopes that the two sister Republics may, in this important matter, reach an understanding that will conduce to the promotion of their respective interests.

Were Her Majesty's Government, in virtue of a new arrangement, honored once more with the high and delicate mission that was confided to it, it would examine the case with interest and, in view of the special circumstances, would determine on its line of conduct. I avail myself of this occasion, Mr. Minister, to reiterate to your excellency the assurances of my most distinguished consideration.

THE DUKE OF TETUAN.

[Inclosure No. 9.]

*Mr. Bayard to Señor Peralta.*DEPARTMENT OF STATE,
Washington, May 26, 1886.

SIR: I have the honor to acknowledge the receipt of your note of the 3d instant concerning the submission to the arbitration of the Government of Spain of the long-pending boundary dispute between the Republic of Costa Rica and the United States of Colombia.

You therewith communicate to me a copy of the supplementary articles of 20th January last to the existing convention between Costa Rica and Colombia, by which the arbitration was proposed, and invite my attention to the inclusion therein of the points adverted to in my note to Señor Gonzalez Viquez, dated 14th November last, touching the effects of such arbitration upon any rights of guarantee or tenure which the Government of the United States or its citizens may be found to have with respect to the territory in dispute.

You also advert to the purpose defined in those supplementary articles of permitting the arbitration to proceed under the umpirage of the Government of Spain, notwithstanding the lamented death of His Majesty Don Alfonso XII, to whom the high office of arbitrator had been tendered by the contracting parties to the convention of arbitration.

The third article of the supplementary convention of 20th January, 1886, reads as follows:

“ARTICLE 3. The judgment of arbitration is to be confined to the disputed territory within the extreme limits above described, and can not in any manner whatever affect the rights which a third party not having taken part in the arbitration may allege to the ownership (*propiedad*) of the territory comprised within the limits described.”

The Government of the United States, in view of your positive assurance that the article thus cited was intended to meet the points presented in my note of November 14, 1885, accepts this formal declaration as sufficient, understanding that the terms “ownership (*propiedad*)” is employed in no restrictive sense, but includes all possessory or usufructory rights and all easements and privileges which the United States or their citizens may possess in the disputed territory, not only as respects the relation of the United States to each or either of the contracting parties to the arbitration, but also with regard to the relation of the United States or their citizens toward any third government not actually a party to the submission.

This declaration on the part of the United States is proper in view of the fact that the region in dispute, as defined in Article II, not only embraces territory to which the concessions of Colombia and Costa Rica and the mutual guaranties of the United States with Colombia might be found applicable, but also includes territory coming under the purview of the existing arrangements of Nicaragua with the United States and with citizens of the United States.

So, accepting the declarations of the supplementary articles of 20th January, 1886, as fully responding to the views and propositions set forth in my note to Señor Gonzalez Viquez of the 14th November, 1885, I will have pleasure forthwith in carrying out the promise I then made, to announce to the Government of Spain, as the arbitrator accepted by Costa Rica and Colombia, that, in view of the formal understanding reached by the contracting parties to the arbitration, whereby the scope and effect thereof are defined without impairment of any rights of the third parties not sharing in the arbitration, the Government of the United States withdraws from the notification, made June 25, 1881, that it would not hold itself bound by the results of such arbitration.

In so doing the Government of the United States feels that it is consistently lending its countenance to the general promotion of the policy of arbitration which it has itself advocated and adopted on important occasions as a means of adjusting international differences or disputes, and aiding a resort whereby the peace and welfare of the South American States can be secured and the losses and demoralization attendant upon costly and useless warfare be prevented.

I have addressed a communication in a similar sense to the envoy of the United States of Colombia at this capital.

Accept, sir, the renewed assurances of my highest consideration.

T. F. BAYARD.

Señor Peralta to Mr. Gresham.

[Translation.]

LEGATION OF COSTA RICA,
Washington, April 20, 1893. (Received April 21.)

SIR: I have been advised that the Government of the Republic of Colombia has informed the Government of the United States of America that it ought to be considered an interested party, with a right to intervene, in all international arrangements whatever relative to the projected Nicaraguan Canal, by virtue of the rights which, according to the said Government of Colombia, are conferred on it by the royal order of San Lorenzo of November 30, 1803, and the Government of Costa Rica being concerned in the Nicaraguan Canal and in every inter-oceanic route by way of the river San Juan, not only by virtue of its former territorial rights, but likewise by those conferred on it by the treaty of San Jose of April 15, 1858, the validity of which was recognized by award, as arbitrator, of the President of the United States of America, given at Washington March 22, 1888, in the name of the Government of the Republic of Costa Rica, I have the honor to set forth the most solemn and formal protest against the rights that Colombia claims or alleges to have in the projected Nicaraguan Canal or in all inter-oceanic routes through the territories of Costa Rica and Nicaragua by way of the river San Juan.

The Government of Costa Rica has never admitted the validity of the title invoked by Colombia, and maintains and offers to prove, and in due time to demonstrate, that the royal order of San Lorenzo of November 30, 1803, never had the scope claimed for it by the Government of Colombia, and although it might have had it, it lost all its value and force by having been annulled by various royal ordinances, decrees by the Cortes, and royal letters patent of the Spanish Government subsequent to the year 1803.

A former minister of foreign relations of New Granada (Colombia) has said that the royal order of November 30, 1803, is of no value, that it is a title of so anomalous and indefinite a character that it may be reduced to the duty of giving to the Mosquito coast the maritime protection it needs to guard it from foreign aggressions.*

So states Señor Fernandez Madrid in a report made at the request of his Government, notwithstanding that this celebrated public man of Colombia did not know and could not account for the titles of Costa Rica and Nicaragua. Not one of the governments with which the republics of Costa Rica, Nicaragua, and Colombia are allied by treaties of friendship has ever admitted the claims of Colombia, and the first instance that can be cited is the Government of the United States itself, which recognizes that the territory of Colombia terminates with the isthmus of Panama on the frontier of Costa Rica.

Neither were the claims of Colombia ever admitted by the Government of Her Britannic Majesty, which, through the medium of Lord Palmerston, then principal secretary of state for foreign relations, refused to discuss them, as proved by his note of May 4, 1848, to Señor Mosquera, minister of New Granada at London. (Inclosure No. 2.)

In consequence of this refusal of the United States and Great Britain to entertain the claims of Colombia when the Clayton-Bulwer

* Colombian Repertory, No. XLVIII, June, 1882, Bogota. Dispatch of D. Pedro Fernandez Madrid, to the minister of foreign relations of Colombia, Bogota, November 29, 1852. (Inclosure No. 1.)

treaty was concluded, 19th of April, 1850, and later when the Crampton-Webster treaty was signed, April 30, 1852, which stipulates expressly in regard to the river San Juan and the Nicaraguan Canal, the name of Colombia does not appear, and it speaks only of Costa Rica and Nicaragua as sole sovereigns of the territory watered by the lake and by the river San Juan.

In virtue of that Crampton-Webster convention, and later of the treaty of Managua of 1860, Great Britain renounced the Mosquito protectorate, and it is well known that that renunciation was made in favor of Nicaragua.

Further still, the Government of His Catholic Majesty, former legitimate and common sovereign of Costa Rica, Nicaragua, and vice-royalty of New Granada, recognized Costa Rica and Nicaragua, respectively, in legitimate and incontestable possession and sovereignty of the Mosquito coast, of the river San Juan, and of all the territories that formerly constituted the provinces of Costa Rica and Nicaragua, situated between the Atlantic and the Pacific, with the adjacent islands, as clearly appears in the treaties of Madrid of 1850 with Costa Rica and Nicaragua.

Considering that by arbitration only has to be decided the question of boundaries pending between Costa Rica and Colombia, the Government of the former, not being able to establish itself as judge and party at the same time, consented that Colombia should present as the extreme limit of its claims Cape Gracias a Dios; but it consented, as is consented in a lawsuit, that adverse party may say what he thinks proper on condition that the judge pass sentence by virtue of the proofs and rights of the litigants. While no decision by arbitration intervenes, the Government of Costa Rica sees itself, therefore, obliged to protest in the most formal and solemn manner against all intervention of the Government of Colombia in the Atlantic coasts of Costa Rica, in the river San Juan, and in any interoceanic route that may follow the course of this river, because it considers null and void the abrogated royal order of 1803, never fulfilled in what relates to the Mosquito coast.

I think it proper to recall here that the Government of Costa Rica found itself bound to protest to that of Colombia against the measurements made by engineers of the Panama Canal Company on territory which is in the actual possession or within the lawful limits of Costa Rica, though retained by Colombia.

The Panama Canal Company, in virtue of a concession of 500,000 hectares of ground of the public domain of Colombia (article 4 of the concession of 1878), thought fit to select nothing less than the territory which is the principal subject of the boundary question, in order to solicit its allotment as a dominion and ownership (of said company) from Colombia.

The Panama Canal Company had already measured, in the region washed by the bay of Almirante and by the Lagoon Chiriqui a surface of nearly 280,000 hectares when the surveyor of said company encountered a Costa Rican guard, who obliged him to desist from his measurements where the guard was stationed; but in such vast and wild solitudes not only measurements of land but acts of occupation may be effected without in a long time coming to the knowledge of the legitimate sovereign.

As soon as the Government of Costa Rica had knowledge of said measurements it made friendly representation to that of Colombia to the effect that so long as the expected sentence of arbitration had not been

pronounced, it should abstain from trespassing on the jurisdiction of the arbitrator, and instructed the minister of Costa Rica at Paris and at Madrid to protest before the suitable person and to solicit the kindly mediation of the arbitrator (the Government of Spain) in order to recommend to Colombia proper forbearance.

The minister of Costa Rica addressed a protest against the mentioned measurement of lands and against their eventual adjudication to the president of the Panama Canal Company, in a letter of December 18, 1888 (repeated 18th of January, 1888, Inclosure No. 3), and appealed to the good offices of the minister of state of Spain in a note of the 19th of the same January (Inclosure, No. 4).

The Government of Costa Rica has recently learned that before or during the month of November, 1891, there was legally formed in the State of New Jersey a company provided with a concession from the Government of Colombia to open a road from Bocas del Toro as far as David, making besides a rich grant of lands to said company.

As the concession is situated in a portion of the territory in litigation the Government of Costa Rica has directed me to protest formally and solemnly against the concessions made to the New Jersey company and against the measurements of the Panama Canal Company, in order that it may be known and understood that if it is disposed to respect truly and religiously the rights acquired in virtue of the common laws and the public treaties anterior to the arbitration treaty of 1880, it will not recognize the validity of any concession later than the year 1880 if it had not been duly executed and confirmed by it, in case of the said concession being situated in the territory adjudged to Costa Rica by the decree of arbitration which is to determine the boundary line of the Republics of Costa Rica and Colombia.

This I have the honor to communicate to your excellency for the information of your Government and of the citizens of the United States of America whom it may interest.

I avail myself, etc.,

MANUEL M. PERALTA.

[Inclosure 1.—Translation.]

Señor Don Pedro Fernandez Madrid to the minister of foreign relations of New Granada.

BOGATÁ, November 29, 1852.

Our claim to the dominion of the Mosquito coast reduced to the onerous right imposed upon us by the royal decree of November 30, 1803, is worthless and of no use to us; we ought to rid ourselves of it, provided doing so does not load us with grievances of another kind.

But there is more beside; which is, that if on one hand the undertaking of recovering the Mosquito coast is beyond our power, on the other the claim we have to the dominion of that territory is so anomalous and indefinite it might strictly be reduced to the duty of extending to it the maritime protection it needs for defense against foreign aggressions. It is true that, considering all the circumstances of the case, this appears to have been the intention with which the Spanish Government issued the orders of 1803, since by it no whole province nor territory was then added to New Granada, but simply a portion of the Mosquito coast; and by coast can not be understood the districts of lands inside nor even the shore settlements of Moin or Salt Creek, San Juan de Nicaragua or Greytown, and Laguna de Perlas or Blewfield (Bluefield?), which always were, as they continued to be after the issuance of that order under the exclusive dependency of Central America. According to this interpretation, which appears to be the only one well adapted to that document, the dominion derived by us from Spain over that territory would be reduced to the islands, which undoubtedly are comprehended in the term coast, and to an extent of

shore, beach, or seacoast, excessively hard to define, and of which we have absolutely no need.

We ought, therefore, to hasten to cede it to the States of Central America in exchange for obtaining in the interior of the isthmus—availing ourselves of whatever favorable opportunity—a frontier boundary, which would avoid all motive for doubt or dispute in the future or would even define the Mosquito coast, fixing towards the northwest of both oceans the limit of our territory at conspicuous points and in an invariable and absolute manner, provided that this may be effected without compromising any principle concerning our security and without impairing directly or indirectly our right to the other territories that belong to us.

(Repertorio Colombiano, Vol. VIII, Bogotá, June, 1882, pp. 472, 473.)

[Inclosure No. 2.]

Viscount Palmerston to M. Mosquera.

FOREIGN OFFICE, London, May 4, 1848.

The undersigned, etc., has the honor to acknowledge the receipt of the note addressed to him on the 29th of April by M. Mosquera, etc., renewing the representations already made by M. Mosquera respecting the course pursued by the British government with regard to the Mosquito territory.

The undersigned has the honor to state to M. Mosquera that the British Government does not dispute the right which the people of New Granada, or of any other of the American provinces of Spain, had to shake off the yoke of the mother country, and to declare themselves free and independent, and accordingly, as soon as the freedom and independence of those provinces appeared to be firmly and finally established, they were formally acknowledged by Great Britain as independent States. But the British Government can not acknowledge that any of those revolted provinces could by their successful revolt acquire any rights either claimed by or possessed by Spain over other territories not inhabited and possessed by the revolted population, and therefore, even if the Mosquito territory had been subject to any just claim on the part of Spain, the revolt of the province of New Granada could not have given to the people of New Granada any right whatever over Mosquito, a territory which they did not possess or occupy. But in point of fact, the territory of Mosquito has been acknowledged by Great Britain as an independent state for two hundred and twenty-five years and the King of that country has for upwards of one hundred and eighty years been acknowledged as being under the protection of the British Crown.

Her Majesty's Government, therefore, do not consider themselves under any obligation to discuss with the Government of New Granada the rightful existence of the Mosquito State, which existed in a separate and independent state nearly two centuries before New Granada had ceased to be a dependent province of Spain.

With respect to the southern boundary of Mosquito, there are certainly strong grounds upon which the King of Mosquito might claim the seacoast as far as the spot called King Buppans Landing, which is opposite to the island called Escudo de Veragua, but Her Majesty's Government have recommended the Mosquito Government to confine its claim in a southerly direction to the southern branch of the river St. John; and one main reason with Her Majesty's Government for giving that recommendation was that thereby all dispute between Mosquito and New Granada would, as they trusted, be avoided.

The undersigned, etc.,

PALMERSTON.

(Correspondence respecting the Mosquito territory presented to the House of Commons July 3, 1848, etc., London.)

[Inclosure No. 3.—Translation.]

Mr. Peralta to the president of the Universal Company of the Interoceanic Panama Canal.

LEGATION OF COSTA RICA,
Madrid, December 18, 1888.

MR. PRESIDENT: On the 2d October last I had the honor to inform Mr. Charles de Lesseps verbally, that the territory comprised between the island Escudo de Veragua and the mouth of the stream Sixaula (or Sixola, Telire or Tarire) erroneously designated by the name of river Culebras or Dorados; or to be more exact, the territory comprised between meridians 81° 35' and 82° 35' of longitude west of Greenwich is in

dispute, and as it were *sub judice*, the question of knowing to whom belongs its sovereignty being submitted to arbitration in virtue of a treaty actually in force between the Republics of Costa Rica and Colombia.

In this territory the engineers of the company of the Interoceanic Panama Canal have measured an extent of nearly 280,000 hectares with a view to asking the adjudication of them, in its favor, to the Government of Colombia.

As it might happen that the whole or any portion of this territory should be adjudged by the arbitration to the Republic of Costa Rica, I have received from my Government the order to inform you that in such case it will not recognize the validity of that adjudication in favor of the company of the Panama Canal which can not claim any right from that fact.

Accept, etc.,

MANUEL M. PERALTA.

[Inclosure No. 4.—Translation.]

Señor Paralta to the minister of state of Spain.

LEGATION OF COSTA RICA,
Madrid, January 19, 1889.

The undersigned envoy extraordinary and minister plenipotentiary of the Republic of Costa Rica, referring to their conversation of the 16th instant, has the honor to make known to his excellency the honorable minister of state of His Catholic Majesty, the following:

The fourth article of the contract of concession of March 20, 1878, between the Republic of Colombia and the company of the Interoceanic Panama Canal authorizes the latter to take unto itself full sovereignty over 500,000 hectares in the uncultivated lands of the State in the places the company may think fit to designate, after measurement at its expense, by intervention of commissioners of the Government of Colombia, and pending direct adjudication by the national executive power.

In virtue of this article the Panama Canal Company has had measured nearly 280,000 hectares, more or less, in the territory that Costa Rica claims for its own, which was under its jurisdiction as a Spanish province and as an independent state, which it colonized and possessed uninterruptedly until the year 1835, at which date Colombia consummated its first act of invasion.

As that territory, situated on the coast of the Carribean Sea between meridians 81° 35' and 82° 35', longitude west of Greenwich, is in dispute, and as the question of knowing to whom it belongs is to be the subject of the decree by arbitration of the Government of his Catholic Majesty, the Government of Costa Rica has viewed with pain that that of Colombia should not have conformed to the stipulations of the treaty of December 25, 1880, and should have authorized or consented to the performance in that territory of acts destined to effect a violation of the *statu quo*, a new invasion of the territory of Costa Rica, and an intrusion upon the jurisdiction of the arbitrator.

It could not enter into the mind of the Government of Colombia to elude the fulfillment of said stipulations, and the Government of Costa Rica hopes it will not proceed to the adjudication of the lands measured by the engineers of the company of the Panama canal, and believes that the just remarks addressed by the minister of foreign affairs of Colombia 16th of November, 1888, will suffice to determine his abstention from it.

Nevertheless, the Government of Costa Rica, convinced of the high and beneficent influence of the government of His Catholic Majesty, of its rectitude, no less than of its cordial friendship and good will for the two republics, hopes, should it think fit, that it will kindly interpose its good offices in the manner that his excellency the minister of state deemed proper to state to the undersigned on the 16th instant, in order that the Government of Colombia may not proceed to the adjudication of lands nor to the concession of unconditional or definitive rights whatever in favor of third parties in the territory situated to the west of meridian 81° 35' in the immediate neighborhood of Lake Chiriqui and of the Bay of Almirante, and in the islands of said bay.

The undersigned avails himself, etc.,

MANUEL M. PERALTA.

Señor Peralta to Mr. Gresham.

LEGATION OF COSTA RICA.

Washington, May 16, 1893.

DEAR MR. GRESHAM: I have the honor to furnish you with a copy and translation of the royal order of San Lorenzo, November 20-30, 1803, and of some royal orders and a law of the Spanish Cortes ignoring or meaning abrogation of the first on the well-known principle that "Leges posteriores priores contrarias abrogant."

As regards Costa Rica not being a part of the Mosquito coast, in the correct geographical and lawful sense of that word, she never fell under the provision of the royal order of 1803.

Yours, very respectfully,

MANUEL M. PERALTA.

[Royal order of San Lorenzo.—Translation.]

ROYAL ORDER OF SAN LORENZO, *November 30, 1803.*

EXCELLENCY: Señor Don José Antonio Cabellero tells me in note of the 20th instant, the following:

"The King has decided that the Islands of San Andrés and the part of the Mosquito coast from Cape Gracias á Dios, inclusively, towards the River Chagres be separated from the captaincy general of Guatemala and be dependent of the vicerealty of Santa Fé, and His Majesty has been pleased to grant to the governor of the aforesaid islands, Don Tomás O'Neill, the salary of 2,000 hard dollars instead of the \$1,500 which he now enjoys. I inform your excellency by royal order to the intent that by the ministry under your charge may be issued the corresponding orders in fulfillment of this sovereign resolution."

Which I transmit to your excellency by His Majesty's command for its due fulfillment.

May God save your excellency for many years.

SOLEL.

SEÑOR VICEROY OF SANTA FÉ.

[Royal order of August 8, 1804, approving the appointment by the president captain-general of Guatemala of a collector of customs at the port of San Juan de Nicaragua.—Translation.]

His excellency, the secretary of state and finance, in royal order of August 8, 1804, tells me the following:

"The King has approved the creation accorded by that superior junta* of a place of collector of customs (guarda) at the port of San Juan de Nicaragua with a yearly salary of \$200, which you report, with documents, in letter of last April 3, No. 467."

Which I transmit to you for your knowledge and that you may propose for the appointment, as the place is vacant.

God save you for many years.

Royal palace (Guatemala), April 2, 1806.

ANTONIO GONZALEZ.

To the COLLECTOR-GENERAL OF GUATEMALA.

Reply of the President of Guatemala.

GUATEMALA, *January 3, 1805.*

EXCELLENCY: I remain informed of what your excellency is pleased to communicate to me in royal order of last August 8 upon His Majesty having deigned to approve the appointment of a customs collector for the port of San Juan, whose royal decision I have transmitted to the governor intendent of that province (Nicaragua and Costa Rica) for his knowledge and fulfillment.

God save your Excellency for many years.

ANTONIO GONZALEZ.

His excellency SECRETARY OF STATE AND FINANCE.

*By superior junta is meant the committee of finance of the captaincy-general and audience of Guatemala.

[Royal order on the navigation of river San Juan de Nicaragua and settlement on the Mosquito coast under the authority of the captain general of Guatemala.—Translation.]

MADRID, *March 31, 1808.*

The King has been informed of what you state in your letter of January 3, 1806, No. 609, as well as in your No. 602, of the 18th of June, of the same year, accompanying the documents respecting the navigation and commerce of the river San Juan de Nicaragua, proposing that it should continue open as a port of entry, and that for the advancement of the interests of the adjoining country, by clearing and cultivation of the lands, the same privileges should be granted to its inhabitants which were allowed by the royal order of November 20, 1803, to the new settlers on the Mosquito coast, exempting them also from duties and tithes for ten years on all the productions of the lands within ten leagues of the river on either of its margins; and the King, being minutely informed on the subject, has been pleased to agree to the measures proposed by you, and has moreover resolved that endeavors should be made to settle a colony (poblacion) not exceeding 300 inhabitants in the vicinity of said river of Nicaragua. Finally, His Majesty has resolved to submit for examination to the superior committee on royal finance your proposal to the end that on the minor ports of that kingdom may be exacted the custom duties on foreign goods imported through them and that you report with full testimony so as to be enabled to dictate the convenient sovereign resolution.

All which I communicate to you by royal order for your knowledge and fulfillment. May God save you for many years.

AZANZA.

[Decree CVIII of December 1, 1811, opening the port of Matina on the Atlantic coast of Costa Rica.—Translation.]

The Cortes general and extraordinary, wishing to promote the welfare of the Spaniards in all the countries of the monarchy on both hemispheres, decree: Let the port of Matina, on the north of Costa Rica, be open (to commerce) and let it be granted to those inhabitants the privilege for ten years of exemption of duties on the fruits and products of the country that may be exported through the same port.

Let it be understood by the council of regency, who shall order it to be fulfilled, printed, published, and circulated.

Given at Cadiz on the 1st of December, 1811.

JOSÉ,
Bishop Prior of Leon, President.
JUAN DE BALLE,
Deputy Secretary.
JOSÉ MARIA CALATRAVA,
Deputy Secretary.

To the COUNCIL OF REGENCY.

NOTE.—The port of Matina was discovered and open to traffic in 1536 by the governor of Costa Rica, Don Gregorio de Sandoval, and some commerce was carried on through that port with Portobello, Cartagena, and Vera Cruz. In 1787 the King, Charles III, granted by royal order of May 1 the privilege for three years of exemption of duties on all the fruits from Costa Rica imported to Cartagena (New Granada) through the port of Matina. This privilege was prorogued for three years more by royal order of May 14, 1791.

By economical and military reasons the port of Matina was closed to traffic with other ports of the Spanish Main until by the Decree of December, 1811, was reopened and allowed the privilege of free export trade for ten years, without having ever, neither before nor after the issue of the royal order of 1803, fallen under the control or jurisdiction of the vice-royalty of Santa Fé.

Mr. Gresham to Señor Peralta.

DEPARTMENT OF STATE,
Washington, May 18, 1893.

SIR: I have carefully considered the note you did me the honor to address me, under date of 12th ultimo, soliciting the mediation of the Government of the United States with that of Colombia, to the end

that the arbitration of the disputed boundary between Costa Rica and Colombia, under the convention of December 25, 1880, and the additional convention signed at Paris January 20, 1886, be revived and continued before Her Majesty the Queen Regent of Spain, as arbitrator, notwithstanding the acceptance by Her Majesty of the notification made by the Colombian Government that the arbitration has lapsed through omission to submit the necessary proofs within the term prescribed by the said conventions.

The subject has also been the occasion of several personal conferences, in which you have orally presented and fortified the views of your Government in this regard.

The request presented by you in behalf of your Government, besides asking the Government of the United States "to exert its most friendly and most earnest efforts to induce Colombia * * * to withdraw its declaration that the period of arbitration has elapsed and once more to request the Government of His Catholic Majesty to accept the office of arbitrator; and in case of the nonacceptance of the Spanish Government, to submit the case to the decision of the President of the Argentine Republic," puts forward the alternative proposition that, in the event of the President of the Argentine Republic not accepting, the Governments of Costa Rica and Colombia shall come to an understanding whereby the office of arbitrator shall be tendered to President Cleveland, and asks that these propositions be submitted to the Government of Colombia. I observe that you base your advocacy of such mediatory action on the part of the United States upon the assumption that the United States is a party to the conventions of 1880 and 1886, and should, therefore, "maintain the arbitration provided for in those instruments, and demand that it be maintained in full force, without the conclusion of any new treaty of arbitration, for which the Government of Colombia has expressed its desire to that of Spain."

Were the United States indeed, as you claim, a party to the interrupted agreement to arbitrate, it would, of course, be quite incompatible with the position of a party in interest to propose submission in an alternative event of the question at issue to his own decision as arbitrator. Under no circumstances, in fact, could the Government of the United States carry its mediatory good offices to the extent of proposing itself as arbitrator, even if excluding the imputation of being itself an interested party to the arbitration.

I am not, however, disposed to admit your deduction that the Government of the United States is a party to the arbitration negotiated between Costa Rica and Colombia. The correspondence you cite, and an examination of the Department's correspondence on the subject show, that upon the conclusion of the convention of December 25, 1880, the United States gave timely notice to the contracting governments and to the proposed arbitrators that this Government would not be bound by any results of an arbitration to which it was not a party, should the rights of the United States or of citizens of the United States in the disputed territory be affected thereby. Subsequently when, in 1886, the powers entered into a supplementary covenant to respect the rights of third parties whatever the result of the arbitration might be, they thereby merely recognized as valid the notification theretofore given by the United States, and met the expressed reservation not only as enunciated by the United States but in favor also of any third power, even had the latter made no reservation of ultimate rights. But this conventional agreement of the two powers no more operated to make the United States a party to the litigation than it could have operated

to include therein any other third power whose right it professed to respect—such as Nicaragua, for example.

While holding that the Government of the United States is in nowise a party to the arbitration, and therefore in no sense interested in upholding the arbitration and advocating its continuance, I am equally unable to act upon the request of your Government that the good offices of this Government be employed with that of Colombia, in the alternative you mention, to cause the President to be chosen as arbitrator. Apart from the obvious consideration that the office of arbitrator should come, if at all, unsought, the attitude of reserve which the United States Government has hitherto been constrained to occupy in this question for its own protection and to safeguard American interests, would effectually preclude any suggestion that the Executive of this Government be invited to decide it as a judge.

In conclusion, I feel that the position of the Government of the United States, as the impartial and equal friend of both Costa Rica and Colombia, makes it inexpedient to show its desire for the harmonious settlement of the dispute between those countries by taking sides with either.

Should it be the wish of the two governments, the President would gladly render any service he consistently could to aid those republics to compose their differences, but he can not, as matters stand, consistently advocate the contention of either, nor make the United States a party to their controversy, nor offer himself as an arbitrator.

Accept, etc.,

W. Q. GRESHAM.

Señor Peralta to Mr. Gresham.

[Translation.]

LEGATION OF COSTA RICA,
Washington, June 17, 1893. (Received June 19.)

SIR: I have had the honor to receive your note of the 18th of May last, in reply to mine of April 12, of the current year, in which, in the name of my Government, I sought the good offices of the Government of the United States to the end that as a fraternal friend of Costa Rica and Colombia it might be pleased to recommend to the Government of Colombia the settlement of the boundary dispute pending between these two republics by means of the arbitration agreed upon by their respective governments by the treaty of December 25, 1880, and the additional one of the 20th of January, 1886.

This is the principal object of my note, which reduces itself simply to requesting of the Government of the United States a service of equal benefit to Colombia and Costa Rica.

The alternatives mentioned in my note come only second in order and apply only in the event of the Government of Colombia having declared in a direct and positive manner that it does not recognize the validity of the said conventions.

In support of this request I deemed it proper to make a succinct exposition of the facts that relate to the arbitration of this question, and in view of the serious consequences to which the state of uncertainty which marks the territorial relations of Costa Rica and Colombia may eventually give rise, it appeared to me expedient to present without

delay to your kind consideration the alternatives to which the contending parties might have recourse without going out of legal limits.

For this reason my mention of the arbitration of the President of the Argentine Republic, prescribed by article 5 of the treaty of 1880, in case the Spanish Government declined the office of arbitrator; for this reason, in the event of nonacceptance by the President of the Argentine Republic, I indicated the advantage of a friendly arrangement between Colombia and Costa Rica, as prescribed by article 7 of said treaty, to tender the arbitration to the President of the United States, and in saying in my note of April 12 that the Government of Costa Rica would experience the greatest satisfaction in reaching an agreement with that of Colombia and with that of the United States upon the last point, I meant that before all the consent of the Government of the United States must be secured as it would not be prudent to think of the latter solution if the arbitrator desired by one of the parties declined to accept the said office.

Eliminating, then, these two last alternatives, the occasion for recourse to either of them not having arrived, what I have had the honor to request of the Government of the United States is that it be pleased to enlist its most friendly and persuasive offices with the Government of Colombia to the end that (in view of the resolve of Costa Rica to faithfully abide by what was agreed to, and of the declarations of the Spanish Government which rejects the interpretation given by Colombia to the terms of its acceptance of the office of arbitrator, and does not consider that the time set for the arbitration has lapsed) it may again appeal to the generous disposition of the Government of Her Catholic Majesty which, far from refusing said office, has manifested its willingness to reconsider the question if Colombia withdraws its declaration.

To this request you have been pleased to reply that the position of the Government of the United States as an impartial and equal friend of Colombia and Costa Rica does not allow it to manifest its wish for a harmonious settlement of the pending question between those two countries, by taking sides with either, and that as things now stand the President, although desirous to afford any service in keeping with said position, should the two governments wish it, can not advocate the contention of either of them, nor make the United States a party to the controversy, nor offer himself as an arbitrator.

Highly respectable as is the decision reached by the Government of the United States not to take part in the controversy in the premises, I regret to say that in order to reach the conclusions I have just specified, I must of necessity have either expressed myself very obscurely, failing to set forth with due clearness the intention and desires of my Government, or my note of the 12th of April was substantially altered by the translation you had before you.

In the first place I observe that you state that I have requested the mediation of the Government of the United States with that of Colombia to the end that the arbitration stipulated between Costa Rica and Colombia be revived and continued before Her Majesty the Queen Regent of Spain as arbitrator, notwithstanding the acceptance by Her Majesty of the notice given by the Colombian Government to the effect that the arbitration had lapsed owing to the necessary proofs not having been submitted within the time prescribed by the conventions.

I have not asked that the arbitration be revived. We resuscitate or revive only what is dead, or has fallen, or disappeared, and the arbitration, according to the treaty of 1880, is the only means *ad perpetuam* stipulated by the parties to settle their boundary dispute; the arbitra-

tion itself is still in force and Colombia has not declared it to have lapsed, but has contented itself with alleging that the available time within which the Spanish Government could exercise its mission has expired.

The arbitration not having lapsed, the Spanish Government, which did not even accept the declaration that the period had expired within which, according to the terms of its acceptance, it should take the matter up and render its decision, could illy accept a declaration of this nature.

The Government of Her Catholic Majesty rejected the declaration of the Government of Bogota as unfounded, as contrary to the terms of the acceptance of the arbitration agreed to by the parties, and as in contradiction to the express manifestations of the minister of Colombia, and only through motives of dignity, as though it was justly offended by the imputation of negligence or want of jurisdiction involved in the declaration of Colombia, it stated that "it considered itself absolved from the engagement to fulfill its trust in view of the explicit declaration of the Colombian Government that the powers vested in it had lapsed, an opinion it respects and the consequences of which shall rule its conduct, even when, from the facts stated, it regrets not agreeing therewith."

If you will be pleased to refer to the note of the Duke of Tetuan, of the 22d of January, 1892 (inclosure No. 8, annexed to my note of April 12), I am confident that you will agree to the accuracy of my observation expressed at length in my said note, and I refrain from repeating here the pertinent passages in order not to fatigue your attention.

You add that I base my request for the mediatory offices of the United States upon the supposition that the United States are a party to the conventions of 1880 and 1886, and that consequently they should uphold the stipulated arbitration and ask that it be held as in full force without the concluding of a new treaty of arbitration, etc.

It is true that one of the considerations upon which I relied to request the good offices of the Government of the United States is that the said Government is, in the opinion of mine, if not a signatory party of the treaties of 1880 and 1886, at least a party quasi contracting as a quasi protector and quasi ally of the Republic of Colombia, in virtue of the thirty-fifth article of the treaty of 1846, but your declaration that your Government is not a party commands too much respect for that of Costa Rica to attempt even to discuss it; but I adduced other reasons that are not less weighty when advanced to act on the mind of a Government which, like that of the United States, has always shown itself so nobly zealous for peace and harmony between the Latin Republics of this continent, and which has constituted itself the champion and promoter of arbitration as the wisest means to finally settle international disputes, and I submitted these reasons to your kind consideration as first in order of precedence.

In fact, in my said note I invoke the fraternal friendship which binds the United States to Costa Rica and Colombia, and I appeal to the interest which the Government you so worthily represent has in the prosperity and peace of these countries to seek its good offices as an equal and common favor, and as a request, but not in the imperative form attributed to me.

I did not say that the Government of the United States *must* uphold the arbitration and ask that it be upheld in all its vigor and force.

The subject of this phrase in my note of the 12th of April is not the Government of the United States but the Government of Costa Rica.

This latter is the subject from the beginning of the clause, and the Government of the United States does not figure therein, except to show that by virtue of the stipulations which, out of consideration for it, were concluded in 1886, and because of the respect the parties owe each other, the Government of Costa Rica must uphold the arbitration and ask that it be upheld.

This imperative expression could not apply to the Government of the United States except through a bad translation of the sense of my note.

If I had thought that such expression, "must uphold the arbitration" was applicable to the Government of the United States I would not have contented myself with asking its good offices or its mediation; but would have entreated it to comply with an obligation, which is what the verb *must* implies in the phrase cited, "must uphold."

I find myself unable to harmonize two ideas in your note. You say that I have solicited the mediation of the Government of the United States and that I have requested it to use its good offices and, notwithstanding you conclude by stating that you do not think it proper to urge the friendly settlement of the dispute by taking sides with either of the contending parties or by upholding the contention of either of them, as, apparently at least, you believe Costa Rica pretends.

I beg you will allow me to state that such has not been the intention of the Government of Costa Rica, which has addressed itself to the Government of the United States as an equal friend of Costa Rica and Colombia, invoking its fraternal friendship for both countries and its decided love for peaceful advancement without expecting it in any way to advance or support the contention of Costa Rica, nor that it shall side with the latter, but simply that it interpose its good offices or its mediation between the two parties with the object of both resorting to an arbitrator who will adjust their differences and award to each its own, in the form agreed upon by the two parties, freely and voluntarily.

To mediate (*mediar*) signifies in Spanish, as in English, to interpose between two or more parties, as a common friend, for the purpose of reconciling them; it would, therefore, be unjust to attribute to the Government of Costa Rica the intention even of asking the Government of the United States to espouse its cause.

Nor do I believe that by soliciting the good offices of the Government of the United States my Government has performed an unusual act, as seems to be implied by your note. Very frequently civilized nations and governments lend each other services of this kind, now requested by one of the parties, now voluntarily offered by a third, a common friend of the disputants, and in the special case of Costa Rica and Colombia, permit me to cite a precedent of the Government of the United States.

The minister of the United States in Bogota wrote to the Department of State in a dispatch of April 16, 1881:

The deep interest which you have manifested in your instructions to me that the cause of the strained relations between the governments of Colombia and Costa Rica might be removed in a friendly manner perhaps justifies me in adding that * * * it can not be otherwise than gratifying to you to learn that by the proposed treaty, now awaiting approval by the Colombian Congress, the danger of a breach of the peace in Central America has been averted, and the anxiety in the public mind connected with that subject has been allayed.*

The foregoing quotation reveals the friendly interest which in 1880 your Department took in the peaceful settlement of the boundary dispute between Costa Rica and Colombia.

* Foreign Relations, 1881, p. 354.

And this interest was manifested subsequent to the concluding of the treaty of 1880, in the instructions which in May, 1881, were transmitted by your Department to Mr. Logan, U. S. minister to Costa Rica, and in which it is stated that the Government of the United States will not hold itself bound, so far as its rights, obligations, or interests may be concerned, by the decision of any arbitrator in whose appointment it has not been consulted, and in whose selection it has not concurred.*

For the very reason that the Government of the United States has to protect its interests and those of its citizens, it is of the greatest moment that it should define them and establish them with precision.

How, then, could the Government of Costa Rica have thought, when treating of this arbitration, whose results will necessarily tend to define the rights and obligations of the United States, that the Government thereof would declare that it is not interested in upholding and continuing it?

And if by reason of this question of boundary a war should break out between Costa Rica and Colombia, would not the United States believe themselves bound to exact respect for the neutrality of the undefined territory in dispute?

It could easily happen in this event that the Government of the United States, by virtue of its obligations to that of Colombia, would take part in the struggle, and Costa Rica would find itself under the painful necessity of defending its territorial integrity and its traditional rights against two nations as powerful as the United States of America and the Republic of Colombia, with whom it is anxious to maintain the closest friendship. My Government proposes to prevent such a contingency by appealing to the good offices and the high sense of equity of the United States.

The possibility of this contingency is demonstrated by the fact that the Government of Colombia asked that of the United States in 1885 to protect the safety of the Isthmus of Panama and the sovereignty of the former against enemies, domestic and foreign.

The domestic enemies of Colombia were, as is well known, the Colombian rebels who burned Colon. And the foreign? No one menaced the territory of the Isthmus. Costa Rica is friendly to Colombia, and was at perfect peace with her, and bound by the treaty of arbitration; but Colombia wished to take precautions and it is possible she thought of Costa Rica, since it is the only nation that is contiguous to her in the region comprehended under the guaranty of neutrality, property, and sovereignty stipulated in article 35 of the treaty of 1846.

Nor has my Government thought of doing an act without precedent or example among friendly nations, in suggesting a friendly agreement between Colombia and Costa Rica as possible, and desirable to request the Government of the United States to decide as arbitrator the question of boundaries.

If of three interested parties two submit themselves to the decision of the third, this does not mean that the latter offers itself as an arbitrator, but it is clear that its consent must be asked and obtained before the others submit to its judgment.

The United States being an interested party has not, then, been an obstacle to my Government's thinking with the greatest satisfaction of asking and entreating the President, should occasion arise, to be pleased to accept the office of arbitrator.

This proposition demonstrates how unbounded and how firm is the confidence of my Government in the rectitude and loyalty of the Government of the United States, for, even taking it as an interested party and interested ostensibly in favor of Colombia, it respectfully submitted to its decision.

From the foregoing explanations I trust that you will be pleased to admit that in reality all that the Government of Costa Rica has requested of the Government of the United States, and all that I now have the honor to solicit in its name is that, as a common friend, it will be pleased to interpose its good offices between Colombia and Costa Rica in order that the boundary dispute pending between them may be settled by the arbitration agreed upon in 1880 and 1886, by recommending to the Government of Colombia, as in a like case it would do to that of Costa Rica, the advisability of such a settlement, in the interest of good harmony, of justice, and of security which should govern the relations of the three countries most directly interested in the preservation of peace on the Isthmus of Panama, whose boundary with Costa Rica it is important to define.

I avail, etc.,

MANUEL M. PERALTA.

Mr. Gresham to Señor Peralta.

DEPARTMENT OF STATE,
Washington, December 2, 1893.

SIR: In compliance with your oral request, I have the honor to inclose herewith copy of the Department's instruction* to the U. S. minister to Costa Rica expressing the hope of this Government that the question of boundary between Costa Rica and Colombia will be brought to an amicable adjustment.

I send you this with the statement that the Department is without information as to the manner in which Mr. Baker presented the subject to the Costa Rican Government, whether by giving copy direct or embodying its substance in a note to the minister for foreign affairs.

Accept, etc.,

W. Q. GRESHAM.

Señor Peralta to Mr. Gresham.

LEGATION OF COSTA RICA,
Washington, D. C., December 4, 1893. (Received December 5.)

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant, transmitting, at my request, a copy of that Department's instruction to the United States minister to Costa Rica expressing the hope of your Government that the boundary question between Costa Rica and Colombia will be brought to an amicable understanding, With my best thanks for this kind communication,

I beg you, sir, to accept, etc.,

MANUEL M. PERALTA.

* For this inclosure see instructions No. 28 of July 14, 1893, to Mr. Baker, under Central America.

FRANCE.

Mr. Vignaud to Mr. Blaine.

No. 513.]

LEGATION OF THE UNITED STATES,
Paris, April 7, 1892. (Received April 18.)

SIR: In reply to your No. 414 of March 25, asking for copies of the naturalization laws of France, I beg to state that there is no other law on the subject than the one of June 26, 1889, a copy and a translation of which accompanied Mr. Reid's dispatch, No. 29, of July 16, 1889.

It is proper to say, however, that since the promulgation of this law it has been modified in one essential particular, not by legislation, but by a decision of the French supreme court (Cour de Cassation), which places quite a new construction upon one of its clauses.

Article 1 of this law adds to article 8 of the civil code different clauses, the third of which defines as French, "any person born in France of a foreigner born also in France." This clause is taken verbatim from a statute of 1874 which had borrowed it from a statute of 1851. But the statute of 1851 added that the person thus described as being French might disclaim French citizenship upon coming of age. The statute of 1874 said the same thing with the further addition that the disclaimer must furnish positive evidence that he retains his original nationality. The statute of 1889 repeats again the same clause, but suppresses altogether the right of option, making therefore irrevocably French all those born in France of a foreigner born also in France.

Until quite recently it was held by the French Government that under the three statutes of 1851, 1874, and 1889, the word "foreigner" in the sentence "born of a foreigner" applied only to the father, and the word was so understood in Mr. Reid's dispatch, No. 29. The decision of the superior court, above referred to, has reversed this long-standing opinion by stating for the first time that in the language of the statute the word "foreigner" applies equally to the father or to the mother. In consequence of this decision the French Government now holds that the children of all foreigners who have married French women are French if they happen to be born in France. To my knowledge no case has arisen under this decision affecting any American citizen, but I was told at the department of justice that they had a great deal of trouble with the Belgians, with the English, and the Swiss. I inclose herewith another copy of the statute of 1889. The decision of the supreme court will be found in *Clunet*, 1892, p. 223, and also p. 26.

Besides the statute of 1889 there are, with reference to the procedure of naturalization, certain regulations and practices which may be mentioned here.

Naturalization in France is not a judicial act; it is conferred by the Government, and at its will, to foreigners having complied with the conditions fixed by law, namely:

First. Those who, after acquiring the right of domicile in France and residing there one year, have rendered any service to France or married a French woman.

Second. Those who, after acquiring this right of domicile, have resided three years in France.

Third. Those who have resided ten years consecutively in France without having applied for the right of domicile.

The right of domicile differs from the right of residence. Any foreigner can reside in France, after having registered at the police his name, date and place of birth, nationality of the parents, and actual address.

The right of domicile is granted by a decree of the President. It can be applied for at any time and can be refused. The application, made on stamped paper, is addressed to the minister of justice. It states the name, age, nationality of the applicant, and should be accompanied by two certificates, one of his birth, the other showing his judicial record. The acquirement of the right of domicile confers certain commercial advantages, and is considered as the first step toward naturalization; it is not given for more than five years, and costs 175.25 francs.

Applications for naturalization are made, like those for the right of domicile to the minister of justice; each one is accompanied by an authenticated copy of the decree giving the right of domicile to the applicant or by evidence that he has resided ten years in France. If he asks to be naturalized under any of the special circumstances mentioned above he should annex to his application evidence of the services he has rendered to France or of his marriage with a French woman.

Women are naturalized either by their marriage to a Frenchman or by the naturalization of the husband, if he makes the application in her behalf also. Children of age can be embraced in the naturalization of the father; minor children are so embraced but they can disclaim French citizenship upon coming of age.

Foreigners born in France and not domiciled there at the time of coming to age, can be naturalized up to the age of 22, simply by declaring their intention of establishing their domicile in France and by so doing.

I have, etc.,

HENRY VIGNAUD,
Chargé d'Affaires ad Interim.

Mr. Coolidge to Mr. Foster.

No. 91.]

LEGATION OF THE UNITED STATES,
Paris, December 9, 1892. (Received December 19.)

SIR: Some time ago I learned privately that negotiations were going on between France and Liberia. On inquiry, I found that Baron de Stein was the authorized agent on the part of the Republic of Liberia to settle with France the long-pending questions of boundary. I had an interview with this gentleman during the negotiations, which were yesterday brought to a satisfactory conclusion.

By a treaty, which was to be signed on the 8th instant, Liberia cedes to France the seacoast east of the Cavally River, and receives in exchange certain extension of territory in the interior. She receives an indem-

nity of 25,000 francs and France recognizes the sovereignty of the Republic within the boundary lines as now agreed upon by the treaty.

It is evident that the French have obtained from Liberia concessions of some importance, for the seacoast is the only part of the country which is worth anything, for the present, at least. But, on the other hand, the territory ceded was entirely unsettled by Liberia. France laid claim to it by treaties with the native chiefs, and the 25,000 francs were welcome.

It is certainly to the advantage of the little Republic to have this troublesome matter settled once for all in a friendly manner with her powerful neighbor. I have no doubt that the growing desire of France for laying the foundation of a future colonial empire in Africa would make it much more difficult to obtain later on such terms as these, and I have not hesitated to say so to Baron de Stein. The energetic protest made by the Government of the United States on the 13th of July, as reported in No. 26 of July 22 has, I think, induced the French to make the present settlement.

I inclose herewith an English copy of the treaty which Mr. de Stein furnished me before it was signed; he will send, later on, a map upon which the new boundary lines are delineated.

He claims that he has increased very much the size of the Republic.

I have, etc.

T. JEFFERSON COOLIDGE.

[Inclosure in No. 91.]

CONVENTION BETWEEN THE GOVERNMENT OF FRANCE AND THE REPUBLIC OF LIBERIA..

The undersigned, Mr. Hanotaux, minister and plenipotentiary director of commercial affairs and of consulates at the ministry of foreign affairs of the French Republic, and Mr. Haussman, chief of division at the under secretariate of state of the colonies of the French Republic, and the Baron von Stein, minister resident of the Republic of Liberia in Belgium, commissioner of the Liberian Republic to the Government of the French Republic, to the effect of preparing an understanding relative to the delimitations of the French possessions and of the territories of the Republic of Liberia, have agreed to the following arrangement on both sides, subject to the ratification of the respective governments:

ARTICLE I.

On the Ivory coast and in the interior the frontier line between the French possessions and the Republic of Liberia will be constituted as follows, in conformity to the tracing in red on the map annexed to the present convention in duplicate, and marked as follows:

(1) By the thalweg from the Cavally River up to a point situated about 20 miles to the south of the confluence of the river Fodedongon-Ba at the intersection of $6^{\circ} 30'$ of latitude north and of $9^{\circ} 12'$ longitude west of Paris.

(2) By the parallel passing through the said point of intersection up to the conjunction of 10° of longitude west of Paris, it being understood that in every case that the basin of the Great Sestere River belongs to Liberia and that the basin of the Fodedongon-Ba belongs to France.

(3) By the meridian 10° up to its conjunction with latitude 7° north. From this point the frontier will run in direct line towards the point of intersection of 11° with the parallel which passes through Tembicounda, it being understood that the town of Bamaquilla and the town of Mahomondon will belong to the Republic of Liberia, the points of Naala and of Monsardon belonging to France.

(4) The frontier will then take the direction towards the west following the same parallel until its conjunction with the 13° of longitude west of Paris with the Franco-English frontier of Sierra Leone. This line will in any event assure to France the entire basin of the Niger and of its affluents.

ARTICLE II.

The navigation on the river Cavalla to its confluence with the Fodedongon-Ba will be free to shipping and open for the inhabitants of both countries.

France will have the right of erecting at its own expense on the water way (thalweg) or on one or the other bank of the Cavally the works which may be necessary to render it navigable, it being, however, perfectly understood that this fact will in no way infringe the rights of sovereignty, which on the right side belong to Liberia. In case the execution of such works should give rise to the establishment of taxes these would be determined by a new understanding between the two governments.

ARTICLE III.

France renounces all rights which she possesses from the ancient treaties concluded on different points of the Seed coast (Côte des Grains) and recognizes the sovereignty of the Republic of Liberia on the whole coast to the west of the Cavally River.

The Republic of Liberia abandons on its part all pretensions which it might claim to the territories of the Ivory coast situated to the east of the Cavally River.

ARTICLE IV.

The Government of Liberia, as in the past, will facilitate to the extent of its means the free engagements of laborers on the Liberian coast for the French Government or its subjects. Reciprocally the same facilities are granted to Liberia by the French Government on the French part of the Ivory coast.

ARTICLE V.

In recognizing to the Republic of Liberia the limits which have been fixed, the Government of the French Republic declares that it only intends engaging itself towards the Republic of Liberia free and independent and makes all its reserves for the case that this independence would be impaired or in the case that the Republic of Liberia should alienate any part of the territories which are recognized to it by the present convention.

Done at Paris, December 8, 1892, etc.

The French text will exclusively serve as evidence.

SPECIAL CLAUSES.

I.

The Government of Liberia having incurred certain expenses of establishment on the part of the coast which is to the east of Cavally, France promises to pay to the Government of the Liberian Republic a sum of 25,000 francs as an indemnity.

II.

In case princes or chiefs of aborigines whose states are placed in the territory belonging to France should take refuge on the territories recognized to the Republic of Liberia by the convention of the ———, all facilities consistent with the dignity of free independent state will be afforded to France for the pursuit and capture of fugitives.

Mr. Coolidge to Mr. Gresham.

No. 141.]

LEGATION OF THE UNITED STATES,
Paris, February 24, 1893. (Received March 7.)

SIR: I duly received your confidential dispatch No. 145, of January 14, instructing me to ask for an answer to the representations made by your direction under date of July 13 with reference to the action of the French authorities in Liberia. The contents of this dispatch engaged

my immediate attention, and before leaving for Rome I had a personal conversation on the subject with Mr. Develle, the new minister for foreign affairs, who promised that a reply should be made to my note. Upon my return I recalled the attention of the minister to the matter. In his answer, which is inclosed, he states substantially that a regular treaty has been signed with Liberia by which this Republic, in return for certain concessions made by France, waives her claim to the territory lying between the rivers San Pedro and Cavally, and recognizes the thalweg of the river last named as the dividing line between Liberia and the territory now placed under the protectorate of France.

The French Republic has therefore complied with the wish expressed in our communication of July 13, that no territory should be taken from Liberia without her express consent.

The new dividing line and the terms of the arrangement made with Liberia are fully explained on the map and in the copy of the treaty which I forwarded to the Department with my Nos. 91 and 112.

I inclose herewith a copy of Mr. Develle's note, together with a translation of the same.

I have, etc.,

T. JEFFERSON COOLIDGE.

[Inclosure in No. 141—Translation.]

Mr. Develle to Mr. Coolidge.

MINISTRY FOR FOREIGN AFFAIRS,
Paris, February 21, 1893.

MR. MINISTER: By your letter of the 16th of this month you were good enough to recall to me a communication which you had addressed on the 13th of last July to my predecessor in order to bring to his attention the observations which the notification of the treaties concluded in 1890 and 1891 by the Government of the Republic with various native chiefs of the Ivory coast had suggested to the Federal Government. After having made on this occasion certain reservations on the subject of the French protectorate over the territories situated between the San Pedro and Cavally rivers, which, according to the cabinet of Washington, have been recognized for a number of years as belonging to the Republic of Liberia, you informed Mr. Ribot that the Government of the United States would not, however, object to acknowledge the validity of the protectorate in question provided the Republic of Liberia should recognize itself the legitimacy of the rights of France over that region.

The legation of the United States not having received since then any answer from my department on the subject, you were good enough, in a recent conversation to which you refer, to express to me your desire to be informed as to the present condition of this affair, while stating, moreover, that the Federal Government did not in any way wish to raise a question of international law on this occasion.

I have the honor to inform you that the negotiations entered into recently at Paris between the delegates of the Government of the Republic, and of the Government of Liberia, with the view of arranging an agreement in regard to the determination of the boundaries of the French possessions of the Ivory coast and the territories of Liberia, have resulted in the signing of an arrangement which is to be submitted to the ratification of the two Governments.

By the terms of this act, the boundary line of the respective possessions of the two countries shall be established by the thalweg of the Cavally River. France gives up the rights acquired by her from old treaties concluded on various points of the grain coast and recognizes the sovereignty of the Republic of Liberia over the coast to the west of the Cavally River; the Republic of Liberia abandons on its side all pretensions which it could put forward to the territories of the Ivory coast situated east of said river.

Accept, etc.,

JULES DEVELLE.

Mr. Eustis to Mr. Gresham.

No. 5.]

EMBASSY OF THE UNITED STATES,
Paris, May 27, 1893. (Received June 12.)

SIR: In a dispatch numbered 154, of date February 1, Mr. Foster requested Mr. Coolidge to use his good offices in favor of Victor Poidebard, an American citizen of French birth and parentage, residing in New Jersey, who has been called for service in the French army, and received notice to join the regiment to which he was assigned.

Mr. Coolidge presented the case to the minister for foreign affairs in a dispatch dated March 22, stating fully the circumstances under which Poidebard became an American citizen.

He went to the United States at the age of 13, was naturalized first through his father and a second time when he became of age. He had also applied through the proper French legal channel for the recognition of his naturalization, which the law of 1889 declares void unless it is obtained with the permission of the Government. Considering that these facts plainly establish that Poidebard had not left France in order to escape military obligations, and that he was a bona fide citizen and resident of the United States, Mr. Coolidge asked that the order requiring him to perform military service in France be cancelled so that he could, should he desire to do so, visit France without being subjected to prosecution by the military authorities.

On the 3d of May, Mr. Develle replied substantially that the case had been submitted to the minister of war and that the request could not be granted. He does not discuss the circumstances of the case, and simply states that, according to the law of 1889, a person of French birth can not acquire another nationality before having complied with the military laws of France, unless he obtains from the Government permission to do so, a permission which is refused to Poidebard because it would be an encouragement to young Frenchmen to have themselves naturalized abroad, in order to escape military service in France.

With reference to the privilege of visiting France without being subjected to military prosecution, he states that Poidebard might have done so under the provision of article 50 of the law of July 15, 1889, but that having failed to do so at the time, it is now too late.

I inclose herewith a copy of Mr. Coolidge's note and of Mr. Develle's reply, with a translation of the same.

I have, etc.,

J. B. EUSTIS.

[Inclosure 1 in No. 5.]

Mr. Coolidge to Mr. Develle.

LEGATION OF THE UNITED STATES,
Paris, March 22, 1893.

SIR: I beg leave to call your excellency's attention to the case of Victor Poidebard, an American citizen of French nativity, residing for many years in the United States, who has been drafted in the French army, and who has been notified to join the second regiment of artillery at Grenoble. The circumstances of this case are as follows:

Victor Poidebard was born at Lyons, June 5, 1871. He emigrated to the United States in 1884, being then only 13 years of age, and became an American citizen by the naturalization of his father, Antoine Poidebard, which took place October 30, 1888. Antoine Poidebard had gone to the United States in 1880, and is still residing there. He is a manufacturer at West Hoboken, N. J.

As article 17 of the French civil code (amended in 1889) provides that the change of nationality of a Frenchman liable to military service shall not be recognized if it takes place without the consent of the Government, Antoine Poidebard applied in 1890 for the recognition of the new status of his son Victor, who was then still a minor. He was told by the minister of justice that his request could not be acted upon before Victor Poidebard had reached his majority.

In 1892, Victor Poidebard, being then of age, fearing that his change of nationality through the act of his father would not be considered in France as sufficient evidence of his personal intention to renounce his original French citizenship, applied to an American court of justice for papers of naturalization, which he secured under date of December 29, 1892. He then renewed the request made by his father in his behalf that his change of allegiance be ratified by the French authorities. In the meantime, however, he had been placed on the recruiting list of the class of 1891, and in February, 1893, he received, in the United States an order to proceed to France and to join the regiment to which he had been assigned.

Considering himself a full American citizen, Victor Poidebard submitted his case to my Government, by whose instructions I am directed to exert my good offices in behalf of this young man. Your excellency will observe that the change of allegiance of Victor Poidebard was effected not only through the naturalization of his father, which is a mode of naturalization legal in the United States as well as in France, but also by his own free will and action after he had come of age. You will observe besides that when he left France he was a boy and could not therefore have acted with the view of escaping military service and that he is a bona fide citizen and resident of the United States, where his father is engaged in an important manufacturing enterprise.

Under these circumstances I venture to ask that the order which Victor Poidebard has received to join a French regiment be cancelled so that this young man may visit France to complete his education, without being considered as an "insoumis" and subjected to prosecution by the military authorities.

I am, etc.,

T. JEFFERSON COOLIDGE.

[Inclosure 2 in No. 5.—Translation.]

Mr. Develle to Mr. Coolidge.

MINISTRY FOR FOREIGN AFFAIRS,
Paris, May 2, 1893.

MR. MINISTER: On the 22d of last March you were kind enough to write me with a view of obtaining the erasure from the conscription list of our army of the name of Mr. Victor Poidebard, born in Lyons on June 5, 1871, and who became an American citizen through the naturalization of his father in the United States.

The minister of war, to whom I immediately transmitted your communication, observes, firstly, that according to the terms of article 17 of the civil code, modified by the law passed on the 26th of June, 1889, a Frenchman still subject to the obligations of active military service can not lose his French nationality by means of naturalization in a foreign country unless this naturalization has been authorized by the French Government. Under these circumstances the only request that Mr. Poidebard could consistently make was to ask of the Government of the Republic their authorization to his becoming a naturalized American.

Gen. Loizillon thought it his duty to examine carefully this point in order to see if such a favor could be granted in this special case, and he was obliged to realize that such a decision would have the serious disadvantage of encouraging young Frenchmen to become naturalized in a foreign country in order to avoid military service, which would not fail to provoke violent protestation on the part of those families having relatives in the service.

Mr. Poidebard, it is true, could have availed himself of the dispensation contained in article 50 of the law of July 15, 1889, on recruiting, by claiming he moved to the United States before the age of 19, and had not since then made a longer stay in France than three months; but he failed to claim this dispensation before the court of revision of the class of 1891, which alone, according to the terms of article 18 of the aforesaid law, is privileged to act in this respect. Consequently he is definitely debarred from having recourse to this channel.

Under these circumstances my colleague, the minister of war, charges me to express to you his regrets that he finds himself unable to reply favorably to your request.

Accept, etc.,

JULES DEVELLE.

Mr. Eustis to Mr. Gresham.

No. 38.]

EMBASSY OF THE UNITED STATES,
Paris, August 9, 1893. (Received August 21.)

SIR: I inclose herewith copy and translation of the recent law on foreigners in France, which was promulgated on the 8th instant. It provides substantially that foreigners who have not obtained leave to be domiciled in France or who come into the country for the purpose of exercising their professions or doing any kind of business therein, will have to register within eight days after their arrival at the place where they propose to reside. They will receive upon payment of a fee a certificate stating that they have complied with the law without which they can not obtain employment. If they change their place of residence this certificate is to be visaed by the mayor of the locality.

Foreigners at present established in France have a month given them to comply with the requirements of these new regulations.

Apparently the law does not apply to foreigners traveling in France or residing therein for the purposes of health or pleasure. It is mainly directed against foreign laborers. Foreigners who have secured the rights of domicile, which are quite different from those required by simple residence in France, are likewise exempt from the provisions of the law. Application for the rights of domicile is considered as a preliminary step toward naturalization.

I have, etc.,

J. B. EUSTIS.

[Inclosure in No. 38.—Translation.]

LAW RELATING TO THE SOJOURN OF FOREIGNERS IN FRANCE AND TO THE PROTECTION OF NATIONAL LABOR.

The Senate and Chamber of Deputies have adopted, the President of the Republic promulgates the following law:

ARTICLE 1. Any foreigner, not admitted to domicile, arriving in any commune to exercise a profession, trade, or industry should make a declaration of residence at the mairie, while furnishing proofs of his identity within a week of his arrival. There will be opened for this purpose a list of enrollment of foreigners according to the form determined upon by a ministerial decision.

An extract of this register will be delivered to party making declaration, in the form of the acts of civil registration (Etat civil) with the same charges therefor.

In case of change of domicile the foreigner will have his certificate of matriculation visaed within two days of his arrival at the mairie (town hall).

ART. 2. Any person employing knowingly a foreigner unprovided with a certificate of matriculation will be liable to the usual police fines.

ART. 3. A foreigner who shall not have made the declaration required by law within the specified period, or who shall refuse to produce his certificate at the first requisition will be liable to a fine of from 50 to 200 francs.

Anyone who shall knowingly have made a false or inaccurate declaration will be liable to a fine of from 100 to 300 francs, and if needs be to temporary or indefinite interdiction of sojourn on French territory.

A foreigner expelled from French territory and who shall have returned without the authorization of the Government will be liable to from one to six months' imprisonment. At the expiration of his sentence he will be reconducted to the frontier.

Article 463 of the penal code is applicable to the cases in view of the present law.

ART. 4. The amount derived from the imposition of fines in view of the present law will go to the funds of the municipality of the commune wherein the foreigner who has been fined resided.

ART. 5. A delay of one month is accorded to all foreigners referred to in article 1 now residing in France to comply with the prescription of the law.

The present law, deliberated and adopted by the Senate and the Chamber of Deputies, will be executed as a law of the state.
Done at Fontainebleau August 8, 1893.

CARNOT.

By the President of the Republic, the president of the council, minister of the interior.

CH. DUPUY.

The keeper of the seals, minister of justice.

E. GUERIN.

Mr. Vignaud to Mr. Gresham.

No. 47.]

EMBASSY OF THE UNITED STATES,
Paris, August 22, 1893. (Received September 4.)

SIR: In his No. 29 of July 16, 1889, printed in the Foreign Relations for 1890, p. 276, Mr. Reid gave an account of the French nationality law of June 26, 1889, which introduced quite a change in the principle upon which French citizenship was founded, and in my No. 513 of April 7, 1892, I explained the construction given to an essential part of this law by the French supreme court (*cour de cassation*).

Previous to the enactment of that law, parentage (*jus sanguinis*) was the only source of French natural citizenship; that is to say, a man was French, no matter where he was born, if he was of French parentage, while those, on the other hand, born in France of foreign parentage could preserve the foreign status from generation to generation. The law of 1889 did not alter the first point, but it declared that those born in France would lose the privilege of preserving their foreign status after the first generation. The question then arose whether the children of a father born abroad and of a mother born in France would be considered as being of the first generation or of the second. The supreme court decided that they were of the second generation, and therefore, native-born French, with no right to disclaim French citizenship (*see my No. 513 above referred to*).

This decision gave rise to so many complaints on the part of the English and the Belgians that the French Government resolved to yield the point. The British embassy was unofficially informed that a bill would be introduced in the Chamber to modify the law, and that in the meantime the military authorities would abstain from calling those, situated in the case above mentioned, to perform military service.

In execution of this promise, a law has just been enacted (July 22, 1893), which provides that hereafter children born in France of a mother also born there shall have the privilege of disclaiming French nationality if the father is a foreigner born abroad. I inclose herewith a copy of the law with a translation of the principal clauses.

I have, etc.,

HENRY VIGNAUD,
Chargé d'Affaires ad interim.

[Inclosure in No. 47.]

Principal clauses of the law of July 22, 1893, respecting French nationality.

Article 1 amends article 8, paragraph 3, of the civil code, in the following manner:
"Any person born in France of foreign parents, one of which was also born there, is French except that in the year following his majority he may disclaim his French

status by complying with the requirements of paragraph 4, if it is the mother who was born in France."

Paragraph 4, here referred to, remains unaltered. It provides that the disclaimer must show that he is considered by the government of the country to which he claims to belong, as a citizen of that country.

Article 2 accords a delay of one year to those who desire to disclaim French status in accordance with the terms of the amended paragraph 3.

Article 3 amends article 9 of the civil code with reference to the legal formalities for claiming French status.

GREAT BRITAIN.

Mr. Foster to Mr. White.

No. 994.]

DEPARTMENT OF STATE,
Washington, December 13, 1892.

SIR: I communicate to you herewith a copy of an instruction,* No. 3, of the 29th ultimo, to Mr. Thompson, the minister of the United States to the Ottoman Empire.

As you will observe, it is of a general nature, indicating briefly the origin and character of the rights of Americans in Turkey, the tendency to ignore them or infringe upon them emanating chiefly from local functionaries and not from the central government; and lastly, outlining the course to be pursued in obviating a recurrence of the difficulties and in obtaining a redress for acts of injustice already committed.

I alluded in the instruction to the solidarity which exists among Christian foreigners in Turkey, generally classed as Franks, from the nationality of what was formerly the predominating extraneous race; and it is obvious that such solidarity is, and should be, more complete between citizens of the United States and subjects of Great Britain than those of other nations.

In interviews which I have recently had with Sir Julian Pauncefote upon this subject he took occasion to convey the assurance that his Government was always disposed, if possible, to act in harmony with that of the United States to maintain the rights and protect the persons and property of English and Americans in Turkey.

I expressed the same desire on behalf of the Government of the United States, but informed him that while concurrent and harmonious action was eminently desirable whenever occasion should arise, and while the reciprocal good offices of the diplomatic and consular representatives of either nation should be equally extended to the citizens or subjects of both countries, the United States nevertheless reserved to themselves complete liberty and independence of action when it might be found advisable.

In the recent case of Mr. Mead and Mr. Martin, the former an American citizen and the latter an English subject, who, while traveling from one mission to another, were arrested and their property seized, the English and American consular agents at Hogen acted concurrently in protesting against the outrage and in demanding satisfaction from the Vali.

In the case of Miss Bush, an American, whose papers were confiscated, the protection of British consular officers in places where there existed no representatives of the United States was requested, and in numerous instances the protection of American consular officers has been cheerfully accorded to the subjects of Great Britain.

* Printed in Foreign Relations for 1892, p. 609.

You are therefore instructed to convey to the secretary of state for foreign affairs of Great Britain the cordial disposition of the Government of the United States to act concurrently and harmoniously with the Government of Great Britain in the protection and vindication of the rights of the citizens or subjects of either nation in Turkey, but it is deemed advisable that the communication should be made orally and not by note. You will observe that the tenor of this instruction requires the use of such language as shall leave no doubt in the mind of Lord Rosebery as to the reserves indicated herein and the entire independence of action on the part of the United States Government should it be thought preferable.

Confident that your knowledge of the question and your diplomatic skill and experience will enable you to present the subject in its most favorable aspect,

I am, etc.,

JOHN W. FOSTER.

Mr. White to Mr. Foster.

No. 882.]

LEGATION OF THE UNITED STATES,
London, December 30, 1892. (Received January 10, 1893.)

SIR: I have the honor to acknowledge the receipt of your instruction, numbered 994, of the 13th instant, and of its inclosure, relative to our relations with the Ottoman Empire, and to acquaint you that I had an interview yesterday with the Earl of Rosebery on the subject.

I explained briefly to his lordship the origin and character of our rights in Turkey and the tendency on the part of local functionaries rather than of the central Government at Constantinople to infringe upon or to ignore them; and I informed him that, in your opinion, the solidarity existing among Christian foreigners in Turkey, generally classed as Franks, is and should be more complete between citizens of the United States and subjects of Her Britannic Majesty than between those of other nations.

I also mentioned that you had recently had interviews on the subject with Sir Julian Pauncefote, who had taken occasion to convey to you the assurance that his Government is always disposed, if possible, to act in harmony with ours in maintaining the rights and in protecting the persons and property of English and Americans in Turkey, and that you had expressed the same desire on behalf of the United States, but had at the same time informed Sir Julian that while concurrent and harmonious action is eminently desirable whenever occasion should arise, and while the reciprocal good offices of the diplomatic and consular representatives of either nation should be equally extended to the citizens or subjects of both countries, the United States nevertheless reserve to themselves complete liberty and independence of action when it should be found advisable.

I then informed Lord Rosebery that you had instructed me to express to his lordship the cordial disposition of our Government to act concurrently and harmoniously with that of Great Britain in the protection and vindication of the rights of the citizens or subjects of either nation in Turkey, with the reservation, previously mentioned, of entire independence of action on the part of the United States should it be thought preferable.

Lord Rosebery said in reply that he had not heard from Sir Julian Pauncefote on the subject, but that he had received with much satisfaction the communication which I had made to him, and that it would be the earnest desire of Her Majesty's Government to act in perfect cordiality with that of the United States in the matter in question.

I have, etc.,

HENRY WHITE.

Mr. White to Mr. Foster.

No. 885.]

LEGATION OF THE UNITED STATES,
London, January 4, 1893. (Received January 16, 1893.)

SIR: Referring to your instruction, No. 988, of 7th ultimo, I have the honor to inclose herewith copies of a further note which I addressed to the Earl of Rosebery with respect to the conduct of Capt. Davis, of Her Majesty's ship *Royalist*, and of his lordship's reply.

I have, etc.,

HENRY WHITE.

[Inclosure 1 in No. 885.]

Lord Rosebery to Mr. White.

FOREIGN OFFICE,
December 27, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 22d instant complaining of the conduct of Capt. Davis, of Her Majesty's ship *Royalist*, towards Mr. Kustel, an American citizen, in the Gilbert Islands, and I hasten to assure you that the matter will receive attention.

At the same time I think it right to state that the report already received from Capt. Davis of the incident in question gives reason for grave doubt whether Mr. Kustel's account is accurate or whether he is a witness worthy of credit.

I have, etc.,

ROSEBERY.

[Inclosure 2 in No. 885.]

Mr. White to Lord Rosebery.

LEGATION OF THE UNITED STATES,
London, December 22, 1892.

MY LORD: I have the honor to acquaint your lordship that the Secretary of State has read with much satisfaction your note to me of the 24th ultimo, in reply to mine of the 21st, relative to the action of Capt. Davis, of Her Majesty's ship *Royalist*, in respect to the U. S. Commercial Agent at Butaritari, and to the recognition and protection of the rights and interests of United States citizens in the Gilbert Islands; and I beg to add that your lordship's frank assurances that these rights and interests will be fully recognized and respected by the British Government is, in the opinion of my Government, as gratifying as it was confidently to be expected from the friendly sense of justice and regard for international prerogatives which animate Her Majesty's Government.

With regard to Capt. Davis, I am informed that many details have reached the Department of State, supported by trustworthy testimony, which suggest that his language and conduct ill reflect that temperate, impartial, and commendable exercise of authority which it must necessarily be the design of Her Majesty's Government to observe in assuming a protectorate over the Gilbert Islands; and Mr. Secretary Foster, while averse to giving to the correspondence on the subject a tone of mere complaint of that officer's department, feels nevertheless that it is due to submit, in a friendly spirit, to your lordship, for the information of Her Majesty's Government, a report which he has received recently, and which I have the honor to

inclose herewith, showing the arbitrary conduct and intemperate manners of Capt. Davis and his remarkable assumption of power and authority to condemn, *ex parte* and without a hearing, a citizen of the United States for an offense alleged to have been committed in one of the islands of the Gilbert Group half a year before the announcement of Her Majesty's protectorate was made.

The Secretary of State, feeling assured that your lordship shares his view that the manifestations of authority under such a protectorate should claim cordial acquiescence and command respect, as well by their intrinsic merits as by the high character and dignified temperance of the agencies by which they are carried out, is convinced that your lordship's feelings of regret and chagrin upon reading the graphic statement, transmitted herewith, of Capt. Davis's unseemly profanity and overbearing demeanor will be closely akin to those which he has himself experienced, and that doubts similar to those felt by him will arise in the mind of your lordship as to the appropriateness of such an instrumentality as Capt. Davis for carrying out the friendly assurances which your note so unhesitatingly gives, of recognition and respect for American rights and interests in the Gilbert Islands.

I have, etc.,

HENRY WHITE.

Mr. Foster to Mr. Lincoln.

No. 1027.]

DEPARTMENT OF STATE,
Washington, January 11, 1893.

SIR: Referring to your dispatch, No. 515, of August 19, 1891, relative to the claim of William Webster against the Government of Great Britain on account of certain lands situated in New Zealand, I send you herewith a copy of a resolution of the Senate with respect to this claim adopted May 26, 1892; also three copies of Mis. Doc. 167, Fifty-second Congress, first session, containing a report by Senator Davis, from the Committee on Foreign Relations, dated April 14, 1892, and a reprint of the previous documents relating to the claim.

Availing yourself in such way as you may consider most useful of the excellent review of this claim contained in the foregoing report, you will again endeavor to secure a favorable consideration of the claim by Her Majesty's Government. If, however, you are unable to harmonize the diverse views of the two governments, then, following the recommendation of the Senate, you may "propose to the Government of Great Britain that the entire contention be submitted to arbitration to the end that a final and conclusive settlement thereof and of all questions involved may be thereby attained." Should it become necessary to make that proposal I trust that it may commend itself to Her Majesty's Government, and I leave it to you to make it in such form and to support it by such considerations as may seem to you best, reserving for future consideration the question of the details of such an arbitration.

I am, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Lincoln.

No. 1034.]

DEPARTMENT OF STATE,
Washington, January 17, 1893.

SIR: Mr. White's dispatch, No. 882, of the 30th ultimo, relative to his interview with Lord Rosebery concerning the relations of the United States and Great Britain with the Porte, has been received and read with interest.

In a conversation with the British minister on yesterday, he informed me that he had communicated to Lord Rosebery, in a personal letter, the substance of my previous interview with him on the subject of concurrent action in the Turkish questions referred to. Should you have a convenient opportunity to recur to the subject with Lord Rosebery you may find it prudent to suggest to him that the British ambassador at Constantinople be instructed to cooperate with our minister as occasion may require.

I am, etc.,

JOHN W. FOSTER

Mr. Lincoln to Mr. Foster.

No. 910.]

LEGATION OF THE UNITED STATES,
London, February 7, 1893. (Received February 17.)

SIR: Referring to your instruction numbered 988, of December 7, and to Mr. White's dispatch in reply, dated the 4th of January last, numbered 885, I have the honor to inclose herewith a copy of a note which I have received from the Earl of Rosebery, with a series of accompanying documents relative to the complaint of Capt. Kustel against Capt. Davis, of Her Majesty's ship *Royalist*.

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure 1 in No. 910

Lord Rosebery to Mr. Lincoln.

FOREIGN OFFICE,
February 1, 1893.

SIR: With reference to my note to Mr. White of the 27th December last, I have the honor to inform you that I learn from Her Majesty's secretary of state for the colonies that he has requested the Admiralty to forward to Capt. Davis for his observation the statement which you communicated to me on the 22d of December relative to the conduct of that officer towards Mr. Kustel, an American citizen trading in the Gilbert Islands.

Pending the receipt of Capt. Davis's reply, I take this opportunity of transmitting to you for the consideration of your Government a report on Mr. Kustel's proceedings sent home by that officer in July last.

I have, etc.,

ROSEBERY.

[Inclosure 2 in No. 910.]

Mr. Davis to the British Commander of naval forces in Australia.

ROYALIST, AT TARAWA,
Gilbert Group, July 17, 1892.

MY LORD: I have the honor to inform you that on my arrival at Tarawa Island, Gilbert Group, on the 7th of June, 1892, a native Tabantia laid before me a complaint against one Albert Kustel, an American subject, a trader on that island. Tabantia handed me a revolver and five cartridges, also a letter from the Rev. A. C. Walkup, who is in charge of the American mission in the Gilbert Group.

Kustel being absent in a schooner, I left a letter for him, acquainting him of the charge preferred against him.

On a subsequent date, I obtained sworn evidence concerning this outrage from Peter Grant, an American subject, also a trader in the same island.

On arrival at Butaritari Island, on the 6th of July, I found Kustel's schooner lying there. I requested Kustel to meet me on shore at the king's house the following day in connection with this case.

I read the evidence I had taken to him. He acknowledged that the native's statement was correct except that the revolver was taken from his pocket, not his hand. He also took exception to the language stated by Peter Grant to have been used on the occasion, stating that it was not his habit to use bad language.

I pointed out to him that although the offense had been committed before the protectorate was established, the complaint had been made since. This being the case I would give him the opportunity of making reparation to the native. After some hesitation he offered to pay him \$10. I told him I did not consider that sum sufficient compensation for pointing a loaded revolver at a native's head, threatening to shoot him, and tying him up. He then said he wished the matter referred to his own Government. Seeing no other course open to me, I informed him I would grant his request.

As this man bears a very bad character in the group, I took the opportunity to personally inform him of the British law concerning the supplying of arms, etc., and intoxicating liquors to natives; at the same time warning him that a repetition of such an offense as that to which he had pleaded guilty would probably lead to his expulsion from the Gilbert Islands.

Calling at Tarawa on my way south, I made further inquiries concerning this man, and obtained sworn depositions from his wife (a half-caste woman), from the King, also from Kamudgi, the King's son, and Mr. Meyer, a trader, which prove without doubt this man's ill doings in the island of Tarawa.

I beg to inclose papers concerning this matter; also an extract from the minutes of proceedings of a court held for the trial of Eno, a trader of Kustel's.

I trust that, for the welfare of the islands over which Her Majesty has assumed a protectorate, no time may be lost in this case being fully reported to the United States Government.

I have, etc.,

ED. H. M. DAVIS,
Captain.

[Inclosure 3 in No. 910.]

Mr. Walkup to whom it may concern.

TARAWA, November 19, 1891.

To whom it may concern:

Tabantia, a native of Tarawa, gave me the following testimony and showed me a revolver and five shells and handkerchief:

That Capt. Kustel, a trader of Tarawa, met him on the path south of the village of Ukiangang, caught him and pulled him, pointing a revolver at his forehead saying, "Go to the boat." Also tied his left hand with his handkerchief and was pulling him, when he snatched the revolver and ran and fired off a shell.

Peter Grant, Eno (native of Tahiti), Tabantia, a native, were with Kustel, while ten Tiraki and ten Zenoi were with him.

A. C. WALKUP,
Missionary of A. B. C. F. M., Boston, Mass.
in charge of Gilbert Island work, on Morning Star.

[Inclosure 4 in No. 910.]

ROYALIST, AT TARAWA ISLAND,
Gilbert Group, June 7, 1892.

Tabantia, a native of Tarawa, states: About six or eight months ago, whilst walking along to pick cocoanuts, Capt. Kustel came up to me and told me to go to his boat. I told him I did not want to go. He caught hold of my hand and told me again to go. I said, "No." He tied his handkerchief around my wrist and pointed a loaded-revolver at me. I snatched it from him and ran away. He has since asked me to give him back the revolver, but I would not. I have it now in my possession and five cartridges which I took out of it. Mr. Walkup, the missionary, told

me to keep it and give it to a man-of-war when one came to Tarawa. He also gave me the letter which I now give you.

When Capt. Kustel tried to take me to his boat Peter Grant, a trader, and Eno, a native of Tahiti, were with him.

Witnesses:

F. St. L. LUSCOMBE, *Lieutenant.*
DUNCAN S. O. GRANT, *Assistant Paymaster.*

Before me.

ED. H. M. DAVIS,
Captain Her Majesty's Ship Royalist.

[Inclosure 5 in No. 910.]

Mr. Davis to Mr. Kustel.

ROYALIST, AT TARAWA ISLAND,
Gilbert Group, June 8, 1892.

SIR: I have to acquaint you that Her Majesty, Victoria, Queen of Great Britain and Ireland, has assumed a protectorate over the Gilbert Islands, and that it is contrary to British law that any arms, ammunition, explosive substances, or intoxicating liquors be supplied to natives of the Pacific Islands.

I also have to acquaint you that charges of intimidation and threatening the lives of natives have been preferred against you, and it will be my duty to forward these charges to the United States authorities, as I understand you are an American citizen.

I take this opportunity to warn you that a repetition of the offenses with which you have been charged will probably lead to your expulsion from the Gilbert Islands.

I am, etc.,

ED. H. M. DAVIS,
Captain.

[Inclosure 6 in 910.]

TARAWA ISLAND, *June 16, 1892.*

Peter Grant, trader of Tarawa, having been sworn, stated:

About four months ago I was walking along the road with Kustel and Eno. We met Tabantia, and Kustel tied Tabantia's hands with his handkerchief and said: "You son of a ——, if you don't come on board my ship I'll kill you." When Kustel was about to tie up Tabantia's hands he had a revolver in his hand, which he pointed at the native's head, and whilst he was tying Tabantia's hands the man snatched it out of his pocket and ran away and fired it in the air.

"Kustel, Eno, and myself then went to my house, and the native the other way.

P. GRANT.

Witness:

DUNCAN S. O. GRANT,
Assistant Paymaster, R. N.

Before me.

ED. H. M. DAVIS,
Captain Her Majesty's Ship Royalist.

[Inclosure 7 in No. 910.]

Mr. Davis to Mr. Kustel.

MEMORANDUM.

ROYALIST, at Butaritari, *July 7, 1892.*

You having this day declined to make suitable reparation to Tabantia, the Tarawa native, whom, by your own admission, you assaulted on Tarawa Island, about November, 1891, I shall request the commander in chief to communicate with the United States Government on the subject.

ED. H. M. DAVIS,
Captain and one of Her Majesty's Deputy Commissioners for the Western Pacific.

[Inclosure 8 in No. 910.]

AT TARAWA, July 14, 1892.

Emma Kustel, wife of Albert Kustel, have been sworn, states:

I am the wife of Albert Kustel, have lived on Tarawa for about four years. I saw Eno this morning; Eno trades for my husband. Everything Eno sells he sells for my husband. He does not trade on his own account. Eno lives about 4 miles from here. He buys his own trade. My husband pays him for trading. No license is being paid now for traders. When it was paid Eno's license was paid by my husband. My husband has never authorized Eno to sell firearms or ammunition. All trade in firearms from this house is done by my husband. Eno once bought fifty cartridges. Whatever gin Eno has brought here, he has always said it has been for his own use. My husband has sold 10 rifles and 800 rounds of ammunition to the King's party. My husband has sold gin to the King; the first bottle he wanted was because his wife was sick, which he took away and drank himself. He came again and got a second bottle from the *Fleur-de-Lys* (Kustel's schooner), for which he did not pay. The last bottle he got was before the *Royalist* came here first.

The native Jacob signed articles on board my husband's ship for a month, I believe. After being there a week he went away to get his clothes, and then did not return. The King ordered him to return, and he ran away again, and the schooner went away without him.

I do not know anything of my husband's trouble with native Tabantia, as I was on board the ship at the time.

I know there was a fine on the island, agreed to by the traders, that whoever sold liquor to a native should be fined \$100. Ah Tong, a trader Chinaman, was fined \$100 for doing this. When my husband sold grog to the King, he did not pay this fine. When the Chinaman was accused of selling gin it appears that Kamudgi (King's son) went to the house and demanded it for his father. The Chinaman not being willing to sell it, Kamudgi took it. This is what I have heard.

EMMA KUSTEL (her x mark).

Witness:

GEORGE D. TWIGG, *Staff Surgeon*.DUNCAN S. O. GRANT, *Assistant Paymaster*.

Before me.

ED. H. M. DAVIS,

Captain Her Majesty's Ship Royalist and Deputy Commissioner.

[Inclosure 9 in No. 910.]

ROYALIST, at Tarawa, July 14, 1892.

Tenmaton, king of Tarawa, having been cautioned to speak the truth, states:

About three months ago I purchased about six bottles of gin from Kustel—one time two bottles and one time three, for which I paid \$1.50 for each bottle. Kustel's wife handed me the gin. Kustel asked for the money, which she took and passed to him for payment.

I also bought one Martini-Henry rifle and one Snider rifle, for which I paid \$25 the first and \$20 the other; and thirty rounds of ammunition. These I purchased from Kustel's wife in his house. Kustel told me to go and see them and buy them. Tentickimarch and Kamudji were with me when I bought them. Kustel told Tentokorigi to tell me to go and fight quick, which he did.

TENMATON.

Witnesses:

F. St. L. LUSCOMBE, *Lieutenant*.DUNCAN S. O. GRANT, *Assistant Paymaster*.JEM MACKE, *Native (King's Secretary)*.TEKIATOWA, *Interpreter*.

Before me:

ED. H. M. DAVIS,

Captain and Deputy Commissioner.

[Inclosure 10 in No. 910.]

ROYALIST, at Tarawa Island, July 14, 1892.

Kamudgi, native of Tarawa, having been cautioned to speak the truth, said:

I have been on two or three occasions to Kustel's house with the late King's wife to buy gin. I did not go inside the house, but waited until she came out. I have

seen her carry it to the King. On one occasion she took \$2 and brought away one big bottle and two small bottles of gin.

On one occasion I got a revolver from Kustel's wife; it was broken, but I mended it.

TEKAMATIE.

Witnesses:

F. ST. L. LUSCOMBE,
Lieutenant.

TEKIATOWA,
Interpreter.

DUNCAN S. O. GRANT,
Assistant Paymaster.

Before me:

ED. H. M. DAVIS,
Captain Her Majesty's Ship Royalist, and Deputy Commissioner.

[Inclosure 11 in No. 910.]

AT TARAWA, July 14, 1892.

John Herman Edward Meyer, having been sworn, stated:

About two months ago I saw Kustel give the King of Tarawa a glass of gin, which he drank. It is known throughout the island that Kustel has sold spirituous liquor to the late King, the present King, and to Kæmudgi, a chief, son of the present King. Kustel has sold ammunition and firearms to natives. About six months ago he sold some Winchester rifles, with ammunition, to the late King. I know Kustel sold a rifle to a native, Tauginou, a few months ago, for which he had not sufficient money to pay, so is now, to the best of my belief, paying in copra.

E. MEYER.

Witness:

DUNCAN S. O. GRANT, *Assistant Paymaster.*

Before me:

ED. H. M. DAVIS,
Captain Her Majesty's Ship Royalist, and Deputy Commissioner.

[Inclosure 12 in No. 910.]

Extract from minutes of proceedings of a court held on July 15, 1892, on board Her Majesty's ship Royalist, at Tarawa Island, for the trial of Eno, a native of Raratonga.

4. For that he, the said Eno, did burn down the house of Jacob, a native of Tarawa.

* * * * *
He admitted the truth of the charges, but said * * * with reference to fourth charge, he was ordered to do it by Kustel.

ED. H. M. DAVIS,
Captain.

Mr. Foster to Mr. Lincoln.

No. 1053.]

DEPARTMENT OF STATE,
Washington, February 8, 1893.

SIR: In May, 1892, in consequence of representations made by the Southern Pacific Company that its steamers plying between New Orleans and Bluefields, Nicaragua, had recently been subjected to an increase of port charges, the Government of the United States addressed that of Nicaragua inquiring the facts of the case and the grounds of the increase in question. The Nicaraguan minister for foreign affairs, Don Jorge Bravo, replied, under date of July 19, 1892, expressing

inability to make responsible reply and pointing out the anomalous state of things in the Mosquito Reservation owing to the claim of Her Majesty's Government to intervene, with more or less of indirection, as the protector or advocate of alleged rights of the Mosquito Indians, and the consequent impediments to the exercise, by Nicaragua, of responsible acts of sovereignty in that quarter. For these reasons Señor Bravo announced the necessity of taking "measures near the court of St. James to the end that there may be given a practical meaning to the sovereignty which, according to the treaty of Managua, this Republic (Nicaragua) has in the Mosquito territory."

Señor Bravo did, in fact, address a note* to Her Majesty's minister at Managua, under date of the 13th of September, 1892, of which a translation is annexed for your information. Mr. Audley Gosling replied, under date of October 14, 1892, announcing his reference to Señor Bravo's note to Lord Rosebery, and making, in the meanwhile and before his lordship's opinion in the matter could reach him, sundry observations upon the points suggested by the Nicaraguan minister's note. A copy of this note† of Mr. Gosling is also appended hereto.

I am somewhat at a loss to determine what weight, if any, should be attached to Mr. Gosling's utterances, being, as they confessedly are, voluntary. But Mr. Gosling's views are in so many particulars erroneous as to demand passing consideration.

It is unnecessary at this juncture to review the discussion in regard to the Mosquito Indians, which has for nearly half a century continued between the United States and British Governments. It will suffice to recall the elaborate presentation of the subject made by my predecessor, Mr. Bayard, in his instruction to Mr. Phelps, No. 999, of November 23, 1888, a presentation which remains practically unanswered, since the acknowledgment thereof made by the Marquis of Salisbury in his instruction to Mr. Edwardes, of March 7, 1889, amounts to little more than exception to certain details of statement. It does indeed contain a declaration that Her Majesty's Government "have no desire to 'assert a protectorate' in substance or in form, or anything in the nature of a protectorate," a declaration which would be valuable, and perhaps conclusive, were it not obviously neutralized by the equally positive prior assertion of Great Britain's claim to remonstrate with Nicaragua in case of complaint by the Mosquito Indians that their rights are infringed by Nicaragua.

The line of Mr. Bayard's argument culminates in showing that the arguments and pretensions of Great Britain lead to the assertion of the existence of *imperium in imperio* in Central America. And yet this untenable doctrine of *imperium in imperio* is put forward by Mr. Gosling as the ground and justification of his argument. His proposition is vitiated by the attachment of a double meaning to one and the same word. He confounds the right of tribal self-government by the Mosquito Indians—that is, as defined by Article III of the treaty of Managua, "the right of governing according to their own customs and according to any regulations which may from time to time be adopted by them not inconsistent with the sovereign rights of the Republic of Nicaragua, themselves and all persons residing within such district"—with the functional attributes of government pertaining to an autonomous and internationally responsible commonwealth, and substitutes the one for the other at will.

* For this inclosure see inclosure to No. 195, of September 28, 1892, from the minister to Nicaragua, p. 170.

† For this inclosure see inclosure to No. 235, of November 9, 1892, from the minister to Nicaragua, p. 173.

The tribal regimen of the Indians resident in the Mosquito Reservation, which is expressly exercisable only so far as it may not be inconsistent with the sovereign rights of Nicaragua, is in no wise such a government as a foreign sovereign state can look to or deal with in defense of its rights or in protection of its interests. Still less can it create such a state of facts as would authorize or render admissible the dependence of the rights and interests of a foreign sovereign state in respect of the region occupied by the Mosquito Indians, upon the intervention of Great Britain with the Government of the sovereign and independent Republic of Nicaragua.

The statement that the Mosquito Reservation is actually *imperium in imperio* is merely an empty phrase, void of meaning because resting on a logical fallacy, incompatible with the express stipulations of the treaty of Managua, and impossible of existence both as respects the sovereignty of Nicaragua and the sovereign rights of other states in their relations to Nicaragua.

Indeed, throughout the whole discussion for many years past it seems to have been overlooked on the part of Great Britain that the concessions granted by Nicaragua are tribal, not territorial; and that the specified rights conferred are to be enjoyed by a particular community of indigenous Indians, thus inuring to them and not to the territory assigned for their residence. The residence of other persons than Mosquito Indians within the defined limits of the reservation imposes subjection to this tribal rule; it does not secure their exemption from Nicaraguan control. And a supposititious "Mosquitia" is not to be arbitrarily substituted for the territory allotted to and reserved for the residence of the Mosquito Indians by the sovereign, with qualified liberty to live and regulate their domestic affairs therein according to the patriarchial customs usual among the aborigines.

It is as impossible as it is inadmissible that a condition of things should exist in the Mosquito Reservation whereby the Indian denizens thereof shall assume to exercise, irresponsibly, a function of national government affecting the rights and interests of another sovereign power. It would be equally impossible and inadmissible were such governmental functions alleged to be responsibly exercised; for no sovereign power could hold intercourse with the Mosquito Indians as a responsible political entity, and no claim of responsibility could be put forth by those Indians, under cover of the limited grant to them, without palpable invasion of the guaranteed sovereignty of Nicaragua.

Following this erroneous line of argument, Mr. Gosling asserts that "the right of self-government" conceded to the Mosquito Indians by the Article III of the Treaty of Managua would surely "cover the framing by them of port regulations whereby to insure the due maintenance and safety of the harbor at Bluefields, the providing of lights and beacons, and the defraying of expenses of the police of that port," and adds: "According to my view, the question to be considered is, whether the levying of port dues referred to is inconsistent with the sovereign rights of Nicaragua; whether or not the collection of the said dues is not absolutely necessary for the safety of navigation, and whether the supreme government has, in virtue of the treaty of Managua, the right to repudiate them."

To this concluding proposition, as well as to the prefatory assertion above quoted, I am constrained to take exception. I do not admit that the claimed administrative functions flow from the conceded privileges of tribal regimen, or that there can be question as to Nicaragua's right, as a supreme government, to repudiate them. The port of Blue-

fields, like any other port within the defined limits of the reservation assigned for the dwelling of the Mosquito Indians, is for all purposes of international commerce a port of the sovereign state of Nicaragua. The flag of Nicaragua floats there as the recognized symbol of supreme sovereignty. The foreign flag entering those ports can recognize no divided sovereignty, nor know any such governmental fiction as "Mosquitia."

Should foreign rights be involved or foreign interests assailed in those ports, the foreign sovereign can look alone to the Republic of Nicaragua for redress. If there be question "whether or not the collection of port dues is not absolutely necessary for the safety of navigation," I hold that it is the prerogative of Nicaragua to determine the point, and in the proper case to adjust and impose such dues.

It is not to be overlooked that the treaty of Managua, although in the form of an agreement between Nicaragua and Great Britain by which the latter relinquished her claim to exercise a protectorate over the Mosquito Indians in consideration of express grants of privileges to those Indians by the territorial and political sovereign, is in fact a grant to the Mosquito Indians themselves; and that, thus conceded and stipulated, the grant can not be construed to convey more than by reasonable construction may be assumed to have been within the intent of the grantor, and can in no wise be interpreted inconsistently with the express reservation of the grantor's inherent and indefeasible rights of sovereignty.

I am not unmindful of the circumstance, which may perhaps be alleged, that Article VI of the arbitral decision of the Emperor of Austria provided that "the Republic of Nicaragua is not entitled to regulate the trade of the Mosquito Indians, or to levy duties on goods imported into or exported from the territory reserved to the Mosquito Indians. That right belongs to the Mosquito Indians." As was declared by Mr. Bayard, in his dispatch of November 23, 1888, the Government of the United States was not a party to that agreement of arbitration, and is not bound by the award of the arbitrator. But, even admitting for the argument's sake that the award of the Emperor of Austria recognizes the competence of the tribal Indian community to levy import or export duties on goods, I submit that the scope of that power is expressly defined and limited to the Mosquito Indians alone, subject always to the ultimate sovereignty of Nicaragua, and that its exercise may not be expanded to usurp other usual and normal functions of sovereign government, such as those now in question, neither inure to others than those upon whom it is specially conferred.

If it be necessary to further pursue this aspect of the question, it will suffice to observe that the apparent intendment of this dictum of the imperial arbitrator was to permit of the collection by the Mosquito Indians of a revenue to meet the needs of their permitted tribal administration, and does not cover the case of the exaction, by aliens residing within the limits of the reservation, of local port charges for purposes of local improvement which are normally within the sole control of the territorial sovereign.

For some fifty years past this matter of Great Britain's pretension to exercise a more or less direct intervention in the regulation of the internal functions of the Republic of Nicaragua has from time to time excited discussion. Settled, as was then supposed, by Great Britain's engagement, in the Clayton-Bulwer treaty, to abstain from assuming to make use of any then existing protection or alliance to the end of exercising dominion over or colonizing the Mosquito coast, it revived, under

the protectoral pretensions of Great Britain, to be again ostensibly settled by the treaty of Managua of 1860, whereby Her Majesty's Government covenanted that its claimed protection over the Mosquito Indians should cease three months after the exchange of the ratifications thereof. Notwithstanding this seemingly final withdrawal of the British claims to intervention in the affairs of Nicaragua, the extent to which they were subsequently revived and asserted is apparent from the necessity of recourse to arbitration in 1879-'81. The question of the right and scope of Great Britain's claimed function of intervention in disputes between the Republic of Nicaragua and the Indians or other inhabitants of the Mosquito Reservation was brought before the arbitrator, and his formal award is silent upon this point. Resting, however, on a passage of the opinion or report upon which the award was based, and which purports to recognize the competency of Great Britain to insist upon the fulfillment of the stipulations of the treaty of Managua, Her Majesty's Government has since stretched its claim so far as to intervene to contest the exercise of so evidently sovereign a function as the regulation of postal communication in the Indian reservation—as though it were possible to suppose that the phantasmic fiction styled "Mosquitia" were competent to enter into postal conventions with sovereign powers and logically (or illogically, rather), with the territorial sovereignty of Nicaragua itself.

The vagueness of even the traditional fiction of the exercise of a tribal regimen by the Indian "government" of the Mosquito reservation is illustrated by the pointed fact that the town of Bluefields is to all intents and purposes a colony of aliens, for the most part Jamaicans, in whose municipal administration of affairs no concurrence of the tribal chiefs of the reservation is apparent. Thus the right conceded to the Mosquito Indians by the treaty of Managua of governing, according to their own customs, themselves and all persons residing within the district reserved to them has been perverted into the erection of an alien settlement at Bluefields, self-administered, internationally irresponsible, as wholly withdrawn in fact from the indigenous tribal regimen of the Mosquito Indians as it seeks to withdraw itself from the sovereign control of Nicaragua, and prone to invoke British intervention in protection of its alien interests. It is scarcely necessary here to discuss how far this foreign and local self-control comports with the arbitral decision of the Emperor of Austria, which in each and every one of its six essential articles defines in terms the relations of the "Mosquito Indians," and none others.

The United States can not look with favor upon any attempt, however indirect, on the part of Great Britain, to render illusory the sovereignty of the Republic of Nicaragua over the Mosquito Indians and the territory reserved for their dwelling. In the judgment of this Government the provisions of the treaty of Managua, as construed by the arbitral award of the Emperor of Austria, are explicit to obviate any misapprehension or doubt as to the respective rights of Nicaragua and the Mosquito Indians, or as to the right of the Mosquito Indians themselves to impose their tribal customs and regimen upon any other residents within the reservation, so far as may not be incompatible with the sovereignty of Nicaragua. Moreover, the attributes and powers of sovereignty are so unquestionably established under the law of nations as to leave no just ground for doubting or contesting the ultimate rights of Nicaragua as territorial sovereign. Hence, the Government of the United States must hold that to Nicaragua, and to Nicaragua alone, it

must look for settlement of any international questions affecting any part of the territory of Nicaragua.

You will communicate this dispatch to the Earl of Rosebery by reading it to him, and should he so desire, furnishing him with a copy.

I am, etc.,

JOHN W. FOSTER.

Mr. Lincoln to Mr. Foster.

No. 916.]

LEGATION OF THE UNITED STATES,
London, February 13, 1893. (Received February 27.)

SIR: I have the honor to inclose an application for a passport made to-day by Anthony William Iby, which I have felt it to be my duty to decline to grant, unless you shall deem it proper to instruct me otherwise.

It appears from his application that Mr. Iby, who was born in Roumania in 1863, emigrated to the United States at the age of 15, with his father, whom he calls an Austrian subject, and who soon returned to Europe, and that, having resided uninterruptedly in New York from 1882 to 1888, he was naturalized in December of the latter year, and the next month left the United States and is domiciled with a permanent residence in London. He gives his intention of returning to resume the duties of citizenship within a year.

Upon reference to a former application of Mr. Iby (No. 473, of January 10, 1891), upon which a passport was issued to him by this legation, it will be seen that he then made oath of his intention to return "within two years." He was, in consequence of this, specially interrogated, upon which it appeared that he was in 1888 in the service of a New York branch of the English firm of William Harland & Son, of Merton, Surrey (varnish manufacturers), and that he came to England to enter their service here, by transfer, as their traveling representative for the continent of Europe, and that he has no relations or property or business interests in the United States. It was clear from his conversational statement of his affairs that his sworn statement of two years ago as to his intention to return to the United States within two years was, to say the least, inconsistent with his then existing purpose to continue indefinitely in the foreign business employment in which he has been engaged for the past four years; and I have no doubt that his present statement as to his intention is to be described in the same way. I am satisfied that, while he would probably seek employment in the United States if he lost his present connection, he has no settled purpose of ever returning to the United States as a place of residence, if it is to be done at the cost of abandoning that connection. No doubt it would be a most desirable and acceptable advancement for him to be put in charge of the New York branch of the business, but I think the same would be true as to its Paris and Milan branches.

It is perhaps worthy of note that his naturalization paper is dated December 21, 1888, and that he departed from the United States under a passport issued by the Department the next day (No. 23751). He is one of a class whose value as polyglot employés of European business houses is greatly increased by the immunity from military service given by our passport, and who, I think, consider it the only benefit of their citizenship.

I have, etc.,

ROBERT T. LINCOLN.

Mr. Lincoln to Mr. Foster.

No. 931.]

LEGATION OF THE UNITED STATES,
London, February 28, 1893. (Received March 13.)

SIR: Referring to your instruction numbered 1027, of the 11th ultimo, I have the honor to inclose herewith copies of a note which I addressed to the Earl of Rosebery on the 9th instant, and of his lordship's reply, with respect to the land claim of Mr. W. Webster in New Zealand.

In an interview with his lordship on the 15th instant, I had called his personal attention to the subject and had spoken briefly upon the difficult situation of Mr. Webster when he was led into writing the letter, which, in my view, was really only an expression of trust in the fair dealing of the land tribunal as to the good faith of his purchases, but was by the New Zealand authorities seized upon as an abandonment of his actual citizenship and estopping him from asserting his rights thereunder.

I have not understood that I was to propose an arbitration in the first instance, and as the claim is being reconsidered, it would seem to be a subject for later consideration, if necessary.

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure 1 in No. 931.]

Mr. Lincoln to Lord Rosebery.

LEGATION OF THE UNITED STATES,
London, February 9, 1893.

MY LORD: With reference to the note of Marquis of Salisbury, of August 18, 1891, relative to the claim of William Webster, growing out of the alleged wrongful deprivation of lands owned by him in New Zealand, I have again the honor, under the instructions of the Secretary of the State, to bring the subject of a consideration of Mr. Webster's claim to the attention of Her Majesty's Government, and to say that my Government is unable to admit the validity of the ground upon which was put, in the above-mentioned note, the declination of Her Majesty's Government to consider the claim as that of an American citizen entitled to the protection of the principle as to land claims of foreigners in New Zealand, which was announced by Lord Aberdeen to Mr. Everett on February 10, 1844, as that which was to control the administration of the then newly organized colony.

The declination I have referred to was based upon the proposition, as stated, that Mr. Webster voluntarily accepted the conditions imposed upon him by Governor Fitzroy in 1841, and submitted his claims as a British subject under the colonial ordinance of that year, and it is my duty to represent to your lordship that, in the view of my Government, this proposition is not supported by the uncontroverted facts in the case.

Mr. Webster is a native-born citizen of the United States, and has never in any manner renounced that status. Having acquired lands in good faith from the natives of New Zealand, he was, with all other foreigners, upon the assumption of sovereignty over that country by Her Britannic Majesty, ordered to present his claims to land for the consideration of the new colonial authorities, and he presented claims distinctly and formally asserting his American citizenship. Upon this a letter was written to him, demanding that he should distinctly state whether he claimed as a British subject or as an American citizen.

By his reply he left himself resting upon his former distinct assertion of his American citizenship, and said in effect he was willing to trust the decision of the bona fides of his land claims to the tribunal before which he, as were all other foreigners, was compelled by public order to appear. This tribunal admitted the bona fides of his purchasers as to many thousands of acres of land, and then applied to him an arbitrary rule, which, if enforceable against British subjects, was not properly enforceable against foreigners. This arbitrary rule was that no claim should be recognized for more than 2,560 acres of land without the special authorization of the governor in council; and it is the view of my Government that, by its enforcement against Mr. Webster, he was wrongfully deprived by the New Zealand Government

of many thousands of acres of land, the title of which was lawfully vested in him, and that this deprivation was an administrative act in clear disregard of the assurance given by Lord Aberdeen in the premises to Mr. Everett.

Since the above mentioned note of Lord Salisbury, the subject has been reexamined by the Committee on Foreign Relations of the Senate of the United States, and I have the honor to inclose, and to invite your lordship's consideration of, a copy of the report of that Committee, which gives, much more fully than I have attempted to do, the grounds upon which my Government find themselves unable to assent to the disposition of Mr. Webster's case indicated in Lord Salisbury's note.

I venture to express the hope that the examination of these grounds will cause Her Majesty's Government to reconsider this case, and to take a more favorable view of it than they have heretofore done.

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure 2 in No. 931.]

Lord Rosebery to Mr. Lincoln.

FOREIGN OFFICE, *February 25, 1895.*

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant respecting the the land claim of Mr. W. Webster in New Zealand, in which you forward a report on the case, by the Committee on Foreign Relations of the Senate of the United States, and ask that the decision arrived at with regard to it by Her Majesty's Government may be reconsidered.

I have to state in reply that a fresh communication on the subject was made to the Government of New Zealand in August last; that their attention will be again called to it; and that, on the receipt of their reply I will consider the matter in consultation with the Secretary of State for the Colonies.

I have, etc.,

ROSEBERY.

Mr. Wharton to Mr. Lincoln.

No. 1090.]

DEPARTMENT OF STATE,
Washington, March 2, 1893.

SIR: I have to acknowledge the receipt of your No. 916, of the 13th ultimo, relative to the application for a passport made to you by Mr. Antony William Iby.

Mr. Iby, son of a Roumanian subject, is stated to have come to the United States at the age of 15 and to have been duly naturalized in December, 1888, when 25 years old. Quitting the United States in January, 1889, he has since been domiciled in London with apparent permanence. On the occasion of applying for a passport, January 10, 1891, Mr. Iby declared his intention to return to the United States "within two years." That time having elapsed, he now declares his intention to return "within a year." His employment is that of a traveling agent for a British manufacturing firm, in whose service he was for a time in their New York branch office. He has no relations, property, or business interests in the United States, and the personal interrogatories made by you suggest doubt as to the *bona fides* of his declared intentions to take up his residence in the United States "within a year."

While Mr. Iby's case is free from the detrimental features which often surround the case of a naturalized citizen returning to dwell in the country of his origin it is not especially commended to favorable consideration by the facts of his commercial association and personal interests. The Department is always well disposed toward those of our citizens who sojourn abroad in representation of American commer-

cial interests, but Mr. Iby's employment is not American, and even were he to be put in charge of the New York branch of the present English house, as is suggested, his agency would be still foreign, and his American citizenship of no special advantage to him or to his principals, whereas, as you point out, it is now of distinct benefit to him in his trade of traveling agent on the continent.

It is the long-standing rule of the Department that an applicant's declared purpose to return to the United States should be made satisfactorily apparent, and not be conspicuously negated by the attendant facts of his sojourn abroad. Tested by this rule, Mr. Iby's case very naturally suggests the doubts you express.

Nevertheless, if he should satisfy you of good grounds for his purpose to return within a year, a passport may be issued, with the distinct intimation that should not his intentions be more practically executed at the end of that term than they have proved to be on the expiration of his previously announced term of two years, further renewal can not be granted by your legation. The best proof of intention in such cases is its execution.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Lincoln to Mr. Foster.

No. 934.]

LEGATION OF THE UNITED STATES,
London, March 3, 1893. (Received March 15.)

SIR: With reference to Mr. Foster's dispatch No. 1053, of the 8th ultimo, regarding British pretensions with reference to the Mosquito Reservation in Nicaragua, I have the honor to acquaint you that on the 1st instant I called upon Lord Rosebery at the foreign office and communicated the above-mentioned dispatch to his lordship by reading it to him and, at his request, leaving a copy with him.

His lordship did not go into the subject further than to say that it would have his attention at once.

I have, etc.,

ROBERT T. LINCOLN.

Mr. Lincoln to Mr. Foster.

No. 935.]

LEGATION OF THE UNITED STATES,
London, March 3, 1893. (Received March 15.)

SIR: Referring to Mr. Foster's instruction No. 1034, of January 17, in regard to concurrent action in certain cases of the representatives of the United States and of Great Britain at Constantinople, I have the honor to acquaint you that in the course of a conversation with Lord Rosebery, on the 15th of February last, I mentioned the subject to him and expressed the hope that he would find it proper to instruct Her Majesty's ambassador at Constantinople to cooperate with our minister as occasion may require in guarding the rights of American and British residents, and that his lordship indicated his willingness to do so at once and made a memorandum for himself.

I have, etc.,

ROBERT T. LINCOLN.

Mr. Gresham to Mr. Bayard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 24, 1893. (Received June 24.)

Convey to Her Majesty expression of the heartfelt sorrow of the President and the people of the United States by reason of the appalling catastrophe to the *Victoria*.

GRESHAM.

Mr. Bayard to Mr. Gresham.

[Telegram.]

EMBASSY OF THE UNITED STATES,
London, June 25, 1893.

Have just received following telegram from the Queen:

The AMBASSADOR OF THE UNITED STATES, *London*:

I thank you most sincerely for the kind message you have conveyed to me from the President on the occasion of the terrible catastrophe in the Mediterranean and the loss of the *Victoria* with so many brave officers and men, including one distinguished admiral. Pray assure the President that I am much touched and most grateful for his kind sympathy on this sad occasion.

V. R.
BAYARD.

Mr. Bayard to Mr. Gresham.

No. 25.]

EMBASSY OF THE UNITED STATES,
London, July 12, 1893. (Received July 22.)

SIR: Referring to Mr. Foster's instruction numbered 988, of December 7, to Mr. White's dispatch of January 4, numbered 885; and to Mr. Lincoln's dispatch, No. 910, of February 7 last, I have the honor to inclose herewith the copy of a note which I have received from the Earl of Rosebery, transmitting a report which has been received from Capt. Davis of Her Majesty's ship *Royalist*, relative to the charges made against him by Mr. Kustel.

Copies of this report and of the petition referred to in Lord Rosebery's note are also inclosed.

It is a cause of regret that a claim so groundless should ever have been presented.

I have, etc.,

T. F. BAYARD.

[Inclosure 1 in No. 25.]

Lord Rosebery to Mr. Bayard.

FOREIGN OFFICE, *July 4, 1893.*

SIR: With reference to my note to Mr. Lincoln of the 1st of February last, I have the honor to transmit to your excellency, herewith, copy of a report which has been received from Capt. Davis, R. N., explaining the action taken by him during his recent cruise in the Gilbert Islands, and replying to the charges which have been made against him by Mr. Kustel.

I inclose, also, copy of the petition alluded to in the report, as having been presented to Capt. Davis by traders at Butaritari, and which bears the signatures of four citizens of the United States, including that of Mr. Kustel himself.

I feel confident that upon a perusal of these papers the U. S. Government will share the opinion of Her Majesty's Government, that the explanation offered by Capt. Davis is perfectly satisfactory, and that there is no ground on which to take exception to his proceedings as regards Mr. Kustel.

I have, etc.,

ROSEBERY.

[Inclosure 2 in No. 25.]

A. Wilson et al. to Capt. Davis.

BUTARITARI, *July 7, 1892.*

MY DEAR SIR: We, the undersigned, respectfully petition you, now that the Gilbert Islands are under the protection of the British Government, to further promote the welfare of this and other islands by using your influence with the proper authorities to have appointed here a resident to take charge of the necessary alterations for the better government of these islands.

We have all reason to believe that after your departure the King may prove himself quite unfit to act in accordance with your instructions and to correct and carry out the many changes that are necessary.

We, therefore, beg you, if possible, to leave with us one with some authority to whom we may refer. If that can not be done we take the liberty of asking you to kindly further our wishes by doing what you can to have matters kept in better order. We might venture to suggest that as we pay so high a tax to the King for which we receive little or no benefit it would not be inconsistent with such a state of things to pay at least half of the tax to any one resident here representing Her Majesty's Government.

Hoping that we have not presumed too much in asking these favors,

We have, etc.,

A. WILSON,
C. WAN-SAN,
O. THOMSEN,
BEN, his x mark,
J. F. LUTTRELL.

G. TUCHT-FELDT,
W. M. McMILLAN,
A. G. KUSTEL,
C. H. BAER,

[Inclosure 3 in No. 25.]

Gilbert Islands, 1892. Further particulars connected with complaint against Albert Kustel, an American trader.

HER MAJESTY'S SHIP ROYALIST,
Sydney, March 26, 1893.

SIR: I have to acknowledge the receipt of admiralty letter M, 872, No. 28, of 2d February, 1893, with your minutes thereon.

Having in my letter No. 24, of 1892, which was forwarded to the commander in chief at Sidney on 9th September, fully reported the details of this case, I can only suppose my complaint had not reached the U. S. Government at the time of their communicating what appears to be a charge against me brought by Kustel instead of what I might have expected, a reply to my complaint, made some months previously, against that man.

I would here mention that during my cruise in Gilbert Group I listened to and endeavored to settle amicably the complaints of traders, irrespective of nationality, and natives alike—no matter of how long standing—knowing how seldom men-of-war visited these islands. I even went so far as to aid traders to recover their debts from the natives.

I beg to make the following remarks upon Albert Kustel's complaint, dated Butaritari, June 11 (probably meant for July 11, as my interview with him took place on 8 July). (a.) My reason for requesting Kustel to meet me at the King's house instead of on board the *Royalist* was especially to avoid any semblance of a trial being attached to my interview with him, concerning the complaint made by the native of Tarawa and reported in writing by the Rev. Mr. A. C. Walkup, American missionary in charge of Gilbert Island work.

(b) On meeting Kustel at the King's house, as he states, I read the complaint, also the evidence of Peter Grant, a citizen of the United States (not a Swede, as stated by Kustel). He acknowledged the accounts to be correct, with the exception named—and to Grant's evidence—that he did not swear, as he never made use of bad language. I distinctly told Kustel that, though this had occurred before the British flag was hoisted, it had been reported after, and that I was anxious to give him the opportunity of settling the affair amicably; and, as he acknowledged committing the assault, I asked what reparation he proposed to make. He asked what I meant, and I suggested that he should make a monetary compensation. He demurred and then offered \$10. I told him that I did not consider that sufficient compensation for pointing a loaded revolver at a man and threatening to shoot him. He said he did not intend to shoot him. I replied I did not believe he did. I said the native had acted very rightly in reporting the case to a man-of-war, and not taking the law into his own hands; and that, had this assault occurred in the Solomon Islands, where I had recently been, the natives would probably have murdered him. I also reminded him that all whites living on these islands were doing so on the sufferance of the natives. He refused to make further compensation and requested it might be referred to his Government, which I said should be done. I then read him a copy of a letter I had left at Tarawa for him on June 8 (an inclosure to my letter No. 24, No. 3, p. 114, printed report).

(c) Throughout this interview I neither swore nor made use of blasphemous language of any description. Long experience in the islands has shown me the necessity of having a witness always present when making inquiries or interviewing traders. I was particularly careful on this occasion, Mr. Grant, assistant paymaster of this ship, being present.

(d) I made no reference to his articles, did not comment on his authority or power to retain his crew, or make any reference to English law concerning the same. This latter must appear improbable, as the assault in question occurred some months previous to the assumption of the British protectorate.

(e) I again emphatically deny having made this a trial, or allowed Kustel to think it was one.

(f) The testimony of witnesses attached to my letter No. 246 of 1892, and additional evidence inclosed (which appears in my letter No. 26 of 1892, "Trial of Eno") will, I think, conclusively prove the falsity of the statement sworn to by Kustel.

(g) Whilst of opinion that Tarawa would be benefited by Kustel's absence therefrom, I made no allusion whatever to him concerning it; and if, as he states, the Germans or any other traders are seeking to control the trade of the island by driving him from it, I am not at all surprised, as the opinion held by all the traders was that the civil war, which was in progress at the time of my visit, was only prolonged by the sale of arms, ammunition, and liquor to the king's party by Kustel; this, of course, was within his rights, but the same applied to all other traders on the island, except British; but they, seeing the disastrous effect to trade caused by their sale, agreed to forego this privilege.

In conclusion, I emphatically state that not only had I no reason to be hostile to American subjects in the group, but that my action was the reverse, as exemplified in my letter, dated 8th September, 1892, to the consul for the United States of America at Sydney, and in his reply (inclosure to *Royalist's* letter No. 30 of 1892, p. 146, printed report); also in the dealings I had with many other citizens of the United States, traders in the group, involving questions between them and the natives, and *vice versa*—and whom I feel confident do not entertain the same opinion of my actions or views regarding United States citizens as held by Kustel.

With reference to the petition presented to me by traders at Butaritari (*vide Royalist's* letter No. 36 of 1892) I would draw attention to the fact that of the nine signatures attached thereto four, including A. J. Kustel's, are those of citizens of the United States.

I shall be glad to be informed that the unjust and untruthful aspersions cast on my conduct by Kustel and backed up in the strongest terms by the U. S. legation are not shared in by Her Majesty's Government.

I have, etc.,

ED. H. M. DAVIS,
Captain.

[Inclosure 4 in No. 25.]

Deposition of Jacob.

ROYALIST, Tarawa Island, July 15, 1892.

Jacob, a native of Tarawa, having been cautioned to speak the truth, said: About one year and a half ago, I wanted to work on board Kustel's schooner for \$10 a month pay. Kustel said he would give me \$5. I said I would not go for that

amount. Kustel caught hold of my hand and forced me to sign a paper, saying I would work on board the schooner for one month at \$5. I went and stopped one week. I told Kustel I wanted to go down the coast and get my clothes, and I went, telling him I would return; but that I did not do. I stopped at my place for about a week, when one night I saw Eno, a Honolulu native, go to my house and burn it down. I was too much afraid to speak to him. Tem Macke also saw Eno burn my house down. I have not spoken to Kustel or Eno about it—being afraid to. I did not tell the king about it.

JACOB (his x mark).

Witnesses:

S. BEAUMONT, *Lieutenant.*
TEKIATOWA, *Interpreter.*
DUNCAN S. O. GRANT, *Assistant Paymaster.*

Before me:

ED. H. M. DAVIS,
Captain and Deputy Commissioner.

[Inclosure 5 in No. 25.]

Deposition of Tem Macke.

ROYALIST, *Tarawa Island, July 15, 1893.*

Tem Macke, a native of Tarawa, having been cautioned to speak the truth, said: I know Jacob. About one year and a half ago I saw Eno burn Jacob's house down. It was done because Jacob did not work in Kustel's ship, I think. I was by myself at the time. I did not tell anyone about what I saw.

TEM MACKE.

Witnesses:

S. BEAUMONT, *Lieutenant.*
TEKIATOWA, *Interpreter.*
DUNCAN S. O. GRANT, *Assistant Paymaster.*

Before me:

ED. H. M. DAVIS,
Captain and Deputy Commissioner.

[*Extract from minutes of a court held for trial of Eno, a British subject (native of Rarotonga), trading for Albert Kustel, an American subject.—Ed. H. M. Davis, captain.*]

* * * * *
4. For that the said Eno did burn down the house of Jacob, a native of Tarawa.
* * * * *

The statements of the natives referred to in the charges having been read, the accused was asked whether he admitted or denied the truth of them. He admitted the truth of the charges, but said * * * with reference to the 4th charge, he was ordered to do it by Kustel.

ED. H. M. DAVIS,
Captain H. M. S. Royalist, and one of Her Majesty's Deputy Commissioners.

Mr. Bayard to Mr. Gresham.

No. 34.]

EMBASSY OF THE UNITED STATES,
London, July 22, 1893. (Received July 31.)

SIR: I have the honor to inclose herewith a copy of a letter which I have received from our minister at Constantinople, requesting me to ask Her Majesty's Government to allow the British consul-general at Sofia to take charge of American interests in Bulgaria, and I beg to inquire whether it be your desire that I should comply with Mr. Terrell's request.

I have, etc.,

T. F. BAYARD.

[Inclosure in No. 34.]

*Mr. Terrell to Mr. Bayard.*LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, July 8, 1893.

SIR: I have received a letter from the American residents of Bulgaria requesting me to take the steps which are necessary in order that the newly appointed British consul-general in Sofia may act as American representative in Bulgaria, his predecessors having for many years kindly looked after American interests in that country. I therefore respectfully request that you will ask the foreign office in London to allow the British consul-general in Sofia to act as American representative, and that you will request the foreign office to issue its instructions accordingly; the above preliminary steps being necessary before I obtain the vizierial letter from the Sublime Porte sanctioning such intervention.

I have, etc.,

A. W. TERRELL,
E. E. AND M. P.*Mr. Adee to Mr. Bayard.*

No. 88.]

DEPARTMENT OF STATE,
Washington, July 25, 1893.

SIR: I have to acknowledge the receipt of your dispatch numbered 25, of the 12th instant, in relation to the complaint of Mr. A. J. Kustel, against Capt. E. H. M. Davis, of Her Majesty's ship *Royalist*.

Copy of Capt. Davis's report has been sent to Mr. Kustel, with the information that as he was not in fact tried, as he alleges, his complaint fails in its essential point and is, therefore, dropped.

I am, etc.

ALVEY A. ADEE,
*Acting Secretary.**Mr. Adee to Mr. Bayard.*

No. 93.]

DEPARTMENT OF STATE,
Washington, August 1, 1893.

SIR: Referring to your No. 34, of the 22d ultimo, you are instructed to request Lord Rosebery to permit the new British consul-general at Sofia to continue the good offices heretofore so courteously and efficiently extended in behalf of our citizens in Bulgaria by Mr. Nicolas Roderick O'Connor.

The Department has advised our minister at Constantinople of this instruction.

I am, etc.,

ALVEY A. ADEE,
*Acting Secretary.**Mr. Bayard to Mr. Gresham.*

No. 49.]

EMBASSY OF THE UNITED STATES,
London, August 22, 1893. (Received September 2.)

SIR: Referring to your instruction, numbered 93, of 1st instant, I have the honor to inclose herewith copies of notes exchanged between

the foreign office and myself, relative to the protection of citizens of the United States in Bulgaria.

You will observe that instructions will at once be sent to Mr. Dering, Her Majesty's agent and consul-general at Sofia, to continue to our citizens in Bulgaria the same protection that was afforded by his predecessor, Mr. O'Connor.

I have, etc.,

T. F. BAYARD.

[Inclosure 1 in No. 49.]

Mr. Bayard to Lord Rosebery.

EMBASSY OF THE UNITED STATES,
London, August 16, 1893.

MY LORD: I have the honor, in accordance with instructions from my Government, to ask your lordship to be so good as to permit Mr. Dering, Her Majesty's agent and consul-general at Sofia, to continue, during the absence of a representative of the United States, the good offices so courteously and efficiently extended to citizens of the United States by his predecessor, Mr. O'Connor.

I have, etc.,

T. F. BAYARD.

[Inclosure 2 in No. 49.]

Mr. Sanderson to Mr. Bayard.

FOREIGN OFFICE, *August 21, 1893.*

YOUR EXCELLENCY: In answer to your letter of the 16th instant, I have pleasure in informing you that instructions will be at once sent to Mr. Dering, Her Majesty's agent and consul-general at Sofia, to continue the same protection to United States citizens in Bulgaria as was afforded by Mr. O'Connor, his predecessor.

I have, etc.,

[In the absence of the Earl of Rosebery.]

T. H. SANDERSON.

Mr. Bayard to Mr. Gresham.

No. 70.]

EMBASSY OF THE UNITED STATES,
London, September 26, 1893. (Received October 6.)

SIR: I have the honor to submit, at the request of the applicant at this embassy for a passport, the case of Fielder J. Hiss, who claims to be a native of the State of Maryland, born in the city of Baltimore in the year 1851 of American parentage.

I inclose herewith a written statement, prepared at this embassy upon the personal information of Mr. Hiss, and upon considering which I have not felt warranted in issuing to him a passport; and as to this he now desires to obtain the decision of the Secretary of State.

Mr. Hiss presented a passport duly issued by the State Department at Washington on April 22, 1886, and from the *visas* indorsed thereon he appears to have used the passport to visit the island of Cuba during the same year, but not otherwise.

Mr. Hiss states that his domicile is here in London, where he has brought his family to reside since April, 1892; that he has here embarked in business, and is the treasurer and general manager of an English company, and has no intention ever to return to the United States, there to reside or perform the duties of citizenship.

Mr. Hiss did not come away from the United States, nor is he now, in the service of that Government; nor is he the agent of American interests nor connected therewith in any manner that requires his residence abroad on that account.

The forms of application presented and furnished by the State Department for a passport by a native being submitted to Mr. Hiss, he stated his unwillingness and inability to subscribe to the averments of his being domiciled in the United States or having a permanent residence there, or that he intended at any time to return to the United States with the purpose of residing and performing the duties of citizenship therein.

Thereupon I declined to issue to him a passport, regarding all the above-recited averments to be essential regulations, prescribed after careful consideration and in the high discretion of the Executive, as interpreted by the Department of State.

I do not think it necessary to burden this despatch with citations of authorities or statutes to show that indefinite residence abroad was never contemplated, but, on the contrary, the limitation of two years from the date of a passport is expressly placed upon the power of affixing *visas*; nor to do more than reaffirm what our highest authorities have stated to be "a maxim of international law," that the acquisition of a permanent domicile at once impresses the national character of the country of that domicile.

The second volume of Wharton's Digest of International Law contains abundant citation of authorities, political and judicial, all of which sustain this rule. In the Supreme Court of the United States the case of the *Venus* (in 8 Cranch) is a leading authority upon the law of permanent domicile and its consequences.

Among the cases that have arisen I can recall none that more clearly excludes the right of an applicant for a passport on any ground of law, public policy, and well-defined regulations than that now in question.

It is well that our countrymen should be reminded from time to time of the mutual dependency and correlation of allegiance and protection, and that each is the natural compensation for the other. When a man voluntarily leaves his native country, settles himself in a foreign community, embarks his property in business under its laws, making his permanent domicile there, and furthermore expressly declares he has no intention to return to his native country to resume his residence and perform the duties of citizenship, he has practically abandoned his allegiance, and with it the right to claim protection from the Government from which he has so alienated himself and withheld his support.

I have, etc.,

T. F. BAYARD.

[Inclosure 1 in No. 70.]

Memorandum in the case of Mr. Fielder J. Hiss' application for a passport.

Mr. Hiss produces a passport duly issued by the State Department and dated April 22, 1886. Also a letter from Messrs. J. S. Morgan & Co., identifying him as having been recommended to them by their Philadelphia agents. Also an affidavit (returned to him to be lodged with the Sun Life Assurance Society of London) sworn to by Mary J. Hiss, before Thomas M. Dobbin, notary public at Baltimore, on 31st of January, 1893, affirming his birth as below stated. Mr. Hiss is willing to swear that his name is Fielder J. Hiss, and that he was born at Baltimore Md., on or about the 30th of June, 1851; that his father was a native citizen of the United States; that he is the bearer of a passport, No. 5435, issued by the Department of

State on April 22, 1886, and that he came abroad with his family on the 27th day of April, 1892.

He is now sojourning at 75 Wilberforce Road, Finsburg Park, London, and having at first come over to represent American friends, yet now he is acting as treasurer and general manager of the Henry Allen Company, a limited English company which he helped to organize, being merchants in iron ore and ship brokers, with their offices at 4 St. Mary Axe E. C., London.

Mr. Hiss states that there is a small property in trust for him in Baltimore on which taxes are paid, and also that *his present intention is never to return to the United States to reside or perform the other duties of citizenship.*

Having been unable to obtain a passport, to properly fill out the forms of application, owing to the reason underlined above, Mr. Hiss requests that his case be submitted to the Department of State, in order that he may know his status, as he desires, notwithstanding his residence abroad, to retain his citizenship in the United States.

Upon reading the blank form provided by the State Department for native applicants for passports, Mr. Hiss stated his unwillingness to sign such an application, unless the averments that "he was domiciled in the United States, his permanent residence being at, etc.," and that "he intended to return to the United States within * * * with the purpose of residing," etc., were omitted.

EMBASSY OF THE UNITED STATES AT LONDON, *September 20, 1893.*

Mr. Gresham to Mr. Bayard.

No. 154.]

DEPARTMENT OF STATE,
Washington, October 9, 1893.

SIR: Acknowledging the receipt of your dispatch No. 70 of the 26th ultimo, I have to inform you that your course in declining to issue a passport to Mr. Fielder J. Hiss is approved by the Department. Your statements show conclusively that he has voluntarily transferred his domicile to England, that he does so permanently, and that he has no intention to resume here the resident obligations of citizenship. He does this, not in representation of any American interest, but to identify himself with British interests. These facts completely negative the applicants' right to an American passport.

I am, etc.,

W. Q. GRESHAM.

CORRESPONDENCE WITH THE BRITISH EMBASSY AT WASHINGTON.

Sir Julian Pauncefote to Mr. Foster.

BRITISH LEGATION,
Washington, February 20, 1893. (Received February 20.)

SIR: At the request of the governor-general of Canada, I have the honor to inclose herewith a copy of an order in council, which was published in the official Canada Gazette on the 13th instant, making certain amendments in the tariff of tolls in force on the canals in Canada.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

PRIVY COUNCIL, CANADA.

AT THE GOVERNMENT HOUSE AT OTTOWA,
Monday, February 13, 1893.

Present, his excellency the governor-general, in council.

His excellency having had under consideration the tariff of tolls on the canals of the Dominion, is pleased to order in virtue of the powers vested in him by chapter 37 of the Revised Statutes entitled "An act respecting the department of railways and canals," and by and with the advice of the Queen's privy council for Canada, that the following amendments shall be and the same are hereby made to the tariff of tolls in force on the said canals, viz:

For the season of 1893, the canal tolls for the passage of the following food products, wheat, Indian corn, peas, barley, rye, oats, flaxseed and buckwheat, for passage eastward through the Welland Canal be 10 cents per ton; and for passage eastward through the St. Lawrence Canals only, 10 cents per ton; payment of the said toll of 10 cents per ton for passage through the Welland Canal to entitle these products to free passage through the St. Lawrence canals.

JOHN J. MCGEE,
Clerk of the Privy Council.

Mr. Foster to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, February 21, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 20th instant, communicating to me the official text of the order in council issued by the Government of the Dominion of Canada, prescribing the modified tolls to be applied during the season of 1893 to certain named food products passing eastward through the Welland and St. Lawrence River canals.

In view of the assurances I have received through you that this order is in full substitution of the expired orders of 1891 and 1892 in regard to the canal tolls upon the same products, and involves the abandonment of all provisions as to rebates or against transshipped goods, and in conformity with the promise heretofore made to you, I have the pleasure to inform you that the President will forthwith issue his proclamation suspending, so long as the present dominion order in council shall remain in force, the provisions of his proclamation of August 18, 1892, by which retaliatory tolls were imposed upon certain described traffic passing through the St. Mary's Falls Canal.

Permit me to express my gratification that this understanding in the mutual interests of the commerce of the United States and Her Majesty's Dominion of Canada, has been thus reached in season to become operative upon the opening of navigation in the canals in question.

I have, etc.,

JOHN W. FOSTER.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, February 27, 1893.

SIR: I have the honor to transmit to you, herewith, for the use of Her Britannic Majesty's Government twelve copies of the President's proclamation of the 21st instant, declaring that until further notice the pro-

visions of his proclamation of August 18, 1892, are suspended in so far as they direct that a toll of 20 cents per ton be levied, collected, and paid on all freight of whatever kind or description passing through the St. Mary's Falls Canal in transit to any port of the Dominion of Canada, whether carried in vessels of the United States or of other nations.

I have, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, by my proclamation of August 18, 1892, and in pursuance of the authority conferred on me by an act of Congress approved July 26, 1892, entitled "An act to enforce the reciprocal commercial relations between the United States and Canada, and for other purposes," I directed "that from and after September 1, 1892, until further notice, a toll of twenty cents per ton be levied, collected, and paid on all freight of whatever kind or description passing through the St. Mary's Falls Canal in transit to any port of the Dominion of Canada, whether carried in vessels of the United States or of other nations;" and to that extent thereby suspended "from and after said date the right of free passage through said St. Mary's Falls Canal of any and all cargoes or portions of cargoes in transit to Canadian ports;" and

Whereas the above order was issued in consequence of the imposition by the Government of the Dominion of Canada of a discriminating toll whereby unjust and unreasonable burdens were placed, in violation of article 27 of the treaty of Washington, upon the carrying of passengers and cargoes through the Welland Canal in transit to ports of the United States, as is fully set forth in said proclamation; and

Whereas by an order in council dated February 13, 1893, the Governor-General of the Dominion of Canada has directed that "for the season of 1893 the canal tolls for the passage of the following food products, wheat, Indian corn, peas, barley, rye, oats, flaxseed, and buckwheat, for passage eastward through the Welland Canal be 10 cents per ton; and for passage westward through the St. Lawrence Canals only 10 cents per ton; payment of the said toll of 10 cents per ton for passage through the Welland Canal to entitle these products to free passage through the St. Lawrence canals;" and

Whereas I have received satisfactory assurances that this order revokes during the season of 1893 the discriminating provisions above referred to and secures to citizens of the United States equality with British subjects as regards the use of said canals:

Now, therefore, I, Benjamin Harrison, President of the United States of America, by virtue of the said act of Congress approved July 26, 1892, do hereby declare and proclaim that from and after the date hereof, and until further notice, the provisions of my said proclamation of August 18, 1892, are suspended, in so far as they direct that a toll of 20 cents per ton be levied, collected, and paid on all freight of whatever kind or description passing through the St. Mary's Falls's Canal in transit to any port of the Dominion of Canada whether carried in vessels of the United States or of other nations.

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

Done at the city of Washington this twenty-first day of February, one thousand eight hundred and ninety-three and of the Independence of the United States of America the one hundred and seventeenth.

[SEAL.]

By the President:

JOHN W. FOSTER,
Secretary of State.

BENJAMIN HARRISON.

Lord Rosebery to Sir Julian Pauncefote.

FOREIGN OFFICE, *March 11, 1893.*

SIR: I transmit herewith a copy of a dispatch and its inclosure from Her Majesty's ambassador at Constantinople relative to the destruc-

tion, by incendiaries, of the American college at Massouvan, and I have to request you to communicate these reports to the United States Government.

I am, etc.,

(For the Earl of Rosebery,)

T. V. LISTER.

[Inclosure.]

Sir Francis Clare Ford to Lord Rosebery.

BRITISH EMBASSY,
Constantinople, February 26, 1893.

MY LORD: I have the honor to forward to your lordship herewith copy of a dispatch which I have received from Her Majesty's consul at Trebizonde, reporting the destruction, by incendiaries, of the American college at Massouvan.

I learn from another source that on the 5th and 6th of January last, in the week of prayer, during which all Protestants in the Empire hold daily meetings, placards were affixed to the principal buildings in every town and village of the provinces of Sivas, and the Yazgat Sandjah of the province of Angora. These placards were in Turkish and copied by means of a hectograph or cyclostyle. One of the placards was an attack on the Sultan, the other was an exhortation to the Moslems of the Empire to rise against the Christians.

The Vali of Sivas laid the responsibility of these placards, somewhat illogically in my opinion, on the American college at Massouvan, where it appears a hectograph is used, and caused the professors of the college to be arrested.

Romchid Bey, a Circassian military officer and ex-brigand, was sent to Massouvan to investigate the circumstances of the case. He reported that the college was at the bottom of the sedition, and declared that he would turn the ground on which it stood into a plowed field. A few days afterwards a recently constructed wing of the building was burned to the ground.

It is said that 2,000 Christians are in prison suspected of having posted the placards. A few Moslems have also been imprisoned, notably one from a village under Mount Argiens, in whose possession several copies of the placards were found.

I have, etc.,

F. C. FORD.

[Inclosure 2.]

Mr. Longworth to Sir Clare Ford.

TREBIZONDE, February 15, 1893.

SIR: The following is an extract of a dispatch, dated the 13th instant, from Mr. Spadaro, at Tavsum, reporting the destruction by incendiaryism of the American college at Massouvan:

[Translation.]

Continuing my letter of the 3d instant, I bring to your knowledge the following information bearing on a recent occurrence somewhat connected with those with which you are already acquainted.

The female college quite recently built at Massouvan by the American missionaries was burnt on the 2d of February. It was not caused by an accident. According to information that has reached me from a positive source, the fire was set by one Khorsoff Bey, second in command of the "gendarmerie" (armed police) in the Vilayet of Sivas, Alay Bey (a brigand), the latter of whom is said to have declared two days before to Dr. Nelson, an attaché of the college, that he would burn it. The misdeed was perpetrated by means of wool saturated with kerosene placed at the four corners of the building. Two American teachers of the institution, Turkish subjects, named Tamayan and Cayaian, were subsequently lodged in jail.

I would not venture to state positively what were the motives or the watchword that led the author of this crime, for fear of giving you incorrect information. The inquiry that will be set on foot will surely disclose them. My duty is to keep you

informed of the situation, although you may have already received intelligence from Mr. Jewett.

From what I have heard, the Vali of Sivas has proceeded to Massouvan with the consul of the United States to investigate the facts about which I write to you. Mr. Jewett will certainly make the results known to you and will give you more precise information than I. In any event I shall bring to your knowledge all such as I may have gathered.

The police wanted to enter the establishment of the Jesuit fathers at Massouvan, but these latter replied that they would forbid admission so long as there should be no authority therefor issued by the French authorities.

I have, etc.,

H. LONGWORTH.

Sir Julian Pauncefote to Mr. Gresham.

BRITISH LEGATION,
Washington, March 21, 1893.

SIR: I have the honor to inform you that I have received instructions from Her Majesty's principal secretary of state for foreign affairs to announce to the President that the Queen has been graciously pleased to appoint me her first ambassador to the United States of America.

I am to state that this act is intended as a fresh proof of the desire of the Queen and her Government still further to cement the bond of blood, sympathy, and friendship which should ever unite the two great nations that speak the English tongue, and that Her Majesty trusts that it will be so received and regarded by the President, the Government, and the people of the United States.

I am desired by the Earl of Rosebery to add that it is peculiarly grateful to his lordship to be the means of making this communication.

I beg leave in conclusion to express my deep sense of the honor of being accredited as the first British ambassador to this great and kindred nation.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, March 22, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 21st instant, informing me that you have been instructed by Her Majesty's principal secretary of state for foreign affairs to announce to the President that Her Majesty the Queen has been graciously pleased to appoint you her first ambassador to the United States of America.

I have communicated this information to the President, who fully appreciates the cordial sentiments of sympathy and friendship that prompt Her Majesty's Government to offer this new proof of the regard for the ties of ancestry, speech, and good will which have ever held the United States and England in close relations.

I have the honor to request you to inform the Earl of Rosebery that the President will in due time accredit a representative of the United States at the Court of St. James in the capacity of ambassador, in acceptance and reciprocation of Her Majesty's friendly action; and in so doing I desire to express the pleasure I share equally with his

lordship in view of this important step, as well as the gratification I personally feel that Her Majesty's choice has fallen upon you as her first ambassador to the United States.

I have, etc.,

W. Q. GRESHAM.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, March 24, 1893.

SIR: Adverting to the note addressed to you by my predecessor on the 28th of December last, in relation to wrecking privileges for American vessels in the Welland Canal, to which a reply has as yet not been received, I have now the honor to invite through you a more immediate and modified disposition of the matter, in view of the recent action of the Congress of the United States in so amending the United States act of May 24, 1890, as to omit the words "the Welland Canal." The amendment will be found on the tenth page of the Legislative, Executive, and Judicial Appropriation Act of March 3, 1893, of which a copy is inclosed for your information. While this act leaves the President free to consider the reciprocal proclamation of the United States and Canadian wrecking acts without regard to the issues raised in respect to the rendering of assistance to disabled or distressed vessels in their passage through the Welland Canal, the President is of opinion that the discussion of the general question respecting such assistance has progressed so far toward reconciling the divergent views of the two governments as to justify an effort to reach a just and practical understanding in the general interests of the lake navigation.

It is unnecessary to review all the arguments heretofore adduced. It suffices that the United States have represented that usual and necessary assistance to vessels in any way stranded or disabled in passing through Canadian waters was greatly restricted or wholly forbidden to American vessels. Various cases were instanced, such as the stranding of a self-propelled vessel, the breaking of machinery or steering gear, the parting of a towline, the stranding of a barge while being towed, and the like. In the minute of the privy council of November 19, 1892, it appears that "the minister of railways and canals concurs in the view of the Secretary of State for the United States that distress of the temporary nature indicated should be within the purview of the intended reciprocity if it is not otherwise provided for." This frank admission is most acceptable, as indicating a cordial desire for an agreement on this point.

It would appear from the same minute that the minister is of opinion that the contingency of distress during canal transit is already in great part provided for by section 6 of the Consolidated Orders in Council, Cap. 21, wherein, as he says:

It is expressly provided that the rule prohibiting foreign vessels having other vessels in tow and having parted with them in Canadian waters from again taking them in tow to move them further in Canadian waters shall not apply to an accidental parting of such vessel by breaking hawser or other temporary damages.

The section thus referred to was already known to this Government; but, taken in connection with the immediately preceding section 5, it was believed to have a more limited application than that assigned to it by the minister of railways and canals, and, indeed, to embrace a posi-

tive discrimination against a large part of the American traffic through the Welland Canal. For greater convenience the two sections in question are here quoted—

SEC. 5. Foreign vessels may tow other vessels or things from a foreign [*sic*] port to a Canadian port; but if they drop or part from any such vessel or thing in Canadian waters, they shall not again take such vessel or thing in tow for the purpose of moving the same further in Canadian waters.

SEC. 6. Foreign vessels may tow other vessels or things from a Canadian port to a foreign port, but having parted from such vessels or things, or any of them, in Canadian waters, they can not again take such vessels or things in tow to move them further in Canadian waters; but this and the preceding rule are not to apply to an accidental parting of such vessel by breaking hawser or other temporary damages.

It thus appears that the case of a foreign vessel passing through Canadian waters from one foreign port to another is omitted, and this omission covers an important part of the American navigation of the Welland Canal.

It appears also that the cited rules do not apply to the case of a tug dropping and making up its tow anew as a frequent and necessary incident to the passage from the lakes to a narrow canal with locks.

The "special rules and regulations in respect of American wrecking vessels in the Welland Canal," proposed by the minister of railways and canals, might, with suitable modification and liberal construction, meet the conditions of reciprocity in the Canadian canal as fully as this Government proposes to apply them in the American canals. As the proposed rules stand, however, they are expressly limited to the case of aid and assistance to be rendered to an American vessel by "American wrecking vessels and their appliances;" and, as was remarked in the Department's note of December 28, 1892, they also, by omission, exclude the salvage of property wrecked, and in this important regard are not in agreement with the provisions of Canadian legislation respecting reciprocal wrecking. They do not apparently meet the case, which may readily be supposed, of one American tug (not being a "wrecking vessel," fitted with wrecking "appliances") aiding another disabled tug or assisting it to pull off or pick up its stranded or parted tow. It might even be held if strictly interpreted, not to permit an American tug to pull off a stranded barge in its own tow or reattach a parted topline if such towed barge happened to be of Canadian ownership.

It would seem clear from the quoted sections of the consolidated orders, and from the language of the proposed new rules and the minister's observations thereon, that the subject is within the purview of regulation by an order in council, and in view of the minister's cordial acquiescence in the propriety of including in the intended reciprocity cases of distress of the temporary nature indicated, I have the honor to invite you to move his excellency the Governor-General to frame a comprehensive order covering the ordinary disabilities to which self-propelled or towed vessels are liable in passing through inland canals, so that legitimate and timely assistance on the part of an American vessel may be freely rendered in such cases.

The reciprocal legislation of the United States and Her Majesty's Dominion of Canada as it now stands is ample to meet the circumstances of storm and wreck and of peril to life and property on the exposed waters and shores of the Great Lakes. It is, in the President's judgment, expedient that the evident intent of this concurrent legislation in its application to the dangers of open-water navigation should consistently extend to the lesser casualties to which tugs and tows and self-propelled vessels are liable in the confined and shallow waters of

canals. The question, he thinks, should not be approached in any narrow spirit or inconsistent reasoning, which might on the one hand regard the intended reciprocity as inapplicable to the canals because "wrecking" in its ordinary sense can not occur therein, and on the other allege that so simple and usual an incident in confined waterways as the pulling off of a grounded tug or towed vessel would necessarily be "wrecking." The President holds himself ready to issue his proclamation, coincidentally with similar action by the Dominion Government, and thus put into operation the humane and beneficent legislation of the two countries, as soon as he may be assured that the application thereof in the territorial waterways of the Dominion to the commerce passing through the channels that connect the lakes will be as liberal as that proposed to be made in the American territorial waterways.

In view of the lateness of the season and the necessity of acting promptly for the benefit of the lake navigation, I have the honor to request that you will bring these considerations urgently to the attention of the Governor-General of the Dominion, with a view to a speedy and satisfactory understanding.

I have, etc.,

W. Q. GRESHAM.

[Extract from the Legislative, Executive, and Judicial Appropriation Act, approved March 3, 1893.]

That an act approved May twenty-fourth, eighteen hundred and ninety, entitled "An act to amend an act entitled 'An act to aid vessels wrecked or disabled in waters coterminous to the United States and the Dominion of Canada,' approved June nineteenth, eighteen hundred and seventy-eight, be, and is hereby, amended by striking out the words "the Welland Canal."

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, March 31, 1893.

SIR: I have the pleasure to inform you that the President yesterday sent to the Senate the name of the honorable Thomas F. Bayard, of Delaware, to be ambassador extraordinary and plenipotentiary of the United States near the Government of Her Britannic Majesty, and that the advice and consent of the Senate having been given thereto without the formality of reference to the Foreign Relations Committee, Mr. Bayard's commission has been signed by the President.

I am sure you will share my gratification at this prompt response to Her Majesty's initiative in appointing you her first ambassador to the United States, and my confidence that the step thus taken marks an important epoch in the steady growth and perpetuation of the good will that unites the two countries.

I have, etc.,

W. Q. GRESHAM.

Sir Julian Pauncefote to Mr. Gresham.

BRITISH LEGATION,
Washington, April 1, 1893. (Received April 3.)

SIR: I have had the honor to receive your note of yesterday's date, in which you are good enough to announce to me the appointment by the President of the honorable T. F. Bayard, of Delaware, to be ambassador extraordinary and plenipotentiary of the United States to the Court of St. James.

In thanking you for that courteous communication, a copy of which I will not fail to transmit to my Government, I beg leave to express not only my gratification at this prompt response to the initiative of my august Sovereign in appointing me Her first ambassador, but also the pleasure with which I have learned that the choice of the President has fallen upon one so highly distinguished and so eminently fitted to discharge the functions of his very important diplomatic post.

I heartily concur with you in the belief that the new step taken in the appointment of ambassadors in London and Washington, respectively, marks an epoch in the growth and perpetuation of the good will which exists between the two countries, and which it will be my greatest aim, as it will doubtless be the desire of Mr. Bayard, to promote.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, April 6, 1893.

MY DEAR SIR JULIAN: In returning to you the Earl of Rosebery's dispatch of the 11th ultimo, which you kindly left with me, relative to the reports received by Her Majesty's Government respecting the destruction of the American college at Massouvan, I beg you to convey to his lordship my cordial thanks for his courtesy in communicating the information in question to me.

I am, etc.,

W. Q. GRESHAM.

Sir Julian Pauncefote to Mr. Gresham.

BRITISH EMBASSY,
Washington, May 24, 1893. (Received May 26.)

SIR: I have the honor to inform you that I duly forwarded to the Governor-General of Canada copy of your predecessor's note of the 31st December last in regard to the Welland Canal toll controversy, and I have now received a dispatch from his excellency in reply transmitting an approved minute of the privy council embodying the observations of the Canadian minister of railways and canals upon certain statements made by Mr. Foster.

I have the honor to inclose copy of this minute for your information, and I beg at the same time to draw your special attention to its concluding paragraphs.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure 1.]

Certified copy of the report of a committee of the honorable the privy council, approved by his excellency the Governor-General in council, on the 9th of May, 1893.

The committee of the privy council have had under consideration a dispatch, hereto attached, dated 11th January, 1893, from the British minister at Washington, covering a copy of a note received by him from the honorable the Secretary of State for the United States, Mr. Foster, bearing date the 31st of December last, in reply to the minute of council of the 19th November last, respecting tolls on the Welland Canal.

The minister of railways and canals, to whom the dispatch and inclosure were referred, submits the following observations:

A careful perusal of this note discloses certain errors in statement, which it appears should not be allowed to pass unnoticed. In the first place, Mr. Secretary Foster says the report (of the Canadian Government) is incorrect in its allegation that the official announcement of the Canadian Government was in my hands on the very day on which the proclamation was issued. As a matter of fact, the words used in the Canadian minute were as follows: "On the very day on which the proclamation was issued, and before its issue, Mr. Foster was informed by the British chargé d'affaires unofficially of the conclusion which had been arrived at, and was told that the official dispatch was expected by him at any moment." It will be easily seen that the words of the Canadian dispatch do not in any way justify Mr. Foster's statement. All that the Canadian Government affirmed was that prior to the issue of the President's discriminatory proclamation, Mr. Foster had been informed that a proposition looking to a friendly settlement of the controversy, and which might have the effect of rendering the proclamation unnecessary, was on its way to Washington and was momentarily expected, and that in the interest of good neighborhood this might have been awaited before the grave step was taken of imposing the discriminatory rates upon the vessels of a friendly country.

The second statement by Mr. Foster which it is necessary to notice, is that in which he attempts to controvert the Canadian contention that "full five years elapsed from the date of the treaty of 1871 before Canadian vessels had privilege of using the New York State canals."

He does this by recalling the correspondence which took place between the two governments on this subject, and by citing a part, and only a part, of a Canadian minute of council of February 18, 1875, in which it is declared "that the Canadian government no longer continues to be of the opinion that Canadian vessels are excluded from the canals of the State of New York," but he fails to notice the antecedents and the contents of this minute.

As early as December 4, 1871, the governor of the State of New York, in a reply to a communication from the President, had declared that no "boat wholly owned in Canada would be forbidden the use of our canals or be subject to other tolls or regulations than those imposed upon boats owned in our own State," and that no State law appeared to prohibit British subjects or vessels from navigating the New York State canals.

Notwithstanding this assurance, however, complaints were afterwards made that there were regulations in existence which practically prevented Canadian vessels from navigating the State canals, and these were forwarded through the British minister to the United States Government. The governor of New York was again communicated with, and after investigation he replied that there existed no State regulations restricting the use of the canals in respect of Canadian vessels.

It was upon the strength of this assurance that the statement referred to in the Canadian minute of February 18, 1875, was made, although that very minute expressly stated that despite these assurances the Canadian customs officials, supported by some of the principal forwarders and boat owners, were "agreed that Canadian canal boats were practically prohibited from navigating the canals of the State on the same terms as American canal boats," and that if individual cases could not be cited it was probably due to the apparent conviction among those concerned that the policy of restriction in force before 1871 was still operative as regards these canals.

But the matter did not rest here, for in August, 1875, a Canadian minute of council was forwarded to Washington, which showed conclusively that although the governor of the State of New York had been perfectly correct in declaring that no State restrictions were in existence against Canadian vessels, nevertheless these vessels were absolutely prevented from carrying a pound of freight beyond the entrance of the canal at Whitehall, and that by virtue of the laws and regulations of the Government of the United States itself. And it was not until June 7, 1876, that these regulations were altered so as to allow Canadian vessels to carry cargo as far as Albany, or to any port between the entrance of the New York State canals and that city.

It will thus be seen that the allegation made in the Canadian minute of council that five years elapsed before our vessels gained the privilege of equal use of the New York State canals was literally true, and that this resulted from no restrictions imposed by the State authorities, but on account of the laws and regulations of the U. S. Government. But even after the tardy removal of these restrictions, Canadian vessels, as Mr. Foster himself observes, were, and still are, subject to great disadvantages on account of the refusal of the U. S. Government to allow them the navigation of the Hudson River, which, although it was not expressly contained in the treaty, might well have followed the analogy of the Ottawa River which rises and lies wholly within Canadian territory and the use of which has, since 1871, been freely accorded to United States vessels, and to their great advantage. The denial of this privilege has rendered the New York canals practically useless to Canadian vessel owners and forwarders, while the St. Lawrence and Welland canals are highways of commerce largely utilized by vessels of the United States.

The minister further submits that another point on which correction seems desirable is the suggestion conveyed in Mr. Foster's remark, which reads as follows:

"It is, however, a significant fact that the discriminating tolls in the Welland Canal were not imposed on American commerce until after it became apparent that the free navigation of the Hudson River could not be obtained under the treaty of 1871."

As a matter of fact, the reduction of tolls on wheat and certain food products shipped from Montreal (which is made the ground of the complaint as to discrimination) was first made by order in council of May 26, 1884, nine years after, as Secretary Foster says, the United States refused the free navigation of the Hudson River, and on urgent representations of shippers and forwarders that this should be done to meet the abolition of tolls on the Erie and other canals of the State of New York, which took place in 1882, from the advantages of which abolition Canadians were to all intents and purposes excluded.

The minister, with regard to the further remarks of Mr. Foster as to the understanding arrived at with the Canadian commissioners in the conference of February, 1892, has little to add to the previous minute, which substantiates the fact that a promise made by the commissioners that the complaint of the U. S. Government in respect of the Welland canal tolls should have careful consideration with a view to meeting any just complaint, had been transformed into "an informal engagement to repeal and abandon the drawback of 18 cents a ton."

The minister observes in this connection it is not inopportune to call the attention of the U. S. Government to the marked difference between the later statements of Mr. Foster's and the first intimation by Mr. Blaine as to what took place at the conference on the question of rebate on canal tolls.

Mr. Blaine's letter to Mr. Blanchard, cited in a previous dispatch and written on the day the conference adjourned, to the effect that "an assurance had been given by them (the Canadian commissioners) that the complaint we have preferred shall have careful and prompt consideration with a view to the faithful observance of the treaty stipulation," must stand as the first fresh and trustworthy conviction of the U. S. Secretary of State as to what was really promised, and this bears out exactly the impressions and statements of the Canadian commissioners. For any inference drawn by Mr. Foster from this promise to consider, and which was later turned into a promise to remove, the Canadian Government should certainly not be held responsible.

The minister desires again most distinctly and earnestly to repudiate any desire or intention on the part of the Canadian Government to evade any obligations with reference to the use of the Canadian canals by United States vessels which were imposed by the treaty of 1871. The negotiators of that treaty, in fact, declined to enter into any obligations in that respect, and Canada has never recognized any. The treaty embodied an undertaking on the part of Great Britain to use her influence with the Government of Canada to obtain for the United States vessels and citizens the use of their canals on terms of equality with Canadian citizens. Whether Canada would yield acquiescence in this wish or not was entirely a matter of option, and not of obligation. She did, however, willingly and fully acquiesce in the wish of the British Government, and immediately placed United States vessels on a footing of perfect equality with her own, in the enjoyment of which she contends they have always remained, notwithstanding the tolls and rebates complained of.

Every obligation of the treaty, so far as Canada is concerned, has been fully and unreservedly met, and every extension of good will has been continued to the United States, although corresponding and compensating advantages to Canada have been withdrawn or withheld by the United States.

The minister, while considering it necessary to place on record the contention of the Canadian Government in reply to the statements of Mr. Foster, regards it as only

fitting and proper that there should at the same time be conveyed to the Government of the United States an expression of satisfaction on the part of Canada at the prompt withdrawal of the tolls levied on freight passing through the Sault Ste. Marie Canal when bound for any Canadian port, such withdrawal being in response to the action taken by the Canadian Government in respect of tolls on the Welland and St. Lawrence canals, and that with this, there should be coupled the hope that the arrangements now in force will be productive of mutual convenience and continued good will.

The committee concurring in the above report of the minister of railways and canals advise that your excellency be moved to forward a certified copy of this minute to Her Majesty's ambassador in Washington in answer to Mr. Secretary Foster's note of December 31 last. All of which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

[Inclosure 2.]

Sir Julian Paunceforte to Lord Stanley, of Preston.

BRITISH LEGATION,
Washington, January 11, 1893.

MY LORD: With reference to your excellency's dispatch No. 76 of November 25, I have the honor to inclose a copy of a note, which I have received from Mr. Foster, containing observations on the minute of council in regard to the Welland Canal toll controversy which accompanied your excellency's above mentioned dispatch.

I have, etc.

JULIAN PAUNCEFOTE.

Mr. Gresham to Sir Julian Paunceforte.

DEPARTMENT OF STATE,
Washington, May 29, 1893.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 24th instant, in relation to the Welland Canal toll controversy.

As the main question has been disposed of in a frank and equitable spirit, as befits the large interests of the two countries involved in the lake-canal transits, it does not appear needful to regard the exceptions now taken to certain passages of Mr. Foster's note of December 31, 1892, as more than a concluding and explanatory chapter of the record in the case.

have, etc.,

W. Q. GRESHAM.

Sir Julian Paunceforte to Mr. Gresham.

BRITISH EMBASSY,
Washington, May 31, 1893. (Received May 31.)

SIR: With reference to your note of March 24 last, copy of which I duly communicated to the Government of Canada, and to previous correspondence on the subject of wrecking privileges in the Welland Canal, I have the honor to inclose copy of an approved minute of council which I have received from the Earl of Derby, recommending the cancellation of the order in council of November 19 last, as being no longer expedient or necessary.

Although your note of March 24, above referred to, is not mentioned in this communication, I have been informed by the Governor-General of Canada by telegraph that the minute is intended to cover it, and generally to close the question.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

Certified copy of a report of a committee of the honorable the privy council, approved by his excellency the Governor-General in council on May 17, 1893.

The committee of council have had under consideration the annexed dispatch, dated February 27, 1893, from the British minister at Washington, covering an extract from the Congressional Record, No. 59, of February 25, 1893, showing the amendment by the Senate of the act of May 24, 1890, which amended the act of June 10, 1878, relating to reciprocal wrecking in waters coterminous to the United States and Canada, such amendment being the striking out of the words "the Welland Canal" from the act, words which have hindered the completion of the arrangements contemplated by that act and by the reciprocal Canadian act. As explained by the Hon. Senator Sherman, who introduced the resolution, the privilege (the Welland Canal being so omitted) is to be exercised "on the lake waters, the lakes running from Lake Superior down to the mouth of the St. Lawrence," a concession which is in accord with the Canadian act.

The acting minister of railways and canals, to whom the said dispatch was referred, observes that the passage of the order in council of the 19th November last authorizing the exercise of wrecking privileges in the Welland Canal by United States vessels was only conceded in order to meet the wording of the act now amended and the urgent wishes of the U. S. Government to bring its provisions into force, such exercise of privilege not being in itself a desirable one from the point of view of Canadian interests.

The minister recommends, inasmuch as by the excision of the objectionable words in the United States act, the difficulty appears to have now been removed to the satisfaction of all parties, the cancellation of the order in council of the 19th November last, above mentioned, as being no longer necessary or expedient.

The minister further recommends, inasmuch as the said order in council has been communicated to the U. S. Government, that a certified copy of this minute be transmitted to Her Majesty's minister at Washington for communication to the U. S. Government.

The committee submit the same for your excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

Sir Julian Pauncefote to Lord Stanley, of Preston.

BRITISH LEGATION, Washington, February 27, 1893.

MY LORD: With reference to my dispatch No. 2 of the 3d ultimo, transmitting the reply of the U. S. Government to the last communication of the Dominion Government respecting wrecking privileges in the waters contiguous to the two countries, I have the honor to inclose an extract from the Congressional Record of the 25th instant, in which it appears that the Senate have agreed to an amendment in the act of Congress of June 19, 1878, relating to wrecking in coterminous waters whereby the difficulty which has arisen from the inclusion of the Welland Canal in that act will be removed.

I have, etc.,

JULIAN PAUNCEFOTE.

Extract from the Congressional Record, No. 59, of February 25, 1893.

MR. SHERMAN. I shall be absent from the Chamber after a little while, and I ask the Senator to allow me to offer an amendment. It has been shown to him.

MR. DAWES. Very well.

MR. SHERMAN. At the end of line 8, on page 28, I move to insert:

That an act to amend an act entitled "An act to aid vessels wrecked or disabled in waters coterminous to the United States and the Dominion of Canada," approved

June 19, 1878, be, and is hereby, amended by striking out the words "the Welland Canal."

If Senators do not know what the amendment is, I will state it in a few words. Congress passed an act authorizing aid to be given to vessels wrecked or disabled in the waters coterminous to the United States and the Dominion of Canada upon condition that Canada would pass the same kind of a law, so that the wrecking vessels on all the lake shores and the waters of that region shall go to the rescue of vessels of the other country. It was to be mutual.

Canada passed the same law; but unfortunately in the law passed by our Congress we included the Welland Canal, which is a canal on the Canadian side, and it is found that the two acts are not exactly reciprocal. Therefore the two countries, although both are willing, have not been able to allow this wrecking privilege to the vessels of the different nations. I have a letter here from the Secretary of State and other information on the subject, but that is the whole scope of the amendment. By striking out "the Welland Canal" the wrecking arrangement can be carried into execution by the two countries.

Mr. CULLOM. On the lakes?

Mr. SHERMAN. On the lake waters, the lakes, running from Lake Superior down to the mouth of the St. Lawrence.

Mr. McMILLAN. I ask the Senator if the vessel interests are not entirely satisfied with the amendment he has offered?

Mr. SHERMAN. Yes. I have here a memorial of vessel interests in favor of it and urging prompt action by the Senate upon the provision. It came to the Committee on Foreign Relations so late that I was not able to present it in the ordinary form; but there is no doubt it is considered a desirable thing by the vessel owners and by the wreckers all along that immense line. The amendment should be adopted in order to relieve the Department from the difficulty. It is recommended by the Secretary of State.

The PRESIDENT PRO TEMPORE. The question is on agreeing to the amendment of the Senator from Ohio (Mr. Sherman).

The amendment was agreed to.

Sir Julian Pauncefote to Mr. Gresham.

BRITISH EMBASSY,

Washington, June 2, 1893. (Received June 3.)

SIR: With reference to my note of the 31st ultimo on the subject of wrecking privileges in the Welland Canal, I have the honor to inclose herewith copy of an approved minute of the privy council of Canada, authorizing the issue of a proclamation for bringing into effect the act of the Parliament of Canada entitled "An act respecting aid by United States wreckers in Canadian waters," on and after the 1st of June, 1893, which I have received from the Governor-General of Canada for communication to the U. S. Government. His excellency informs me that this proclamation was duly published in the Canadian Official Gazette of the 27th ultimo, of which I have the honor to inclose a copy.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

Certified copy of a report of a committee of the honorable the privy council, approved by his excellency the Governor-General in council on May 17, 1893.

The committee of the privy council have had under consideration the annexed memorandum from the acting minister of railways and canals, recommending that a proclamation do issue bringing the act of the Parliament of Canada, 55, 56 Vic., Ch. 4, entitled "An act respecting aid by United States wreckers in Canadian waters," into force on and after the 1st day of June, 1893.

The committee concur in the said recommendation and advise that a proclamation do issue bringing the said act into force on and after the 1st day of June, 1893.

The committee further advise that such proclamation when issued be communicated to the Government of the United States in order to reciprocal action.

All which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

M. Bowell to the Governor-General in council.

[Memorandum.]

DEPARTMENT OF RAILWAYS AND CANALS,
Ottawa, May 16, 1893.

The undersigned has the honor to acknowledge the receipt of a number of references from the honorable the privy council, being copies of communications from the British minister at Washington, covering copies of notes addressed to him by the late and the present Secretary of State for the United States relative to the concession of wrecking and salvage privileges in the waters of Canada contiguous to the United States.

It appearing that the difficulty experienced by this Government in dealing with the question has now been removed by recent action of Congress in so amending the United States act of the 19th of June, 1878, as amended by the act of the 24th of May, 1890, as to omit the Welland Canal from the list of waters to be covered by the reciprocal arrangements proposed; the undersigned recommends that a proclamation be issued bringing into force the Canadian Act 55, 56 Vic, Ch. 4, entitled "An act respecting aid by United States wreckers in Canadian waters," and further that such proclamation when issued be communicated to the Government of the United States in order to reciprocal action.

Respectfully submitted.

M. BOWELL,
Acting Minister of Railways and Canals.

Proclamation.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, etc.

To all to whom these presents shall come, or whom the same may in anywise concern, greeting:

A PROCLAMATION.

Whereas it is in and by a certain act of the Parliament of Canada, passed in the session thereof holden in the fifty-fifth and fifty-sixth years of our reign, chaptered four, and intituled "An act respecting aid by United States wreckers in Canadian waters," amongst other things in effect enacted, that the said act shall come into force from and after a date to be named in a proclamation by the Governor-General, which proclamation may be issued when the Governor in council is advised that the privilege of salvaging any property wrecked and of aiding any vessels wrecked, disabled, or in distress in United States waters contiguous to Canada will be extended to Canadian vessels and wrecking appliances to the extent to which such privilege is granted by the said act to United States vessels and wrecking appliances;

And whereas our Governor in council is advised that the privilege thus referred to will now be extended to Canadian vessels and wrecking appliances to the extent defined in the said enactment,

Now know ye, that by and with the advice of our privy council for Canada, we have thought fit to proclaim and declare, and we do hereby proclaim and declare, that the said act hereinbefore in part recited, intituled "An act respecting aid by United States wreckers in Canadian waters," shall come into and be in force on and after the first day of June in this present year of our Lord.

Of all which our loving subjects and all others whom these presents may concern are hereby required to take notice and to govern themselves accordingly.

In testimony whereof, we have caused these our letters to be made patent and the great seal of Canada to be hereunto affixed. Witness, our Right Trusty and Well-Beloved the Right Honorable Sir Frederick Arthur Stanley, Baron Stanley of Pres-

ton, in the county of Lancaster, in the peerage of the United Kingdom, Knight Grand Cross of Our Most Honorable Order of the Bath, and Earl of Derby, etc., Governor-General of Canada.

At our Government House, in our city of Ottawa, the seventeenth day of May, in the year of our Lord one thousand eight hundred and ninety-three and in the fifty-sixth year of our reign.

By command,

JOHN COSTIGAN,
Secretary of State.

Mr. Adee to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, July 24, 1893.

EXCELLENCY: Referring to previous correspondence in regard to the reciprocal extension of wrecking privileges to vessels of the United States and Great Britain in the coterminous waters of the lakes and channels dividing the United States from Her Majesty's Dominion of Canada, and in particular to Mr. Gresham's still-unanswered note of March 24, 1893, suggesting a friendly and equitable understanding upon which the coincident legislation of the two countries in this regard could be applied in the respective territorial canals, I have the honor to inform you that the President, having decided no longer to await a reply to the said note, has issued his proclamation, under date of 17th instant, declaring in force the United States acts in relation to reciprocal wrecking on the lakes and waterways therein described, thereby meeting the similar proclamation of the Canadian act as communicated by your note of May 31 last.

I am happy to believe that this action will promote the good understanding toward which the note of March 24 sincerely tended, and for the carrying out of which, in the territorial canals of the United States, the President's proclamation gives authoritative assurance in favor of wrecking by Canadian vessels.

Inclosing copies of the President's proclamation, I have, &c.

ALVEY A. ADEE,
Acting Secretary.

Reciprocity of Wrecking between the United States and Canada.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas an Act of Congress amendatory of an Act in relation to aiding vessels wrecked or disabled in the waters coterminous to the United States and the Dominion of Canada, was approved May 24, 1890,—the said Act being in the following words:—

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act entitled ‘An act to aid vessels wrecked or disabled in the waters coterminous to the United States and the Dominion of Canada,’ approved June nineteenth, eighteen hundred and seventy-eight, be, and the same is hereby, amended so that the same will read as follows:

“That Canadian vessels and wrecking appurtenance may render aid and assistance to Canadian or other vessels and property wrecked, disabled, or in distress in the waters of the United States contiguous to the Dominion of Canada: *Provided*, That this act shall not take effect until proclamation by the President of the United States that the privilege of aiding American or other vessels and property wrecked, disabled, or in distress in Canadian waters contiguous to the United States has been

extended by the Government of the Dominion of Canada to American vessels and wrecking appliances of all descriptions. This act shall be construed to apply to the Welland Canal, the canal and improvement of the waters between Lake Erie and Lake Huron, and to the waters of the Saint Mary's River and canal: *And provided further*, That this act shall cease to be in force from and after the date of the proclamation of the President of the United States to the effect that said reciprocal privilege has been withdrawn, revoked, or rendered inoperative by the said Government of the Dominion of Canada;”

And Whereas an act of Congress making appropriation for the legislative, executive and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-four, and for other purposes, approved March 3, 1893, further amended the act of May 24, 1890, as follows:

“That an act approved May twenty-fourth eighteen hundred and ninety, entitled ‘An act to amend an act entitled “An act to aid vessels wrecked or disabled in waters coterminous to the United States and the Dominion of Canada,”’ approved June nineteenth, eighteen hundred and seventy-eight, be, and is hereby, amended by striking out the words ‘the Welland Canal.’”

And Whereas by an Order in Council dated May 17, 1893, the Government of the Dominion of Canada has proclaimed an act entitled “An act respecting aid by United States wreckers in Canadian waters,” to take effect June 1, 1893, said act reading as follows:

“Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

“1. United States vessels and wrecking appliances may save any property wrecked, and may render aid and assistance to any vessels wrecked, disabled, or in distress, in the waters of Canada contiguous to the United States.

“2. Aid and assistance include all necessary towing incident thereto.

“3. Nothing in the customs or coasting laws of Canada shall restrict the salvaging operations of such vessels or wrecking appliances.

“4. This act shall come into force from and after a date to be named in a proclamation by the Governor-General, which proclamation may be issued when the Governor in council is advised that the privilege of salvaging any property wrecked or of aiding any vessels wrecked, disabled, or in distress, in United States waters contiguous to Canada, will be extended to Canadian vessels and wrecking appliances to the extent to which such privilege is granted by this act to United States vessels and wrecking appliances.

“5. This act shall cease to be in force from and after a date to be named in a proclamation to be issued by the Governor-General to the effect that the said reciprocal privilege has been withdrawn, revoked or rendered inoperative with respect to Canadian vessels or wrecking appliances in United States water contiguous to Canada;”

And Whereas said proclamation of the Governor-General of Canada was communicated to this Government by Her Britannic Majesty's Ambassador on the 2d day of June last:—

NOW, THEREFORE, being thus satisfied that the privilege of aiding American or other vessels and property wrecked, disabled, or in distress, in Canadian waters contiguous to the United States has been extended by the Government of the Dominion of Canada to American vessels and wrecking appliances of all descriptions, I, GROVER CLEVELAND, President of the United States of America, in virtue of the authority conferred upon me by the aforesaid act of Congress, approved May 24, 1890, do proclaim that the condition specified in the legislation of Congress aforesaid now exists and is fulfilled and that the provisions of said act of May 24, 1890, whereby Canadian vessels and wrecking appliances may render aid and assistance to Canadian and other vessels and property wrecked, disabled or in distress, in the waters of the United States contiguous to the Dominion of Canada, including the Canal and improvement of the waters between Lake Erie and Lake Huron and the waters of the Saint Mary's River and Canal, are now in full force and effect.

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

DONE at the City of Washington this seventeenth day of July in the year of our Lord one thousand eight hundred and ninety-three and of the Independence of the United States the one hundred and eighteenth.

[SEAL.]

By the President

W. Q. GRESHAM

Secretary of State.

GROVER CLEVELAND

Sir Julian Pauncefote to Mr. Adee.

BRITISH EMBASSY.

Newport, R. I., July 26, 1893. (Received July 27.)

SIR: I have the honor to acknowledge the receipt of your note of the 24th instant on the subject of reciprocal wrecking privileges between the United States and Canada, together with the copies therein inclosed of the proclamation issued by the President of the United States under date of the 17th instant, to give effect to the arrangement concluded in regard to conterminous waters, and already carried out on the side of Canada by the proclamation of the Governor General, of which a copy was inclosed in my note to Mr. Gresham of the 2d ultimo. In thanking you for that communication, I beg to inform you that I have this day transmitted a copy of it to the administrator of the Dominion, together with copies of the President's proclamation.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Gresham.

BRITISH EMBASSY,

Newport, August 9, 1893. (Received August 12.)

SIR: Under instructions which I have received from Her Majesty's principal secretary of state for foreign affairs, I have the honor to transmit herewith a copy of a resolution, which was passed in the House of Commons on the 16th ultimo, expressing sympathy with the action taken by the Congress of the United States in favor of the settlement of international disputes by arbitration.

I am desired to state that Her Majesty's Government have pleasure in bringing this resolution to the knowledge of the Government of the United States, and that they would be glad if the President should see fit to lay it before both Houses of Congress.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

Resolution of the House of Commons.

Resolved, That this House has learnt with satisfaction that both Houses of the United States Congress have, by resolution, requested the President to invite from time to time, as fit occasions may arise, negotiations with any government with which the United States have or may have diplomatic relations, to the end that any differences or disputes arising between the two governments which can not be adjusted by diplomatic agency may be referred to arbitration and peaceably adjusted by such means, and that this House, cordially sympathizing with the purpose in view, expresses the hope that Her Majesty's Government will lend their ready cooperation to the Government of the United States upon the basis of the foregoing resolution.

Sir Julian Pauncefote to Mr. Gresham.

BRITISH EMBASSY,
Newport, August 31, 1893. (Received September 4.)

SIR: With reference to previous correspondence in relation to reciprocal privileges as to wrecking in the Welland Canal, and more particularly to your note of the 24th of March last on that subject, I have the honor to inclose a certified copy of an approved minute of the Privy Council of Canada, which I have received from His Excellency the Administrator of the Dominion for communication to your Government.

The minister of trade and commerce in his report which is embodied in the minute, points out that the privileges conferred by the Canadian act of 1893 are expressly exempted from the restrictions of the coasting laws of Canada, certain provisions of which are quoted in your note above referred to, and he expresses the opinion that pending a consideration of the broader question of a general reciprocity in coasting and towing, it is not necessary to modify existing regulations in accordance with your suggestion.

I am requested by His Excellency the Administrator to convey to your Government an assurance of the willingness of the Canadian Government to enter into negotiations with, or to receive proposals from, the Government of the United States with a view to coming to an understanding on the general question.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure 1.]

Certified copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor-General in Council, on the 15th of August, 1893.

The Committee of the Privy Council have had under consideration a dispatch, hereto attached, dated 27th March, 1893, from Sir Julian Pauncefote, inclosing copy of a note from the honorable the Secretary of State for the United States on the subject of "reciprocal wrecking privileges."

The minister of trade and commerce, to whom the matter was referred, states that the question of "reciprocal wrecking privileges," which has for a considerable length of time engaged the attention of the Governments of the Dominion and of the United States, having been disposed of in a manner it is to be hoped satisfactory to and in the interest of both countries, Canada having on her part passed the necessary legislative enactment and issued the requisite proclamation putting the law in force from the 1st of June, 1893, and the United States statutes having been so amended that with the departmental regulations which that country has given assurance will be issued to the effect that nothing in the customs or coasting laws of that country shall restrict the salvaging operations of Canadian vessels in the waters contiguous thereto, such regulations being in accord with the Canadian laws, there remains in his (the minister's) opinion no further action on the part of Canada necessary in order to give effect to the agreement.

The minister observes that sections 5 and 6 of Chapter 21 of the Consolidated Orders in Council, to which attention is drawn by the honorable the Secretary of State for the United States, read as follows:

"Foreign vessels may tow other vessels or things from a foreign port to a Canadian port; but if they drop or part from any such vessel or thing in Canada waters they shall not again take such vessel or thing in tow for the purpose of moving the same further in Canadian waters."

"Foreign vessels may tow other vessels or things from a Canadian port to a foreign port, but having parted from such vessel or things, or any of them, in Canadian waters, they can not again take such vessels or things in tow to move them further in Canadian waters; but this and the preceding rule are not to apply to an accidental parting of such vessel by breaking hawser or other temporary damages."

The minister states that these sections have more especial reference, it will be observed, to the privileges accorded to foreign vessels trading on the coast and entering the harbors of Canada from sea or inland waters, and are based upon the provisions of law respecting the coasting trade of Canada, Chapter 83, Revised Statutes, a subject not dealt with in the agreement entered into except in so far as it is provided that nothing in the customs or coasting laws of either country shall restrict the salving operations of vessels or wrecking appliances engaged in salving wrecked property or when rendering assistance to vessels wrecked or in distress in the waters contiguous to Canada and the United States.

The minister suggests that sections 5 and 6 hereinbefore referred to do not in his opinion, in any way, conflict with the provisions of the Act 55-56 Vict. Chapter 4, intituled "An act respecting aid by United States wreckers in Canadian waters," the third clause of which provides, as above stated, that nothing in the customs or coasting laws of Canada shall restrict the salving operations of such vessels or wrecking appliances, and the second clause declares that "aid and assistance includes all necessary towing incident thereto."

The minister further states that at the conference between the representatives of the two governments at which the agreement respecting "reciprocal wrecking privileges" was arrived at, as well as in the course of previous negotiations, the broader subject of reciprocal coasting and towing was brought to the attention of the United States Government, and the advisability of a better understanding between the two countries was pointed out by the Canadian representatives, the United States representatives being given to understand that Canada was prepared to grant the privilege of coasting in Canadian waters whenever a similar privilege might be granted by the United States as respects Canadian vessels in United States waters, which proposition the United States representatives at the time declined to entertain except in so far as it related to vessels wrecked or in distress in waters contiguous to the United States and Canada.

The minister, in view of the foregoing, is of the opinion that it is not necessary to modify existing Canadian regulations in the manner suggested by the honorable the United States Secretary of State, unless assurance of reciprocal modifications of the coasting laws and regulations of the United States may be given.

The minister at the same time recommends that the United States Government be assured that Canada is willing to renew negotiations with or receive proposals from the United States Government with a view to such a desirable understanding.

The committee concur in the recommendations made by the minister of trade and commerce, and advise that your excellency be moved to forward a certified copy of this minute to Her Majesty's ambassador at Washington for transmission to the United States Government.

All of which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

[Inclosure 2.]

Sir Julian Pouncefote to Lord Stanley of Preston.

WASHINGTON, March 27, 1893.

SIR: With reference to my dispatch, No. 2, of the 3d of January last, respecting wrecking privileges in the Welland Canal, I have the honor to inclose copy of a note which I have received from Mr. Gresham containing further proposals by the United States Government on the subject.

I have, etc.,

JULIAN POUNCEFOTE.

Sir Julian Pouncefote to Mr. Gresham.

BRITISH EMBASSY,
Newport, August 31, 1893. (Received September 4.)

SIR: With reference to previous correspondence on the subject of reciprocal wrecking privileges in the inland waters contiguous to Canada and the United States, I have the honor to inclose copy of an approved minute of the privy council of Canada which I have received from his excellency, the administrator of the Dominion, representing

that though at the conference held at Washington in February, 1892, it was agreed that instructions should be issued by the United States Treasury Department to authorize the necessary towing incidental to the wrecking and salvage contemplated by the act of Congress, and to provide for the relaxation of the customs laws, no such instructions have yet been issued.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure 1.]

Certified copy of a report of a committee of the honorable the privy council, approved by his excellency the Governor-General in council on the 22d August, 1893.

On a report dated 18th August, 1893, from the minister of trade and commerce, submitting the following in regard to reciprocal wrecking privileges:

That at the conference held in Washington in February, 1892, the question of reciprocal wrecking was considered, and it was then agreed that the subject "should be dealt with by legislation on the part of Canada, and by instructions from the Treasury Department of the United States to give the act of Congress on this subject such liberal construction as to include permission for all towing necessary and incidental to wrecking and salvage and the relaxation of customs laws in so far as may be necessary to make the reciprocal arrangement effective."

That in pursuance of this agreement the necessary legislative enactment was passed by Canada, which provided for such towing as might be incidental to wrecking, and providing that nothing in the customs or coasting laws of Canada should restrict the saving operations of vessels or wrecking appliances.

The minister observes that in due course the requisite proclamation was issued by the Governor-General of Canada bringing the act into force, whereupon the President of the United States also issued his proclamation declaring the United States acts on the subject to be in force, but as the United States acts made no provision for coasting and towing or relaxation of customs laws, it was thought that in the terms of the agreement the United States Treasury Department had issued the proposed instructions on the subject.

That in order to obtain a copy of such instructions a letter was addressed to the Secretary of the Treasury on the 8th August instant, as per copy attached, calling attention to the matter and asking that a copy might be forwarded. A reply, under date the 14th August instant, has come to hand (copy attached), from which it appears that no instructions other than those conveyed by the President's proclamation have been issued.

The minister under these circumstances recommends that the further attention of the United States Government be called to the subject through Her Majesty's ambassador at Washington, with a view to procuring the issue of the instructions agreed upon, in order to avoid any misconceptions of the true intent of the meaning of the acts and proclamations that may otherwise arise in connection with the subject.

The committee advise that your excellency be moved to forward a certified copy of this minute to Her Majesty's ambassador at Washington.

All of which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

[Inclosure 2.]

Mr. Parmelee to Mr. Carlisle.

AUGUST 8, 1893.

SIR: Referring to the subject of reciprocal wrecking privileges in waters common to Canada and the United States, a copy of the President's proclamation of the 17th ultimo has reached this department through the usual official channel, but as yet no copy of any instructions from the Treasury Department, which it was understood at the conference held in Washington in February, 1892, would be issued in order to give to the act of Congress such construction as would include permission for any towing incidental and necessary to wrecking and salvage, and as to the relaxation of custom laws or regulations that might be necessary to make the reciprocal arrangements effective.

I am instructed by the honorable the minister of trade and commerce to inquire whether any instructions on the subject have yet issued; and if so, I would be pleased to receive a copy, in order that due notice of the reciprocal agreement may be given to Canadian officers and others interested.

I have, etc.,

W. G. PARMELEE,
Deputy Minister.

[Inclosure 3.]

Mr. Wike to Mr. Parmelee.

TREASURY DEPARTMENT,
Washington, August 14, 1893.

SIR: Referring to your letter of the 8th instant, I transmit herewith a copy of a circular embodying the only instructions issued by this Department in connection with the President's proclamation of July 17, 1893, relative to wrecking privileges.

Respectfully, etc.,

S. WIKE,
Assistant Secretary.

Sir Julian Pauncefote to Mr. Gresham.

BRITISH EMBASSY,
Newport, September 29, 1893. (Received October 2.)

SIR: I have the honor to inform you that I have received a telegram from the Earl of Rosebery to the effect that, in view of the attitude of the rebel ships at Rio de Janeiro, it appears to Her Majesty's Government desirable that foreign naval commanders in the bay should be authorized to concert measures to prevent the destruction of foreign life and property by the insurgent fleet, and to use force if they should consider it necessary and advisable for that purpose.

I am desired by his lordship to suggest to your Government that they should telegraph instructions in the above sense to the United States naval commanders in those waters.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Gresham to Sir Julian Pauncefote.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 2, 1893.

Before your note of the 29th ultimo was received the commander of the U. S. S. *Charleston*, unarmored, was instructed to act in concert with commanders of other foreign vessels in an effort to prevent further bombardment of Rio and destruction of foreign life and property, and a telegram just received from our minister says the commanders of foreign vessels will so act. The *Newark*, one of our new and best armored ships, will be due at Rio in eight or nine days. I fear that the insurgent fleet is too strong for the foreign vessels now at Rio.

W. Q. GRESHAM.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, October 21, 1893.

EXCELLENCY: Referring to your note of the 31st of August last in regard to the matter of instructions by the U. S. Treasury Department to authorize the necessary towing incidental to the wrecking and salvage contemplated by the act of Congress and to provide for the relaxation of the customs laws, I have the honor to inclose for the information of the Canadian Government, copies of a circular issued by the Treasury Department on the 5th instant, relative to the reciprocal privileges which are to be enjoyed by the vessels of the two countries engaged in aiding vessels wrecked or disabled in waters conterminous to the United States and Canada.

I have, etc.,

W. Q. GRESHAM.

[Circular.]

Reciprocity of wrecking between the United States and Canada.

TREASURY DEPARTMENT,
Washington, D. C., October 5, 1893.

To collectors of customs and others:

The attention of collectors and other officers of the customs upon the northern frontiers of the United States is invited to the President's proclamation, dated July 17, 1893, relative to reciprocity of wrecking between the United States and Canada.

The Acting Secretary of State, under date of the 30th ultimo, recommends that further regulations regarding the matter be promulgated by this Department, and states that during the visit of the Canadian commissioners to Washington in October last the subject of reciprocal privileges in wrecking was under consideration, and that a declaration was then made on the part of the Government of the United States that under the act of Congress, approved May 24, 1890, relating to vessels wrecked or disabled in the waters conterminous to the United States and Canada, the aid and assistance provided for in said act includes all necessary towing incident to said aid and assistance, and that nothing in the coasting or customs laws of this country restricts the salvaging operations of such vessels and their appliances.

The proclamation, and the act of May 24, 1890, on which it was based, are embodied in this Department's Circular No. 114, dated July 28, 1893, and should be construed and observed by all customs officers in such a manner as to give due effect to the declaration aforesaid, in case of Canadian vessels and wrecking appliances rendering aid and assistance to Canadian and other vessels and property wrecked, disabled, or in distress in the waters of the United States contiguous to the Dominion of Canada, including the canal and improvements of the waters between Lake Erie and Lake Huron and the waters of the St. Marys river and canal. In case of doubt as to the action which should be taken in any case the Department will give special instructions.

Similar regulations have been made by the Canadian Government.

C. S. HAMLIN,
Acting Secretary.

Sir Julian Pauncefote to Mr. Gresham.

BRITISH EMBASSY,
Washington, October 24, 1893. (Received October 26.)

SIR: I have the honor to acknowledge the receipt of your note of the 21st instant, inclosing copies of a circular issued by the Treasury

Department respecting the reciprocal privileges which are to be enjoyed by the vessels of Canada and the United States engaged in aiding vessels wrecked or disabled in conterminous waters.

I have transmitted the copies of this circular to his excellency the governor-general of Canada.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, December 4, 1893:

EXCELLENCY: With regard to your note of August 9, 1893, of which acknowledgement has been hitherto unavoidably deferred, I have now the pleasure to inform you that the President will feel great satisfaction in bringing to the knowledge of the Congress, in his forthcoming annual message, the resolution of the House of Commons, of the 16th of July last, whereby that high body expressed its cordial sympathy with the action taken by the Senate and House of Representatives in the concurrent resolution of February 14, and April 3, 1890, requesting the President "to invite, from time to time, as fit occasions may arise negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two governments which cannot be adjusted by diplomatic agency may be referred to arbitration and be peaceably adjusted by such means."

In manifesting the hope Her Majesty's Government will lend their cordial cooperation to the Government of the United States upon the basis of this concurrent resolution of Congress, the House of Commons has afforded a most gratifying proof of the sentiment of the two nations in favor of the settlement of international disagreements by honorable resort to impartial arbitration, a mode of adjustment of which the United States and Great Britain have, by mutual accord, given to the world conspicuous illustration on several recent occasions.

I have, etc.,

W. Q. GRESHAM.

Sir Julian Pauncefote to Mr. Gresham.

BRITISH EMBASSY,
WASHINGTON, December 13, 1893. (Received December 19.)

SIR: With reference to my note of the 24th of October last I have the honor to inclose copy of an approved minute of the Canadian privy council which I have received from the Governor-General of the Dominion for communication to your Government on the subject of reciprocal wrecking in the inland waters contiguous to Canada and the United States.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

Certified copy of a report of a committee of the honorable the privy council, approved by his excellency the governor-general in council on November 29, 1893.

The committee of the privy council have had under consideration a dispatch, hereto attached, dated 24th October, 1893, from Her Majesty's ambassador at Washington, inclosing copies of a circular issued by the Treasury Department on the subject of reciprocal wrecking in inland waters contiguous to Canada and the United States.

The acting minister of trade and commerce to whom the dispatch and inclosures were referred reports that a circular, a copy of which is attached hereto, has been issued by the department of trade and commerce embodying the acts of Canada and the United States, the proclamations issued by the governor-general and by the President of the United States as well as the circular in question.

The committee, on the recommendation of the minister of trade and commerce, advise that your excellency be pleased to forward copies of the circular to Her Majesty's ambassador at Washington.

All of which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

Sir Julian Pauncefote to the Earl of Aberdeen.

BRITISH EMBASSY,
Washington, October 24, 1893.

MY LORD: In accordance with the request contained in Gen. Montgomery Moore's dispatch, No. 47, of the 25th August last, I transmitted to the United States Secretary of State a copy of the certified report of the privy council of Canada which was therein contained, respecting reciprocal wrecking privileges in the inland waters contiguous to Canada and the United States.

I have now the honor to inclose copies of a circular* issued by the Treasury Department on the subject, which I have received from Mr. Gresham, for the information of the Canadian Government.

I have, etc.,

JULIAN PAUNCEFOTE.

[Circular No. 11.]

DEPARTMENT OF TRADE AND COMMERCE,
Ottawa, November 7, 1893.

RE. RECIPROCAL WRECKING.

I am desired by the honorable the minister of trade and commerce to direct the attention of all persons interested to the following:

At the conference held at Washington in February, 1892, between delegates of the Canadian Government and representatives of the United States Government, among other things discussed was the subject of reciprocal wrecking privileges in waters common to Canada and the United States, and it was then agreed that the subject should be dealt with by legislation on the part of Canada and by such instructions from the Treasury Department of the United States as might be necessary to give to the act of Congress on the subject such liberal construction as would include permission for all towing necessary and incidental to wrecking and salvage, and the relaxation of customs laws in so far as might be necessary to make the reciprocal arrangements effective. (*Vide* Sessional Papers No. 52, 1893.)

In pursuance of this agreement the Parliament of Canada, at its next ensuing session, passed the act 55-56 Vic., chap. 4, intitled "An act respecting aid by United States wreckers in Canadian waters," and upon being apprised that the act of Congress approved June 19, 1878, entitled "An act to aid vessels wrecked or disabled in waters common to the United States and the Dominion of Canada," as amended by an act approved May 24, 1890, had been further amended by an act approved March 3, 1893, his excellency the Governor-General issued his proclamation on May 17, 1893, bringing the said act 55-56 Vic., chap. 4, into force on and after the 1st

* For this inclosure see inclosure to note of October 21 from Mr. Gresham, page 351.

day of June, 1893, which said proclamation was communicated to the United States Government by Her Majesty's ambassador at Washington on the 2d day of June, 1893, whereupon the President of the United States issued on the 17th day of July, 1893, his proclamation declaring the act of Congress above referred to to be from that time in full force and effect.

Under date of the 5th October, 1893, the Secretary of the Treasury of the United States issued a circular letter of instructions relative to the construction to be given to the act of Congress and relative to all necessary towing incidental to any wrecking or salving, and to such relaxation of United States customs laws as appeared necessary in order to give full effect to reciprocal wrecking, etc., in the waters common to the two countries.

Appended are copies of the act 55-56 Vic., chap. 4, of his excellency's proclamation of the 17th May last, of the President's proclamation of the 17th July last, which embodies the act of Congress as amended, and of the United States Treasury circular of the 5th October, all above referred to.

W. G. PARMELEE,
Deputy Minister.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, December 21, 1893.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 13th instant, inclosing a copy of an approved minute of the Canadian privy council on the subject of reciprocal wrecking in the inland waters contiguous to the United States and Canada.

Adding that the contents of your note will be duly communicated to the Secretary of the Treasury for his information, I have, etc.

W. Q. GRESHAM.

HAITI.

Mr. Terres to Mr. Foster.

No. 129.]

LEGATION OF THE UNITED STATES,

Port au Prince, Haiti, November 18, 1892. (Received December 2.)

SIR: I beg leave to report to you the following facts regarding the arrest and imprisonment of Mr. Frederick Mevs, one of our citizens residing and doing business in this city.

On Saturday night last, the 12th instant, at 10 o'clock, I was telephoned to by Mr. Eugene Mevs, informing me that his brother Frederick had been arrested and sent to prison without any just cause, and would I please look into the matter and obtain his release as soon as possible. On Sunday morning he called on me and explained to me the cause of the arrest of his brother. I went immediately to see the minister of foreign affairs, arriving at his private residence about 10 o'clock. I explained the case to him and asked that he would please give it his attention, telling him that Mr. Mevs had been placed in a dirty, filthy cell among all classes of criminals, and as far as I could learn, without any just cause. He promised me that he would give it his attention, saying at the same time that he did not think that anything could be done until Monday morning, 14th, but at that time he would have the case attended to. I awaited on Monday up to 3:30 o'clock. I then telephoned the minister and asked what steps had been taken in the affair. He replied that he had been very busy all day and had not had the time to attend to it, but that he would immediately give the case his attention. I thanked him, and at the same time asked to have Mr. Mevs released during the afternoon, to which he replied that he would.

I awaited up to 12 o'clock on Tuesday, receiving no reply. In the meantime the inclosed protest was sent to me, telling me that he (Mr. Mevs) was still in prison, and that according to the Haitian laws, which demand that a person imprisoned should be interrogated within forty-eight hours after confinement, had not been fulfilled. Taking in consideration the steps that I had taken and that no attention had been paid to it by the minister, I decided to send a dispatch, of which inclosure 2 is a copy, which I did at 12 o'clock on Tuesday. Up to the present—Friday, 18th, 3 p. m.—I have received no reply to my dispatch, and nothing has been done with the prisoner. He remains still confined in prison, without being interrogated to see whether or not he is guilty of the charge made against him.

Mr. Mevs is a member of an American firm of Boston (Green, Kenabel & Co.), doing quite a large business in this city. They pay to the Haitian Government at least \$75,000 a year customs duties, and it is too absurd to think that a member of a respectable firm would attempt to smuggle an article on which the duties, according to the Haitian tariff, would be \$2. It is only a pretext to show their animosity against an American. The night of his arrest Mr. Mevs offered the commissaire

of the Government \$200 as a deposit for his appearance the next day. The reply was, "No; not for a million," and he was sent to prison.

Inclosure No. 3 is the copy of a protest just received from Mr. Mevs.

I deem it my duty to present this case to the Department as it now stands, respectfully awaiting any instructions it may deem fit to give on the subject.

I have, etc.,

JOHN B. TERRES,
Vice Consul-General.

[Inclosure 1 in No. 129.]

Mr. Mevs to Mr. Terres.

PORT AU PRINCE, November 15, 1892.

SIR: I hereby beg to bring to your notice the following facts:

On Saturday, at 7 o'clock p. m. of the 12th instant, I left my store after closing and proceeded to the wharf to deliver a letter for St. Marc by one of the boats.

Having taken a parcel along containing 1 dozen cotton chemises and one-half dozen nightshirts, I left same (to obviate carrying it along to the wharf) at the private house of the secretary of the port, which is situated close by, and called for it upon my return, inviting the secretary at the same time to have a drink at an opposite bar.

After having been together about one-quarter of an hour, I proceeded for home, when I was suddenly surrounded in one the prominent streets by an armed force of guards, accompanied by an aide-de-camp of the President of Haiti, recently accused and tried for assassination in the courts here, who insisted upon the guards arresting me for contraband, claiming having observed me coming from the secretary's house with a parcel.

I was forcibly arrested, despite my protests and those of the people who were present and had seen me with the parcel coming from the direction of my store.

On being brought before the general in chief of police, my accuser was questioned by him regarding the particulars of my arrest; whereupon he could not state having seen me landing or leaving the wharf with the parcel, but had merely seen same in my possession on leaving the house of the secretary, which is the only foundation for his accusation of my having participated in a contraband.

The foregoing statements of my accuser were taken down in the proces verbal, drawn up as usual by the authorities.

From the bureau of police I was conducted to the attorney-general, who refused to see or hear me, but ordered me to be taken immediately to prison, which was done, and I was thrown into a filthy, vermin-infested cell among criminals of the lowest grade of humanity, not fit for any civilized man to come in contact with.

I am still waiting without having had a hearing, and this fact in itself constitutes a breach of the Haitian law, which prescribes that all persons shall have a hearing within twenty-four hours of their arrest.

I have now been in prison over sixty hours without a hearing, and do hereby formally protest against this illegal and arbitrary proceeding against me, and request you to extend to me the protection of the United States, of which I am a citizen.

I am, etc.,

FREDERICK MEVS.

[Inclosure 2 in No. 129.]

Mr. Terres to Mr. Lespinasse.

LEGATION OF THE UNITED STATES,
Port au Prince, November 15, 1892.

SIR: I have the honor to bring to your attention and that of your Government that on Saturday night last, the 12th instant, a citizen of the United States, Mr. Frederick Mevs, residing at Port au Prince, was arrested by the officials of your Government, as appears, without any just or legal proofs whatsoever against him, imprisoned in the common jail of the city, and has been there confined up to the present time.

This case is, therefore, most respectfully brought to your attention, with the hope that it will command the immediate and just consideration of your Government, and that such course be taken therein as may lead to the release of Mr. Mevs without unnecessary delay.

I have, etc.,

JOHN B. TERRES,
Vice-Consul-General.

[Inclosure 3 in No. 129.]

Mr. Mevs to Mr. Terres.

PORT AU PRINCE, *November 18, 1892, 3 o'clock p. m.*

SIR: I herewith beg to advise you that I am still retained in prison without a hearing, which, according to Haitian law, should have taken place within forty-eight hours of my arrest, in default of which it becomes amenable to damages.

I formally protest against this arbitrary manner of treating an American citizen by the Haitian authorities in direct violation of their own laws.

Trusting that you have and are still giving my case your careful attention,

I am, etc.,

FREDERICK MEVS.

Mr. Terres to Mr. Foster.

No. 130.]

LEGATION OF THE UNITED STATES,

Port au Prince, Haiti, November 25, 1892. (Received December 5.)

SIR: Referring to my No. 129, of the 18th instant, concerning the case of Mr. Frederick Mevs, I have to report that on Friday, 18th instant, at 4 p. m., three and a half days after sending my communication to the Haitian Government, I received a dispatch, of which inclosure 1 is a copy with translation, from the minister of foreign affairs, who also holds the portfolio of justice, and on the 22d, in the afternoon, I received the dispatch, of which inclosure 2 is a copy, accompanied with a translation.

Mr. Mevs had then been confined in prison eleven days, and up to that time no interrogation had been made into his case, which according to paragraph 118, of criminal instruction, should be done within twenty-four hours. Now, admitting this to be a case of smuggling (but Mr. Mevs assures me that there exists no foundation for the accusation) I do not think that the Haitian authorities have any law which justifies them in putting the person accused in prison. They can, in cases of persons caught in the act of smuggling, confiscate the goods found in their possession, and on conviction for the offense be condemned to six months' or two years' imprisonment. Such was the stand taken in 1882 by Mr. Langston, at the time minister resident to Haiti, in the case of Capt. Potter, who was confined in prison for four days for smuggling (see dispatch No. 508 of December 18, 1882), and the Haitian Government was forced to pay \$5,000 indemnity to him for false imprisonment, and they are far less justified in the case of Mr. Mevs than in the one just cited.

I have never known a case of a person accused of smuggling, except the case of Capt. Potter, where they were confined in prison, and it is my conviction that it is not for the crime committed that our citizen is held in prison, but to show a disrespect for our citizens and Government.

I will await instructions before taking any further steps in this case.

I have, etc.,

JOHN B. TERRES,
Vice Consul-General.

FOREIGN RELATIONS.

[Inclosure 1 in No. 130.—Translation.]

*Mr. Lespinasse to Mr. Terres.*MINISTRY FOR FOREIGN AFFAIRS,
Port au Prince, November 17, 1892.

MR. VICE-CONSUL-GENERAL:

I have the honor to acknowledge the receipt of your dispatch of the 15th instant by which you inform me that a citizen of the United States, Mr. Frederick Mevs, resident of Port au Prince, has been arrested by the authorities of my Government and deposited in the prison of this city.

I transmit your communication to the department of justice, requesting information, which I will hasten to hand you.

Accept, etc.,

ED. LESPINASSE.

[Inclosure 2 in No. 130.—Translation.]

*Mr. Lespinasse to Mr. Terres.*MINISTRY FOR FOREIGN AFFAIRS,
Port au Prince, November 22, 1892.

MR. VICE-CONSUL-GENERAL:

In following up my dispatch of the 18th instant I hasten to give you notice that Mr. Frederick Mevs, arrested and incarcerated by the police for the offense of contraband, has been summoned for the first audience of the correctional tribunal of this jurisdiction, audience which will take place on Thursday, the 1st of December next, at 10 o'clock in the morning, the very date of the resumption of the ordinary session of the tribunal.

Accept, etc.,

ED. LESPINASSE.

Mr. Foster to Mr. Terres.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 2, 1892.

Mr. Foster, with reference to Mr. Terres's dispatch of November 18, instructs him to enter an earnest protest against the imprisonment of Mevs, if he has not already been released, and to report by cable.

Mr. Terres to Mr. Foster.

No. 135.]

LEGATION OF THE UNITED STATES,

Port au Prince, Haiti, December 17, 1892. (Received December 27.)

SIR: I now beg leave to report that the case of Mr. Mevs was the first called up for trial at the opening of the session of the correctional court here, December 1, and after the hearing of the informer and the four witnesses cited to appear, no grounds whatever were found whereon to base a conviction, and Mr. Mevs was dismissed *séance tenante*.

Inclosure 1 is a copy of the report of the trial, taken by a stenographer, which is accompanied by a free translation thereof.

Inclosure 2 is a letter received from Mr. Mevs, setting forth his grievances, and concludes by asking that some action be taken to compensate

him fully for this outrage and what he has suffered thereby, which he estimates at \$1,000 per day for each day of his detention in prison.

The frivolity of the charge and the injustice done to our citizen are so clear that I do not feel it necessary to make further comment thereon, but await most respectfully your instructions before taking further steps in the matter.

I have, etc.,

JOHN B. TERRES,
Vice Consul-General.

[Inclosure 1 in No. 135.—Translation.]

Report of the trial of Mr. F. Mevs.

Correctional audience of the 1st of December, 1892—civil court of Port au Prince, presided by Judge M. Romain.

At 10:10 a. m. the correctional court is opened to try the case of Frederick Mevs. Assistant attorney of Government, Laferriere, explains that Mr. F. Mevs is accused of having committed an act of smuggling, for which he had been arrested on the 12th of November last.

Witnesses are called viz: Mrs. Paul Andreoli, Louis Edward, Capt. Kenaebel for the defense, and Mr. Lavictoire and D. Hendricks witnesses for the Government. Witnesses are remanded. N. Leger, lawyer for the defendant, demands the preliminary examination of the informer. Complying with this demand, the judge has Mr. Lavictoire brought up.

Q. What is your name and fore name?—A. Eugene Lavictoire Smith.

Q. Your age?—A. 20 years.

Q. Your profession?—A. Aid-de-camp to the President and public employé.

Q. Relate to the court what you know about the affair for which Mr. Mevs has been arrested.—A. Saturday nights I generally go to my father's inn or to J. J. Audain's; just that night I was on the corner of the street talking to the Commissary of Police Severe, when I saw Dorelus Hendricks coming out of his house accompanied by Mr. Mevs, who carried a package; seeing me talk to a member of the police and knowing that I myself am a public officer, Dorelus tried to hide Mevs with the package. I remembered that recently one of our compatriots had been disgraced for smuggling of a few suits which he had bought on board, and I thought that what is a crime for a Haitian should also be one for a foreigner. Seeing Dorelus entering the grand café with Mevs, who had the package under his arm, I said to Severe, you can not allow a foreigner to smuggle in this manner; it is your duty to arrest Mevs. In leaving the bar room and just before reaching the house of Etienne fils he was arrested. Seeing he was arrested he preferred to take a carriage to go to the head police station. At his arrival there he protested declaring that it was a present an American captain brought to his sister.

Q. What time was it when the affair took place?—A. Eight o'clock at night.

Q. You are sure that Mevs was coming from the wharf?—A. I was standing before the small house of the secretary of the port, waiting for somebody, when I saw these gentlemen.

Mr. LAFERRIERE (Government attorney). Then you saw Mevs leaving the house?

A. No, I don't know whether he came from the house, but I saw him before it.

Mr. LAFERRIERE. Then you can not say if he came from the house?

A. No, but from that direction.

Mr. LAFERRIERE. Where is the house in question situated?

A. In the neighborhood of the wharf.

Mr. LAFERRIERE. I think I know the neighborhood; you say you saw these gentlemen before the house of the secretary of the port; it seems to me that Rivière's house also faces the same street; to accuse Mevs of smuggling, I should think you ought to have special reasons or indications.

A. I am perfectly aware that from 8 o'clock on it is entirely impossible for one to come from the wharf with a package, as there are no stores there; therefore, if one is seen in that direction with a parcel, be sure it is a case of smuggling.

Mr. Leger (defendant's lawyer). I would ask the witness if he saw Mr. Mevs on the wharf?

A. I can not say, because I had my back turned to the wharf, only he came from that direction.

Mr. Leger. That is not an answer; has witness seen Mr. Mevs on the wharf; yes or no?

A. I have seen him in the direction of the wharf.

Mr. LEGER. Where was he at that moment?

A. Opposite the post-office, about abreast of Mr. Rivière's gate.

Mr. LEGER. Nearly opposite of Brun?

A. No; opposite of the post-office

Mr. LEGER. Then you saw him coming by the road of the ice house?

A. I can not say, as I was close to Rivière's fence.

Mr. LEGER. Rivière's fence starts from the beach and terminates at the next corner; everybody knows what a vast property it is; the witness must state precisely the exact spot where he stood at the time; he can not have forgotten it.

A. I stood before the large gate; I was waiting for some one; I hid myself on account of the reflection of the lamp which illuminated me, so that I was in a devil's obscurity.

Mr. LEGER. So the witness admits that he was concealed watching at Rivière's gate; he admits that it was as dark as in hell; how could he recognize that it were Mevs and Hendricks that were smuggling unless he could see in hell.

A. I said there was the light of the lamp which illuminated as far as the wharf and even the whole street, and had I been on top of the Eiffel tower, this light would have enabled me to see all that was passing below.

Mr. LEGER. Then despite the obscurity the witness could see? Now I would beg the court to ask witness how is the house of the secretary, Hendricks, situated relating to the sea?

A. As far as from here to the house on the opposite side of the street.

Mr. LEGER. I do not want the distance, but ask if the house is situated to the right or to the left; that is, on the side of Mr. Brun's store or on the opposite side toward the sea?

A. It is on the corner.

Mr. LAFERRIERE (Government attorney). Lavictoire declares that he stood at the gate. Did he face south or east?

A. East.

Mr. LAFERRIERE. Then some one could come from the wharf without being perceived by him?

A. Yes; but on approaching he would be seen.

Mr. LAFERRIERE. Witness says that he stood at Rivière's gate, which is a few steps from the beach; how then could he distinguish two persons at the corner of Brun's and see they were smuggling?

A. I saw one of them with a parcel under his arm and the other trying to cover him from view. I understood that it was a case of smuggling. I told the commissaire of police to go and see if it was smuggling. At the police station Mevs declared that it was a present from a captain.

Mr. LAFERRIERE. Witness says that he understood it was smuggling because Hendricks tried to conceal Mevs from view. On the other hand, he had declared that he was himself in obscurity and that one could not see him. How could he observe this?

A. The bridge leading to the café of Andreoli upon which they crossed is very narrow.

Mr. LEGER. I beg the court to notice that according to declaration of witness he became suspicious upon having seen Hendricks try to conceal Mevs; he himself admits that he saw them from Rivière's gate when they were on the bridge leading to the café.

Witness was dismissed.

Next witness, Hendricks, is called up and questioned as follows:

Q. What is your name and forename?—A. Dorelus Hendricks.

Q. What is your age?—A. Forty-three years.

Q. Your profession?—A. Public employé.

Q. Where do you live?—A. Port-au-Prince.

Q. Relate what you know of the affair in question?—A. That evening I was sitting before my door when Mevs arrived with a small package under his arm. He came from his store to go down to the wharf. He requested me to allow him to deposit the package to take it upon his return. Upon his return he took back his parcel and invited me to go and have a drink at Mrs. Paul Andreoli's. We went and in passing the corner we met Lavictoire; after having had a drink with Mevs I left him. A few moments after I heard some noise; and upon going to see what it was I saw Lavictoire in the act of having Mevs arrested. I wanted to explain and observed that Mevs had come with the parcel, whereupon Lavictoire cries to the police "Do your duty; I am aide-de-camp to the President." I saw no more, thinking I would be called to furnish information. It is only to-day that I have been called and questioned. Since twelve years I am at the port-office; my conduct has always been perfect and I have always done my duty. My name has never been mentioned. Never would I facilitate any smuggling, and if I had not always done my duty I would not have remained so long at the port.

Q. Was Mevs arrested in your presence? Was it immediately after you left him?—
A. As soon as I heard the noise I returned, but Mevs was already arrested, surrounded by police.

Q. Did Mevs come to you with a parcel under his arm?—A. Yes; he came with the parcel from uptown; no doubt from his store.

Q. When you saw him did you know what the parcel contained?—A. No.

Q. You are a friend of Mevs.—A. I am on the same terms with him as with all my friends.

Q. Where did you meet Lavictoire?—A. On the corner of the Grand Café.

Q. At what distance from you was he?—A. As far as from here to the door.

Q. Did he speak to you?—A. He saluted me and asked me, How goes it?

Q. After that you left him at the Grand Café?—A. It is only when I heard the noise that I returned to make some observations.

Mr. LEGER. You see that the witness Lavictoire is caught in *flagrant delit* of inexactitude; he has affirmed that he was close to Rivière's gate, whereas they have just said that he was standing on the corner; they tell you that they could see him, whereas he declares that he was hiding himself awaiting somebody.

The witness, Hendricks, having nothing more to say, Mrs. Andreoli is called up.

Q. What is your name?—A. Mme. Paul Andreoli.

Q. Your age?—A. Fifty-four years.

Q. Your profession?—A. Merchant.

Q. Relate to the court what you know of this matter.—A. I know nothing; I had seen Mr. Mevs leave with a small parcel under his arm; he closed his store, and I closed mine, and went down to my bar-room; some minutes after I saw Mevs coming into the bar with the secretary of the port to have a drink. All at once I heard a noise outside; it was Mr. Mevs they were arresting for smuggling the little parcel which he had with him when leaving his store.

Q. So, then, he carried a package under his arm?—A. Yes; he had it on leaving his store, and he had it again when he returned to the bar-room with the secretary.

Q. This is all that you know?—A. Yes.

Q. Does the counsel of the accused wish to examine the witness?

Mr. LEGER. I would spoil this testimony if I would attempt to add anything to it. Next witness, L. Edouard, is called.

Q. What is your name?—A. Louis Edouard.

Q. Your age?—A. Thirty-eight years.

Q. Your profession?—A. Merchant.

Q. Your residence?—A. Port-au-Prince.

Q. Relate to the court what you know of this matter.—A. I was sitting before my door when Mr. Mevs passed with a parcel under his arm. Some moments after I went down to the wharf and in coming back I met Mr. Mevs coming out of the Grand Café. At the same moment we were surrounded by police. I demanded an explanation of Mr. Lavictoire, who replied that he had discovered a case of smuggling. I wanted to make my observations, and explain that Mr. Mevs had left his store with a parcel of samples, as it appeared to me, but he would not listen to me.

Mr. LEGER. Magistrate, what can I add to this? One sees it is all cut and dried to make of Mr. Mevs a smuggler.

Next witness, Capt. Knaebel.

Q. Your name?—A. Max Knaebel.

Q. Your age?—A. Forty-two years.

Q. Your profession?—A. Merchant.

Q. Relate to the court what you know of the affair of Mevs.—A. I know but this: I brought down to the store one dozen chemises and one half-dozen nightshirts for Mr. Mevs. Saturday night I left as usual. Mr. Mevs, in closing the store, must have taken the package which belonged to him.

Q. So then he left the store with the package?—A. Yes; proof of which is that the package was there Saturday night and not there Monday morning.

Q. This is all you know?—A. Yes.

Witness dismissed.

The accused is called up to be examined.

Q. Your name?—A. Frederick Mevs.

Q. Your age?—A. Thirty-one years.

Q. Your profession?—A. Merchant.

Q. The place of your birth?—A. New York.

Q. Relate to the court the circumstances of your arrest.—A. Saturday night, after closing the store, which I left, with a parcel under my arm, to go down to the wharf to deliver a letter for the coast, I passed Mr. Hendricks's door, and, seeing him sitting outside, I asked him to allow me to leave the parcel until my return, which he consented to. In coming back I took my parcel from him, inviting him at the same time to go and have a drink at the Grand Café. Upon leaving, to my great surprise, I found myself surrounded by police, headed by Mr. Lavictoire, who declared that

I had been smuggling. I protested against this arrest, which was not listened to. I took a carriage and was conducted to the police station.

Q. You left with the parcel?—A. Yes; from my store.

Q. Is that all you have to say?—A. Yes.

Defendant sent back to his seat. Upon which the Government attorney takes the floor.

Mr. LAFERRIERE. Your honors, as to documents accusing Mr. Mevs of having smuggled, to the prejudice of the revenue, we have only the report of the police which was drawn up upon the information of Mr. Lavictoire, so that to base his convictions the Government attorney only waited the testimony of witnesses. All the witnesses heard have declared that Mr. Mevs left his store with the parcel which caused his presence here in his possession. Mr. Lavictoire, who informed against Mr. Mevs, upon being interrogated can not say that he saw Mr. Mevs coming out of a boat nor from the wharf with this parcel, therefore we have the right to say that Mr. Lavictoire had been mistaken. As the attorney-general is not obliged, despite everything, to maintain the accusations, I think it will meet with the assent of the court to discharge Mr. Mevs.

Mr. LEGER. This summing up of the case by the assistant commissary of Government shows the honorable sentiments by which this magistrate is actuated. Nevertheless I must express my great disappointment at the absence of the Government attorney himself at court to-day, because the reproaches which I must now withhold were to be directed against himself personally without resting upon the bases of the case. I would limit myself to some general considerations, and you will allow me to deplore the inconsiderate manner in which individual liberty is dealt with in Haiti. Assuredly we have made some progress, but it is not in the sense of liberty; formerly we had certain respects for foreign residents in our country. Haitians only were liable to be arbitrarily incarcerated, but at present it appears as if we would establish equality in vexations and humiliations. Mr. Mevs has been treated as though he was a Haitian. I have more than once protested against the illegal arrest of Haitians. I am happy to be able to-day to make the same protestations in favor of a foreigner. I would desire to see the Haitian Government afford the same protection to every one residing upon our territory without national distinction. How you, decorated with the white cockade emblem of honor, you do not fear to turn informer against Mr. Mevs! You advanced that he carried a smuggled package. Mr. Mevs was arrested and lodged in jail without his identity being established in the usual form at the police station; he was not even asked his name. And what is still more deplorable is the Government attorney having acted with the same indifference in the matter. They did not inquire whether the person arrested was really Mr. Mevs, or you, or myself, or any other. Moreover he has never had one single hearing to allow him to prove his innocence. According to my judgment I think that the chief of police is less reproachable; for the Government attorney could have repaired the mistake made by his subordinate. For this reason I repeat my regret of not finding him in court instead of his assistant, to point out to him how he had not given the matter a second thought when Mr. Mevs was brought to him—sending him unceremoniously to prison where he was kept for twenty days without taking in consideration that this would cause his ruin as a merchant, besides the stigma upon his character. If here in our country smuggling is not considered a dishonor, where our merchants grow rich through it and attain the highest rank, even unto that of minister, in other countries a smuggler is a degraded personage and outlawed; and if the New York friends and relations and relatives of Mr. Mevs become aware of the facts, that would no doubt cause him irreparable harm. You save him from this dishonor in acquitting him honorably and in severely rebuking the informer.

One of the witnesses told you that the police would not listen to his explanations. These explanations would have sufficed to prove that the crime of smuggling imputed to Mr. Mevs existed only in the imagination of Mr. Lavictoire, but they did not put themselves to the trouble to investigate, and decided to make a smuggler of Mr. Mevs. It is through such irregular proceedings that we expose very often our unfortunate country to humiliations by great powers. In the interest of our country we should blame the functionaries who, through their negligence and stupidity, do not take the desirable precaution and forget to abide by the laws. I have even been told that Mr. Mevs would have been refused to be set at liberty temporarily had he demanded it, and notwithstanding that at present there are Haitians here in court accused of smuggling but enjoying their liberty. But it is necessary to have but one weight and measure; if not we will open a large gate for the ingress of diplomatic reclamations. Fortunately we have to deal with Mr. Mevs, members of whose family are old residents of this country since Boyer's time and have never caused any trouble to the country, but have on the contrary contributed to its progress in propagating the distinguished art of cabinetmaking. Mr. Mevs has already suffered twenty days in jail; you will do an act of sound justice in pronouncing his acquittal and stigmatizing his accuser.

[Inclosure 2 in No. 135.]

*Mr. Mevs to Mr. Terres.*PORT AU PRINCE, *December 10, 1892.*

SIR: I beg leave herewith to bring to your notice that I was tried on the 1st instant on the alleged charge of smuggling, for which I was arrested and held in prison since the 12th ultimo.

You already know the details of the case, and that it resulted in my entire acquittal, no proofs having been obtainable against me by the court, after an illegal detention of twenty days in prison without the least investigation having been made during that time.

As you know yourself, this matter was an outrage to me personally, and moreover as an American citizen, for had I been a Haitien I would have been released the morning following my arrest without further being said, for the authorities were perfectly aware that my arrest was unfounded. But having committed himself, the Government attorney saw the grave nature of the matter and was determined to keep me in prison and eventually condemn me if possible.

In the extract of the testimony pro and con and likewise that of the argument of my lawyer, who fully sets forth the arbitrary manner in which I was used, will enable you to perceive the truth of my statement and facts of the case.

My affairs have suffered through this incalculably, and the stigma on my standing, private and commercially, is unimaginable, for which I earnestly request that you submit these facts to the home Government and ask that some action be taken to compensate me fully for this outrage and what I have suffered by it, which I conscientiously put down at \$1,000 each day of my detention in prison.

Trusting that you will not fail to give this matter all due attention,

I am, etc.,

FREDERICK MEVS.

Mr. Foster to Mr. Durham.

No. 87.]

DEPARTMENT OF STATE,
Washington, December 22, 1892.

SIR: This Department has been advised by the vice-consul-general of the arrest and confinement at Port au Prince of a respectable American merchant, Mr. Frederick Mevs, under aggravating circumstances.

It is desired that you will terminate the leave of absence you are now enjoying and return to Port au Prince for the purpose of investigating this affair and taking such action with the Government of Haiti as the circumstances may require.

The Secretary of the Navy has been requested to transport you to Port au Prince in a vessel of the Navy, and, if public business requires it, to also transport you from Port au Prince to San Domingo City. You will, however, delay the vessel as short a time as possible in this service.

You are instructed, after ascertaining the real facts of the arrest and confinement of Mr. Mevs, to lay the matter before the Government of Haiti, if the circumstances warrant it, and ask for such action on its part in reparation of this injury to an American citizen as, in your discretion, may seem proper.

I am, etc.,

JOHN W. FOSTER.

Mr. Durham to Mr. Foster.

[Extract.]

No. 141.] LEGATION OF THE UNITED STATES,
Port au Prince, Haiti, January 5, 1893. (Received January 17.)

SIR: I beg leave to acknowledge the receipt at Philadelphia of your dispatch No. 87, December 22, last. In this you instructed me to terminate the leave of absence which I was at that time enjoying to proceed to Port au Prince in a vessel of the Navy which the Secretary of the Navy would be requested to place at your disposition, to investigate the real facts of the alleged illegal confinement of Mr. Frederick Mevs, and, if the circumstances should warrant it, to ask for such action on the part of the Haitian Government in reparation to this injury to an American citizen as in my discretion may seem proper.

In obedience to your orders, I went on board the U. S. S. *Atlanta*, Capt. Francis J. Higginson, U. S. Navy, commanding, at Norfolk, on the morning of the 26th ultimo. We arrived here on Sunday, January 1. After going over all of the papers at this legation, I was convinced that not only a gross outrage had been perpetrated upon Mr. Mevs, but also that the vice-consul-general had been treated with such lack of courtesy as could not be overlooked. I made no objection to Capt. Higginson's proposition to go to Port Antonio for coal as I preferred to continue my investigations and to make my request for reparation, if such request should prove necessary, in his absence. It would seem scarcely amicable to remonstrate with a friend with a revolver pointed at his head. The vessel sailed at 8 o'clock on Monday morning.

At that hour I visited the minister of foreign relations in an entirely unofficial way with a view to hearing his side of the matter and to proposing a quiet arrangement. I found that he could say nothing that seemed to me at all acceptable in defense of the conduct of the Haitian authorities.

On Tuesday, in company with the minister, I called on the President personally, and though our talk was of the most amicable character, no satisfactory end was attained.

I then wrote a formal note to the minister, asking an official audience with the President.

I decided, after carefully going over the case again, to permit no discussion; and at the official audience I stated the case as succinctly as I could, and declined to enter into any controversy, closing the interview with the statement that I relied on the sense of justice of his excellency and the ministers to do what was right in the matter. I summed up as follows: That, while we did not question the right of the authorities to arrest Mr. Mevs, every minute of his imprisonment, after the expiration of the time prescribed by Haitian law for the prisoner's hearing, required action on the part of the United States; that Dr. Terres and the Government which he represented had not been treated with proper courtesy when his protests were ignored, and when he was compelled to wait three days for an acknowledgment of his official note on so urgent a matter; that the nature of that reply that the department of justice would be informed could not be satisfactory, in view of the fact that Mr. Lespinasse was both minister of justice and minister of foreign relations, and that both Mr. Mevs personally and the United States Government had grievances which it would detract nothing from the dignity of Haiti to recognize.

I find nothing to add to the full reports already in your hands, trans-

mitted by Dr. Terres, except it be to say that the minister's conduct toward him was simply unjustifiable. When he visited Mr. Lespinasse unofficially, he was assured that the matter would be attended to at once. The day passed, and nothing was done. The second day the doctor called again, and received the same assurance. On the morning of the third day, when Mr. Mevs's brother called at the doctor's office and informed him that the accused man was still in prison, the doctor called up Mr. Lespinasse over the telephone, and begged him to act. The explanation given by Mr. Lespinasse was, "I was too busy yesterday to look into the matter." The subsequent delay in official correspondence, and the failure to accord the accused man even a preliminary hearing, or to listen to offers for bail, seemed to me to aggravate the case. Friends of the President have called and expressed the fear that I would ask the Government to salute the United States flag. I assured them that I had no idea of humiliating the Government, but that a statement to the effect that the affront was not intentional, ought to precede any discussion as to money indemnification.

I have, etc.,

JOHN S. DURHAM.

Mr. Durham to Mr. Foster.

No. 142.] LEGATION OF THE UNITED STATES,
Port au Prince, Haiti, January 5, 1893. (Received January 17.)

SIR: Continuing my dispatch of this morning, I beg leave to say that several attempts have been made by the Haitian authorities to have me depart from your verbal instruction to have no written correspondence on the subject of the Mevs case. To-day I received a memorandum from the minister of foreign relations in which several of my statements are distorted, obviously with a view to opening a controversy. I inclose a copy of the memorandum with translation, together with my reply, declining to write concerning the matter at that stage.

I shall continue to insist that some statement be made on the point of lack of courtesy.

I have, etc.,

JOHN S. DURHAM.

[Inclosure 1 in No. 142.—Translation.]

Mr. Lespinasse to Mr. Durham.

MINISTRY FOR FOREIGN AFFAIRS,
Port au Prince, January 5, 1893.

The secretary of state of foreign relations has the honor to give the following résumé of the communication which was addressed to his excellency the President of Haiti and to himself at the National Palace, on the 4th instant, at 4 o'clock in the afternoon, by the Hon. John S. Durham, minister resident of the United States of America at Port au Prince, who was accompanied by the vice-consul-general and by a clerk of his legation.

The minister resident of the United States of America stated that Mr. Frederick Mevs, an American citizen, and a merchant in this city, had been arrested on a charge of smuggling; that he had not been allowed, during the two days of his incarceration, to offer any evidence in rebuttal of the charges made against him, but that, after having been imprisoned for nine days, he had been acquitted by the correc-

tional court of Port au Prince, at the instance of the Government attorney; that the vice-consul-general of the United States of America, who, at the time of the arrest of Mr. Frederick Mevs, was in charge of the legation of the United States of America at Port au Prince, having addressed a communication on that subject to the minister of foreign relations, had received no reply until three days after his letter had been sent, and that, in that reply, the secretary of state of foreign relations had contented himself with informing him that he was going to request the department of justice to report on the subject; that the Government of the United States of America, considering these acts as acts of great gravity, had instructed him to demand, laying diplomatic forms aside, and allowing no discussion of the facts, reparation from the Haitian Government, without specifying the nature of such reparation.

The Hon. John S. Durham, speaking in the name of his Government, requested his excellency the President of Haiti and the secretary of state of foreign relations to lay his demand before the Haitian cabinet, whose reply he would await, and he ended his official declaration by expressing the hope that the reparation which he asked for would be worthy both of the Government of the United States of America and of that of Haiti.

The secretary of state of foreign relations, before making the communications which he thinks proper to the council of the secretaries of state, would be glad to be informed by the minister resident of the United States of America whether the foregoing statement of his declarations is, in all respects, in harmony with what he really said; if the memory of the secretary of state of foreign relations has been treacherous on any point, he begs the minister resident of the United States of America to point out such corrections as may be necessary, and he avails himself, etc.

ED. LESPINASSE.

[Inclosure 2, in No. 141.]

Mr. Durham to Mr. Lespinasse.

LEGATION OF THE UNITED STATES,

Port au Prince, January 5, 1893.

SIR: I have the honor to acknowledge the receipt of a memorandum concerning the outrage perpetrated on Mr. Frederick Mevs, over your signature, bearing even date, which you ask me to verify.

I beg leave to remark that there seems to have escaped your attention my express statement that my instructions do not permit me to make any written communication to your Government at this stage.

You will, I am sure, Mr. Minister, accept this violation of my instructions as a demonstration of the high consideration with which I continue to be your humble and obedient servant,

JOHN S. DURHAM.

Mr. Durham to Mr. Foster.

No. 143.]

LEGATION OF THE UNITED STATES,

Port au Prince, January 6, 1893. (Received January 17.)

SIR: Referring to my previous dispatches concerning the case of Mr. Mevs, I have to inclose the accompanying note from the minister of foreign relations. I regret that the pressure upon my time by the routine work of the consulate-general prevents my inclosing translation. In his note, the minister strongly protests against what seems to his Government as irregular conduct, and informs me that the case will be taken up by the new minister to Washington, who will sail immediately. He is careful to insert in the body of his dispatch the statement that the friendship for the country of Washington, Sumner, and John Brown, of which Haiti has constantly given proofs, makes it the duty of his Government to say that it could not in any circumstance have intention of "outraging the United States of America."

Only two or three hours before, this newminister, Mr. Clément Haentjens, had left me with the understanding that the matter would be talked over by myself and the minister of foreign relations, or any other person whom the President might name with authority. Mr. Haentjens was a member of Firmin's cabinet, and while I know his sentiments perfectly, I believe that his good sense had overcome his prejudices and that he was acting in good faith. The object of his visit must have been to get a better idea of our position, for the prompt arrival of Mr. Lespinasse's note shows that at the time of Mr. Haentjen's visit not only had the flank movement of the Haitians been decided upon, but also that the note itself must have been in the course of preparation.

I of course promptly decided not to permit this to interfere with my observing your instructions. I thought it expedient, however, to accept the no-intention disavowal as satisfactory, and to overlook their attempt to have the Department take the matter out of my hands. I indicated my purpose to maintain the firm attitude which I have assumed and to insist on my return that proper reparation be made. I inclose a copy of my note.

The case is regarded not so especially American in character but as representing all foreign interests in this Republic. The leading merchants and financiers of this capital without regard to nationality feel that their property and their liberty will be affected seriously if the United States should take one step backward in this matter.

The consuls have shown the deepest interest unofficially, and I regret that their utterances being entirely of a personal character can not be quoted in an official dispatch.

I therefore, with great insistence, urge that by the 16th of this month the commander of the U. S. S. *Atlanta*, now in these waters, be instructed by telegraph to cooperate with me in enforcing my request for reparation.

I am, etc.,

JOHN S. DURHAM.

[Inclosure 1 in No. 143.—Translation.]

Mr. Lespinasse to Mr. Durham.

MINISTRY FOR FOREIGN AFFAIRS,
Port au Prince, January 6, 1893.

MR. MINISTER: I have reported to the council of secretaries of state the official declaration which you made to his excellency the President of Haiti and to me, on the 4th instant, at 4 o'clock in the afternoon, at the national palace, and I have laid before them the note addressed by me to you on the 5th, together with your despatch in reply to said note, bearing date of the same day.

My Government has seen, with the deepest regret, that you have been instructed to lay aside the usual diplomatic forms, and its regret and astonishment are the greater since it vainly seeks the circumstances which have induced the Government of the United States of America thus to abandon the usages of courtesy which are observed among nations, whatever may be their rank and power.

My Government feels convinced that a frank explanation of the facts would have been sufficient to dispel the misunderstandings which seem to exist, and that it would have rendered it possible to reach a solution in harmony with the dignity of the high parties, and this conviction is an additional reason why it deplors the special forms observed in the case now under consideration, in which redress is demanded of us, without any written note having been sent to inform us why it is demanded, or what is to be its nature.

The arrest and detention of Mr. Frederick Mevs, which took place in pursuance of our laws, can in no wise explain the grave determination reached in this case by

the Republic of the United States of America as to his trial; we can not suppose that it is the intention of your Government to require that any foreigner brought to trial here should necessarily be convicted.

My Government, Mr. Minister, sees nothing, moreover, in the course of the department of state of foreign relations that should be considered offensive by your legation. Your diplomatic notes, being written in the English language, must be translated before they can be answered, and the conduct of the various ministerial departments being quite distinct, even they have but one acting head; the constant usage is for one of said departments to address communications to another; thus it is that explanations can not be furnished by the department of state of foreign relations relative to a matter within the province of the department of justice until an official request for information has been addressed to the latter department. Such information was transmitted to your legation as soon as it was received by the minister of foreign relations.

In brief, Mr. Minister, replying to the only expression which has been written by you during the present negotiations, the Government does not think that it has outraged the Republic of the United States of America in the person of one of its citizens, and there is nothing in the previous relations of the two republics that could explain such a mode of proceeding on the part of my Government.

The sentiments of friendship which we have ever felt for the country of Washington, Sumner, and John Brown render it the duty of my Government to declare that it can never, under any circumstances, have intended to outrage the Government of the United States of America.

This being the case, Mr. Minister, and as my Government has in no wise failed to fulfill the duties rendered obligatory upon it by the friendly relations which have always existed between your Government and it, it does not think that it owes any redress to the United States of America and can not offer any, since no discussion has shown its obligation to do so. Moreover, the instructions which you have received do not permit you to appreciate, diplomatically, the declarations contained in the present communication, and I therefore hasten to inform you that Mr. Clément Haentjens, who has just been appointed by his excellency the President of Haiti, in consequence of the lamented death of Mr. Price, as our envoy extraordinary near your Government, is to repair to his post without delay, his mission being to state to the Washington Cabinet how greatly we have been surprised and pained at its action in this matter, and to furnish the most frank explanations of the incidents which have given rise to that action.

Be pleased to accept, etc.,

ED. LESPINASSE.

[Inclosure 2 in No. 143.]

Mr. Durham to Mr. Lespinasse.

LEGATION OF THE UNITED STATES,

Port au Prince, January 6, 1893.

SIR: I have to acknowledge the receipt of your note of to-day, in which you say: "Les sentiments d'amitié que nous avons constamment éprouvés pour la patrie des Washington, des Sumner, des John Brown font un devoir à mon Gouvernement de déclarer qu'il n'a pas pu en aucune circonstance avoir l'intention d'outrager le Gouvernement des Etats Unis d'Amérique."

I welcome this declaration from you as well as the explanation that your own Government has explained the conduct of the minister of foreign relations to its own satisfaction, for it was far from the purpose of my Government and this legation to make any personal accusations. I could not with proper respect for my office consent to discuss the Mevs case until such a statement had been made. I find it perfectly satisfactory.

The matter of the lack of courtesy to my Government thus happily removed from consideration, the difficulty is simplified; and I entertain the hope that the friendship for the United States which inspired your denial of intention to show a lack of courtesy for my Government may prompt you to decide to arrange the settlement of the case of Mr. Mevs itself.

If I seem to have ignored your statement, that you intend to send a diplomat over the head of this legation to Washington to discuss the matter at Washington, pardon me. You will agree that I can not receive instructions except from Washington, and that I must, therefore, continue to obey my orders until the new ones which your envoy may secure from the Secretary of State will make my position more agreeable to me personally.

In the meantime I shall continue on the plan outlined to you in the presence of His Excellency, absenting myself for a few days and returning with the hope that the sense of justice of your Government will prompt you to do what is right.

The Vice-Consul General, Dr. Terres, who joins me in expressions of pleasure that the grave feature of the case has been removed, will receive for me any communication you may desire to make, verbal or written, during my absence.

Accept, etc.,

JOHN S. DURHAM.

Mr. Foster to Mr. Durham.

No. 89.]

DEPARTMENT OF STATE,
Washington, January 7, 1893.

SIR: The President has learned with profound regret the death of Mr. Price, envoy extraordinary and minister plenipotentiary of Haiti to the United States. As an especial mark of respect to his memory and a tribute to the cordial relations subsisting between the two countries, he directed Mr. Grinnell, one of the Assistant Secretaries of State, to proceed to Brooklyn and represent the Government of the United States at his funeral on the 5th instant.

You are instructed to convey to the President of Haiti the deep sense of esteem in which the late Mr. Price was held by this Government and the assurance of sympathy and condolence in the great loss sustained by Haiti, and only less so by the United States.

I am, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Durham.

No. 90.]

DEPARTMENT OF STATE,
Washington, January 9, 1893.

SIR: I have to acknowledge the receipt of dispatch from your legation numbered 135, diplomatic series, of the 17th ultimo, in relation to the arrest and imprisonment of Mr. F. Mevs.

It would appear by the report of the trial that, besides his detention for twenty days being unwarranted, Mr. Mevs' arrest was totally unjustifiable. With respect to the subject of reparation you will continue to act in accordance with my instruction No. 87, of December 22 last.

I am, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Durham.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 17, 1893.

Mr. Foster expresses approval of Mr. Durham's action, and adds that a demand in writing setting forth the President's expectation that the Government of Hayti will be impelled by its sense of amity and justice to tender a proper indemnity for the illegal imprisonment of a citizen

of the United States, and that a settlement must be reached through the legation, may be made without any objection. He thinks it advisable for the *Atlanta* to be absent until diplomatic action shall fail to effect the peaceful settlement which it is desirable that he should seek.

Mr. Foster to Mr. Durham.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 17, 1893.

Mr. Foster states that the present condition of the negotiations does not justify the use of force, instructs Mr. Durham to lay the President's instruction, telegraphed to him on this day, before the Haitian Government, and to inform the Department by telegram if the latter makes no offer of indemnity.

Mr. Foster to Mr. Durham.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 18, 1893.

Mr. Foster requests Mr. Durham to explain in what manner he wishes the *Atlanta* to cooperate with him and points to the inadvisability of threatening force if it is not intended to exercise it in case of need.

Mr. Durham to Mr. Foster.

[Telegram.]

LEGATION OF THE UNITED STATES,
Port au Prince, January 18, 1893. (Received January 18.)

Mr. Durham, replying to Mr. Foster's telegram, explains that a resort to force will not be necessary, but insists on the necessity of having the presence and cooperation of the *Atlanta*.

Mr. Durham to Mr. Foster.

[Telegram.]

LEGATION OF THE UNITED STATES,
Port au Prince, January 18, 1893. (Received January 20.)

Mr. Durham deprecates hesitation on the part of the United States for the unfavorable results it would certainly entail on all American interests, and urges that the commanding officer of the *Atlanta* be present at the interview with the minister for foreign affairs, as being, in his opinion, the best means of reaching an immediate settlement.

Mr. Durham to Mr. Foster.

No. 148.]

LEGATION OF THE UNITED STATES,
Port au Prince, January 18, 1893. (Received February 6.)

SIR: I regret to have to report that the failure of this legation to press its request for an indemnity for the illegal arrest and imprisonment of Frederick Mevs seems to have made upon the Haitian authorities the impression that the matter is not so important as to demand immediate consideration.

The attitude of the minister of foreign relations is based upon the assumption that foreigners residing in Haiti must accommodate themselves to the customs of the country. I have uniformly declined to discuss this proposition, on the ground that it is not unusual for the Haitian authorities to arrest and imprison their own countrymen indefinitely without even the form of a trial, and that under the existing treaty with Haiti, laws guaranteeing the right of *procès-verbal*, of interrogation, and of regular trial, the customs of the country in this particular have no bearing on the case whatever.

Yesterday I received your two telegrams. In one you approve my action; transmit the Presidential instructions that the matter must be adjusted through this legation; instructing me to seek a peaceful settlement; suggest that a demand be made in writing, and say that it may be prudent for the *Atlanta* to be absent until diplomatic efforts shall have proved futile.

In the second you instruct me to communicate without any delay the Presidential instructions above noted, and to report by cable if no indemnity should be offered, adding that we can not use force in the present state of negotiations.

Before the receipt of these telegrams, I had written to the commander of the *Atlanta* a note asking him whether or not he would cooperate with me. I visited him, however, directly after I had made out your instructions and explained to him their nature.

To these telegrams I replied in a message expressing my opinion that the presence and the cooperation of the *Atlanta* are necessary, that no resort to force would be necessary.

Your answer asking the nature of the cooperation I desire from the *Atlanta*, and adding that we should not threaten force without intent to exercise it if necessary.

I replied that with the presence of the commander at an interview with the minister for foreign affairs, I thought we might obtain an adjustment at once. I ventured to add my opinion that hesitation on our part would be sure to affect all our interests unfavorably.

I ought to explain that the prompt arrival of the *Atlanta* with your agent on board, instructed to investigate this case and to demand reparation should the facts warrant such a course, is universally regarded as a threat of force; and I regret that your instructions show me that I have blundered in sharing the general opinion; I confess that, when my investigation showed clearly that a gross outrage had been perpetrated on an American citizen and how unreasonable were the Haitian authorities, my belief was that the duty of the *Atlanta* in these waters was promptly to impress the lesson that the practice of civilized nations must be observed in this Republic so far as American residents are concerned. And I beg leave to say in defense of my course that it had been inspired, as my previous dispatches on this subject will show, not by any lack of due caution and consideration, but by my careful study of the country and sense of duty as I conceive it overcoming my natural

sympathy for members of my own race struggling with that difficult experiment of self-government under democratic forms.

On the receipt of your instructions I sent to the minister for foreign affairs a note, copy of which I inclose, communicating the President's instructions that the matter must be adjusted through this legation. We have arranged for a consultation this afternoon.

I have, etc.,

JOHN S. DURHAM.

[Inclosure in No. 148.]

Mr. Durham to Mr. Lespinasse.

LEGATION OF THE UNITED STATES,
Port au Prince, January 18, 1893.

SIR: Referring to your note, No. 102, dated the 6th instant, in which you inform me that you would send an envoy to Washington to negotiate with the Government of the United States concerning the case of the illegal imprisonment of Mr. Mevs, I am directed by the President of the United States, in a telegram received to-day, to say to you that the matter must be adjusted through this legation, and that he expects from the sense of justice of the Haitian Government that the settlement be made.

Renewing, etc.,

JOHN S. DURHAM.

Mr. Durham to Mr. Foster.

No. 149.]

LEGATION OF THE UNITED STATES,
Port au Prince, January 19, 1893. (Received February 6.)

SIR: I have to report that I opened the negotiations in the Mevs case yesterday afternoon in a consultation with the minister for foreign relations. I stated the case and repeated the President's instruction that the Government of the United States relies upon the Haitian sense of justice to make proper reparation to Mr. Mevs. His first question was: How much money do you want? I replied that I had hoped that he would not put the United States in the position of dickering for money, and that my superiors at Washington trusted to his Government to make the *amende honorable* to the American who had suffered the horrors of a Haitian jail.

Our failure to receive any reply from the Department to Dr. Terres's No. 135, of December 17, transmitting the claim of Mr. Mevs, made it a trifle awkward for me to reply to the minister's question. After much talking, however, I asked for the sum named by Mr. Mevs, \$20,000. I added that the request ought to include the expenses of the vessel of war which is in this service, but that I had no instructions on that point and would waive it.

The minister reminded me that there are two points to be considered:

(1) Was there any outrage committed? Can the Haitian Government with dignity accept the principle involved?

(2) If yes, then how much money would fairly compensate Mr. Mevs?

Both of these points, said the minister, will require serious deliberation on the part of his Government.

I replied that two weeks ago I had formally laid the former point before the President of Haiti and himself, requesting that they lay the matter before the cabinet for investigation, and that I could scarcely

believe that they had been indifferent to a request so seriously and courteously made.

He said that the phases of the matter had changed since then, and that it must be studied, and he assured me that both the points in the matter would have his most careful attention. He asked for a written statement of the case. Obeying your orders I promised it. This morning I sent him a note, of which I inclose a copy, giving a summary of the case.

I shall continue to urge the matter until instructed by you to suspend my efforts.

I have, etc.,

JOHN S. DURHAM.

[Inclosure in No. 149.]

Mr. Durham to Mr. Lespinasse.

LEGATION OF THE UNITED STATES,
Port au Prince, January 19, 1893.

SIR: In conformity with your request of yesterday that I present you with a summary of the statements made to your Government during the past fifteen days in presenting the case of the illegal imprisonment of Mr. Mevs, permit me to remind you: That on the 12th day of November Mr. Frederick Mevs, a citizen of the United States, was arrested on the charge of smuggling; that no *procès-verbal* was taken at the time of the arrest; that he was detained in prison twenty days without interrogation of any character; that when brought before the proper tribunal of your country no case could be established against the accused man; that the matter was brought to the attention of the ministry of foreign affairs by this legation; that article 14 of the constitution states that no one can be detained except by virtue of an order emanating from a competent functionary. This order must first, express formally the cause for the detention and the statement of the law which punishes the act charged; second, that it be served on the person detained, and that a copy be left with him; that no order was served on Mr. Mevs, and no copy of the order of imprisonment was left with him.

That according to articles 11 and 12 of the law of August 2, 1872, the commissaries and the agents of the administrative police should send to the communal police the charges and complaints which they receive. Mr. Mevs was not sent to the communal police.

That according to article 30 of the code of criminal instructions it is only in case of *flagrant délit* that the commissary of the Government can give an order for incarceration, and that by the terms of this article 30, and admitting that there was *flagrant délit*, the commissary of the Government should interrogate at once immediately after the accused shall have been brought before him.

That from article 25 of the code of criminal instruction the commissary of the Government should invite the accused to give explanation about the shirts seized, and should draw up a *procès-verbal* signed by the accused, or making mention of the accused's refusal to sign.

That neither the commissary of the administrative police nor the communal police, or the justice of the peace who, after article 12 of the code of criminal instructions should conclude his instruction within three days, nor the commissary of the Government nor the judge of instruction has interrogated Mr. Mevs, not even to verify his identity.

That in view of these facts Mr. Mevs has suffered a real injustice, to recognize which would be dignified and proper on the part of the Haitian Government.

That the President of the United States instructs me to say that the matter must be adjusted through this legation and that he trusts to the Haitian sense of justice to make proper indemnification to Mr. Mevs.

I also beg leave to remind you that this written statement is made for your personal and official convenience.

With renewed assurances of distinguished consideration,

I have, etc.,

JOHN S. DURHAM.

Mr. Foster to Mr. Durham.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 20, 1893.

Mr. Foster, in reply to Mr. Durham's telegram, informs him that the Department will consider what is the proper course to adopt in the event of an unconditional refusal of indemnity, but that while diplomatic negotiations are pending the President is unwilling to have any naval demonstration.

Mr. Durham to Mr. Foster.

No. 155.] LEGATION OF THE UNITED STATES,
Port au Prince, January 23, 1893. (Received February 6.)

SIR: In order to close the record in the Mevs case to date, I have to report that the minister for foreign affairs visited me this morning and informed me that he was about to propose arbitration as the means of adjusting the matter, and that he desired to know how my Government would receive the proposition.

He said that he could discuss the case point for point, and that, though there might have been some trifling irregularities, he found no violation of the law whatever.

I told him to make his proposition and that it would be considered.

The record of this case at the Department is so clear that it seems to me not necessary to comment on the extraordinary statements made by the minister.

I await your orders and I have, etc.

JOHN S. DURHAM.

Mr. Durham to Mr. Foster.

No. 156.] LEGATION OF THE UNITED STATES,
Port au Prince, January 23, 1893. (Received February 6.)

SIR: I have to inclose a note from the minister for foreign relations; in which he discusses the case of Mr. Mevs. It was received seven hours after that gentleman had been here proposing arbitration.

I reply in my second inclosure, remarking that the minister seems to argue chiefly from the assumption that Mr. Mevs was guilty of smuggling, an assumption which was made impossible by the frank confession of the State that no case could be made out against the accused man.

I ask the minister whether his note is to be interpreted as a refusal to indemnify Mr. Mevs.

I am, etc.,

JOHN S. DURHAM.

[Inclosure 1 in No. 156—Translation.]

*Mr. Lespinasse to Mr. Durham.*MINISTRY FOR FOREIGN AFFAIRS,
Port au Prince, January 23, 1893.

MR. MINISTER: I have the honor to acknowledge the receipt of your dispatch of the 19th instant, which your legation accompanied with its translation in the French language.

Notwithstanding the desire that you expressed to me I have not been able to answer sooner, as I have already made known to you, on account of the great misfortune which has happened to his excellency the President of the Republic.

I have examined with the most lively attention, the different grievances that are there set forth against the procedure followed in the affair of Mr. Mevs, an American citizen, and I take note that you arrive at this conclusion: Mr. Mevs having suffered a real injustice, it would be worthy on the part of the Haitian Government to recognize it.

I take note equally that his excellency the President of the United States has charged you to say to me that this affair must be adjusted by your legation, and that he relies on the sense of justice of my Government to make an equitable reparation to Mr. Mevs.

It seems to me that the objections which you have thought necessary to present to me result from the circumstance that it has not been given to you to have under your eyes the different provisions of the law of July 13, 1858, on the administration and direction of the custom-houses of the country, law which has been slightly modified by those of July 20, 1859, and July 1, 1871.

The offense of which Mr. Mevs is accused, being the act of smuggling, it is effectively in the special law, by which are regulated our custom-houses that there should be sought the legality of the procedure employed against him. It is, moreover, good to note that this special law is posterior to the promulgation of the code of criminal instruction, and that in consequence it modifies it in its provisions that may be contrary thereto.

Mr. Mevs, taken in *flagrant délit* of smuggling, was arrested and pursued in virtue of article 6 of the aforesaid law.

The offense of smuggling should not be pursued extraordinarily by the public ministry of the jurisdiction before the competent tribunal, by virtue of article 8 of the same law. The commissary of the Government of Port au Prince did therefore call by a direct summons Mr. Mevs before the correctional tribunal, and his trial took place at the first audience of the tribunal which followed his imprisonment.

At that audience the tribunal acquitted Mr. Mevs. This circumstance, which you state as being of a nature to constitute a grievance, is, on the contrary, an evident proof of the independence of our tribunals, and of the guaranty which they give to all.

It is therefore in virtue of these special provisions of the law of 1858, and again of those contained in its article 83 that Mr. Mevs has been arrested and judged.

The different legal provisions which are called up in your dispatch of the 19th in nowise concern the procedure followed against Mr. Mevs.

Article 14 of the Constitution, which alone could be invoked, does not apply to a case of *flagrant délit*. The other articles of law which you make mention of are not applicable to the special offense of smuggling, for the prosecution of which the legislator, with a particular view to protection, has permitted the public minister to act extraordinarily, as I have already said, and on a simple requisition (to such a degree are the ordinary forms suppressed) of the directors and agents of the custom-house, of the agents of the administration of finance, in short, even on that of the authorities charged, of the military police, and even *ex-officio*.

Mr. Mevs, therefore, was at the time of his trial and in the procedure before, pursued and judged according to forms provided by the laws, and the tribunal did, moreover, make the necessary interrogations at the time of the examination of the affair.

In these conditions, Mr. Minister, I do not estimate that Mr. Mevs has right to any reparation. I trust that the sense of justice of your Government will not fail to guide it in the circumstance and that it will appreciate that my Government has acted as it should have done. The law on our custom-houses has simply been applied to an American citizen, as it would have been to a Haitian citizen, and as it has always been to all indistinctly.

Herewith inclosed you will find a memorandum containing copy of the different articles of the law cited by me in this dispatch.

Please accept, etc.,

ED. LESPINASSE.

MEMORANDUM.

Articles 6, 8, and 83 of the law on the administration and the direction of the custom-houses of the Republic of Haiti, of July 13, 1853, modified by the laws of July 20, 1859, and July 1, 1871.

ART. 6. Any individual who, without belonging to a merchant vessel, shall have aided or favored the transportation, either in debarking or embarking merchandise that has not passed regularly through the custom-houses, any individual who shall have received knowingly in deposit smuggled goods or products shall be arrested and prosecuted, and on being convicted of the offense, condemned to an imprisonment of six months to two years.

ART. 8. All actions and prosecutions against violators of the regulations of the provisions of the present law shall be directed by the public minister of the jurisdiction extraordinarily before the competent tribunal, either at the request of the custom-house directors or agents or of the superintendent or agents of the administration of finances or that of the authority charged with the military police or *ex officio*.

ART. 83. No landing or shipping of merchandise or products whatever, subject or not to custom duties, can be made, whether with a permit or not, before sunrise or after sunset.

The landing or shipping of merchandise or products whatever, for which permit has been given, can not be done except in places destined for the purpose and in presence of the custom-house commission charged to oversee such landing or shipping.

All violations of the preceding provisions shall have as a result the confiscation of the objects or goods landed or shipped, and shall render the persons who shall have operated or facilitated the landing or shipping in violation of the law liable to the penalties established by the first section of the present law.

[Inclosure 2 in No. 156.]

Mr. Durham to Mr. Lespinasse.

LEGATION OF THE UNITED STATES,
Port au Prince, January 23, 1893.

SIR: I have the honor to acknowledge the receipt of your note of to-day, in which you discuss the case of Mr. Mevs chiefly on the assumption that that gentleman was guilty of the act of smuggling.

I beg you to inform Dr. John B. Terres, vice-consul-general, at your earliest convenience, whether or not your statement is to be interpreted as a refusal on your part to indemnify Mr. Mevs.

I ask you to address the vice-consul-general, as I purpose to be absent at the other part of my post during the next few days. I beg for him all the consideration that your respect and friendly feeling for the United States may inspire.

Repeating my expressions of distinguished consideration, I am, etc.,

JOHN S. DURHAM.

Mr. Durham to Mr. Foster.

No. 158.]

LEGATION OF THE UNITED STATES,
Port au Prince, February 6, 1893. (Received February 22.)

SIR: Continuing my reports on the case of Mr. Frederick Mevs:

In my No. 155, January 23, I report the offer of arbitration made by the minister for foreign affairs. On the same day he sent me his note discussing the case from the point of view that Mr. Mevs was caught in the act of smuggling. This was so palpably contrary to the facts of the case as brought out at the trial in the Haitian court that I replied, asking directly whether or not his reply was to be interpreted as a refusal.

His reply, of which I inclose copy with translation, simply quotes from his former dispatch to the effect that Mr. Mevs has no right to reparation.

The failure of the Government of the United States thus far to do anything in this matter has caused general apprehension among foreigners.

I have, etc.,

JOHN S. DURHAM.

Mr. Foster to Mr. Durham.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 9, 1893.

Mr. Foster informs Mr. Durham that, while diplomatic settlement may be hoped for, the President does not wish to use naval force to enforce reparation. He instructs him to continue a firm course diplomatically and to suggest that negotiations should not be embarrassed by the question of amount, which if reasonable, would be acceptable.

[Inclosure in No. 158.—Translation.]

Mr. Lespinasse to Mr. Terres.

MINISTRY FOR FOREIGN AFFAIRS,
Port au Prince, January 23, 1893.

MR. VICE-CONSUL-GENERAL:

I have the honor to acknowledge the receipt of the dispatch of your legation of the date of the 23d instant, by which the minister resident of the United States asks me if my dispatch of the same day's date should be interpreted as a refusal to indemnify Mr. Mevs.

On this point I can but refer you to my dispatch itself, of which the terms seem to me sufficiently explicit. You must have there read the following paragraph:

"In these conditions, Mr. Minister, I do not judge that Mr. Mevs has the right to any reparation."

I have well taken note that during the absence of the minister resident I should address to you the communications that I have to make to your legation.

I had no need of the recommendation which accompanied that notification. The department of state for foreign relations can not in any circumstance fail in the courtesy which the consideration and good international relations demand for the representative of a power with which the Republic is in good relations.

Please accept, etc.,

ED. LESPINASSE.

Mr. Durham to Mr. Foster.

No. 163.] LEGATION OF THE UNITED STATES,
Port au Prince, February 11, 1893. (Received February 23.)

SIR: You instruct me to continue my efforts in the case of Mr. Mevs, using diplomatic means, as the President is unwilling to resort to naval force while there seems to be hope of an amicable arrangement. You also say that the principle involved is more important, and you suggest that a hint to that effect might be advisable.

From the beginning of my work on this case, except in making the request, I have dealt entirely with the principle. In the absence of instructions from the Department, I asked for the sum named by Mr.

Mevs in his letter transmitted to you by Dr. Terres in December. Thus far we have received no reply to that dispatch from the vice-consul general.

At daylight yesterday the *Atlanta* was seen to be getting up steam, and immediately it was accepted that you had abandoned the case. To attempt under existing conditions to treat for a small sum of money when the Haitian Government declines to pay anything, would only expose the legation to greater humiliation than it has already suffered in this case. In this phase of the matter, affecting as it does my official usefulness and my personal respect, and requiring actual presence here to form an intelligent opinion, I presume that you will permit me to exercise some discretion. The two replies of the minister for foreign relations make no reference to the sum of money. The minister says clearly that he decides that Mr. Mevs has no right to reparation.

To give out the impression that the naval vessel was sent here to support the rights of an American citizen, and to leave the legation without that support at the moment when the Haitian Government refuses to do anything and its officials publicly accused of making "another bluff," leaves all American interests in a situation which, in my opinion, deserves your consideration.

It was in view of these facts and because I see no dignified way out of the difficulty, except to insist on an immediate settlement, that I sent you my telegram of yesterday that the Haitian Government had refused to accept the principle; that I had spared no effort to settle diplomatically; that the withdrawal of the *Atlanta* is regarded as abandonment of the case; that the legation's position grows more embarrassing, and that Americans are apprehensive. I urge that the admiral be sent here, on his way north, to settle the case.

I have, etc.,

JOHN S. DURHAM.

Mr. Foster to Mr. Durham.

[Extract.]

No. 101.]

DEPARTMENT OF STATE,
Washington, February 16, 1893.

SIR: I have to acknowledge the receipt of your dispatches numbered 148, 149, 155, and 156, dated respectively January 18, 19, and 23 last, in relation to the claim of Frederick Mevs:

There is nothing in the instructions given you to warrant a conclusion that the President has contemplated the employment of naval force or demonstration in support of this demand. The clearness of the case and the sense of justice and responsibility of the Haitian Government have been and are still relied on for a satisfactory settlement of the claim without resort to other than diplomatic methods. The telegraphic instructions of the 9th instant are adhered to, and you are directed to continue to push the claim as you have been doing without any threat of force or intimation that its employment is contemplated by this Government. If it shall finally appear to the President's satisfaction, which is not anticipated, that the methods of diplomacy have been unavailing, and that no expectation of a voluntary recognition of the claimant's rights can be entertained, then this Government will consider what further action, if any, shall be taken.

I am, etc.,

JOHN W. FOSTER.

Mr. Durham to Mr. Wharton.

No. 173.]

LEGATION OF THE UNITED STATES,
Port au Prince, March 3, 1893. (Received March 20.)

SIR: I have to confirm my telegram of to-day, informing you that the President of Haiti had offered me \$6,000 in settlement of the Mevs case, and that I propose to accept.

I have, etc.,

JOHN S. DURHAM.

Mr. Durham to Mr. Gresham.

[Extract.]

No. 178.]

LEGATION OF THE UNITED STATES,
Port au Prince, March 11, 1893. (Received March 20.)

SIR: I have to acknowledge receipt of dispatch No. 101, of February 16, relative to the case of Mr. Mevs.

Notwithstanding my acceptance of President Hyppolite's offer under instructions from the Department, I have not yet succeeded in making any formal agreement.

I have, etc.,

JOHN S. DURHAM.

Mr. Durham to Mr. Gresham.

[Extract.]

No. 184.]

LEGATION OF THE UNITED STATES,
Port au Prince, March 25, 1893. (Received April 4.)

SIR: Referring to the previous correspondence concerning the case of Frederick Mevs, the American who was illegally confined in a Haitian prison for twenty days and at the end of that period liberated for want of a case against him, I hereby beg to be instructed. Since the return of Mr. Haentjens, Haitian minister plenipotentiary to Washington, the Government seems to take a new view of the matter.

This morning I called on Mr. Marcelin, the minister for finance, now acting minister for foreign affairs, and learned that the Government has decided to do nothing at present.

I have, etc.,

JOHN S. DURHAM.

Mr. Gresham to Mr. Durham.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 5, 1893.

DURHAM,

Minister, Port au Prince:

Urge fulfillment in good faith of settlement offered and accepted in Mevs's case.

GRESHAM.

Mr. Gresham to Mr. Durham.

[Extract.]

No. 114.]

DEPARTMENT OF STATE,
Washington, April 6, 1893.

SIR: I have received your No. 184, of the 25th ultimo, asking further instructions in the case of Frederick Mevs against the Government of Haiti.

This case comes to me as one settled by a friendly and honorable agreement. Any appearance now of a disposition on the part of Haiti to evade the obligation so assumed could not fail to have a prejudicial effect.

You will endeavor to remove from the mind of the minister for foreign affairs any misconception in this regard.

I am, etc.,

W. Q. GRESHAM.

Mr. Durham to Mr. Gresham.

No. 192.]

LEGATION OF THE UNITED STATES,
Port au Prince, April 8, 1893. (Received April 15.)

SIR: I have to acknowledge the receipt of your telegram of the 5th instant, instructing me to urge the fulfillment of the Mevs settlement, and to confirm my own of yesterday, asking whether I should accept Haitian paper as offered by the Haitian minister for foreign affairs.

I inclose copies of the correspondence exchanged this week. Inclosure No. 1 is my note to the acting minister stating that this legation considers the matter as closed and asking when I might look forward to the carrying out of the agreement.

On receiving this the acting minister called on me. He offered me \$5,000, gold. I replied that the arrangement had been made for \$6,000, and that the Government had accepted the arrangement. I told him that I would expose myself to the Department's displeasure should I accept any reduction. He replied that he would not so expose me and that he would telegraph to the President of Haiti for instructions.

Yesterday I received his note, which I inclose with translation, in which he refers to the matter as closed at 6,000 gourdes, a reduction of 13 per cent, yesterday, with exchange very uncertain. It seemed such small business that I decided not to dicker with him. The written promise to pay was in our possession, and I replied in a note, of which I inclose a copy, asking him to permit me to receive your instructions before formally accepting the modification which his Government had made.

I have, etc.,

JOHN S. DURHAM.

[Inclosure 1 in No. 192]

Mr. Durham to Mr. Marcelin.

LEGATION OF THE UNITED STATES,
Port au Prince, Haiti, April 3, 1893.

SIR: I am instructed by my last advices from my Government to urge upon your attention the case of Mr. Mevs, and to press for a definite termination of the affair. This legation has for some time past regarded the matter as closed in an amicable

way, and the Government of the United States has accepted the settlement. I beg you to give it your early attention, and to advise me when I may look forward to a formal termination.

Accept, etc.,

JOHN S. DURHAM.

[Inclosure 2 in No. 192—Translation.]

Mr. Marcelin to Mr. Durham.

MINISTRY FOR FOREIGN AFFAIRS,
Port au Prince, April 7, 1893.

MR. MINISTER: I have the honor to receive the dispatch which you addressed to me the 3d of this month to let me know the latest instructions transmitted to you by your Government relative to the question of Mr. Mevs.

You have had the goodness to let me know equally that your legation has for some time regarded this affair as having been closed in an amicable manner and that the Government of the United States had accepted the settlement reached before the departure of the President of Haiti between your legation and the department of foreign relations.

I shall be obliged to you, Mr. Minister, to be pleased to make known to your Government our entire acquiescence in the proposition which you have made to settle this affair through the amicable means of an indemnity of 6,000 gourdes to the account of Mr. Mevs, which value the department of foreign relations holds from now at the disposition of your legation.

Permit me on this occasion to express to you in the name of my Government the satisfaction which we experience to see terminate amicably the definite settlement of this question, and I will appreciate your being the interpreter to his excellency President Cleveland to renew to him the sincere sentiments of esteem of friendship and of sympathy with which we are animated toward the American nation.

Be good enough to witness to him how much value we attach to the conservation of the good understanding which exists between the Government of the United States of America and that of Haiti.

Accept, etc.,

F. MARCELIN.

[Inclosure No. 3 in No. 192.]

Mr. Durham to Mr. Marcelin.

LEGATION OF THE UNITED STATES,
Port au Prince, April 7, 1893.

SIR: I have to acknowledge the receipt of your note No. 167 of to-day, in which you express the perfect accord of your Government to a settlement of the Mevs case for 6,000 gourdes, and you inform me that that sum is at the disposal of this legation for Mr. Mevs's account.

I note also with most cordial appreciation your expression of most friendly sentiments toward the United States.

It will give me great pleasure to repeat your words to the Department at Washington for transmission to the President of the United States.

I regret to say, however, that the previous arrangement for \$6,000 having been accepted by the Government of the United States, I do not feel that I have any longer the discretionary power to accept such a material modification as your department now makes in offering 6,000 gourdes. I trust that you will quite understand that I simply do my duty in asking you to permit me to ask for instructions on that point before accepting your modification.

Accept, etc.,

JOHN S. DURHAM.

Mr. Durham to Mr. Gresham.

No. 194.]

LEGATION OF THE UNITED STATES,
Port au Prince, April 12, 1893. (Received April 29.)

SIR: I have to inform you that the Mevs case was definitely closed to-day by the payment of \$6,000, United States currency, to this legation.

I inclose a copy of my receipt to the Haitian Government and also a certified receipt from Mr. Mevs, as required by the instruction contained in your No. 110 of the 21st ultimo.

I have, etc.,

JOHN S. DURHAM.

[Inclosure 1 in No. 194.]

LEGATION OF THE UNITED STATES,
Port au Prince, April 12, 1893.

Received of the secretary of state for foreign relations of Haiti the sum of \$6,000 currency of the United States, in final settlement and full indemnification of the claim presented by the legation of the United States at Port au Prince in favor of Frederick Mevs, a citizen of the United States.

JOHN S. DURHAM.

[Inclosure 2 in No. 194.]

LEGATION OF THE UNITED STATES,
Port au Prince, April 12, 1893.

I have received from John S. Durham, minister-resident and consul-general of the United States, the sum of \$6,000 currency of the United States in full for the indemnity paid to the legation for my account by the Government of Haiti.

FREDERICK MEVS.

CONSULATE GENERAL OF THE UNITED STATES,
Port au Prince, April 12, 1893.

I, Alexander Battiste, deputy consul of the United States at Port au Prince, do hereby certify that the signature above written is the true and genuine signature of Frederick Mevs, made and acknowledged in my presence, and that the said Frederick Mevs is personally known to me.

In witness thereof, I have hereunto set my hand and affixed the seal of this consulate general this day and year next above written, and of the independence of the United States the one hundred and seventeenth.

[SEAL.]

ALEXANDER BATTISTE,
Deputy Consul of the United States.

Mr. Quincy to Mr. Durham.

[Extract.]

No. 119.]

DEPARTMENT OF STATE,
Washington, May 1, 1893.

SIR: I have read with gratification your No. 194 of April 12 reporting the settlement of the Mevs case by a payment from the Haitian Government of \$6,000 United States currency to your legation, which you have paid to Mr. Mevs.

I am, etc.,

JOSIAH QUINCY,
Acting Secretary.

HAWAII.*

*The correspondence respecting the affairs in Hawaii will be found in Senate Ex. Docs. 13, 46, 57, 65, 77; House Ex. Docs. 47, 48, 70, 76, 79, 95, 112, 140; Senate Report 227 and House Report 243, parts 1 and 2, Fifty-third Congress, second session.

JAPAN.

Mr. Coombs to Mr. Foster.

No. 34.]

LEGATION OF THE UNITED STATES,
Tokio, Japan, August 25, 1892. (Received September 22.)

SIR: I have the honor to inclose herewith the report of the governor of Tokusima Ken upon the wreck of the American merchant vessel *North American* upon the coast of that prefecture, and, also, copy of correspondence with His Imperial Japanese Majesty's minister for foreign affairs relative to the matter. From other sources it appears that the villagers who rendered such timely assistance to the crew of the ill-fated vessel are fishermen in the most indigent circumstances. The place where the vessel struck must be a terrible one when the waves are running high. The shore is precipitous; in places are overhanging cliffs undermined by the surf. The vessel struck upon a large mass of rocks about 50 yards out from a place of this kind, and it was with the utmost difficulty and at great peril to themselves that the villagers succeeded in securing the line let out from the ship, and afterwards in getting the crew up the face of the cliff.

I am informed by Mr. George N. Armstrong, first officer of the *North American*, that men were let down by ropes from a point 100 feet above the sea to assist the exhausted crew through the surf. After their rescue they were treated with the utmost kindness, the natives vying with each other in parting with their small household treasures and comforts to relieve the sufferings of the strangers whom they had saved from death.

The evidence of the rescue, as given by the officers of the wrecked vessel, is a story of courage and humanity rarely, if ever, surpassed.

Should Congress see fit to testify the appreciation of the people of the United States for the heroic conduct displayed by these poor people it would be a graceful and well deserved recognition.

I would recommend that such testimonial be in the substantial form of money so as to enable them to purchase fishing boats, nets, and other fishing gear, and such things as will assist them in the pursuit of an occupation which to them is life and sustenance.

I have, etc.,

FRANK L. COOMBS

[Inclosure 1 in No. 34.]

Mr. Kurino Shinichiro to Mr. Dun.

FOREIGN OFFICE, TOKIO, *August 1, 1892.*

SIR: Referring to the intimation which I have already had the honor to make to you with reference to the wreck of the merchant vessel *North American*, owned by

the American firm of Waitock (Reimers & Co. †), which was wrecked within the jurisdiction of Tokushima Ken, I now beg to inclose for your information a copy of the detailed report made by the governor of Tokushima Ken.

KURINŌ SCHINICHIRO,
Chief of the Political Bureau,

His Imperial Japanese Majesty's Department for Foreign Affairs.

Report concerning the wreck of a foreign vessel.

Having investigated the circumstances in connection with the wreck, in a gale of wind and rain on the 23d instant, of the merchant vessel *North American*, Capt. B. C. Creelman and crew of 23 persons, belonging to the American firm of Waitock (Reimers & Co. †), of the port of Kobe, I beg to inform you that on the 21st instant at 11 o'clock p. m., the above-named vessel left the port of Kobe for New York direct, laying her course for Hi-No-Ha-Na (Cape Hi) of the province of Kii. While proceeding on the voyage a storm of rain and wind arose about 5 p. m. on the 22d instant, and at 6 o'clock the vessel rounded the Cape of Hi-No-Ha-Na, 60 or 70 nautical miles out, when the sails were torn by the wind and the vessel was left at the mercy of the wind and the waves.

While thus drifting, on the 23d at about 7 a. m. they approached land which was the shore of Oza Shiwagi-Ura-Mura, Township of *Mikita Mura*, County Kaibu, in this Ken. At about 9 o'clock on the same day the vessel drifted upon the rocks of Daiga-Ura beach on the same shore, while the bottom of the vessel by reason of the violent wind and high waves was turned over to one side. The cook, a Chinaman, named Abau, while hastening along the upper deck was caught by a high wave and carried off. The remainder of the crew climbed the masts. Upon this cries were made for assistance. The middle one of the masts, however, was suddenly broken off by the force of the wind and the waves, and those who had climbed this mast were forced to seek refuge upon the other masts, fore and aft. And while they were ascending these masts they were observed by the people of the above-named village, but owing to the violence of the storm it was impossible to get near the wrecked vessel, fortunately a rope was let out from the ship which was reached by a pole from the shore and made fast to the root of a tree, while on board the vessel the other end of the rope was made fast to the mast. By means of the rope the crew, one at a time, were drawn ashore, although among them there were some who had received injuries. The ship itself, it is said, no sooner than the men got ashore, immediately went to pieces, and whatever of the ships' cargo that came ashore was taken care of by the head-man and the police officials of the village. This cargo consists chiefly of tea, rags etc.

As the locality is a very inconvenient one, situated over 30 miles from the Kencho and connected by a difficult mountain road which, in ordinary times it takes a messenger a whole day to travel over, and as the unprecedented violent wind and rain storm [on] the 23d instant, together with the continual flood in all quarters, rendering the road difficult the first messenger dispatched by the head-man of the country and chief of police on the morning of the 24th, did not arrive at the Kencho until the evening of the 25th at 11 o'clock, and the second messenger dispatched by the same officials did not arrive at the Kencho until the morning of the 26th. It was, therefore not until 11 o'clock last night that the circumstances of the shipwreck were known at the Kencho, from whence, without delay, an attaché was at once dispatched to the place and to-day another official has set out. In accordance with the departmental order B, No. 45 of September, 1881, of the treaty with the Government of the United States for the return of expenses of shipwrecked sailors, a full protection was accorded and suitable clothing, food, etc., were provided and an urgent message was dispatched to the governor of Hiogo Ken in order that the company at the port of Kobe might be informed of the matter, and also to learn from them if there was any preparation made to send a vessel out to the wreck.

I inclose herewith a list of names of the captain and crew.

I have the honor to communicate the above without delay.

SEKI YOSHIOMI,
Governor of Tokushima Ken.

Viscount ENOMOTTO TAKEAKI,
Minister for Foreign Affairs.

JULY 26, 1892.

List of officers and crew of the North American.

Capt. B. C. Creelman, American; First Officer, George N. Armstrong, American; Second Officer, F. Fitzgerald, American; Boatswain, Frank Harris, American; sea-

men, Fred Phillips, English; J. Lasson and James O'Neil, Americans; Harry Luno, Denmark; John Johnson, Norway; Alexander, Russian; Fred Brown, American; Charles Arthur, German; Harry Hangson, Denmark; Manuel Nelson, Swede; seven Japanese: Ishii Esaku, Matsushima Torasaburo, Hirahara Rinkichi, Okada Seshiro, Yamamoto Katsuji, Murakami Kurataro, and Horita Hachiro, Cook, Abau (Bankok, Siam), drowned.

NOTE.—It is stated that the Chinese cook is on the register as a Siamese subject.

[Inclosure 2 in No. 34.]

Mr. Coombs to Mr. Mutsu Munemitsu.

LEGATION OF THE UNITED STATES,
Tokio, August 10, 1892.

SIR: Having received through Mr. Kurino Shinichiro, chief of the political bureau of His Imperial Japanese Majesty's foreign office, a copy of the report of the prefect of Tokushima Ken, to His Imperial Japanese Majesty's minister for foreign affairs, relative to the wreck of the American merchant vessel *North American* on the coast of Tokushima Ken, at Daiga-Ura beach and the rescue of the crew of the ill-fated vessel from imminent peril by the people of the village in the neighborhood, and, also, relating the steps taken by the local authorities of Tokushima Ken for the relief of the unfortunate men and the salvage of the cargo which drifted ashore from the wrecked vessel, I beg to express to your excellency, on behalf of my Government, my sincere thanks for the action, on this occasion, of the local authorities of Tokushima Ken, and my high appreciation of the kindness and courage of the Japanese people, who, by their humane and timely assistance, rendered at great personal risk to themselves, were the means of saving the lives of my unfortunate countrymen.

I have the honor to request that your excellency will convey to the governor of Tokushima Ken, and through him to the local authorities and to the people of the locality where the vessel was wrecked, this expression of my gratitude for their kindness and appreciation of their courage.

I will convey to my Government an account of this matter, together with a copy of the report of the governor of Tokushima Ken.

I avail, etc.,

FRANK L. COOMBS.

[Inclosure 3 in No. 34—Translation.]

Mr. Mutsu Munemitsu to Mr. Coombs.

DEPARTMENT OF FOREIGN AFFAIRS,
Tokio, the 18th day, the 8th month, the 25th year of Meiji (August 18, 1892).

SIR: I have had the honor to receive your excellency's note of the 10th instant, requesting me to convey your thanks to the local authorities concerned and the people who rendered assistance in rescuing the crew of the American merchant vessel *North American* on the occasion of its wreck near the coast of Shiwaki-ura, Tokushima prefecture. In compliance with your request, I have at once taken the steps to convey the expression of your thanks.

I avail, etc.,

MUTSU MUNEMITSU,
Minister for Foreign Affairs.

Mr. Foster to Mr. Coombs.

No. 32.]

DEPARTMENT OF STATE,
Washington, September, 27, 1892.

SIR: I have to acknowledge the receipt of your dispatch, No. 34, of August 25, 1892. It gives the particulars of the wreck of the merchant vessel *North American* on the 23d of July last off the coast of

Japan, and of the heroic and humane conduct of certain villagers under the jurisdiction of the Governor of Tokushima Ken. I have perused your dispatch with care, and, by the President's direction, you are authorized to draw upon the Secretary of State for the sum of \$350 as a gift to those people in recognition of their noble and praiseworthy conduct. In this connection I note your recommendation that it would be well should the testimonial be in the substantial form of money. It might be expended to enable those villagers to purchase fishing boats, nets, and other fishing gear, and such things as will assist them in the pursuit of an occupation which, to them, is life and sustenance.

I have no desire to indicate how the money shall be distributed or used, but in sending it to the Japanese Government you may say that the Government of the United States would be glad to know that it had been applied, provided no better course suggests itself to the Japanese Government, in the manner indicated. You may also ask of the Japanese Government the names of the villagers most conspicuous in this noble and perilous rescue to the end that a silver medal, suitably engraved, may be presented to each.

Cordially approving your note of thanks upon this subject, I am, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Coombs.

No. 44.]

DEPARTMENT OF STATE,
Washington, November 9, 1892.

SIR: In connection with the Department's instruction No. 32, of September 27, 1892, I inclose for your information, and to complete the record of the case, a copy of a letter of the 4th instant, from Messrs. Henry Hastings & Co., of Boston, with its accompaniment, in relation to the wreck of the ship *North American*, and the high regard in which they hold the acts of the brave and generous Japanese rescuers.

I have explained to Messrs. Hastings & Co. the nature of your dispatch upon the subject and of the action of the Department in placing to your credit the sum of \$350, to be handed to the Japanese Government for the benefit of the villagers, and of the further desire of the President to present to those of the villagers most conspicuous in the noble and perilous rescue, when their names shall have been obtained, a silver medal suitably engraved.

I am, etc.,

JOHN W. FOSTER.

[Inclosure in No. 44.]

Henry Hastings & Co. to Mr. Foster.

BOSTON, November 4, 1892. (Received November 5.)

DEAR SIR: Having had submitted to us a copy of letter written to your honor by the consul of the United States at Hiogo, under date of August 5, ultimo, we take much pleasure in realizing that the consul at Hiogo should have written to our Government regarding the treatment of the natives towards the crew of our ship *North American*, which was wrecked on the coast of Japan July 23 last. The commander of the ship, Capt. Benjamin C. Creelman, has returned home, and says that had it not been for the assistance of the natives not one life would have been saved out of twenty-four, and further states that when on land, and safe from the perils of the sea, all the crew were provided with clothes and food. We take pleasure in inclos-

ing a letter from Capt. Creelman for your perusal, and would urgently suggest that some steps be taken to prove to those natives who gave such timely assistance, by a suitable contribution from our Government, so that [they] may have boats and fish nets replaced to them which they lost during the gales that swept over their part of the country.

Capt. Creelman has been in our employ some thirty years, and he says he never saw such true and manly treatment from any race before, and all done without asking a penny.

Hoping this matter may receive prompt and proper consideration from our Government, ever willing to reward good deeds, we are, etc.,

HENRY HASTINGS & Co.

[Inclosure.]

Capt. Creelman to Mr. Hastings.

BEVERLY, MASS., November 1, 1892.

DEAR SIR: In regard to the loss of your ship, *North American*, under my command, on the coast of Japan, July 23, 1892, it gives me great pleasure to say that the natives tendered us every assistance in their power in saving our lives, and in fact not a soul would have been saved but for the assistance received from them. After we were all on shore they did everything that it was possible for them to do, to make us comfortable, and assisted us to get back to Kobe. As soon as the government officials of the province got the news of the wreck they sent different kinds of European provisions, which had to be carried for miles on men's backs, the roads and bridges being all washed away. After the weather moderated they went to work at my request, and saved all the cargo they could, not knowing whether they would be paid for their services or not, as none of them could speak or understand a word of English, and I don't think that a particle of the cargo was stolen. I think that our Government should reward them liberally, and would respectfully suggest that they don't want gold watches, medals, nor anything of that kind, but hard cash, to assist them in replacing their boats, nets, etc., that they have lost in the terrible storms they have had on their coast this season. Their treatment of us was so different from that received by the people on the *Roumania* lately lost in the Bay of Biscay, that they should not only be rewarded, but it should be made known to the whole civilized world.

Very respectfully, yours,

B. C. CREELMAN,
Master of the late ship *North American*.

Mr. Coombs to Mr. Foster.

No. 58.] LEGATION OF THE UNITED STATES,
Tokio, Japan, November 26, 1892. (Received December 19.)

SIR: I have the honor to acknowledge the receipt of your instruction No. 32, of date September 27, 1892, authorizing me to draw upon the Secretary of State for the sum of \$350 as a gift to the villagers of Shi-waki-ura, Tokushima prefecture, Japan, who were instrumental in saving the lives of the crew of the ill-fated American vessel *North American*.

I had the honor to transmit such draft to his excellency, Mutsu Munemitsu, His Imperial Japanese Majesty's minister for foreign affairs, with a note to him, No. 20, of date the 16th instant.

I have the honor to inclose herewith copy of the reply of his excellency, to my note which, in itself, forms a complete record to date in the matter.

When the final distribution of the money is made and the names of those villagers most conspicuous in the rescue and entitled to medals are ascertained, I shall transmit the correspondence relative to the same.

I have, etc.,

FRANK L. COOMBS.

[Inclosure in No. 40.—Translation.]

Mr. Mutsu Munemitsu, to Mr. Coombs.

DEPARTMENT OF FOREIGN AFFAIRS,

Tokio, the 22d day, the 11th month, the 25th year of Meiji (November 22, 1892).

SIR: I have the honor to acknowledge the receipt of your excellency's note No. 18, of the 7th instant, wherein you are good enough to communicate to me a copy of instruction No. 32, from the honorable Secretary of State of the United States, dated the 27th September last, in regard to the distribution of \$350 among the villagers of Shiwaki-ura, Tokushima prefecture, in recognition of their services in rescuing the crew of the ill-fated American merchant vessel *North American*, and also the receipt of your note No. 20, of the 16th instant, inclosing a draft for \$350 in United States gold coin.

In conveying to the governor of Tokushima prefecture the purport of your note of the 7th instant, I have directed him to determine, in consultation with the chief of the village of Shiwaki-ura, and the villagers concerned in the rescue, the mode of applying the money granted by the United States Government for such purpose as may be deemed most beneficial to the villagers.

Having also instructed the governor of Tokushima prefecture to report to me the names of those villagers most conspicuous for their services on the occasion, I will communicate to you the desired information as soon as it is received from the governor.

I avail, etc.,

MUTSU MUNEMITSU,
Minister of Foreign Affairs.

Mr. Coombs to Mr. Foster.

No. 62.]

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 17, 1892. (Received January 14.)

SIR: I have the honor to inclose herewith copies of receipts, one from the "Chartered Bank of India, Australia, and China," showing the proceeds in yen of my draft on the Secretary of State for \$350 United States gold, in behalf of the rescuers of the wrecked vessel *North American*, and the other from the governor of Tokushima Ken for my personal check for yen 520.45, being the amount of proceeds of said draft. The draft had originally been drawn in favor of His Imperial Japanese Majesty's minister for foreign affairs, and had been indorsed by him and made payable to the governor of Tokushima Ken. The governor seemed to be in doubt as to the amount in exchange which he could get and asked my assistance. I forwarded the draft to the bank, with the result shown by the inclosed copy of their receipt.

The money is to go toward the purchase of bonds in Tokushima Ken, which are supposed to be worth a yearly interest of about 90 yen. This will be devoted to the purchasing of fishing nets and such things as will assist the villagers in the pursuit of their occupation.

I explained to the governor that the United States would always be interested in hearing of the disposition of this fund in a manner most beneficial to those people. I was promised by the governor a copy of his report to His Imperial Japanese Majesty's minister for foreign affairs giving an account of the investment of this money. When received I shall have the honor of transmitting copy of this report to you.

I have, etc.

FRANK L. COOMBS.

[Inclosure 1 in No. 62.]

Mr. Coombs to Mr. Coombs.

MEMORANDUM.

CHARTERED BANK OF INDIA, AUSTRALIA, AND CHINA,
Yokohama, December 13, 1892.

DEAR SIR: We are in receipt of your letter of this date inclosing draft for \$350, proceeds of which, at 67 $\frac{1}{2}$, \$520.45, which we have credited to your account.

Yours, etc.,

ED. COUTTS, *Agent.*

[Inclosure 2 in No. 62.]

LEGATION OF THE UNITED STATES,
Tokyo December 15, 1892.

Received from Frank L. Coombs, United States minister, check on the "One Hundred and Nineteenth National Bank" at Tokyo, Japan, for 520.45 yen, being the full proceeds in exchange for draft on the Secretary of State of the United States, indorsed to me by Mutsu Munemitsu, His Imperial Japanese Majesty's minister for foreign affairs, for the sum of \$350, gold coin of the United States.

Yen 520.45.

YOSHIOMI SEKI,
*Governor of Tokushima Ken.**Mr. Coombs to Mr. Foster.*No. 70.] LEGATION OF THE UNITED STATES,
Tokyo, Japan, December 27, 1892. (Received January 18, 1893.)

SIR: I have the honor to inclose herewith final correspondence pertaining to the rescue of the crew of the merchant vessel *North American*, showing the disposition of the money and the names of those persons ascertained to have been most conspicuous for their services in the rescue.

Considering the wise manner of investing the gift and the friendly motive evidenced by making it an enduring monument to the recognition and appreciation of the people of the United States, I have the honor to suggest that should Congress appropriate a sum to be added to this it would more substantially contribute to the future welfare of these people, as well as to carry out their motives, and more permanently serve as an incentive in the future for the Japanese along the coast, and especially during that part of the season when frequent and violent storms render navigation hazardous, to aid those American seamen who by chance are driven upon these shores.

I have, etc.,

FRANK L. COOMBS.

[Inclosure 1 in No. 70—Translation.]

*Mr. Mutsu Munemitsu to Mr. Coombs.*DEPARTMENT FOR FOREIGN AFFAIRS,
Tokyo, the 25d day, the 12th month, the 25th year of Meiji (December 23, 1892).

SIR: In my note of November 22 last I had the honor to acquaint your excellency with the action taken, with a view to determine the mode of applying the money granted by the United States Government to the villagers of Shiwaki-ura, Tokushima prefecture in recognition of their services in rescuing the crew of the American

vessel *North American*, which was wrecked in July last, and also to ascertain the names of those villagers most conspicuous for their services on that occasion.

I am now in receipt of a report from the governor of Tokushima Prefecture to the effect that, having held a consultation in accordance with my instructions with the chief of the village and the villagers concerned in the rescue as to the mode of applying the money, they submitted the proposal, as shown in the report, copy of which is inclosed, that the money, instead of being distributed among the villagers concerned, should be preserved and invested as a fund to purchase fishing boats and implements for all the villagers, in order to perpetuate the good will shown by the United States Government, and that the governor approved this proposal and directed the necessary steps to be taken in carrying it out.

The inclosed report also contains the full particulars as to those most conspicuous for the services rendered in connection with the rescue.

In communicating to your excellency the above information I beg to express, on behalf of the Imperial Government and the persons concerned the most sincere thanks for the good will manifested by the United States Government, and to request that you will convey to your Government the expression of the thanks.

I avail, etc.,

MUTSU MUNEMITSU,
Minister for Foreign Affairs.

[Inclosure 2 in No. 70—Translation.]

Report on the mode of applying the money granted for the rescue of the crew of the wrecked American vessel, and a list of the persons most conspicuous for their services on the occasion.

His Excellency SEKI YOSHIOMI,
Governor of Tokushima Prefecture:

SIR: Having consulted with the chief of the village of Shiwaki-ura, commune of Nikita, in this district, in accordance with your instruction No. 1456, relative to the inquiry into the mode of distributing among the villagers the sum of \$350 in United States gold coin, granted through the United States minister in Japan in recognition of their services in rescuing the crew of the *North American*, an American merchant vessel which drifted to the coast of the said village, we beg to state that in regard to the mode of applying the money it is proposed, as shown in the annexed document, to enter into an agreement making the money a common property of the village of Shiwakiura.

The annexed document also gives information as to the persons most conspicuous for their services.

We are, your most obedient servants,

MATSUOKA HITSUJU,
Chief of Unbe District, Tokushima Prefecture.
TAKATA NAOYE,
Police Inspector, Chief of the Unbe Police Station.

The 6th day, the 12th month, the 25th year of Meiji—December 6, 1892.

Mode of applying the money granted in recognition of services.

While it may appear proper that the money granted by the U. S. Government should be distributed among the persons concerned in the rescue to assist them in the purchase of fishing boats or implements, or other necessary articles for their individual occupations, it would be a matter of regret that in that case the good will of the U. S. Government will be remembered no longer than these implements and articles continue in use, and, therefore, it is desirable that the money, instead of being distributed among the persons concerned should be preserved and invested as a fund for the purchase of fishing boats and implements for the villagers of Shiwaki-ura in general, so as to perpetuate the memory of the good will of the U. S. Government, and that the fund should be under the control of the chief of the village in order to prevent its misapplication.

Persons most conspicuous for their services in the rescue:

Matsuda Masutaro Heimiu, of the village of Shiwakiura, commune of Mikita, Unbe district; Matsuda Kankichi, do.; Hamamoto Kanetaro, do.

When the wrecked vessel in drifting to the coast of Shiwaki-ura could not reach the shore on account of its bottom touching a sunken rock, a plank fastened to a

rope was thrown from the vessel in the direction of the shore, but the violent waves, breaking against the rocks, failed to carry the rope to the shore, and at this juncture the 3 men above named jumped into the sea, at peril of their own lives, and took hold of the rope. This was the first and most effectual action in carrying out the work of rescuing the lives of 22 men.

Taniwaki Isokichi and Oshikami Matsuzo, from the same village as the foregoing.

These men, at the risk of their own lives, rescued a man named Hota Hachiku, who fell into the sea while pulling the rope in landing the crew of the vessel, and was in imminent danger of being drowned, owing to the violence of the waves.

Yoshida Shimajiro and Matsumoto Zenzaburo, from the same village as the foregoing.

These 2 men, who first observed the wreck, reported the fact to an official of the village, and also brought it to the notice of the villagers, and they were the first to appear at the place of the accident, where they spared no effort in rescuing the crew.

Murakami Shimpei, chief of the village of Mikita; Miyawaki Toyotaro, clerk of the village office.

On the receipt of the report above referred to Miyawaki Toyotaro at once conveyed the information to the chief of the village, and then went to the place of the accident, where he exerted himself in directing the action of the men engaged in the rescue of the crew. Murakami Shimpei, on receipt of the clerk's report, went at once to the place of the accident and took part in the rescue of the crew by directing and supervising the action of the clerk and villagers. He supplied the survivors with clothes and food, and otherwise used every attention, which gave them a great satisfaction.

[Inclosure 3 in No. 70.]

Mr. Coombs to Mr. Mutsu Munemitsu.

LEGATION OF THE UNITED STATES,
Tokio, December 23, 1892.

SIR: I have the honor to acknowledge the receipt of your excellency's note No. 46, of date the 23d instant, transmitting a communication from the governor of Tokushima Prefecture and his report showing the disposition of the gift of the United States to the rescuers of the crew of the merchant vessel *North American* and containing the names of those persons most conspicuous in the rescue. It affords me much pleasure in noting the manner of the investment of the money given by the United States and of the motive in having it made a perpetuity in order that it shall remain as an evidence of the gratitude of my Government toward those who had been instrumental in saving the lives and protecting the property of American citizens.

The Government of the United States will always feel an interest in seeing this fund devoted to a purpose which will insure the most good to the beneficiaries and the manner of its distribution will, undoubtedly, meet with the appreciation of the people of the United States.

I have the honor to request of your excellency that these expressions of appreciation be conveyed to the governor of Tokushima Prefecture and, through him, to the local authorities and people of Shiwakiura.

I avail, etc.,

FRANK L. COOMBS.

Mr. Coombs to Mr. Foster.

No. 81.]

LEGATION OF THE UNITED STATES,
Tokio, Japan, January 20, 1893. (Received February 23.)

SIR: I have the honor to inclose herewith copy of a note of date the 19th instant from his excellency Mutsu Munemitsu, His Imperial Japanese Majesty's minister for foreign affairs, and of its two accompaniments, relative to the receipt and disposition by the villagers of Shiwaki-ura of the gift of \$350 from the Government of the United States, in recognition of their services in connection with the rescue of the crew of the American merchant vessel *North American*.

I have, etc.,

FRANK L. COOMBS.

[Inclosure 1 in No. 81.]

Mr. Mutsu Munemitsu to Mr. Coombs.

DEPARTMENT FOR FOREIGN AFFAIRS,
Tokio, the 19th day, the 1st month, the 26th year of Meiji (January 19, 1893).

SIR: I have had the honor to receive your excellency's note No. 29 of the 28th December last, expressing satisfaction at the manner in which the villagers of Shiwaki-ura, Tokushima Prefecture, propose to dispose of the money granted by the Government of the United States in recognition of their services in rescuing the crew of the vessel *North American*.

In acquainting your excellency that I have lost no time in complying with your request to convey the expression of your appreciation to the governor of Tokushima Prefecture, and through him to the local authorities and people of Shiwaki-ura, I beg leave to transmit to you a receipt for the money and a declaration accepting the proposed mode of its disposition, which have been produced by the villagers to the governor and forwarded to me by the latter.

I avail myself, etc.,

MUTSU MUNEMITSU,
Minister for Foreign Affairs.

[Inclosure 2 in No. 81.—Translation.]

CERTIFICATE.

\$350 United States gold.

Being the sum of yen 520.03 in Japanese money donated by the American Government as a gift to the villagers of this village, who gave assistance in rescuing the officers and crew of the American merchant vessel *North American*, which was wrecked in July of this year.

The above amount has been received.

December 29, 1892.

Signed on behalf of the villagers of Owaza-Shiwaki-ura-mura, township of Mikitamura, county of Kaibu.

Haruki Chujiro,
 Yamashita Sojiro,
 Hamano Isekichi,
 Wakamatsu Shotaro,
 Matsuda Choshichi,
 Hirai Torakichi,
 Okumura Bunsaku,
 Bando Tokutaro,
 Hashimoto Tokutaro,
 Yoshino Tsurekichi,
 Hamano Umekichi,
 Wakagi Kantaro,
 Taga Yasuzo,
 Konda Shigimatsu,
 Kanei Seizaburo,
 Itsumoto Kosaburo,
 Sato Ichitaro,
 Miyazaki Ezaburo,
 Kusumoto Bunjiro.

To the Hon. SEKI YOSHIOMI,
Governor of Tokushima Prefecture.

[Inclosure 3 in No. 81.—Translation.]

\$350 United States gold equivalent to yen, 520.03 Japanese money.

The above sum being the amount received as a gift from the American Government to be distributed among those of this village who rendered assistance in July last in the rescue of the officers and crew of the American merchant vessel *North*

American and in pursuance of the benevolent desire of the American Government to be expended in the purchase of fishing boats, fishing implements, and other necessary implements used in their respective vocations, we feel that so long as these implements lasted this kindness would be kept in mind, but in order that we may not have cause to regret seeing the evidence of this great kindness pass away from our sight, we desire that the said sum may not be distributed to individuals, but may be invested as a common fund from the interest of which fishing boats and implements for the whole village of Shiwaki-Ura may be purchased, and thus perpetuate the memory of this benevolent act of the American Government.

We hereby have the honor to present this our consent in writing to the manner mutually fixed upon as to the disposal of the aforesaid money.

December 29, 1892.

Signed on behalf of the villagers of Owaza-Shiwaki-ura, township of Kikitamura, county of Kaibu, by Naaruki Chujiro and eighteen others, whose names appear in the accompanying certificate.

To the Hon. SEKI YOSHIOMI,
Governor of Tokushima Prefecture.

Mr. Coombs to Mr. Gresham.

No. 98.]

LEGATION OF THE UNITED STATES,
Tokio, Japan, March 21, 1893. (Received April 22.)

SIR: I have the honor to submit to you my decision in the matter of the application of Alexander Powers and Basil Powers for citizens' passports. As will be seen, I have issued a passport to Philip H. Powers, the father of Alexander and Basil, and the same includes his minor son Basil and two other minor children.

Whether my conclusions are correct or not, I have pursued the investigation into the facts as thoroughly as possible and have faithfully considered the law in order to arrive at a just conclusion. I must admit that the position of the minor child, Basil, has impressed me with doubts; yet under the rule such doubts would warrant me in refusing his application pending your instruction. It may be impossible to convey to you accurately all of the facts outside of the record, by which I am privileged to measure the motives of the applicants and upon which I am called to apply the rule of discretion as laid down in the many instructions from the Department of State.

I herewith inclose, as a record in the case, copies of certain papers, and I have the honor to refer you to them as containing the facts. Mr. John Walsh, of the firm of Walsh, Hall & Co., of Yokohama and Kobe, and at one time U. S. consul at Nagasaki, Japan, an American highly esteemed in this country, acting upon a letter (inclosure 5) from Philip H. Powers, called upon me with reference to the matter. I mention this fact for the reason that in my discussion of the question I often draw conclusions of facts which, perhaps, might not be warranted by the records, but which, to my mind, are clearly inferential from his conversation with me.

It may be well to consider the law of Russia, as it unquestionably has a bearing upon this case. I quote as follows: "Children born of foreigners not Russian subjects; born and educated in Russia, or, if born abroad, yet who have completed their education in a Russian upper or middle school, will be admitted to Russian allegiance, should they desire to do so, within the succeeding year after they shall have obtained their majority." In this connection I have the honor to call your attention to the naturalization law of Russia of 1864, found on p. 1288, Foreign Relations of 1873, subdivision 12. The law, as it appears there, is different from my quotation in that it is made to appear in the

law found in such report that the time of election of citizenship is "a year after they shall have obtained their majority," and, of course, it would follow that at any time subsequent to the expiration of said year their right would remain unimpaired, other requirements having been fulfilled. In order to be certain in the matter I referred this construction to the Russian minister at this court, who informs me that there is a mistake in the translation, as it should appear that the right of election is only during the year immediately following the time of the person obtaining his majority, and if it is not availed of within that time he loses such rights of citizenship as he may have by reason of birth.

Alexander Powers was 21 years of age last August, and he may now take advantage of the same and become a Russian subject. Basil Powers, as will be seen from his application, will be 21 years of age May 3, 1894, and can then and within the year following elect to become a Russian subject by reason of birth.

The importance of the Russian law, as I have thought, consists in the fact that it confers upon them, equally with the law of our own country, rights to be taken advantage of when they arrive at years of responsibility and practically at the same time. Under our law the child of an American citizen born abroad inherits the rights of citizenship from its father. I have, therefore, considered that they, in this case, owe a double allegiance, and that both countries simultaneously require that they should elect between the two.

Conceding that the law of Russia, as given in the Foreign Relations of 1873, is correct, then if they fail to elect the United States, when they are required so to do, it evidences an intention to elect Russia when their ability arises under the law and they are required so to do. But I shall consider these applications under the light of the law as translated at the Russian legation in Tokio, though, perhaps, the distinction as applied to this case is immaterial. It appears apparent that the Powers brothers have a dual capacity as citizens, or, rather, they have a double right to be exercised at option when they become of age. There can be no absolute rule embracing every possible condition, and it must be determined according to the circumstances of each individual case. The position of the father becomes an essential in this consideration and he will be termed an American citizen, giving to his children all the rights that they could inherit under the law. They are in a position where a decisive act must be necessary to avail themselves of the rights of inheritance under the law. In this case they say that "they intend to make their residence in the United States at some future day." This declaration on the part of a person having established his citizenship might be sufficient. This declaration on the part of a person electing between coexisting rights in two countries must be considered under the light of different rules and may be as evidencing a different intention. They say "that their permanent residence is in the United States." This is intended as a conclusion of law and, I think, a wrong one. Their apparent purpose of life, so far as it can be ascertained, points to the selection of a residence, not in the United States, but in the country of their birth; to take up those duties of life and assume such functions as tend most to establish their identity with and fix their prospects in the latter country. Every circumstance of their past and present, every measurable prospect of their future, fixes their domicile in the country of their birth. They go back to Russia not to continue in an old, but to engage in a new enterprise. This argues their intention more strongly than can any formal declaration.

In the case of Rudolph Nejedly, found in Mr. Blaine's No. 110 to Mr.

Grant, the statement of the applicant was that he intended to return to the United States "when circumstances would permit."

It appears to me that the statement of the Powers "at some future day" as expressive of a purpose to select between two nationalities, is as indefinite as Nejedly's, and especially as it is accompanied with the fact that they propose to fix a present residence in a country having an equal claim upon them for a purpose, measured by every standard of life calculated to make that residence permanent. If they owe a double allegiance to Russia and the United States in selecting between the two, they say to Russia "We shall now take up our residence within your domains and engage in business therein," and to America "We shall make our residence with you at some future day," it would appear that, for the ordinary purposes of life, their choice was in favor of Russia, and that their destiny would be cast in the latter country. If it is a matter of double allegiance it must cease sometime. It can only be solved in favor of the United States, after becoming of age, by their actions in such direction. Taking up business in Russia at a time when they are called upon to make an election is an act looking toward the adoption of the latter country. There are certain kinds of business conveying the idea of a temporary interest and a temporary residence in the location selected; but generally it means an identity with the welfare, the progress, and the government of such country.

I recognize that the status of American citizens abroad engaged in mercantile pursuits should be preserved when the same does not do violence to all other considerations. At times such business is immediately connected with the prosperity of his country and the expansion of its commerce, under some circumstances the indefinite avoidance of the obligations of a citizen does not work a forfeiture of his rights. These cases have come within the consideration of the Department but they do not bear upon the present question. In Mr. Blaine's No. 330 to Mr. Phelps, with reference to the application of Mrs. Cadmus for passports for her minor children, he took occasion to say: "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."

It seems that the case of Alexander Powers falls within this rule, and his right to a passport "must be determined independently and upon his own merits." Under such a rule he can not elect American citizenship by the declaration of a future remote intention accompanied by acts taken most strongly against it. Mr. Blaine again observes, in his No. 76 to Mr. Reid, in effect, that passports must be confined to those who at the time they apply for the protection of the Government are its loyal citizens, bearing, in the language of the oath they are required to take, "true faith and allegiance to the same." It can not be said of a man born in Russia, of a Russian mother, educated in Russia, speaking its language fluently, not speaking or understanding English, never having seen America, that he bears "true faith and allegiance," whose intention of settlement is as undefined as the future, and who seeks the territory of his birth for the pursuit of those plans which call for the best energies of his life and forge every bond of interest in such country.

In the concluding language of Mr. Adee, Acting Secretary of State to Mr. Lincoln, p. 461, "Foreign Relations" of 1889, the doctrine is cited that a person with a dual status must elect upon obtaining his ma-

majority. The intention to elect the United States is not only not apparent on the part of Mr. Powers, but is negatived by every circumstance of his life. The same doctrine seems to obtain in the Vignaud case, p. 543, "Foreign Relations" of 1888, and in the case of Straus.

In most of these cases the father was a naturalized citizen, and while there are greater presumptions against a naturalized citizen returning to land of his adoption, yet when the right of citizenship is preserved to the naturalized father the status of the child is controlled by the same rules as in the present case.

On page 12, "Foreign Relations" of 1886, Mr. Bayard observes: "An election in case of a doubtful or dual allegiance must be made upon obtaining majority or shortly afterwards, and must be signified by acts plainly expressive of intention, such as immediate intentions to return to the elected country." The case of Ernest Labrone, p. 304 of the same, seems to be determined on like ground. In the very able review of Mr. Fish, Secretary of State, Wharton, vol. 2, pp. 362 to 367, inclusive, although dealing with a case stronger against the applicant, indicates a policy which would clearly place the applicants beyond the rule which sanctions the issuance of passports.

Without further quotations from the authorities contained in the reports from the Department of State, suffice it to say that while I have found no case exactly parallel yet they are uniform in the construction of the law and, it appears to me, applicable to the case of Alexander Powers. The position of the minor child, Basil Powers, more doubtful and I have come to the conclusion with less satisfaction. As a preliminary it is well to consider the language of Mr. Smithers. He says: "I suggested to the father that he should apply himself for a passport to include his minor son, but he states that the youth is going to Vladivostock to reside while his residence will be at another place."

Under the ordinary rule it would appear that the boy inheriting through his father, the rights of citizenship, was entitled to be protected as such, that such rights should be preserved until he became of age. This is the view I should take of it if his passport had been applied for by his father, as will hereafter appear. I think the passport for a minor is generally upon that assumption. There may be unavoidable circumstances requiring separate passports, but they are not upon the theory of an independent life and distant residence when applied to a person entitled to the rights of citizenship, and by reason of his father's status. His application placed him in a position where it is hardly possible to consider his rights arising from his relation and association with his father, but to consider the question of his established allegiance to the United States by reason of his inheritance and his acts. It is to be observed that he is now applying as a free agent, out of the protection and control of his father, with motives of furthering his own interests in Russia and, as it appears to me from the knowledge I have been able to gain, avowedly with the purpose of making Russia his home and the field of his permanent business aspirations. He is to engage as a clerk under Russian employ. He understands English a little better than his brother, yet hardly enough to be of use to him. He has never been in America and can not be assumed that he has strong and influencing affections for that country. He will be of age in less than fourteen months; and his business ties in Russia if successful, as he must hope and expect they will be, will fix his residence there beyond that time. As far as I am able to conclude, he does not intend to give up those relations, upon

becoming of age, for the purpose of electing the United States as his country. In fact he is not now evidencing those inclinations towards allegiance which the United States expects from those who ask for her protection.

Born upon Russian soil, living within her territory all of his life, having no interests within the United States, never having seen that country, with no strong ties of affection for it, it requires some strong affirmative act showing a fixed purpose for the future, inconsistent with Russian allegiance, in order to create the assumption in favor of electing American citizenship.

It may be true that he desires to become an American citizen. A desire is not always sufficient. Every benefit derived from citizenship has its corresponding obligation. A simple desire should not be permitted to acquire the benefit without satisfying the obligation. I may say that in both cases the primal conditions seem complete, yet the fulfillment thereof is lacking upon which to base their claims for passports, and I shall deny their applications until such time as the Department may properly consider them, and each of them, with reference to the law and the facts. As will be seen (inclosures 6 and 7), I have issued a passport to Philip H. Powers, including his minor son, Basil. This might appear inconsistent with the reasons for refusing his independent application, yet it has appeared to me that the reasons operating against him in the first instance might be properly construed as operating in his favor in the second instance.

While the passports answer for the same purpose, practically, they are granted upon different grounds. The refusing of one and the granting of the other recognizes his dependence and his right only by reason thereof and is for the purpose of preserving that right during his minority. When he comes of age, within fifteen months, or within a reasonable time thereafter, the proper officer, at such time, must hold his rights to cease thereunder and he will be called upon to elect between the United States and Russia.

There appears to me a difference between recognizing him as a citizen of the United States for all purposes and all time in Russia and recognizing his right to become such upon obtaining majority and protecting him until then. It may be that I have made a distinction where a difference does not exist, but, in view of all the facts, it appeared to me proper.

All of the questions contained herein I have the honor to submit to you for instructions.

I have, etc.,

FRANK L. COOMBS.

[Inclosure 1 in No. 98.]

Mr. Smithers to Mr. Coombs.

CONSULATE OF THE UNITED STATES,
Osaka and Hiogo, March 8, 1893.

SIR: I have the honor to inclose herewith the applications of Alexander and Basil Powers for passports. These young men are sons of Philip H. Powers, a citizen of the United States, who holds a citizen's passport granted to him by the legation on May 20, 1892. Mr. Powers has resided for the most part in Russia for thirty years past, where he acted as the agent of Messrs. Walsh, Hall & Co., of this port. His two sons, who now apply for passports, were born in Russia and have never been in the United States. I have made their applications conform to the above facts. I suggested to the father that he should apply himself for a passport to include his

minor son, but he stated that the youth is going to Vladivostock to reside, while his residence will be at another place, and it is necessary for him to have a passport to obtain license to remain in the country.

Fees inclosed.

I have, etc.,

E. J. SMITHERS, *Consul.*

[Inclosure 2 in No. 98.]

NATIVE.

I, Alexander Powers, a native and legal citizen of the United States, hereby apply to the legation of the United States at Tokio for a passport for myself.

I solemnly swear that I was born at Sigil, Kamtchatka, in the Empire of Russia, on or about the 4th day of August, 1871; that my father is a native citizen of the United States; that my permanent residence in the United States is at Waterford, Conn.; that I follow the occupation of clerk, and am now sojourning at Kobe, Japan; that I intend to make my residence in the United States at some future day, with the purpose of residing and performing the duties of citizenship therein, and that I desire the passport for the purpose of business.

ALEXANDER POWERS.

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.

ALEXANDER POWERS.

Consulate of the United States at Hiogo, Japan.

Sworn to before me this 7th day of March, 1893.

E. J. SMITHERS, *Consul.*

Description of applicant.—Age, 21 years; stature, 5 feet, 11½ inches, English; forehead, high; eyes, dark gray; nose, medium; mouth, rather small; chin, small; hair, dark brown; complexion, florid; face, long.

Identification.

KOBE, March 7, 1893.

I hereby certify that I know the above-named Alexander Powers personally, and know him to be a native-born citizen of the United States, and that the facts stated in his affidavit are true to the best of my knowledge and belief.

C. P. HALL, Kobe.

[Inclosure 3 in No. 98.]

NATIVE.

I, Basil Powers, a native and legal citizen of the United States, hereby apply to the legation of the United States at Tokio for a passport for myself.

I solemnly swear that I was born at Sigil, Kamtchatka, in the Empire of Russia, on or about the 3d day of May, 1873; that my father is a native citizen of the United States; that my permanent residence in the United States is at Waterford, Conn.; that I follow the occupation of clerk, and am now temporarily sojourning at Kobe, Japan; that I intend to make my residence in the United States at some future day, with the purpose of residing and performing the duties of citizenship therein, and that I desire the passport for the purpose of business,

BASIL POWERS.

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.

BASIL POWERS.

Consulate of the United States at Hiogo, Japan.

Sworn to before me this 7th day of March, 1893.

E. J. SMITHERS, *Consul.*

Description of applicant.—Age, 19 years; stature, 5 feet 9½ inches; forehead, rather high; eyes, dark; nose, medium; mouth, small; chin, oval; hair, dark brown; complexion, florid; face, medium.

Identification.

KOBE, *March 7, 1893.*

I hereby certify that I know the above-named Basil Powers personally, and know him to be a native-born citizen of the United States, and that the facts stated in his affidavit are true to the best of my knowledge and belief.

C. P. HALL, Kobe.

[Inclosure 4 in No. 98.]

Mr. Powers to Mr. Coombs.

KOBE, *March 15, 1893.*

DEAR SIR: By advice of Mr. Smithers, U. S. consul at this port, I write you these few lines explaining who I am and my present condition.

I am a native American, born at Waterford, Conn., and still have a mother and brother living there and intend to return there with my children as soon as convenient to do so. I am at present in the employ of Messrs. Walsh, Hall & Co., and have served them since my first arrival in Japan. My children were born in Russian Siberia where I, at that time, resided as agent for Messrs. Walsh, Hall & Co. At present, business obliges me and my eldest son to travel a great deal and to do so, we are obliged to have a passport, or some recognition of who and what we are. My youngest son is, at present, clerk at Vladivostock and also requires some document to certify who he is.

I could have become a Russian subject, which would have been a great advantage to me in my business, but I have always felt a love for native country and always looked forward to the time when business circumstances would allow me to go home again.

It was the intention to send my youngest son, Basil, away on the 20th, but without any passport he can not possibly go. That would be a serious detention and probable loss to us in the future.

Hoping that you will kindly consider the matter and grant our request,

I remain, etc.,

PHILIP H. POWERS.

[Inclosure 5 in No. 98.]

Mr. Powers to Mr. John G. Walsh.

KOBE, *March 15, 1893.*

DEAR SIR: I wish to ask your kind assistance, if convenient for you to assist me. I applied through the American consul for a passport for my two boys, or for some document to allow them to travel in foreign countries, but the minister refused my application and wrote a letter to the consul and, in this letter, mentioned that I myself held a doubtful position.

I hold an American passport and also a certificate from the town clerk of my place of birth and the consul requests me to write to the minister at Tokyo explaining to him who and what I am and also asked me to write to you and ask your assistance in recognizing me,

If you can do anything to help the matter along you will greatly oblige me, for the young son must have something to show who he is on arrival at Vladivostock and without which he may lose his position.

Hoping that you will excuse me for so much trouble,
I remain, etc.,

PHILIP H. POWERS.

[Inclosure 6 in No. 98.]

Mr. Smithers to Mr. Coombs.

CONSULATE OF THE UNITED STATES,
Hiogo, March 18, 1893.

SIR: I have the honor to acknowledge the receipt of your telegram of yesterday's date, as follows: "Impossible to grant passport to Alexander Powers; can grant new passport to Philip Powers including minor son Basil, upon new application."

In obedience to your decision I have to request a passport be issued to Philip H. Powers and his three minor children, the application for which is herewith inclosed in duplicate.

The passport referred to in the application issued to Mr. Powers in May, 1892, is also inclosed.

I have, etc.

E. J. SMITHERS.

[Inclosure 7 in No. 98.]

Mr. Coombs to Mr. Smithers.

LEGATION OF THE UNITED STATES,
Tokyo, March 22, 1893.

SIR: The applications of Alexander Powers and Basil Powers for citizens' passports were received, and, as you have been informed by telegraph, were denied. The application of Philip Powers to include Basil Powers and other minor children was granted and forwarded to you.

I understand the following to be the facts:

Alexander and Basil Powers were both born in the Empire of Russia, the former on the 4th day of August, 1871, and the latter on the 3d day of May, 1873. Alexander Powers is now of age; Basil Powers will be of age in May, 1894. They have both lived all their lives in Russia and now propose to go to Russian territory for the purpose of business. The father was a native citizen of the United States and their mother was a Russian lady. They have never been in the United States. The older speaks the Russian language well and does not speak English. The younger speaks Russian well and English imperfectly. The elder is engaged in business with his father in Russian territory. The younger is to engage with a Russian firm as clerk at another place in Russia.

The elder son has arrived at the age when under the law he is compelled to elect between Russia and the United States, and an election in favor of the United States, under the circumstances of his birth, education, and life, must be evidenced by going to the United States and assuming the obligations of citizenship within the near future. His present plans are inconsistent with that idea.

The younger son, by his separate application, places himself much upon the same footing. I think he should be required to avail himself of his privilege through his father, and have, therefore, included him in a passport, as a minor, with his father. It must be observed that this is to preserve his right of electing, when he arrives at age, and upon the happening of that event he will be called upon, as his brother now is, to elect the United States by going there to assume the obligations of citizenship or to lose his rights under and by virtue of such passport.

I am, sir, etc.,

FRANK L. COOMBS.

Mr. Adee to Mr. Coombs.

No. 84.]

DEPARTMENT OF STATE,
Washington, April 28, 1893.

SIR: Your No. 98 of March 21st last, in regard to the applications for passports made in behalf of Alex. Powers, aged 21, and Basil Powers, a minor, has been considered.

The two applicants were born in Kamchatka, a Russian possession, their father, Philip H. Powers, being a native citizen of the United States. The boys appear never to have been in the United States, and to have passed much of their youth in Russia. Their native language would seem to be Russian, the elder speaking no English and the younger but imperfectly. At present, sojourning in Japan, it is their intention to reside in Russia for purposes of business and education. It is believed that you correctly give the Russian law of citizenship applicable to these two young men, as follows:

Children born of foreigners, not Russian subjects, born and educated in Russia, yet who have completed their education in a Russian upper or middle school, will be admitted to Russian allegiance, should they desire to do so, within the succeeding year, after they shall have obtained (attained) their majority.

This provision appears to be permissive, not compulsory, and to contemplate that persons born in Russia of alien parents, may, under certain specified circumstances, make election of Russian citizenship, and thereupon be admitted to such citizenship by some formal act of naturalization.

The precedents you have examined would seem to have led you into the misapprehension that the theory of dual allegiance during minority is involved, requiring formal option between two conflicting claims. This is, indeed, the case according to the municipal law of certain countries.

The French rule is typical, and under it "a person born in France of alien parents and domiciled in France at the time of reaching majority, is allowed one year after attaining 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." (Foreign Relations, 1891, pp. 493, 494.)

The contrast between the two rules is clear. In France, upon the expiration of the probationary year following majority, the domiciled alien loses his right to elect the status of his parents. In Russia, as explained to you by the Russian minister, if the election of Russian citizenship be not availed of within the prescribed year, the person loses his right to become a Russian subject.

The law of the United States does not, as you seem to suppose, provide for option of American citizenship by persons situated as you represent the Powers brothers to be circumstanced. By section 1993 of the Revised Statutes the children born abroad to citizens of the United States "are declared to be citizens," with the sole exception that such citizenship shall not descend to children whose fathers never resided in the United States. The precedents you quote contemplate recognition of a formal option, only in the cases where a conflict of laws arises under the legislation of the foreign country of birth and sojourn. In Russia, however, it appears that such conflict does not arise, and that in the event of not acquiring Russian status in the permitted way, the persons in question will be regarded after attaining majority as lawful citizens of the United States,

Between the legal status of citizenship and the right to continued protection during indefinitely prolonged sojourn abroad, the executive authority of the United States draws a clear distinction in exercising its statutory discretion to issue passports as evidence of the right to protection. The relation of the citizen to the state being reciprocal, embracing the duties of the individual, no less than his rights, the essential thing to be determined is the good faith with which the obligations of citizenship are fulfilled.

The best evidence of the intention of the party to discharge the duties of a good citizen is to make the United States his home; the next best is to shape his plans as to indicate a tolerable certainty of his returning to the United States within a reasonable time. If the declared intent to return be conspicuously negatived by the circumstances of sojourn abroad a passport may be withheld.

Alexander Powers being now *sui juris*, his case is to be treated precisely as any other where the conduct of the applicant suggests a voluntary evasion of the obligations of American citizenship and abandonment of the conditions under which protection is properly to be granted.

Basil Powers, the younger brother, is now 19 years of age, and therefore under parental control. It appears that it is his father's purpose to send him to Vladivostock for business purposes, thus involving his separate residence in Russia. If the facts in your knowledge indicate reasonable bona fides, there is no objection to your granting a passport to Basil during minority. On his attaining his majority his case will fall in the same category as that of his brother Alexander.

The status of the father, Philip H. Powers, is questionable as to the continuance of a bona fide claim to protection as a native-born citizen. He appears to have resided constantly in foreign parts for at least twenty-one years; how much longer is not stated. He merely alleges a vague purpose to return to the United States with his children "as soon as convenient to do so," or "when business circumstances would allow." More positive evidence of intention to return is certainly requisite; but the facts of his business employment abroad may importantly modify this aspect of his case if the firm he serves, Walsh, Hall & Co., of Osaka and Hiogo, be the foreign branch of a business concern having its headquarters in the United States.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Coombs to Mr. Gresham.

No. 131.]

LEGATION OF THE UNITED STATES,
Tokyo, Japan, June 26, 1893. (Received July 21.)

SIR: I have the honor to submit to you the following facts relative to the application of Mrs. Emily Jane Smith for a citizen's passport, which is herewith inclosed, together with a memoranda of passports issued to her father and husband, and marriage certificate possessed by her.

Mrs. Smith was born in Vladivostock, her father being an American citizen. She is 28 years of age. Her parents are dead. She married in 1885 an American citizen. Her husband died in 1889. She has resided in Vladivostock and Japan all her life, never having been in the United States. She starts on the 3d proximo for Marseilles, in

France, for the purpose of there marrying a Russian. She has now a passport issued by the governor of Vladivostock describing her as an American citizen. In her application she is unable to state that she will ever go to the United States to reside. On the contrary, she intends not to go there. I have denied her application. Mrs. Smith's great anxiety for a passport leads me to send her affidavit to you with the request that if she is entitled to a passport one be issued by the Department and forwarded to her in care of the United States consul at Marseilles. She will arrive there about the 26th of August next. Mrs. Smith has fears that in case her plans through any mischance should fail she might be without protection. The proof of her citizenship appears to be conclusive, but it seems that she falls within the rule of those cases which would not leave me any discretion in granting her a passport.

I have, etc.,

FRANK L. COOMBS.

[Inclosure 1 in No. 130.]

I, Emily Jane Smith, a loyal citizen of the United States, do hereby apply to the legation of the United States at Tokyo, Japan, for a passport for myself.

In support of the above application I do solemnly swear that I was born at Vladivostock, in Russia, on or about the 25th day of November, 1864, and that my father, Charles Henry Cooper, was a citizen of the United States, born in Sullivan County, N. Y., United States of America, about the year 1835, and that I am the widow of Oscar Fitzallen Smith, a citizen of the United States, born at Great Falls, N. H., United States of America, about the year 1839, and died at Vladivostock in 1889, and that I was married at Nagasaki, Japan, before the United States consul, Alexander C. Jones, on the 22d of November, 1884, according to the laws of the United States; that I since resided at Vladivostock and at Yokohama, Japan, and am now about to travel in Europe.

I desire the passport for the purpose of travel.

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.

EMILY JANE SMITH.

Consulate-general of the United States at Kanagawa, Japan.

Sworn to before me this 26th day of June, 1893.-

JOHN McLEAN,
U. S. Deputy Consul-General.

Description of applicant.—Age, 28 years; stature, 5 feet 2 inches English; forehead, medium; eyes, brown; nose, medium; mouth, small; chin, medium; hair, dark brown; complexion, fair; face, oval.

Identification.

JUNE 26, 1893.

I hereby certify that I know the above-named Emily Jane Smith personally, and know her to be the identical person referred to in the within-described certificate of naturalization, and that the facts stated in her affidavit are true to the best of my knowledge and belief.

I. N. CROSBY,
212 Bluff, Yokohama, Japan.

[Inclosure 2 in No. 130.]

Memoranda of passports, etc., possessed by Mrs. Emily Jane Smith.

Passport issued to her father, Charles Henry Cooper, No. 4, September 12, 1885, by the U. S. legation at Seoul, Korea.

Passport issued to Oscar Fitzallen Smith, her husband, by Vice Consul-General Willie P. Mangum, at Shanghai, February 25, 1868.

Certificate of marriage issued by U. S. Consul Alex. C. Jones, at Nagasaki, November 22, 1884.

Mr. Coombs to Mr. Gresham.

No. 145.]

LEGATION OF THE UNITED STATES,
Tokio, Japan, July 14, 1893. [Received August 21.]

SIR: In referring to your No. 84 of the 28th of April, I have the honor to say that I understand from your instruction that my action is approved of so far as refusing a passport to Alexander Powers and in giving a passport to Basil Powers during his minority; that my conclusions relative to the status of the Powers brothers are not approved in that you draw such a distinction as to hold that while a person may preserve his citizenship, yet he may place himself in such a position as to forfeit his rights and privileges as such. In other words they are held in abeyance during his absence from home.

That the case of Powers brothers, as you say, is to be viewed in the same light as any other persons, and as if they were born in the United States and had not the right of electing Russia as their country.

That Philip Powers, by reason of the fact that he has for many years been away from America without being connected with any concern having its place of business in the United States, loses his rights as a citizen.

I hope I may be able to call your attention to the practical operation of this rule in the East without seeming to question its correctness. There are many Americans in Japan engaged in a variety of occupations who must fall under the ban of this law; some employed by the Japanese Government, some in mercantile pursuits, some in the professions, and all in their different places exercising an influence on civilization and giving strength to the position of our country.

Our institutions are upheld, our flag honored, and the national character exalted. If they are not afforded the ordinary protection of their country their influence would be destroyed and, I imagine, their places would be filled by other nationals. These men exert as much good for their country as they could if they were within its territory.

They, nevertheless, are called upon to perform jury duties in consular courts and are otherwise amenable to the processes thereof. To suspend their rights means to destroy one of the great national influences of our people in the East.

I hope what I have said can in no wise be construed into a criticism of the existing law, but simply as an observation of its practical working in an oriental country.

I have, etc.,

FRANK L. COOMBS.

Mr. Adee to Mr. Dun.

No. 11.]

DEPARTMENT OF STATE,
Washington, July 26, 1893.

SIR: I have to acknowledge receipt of Mr. Combs's No. 131, of the 26th ultimo, in relation to the application of Mrs. Emily Jane Smith for a passport. Mrs. Smith was born at Vladivostok, Russia, in November, 1864, and was married in 1884, before the U. S. consul at Nagasaki, Japan, to Mr. Oscar Fitzallen Smith, a citizen of the United States, who died at Vladivostok in 1889. Her father, born in New York in 1835, is now dead, as is also her mother. Mrs. Smith states that since her marriage in 1884 she has resided at Vladivostok and at Yokohama, Japan, and that she desires a passport for use in traveling in Europe. She is about to marry a Russian, at Marseilles.

It thus appears that this lady, born abroad of a native American father, who appears to have permanently abandoned the United States, and married to another native citizen who seems likewise to have relinquished his original domicile, and who has herself never been in the country of which she claims protection as a citizen, has no intention of ever coming to the United States, and her object in asking the passport is to enable her to go to France, there to marry a Russian subject.

Under these circumstances Mrs. Smith's claim to protection as one who bona fide conserves American citizenship is too intangible to warrant the issuance of a passport.

Under any circumstances this Department could not issue a passport to a person residing abroad. It would have to issue from the nearest legation.

Copy of Mr. Coombs's dispatch and this instruction will be sent to the U. S. consul at Marseilles for Mrs. Smith's information.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Gresham to Mr. Dun.

No. 17.]

DEPARTMENT OF STATE,
Washington, August 22, 1893.

SIR: I have received Mr. Coombs's No. 145 of the 14th ultimo, on the issue of passports to Americans in the East.

In those oriental countries where the rule of extraterritoriality prevails, the test of citizenship found in a continued connection with business interests having their root in the United States may have its weight, but there are other tests, as Mr. Coombs suggests, having equal or perhaps greater value in showing a bona fide conservation of the American character and an effort to uphold the good repute of our country abroad. It should not be difficult in the light of common sense to distinguish between merely selfish residence abroad, under circumstances which involve a practical renunciation of all home ties and the adoption of a course which essentially requires the individual's nationality to be asserted. Men who, as Mr. Coombs says, are by their employment and conduct "exercising an influence on civilization and giving strength to the position of our country" in Japan, need not fear inquiry into the good faith wherewith they retain a distinctive American nationality.

I am, etc.,

W. Q. GRESHAM.

Mr. Dun to Mr. Gresham.

No. 18]

LEGATION OF THE UNITED STATES,
Tokyo, Japan, September 4, 1893. (Received September 25.)

SIR: Referring to Mr. Coombs's dispatch No. 70, of date December 27, 1892, relative to the gift of \$350 in recognition of the praiseworthy services of certain villagers of the prefecture of Tokushima, Japan, in rescuing the crew of the American vessel *North American* wrecked off the coast of Japan, July 23, 1892, and inclosing a list of the names of the villagers most conspicuous for their services in the rescue, to the end that an engraved silver medal might be presented to each, I have the honor to inform you that owing to a natural delicacy on the part of the Japanese Government in commending one of their own officials and to a lack of information which has but recently come unofficially to my knowledge, the legation was unaware that the attentions and kindness extended to the crew of the *North American* after their rescue were largely due to the personal efforts of Mr. Yoshiomi Seki who was, at the time of the rescue, governor of Tokushima prefecture, and to whose humane services I now have the honor to call your attention.

Governor Seki made a journey of 30 miles on horseback over a rough mountain road to the scene of the wreck to see that the wants of the distressed men were supplied.

He sent them medical assistance, saw that they were housed, fed, and clothed, and finally arranged for their conveyance to Kobe where they were safely handed over to the care of the U. S. consul. Governor Seki was formerly an officer in the Japanese navy, and his knowledge there gained of the requirements in such emergencies enabled him to act promptly and intelligently in giving relief to the distressed crew of the ill-fated *North American*.

In this connection I have the honor to suggest that in addition to the silver medals to be given to the villagers in recognition of their noble services by the Government of the United States, it would be a graceful act to present to Governor Seki some token in testimony of the appreciation of the Government and people of the United States for his humanity and sympathy shown to our countrymen in distress. Should you approve of what I have herein suggested, I have the honor to make the further suggestion that any small piece of silver or other object either for ornament or use, with a suitable inscription engraved upon it, would be appropriate, and would, I feel confident, be highly prized and appreciated by Governor Seki.

I have, etc.,

EDWIN DUN.

Mr. Adee to Mr. Dun.

No. 24.]

DEPARTMENT OF STATE,
Washington, September 26, 1893.

SIR: I have received your No. 18 of the 4th instant, presenting the very generous and humane services rendered by Mr. Yoshiomi Seki, governor of the prefecture of Tokushima, to the crew of the American vessel *North American*, wrecked off the coast of Japan, July 23, 1892.

The Department has been glad to obtain so full an account of the humane conduct of Governor Seki, and it has afforded the President

pleasure to supplement his other testimonials to the Japanese subjects for their services on that occasion, by ordering that a gold watch and chain, the former to be suitably engraved, shall be presented to Governor Seki in recognition of his humane and generous efforts.

The testimonial will be forwarded to you for presentation through the foreign office at an early date.

I am, etc.

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Mr. Dun.

No. 26.]

DEPARTMENT OF STATE,
Washington, October 17, 1893.

SIR: In view of representations made in Mr. Coombs's No. 70, of December 27, 1892, the President has awarded to the persons named herein the testimonials set opposite their respective names, in recognition of their services to the crew of the American ship *North American*, wrecked off the coast of Japan on July 23, 1892.

To Yoshiomi Seki, governor of Tokushima Ken, a gold watch and chain; to Miyawaki Toyotaro, of Shiwakiura, a silver life-saving medal; to Murakami Shimpei, of Shiwakiura, a silver life-saving medal; to Matsumoto Zenzaburo, of Shiwakiura, a silver life-saving medal; to Yoshida Shimajiro, of Shiwakiura, a silver life-saving medal; to Oshikami Matsuzo, of Shiwakiura, a silver life-saving medal; to Matsuda Masutaro, of Shiwakiura, a silver life-saving medal; to Matsuda Kan-kichi, of Shiwakiura, a silver life-saving medal; to Hamanoto Kanetaro, of Shiwakiura, a silver life-saving medal; and to Taniwaki Iso-kichi, of Shiwakiura, a silver life-saving medal.

I inclose herewith the testimonials mentioned, suitably inscribed, together with blank receipts which you will forward with the testimonials, and return to the Department duly executed.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

MEXICO.

Mr. Gresham to Mr. Ryan.

No. 908.]

DEPARTMENT OF STATE,
Washington, March 10, 1893.

SIR: I transmit a copy of dispatches, from our consul-general at Nuevo Laredo and our consul at Guaymas, relative to the unwarranted arrest and imprisonment of Mr. Edward Lycan, an American citizen, at that place in December last.

You will present this case to the notice of Mr. Mariscal, and will express the assurance of the Government of the United States that, in view of the facts, the necessary steps will be taken to correct any wrong that may have been perpetrated against Mr. Lycan, and to punish any person who may be found guilty of any abuse of legal process.

I am, etc.,

W. Q. GRESHAM.

[Inclosure 1 in No. 908.]

Mr. Sutton to Mr. Wharton.

No. 484.]

CONSULATE-GENERAL OF THE UNITED STATES,
Nuevo Laredo, December 27, 1892.

SIR: I inclose herewith copy of a letter from our consul at Guaymas, dated the 16th instant, and also of a letter from Mr. Lycan, dated the 10th instant, addressed to Consul Forbes, regarding the detention of the latter at Guaymas because of his alleged connection with the American schooner *Dora Bluhm*, recently wrecked near Topolobampo. I also inclose you herewith copy of my letter to Consul Forbes, of this date.

By his letter it would seem that the director of the Topolobampo colony was interested with Mr. Lycan in the purchase of the vessel. Consul Forbes and Mr. Lycan seem to think that the latter has been very unjustly treated. Not having learned what charges have been made against him it is impossible to state whether or not there was sufficient cause to order his detention. It is possible that he has been treated with undue severity, or even arrested when there was no good cause.

In this connection I beg to suggest that our minister be instructed to call the case to the attention of the Mexican Government to the end that it order an investigation. If this be done I am confident that any improper action on the part of any Mexican subordinate official will be promptly corrected.

I am, etc.,

WARNER P. SUTTON,
Consul-General.

[Inclosure 1 in No. 484.]

Mr. Forbes to Mr. Sutton.

CONSULATE OF THE UNITED STATES,
Guaymas, December 16, 1892.

SIR: I am in receipt of your communication, and I am thankful to you for the information.

At present I think I shall have to deal with a very intricate question, which may become international. The facts are the following: An American schooner, *Dora Bluhm*, was wrecked off the coast of Sinaloa, and after the vessel got aground, over

5 miles from the port of Topolobampo, the captain went on shore and sold the vessel at private sale to one Dr. E. Lycan, who hired men and went out to save the vessel and cargo, having previously entered into an agreement with said consignee, in writing, to receive a certain amount for saving his cargo. After he had succeeded in getting the ship afloat, the custom-house officers from Topolobampo went on board as an armed force and ordered Lycan and party ashore, took them in a boat and landed them on a desolate island 5 miles from the nearest settlement.

The director of the colony, interested with Lycan in the purchase of the vessel, entered a solemn protest against the arbitrary proceedings of the custom-house officials. Lycan went to the chief custom-house officer and asked him if he had anything against him, and the answer was in the negative. The steamer *Romero Rubio* being in port, and as Lycan's wife was seriously ill, he concluded to take her to California, and was permitted so to leave the place with the assurance that rumors of his intended arrest were not true; but, upon arriving here, the captain of the port had a telegram for his apprehension, and he was marched off to jail without ceremony. The guard having orders not to let him communicate with me as American consul, I, nevertheless, did go, and had an interview with him, and he is, or claims to be, an American citizen. I inclose you herewith his application to me, and do not know what to do so as not to compromise the Government; but I can assure you that these authorities have been acting in a high-handed manner.

Also, as the result of the purchase of the vessel from the captain, it seems that the underwriters and owners, who were not insured, gave power of attorney to a person who came to the scene of the wreck and after the vessel was saved and cargo delivered to the consignee, they pretend to annul the sale and will bring the vessel to this harbor, where the purchaser, Lycan, is detained in jail.

Now I would ask you what are my duties in the premises if a question is moved before me here concerning the legal ownership of the said vessel.

Mr. Sutton, being a novice in this class of business, I do not wish to give a single step that would not be in conformity with the provisions of our regulations, and hence my reasons for molesting you. Hoping to receive an answer at your earliest convenience and the return of Lycan's petition to me,

I am, etc.,

J. ALEXANDER FORBES.

[Inclosure 2 in No. 484.]

Mr. Lycan to Mr. Forbes.

GUAYMAS, MEXICO, *December 10, 1892.*

DEAR SIR: I am a citizen of the United States of America, born August 25, 1847, at Paris, Elgin County, Ill., of American parentage. During the two years last past I have been engaged in interesting capital for Mexican investments and during that time have succeeded in causing the erection of a \$250,000 sugar refinery and in inducing Americans to invest \$30,000 in agricultural and fruit-lands, and am just in receipt of a telegram stating that concessions or contracts for colonization of these and other lands have been granted.

I was on my way to the United States in the interest of these Mexican enterprises, and on arrival here, December 1, I was arrested by the captain of the port, who simply said he had received a telegram from Ahome Fuerte, Sinaloa, to detain me. It was only through the interference of friends that I was enabled to communicate with you, and, notwithstanding your earnest protest, I was taken to and put in a very filthy jail, where I remained several hours before I was released through your and Judge Robinson's intercessions. Again on the 3d I was arrested and confined several hours, and again on the 10th I was arrested and confined in jail half a day, and during all of this time no charges have been preferred against me. I have been almost constantly annoyed by the surveillance of guards or policemen watching me and calling at my rooms where my wife has been and is now dangerously ill with typhoid malarial fever.

These frequent arrests have caused her much suffering and annoyance, that is entirely uncalled for, as I have repeatedly offered bonds or security for my appearance whenever charges might be brought against me.

In view of what has been set forth above and in view of the fact that the prefect, the captain of the port, the district judge, and all their subordinate officers have been carrying things with a high hand, ignoring all constitutional rights and privileges assured to all persons regardless of their nationality, and as I am powerless, while I feel that great injustice is being done to me, I now appeal to you for protection as a citizen of the United States of America, requesting that you may take whatever steps you may deem advisable to the end of securing to me and my person all the security to which an American citizen is entitled.

Believe me, etc.,

EDWARD LYCAN,

[Inclosure 3 to No. 484.]

*Mr. Sutton to Mr. Forbes.*CONSULATE-GENERAL OF THE UNITED STATES,
Nuevo Laredo, December 27, 1892.

DEAR SIR: Your favor of the 16th instant, as to the American Schooner *Dora Bluhm*, is to hand. The customs laws of Mexico, "ordenanza general," have ample provisions for vessels wrecked along the coast. In the case of an American vessel not destined to any Mexican port, you would be entitled to intervene with the collector. But in this case, where, as I presume, she was destined for a Mexican port, the case would come entirely under the customs regulations for administration by the collector at the nearest port. If the captain or Mr. Lycan has not violated any provisions of the law, I cannot understand why the latter should have been arrested. He says no charge has been made against him. There must have been some person who thought he had violated the provisions of the ordenanza general. Try to find out who that person was, whether the collector of customs, jefe politico, or judge, and also the charge which has been made against him.

The Federal Government of Mexico has pretty severe laws against attempts at smuggling, but it will not tolerate any abuse by their own officers of the administration of these laws. If there has been any such, it will be brought out in the investigation. So soon as you can find out the nature of the charge, please report it to me. Also advise Mr. Lycan at once to secure a good attorney and have all his rights under Mexican law promptly invoked. Only after all the legal remedies have been exhausted and his rights refused can we properly ask the intervention of our Government.

In the meantime, I will be obliged to you if you will obtain all the information possible regarding the case and report it to me at once. At the same time advise Mr. Lycan that his immediate duty is to appeal to the Mexican courts and have his rights established by them. If it should prove that he has been wronged by the subordinate officials I am confident that this will be corrected on appeal. But he himself must make these appeals, and that in due time, so that it cannot be alleged of him that he did not avail himself of all the provisions of the law.

Very truly yours,

WARNER P. SUTTON,
Consul-General.

[Inclosure 2 in No. 908.]

Mr. Sutton to Mr. Wharton.

No. 490.]

CONSULATE-GENERAL OF THE UNITED STATES,
Nuevo Laredo, January 13, 1893. (Received January 18.)

SIR: Referring to the case of the schooner *Dora Bluhm* and Mr. Lycan, at Guaymas, reported in my No. 484, of December 27 last, and as to which I was instructed by Instruction No. 222, of the 5th instant, I beg to inclose herewith copy of an extract from a letter I have received from Consul Forbes, showing that Mr. Lycan's case is properly before the court. They still insist that there is no charge against Mr. Lycan, and that the *amparo* asked by him has been decided in his favor by the district court and forwarded to the city of Mexico for the action of the supreme court.

Under the circumstances I see nothing necessary to be done in this case at present, I am, etc.,

WARNER P. SUTTON,
Consul General.

[Inclosure 1 in No. 490.]

*Mr. Forbes to Mr. Sutton.*CONSULATE OF THE UNITED STATES,
Guaymas, Mexico, January 3, 1893.

DEAR SIR: Yours of the 27th of last month reached me only day before yesterday, and in answer thereto I beg leave to inform you that all you suggest has been done in Mr. Lycan's case, and the *amparo* proceedings, as decided in his favor by the district court, have been forwarded to the capital to await the action of the supreme court thereon. No charges have been filed here against him, and he con-

tinues out of jail but under constant guard. I can give you no further information on the subject, except as to what Mr. Lycan intends to do as soon as the schooner *Dora Bluhm* arrives in this harbor; that is to say, he will have his lawyer claim the vessel both on account of his purchase and also for salvage, to which, in any event, he believes he is entitled.

Yours, etc.,

ALEXANDER FORBES.

[Inclosure 3 in No. 908.]

Mr. Forbes to Mr. Wharton.

No. 7.]

CONSULATE OF THE UNITED STATES,
Guaymas, February 20, 1893. (Received March 2.)

SIR: In answer to your dispatch No. 10, dated February 8, 1893, I beg leave to say that Mr. Edward Lycan is an American gentleman who was arrested here, as he has set forth, and for whom I did all in my power; but he was most shamefully treated and put in prison upon several occasions without taking any heed of my opposition to the high-handed manner in which these petty officials acted. His arrest is supposed to have originated from a conspiracy against him by some wealthy citizens of Ahome, with whom Lycan had large business transactions, and the customs officers of Topolobampo and Ajiabampo. A simple telegram is the only paper upon which he was arrested and deprived of his liberty for nearly two months, and no proceedings were ever had or taken against him; at least no accusation was presented against him in these courts. In order to prove conclusively that he has been wrongfully detained and kept under arrest, I inclose herewith a translation of the decision of the supreme tribunal of justice of the Republic, in which the entire court condemns the acts of the inferior authorities who took part in Mr. Lycan's imprisonment.

The want of respect for Americans in general in this part of Mexico, and the flagrant abuse of authority practiced by the majority of Mexican officials, convinces me of the great necessity of having our Government make these people understand that the rights of American citizens, who do not transgress any Mexican law, must and shall be respected. I am of the decided opinion that the many attempts by diplomacy in settling the numberless cases of abuse and cruelty perpetrated upon our law-abiding citizens should be treated in a more exacting manner. I am fully convinced that our Government would be justified in making a stern and determined demand for reparation, when these authorities are condemned by their own tribunals for their flagrant violation of the Mexican constitution as against unfortunate American citizens who happen to fall victims either of their envy or their cowardice.

The lamentable situation in which the greater number of our citizens are placed when they come into Mexico is indeed deplorable; and the insignificant efforts of American consular officers count for naught, when we take into consideration the fact that the great majority of such officials become so identified in their business relations with the authorities and the country itself, that they prefer not to incur the displeasure of Mexicans rather than comply with their sworn duty, wherein they are bound to extend the merited protection asked for by American citizens.

The proof of the foregoing is more apparent if a careful study is made of the numberless cases of Mexican lawlessness and cruelty upon inoffensive Americans for many years past. Mr. Lycan, when first arrested, was put in jail, and the captain of the port gave orders that he should not be allowed to see the American consul; but I was on hand and did have an interview with him, and extended to him all the aid in my power under the circumstances, not having as yet received my exequatur nor commission. I telegraphed the American minister at Mexico City, and received two days after the reply that steps would be taken to have me temporarily recognized, which was not done. I immediately commenced *amparo* proceedings and obtained a hearing, succeeded in getting Mr. Lycan out of jail, but when he was attending to his sick wife, who was on the point of death (as he supposed), he was abruptly carried away to jail again by the police and I had to hurry to his rescue, when the judge told me that he did not recognize me as consul. They carried on in this way for nearly three weeks, and when I received my commission and exequatur I presented myself with my papers and demanded his speedy release; but no one seemed to have jurisdiction to act, until finally the judge took up the case and charged Mr. Lycan \$20 for his decision, besides as much more for revenue stamps. This is the proceeding in which Mr. Lyman was able to obtain the services of a lawyer at an expense of \$135. I was present at all times in court and acted as his interpreter, refusing to allow any one else to do so for him. He was asked to give bail and I advised him not to give any, but finally, by begging the court, the district attorney, and secretary,

he was permitted to go to his room and take care of his wife, but had guards at his door day and night watching him. These would follow him through the streets and stand at the door of this consulate while Mr. Lycan was with me. As soon as he sent his wife to California I brought him to my house, and the guards watched him day and night. When he was released he tried to get some lawyer to make his claim against the Government, but no one was willing to take his case because they were afraid. Mr. Lycan is now in California, but will have to return shortly to assert his right to the ownership of a schooner that was wrecked off the coast, about which I have already made my report to your office, as per my dispatch No. 2. The name of schooner is *Dora Bluhm*, and as the question of ownership will have to be determined as between the underwriters and the purchaser, who is Lycan, I would ask your honor what will be my duty in such a case, both contending parties being American citizens. Lycan bought the vessel, holds the papers, and paid his money, which has not been returned to him.

I would therefore, in view of what has been set forth, ask your honor to give this matter your earnest consideration and by your great tact and wisdom secure to our citizens the protection that they so much desire.

I am, etc.,

J. ALEXANDER FORBES,
Consul.

[Inclosure 1 in No. 7.—Translation.]

One stamp that reads:

Supreme court of justice of the United States of Mexico:—Full court; Mexico, December 30, 1892. In view of the decision rendered through a legal adviser which the first substitute judge of the district court of Sonora pronounced on the 20th day of the present month granting the relief asked for by the prosecuting attorney in favor of the American citizen, Edward Lycan, against the act of the captain of the port of Guaymas, who ordered him detained in the public jail of said city, in virtue of a telegraphic dispatch from the chief of customs section of Ajiabampo, without setting forth the crime for which he was prosecuted; in which petition the complainant alleges that the guarantees given in article 16 of the constitution have been violated.

Considering that, from the report of the executive authority, it appears that the telegraphic request of the chief of the custom-house of Ajiabampo to the captain of the port, without expression of the motive, or any foundation whatsoever, was the origin of the order of detention against the complainant, which did not emanate from any competent authority, nor from any previous order of arrest, which was only promised, but never presented, up to the date of the decision herein revised.

That in such proceedings and omissions is clearly shown the flagrant violation of the sixteenth article of the constitution.

For these reasons, based upon the mentioned article 16 of the constitution of the Republic, and of the law of the 14th of December, 1882, the decision of the first substitute district judge of Sonora is hereby affirmed, and we declare that the justice of the Union protects and shields the said Edward Lycan against the acts whereof he complains. Let these proceedings be returned to the court from which they emanated, with copy of this decision, and let the same be recorded. Thus, by a unanimous vote, the President and ministers of the supreme court of justice of the nation declared and signed: J. Romero, J. M. Lozano, Francisco Vaca, Eligio Ancona, Prudencio Dorantes, J. Ma. de la Barrera, Eduardo J. Coova, Frederic Sandoval, Antonio Falcon, Eduardo Ruiz; P. Reyes Retona, secretary.

This is a copy which I certify.

Mexico, January 26, 1893.

PABLO REYES RETONA,
Chief Secretary.

GUAYMAS, February 21, 1893.

I certify the preceding pages of writing, numbered 1, 2, and 3, inclusive, to be a true, full, and accurate translation of decision of the supreme court of Mexico in the Amparo proceedings instituted by Edward Lycan.

J. ALEXANDER FORBES.

Mr. Ryan to Mr. Gresham.

No. 1188.]

LEGATION OF THE UNITED STATES,
Mexico, March 18, 1893. (Received March 29.)

SIR: The correspondence herewith transmitted in copy will advise you that, in the month of December last, Mr. Edward Lycan, an American citizen, was arrested at Guaymas, and imprisoned three different times, a few hours on each occasion, and during the intervals was under guard. It is stated that Lycan was apprehended in the port of Guaymas by the authorities of that place upon a telegram by order of the political director of Ahome, a small inland village in northern Sinaloa.

Lycan declares that his application for *amparo* was granted for the reason that there was no charge whatever preferred against him, but this action of the court goes by operation of law before the supreme court for review, and the decision of the inferior tribunal remains in abeyance until affirmed by the superior.

It will be observed that Mr. Mariscal's reply to my request for information is indefinite, nor has he furnished the legation the further information which he states, in his note of January 27 last, he has requested the governor to obtain from the administrative and judicial authorities.

Equally unsatisfactory is Mr. Mariscal's reply to my note praying his good offices to expedite action by the supreme court upon the *amparo* proceedings. He trusts that the case will be hastened, and should it become necessary, as he thinks it will not, its prompt dispatch will be recommended.

I am, etc.,

THOMAS RYAN.

[Inclosure 1 in No. 1188.]

Mr. Forbes to Mr. Ryan.

CONSULATE OF THE UNITED STATES,
Guaymas, Mexico, December 16, 1892.

SIR: I address these lines to you in order to inform you of what is transpiring here at this moment. The most flagrant abuse of authority is being practiced for the past sixteen days upon the person of an American gentleman named Edward Lycan, who has important business transactions in the northern part of the State of Sinaloa. It seems that the trouble originated at Topolobampo, where an American ship was wrecked and Lycan bought the wreck, which was taken away from him by an armed force from the custom-house. He then embarked on board the Mexican steamer *Romero Rubio* and came to this port, where, before landing, he was arrested and prevented from communicating with the American consul, notwithstanding which prohibition I had an interview with him. The captain of the port arrested him on a simple telegram, and after he was placed in a filthy jail I liberated and commenced habeas corpus proceedings, or what is termed in Mexican law "*amparo*," but with all I have done he still is put in jail whenever they feel so disposed. After he had been in jail and after the proceedings had been instituted in the district court, he was again arrested by order of the prefect on the same telegram from a justice of first instance of Ahome, and was kept imprisoned for half a day. I succeeded in getting him out, but now he is constantly watched day and night and at this moment, when he is with me, my consulate is guarded by several policemen who are looking through my windows while I am writing this to you and he is making his written appeal to me for protection. No formal charges have been preferred against him, and although their constitution guarantees protection to all persons, articles 16 and 19 of the said fundamental law is scandalously violated.

I now address this to you to know what is best to be done in the present state of affairs, and shall wait with anxiety your superior determination.

I am, etc.,

ALEXANDER FORBES,
U. S. Consul.

[Inclosure 2 in No. 1188.]

*Mr. Ryan to Señor Mariscal.*LEGATION OF THE UNITED STATES,
Mexico, January 2, 1893.

MY DEAR MR. MARISCAL: I am advised by Mr. J. A. Forbes, the United States consul at Guaymas, Sonora, that an American named Edward Lycan, who is said to have important business transactions in the northern part of the State of Sonora, purchased at Topolobampo the wreck of a steamer, which was subsequently taken from him by an armed force. It is represented that Lycan then took passage on board the Mexican steamer *Romero Rubio*, for Guaymas, but before landing was arrested in that harbor by order of the captain of the port, in obedience to a telegram from a justice of first instance of Ahome, and thrown into prison. It would seem that pending *amparo* proceedings the prisoner was released, but was rearrested by order of the prefect of Guaymas in virtue of the same telegram, but was again set at liberty after several hours' imprisonment.

"But," says the consul, "now he is constantly watched day and night, and at this moment, when he is with me, my consulate is guarded by several policemen who are looking through my windows while I am writing this to you, etc. No formal charges have been preferred against him."

I allow myself the liberty of soliciting your kindly offices to secure an investigation of the case and to request such action as may be deemed appropriate in the premises.

With highest regards, etc.,

THOMAS RYAN.

[Inclosure 3 in No. 1188.—Translation.]

*Señor Mariscal to Mr. Ryan.*SECRETARY OF FOREIGN AFFAIRS,
Mexico, January 4, 1893.

MY ESTEEMED MR. RYAN: I to-day transmit to the department of war and marine your esteemed note, dated the 2d instant, and touching the arrest, at Guaymas, Sonora, of Mr. Edward Lycan and the espionage upon him by the police of said city after being placed at liberty.

As soon as I receive the report I have requested from that department I will hasten, in pursuance to your wishes, to communicate the same.

I remain, etc.,

IGNACIO MARISCAL.

[Inclosure 4 in No. 1188.]

*Mr. Lycan to Mr. Ryan.*GUAYMAS, MEXICO, *January 24, 1893.*

RESPECTED SIR: On December 1, 1892, when I arrived here on my way north from Topolobampo, Sinaloa, I was arrested, and notwithstanding the urgent request of Mr. Forbes and other Americans here I was put into jail, where I was kept for half a day, and then let out under guard. On the 3d of December I was again put in jail, and also on the 10th of the month; each time I was locked up for half a day and when out was accompanied by a guard day and night. They would not allow me to give bail, as they did not know of what I was to be charged with, and although I employed three lawyers and applied for *amparo* on the 2d of December the right was not granted until the 20th and then the judge decided that as there was no charge against me I was entitled to my liberty, but told me at the same time that he had to send his decision to the supreme court at Mexico City for confirmation before I could be set at liberty, and he says that it will take anywhere from three to eight months for the court to reach my case, and in the mean time I am a prisoner. I was arrested by the captain of the port here on the strength of the following telegram, from the captain of Agabaampo, a small port in the south part of this State: "Lycan on steamer *Rubio*; on arrival detain him, by order of political director, Ahome."

Ahome is a small inland village in northern Sinaloa. The captain while making my arrest acted in as rude and public a manner as he well could; at first he refused

to let me see our consul here, Mr. Forbes, but insisted that I must go with him to jail, and while he was taking me there against the urgent request of several friends we met Mr. Forbes, for whom I had sent, and he went with me to jail. My wife was with me and very sick at the time of our arrival here, and continued so for a month, and the frequent calls of the captain or some guard at my rooms day and night was the cause of very much suffering on her part.

I have been doing my best to build up a good business in this part of Mexico, and through my exertions during the three years last past I have caused to be invested in agricultural lands and machinery for sugar making over \$300,000, and at the time of my arrest was on my way north in the interest of improvements here, and this arrest and detention has done me incalculable injury, as no one cares to invest with a man who can not keep from being arrested; besides, the neglect of my business has nearly ruined everything for me.

Mr. Forbes, the U. S. consul here, has done as much as he well could, I suppose, but the Mexicans pay no attention to his requests, as they say Mr. Willard never asked such a thing.

Mr. Forbes wrote to consul-general, and his reply was: "Tell Lycan that he must first exhaust the courts of Mexico, when, if he fails, to let me know," etc. Now, to one acquainted with Mexican ways, this seems very absurd to me, as no Mexican lawyer will take a case against the Government, and with me this is all that can be done, as I have been arrested and have been held a prisoner and have been treated shamefully for nearly two months, and all the time I have not been accused of anything and no charge of any kind whatever has been brought against me, nor do I know who caused my arrest. However, if you will have the kindness to call at the rooms of the supreme court at the City of Mexico you will, without doubt, be allowed to see a complete history of my case as it is there. The judge here says that it may be six or eight months before they decide the matter, and in the meantime my business must stop and I must suffer the mental agony of the stigma of being a prisoner, with many asking me "Why are you arrested?" And I suppose that hardly anyone believes that a man who has violated no law, and an American at that, could be arrested and so detained against his utmost efforts. I have some good and influential friends in different States, among them several Congressmen and Senators, and shall try to bring influence to bear so that other United States citizens will not be treated as I have been. What shall I do now to get relief? Pardon the great length and believe me,

Your humble servant,

EDWARD LYCAN.

[Inclosure 5 in No 1188.—Translation.]

Señor Mariscal to Mr. Ryan.

SECRETARY OF FOREIGN AFFAIRS,
Mexico, January 27, 1898.

MY ESTEEMED MR. RYAN: The telegraphic advices transmitted to me by the department of the army and the navy, relative to the arrest at Guaymas, Sonora, of Edward Lycan, reference to whom is had in your unofficial note dated the 2d instant, are not sufficient to convey an exact account of the matter; and therefore I have to-day addressed the governor of that State, in request of information as ample as he can obtain, alike from the administrative and the judicial authorities.

For the present, I can inform you that Lycan is charged with having been the abettor or the head of a party of men who raided the steamer "*Dora Bluhum*."

I remain, etc.,

IGNACIO MARISCAL.

[Inclosure 6 in No. 1188.]

Mr. Ryan to Señor Mariscal.

LEGATION OF THE UNITED STATES.
Mexico, February 2, 1898.

MY DEAR MR. MARISCAL: Since receiving your unofficial note of the 27th ultimo, relating to the case of Mr. Edward Lycan, United States citizen, who was arrested at Guaymas, Sonora, there has come to hand a further communication from Mr. Lycan, in which I am advised that the federal supreme court, sitting in this capital, has received the papers in this case, and will have to pass upon the decision of the State court in the *amparo* proceedings, under which latter decision the lib-

erty of Mr. Lycan was decreed. The case, I am informed, will not probably be disposed of by the supreme court before three months. In view of this information I make bold to address myself to you upon several particular grounds. In the first place, I request to be informed of the precise nature of the accusation against Mr. Lycan, who declares to me, despite his frequent arrests, that he is entirely ignorant of the offense with which he is charged. In the second place, I have to acquaint you with Mr. Lycan's declaration to the effect that the business which he had built up during the last three years in this Republic has been made to suffer seriously during the periods when he was restrained of his liberty, and his reputation in the community has been gravely affected by the official prosecution instituted against him. Wherefore, in the third place, I urgently solicit the exercise of your powerful good offices with the judicial department of the Federal Government to have Mr. Lycan's case taken up and disposed of at the earliest practicable moment by the supreme court of the Republic.

Your generous intervention in this respect will add further to the obligations of which this legation retains so many signal and grateful memories.

With profound respect, etc.,

THOMAS RYAN.

[Inclosure 7 in No. 1188.—Translation.]

Señor Mariscal to Mr. Ryan.

SECRETARY OF FOREIGN AFFAIRS,
Mexico, February 6, 1893.

MY ESTEEMED MR. RYAN: I am advised by your esteemed unofficial note of 2d instant that Mr. Lycan, who was arrested at Guaymas, Sonora, and placed at liberty consequent upon habeas corpus proceedings interposed by him, has informed you that the papers in his case have been forwarded to this capital for revision by the supreme court of justice.

I trust that this case will be hastened; however, should it be necessary, which I think not, its prompt dispatch will be recommended.

I renew, etc.,

IGNACIO MARISCAL.

Mr. Ryan to Mr. Gresham.

No. 1196.]

LEGATION OF THE UNITED STATES,
Mexico, March 22, 1893. (Received March 31.)

SIR: Referring to Department's No. 908, of 10th instant, relative to the imprisonment of Mr. Edward Lycan, at Guaymas, Sonora, I have the honor to advise you that, in obedience thereto, I have addressed a note to Mr. Mariscal, drawing his notice anew to the matter, and advising him of the wishes of my Government in the premises.

My No. 1188, of the 18th instant, has apprised you of the action which had already been taken in the case by this legation.

I am, etc.,

THOMAS RYAN.

[Inclosure in No. 1196.]

Mr. Ryan to Señor Mariscal.

LEGATION OF THE UNITED STATES,
Mexico, March 22, 1893.

SIR: I beg to draw your excellency's notice anew to the case of Mr. Edward Lycan, concerning whose imprisonment I have already addressed you two communications, dated January 2 and February 2, 1893.

Upon statements communicated by Mr. Lycan and others to the Department of State at Washington, D. C., tending to show that his imprisonment has from the

first been arbitrary, unjust, and without any charges whatever having been preferred against him, my Government has directed me to express to your excellency its hope and confidence that the necessary steps will be taken to correct any wrong that may have been perpetrated against Mr. Lycan, and to punish any person who may be guilty of any abuse of authority or legal process in connection with the matter.

I beg, etc.

THOMAS RYAN.

Mr. Ryan to Mr. Gresnam.

No. 1209.]

LEGATION OF THE UNITED STATES,
Mexico, April 4, 1893. (Received April 12.)

SIR: Referring to Department's No. 908, of March 10, 1893, and in continuation of my No. 1196, of the 22d of the same month, I have the honor to transmit, herewith, copies of further correspondence relative to the case of Edward Lycan, the American citizen recently imprisoned at Guaymas, in the state of Sonora. It will be seen that the decision of the supreme court of justice affirming the order of the lower court, granting the writ of *amparo* entered in behalf of Lycan, bears date of the 30th of last December, three days before the date of my note first calling the attention of the foreign office to the case.

Mr. Mariscal, in his note of the 29th ultimo, reiterates his information that "Lycan is charged with having aided or led a band of men who sacked the wrecked steamer *Dora Bluhm*" but according to the decision of the supreme court of justice no charges of any kind were preferred against the prisoner. Mr. Mariscal seems to think that Lycan's complaint "is unwarranted and inopportune," but that view of it is not shared by the supreme court, which determined that Lycan's detention and incarceration were without any warrant of law whatever.

In fairness, however, it should be added that the courts have acted in the matter with gratifying expedition, which is all the more praiseworthy for having been "without any pressure whatever."

In his note of the 31st ultimo, accompanying the decision of the supreme court, it will be observed that the minister for foreign relations remits the prisoner to his "unrestricted right," under the law, "to accuse the authorities responsible therefor, before the proper tribunal, for the abuse committed."

I am, etc.,

THOMAS RYAN.

[Inclosure 1 in No. 1209.—Translation.]

Señor Mariscal to Mr. Ryan.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, March 29, 1893.

MR. MINISTER: I had the honor to receive your excellency's note dated the 22nd of the current month, informing me that Mr. Edward Lycan had complained to the Department of State endeavoring to show that his arrest at Guaymas was an arbitrary and unjust act, he not having been charged with any offense, and your excellency had received instructions from your Government to express the hope and conviction that necessary measures would be instituted to the end that any act of injustice perpetrated against the complainant might be righted and that the party guilty of any abuse of authority or illegal procedure in the case might be punished.

Upon the presentation of Lycan's complaint, in an unofficial note of January 2, and afterwards in a note of February 2, your excellency was pleased to state to me

that immediately upon his arrest said Lycan applied for *amparo*; that, in consequence thereof, the act prayed against was suspended, and that he (Lycan) was at once released; that being rearrested and imprisoned, by order of the prefect at Guaymas, he was once more liberated after some hours of confinement, and that the papers relating to the writ of *amparo* have come to this capital in order that the supreme court of justice may revise the action had by the district judge of Sonora who granted such protection by *amparo*. Resting, therefore, on the information imparted to me by your excellency, I may state that, from the first, Lycan was protected by the Federal tribunals, and so his complaint at last is unwarranted and inopportune.

In my note of January 27 I advised your excellency that, according to the information received that day by this department, Lycan is charged with having aided or led a band of men who sacked the wrecked steamer *Dora Bluhm*, and I may add that subsequent information bears this out. I await, however, data more ample and detailed, requested from the governor of the state of Sinaloa, and as soon as I receive the same I shall have the honor again of addressing your legation.

Meanwhile I may be allowed to trust that your excellency will communicate, if you have not already communicated, to the Department of State the information I have furnished; at the same time stating to the said Department that according to the confession of the complainant himself his case has met notice, without delay, and without any pressure whatsoever, from one of the courts of Federal justice, and further that as the matter is now in the supreme court, pending its decision thereon, the executive has neither cause nor legal right to interfere.

It gratifies me, etc.,

IGNO. MARISCAL.

[Inclosure 2 in No. 1209.—Translation.]

Señor Mariscal to Mr. Ryan.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, March 31, 1898.

MR. MINISTER: Referring to the note of 29th instant, which I had the honor of addressing to your excellency, in reply to your own of the 22d instant, I submit copy of the decision, of December 30 last, of the supreme court of justice, confirming, in all its parts, the decision of the district court of the state of Sonora granting to Mr. Edward Lycan the *amparo* he sought as against his arrest under orders of the captain of the port of Guaymas.

As your excellency will observe, when, on the 2d of January last, your excellency called my attention to the complaint of the said party, he had already received protection by *amparo* in both tribunals; that, therefore, the justice accorded to him was promptly and officially administered, leaving him, under the law, his unrestricted right to accuse the authorities responsible therefor before the proper tribunal for the abuse committed.

I beg, etc.,

IGNO. MARISCAL.

[Inclosure to inclosure 2 in No. 1209—Translation.]

Decree of Supreme Court, December 30, 1892.

Supreme Court of Justice of the United Mexican States, full bench.

MEXICO, December 30, 1892.

In view of the decision, fully advised, which the first supply judge of the district court of Sonora rendered on the 20th of the current month protecting, in accordance with fiscal procedure, the American citizen, Edward Lycan, against the acts of the captain of the port at Guaymas, who had ordered him to be detained in the public jail of the city in virtue of a telegram from the chief of the customhouse at Aguiabampo, without designating the offense for which he was indicted, by which procedure the complainant considered violated in his person the guarantee granted under article 16 of the Constitution.

Considering that as from the report of the authority designated it appears that the petition transmitted by telegraph from the chief of the customs district of Aguiabampo, acting as captain of the port, and which did not set forth the motive for the arrest or any grounds therefor, but which gave rise to the order of arrest of complainant, an order not emanating from any competent authority, nor based upon

any subsequent warrant, though such warrant was promised and had not yet been sent up to the date of the decision of the lower court now under revision, considering, therefore, that such precedents and omissions demonstrate palpably an infraction of article 16 of the Constitution.

In view of these considerations, and in accordance with the aforementioned article 16 of the Constitution of the Republic and the law of December 14, 1882, the decision of the first supply judge of the district of Sonora is confirmed, and hereby it is declared:

That the justice of the union protects and favors Edward Lycan against the acts whereof he complains.

Return the papers to the court of their origin, with copy of this decision, the original whereof shall be duly archived.

Thus decreed by unanimity of votes by the president and magistrates of the Supreme Court of Justice of the nation and signed.

FELIX ROMERO,

President.

JOSÉ MARIA LOZANO,
FRANCISCO VACA,
ELIGIO ANCONA,
PRUDENCIANO DORANTES,
JOSÉ MARIA AGUIRRE DE LA BARRERA,
EDUARDO NOUVA,
FREDERICO SANDOVAL,
ANTONIO FALCON,
EDUARDO RUIZ,

Magistrates.

PABLO REYES RETANA,

Secretary.

A true copy. Mexico, March 30, 1893.

LIC. PABLO REYES RETANA,
Secretary.

Mr. Ryan to Mr. Gresham.

No. 1218.]

LEGATION OF THE UNITED STATES,
Mexico, April 10, 1893. (Received April 19.)

SIR: I have the honor to submit herewith copies of correspondence between the U. S. consul at Piedras Negras, Mr. E. O. Fechét, and this legation, relative to his consular duties in connection with the estate of a deceased American citizen named Thomas Eddins.

Mr. Fechét seems to have thought it to be his right and duty, under the law, to take upon himself the administration of the personal estate as against the court which had already assumed jurisdiction of the matter. I have advised the consul that, in the absence of any convention between the two countries defining consular powers in the premises, the law of Mexico governs, and that he should respect the orders of the court, taking care to exercise his conceded consular privileges, and to advise his Government, from time to time, of any action or inaction on the part of the judicial authority prejudicial to justice.

I am, etc.,

THOMAS RYAN.

[Inclosure 1 in No. 1218.]

Mr. Fechét to Mr. Ryan.

CONSULATE OF THE UNITED STATES,
Piedras Negras, March 19, 1893.

SIR: I have the honor to report that on March 9, 1893, the body of Thomas Eddins, a native-born American citizen, was found in the Rio Grande River. Mr. Eddins had lived in C. Porfirio Diaz a number of years, as an engineer on Mexican International

Railroad Company, and was well known to be a man possessed of some property. As soon as informed of his death I went to the local judge and found that a trunk supposed to contain documents and other evidence of Eddins's property, had been already taken from Eddins's house to the court room, and sealed by the second judge de latras, Francisco Yza Sepulveda. I received permission to place the consular seals upon this trunk over the court seals.

Friday, March 10, I officially notified the judge that, under the provision of article 10, Sections VI and VII, I would name a receiver of the estate of Thomas Eddins. The judge informed me that I possessed under above law the right to propose (*proponer*) a receiver, but that he, the judge, would name (*nominar*) the receiver.

I protested against this construction of the Federal law and the judge claimed that he had made an "anterior decree" naming a receiver.

In effect the ruling of the court is that a decree made anterior to nomination of receiver by consuls bars consul from naming receiver. As I presented myself in court within twenty-four hours of the death of Eddins, and officially stated to the court my intention to avail myself of the rights granted by Federal law, I protested to the court that this construction of the law would nullify all consular rights, and practically make this law of no effect.

In the official correspondence with the court I have respectfully maintained that the manifest object of this Federal law is to grant and concede to consular officers certain rights and capacities for an effective guardianship over the estates of their deceased compatriots. This the court practically denies to me. Upon another point I foresee obstacles will be raised up: Assuming I shall present a full power of attorney from one of the heirs, I am convinced from a study of the correspondence had with the court that the court will claim the right to decide, upon evidence submitted, whether the grantor of the power of attorney is a legal heir, etc.

This would lead to endless delay. I claim that the consul is responsible to his Government concerning all questions of heirship and succession; that, in this case, the Mexican Government is only concerned when the estate is administered in two points, viz, credits or claims against estate, and secondly, payment of taxes, etc., due from estate. Section VII, article 10, of Mexican Federal law above cited, covers these cases.

I would, therefore, request that these points be submitted to the Mexican Government: "What is the full intent of the language of article 10, Section VI, providing that consul may name a receiver after barred by an anterior decree;" may the court arbitrarily make such anterior decree solely to nullify the consular right to name a receiver? In case of Eddins no creditors or claimants of any kind exist to give any color of reason for such anterior decree.

Again, can court require evidence of heirship and go into this whole question of the legal heirs to the succession when the consul claims the right and duty of administering the estate. This is not to be confounded with the case of an heir or claimant disputing the consul's right. In present case one heir, a brother, came here on my telegram and has given me a power of attorney, and this data has been sent to department of state that all heirs may be traced. I contend that the Mexican Government only is concerned in equitable settlement of this estate as concerns claims against it here in Mexico, and that the Mexican Government will not follow the net proceeds of liquidation of estate to its ultimate division between legal heirs, and hence I claim that the judge has no right to require evidence as to legal heirship and resulting right of E. W. Eddins to grant a power of attorney to consul to administer upon the estate of his brother. All legal claims against the estate in Mexico having been settled, then if I shall recognize a person not an heir and pay over any portion of the estate I am responsible to the U. S. Government and to the rightful heirs, and not to the Mexican Government.

A third point, and one I deem of great importance: Should not supervision of affairs of deceased aliens belong to the Mexican Federal courts?

There is here a district federal judge, upright and able, could this case be transferred to his court I would have no trouble. I am advised that under the law or right of Amparo I may by legal process have it so transferred, but I have no fund to employ an attorney to do this.

In view of the difficulties I have encountered in the State court it has seemed possible that you may ask that instructions be sent the Federal judge here to take charge of this matter of the estate of a deceased alien.

I respectfully would urge all dispatch possible in resolving the points I have submitted, as no steps can be taken towards the settlement of this estate until instructions shall come from Mexico City.

I understand that Consul Maillifert has written the Mexican department of state, so that your excellency will find the foreign office fully informed concerning the issues between the State judge and myself,

I am, etc.,

EUGENE O. FECHÉT,
Consul.

[Inclosure 2 in No. 1218.]

*Mr. Fechét to Mr. Ryan.*CONSULATE OF THE UNITED STATES,
Piedras Negras, March 22, 1893.

SIR: In continuation of and respectfully referring to my communication to the legation of March 19, 1893, I have the honor to advise you that it is now my present intention to withhold my consent as consul to the breaking of the seals upon the trunk, now in the custody of the second judge of letters, C. Porfirio Diaz, supposed to contain documents and evidence of the property of Thomas Eddins, deceased, American citizen. To fully advise the legation of all my actions on this matter of endeavoring to do my duty in connection with the estates of deceased citizens of the United States, and to make clear that I am not actuated by any spirit of contentious opposition, I will state that I have a second estate of a deceased American citizen, C. N. A. Cunningham. Cunningham was engaged in business in Ciudad Porfirio Diaz. As soon as his death was known several creditors petitioned second judge of letters for action that would protect their claims, so that, when I named a receiver, under the provisions of Section VI, article 10, Federal law of November 26, 1859, I was informed that "an anterior decree" had been made, naming a receiver, in answer to the petition of certain creditors. I answered the judge that a receiver named by the consul would have to observe all legal requirements in administering the estate, and that no interests of creditors would be prejudiced.

As the premises of Cunningham were sealed with court and consular seals, and the court would not allow me to name a receiver, it at first seemed feasible to respectfully refuse to break the seals until the points at issue between the court and consulate could be authoritatively decided. A consideration, however, of the injury resulting to Cunningham's property for delay, as rents were accumulating and perishable goods were on the premises, decided me to assist the court in removal of the joint seals and in making the inventory prescribed by law. All this was done yesterday, and when completed I handed the judge an official communication naming a receiver. When the judge shall officially notify me that he can not allow me to name a receiver, as he will undoubtedly, I shall merely write him a respectful protest, and the Cunningham case will be ended save in the ultimate decision as to what consular rights, in relation to the estates of deceased compatriots, were conferred by the Federal law of November 26, 1859.

The legation will then understand that, in the case of Cunningham, the receiver named by the court is now in possession of the estate, and I am unaware of any means by which, as consul, I can exercise any guardianship over it.

The case of the estate of Thomas Eddins presents different features: First, there are no creditors petitioning for court's intervention, as in Cunningham's case; secondly, no damage can result from a delay in breaking the seals upon the trunk supposed to contain the legal evidences of his ownership to property, etc. Having been officially informed by the court that I will not be permitted to name a receiver, as one has already been designated by the court, and having reported to the legation, in my communication of 19th instant, the points at issue arising from differences between the court and the consulate as to consular rights, and requested the legation to as soon as possible advise me whether the position I have taken is correct, I shall request the court to delay until a decision can be had from the Mexican Government. I shall make this request in reply to an official citation just received to be present at the breaking of the seals now upon the trunk of Thomas Eddins. In case the court shall refuse to delay, and shall persist in citing me to break the seals, I shall respectfully decline, to allow time to have received instructions from the legation.

Upon this one point of my deciding not to break the seals I respectfully request that, if the legation shall believe that I should not refuse to break the seals (pending a decision by the Mexican Government as to consular rights in the matter of the estates of deceased Americans), a telegram be sent me at once and I will break the consular seals.

I request that instructions be sent me as quickly as possible, for I wish to avoid an appearance even of antagonism to the courts; and I beg that the legation will assure the Mexican foreign office that my sole object is to secure, by respectful and proper means, an authoritative decision defining consular rights under this Federal law of November 26, 1859.

I am, etc.,

EUGENE O. FECHÉT,
Consul.

[Inclosure 3 in No. 1218—Extract.]

*Mr. Ryan to Mr. Fechét.*LEGATION OF THE UNITED STATES,
Mexico, March 28, 1893.

SIR: Referring to your communications, respectively of the 19th and 23d instant, relative to the personal effects of Thomas Eddins, deceased, the jurisdiction you claim of the personal effects of the deceased is not sustained by the foreign office. It is claimed, and you should act accordingly, that your rights are defined by Sections VI and VII of article 10 of the Mexican law of November 26, 1859. By Section VI you may, respecting the effects, furniture, and papers of the deceased, use the consular seal in the manner therein indicated. In that event the seals can only be detached by the consent of yourself and the court. When detached you should be summoned by the court to perfect an inventory. You should then be given a legalized copy of it, together with a copy of the last will and testament of the deceased, if there be such. You * * * have the right to propose a receiver, who shall give bond, unless the court has previously appointed one. You are also given the right of succession upon presentation of due legal power, as provided in said Section VII. At this capital the courts have been courteous enough to hand over to the consul-general the personal effects of his deceased countryman, and allow him to administer upon them without any interference whatever, even surrendering such effects to him after they had taken possession of them.

We may at least indulge a hope that the court will act in the matter with expedition and fairness in this case, notwithstanding the discourtesy of the local judge toward the U. S. consul in his unseemly haste to appoint a receiver.

I am, etc.,

THOMAS RYAN.

[Inclosure 4 in No. 1218.]

*Mr. Ryan to Mr. Fechét.*LEGATION OF THE UNITED STATES,
Mexico, April 3, 1893.

DEAR SIR: Referring to your letter of the 22d ultimo, received at this legation to-day, you are, of course, aware that there is no treaty between the United States and Mexico upon the subject.

In the absence of such a treaty you will be governed by the applicable laws of this country, as defined by the judicial authority.

By international comity, generally observed by nations, a consular officer, in such a case as this, may take control provisionally of the personal effects of the deceased. The courts may, however, supervene, and, in that event, their orders respecting such effects should be respected by the consular authority. In this case such comity would allow you to intervene to the extent of observing the proceedings and, permitting your presence at the making of the inventory. For any additional rights in the matter you must look to the Mexican consular law of November 26, 1859. As the courts are charged with the administration of this law their construction of it must prevail.

I have already wired you to this effect. The fact that the court may have acted with apparent discourtesy in denying you the privilege of naming a receiver, by making unseemly haste to exercise the authority given to it to appoint one itself, affords you no warrant for declining to perform your conceded duties in the premises. In this connection, referring to my letter of the 28th ultimo, I suggest that, within the law, you do what you properly may to protect the estate against undue waste, keeping your Government informed touching any matter or proceeding relative thereto which may seem to you unjust or unlawful.

Yours, very truly,

THOMAS RYAN.

Mr. Ryan to Mr. Gresham.

No. 1234.]

LEGATION OF THE UNITED STATES,
Mexico, May 1, 1893. (Received May 9.)

SIR: Mr. Martin Schafer, of this city, has applied for a passport at this legation for himself and his wife for the purpose of travel to Europe.

Mr. Schafer in his application as a native citizen of the United States for said passport represents:

That he was born at Hamburg, Germany, on the 12th day of March, 1858; that his father is a native citizen of the United States; that he is domiciled in Mexico City, his permanent residence being at Mexico City, Mexico, where he has resided continuously fourteen years last past, and where he follows the occupation of jeweler; that he has visited the United States three different times at intervals of several years, remaining there each time from four weeks to two months, but never resided there; that he is the bearer of Passport No. 11, issued by the United States legation, Mexico City, on the 11th day of December, 1886; that he intends to return to Germany via the United States in a few days temporarily, for a brief visit, and then return to his residence here.

Mr. Schafer, in addition to his passport No. 11, above referred to, which was issued to him by United States Minister Thomas C. Manning holds also a Mexican certificate of American nationality, No. 2071, of date February 14, 1888, issued by the foreign office under the Mexican law on foreigners, etc., of May 28, 1886 (Chapter v, article 2). Chargé J. Lamatte Morgan's No. 241, of June 10, 1886, submitted the law to the Department.

In addition to the facts set forth in his application Mr. Schafer stated to me that he intends to reside in Mexico City permanently in the future; that his father left the United States when a young man and has resided in Germany for many years last past; that he thinks his father's father, a native of Germany, was a naturalized American citizen.

Upon the facts stated I do not feel authorized to issue to Mr. Schafer a passport, but he is a very worthy gentleman, and sincerely believes himself to be under our laws a citizen of the United States, and that he may be deprived of none of his lawful rights in the premises I transmit herewith his application in duplicate and a passport duly executed for such disposition as the Department may seem proper. Mr. Schafer will leave here for Germany, via the United States, in a few days, and begs the Department will forward the passport to him at 97 Water street, New York City, care of Theodore Herrmann, should its issue be deemed authorized by law. The fee of \$1 paid by Mr. Schafer will be held in this legation subject to your decision.

I am, etc.,

THOMAS RYAN.

Mr. Gresham to Mr. Gray.

No. 9.]

DEPARTMENT OF STATE,
Washington, May 13, 1893.

SIR: Mr. Ryan's dispatch, No. 1234, of the 1st instant, in relation to Mr. Martin Schafer's application for a passport, has been received.

Mr. Schafer's case, as stated by Mr. Ryan, suggests uncertainty and doubt on two essential points—his original citizenship and his conservation of right to protection as a citizen. Himself born abroad at Hamburg, March 12, 1858, he claimed citizenship through the alleged native-born status of his father. The latter, in turn, appears to have left the United States "when a young man," but at what age is not stated, and to be permanently domiciled in Germany. The grandfather, a native of Germany, is thought to have been a naturalized citizen of the United States. No evidence whatever is adduced of the grandfather's naturalization or of the father's birth and age when he went to Germany to live. The applicant himself has never resided in the

United States, having only been in this country three times, on brief visits. His domicile for fourteen years has been in Mexico, where he is registered as a citizen of the United States.

It is not possible, in the lack of necessary evidence, to form an opinion as to the legal status of Mr. Schafer. The time and place of his father's birth, the date of his grandfather's naturalization, and the age at which his father removed to Germany, are all factors in the case which can not be supplied by conjecture. Merely by way of noting one phase of the problem, it would seem that if Mr. Schafer's father (assuming him to have been born in the United States) went to Germany while a minor, there to marry and pass the rest of his life, he thereby voluntarily acquired German domicile, and invested himself with the German character to such a degree as to bring his German born children within the range of German jurisdiction. In this connection it may be pertinent to inquire at what age the applicant left Germany—during minority or when *sui juris*—for if he quitted the country of his birth while a minor, to dwell thereafter elsewhere than in the United States, no option of American status as against any adverse claim of Germany is apparent.

Apart, however, from the determination of Mr. Schafer's legal status as a citizen or subject, which is a judicial function not within the competence of the executive, it is the province and duty of the executive to use its discretion touching the individual's right to protection, with due regard to the reciprocal relation between him and the State.

The facts reported by Mr. Ryan disclose a total absence of American residence, covering the whole past and future life of the applicant, and the whole life of his father from early manhood. For two generations neither father nor son has evinced a purpose to fulfill the duties of good citizenship. Mr. Schafer has orally declared to Mr. Ryan "that he intended to reside in Mexico City permanently for the future." His sworn application likewise exhibits no purpose of residence in the United States. In such cases the Department uniformly declines to issue a passport, and Mr. Schafer will be so advised at the address given.

The signed passport sent hither by Mr. Ryan is herewith returned.

I am, etc.,

W. Q. GRESHAM.

CORRESPONDENCE WITH THE MEXICAN LEGATION AT WASHINGTON.

Señor Cayetano Romero to Mr. Foster.

MEXICAN LEGATION OF MEXICO,
Washington, D. C., December 13, 1892.

MY DEAR MR. FOSTER: Concerning the conversation I had last evening with you concerning the reappearance on the Texas border of the Garza bandits and their recent raid into Mexico, I beg to call your attention to the dispatches on the subject published yesterday by the New York Herald, World, and later by the evening papers, and to enclose you herewith a copy of the message wired to me last evening by the Mexican consul at Laredo, Tex., to which I also alluded, from which it appears that two Mexican officers and four privates were burned

up by the bandits, who set fire to the barracks during their raid on the Mexican side of the river, opposite San Ignacio.

Hoping that the U. S. Government may now redouble its efforts in the capture of said bands of marauders, which have given them so much trouble in successfully eluding their pursuit,

I am, etc.,

C. ROMERO.

Señor Diaz to Señor Romero.

[Telegram—Translation.]

LAREDO, TEX., December 12.

Outlaws attacked a small detachment opposite to San Ignacio, Tex., escaping immediately afterwards and taking refuge in Texas. They set fire to the hut occupied by the detachment, and the captain, an ensign, and four soldiers were burned to death.

L. LEMEDA DIAZ.

Señor Cayetano Romero to Mr. Foster.

[Translation.]

LEGATION OF MEXICO,
Washington, December 11, 1892.

MY DEAR MR. FOSTER: Referring to the note which I addressed to you yesterday relative to the assembling of fresh bands of outlaws on the Texas frontier and the disturbances which they are occasioning, I have the honor to inclose a copy of two telegrams (with translations) which I received last night from the consuls of Mexico at San Antonio and Laredo, Tex., respectively, in one of which it is stated that those outlaws are preparing to reenter Mexico between Mier and Gurrero, and that orders have not yet been received at Fort McIntosh to send troops in pursuit of them.

I am, etc.,

C. ROMERO.

Señor Diaz to Señor Cayetano Romero.

[Telegram.—Translation.]

LAREDO, TEX., December 13, 1892.

The leader of the San Ignacio raid is called Maximo Martinez. Two bands, led by one-eyed Francisco and Mangas de Agua, passed opposite Carrizo, saying that they were going to cross over into Mexico between Mier and Gurrero. No action taken here. They are awaiting orders at Fort McIntosh.

L. LAMEDA DIAZ.

Señor Ornelas to Señor Cayetano Romero.

[Telegram.—Translation.]

SAN ANTONIO, TEX., December 13, 1892.

Col. Ceron sends word to me to-day from Laredo as follows: "One hundred and odd outlaws surprised detachment at San Ignacio on the 10th. They set fire to the barracks and killed a captain, an ensign, and four soldiers. They then recrossed to Texas, taking with them fifty horses, arms, and ammunition."

P. ORNELAS.

Señor Cayetano Romero to Mr. Foster.

LEGATION OF MEXICO,
Washington, D. C., December 14, 1892.

MY DEAR MR. FOSTER: I beg to inform you of the receipt this afternoon, from Señor Mariscal, of a cablegram in regard to the raid into Mexico recently made by some bandits, who surprised a small detachment of Mexican troops, burned their barracks, killed and wounded some of them and brought others prisoners into Texas, together with their horses and arms, of which I have already spoken to you.

Mr. Mariscal instructs me in said dispatch to make a complaint to the United States Government for the above raid, which would not have occurred had there been enough Federal troops in Texas to prevent such a violation of the neutrality laws of this country, and for the lack of care shown in this matter by the local authorities of that State.

I beg to send you herewith copy and translation of two telegrams I have also received from the Mexican consuls at Laredo and San Antonio, Tex., respectively, one conveying the information that another band of robbers is preparing to invade Mexico between Mier and Gurrero, and the other that 16 Mexican soldiers, captured and brought over by the same, are still imprisoned at San Ignacio, Tex.

I have no doubt that the United States Government will take at once, in view thereof, the necessary measures for the prompt and energetic pursuit of the bandits who leisurely fitted out on American territory an expedition against a friendly nation, for the quick release of the Mexican prisoners above mentioned, and for the prevention in the future of similar raids and outrages, which interfere so much with the development of the commercial and social relations which both countries are striving to attain for their common benefit.

I am, etc.,

C. ROMERO.

Señor Diaz to Señor Cayetano Romero.

[Telegram.—Translation.]

LAREDO, TEX., December 14, 1892.

Yesterday evening 60 men were at last sent from Fort McIntosh, and to-day Company F is expected to follow. There are yet three bands of bandits, commanded by Mangas de Agua and Francisco el Tuerto (a) el General, then passed Carrizo, stating they were going to cross over into Mexico between Mier and Gurrero. Proclamation and plan signed by Francisco el Tuerto, who commanded the raid at San Ignacio, and by many other persons. Another officer and a corporal died on the way to San Ignacio, Tex., where there are also 2 wounded soldiers.

L. LAMEDA DIAZ.

Señor Ornelas to Señor Cayetano Romero.

[Telegram.—Translation.]

SAN ANTONIO, TEX., December 14, 1892.

Col. Ceron telegraphs me as follows: "Sixteen Mexican soldiers, captured on the 10th and brought over by the raiders, are imprisoned at San Ignacio, Tex."

P. ORNELAS.

Mr. Foster to Señor Cayetano Romero.

DEPARTMENT OF STATE,
Washington, December 15, 1892.

MY DEAR MR. ROMERO: Your two letters of the 13th and 14th instant, respectively, have been received. You therein inclose telegrams from the Mexican consuls at San Antonio and Laredo, Tex., in regard to the assembling of outlaws on the Texas frontier and the disturbances they are occasioning.

Before the receipt of your communications I had already been in conference with the Secretary of War upon the subject of the raids made from Texan territory into Mexico, and had learned from him that the army stationed on that frontier had been as far as possible on the alert, and that he had given renewed instructions for the exercise of the greatest vigilance in preserving the peace of the frontier and in preventing any violation of our neutrality laws, as well as invasion of Mexican territory. I have delivered in person copies of your communications to the Secretary of War, and he has assured me that everything possible is being and will continue to be done to suppress these lawless expeditions and punish the offenders.

Your Government, however, must not lose sight of the actual conditions on that frontier, which is a long line, thinly populated, where the topography of the country furnishes great facilities for concealment and security from pursuit and arrest, with a river frontier easily crossed at any point. Notwithstanding these facts, I desire to assure you that this Government will seek to overcome, as far as is possible, all these obstacles, and will omit no effort to comply to the fullest extent with its international obligations.

I am, etc.,

JOHN W. FOSTER.

Señor Cayetano Romero to Mr. Foster.

[Translation.]

LEGATION OF MEXICO,
Washington, December 16, 1892.

MY DEAR MR. FOSTER: I have had the honor to receive your note of yesterday, in which you are pleased to reply to those I took the liberty to address to you on the 13th and 14th instants, in regard to the assembling on the Texan frontier of fresh bands of bandits and of the disturbances caused by them, and to inform me that the honorable Secretary of War to whom you gave copies of said notes, assured you that he had done, would continue to do, all that he can to repress such disorders and to punish the disturbers, adding that although the Government of the United States is contending against the obstacles presented by the topography of the country and the scarce population on that long boundary line, formed by an easily forded river, to the pursuit and arrest of said bandits, it will endeavor to overcome them as far as possible and will omit no effort to duly comply with its international obligations.

I at once forward your above-mentioned note to the Government of Mexico, which I do not doubt will receive with satisfaction the assurances given by that of the United States to faithfully comply with its duties of friend and neighbor to Mexico, and will desire a successful termination to so important an undertaking.

I am, etc.,

C. ROMERO.

Mr. Foster to Señor Cayetano Romero.

DEPARTMENT OF STATE,
Washington, December 20, 1892.

MY DEAR MR. ROMERO: I have received your note of December 14, in which you inform me of the receipt from Señor Mariscal of certain instructions relating to an alleged raid into the territory of Mexico by bandits, who are reported as having surprised a small detachment of Mexican troops, burned their barracks, killed and wounded some of them, and brought others prisoners into Texas, together with their horses and arms.

You state in your note that Mr. Mariscal instructs you to make a complaint to the United States Government of the above raid, which he says would not have occurred had there been enough Federal troops in Texas to prevent such a violation of the neutrality laws of this country, and but for the lack of care shown in the matter by the local authorities of that State, and you add that you have no doubt that the United States Government will take at once the necessary measures for the prompt and energetic pursuit of the bandits who leisurely fitted out on American territory an expedition against a friendly nation.

In this connection I desire to refer you to my note of December 15 last, wherein I state to you the energetic measures taken by the Secretary of War to preserve the peace upon the Mexican frontier and to prevent any invasion of Mexican territory or any violation of the neutrality laws of this country. This Government can not allow that it has not at all times made every effort in its power to prevent the use of its territory for any purpose hostile to Mexico, nor that it has in any instance failed to take all possible measures to prevent a violation of its neutrality laws so far as that country is concerned. I have hastened to call the attention of the Secretary of War and of the governor of Texas to the subject-matter of your note, and I have again urged the employment of energetic measures directed to the preventing of any violation of the frontier of Mexico by persons coming from the territory of the United States.

Very truly, etc.,

JOHN W. FOSTER.

Señor Cayetano Romero to Mr. Foster.

[Translation.]

LEGATION OF MEXICO,
Washington, December 21, 1892.

MY DEAR MR. FOSTER: I have had the honor to receive your note of yesterday, wherein, replying to mine of the 14th instant relative to the raid into Mexico on the 10th by outlaws from the United States, and to the complaint made by me on this account in obedience to instructions from Mr. Mariscal, you are pleased to allude to the statement made to me in your note of the 14th instant, to the effect that the War Department had taken energetic measures to preserve the peace and to prevent any invasion of Mexican soil or any violation of the neutrality laws of this country, adding that the Government of the United States can not admit that it has, on any occasion, failed to make every possible effort to prevent its territory from serving as a

basis for any project hostile to Mexico, or that it has ever failed to take every measure in its power to prevent, so far as the United States is concerned, the violation of its neutrality laws, and you inform me that you have called the attention of the Secretary of War and of the governor of Texas to the matter which formed the subject of my note, and have once more urged the use of energetic measures calculated to prevent any violation of the Mexican frontier by persons from United States territory.

I this day communicated the contents of your aforesaid note to my Government, for its information, and I hereby express the wish that the measures which have been taken here for the purpose of putting a speedy end to the disturbances on the Texan frontier may be entirely successful.

These measures, in my opinion, would have been rendered unnecessary by the presence there of a respectable body of regular troops, sufficient to guard so extensive a frontier.

I am, etc.,

C. ROMERO.

Mr. Foster to Señor Cayetano Romero.

DEPARTMENT OF STATE,
Washington, December 27, 1892.

MY DEAR MR. ROMERO: I have to inform you that I have received a communication from the Secretary of War, in reply to two letters from this Department, dated December 14 and 17 respectively, in which I transmitted for his views your two notes of December 13 and 14 in relation to raids into Mexico.

The Secretary in his communication calls attention to the fact that the parties which make raids into Mexico are organized secretly in Texas and do not appear as organized bodies until the moment of crossing the Rio Grande, too late for attack by United States troops. Likewise, after committing depredations in Mexico and upon returning to Texas, they disperse and scatter over the country, either individually or in small parties, making pursuit difficult, if not impossible, as they never present an object of attack by troops on American soil. The commanding-general of the department of Texas, has put in the field all of his available force in pursuit of the returned bandits, and three troops of cavalry, fully mounted and equipped, have been ordered from Fort Riley, Kans., at great expense and inconvenience to the Department, for service on the Mexican border.

With reference to the prisoners said to be held at San Ignacio, the Secretary of War says that while the military authorities have no positive information as to the detention of these prisoners in Texas, should the troops in pursuit capture the raiders and meet with any Mexican soldiers detained as prisoners, they will at once be released and placed under the protection of the United States troops.

It is pertinent for me to remark here that the efforts of the United States Government to prevent these raids from its territory into Mexico seem to receive little cooperation or assistance from the Mexican side of the border. If the same relative force was kept by the Mexican Government on their side of the Rio Grande, raids of the nature complained of could hardly happen, as the commanding general of our

Army feels confident that it would be next to impossible for a small band of raiders to cross from Mexico into Texas, surprise one of the United States garrisons, set fire to the barracks, and return in safety.
Very truly, etc.,

JOHN W. FOSTER.

Señor Cayetano Romero to Mr. Foster.

[Translation.]

LEGATION OF MEXICO.

Washington, December 28, 1892.

MY DEAR MR. FOSTER: I have received your note of yesterday, in which you were pleased to inclose the reply of the Secretary of War to the two communications addressed to him by you on the 14th and 15th instant, transmitting a copy of my notes of the 13th and 14th, relative to the incursions into Mexico by armed forces from this side of the boundary line, in which, as you state, that officer calls attention to the difficulties with which his Department has to contend in preventing violations of the neutrality laws of the United States, owing to the fact that those bands are secretly organized in Texas, and do not appear as organized bodies until they actually cross the Rio Grande, and scatter in all directions on their return to American soil, which renders their pursuit very difficult, if not impossible, especially since they afford no opportunity to the troops to attack them.

You further inform me that the military department of Texas has sent all the forces at its disposal in pursuit of the outlaws, which forces will soon be joined by three troops of cavalry which have left Fort Riley, Kans., for the frontier, at great expense and inconvenience to the Government, and you state that although the military authorities have no information with regard to the detention of Mexican soldiers in Texas, of which I apprised you in one of my notes, yet if the troops now pursuing the marauders succeed in effecting their capture, and find any Mexican soldiers held as prisoners, they will at once release and place them under the protection of the United States, adding that you think proper, in this connection to advert to the scanty cooperation or assistance that is lent on the right bank of the Rio Grande to the efforts which the Government of the United States is making to prevent these incursions, since the general commanding the army is sure that if my Government kept a number of troops on the frontier proportionate to that now in Texas, the attack at San Ignacio would have been almost impossible.

I this day send a copy of your note to my Government for its information, and in order that it may answer the charge that is made against it of not cooperating with that of this country in suppressing the disturbances now taking place on that frontier by keeping a number of troops there equal to that of those in Texas, since I am not in possession of data enabling me to say whether this assertion is or is not well founded.

I must say, however, that the Government of Mexico will take proper care of its extensive frontier, and that it will spare no pains in doing so, as is shown by the fact that the outlaws have been obliged to return to this country after their various raids, never having remained

for more than a few hours in Mexican territory, whither they go for the sole purpose of robbing and plundering.

As regards the Mexican soldiers who are held at San Ignacio, it is proper for me to inform you that I am advised, by private letters which I have received from Texas, that the inhabitants of that town, who are in sympathy with the outlaws, have so frightened the prisoners by making them believe that they will be shot if they return to their country, that it is now said that they refuse to return and declare that they came to that place of their own free will, and that it is not true that they have ever been held as prisoners. As it is a fact which can easily be proved that they have been so held, it would be well for the Federal Government to send a competent and impartial person to that place for the purpose of making a rigid investigation of this case, as an act of justice to the Government of Mexico.

I am, etc.,

C. ROMERO.

Señor Cayetano Romero to Mr. Foster.

[Translation.]

MEXICAN LEGATION,
Washington, December 31, 1892.

MY DEAR MR. FOSTER: I received your little note of this date, in reply to mine of the 28th of the closing month, in which you acquaint me that you have informed the Secretary of War of the suggestion, which I took the liberty to make to you, of causing an investigation that might explain the facts in regard to the detention of Mexican soldiers at San Ignacio, Tex.

I am, etc.,

C. ROMERO.

Señor Mariscal to Señor Cayetano Romero.

[Translated.]

DEPARTMENT OF STATE AND OF FOREIGN RELATIONS,
City of Mexico, December 31, 1892.

I refer to your note No. 699, of the 21st instant, in which was inclosed a copy of the reply made by the honorable Secretary of State to the two notes which you had addressed to him in relation to the crimes committed at San Ignacio, in Tamaulipas, by a band of outlaws organized in Texas. In that reply, as was to be expected, Mr. Foster declares that the U. S. Government will do its duty as a good neighbor and friend of Mexico.

We do not for a moment doubt the sincerity of this promise, and we have always felt full confidence in the good faith of the U. S. Government, as also in its desire to repress outlawry on the Texas frontier, where the outlaws seem to have established their camp for the purpose of committing depredations in our territory, with a ridiculous political pretext which meets with no echo in any portion of this Republic. Yet, notwithstanding our expectation that the action of that Government would put a speedy stop to the machinations of the

outlaws, we have recently seen their raids last for several months, and have seen their menacing attitude prolonged in Texas, in spite of the fact that on the few occasions when they came to the right bank of the Rio Grande they were defeated, and obliged to recross the river and once more to take refuge on the left bank.

If this has been due, to a certain extent, to culpable connivance or tolerance on the part of certain functionaries in Texas, we only have to consider the obligation of the United States Government (which, with the spirit of justice that characterizes it, will not deny this) to be responsible for the course pursued by any State of the Union as regards the international duties of the country. Its obligation is therefore evident, to furnish the means necessary to put an end to the situation to which I refer, whenever the means employed by the frontier State are insufficient for this, whether this fact be due to lack of zeal on the part of its Government or to any other cause. Nevertheless, it is a fact that, during the first campaign of the highwaymen known as the followers of Garza, there was a lack of federal troops to pursue them with efficiency, or to prevent their incursions into Mexican territory.

Feeling certain that this deficiency is not to be ascribed to the fact that the United States Government is unmindful of its duties, or is unwilling to perform them, we believe that it has been due to the circumstance that, in the midst of its serious and multifarious occupations, it has not yet had its attention properly called to the scandalousness of the organization in Texas of bands of highwaymen, armed and mounted, to the number of as many as 200, whose purpose is to invade our territory (as was recently done at San Ignacio) to kill, burn, plunder, and carry off prisoners to Texas, the authorities of which State give no signs of seeing this until it is too late. It seems impossible that, without the tacit consent of the local authorities, such organizations could go on for several days, or that parties could come from a distance, as happened in the aforesaid case, in which a band of forty five highwaymen came from Laredo for the purpose of crossing the river near San Ignacio.

All this, and much else, of which the United States Government is not unaware, even though it may not appear to devote sufficient attention to it, takes place because the frontier on the left bank of the river is not sufficiently watched. The federal troops were not sufficient for this purpose even during the previous campaign of the outlaws; and yet, scarcely did that campaign seem to be ended when a large portion of the federal force was withdrawn, and that region, which is so much exposed to all kinds of disturbances, was left unguarded. The outlaws were consequently not long in recovering their courage, and in arming and assembling anew for the purpose of making their incursions into Mexico, as we have recently seen, notwithstanding the fact that there has been no cessation or diminution on our part of the vigilance which is necessary, and which is possible to this Government, whose sacrifices continue to be considerable, owing to so strange a situation in the midst of the cordial relations now existing between the two countries.

We do not apprehend that this amicable complaint on our part will seem out of place, since the more we consider the matter, the more thoroughly do we become convinced that the scandals which are repeated to our detriment can not be attributed to the absolute powerlessness of the U. S. Government to repress them. If those outlaws had organized in Mexican territory instead of that of the United States, and if they went from here to commit their outrages in the neighboring

Republic, its Government would justly complain against Mexico, and we could not avoid responsibility even by alleging that this is a comparatively feeble Government, and not well able to guard an extensive and sparsely peopled frontier. We should be told, and that very justly, that it is the duty of every nation to procure the elements necessary to discharge its duties toward its neighbors. Such an excuse is therefore much less valid for so powerful a Government as that of the United States, compared to ours.

There certainly are difficulties in guarding the banks of a river which is fordable at various points, but these difficulties may be overcome by a sufficient number of soldiers well distributed along the frontier. I communicate to you separately, to the end that you may transmit it to the United States Government, the general idea which has been conceived by our consul at Rio Grande City, that the fords of the river be guarded by United States troops for a certain distance where it is most exposed to the crossing of outlaws. Since it is impossible to prevent bands from organizing in Texas for the purpose of committing depredations in our territory, they might thus be prevented from carrying out their malevolent intentions. United States troops might be placed so as to cooperate with ours, and so that some fords might be guarded by the troops on one bank, and others by those on the opposite bank.

In our opinion, however, the more efficacious means would be for the forces of both countries, when pursuing outlaws, to be at liberty to cross the frontier with certain restrictions and limitations, just as they are now at liberty to do so and as they have done on other occasions in pursuance of an agreement adopted by the two Governments, whereby the troops of either party are allowed to cross to the territory of the other in pursuit of savage Indians, to which arrangement we have always agreed at the instance of the U. S. Government, and with the authorization of the Mexican Senate. The analogy that exists between the kind of warfare carried on by the Indians and that which has been adopted by the outlaws in question, is quite evident; both simply attempt to surprise those towards whom they are hostilely disposed and avoid pitched battles, unless they are very superior in numbers; both assemble and disband with equal facility; and in their astuteness, the celerity of their movements, etc., they resemble each other in a remarkable manner. It would consequently be advisable, in order to facilitate and render efficacious the pursuit of those persons, to adopt the expedient which I propose. The United States would thereby be enabled more readily to punish the violators of its neutrality laws, those criminals who resist and kill U. S. soldiers, or disarm the officers of justice who are sent to arrest them, and Mexico would succeed in putting a stop to the outrages of the plunderers who come for the purpose of carrying on a desultory warfare and of committing atrocious crimes in her territory. You are authorized to confer with Mr. Foster on this subject.

With a view to reaching a clear understanding, you will, in the first place, read this note to him, and will take a copy of it with you, which you will leave in his hands if he shall request it.

I reiterate to you the assurance, etc.,

MARISCAL.

Mr. Foster to Señor Cayetano Romero.

DEPARTMENT OF STATE,
Washington, December 31, 1892.

MY DEAR MR. ROMERO: I have received your note of the 28th instant, and have hastened to bring to the notice of the Secretary of War your suggestion relative to investigating the contradictory statements made with reference to the Mexican soldiers held at San Ignacio. I am, etc.

JOHN W. FOSTER.

Señor Cayetano Romero to Mr. Foster.

[Translation.]

LEGATION OF MEXICO,
Washington, D. C., January 1, 1893.

MY DEAR MR. FOSTER: Referring to the note which I addressed to you on the 28th of December last in reply to yours of the day before, concerning the organization, on United States territory, of parties of bandits that cross to Mexico with no object but to commit depredations and barbarous assassinations, and particularly the complaint made in it by you that my Government was lending small co-operation to the efforts that this Government was making to repress the disorders on the Texas frontier, I take the liberty of inclosing to you a clipping from the second edition of the New York Times of to-day, which contains a telegram from Monterey, Mexico, which shows in detail the number of Mexican troops stationed on the right bank of the river Bravo, amounting to 2,727 men, and their disposition along the boundary line.

This dispatch corroborates the statement I made to you in the said note, that the Government of Mexico will know how, as becomes it, to care for its extensive frontier and will spare no effort to do so, which seems further confirmed by the facts that have since occurred, as the bandits who used to cross two or three times to the right bank of the Rio Bravo have been forced to return to Texas, not remaining more than some hours on our territory.

I do not know if the Government of the United States has now in Texas the same number of troops as there are now on the right bank of the Rio Bravo. The American newspapers report that the American forces in campaign amount to 600 or 800 men, including three companies of cavalry that came from Fort Riley.

I am, etc.,

C. ROMERO.

[New York Times, January 1, 1893.]

BANDITS DEFEATED BY TROOPS.—DURING THE FIGHT TWO MARSHALS WHO WERE PRISONERS ESCAPED.

SAN ANTONIO, TEX., December 31.

U. S. Marshal Paul Fricke to-day received a telegram from Deputy Eugene Yglesias Webb, of Webb County, stating that Deputy Pinkham had just wired him that Troop G, Third Cavalry, under command of Second Lieut. Hediken, had followed the trail of the Mexican bandits to a point a few miles below Lopono, Zapata County, where the

outlaws crossed the river last evening and made an attack upon a detachment of Mexican troops stationed there.

The engagement was a desperate one and resulted in the bandits being overcome by the Mexican troops. On the evening of the fight Special Deputy Marshals Guerro and Benavides, who were captured by the bandits several days ago, got away. Deputy Guerro is now at Agueleres; Deputy Benavides is with Capt. Francis Hardie, of the Third Cavalry, and is riding one of the Mexican Government's army horses, which the bandits took in the fight opposite San Ygnacio.

No particulars as to the number killed and wounded in the fight were given in the dispatch.

MONTEREY, MEXICO, *December 31.*

Gen. Benardo Reyes, governor of the State of Nuevo Leon, and commander of this military zone, states that the Mexican frontier is well protected and that the revolutionists will find it very difficult work to get through the two lines of troops which are now massed upon the border.

The total number of troops in active service on the Mexican frontier is 2,727. They were in detachments, distributed as follows:

Paso del Norte, 6 officers, 74 infantry; Jimenez, 1 officer, 20 infantry; Piedras Negras, 3 officers, 41 infantry of the Twenty-sixth Battalion, and 4 officers, 52 infantry, and 57 cavalry of the Twelfth Regiment; Guerrero, 3 officers, 44 infantry of the Fifth Battalion, 1 officer and 15 infantry of the Sixth Auxiliaries; Hidalgo, 1 superior officer, 2 officers, 75 infantry; New Laredo, 5 officers, 99 infantry of the Fifth Battalion, 1 superior officer, 21 infantry, and 318 cavalry of the Thirteenth Regiment; Guerrero, State of Tamaulipas, 1 superior officer, 10 infantry, 104 cavalry; La Guerras, 2 officers, 25 infantry, 25 cavalry of the Fourth Regiment and 10 infantry auxiliaries of Nuevo Leon; Mier, 3 officers, 49 infantry, 49 cavalry of the Fourth Regiment, 3 superior officers, 9 officers, 58 infantry, 64 cavalry, of the Fifth Auxiliaries, superior officers, 24 officers, 410 infantry of the Sixth Battalion, also 15 infantry auxiliaries of Nuevo Leon; Gloria, 15 infantry; Carmargo, 3 officers, 50 infantry of the Sixth Battalion, 2 officers, 25 infantry, 25 cavalry of the Fourth Regiment, 1 superior officer, 24 infantry of Tamaulipas Auxiliaries; San Miguel, 1 superior officer, 4 officers, 65 infantry, 67 cavalry of the Fourth Regiment and 10 infantry of Tamaulipas Auxiliaries; Reynosa del Diaz, 2 superior officers, 10 officers, 89 infantry, 65 cavalry of the Fourth Regiment, 2 officers, 25 infantry of the Fifth Squadron of Battalion; Matamoras, 4 officers, 69 infantry of the Sixth Battalion, 2 superior officers, 82 infantry of the Fifth Squadron of Battalion; 1 superior officer, 2 officers, 18 infantry, 19 cavalry of the Third Auxiliaries, 3 officers, 19 infantry, 20 cavalry of the Fourth Auxiliaries.

Mr. Foster to Señor Cayetano Romero.

DEPARTMENT OF STATE,
Washington, January 4, 1893.

MY DEAR MR. ROMERO: I have to acknowledge the receipt of your note of the 1st instant, inclosing a clipping from the New York Times in which it alleges that the Mexican Government maintains a military force of 2,727 men on their side of the Rio Grande.

You state in your note that you understand from prior reports that our force in that vicinity numbers from 600 to 800 men.

In reply I beg to inform you that it is learned on inquiry of the War Department that the United States forces in the vicinity of the Rio Grande are about 1,800 men.

Referring to a previous communication from you in which you informed me that it was believed that some Mexican soldiers were held prisoners at San Ignacio, Tex., I beg to advise you of the receipt by this Department of a dispatch from our consul-general at Nuevo Laredo informing us that it is claimed by the authorities at San Ygnacio that the Mexican troops remain on the Texas side partly because they prefer life in the United States, and also because they are afraid to return to Mexico, fearing punishment.

Very truly, yours,

JOHN W. FOSTER.

Señor Cayetano Romero to Mr. Foster.

[Translation.]

LEGATION OF MEXICO,
Washington, January, 5, 1893. (Received January 6.)

MY DEAR MR. FOSTER: I have received your note of yesterday, whereby you are pleased to acknowledge the receipt of that which I addressed to you on the 1st instant, inclosing a clipping from a newspaper which contained a statement of the number of troops that the Mexican Government has on the right bank of the Rio Grande, and to inform me, in reply, that from information received by you from the War Department it appears that the number of United States soldiers now in the vicinity of that river is about 1,800.

You are pleased to apprise me, moreover, referring to a communication of mine of previous date, in which I stated that some Mexican soldiers were held as prisoners at San Ygnacio, Tex., that your Department has received a dispatch from the U. S. consul-general at Nuevo Laredo, in which he says that the authorities at San Ignacio declare that those soldiers have remained in Texas not only because they prefer to live in this country, but because they are afraid of being punished if they return to Mexico.

I this day transmit a copy of your aforesaid note to Mr. Mariscal for his information, and, hoping that the War Department of this country will be pleased to act upon the suggestion which I took the liberty to make in my note of the 28th ultimo, viz, that a military officer of rank should make an investigation with regard to the conflicting rumors that have been in circulation relative to the Mexican soldiers who are held at San Ignacio, Tex., as the best means of eliciting the facts in the case.

I am, etc.,

C. ROMERO.

Señor Cayetano Romero to Mr. Foster.

[Translation.]

LEGATION OF MEXICO,
Washington, January 12, 1893. (Received January 13.)

MR. SECRETARY: I have the honor, in pursuance of instructions received from my Government, and referring to your Department note of the 27th ultimo, herewith to transmit to you a copy of a detailed statement which I have received from the department of foreign relations of Mexico, in which is given the number of troops now on the right bank of the Rio Grande.

This number is, in the opinion of my Government, sufficient to protect our territory, and I take the liberty, in this connection, to call the attention of the U. S. Government to the fact that the outlaws have never been able to remain even for two days on the right bank of the Rio Grande, and those who last crossed, since the occurrence at San Ignacio, were not able to remain on Mexican soil more than fifteen minutes, while another party was beaten in attempting to cross, being unable to reach the Mexican side.

I avail, etc.,

C. ROMERO.

DEPARTMENT OF STATE, WAR, AND MARINE.

Statement of Federal detachments now on the frontier between Paso del Norte, in the State of Chihuahua, and Bagdad, Tamaulipas.

States.	Where stationed.	Corps.	Officers in command.	Superior officers.	Sub-altern officers.	Men.	Horses.	Mules.
Chihuahua	Paso del Norte	Ninth battalion	First captain		6	74		
Coahuila	Jimenez	Sixth auxiliary corps	Adolfo Fuentes, lieutenant		1	20		
	Piedras Negras	Twenty-sixth battalion	Teodoro Hernandez, first captain		3	41		
	Do	Twelfth regiment	Miguel Sapien, adjutant		4	52	57	2
	Guerrero	Fifth battalion	Antonio Villanneuva, second captain		3	44		
	Do	Sixth corps of auxiliaries	Concepcion Flores, ensign		1	15		
Tamaulipas	Hidalgo	do	Martiniano Valdez, lieutenant-colonel	1	2	75		14
	New Laredo	Fifth battalion	Vidal Pacheco, first captain		5	99		
	Do	Thirteenth regiment	Luis Ceron, colonel	1	21	214	318	12
	San Ignacio	Fourth corps auxiliaries	Eduardo Cerda, second captain (force unknown)					
	Guerrero	do	S. Esquivel, major	1		10	104	4
	Las Guerras	Fourth regiment	Manuel G. Sordia, second captain		2	25	25	
	Do	Auxiliaries from Nuevo Leon	do			10		
	Mier	Fourth regiment	Elenterio Rivas, lieutenant		3	49	49	
	Do	Fifth corps auxiliaries	André's Michel, general-colonel	3	9	58	64	4
	Do	Sixth battalion	Lorenzo Garcia, general-colonel	3	24	410		32
	Do	Auxiliaries from Nuevo Leon	do			15		
	Gloria	do	do			16		
	Camargo	Sixth battalion	Gonzalo Luque, first captain		4	50		
	Do	Fourth regiment	Ignacio Estrada, lieutenant		2	25	25	
	Do	Auxiliaries of Tamaulipas	Luis Izaguirre, major	1		24		
	San Miguel	Fourth regiment	Vicente Macias, lieutenant-colonel	1	4	65	67	4
	Do	Auxiliaries of Tamaulipas	do			10		
	Reynosa de Diaz	Fourth regiment	Anastasio Hernandez, second captain		2	30	30	
	Reynosa	do	Antonio Mameró, colonel	2	10	89	65	3
	Do	Fifth square of battalion	Enrique Moreno, second captain		2	25		
	Do	Auxiliaries of Tamaulipas	do			10		
	Matamoros	Sixth battalion	Fernando Rojas, first captain		4	69		
	Do	Fifth square of battalion	Gonzalo Rios, colonel	2	8	82		7
	Do	Third corps of auxiliaries	Donaciano Felix, lieutenant-colonel	1	2	18	19	
	Do	Fourth corps of auxiliaries	Rafael Treviño, ensign		3	19	20	
Total				16	125	1,743	843	82

NOTE.—The acting commander of the second zone is Gen. Col. José Ma Rangel. The acting commander of the third zone is Gen. Col. José del Valle. The commander of the fourth zone is Brig. Gen. Emiliano Lajero. The officer in command of the Laredo line is Col. Luis Ceron, of the cavalry. The officer in command of the line between Mier and Guerrero is Gen. Col. L. Garcia.

NOTE.—On the night of December 13, 1892, 60 men of the twenty-sixth battalion left Monterey for Laredo by rail, and on the morning of the same day 40 men of the thirteenth regiment marched for the same place by ordinary road. On the 21st of the same month 100 foot soldiers left for the same place by rail.

R. ECHENIQUE,
The Colonel Commanding the First Division.

CITY OF MEXICO, December 26, 1892.

MEXICO.

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Señor Cayetano Romero to Mr. Foster.

[Translation.]

LEGATION OF MEXICO,
 Washington, January 12, 1893. (Received January 13.)

MR. SECRETARY: I have the honor, in pursuance of instructions received from Mr. Mariscal, secretary of foreign relations of Mexico, herewith to inclose a copy of a communication addressed to that officer on the 16th ultimo by the consul of the Republic at Rio Grande City, Tex., suggesting that it would be well for the U. S. Government to station detachments of Federal troops at the fords of the Rio Grande, between that place and Laredo, so as to render it difficult for the highwaymen who assemble and organize in Texas to cross that river. The Government of Mexico hopes that this suggestion will be adopted, since it does not doubt that its adoption would be productive of good results.

Be pleased to accept, etc.

C. ROMERO.

[Inclosure—Translation.]

Señor Leal to Señor Mariscal.

No. 31.]

CONSULATE OF MEXICO,
 Rio Grande City, Tex., December 16, 1892.

The officer in command of Fort Ringgold called to see me to-day at my office, and in speaking of the recent occurrences at the San Ignacio ranch, a report of which I had the honor to send to the department under your charge in my dispatch of the 13th instant (No. 30), I took the liberty to suggest to him that it would be well for detachments of Federal troops to be stationed at the fords of the Rio Grande on the Texas side, inasmuch as the crossing of outlaws as into Mexican territory might thereby be prevented.

The said officer told me in reply that the idea seemed to him to be a good one, but that he would have to consult the officer in command of the Department of Texas on the subject.

I have, Mr. Minister, addressed a communication relative to this matter to Don Plutarco Ornelas, at San Antonio, Tex., requesting him to call on the officer commanding the department, and to point out to him the advisability of stationing such detachments at the fords of the Rio Grande between this city and Laredo.

It is my belief, Mr. Minister, that this measure, if adopted, would be productive of the best results, and that the presence of Federal troops in those places would prevent any further incursions into our territory by those criminals.

I have the honor to communicate this to you for your information, and to reiterate to you the assurances of my very distinguished consideration and most profound respect.

ALBERTO LEAL.

Mr. Foster to Señor Cayetano Romero.

DEPARTMENT OF STATE,
 Washington, January 19, 1893.

SIR: I have the honor to acknowledge the receipt of your notes of 12th instant and to say that I have communicated to the Secretary of War the suggestion that the U. S. Government station troops at the fords of the Rio Grande between Rio Grande City and Laredo, and also the statement which you send me relative to the Mexican forces now on the right bank of that river.

Accept, etc.,

JOHN W. FOSTER.

Mr. Foster to Señor Cayetano Romero.

DEPARTMENT OF STATE,
Washington, January 23, 1893.

SIR: I have the honor to say that I hastened to make known to the Secretary of War the contents of Mr. Mariscal's note of 31st ultimo, left here by you on the 13th instant, in which were communicated certain suggestions on the subject of preventing hostile incursions into Mexico from the Texas border; and I now transmit a copy of a letter giving his views in the matter, which, while they appear to be mainly in accord with those of your Government, indicate the conditions which interfere with the adoption of the proposed expedient of providing for reciprocal crossing of the frontier by troops of both countries.

Accept, etc.,

JOHN W. FOSTER.

[Inclosure.]

Mr. Elkins to Mr. Foster.

WAR DEPARTMENT,
WASHINGTON, January 19, 1893. [Received January 21.]

SIR: I have the honor to acknowledge the receipt of your letter of the 13th instant inclosing for my confidential information a copy of a dispatch from the minister of foreign affairs of the Republic of Mexico, delivered to you by the chargé d'affaires of that Government in this city, in relation to the pursuit of outlaws on the frontier, to which you invite my attention, and especially to the two recommendations made by the minister respecting the movement of troops, concerning which you request the views of the Department at as early a date as practicable.

The communication of the minister was referred to the Major-General Commanding the Army, and I invite attention to the inclosed letter from him, dated the 17th instant, expressing his views on the subject, in which I concur.

The suggestion relative to the disposition of the United States troops and the Mexican troops on the lookout for these outlaws, the Major-General Commanding the Army remarks in his letter, is a timely one, and the suggestion will be conveyed from the headquarters of the Army to the commanding general, Department of Texas, for his guidance.

Very respectfully,

S. B. ELKINS,
Secretary of War.

Gen. Schofield to Mr. Elkins.

HEADQUARTERS OF THE ARMY, Washington, D. C., January 17, 1893.

SIR: Referring to the copy, furnished you by the State Department, of a dispatch from the minister of foreign affairs of the Republic of Mexico to the chargé d'affaires of that Government in this city, and dated December 31, 1892, I have the honor to offer the following suggestions:

Preventive measures have not in any country been found sufficient to always prevent attempts at crime, nor always to prevent some success in such attempts. It can not be hoped to accomplish even so desirable an object as this always without the employment of means largely in excess of those which any government has regarded itself as justifiable in employing.

Considering the physical features of the border country between the United States and Mexico, and the character of a large portion of the population inhabiting that country on either side of the boundary line, it is not strange that the general experience of these and other nations should have found no exception there, and yet the number of successful incursions from the one side to the other of the Rio Grande has in fact been very small, and the damage done not very great. The vigilance of the military forces of the two nations on either side of the river has sufficed to

make such lawless attempts very dangerous and unprofitable to the criminal whose robber designs have been only thinly veiled under a pretense of political purpose.

The military force employed by the United States on that frontier has been, and now is, quite as large in proportion to the service required as the aggregate strength of the Army will permit, and it is believed as large as the international obligations of the United States require. It is believed that future attempts at such lawless incursions from Texas into Mexico should be deterred by the pursuit, arrest, and punishment of criminals who have heretofore been engaged in such lawless acts, rather than by a large military force constantly on guard along the Rio Grande, and this for various reasons, among others, the manifest fact that such guarding of the border would do nothing to change the character or purpose of the lawless population in that part of the country on either side of the river, and would make it certain that whenever any other military exigency should cause the troops to be withdrawn these criminal raids into Mexico would immediately be renewed without risk to the criminals. This pursuit and arrest and punishment of those who have thus violated the neutrality laws of the United States devolves primarily upon the civil authorities of the Government, or of the State of Texas. In this work the troops can only aid the United States marshals as a part of their posse.

This leads to the manifest conclusion respecting the suggestion of the Mexican Government, that the troops of either country may, in pursuit of lawless raiders, follow them across the river into the territory of the other country. Since not even the troops of the United States can, independently of the civil authority, make such pursuit in the State of Texas, but must do so in aid of the marshal's posse, far less would it be possible for the troops of a foreign nation to do the same thing. Indeed, in the arrangement heretofore made between the United States and Mexico for the pursuit of savage Indians across the line, the stipulation was made, it is believed, at the instance of the Mexican Government, that this should only take place in a portion of the country which is wild, mountainous, and uninhabited by civilized people. It would be manifestly impossible for either country to allow the troops of the other to pursue even savage Indians into a territory of the other country inhabited by citizens.

The Mexican minister makes one suggestion which I am happy to appreciate as very timely, namely, that in the disposition of the United States troops on the one side and of the Mexican troops on the other such concert of action may be had between the commanding officers of the two forces as to double the effect, by stationing the Mexican troops at one crossing and those of the United States at another alternately. I will immediately convey to the commanding general, Department of Texas, this suggestion for his guidance.

Very respectfully,

J. M. SCHOFIELD,
Major-General Commanding.

Mr. Foster to Señor Cayetano Romero.

DEPARTMENT OF STATE,
Washington, February 1, 1893.

SIR: I have the honor to inclose a copy of communications from the Secretary of War relative to the capture by our troops of the bandits, Francisco Benavides, Prudencio Gonzales, and Cecilio Echeverria.

Accept, etc.,

JOHN W. FOSTER.

[Inclosure.]

Gen. Wheaton to the Adjutant-General.

[Telegram.]

SAN ANTONIO, TEX., *January 23, 1893.*

I have the honor to report an important success by our troops on the Rio Grande border. Francisco Benavides, the bandit chief who led the murderous attack on the Mexican outpost opposite San Ignacio, on the 10th ultimo, was captured yesterday by a detachment of Third Cavalry, commanded by Lieut. J. T. Dickman, Third

Cavalry, is, with two other important bandit leaders, now a prisoner in camp of Capt. Chase's squadron at Baluarte Ranch, Zapata County, Tex. Following received from Capt. Geo. F. Chase, Third Cavalry, commanding reserve squadron, Troops D and K, Third Cavalry, in the field, from Fort Sam Houston, dated Baluarte Ranch, January 22:

"Lieut. Dickman, while scouting from this camp with detachments of D and K troops, Lieuts. Walker and Conrad, captured Francisco Benavides and Prudencio Gonzales, leaders in the San Ignacio raid. They are now prisoners in my camp."

And following, dated January 23:

"Dickman has returned to camp. He had a sharp fight with a party of bandits yesterday afternoon. It resulted in wounding and capturing Echeverria, a captain, and one of the most desperate of the bandits, a deserter from the Mexican army, who emptied every cartridge in his Winchester before he was captured. Sergt. Kramp, with three men of D troop, captured the bandit chiefs Benavides and Gonzales. They saw the bandits first and laid for them in the brush. The officers and men of the squadron have worked night and day through cold and storm, conducting themselves with bravery, patience, and judgment worthy of commendation during the execution of the plans for the capture of the bandit leaders. Chase, captain commanding."

FRANK WHEATON,
Brigadier-General Commanding.

[Inclosure 2.]

General Wheaton to the Adjutant-General.

[Telegram.]

SAN ANTONIO, TEX., *January 25, 1893.*

I report that bandit leaders Francisco Benavides, Cecilio Echeverria, and Prudencio Gonzales, captured by our troops on the 21st, are now in the hands of the U. S. deputy marshals, having been turned over to them in pursuance of my orders by the commander of my reserve squadron now in the field. The last-named prisoner, Gonzales, has just reached San Antonio under charge of Lieut. Dickman, Third Cavalry, his captor, and is here in jail. Bandits Echeverria and Benavides are under a strong guard of regular troops, being taken to Rio Grande City, near Fort Ringgold, by the two deputy marshals in charge of them, likely to arrive to-day. They left camp of our troops on the Baluarte on 23d. Señor Plutarco Ornelos, consul for Mexico, has this day made requisite official affidavits before U. S. Commissioner L. F. Price, extradition commissioner for the western judicial district of the United States, for the extradition of these several prisoners to Mexico to answer there for crimes they are believed to have committed, in the interest of good order and quiet on the Rio Grande border, so long disturbed by these renegades and their sympathizers. I earnestly hope that the application of Consul Ornelos may be favored by the Government. Consul Ornelos has to-day communicated his action before the U. S. extradition commissioner here to Minister Romero in Washington.

FRANK WHEATON,
Brigadier-General, Commanding.

Señor Cayetano Romero to Mr. Foster.

[Translation.]

LEGATION OF MEXICO,
Washington, February 2, 1893. (Received February 2.)

Mr. SECRETARY: I have had the honor to receive your note of yesterday, inclosing a copy of two communications which had been transmitted to you by the honorable Acting Secretary of War, both from Gen. Frank Wheaton, in command of the Military Department of Texas, reporting the capture on the 22d ultimo, by a detachment of U. S. troops, commanded by Lieut. J. C. Dickman, Third Cavalry, of Francisco Benavides, Prudencio Gonzales, and Cecilio Echeverria, who

took a prominent part in the attack on San Ignacio, and committed the atrocious murders of the Mexican officers and soldiers who were doing garrison duty at that place, and also the steps which have been taken by the consul of Mexico at San Antonio, before Hon. L. F. Price, U. S. extradition commissioner, for the western judicial district of Texas, to secure the extradition of the aforesaid outlaws, which Gen. Wheaton hopes will receive the support of this Government in the interest of good order and peace on that frontier.

I thank you for transmitting these communications of Gen. Wheaton to me, and I shall communicate them to my government without delay, not doubting that it will be glad to be informed of the capture of these criminals and especially of the steps which have been taken to secure their extradition, which steps it is to be hoped will be successful.

The zeal displayed by the U. S. troops in pursuing the outlaws (they having suffered the privations and hardships which are inseparable from such a pursuit in that part of the country) is worthy of the highest praise, while their success in capturing the outlaws in question reflects great credit upon those who effected the capture.

Be pleased to accept, etc.,

C. ROMERO.

Señor Cayetano Romero to Mr. Foster.

[Translation.]

LEGATION OF MEXICO,
Washington, February 6, 1893. (Received February 6.)

Mr. SECRETARY: The Government of Mexico, desiring to take measures to defend the national territory by punishing the marauders who organize in United States territory and periodically cross, in armed bands, for the purpose of committing arson, robbery, and murder on the soil of Mexico, and also to put a stop to their incursions, is of the opinion that it would be well for each Government to apprise the other of the measures which it thinks proper to take in its territory to prevent these bands from meeting and organizing, and to punish them if they enter the territory of the other.

The Government of Mexico has a force stationed on its Texan frontier sufficient to annihilate any marauders who may cross, if they will fight, and this has been shown by the fact that in none of the various incursions which they have made during the past three years have they been able to remain on Mexican soil for more than two days. Our efforts are frustrated, however, by the circumstance that, when the invaders are attacked by Mexican troops, they cross to United States territory, where they can not be pursued by our forces.

My Government thinks that it would perhaps be premature to propose to that of the United States an arrangement similar to that concluded for the pursuit of hostile savage Indians, according to which the troops of either country might cross to the territory of the other in pursuit of those armed bands of outlaws and marauders organized in the territory of the other which have no political character. Perhaps, if this state of things continues, the U. S. Government may hereafter think proper to propose the conclusion of such an arrangement to that of Mexico. For the present, it would be well for the War Department of each of the countries interested to inform the other what forces it proposes to assign to preserve the peace on its frontiers, and what system it pro-

poses to adopt for the attainment of this end, so that, both acting in concert, the purpose had in view by both governments might be more easily accomplished.

I have, consequently, received instructions from Mr. Mariscal to make this statement to you, and to inform you at the same time, as I hereby have the honor to do, as a consequence thereof, that the Government of Mexico now has on the frontier the forces mentioned in the accompanying table, which are considered amply sufficient to destroy any armed band that may cross to Mexican territory, and that the officers in command of said forces have been instructed to station detachments at all the fords of the Rio Grande, so as to prevent the crossing of marauders who have organized and armed themselves in United States territory, or to punish them if they succeed in crossing. Timely information communicated by the officers in command of our forces to those of the U. S. forces will conduce to the preservation of peace on both sides of the Rio Grande, and if these views meet the approval of the Government of the United States of America, the officers in command of the Mexican forces will be instructed to carry them out.

I avail, etc.,

C. ROMERO.

DEPARTMENT OF THE SPECIAL STAFF CORPS—MEXICO.

Tables showing the Federal forces now in the Third and Fourth Military Zones, comprising the States of Coahuila, Nuevo Leon, and Tamaulipas.

	Superior officers.	Subordinate officers.	Men.	Horses.	Mules.
Third Zone:					
Fifth Battalion of Infantry	3	34	569	.....	32
Twenty-sixth Battalion of Infantry	3	33	559	.....	32
Third Square of Battalion	1	11	116	.....	.....
Twelfth Regiment	3	33	398	424	32
Thirteenth Regiment	3	34	379	429	32
Sixth Troop Auxiliary Cavalry	3	9	155	155	14
Fourth Zone:					
Sixth Battalion of Infantry	3	31	603	.....	32
Eighteenth Battalion of Infantry	3	28	540	.....	14
Fifth Square of Battalion	2	10	105	.....	7
Fourth Regiment	3	33	401	348	6
Third Troop Auxiliary Cavalry	3	10	91	92	4
Fourth Troop Auxiliary Cavalry	3	9	79	104	4
Fifth Troop Auxiliary Cavalry	3	12	89	94	4
Total	36	287	4,084	1,040	213

A copy:

M. ASPIROZ,
Chief Clerk.

MEXICO, January, 23, 1893.

Mr. Foster to Señor Cayetano Romero.

DEPARTMENT OF STATE,
Washington, February 10, 1893.

SIR: I have the honor to state that the contents of your note of 6th instant, in which you make known the views of your Government on the subject of more effectively pursuing the armed disturbers of the peace on the border through greater concert of action by the troops of both governments, have been communicated to the Secretary of War.

Accept, etc.,

JOHN W. FOSTER.

Mr. Wharton to Señor Cayetano Romero.

DEPARTMENT OF STATE,
Washington, February 23, 1893.

MY DEAR MR. ROMERO: I beg to say, for your information, that according to a letter of 20th instant from the War Department, Deputy U. S. Marshal Martiniarard, arrested on the 10th instant at San Ignacio, Tex., Isidoc Ereda and Quiocino, supposed to have aided the bandits who have lately disturbed the peace of Mexico.

They have been held.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Wharton to Señor Cayetano Romero.

DEPARTMENT OF STATE,
Washington, February 25, 1893.

MY DEAR MR. ROMERO: I beg to say that a letter has been received from the War Department, of date the 23d instant, from which it appears that on the 18th of this month "15 bandit prisoners and 4 others who surrendered" were brought to Fort Ringgold by Capt. Bourke, U. S. Army. A telegram of 18th instant (communicated in the above), from Gen. Wheaton expresses a hope "to be able soon to report the capture of all the San Ignacio murderers."

I am, etc.

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Gresham to Señor Romero.

DEPARTMENT OF STATE,
Washington, March 15, 1893.

MY DEAR MR. ROMERO: I beg to state that, as appears by a letter of the War Department of the 1st instant, the following named San Ignacio bandits, to wit: Julian Flores, Librado Gutierrez, Dionicio Salaza, Gregorio Jueborro, (?) Clemente Gutierrez, José Maria Morales, and Aniceto Treviño, surrendered on the 25th ultimo to Captain Jackson, Seventh U. S. Cavalry, near Carrizo.

The letter adds that in a recent encounter, the bandit Magus de Aqua, who murdered Scout Glover in January, 1892, was killed.

I learn, also, by a communication from the same Department, of 11th instant, that on the 8th of this month, Fernandez Salinas said to have been Garza's private secretary, and Rafael Ramirez, in command at San Ignacio, were arrested. The letter adds that Tomas Cuellar, Procopio Gutierrez, and Amando Garcia, surrendered at Carrizo on 7th instant.

I am, etc.,

W. Q. GRESHAM.

Señor Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,

Washington, March 16, 1893. (Received March 17.)

MY DEAR MR. GRESHAM: I had the honor to receive the letter of yesterday's date which you were pleased to address to me in which you inform me that from two communications from the U. S. War Department of 1st and 11th instant it appears that the following bandits surrendered to Capt. Jackson of the Seventh Cavalry near Carrizo, Tex., who were engaged in the attack on the Mexican town of San Ignacio on the 10th of last December: Julian Flores, Librado Gutierrez, Dionicio Salazar, Gregorio Jueborro(?) Clemente Gutierrez, José Maria Morales, Aniceto Treviño, Tomás Cuellar, Procopio Gutierrez, and Amando Garcia; that Fernando Salinas, said to have been private secretary to Garza, and Rafael Ramirez, one of the leaders of the attack, were also arrested, and that in a recent encounter, Manga de Agna was killed, who in January, 1892, assassinated the explorer Glover.

It is very satisfactory to me and it will be equally so to the Government of Mexico to observe the diligence shown by the troops of the U. S. Regular Army in arresting and delivering to the proper judge the bandits organized in Texas, who attacked the Mexican town of San Ignacio, because in this way, and being certain that their crimes will not go unpunished under pretext of wishing to give them a political coloring, it is very probable that they will abstain from committing like offenses, which, besides the consequent results to the perpetrators, may have that of affecting the good relations existing on the frontiers of two neighboring and friendly nations.

I am, etc.,

M. ROMERO.

Mr. Gresham to Señor Romero.

DEPARTMENT OF STATE,

Washington, March 18, 1893.

MY DEAR MR. ROMERO: I beg to state that, as I learn by a letter of the War Department of 15th instant, there reached Fort Ringgold on the 12th instant the bandits Jesus Sandoval, Chico Procopio Sandoval, Secundino Ramirez, Juan Maldonado, Eslas Ybañez, and Juan Guerra, who surrendered, they said, by reason of "the constant rounding up of ranches by troops."

I am, etc.,

W. Q. GRESHAM.

Señor Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,

Washington, March 18, 1893. (Received March 20.)

MY DEAR MR. GRESHAM: I have the honor to acknowledge the receipt of your letter of this date in which you inform me that a letter of the 15th instant from the War Department has communicated to

you that on the 12th instant the bandits Jesus Sandoval, Chico Procopio Sandoval, Secundino Ramirez, Juan Maldonado, Esclas Ibañez, and Juan Guerra, arrived at Fort Ringgold, having surrendered, they said, because of the constant vigilance of the troops on the ranches.

The circumstance that a considerable number of the bandits who took part in the late incursions into Mexico, after organization in Texas, should have surrendered shows the efficacy of the pursuit of them by the agents of the U. S. Government, and is in contrast with the leniency manifested during the first two raids, one led by Ruiz Sandoval and the other by Catarino Garza.

It is very satisfactory to observe that the active and efficacious pursuit of these bandits is bearing fruit, and I believe that in future there will be no further invasions of a friendly country like those which have occurred in the last three years.

I remain, etc.,

M. ROMERO.

Mr. Gresham to Señor Romero.

DEPARTMENT OF STATE,
Washington, March 30, 1893.

MY DEAR MR. ROMERO: I beg to inform you that, as appears by two letters of the War Department of 28th instant, the bandit Maximo Martinez surrendered to our troops at Camp Carrizo on 22d instant, together with his followers, A. Arambula and E. Martivero, while the bandit Juan Manuel Zarrate has been captured and brought to Fort Ringgold.

I am, etc.,

W. Q. GRESHAM.

Mr. Gresham to Señor Romero.

DEPARTMENT OF STATE,
Washington, March 31, 1893.

SIR: Referring to the note of your legation of 6th ultimo, submitting certain propositions from the Government of Mexico for the better pursuit of lawless characters on the Rio Grande border, I have the honor to inclose a copy of a letter of the major-general commanding the Army concurring in the propositions mentioned.

In communicating these views on the 29th instant, the Secretary of War states that the recommendation at the close of Gen. Schofield's letter herewith, will be carried out.

Accept, etc.,

W. Q. GRESHAM.

[Inclosure.]

Gen. Schofield to Mr. Lamont.

HEADQUARTERS OF THE ARMY,
Washington, D. C., February 26, 1893.

After full consideration of the communication herewith returned to you from the Mexican charge d'affaires to the Secretary of State, dated February 6, 1893, I have the honor to remark as follows:

I cordially concur in the suggestion of the Mexican Government to the effect that timely information be communicated by the officers in command of the forces on either side of the Rio Grande to those commanding the corresponding forces on the opposite side, of any movement of a lawless character, either from the United States into Mexico, or the reverse, so that the earliest possible action may be taken for the attack, pursuit, and capture of all engaged in such lawless enterprises. Also, that on the United States side of the Rio Grande, as well as on the Mexican, detachments be stationed at all the fords of the river, so as to prevent the crossing of marauders in either direction without being exposed to immediate pursuit and attack by the forces of the two Governments on the one side or the other of the river.

The difficulty encountered by the United States forces is the same in kind, but much greater in degree, than that experienced by the Mexican troops, for the reason that the marauders do not appear in organized bands on the American side of the river, especially after having committed their depredations in Mexico. They do not offer an object of attack for even a single troop of cavalry on the American side, while on the Mexican side they must appear, for a short time at least, in organized forces in order to commit the depredations which they design. The Mexican troops therefore are given some, although unsatisfactory, opportunity to attack and pursue them.

The function of the United States can only be to assist the civil officers in the pursuit and arrest of the marauders after they have returned from Mexico, and sometimes to prevent, as far as possible, their crossing into Mexico, this latter, however, being exceedingly difficult, because they may cross even individually or in very small numbers so as not to attract attention.

It is not possible to say for any definite period of the future how large a force it may be found expedient or necessary to station in Texas for the important service required there. But in view of the nature of that service the force need not be so large as that on the other side of the river, for the reason that under no circumstances can anything more than the very small detachments be required, either to prevent the crossing into Mexico or for the pursuit of the criminals after they return.

It is respectfully recommended that the Adjutant-General send a copy of the communication herein referred to from the Mexican Government to the commanding general Department of Texas with instructions to act in accordance with the spirit of the suggestions therein contained.

Very respectfully, etc.,

J. M. SCHOFIELD,
Major-General Commanding.

Mr. Gresham to Señor Romero.

DEPARTMENT OF STATE,
Washington, April 21, 1893.

MY DEAR MR. ROMERO: I beg to state that, as appears by letters of 19th instant from the Secretary of War, an important bandit named Roman Garcia surrendered to our troops at Carrizo on 14th instant, and on the same day another bandit, Jesus Flores, surrendered at Fort Ringgold.

I am, etc.,

W. Q. GRESHAM.

Mr. Adee to Señor Romero.

DEPARTMENT OF STATE,
Washington, April 27, 1893.

MY DEAR MR. ROMERO: I beg to state that as I learn from a letter of 24th instant, of the War Department, Lieut. West and detachment captured Pedro Garcia on the 19th instant. It is understood that Garcia is one of the disturbers of the peace of the border.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Señor Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
New York, April 28, 1893. (Received May 4.)

MR. SECRETARY: I have the honor to inform you that I have received a note from Señor Mariscal, secretary of foreign affairs of the Government of the United States of Mexico, dated City of Mexico, the 13th instant, which incloses a complaint from the collector of customs on the frontier at Camargo, Tamaulipas, that a colored soldier of the Army of the United States of America, on two different days, the 8th and 9th instants, fired several times on the sentry box of that custom-house.

I request that you will be kind enough to collect the real details of this affair, and should the facts prove to be such as have been communicated to the Government of Mexico, I do not doubt that that of the United States will commit the responsible party to the proper judge and put an end the abuse.

Accept, etc.,

M. ROMERO.

Mr. Gresham to Señor Romero.

DEPARTMENT OF STATE,
Washington, May 3, 1893.

MY DEAR MR. ROMERO: I beg to state that, as appears by a letter of the War Department of 1st instant, Lieut. Walker, Third Cavalry, has captured Delfino Garcia, one of Mangua de Agua men—a disturber, as understood, of the peace on the border.

I am, etc.,

W. Q. GRESHAM.

Señor Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, June 9, 1893. (Received June 9.)

MR. SECRETARY: On the 28th of April last I had the honor to address to you a note in which, by order of the Government of Mexico I complained that a colored soldier of the U. S. Army had on the 8th and 9th of that month fired his rifle on the north sentry box of the frontier town of Camargo, situated in the state of Tamaulipas on the margin of the River Bravo del Norte. For this reason I requested you that if after the proper investigation by the Department of State the facts should prove to be as had been communicated to the Government of Mexico, I hoped that that of the United States would consign the responsible party to the respective judge, in order to have this abuse put an end to.

I have not as yet had the honor to receive a reply from your Department to said note, and unfortunately it does not appear that necessary measures have been taken to prevent the abuse, or that these have not

been sufficient to avoid the repetition of it, as I have just received a telegram from Señor Mariscal, secretary for foreign affairs of the United States of Mexico, dated yesterday, in which he tells me that on the 2d instant soldiers of the U. S. Army again fired upon our sentry box at Camargo, and he instructs me to repeat my complaint to the Government of the United States of that proceeding, and to ask it to order more efficacious measures to prevent the repetition of similar offenses.

Aware of your justice and integrity, I believe it will suffice to report to you this repeated occurrence of the act, and to call your attention to the circumstance that the provisions that may have been taken on account of my previous complaint have not proved adequate, to hope that on this occasion measures may be concerted necessary to avert the repetition of this abuse.

Accept, etc.,

M. ROMERO.

Mr. Gresham to Señor Romero.

DEPARTMENT OF STATE,
Washington, June 10, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 28th of April last, in which complaint is made of the firing upon the sentry box of the custom-house at Camargo, Tamaulipas, by a colored soldier of the U. S. Army.

A copy of your note was immediately laid before the Secretary of War for investigation of the circumstances, and I am now in receipt of his reply, dated the 8th instant.

In submitting the reports of the military authorities on the subject, copies of which I inclose herewith, the Secretary invites the attention to the fact that it is not possible to determine what men were on the river bank opposite the custom-house sentry box on any particular day, as the bank at that place is virtually a part of the post and is visited daily by many of the garrison. He adds that the commanding officer at Fort Ringgold, Tex., has been instructed to take such measures as will prevent any like occurrence in the future.

Accept, etc.,

W. Q. GRESHAM.

[Inclosure.]

Copy of indorsements and accompanying correspondence from commanding general, Department of Texas, on letter from Department of State of May 8, ultimo, inclosing copy of a note from the Mexican minister, resident in the city, accompanying report received from Mexican Government, that a colored soldier of the U. S. Army had, on the 8th or 9th of April, fired several times on the sentry box of the custom-house at Camargo, Tamaulipas, Mexico, and asks War Department to take proper action in the case.

Referred from War Department to Adjutant-General.

[First indorsement.]

ADJUTANT-GENERAL'S OFFICE,
Washington, May 10, 1893.

Respectfully referred to the commanding general, Department of Texas, for investigation and report.

These papers to be returned to this office with report.
By command of Maj. Gen. Schofield.

H. C. CORBIN,
Assistant Adjutant-General.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, May 31, 1893.

Respectfully returned to the Adjutant-General of the Army inviting attention to the inclosed report of the commanding officer, Fort Ringgold, in this case.

The commanding officer at Fort Ringgold, the nearest post to Rio Grande City, has been instructed by me to take such measures as will prevent any like occurrence in the future.

FRANK WHEATON,
Brigadier-General, Commanding.

HEADQUARTERS DEPARTMENT OF TEXAS,
ASSISTANT ADJUTANT-GENERAL'S OFFICE,
San Antonio, Tex., May 15, 1893.

COMMANDING OFFICER, Fort Ringgold, Tex.:

SIR: I have the honor to inclose herewith correspondence received from headquarters of the Army, purporting that a colored soldier had, on April 8 and 9, fired several times on the sentry box of the custom-house at Camargo, Tamaulipas, Mexico, and to say the commanding general directs that you make a thorough investigation of this case and submit your report thereof with return of these papers to these headquarters.

Very respectfully,

J. P. MARTIN,
Assistant Adjutant-General.

[First indorsement.]

FORT RINGGOLD, TEX., May 25, 1893.

Respectfully returned to the Assistant Adjutant-General, Department of Texas, required report inclosed.

FORT RINGGOLD, TEX., May 25, 1893.

SIR: In connection with the letter from your office of the 15th instant I have the honor to submit the following report:

This affair was reported to me by the Mexican consul at Rio Grande City about ten days after it took place. I investigated it at that time, but could not obtain any information as to the identity of the man who fired the shots. The witnesses being positive, however, that the man was one of the detachment of Seminole Indian scouts, I gave such orders as would prevent them from having their arms for hunting or other purposes in the vicinity of the post.

It was impossible to obtain information showing what men were on the river bank opposite the custom-house sentry box on any particular day, as the bank at that place is virtually a part of the post, and is visited daily by many of the garrison.

Upon receipt of this letter I requested the consul to again try to find some one from the opposite side who could identify the man, and he has informed to-day that he could not do so. I can find no one on this side, and the witnesses to the affair say that the man was alone.

Very respectfully, etc.,

A. S. B. KEYES,
Major Third Cavalry, Commanding.

Señor Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, June 12, 1893. (Received June 12.)

Mr. SECRETARY:- I have the honor to acknowledge the receipt of your note of the 10th instant, with its inclosures, said note being a reply to that which I addressed to you on the 28th of April last, wherein I made complaint, in pursuance of instructions received from the Gov-

ernment of Mexico, that a colored soldier belonging to the U. S. Army had fired several rifle shots on the 9th and 10th of that month at the sentry box north of the custom-house at Camargo, in the State of Tamaulipas, Mexico, and asked that suitable measures might be taken to punish the guilty party, and to prevent the commission of similar outrages in future.

From the documents which you were pleased to send as inclosures to the note to which I am now replying, it appears that it has not been possible to identify the person who fired those shots, and that the officer in command of Fort Ringgold has taken the necessary measures to prevent a repetition of the outrages.

I regret to inform you that the measures adopted by the frontier military authorities do not appear to have been adequate to attain that result, since, as I informed you in my note of the 9th instant, the same outrage was repeated on the 2d. It is to be hoped that more efficient measures may be taken this time to prevent its repetition in future.

I shall, without delay, transmit your note with its inclosures to the Government of Mexico for its information.

Be pleased to accept, etc.,

M. ROMERO.

Mr. Gresham to Señor Romero.

DEPARTMENT OF STATE,
Washington, June 14, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, in which you state that on the 2d instant soldiers of the U. S. Army again fired upon the Mexican sentry box at Camargo.

A copy of your note was immediately laid before the Secretary of War with a request that, in view of the alleged repetition of the offense, stringent measures be adopted to prevent a recurrence and to detect the authors, if possible.

Accept, etc.,

W. Q. GRESHAM.

Mr. Gresham to Señor Romero.

DEPARTMENT OF STATE,
Washington, June 15, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 12th instant, in relation to the firing upon the sentry box at Camargo by soldiers of the U. S. Army, and to say that a translation thereof has been laid before the Secretary of War for his consideration and action.

Accept, etc.,

W. Q. GRESHAM.

Señor Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, June 22, 1893. (Received June 22.)

Mr. SECRETARY: I have the honor to inform you, in reference to our recent correspondence in regard to shots fired upon the north sentry

box of the custom-house at Camargo, Mexico, by soldiers of the United States from Fort Ringgold, that I have received a communication from Señor Mariscal, minister for foreign affairs of the United States of Mexico, dated the 12th instant, in which is inclosed a report from the Mexican consul at Rio Grande City, Tex., in regard to the shots fired on the 2d instant at the Mexican side.

From this report it appears that the two soldiers who did the firing have been already identified. They had been detailed with a company commanded by Lieut. Dickman, but when the commander of the fort knew who were the guilty parties he caused them to return, probably for the purpose of proceeding to an investigation of the facts and their appropriate punishment.

This circumstance will greatly facilitate the desire of the Government of Mexico, seconded by that of the United States, to have this offense severely reprimanded for the purpose of preventing its repetition in future.

Accept, etc.,

M. ROMERO.

Mr. Adee to Señor Romero.

DEPARTMENT OF STATE,
Washington, June 26, 1893.

SIR: Adverting to your note of the 28th of April last, and to the subsequent correspondence upon the subject, I have the honor to inclose herewith copy of a telegram of the 21st instant from the commanding officer at San Antonio, Tex., to the Adjutant-General of the Army, referred by the Secretary of War to this Department on the 23d instant.

It will be observed that the two soldiers who fired upon the sentry box of the custom-house at Camargo are in confinement at Fort Ringgold awaiting trial by court-martial, the result of which will be promptly communicated to you.

Accept, etc.

ALVEY A. ADEE,
Acting Secretary.

[Inclosure.]

Gen. Wheaton to Gen. Ruggles.

[Telegram.]

SAN ANTONIO, TEX., June 21, 1893.

To ADJUTANT-GENERAL ARMY, Washington, D. C.:

Papers received to-day referring letter from Secretary of State inclosing Minister Romero's letter relating to firing by our troops at Fort Ringgold, Tex., on custom-house sentry box, Camargó, Mexico. The two miscreants have been discovered and are now in confinement. State they meant no harm. Maj. Keyes reported on the 4th instant that he had found the two men and with the Mexican consul had investigated the case and visited the Mexican customs office, explaining that their unwarranted carelessness was unintentional. I at once, on the 5th instant, ordered charges to be preferred against these two men of Troop C, Third Cavalry, holding them in arrest after their troop left for another department, and ordered a general court-martial to Fort Ringgold to try them, detailing the judge-advocate of this department, Capt. Kern, to conduct the prosecution. Will transmit proceedings of court-

martial immediately upon their receipt. The commander at Fort Ringgold, Maj. Keyes, and myself deplore this unfortunate occurrence, probably the act of two recruits, hilarious and under undue excitement over their preparations for a change of station.

FRANK WHEATON,
Brigadier-General Commanding.

Mr. Gresham to Señor Romero.

DEPARTMENT OF STATE,
Washington, July 19, 1893.

SIR: Adverting to your note of the 28th of April last, and to the subsequent correspondence in relation to the firing upon the sentry box of the custom-house at Camargo by U. S. soldiers, I have the honor to inclose herewith copy of the report of the commanding general of the Department of Texas, which was received with a letter of the 17th instant from the Secretary of War.

It will be observed that the commanding general expresses regret, in which I join, that the thoughtless act of two very young soldiers, in celebrating their departure for another post, should have taken such a serious turn; and he adds that the post commander, who deeply feels the incident, has adopted measures which, with the punishment meted out to the offenders, will, it is believed, prevent a recurrence of the offense.

It is not doubted that this action will be entirely acceptable to the Government you represent.

Accept, etc.,

W. Q. GRESHAM.

[Inclosure.]

Gen. Wheaton to Gen. Ruggles.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, Tex., July 8, 1893.

SIR: Referring to complaints from the Mexican Government relative to firing upon the custom-house sentry box at Camargo, Mexico, on June 2, 1893, by United States soldiers, papers herewith returned, which were referred from your office to these headquarters, I have the honor in compliance with instructions of the Major-General commanding of June 16 and 19, 1893, to submit the following report of the occurrence:

As soon as the firing was reported to the post commander of Fort Ringgold, that officer, in conjunction with the Mexican consul, Mr. A. Leal, proceeded to investigate the occurrence and was enabled to identify the offenders; they were forthwith confined in the post guardhouse and the facts reported to these headquarters. Charges were promptly drawn and a court of experienced officers ordered at once to try the cases. This court met on June 23, and both offenders were convicted as charged, with the exception of the word "maliciously;" each was sentenced to confinement at hard labor for six months, and to forfeit \$10 per month of pay for the same period. A copy of the general court-martial order promulgating these proceedings is herewith inclosed.

The evidence seems to show that the firing was a boyish freak, both offenders being very young and in their first enlistment. Their troop was to leave Fort Ringgold for a distant station early the next morning, and the men had been given their arms to care for while the armracks were packed. Under the excitement thus induced these two men went outside the immediate post and fired a number of shots without taking particular heed as to where the bullets might fall. The court was convinced that no malicious intent to harm any person was entertained.

I regret exceedingly this unfortunate occurrence, which, while having on its face a grave appearance, in reality was but the thoughtless act of two very young soldiers celebrating their departure to another post. Maj. Keyes, the post commander, felt deeply the offense; he has been instructed to prevent a recurrence of the misconduct, and his measures, together with the punishment awarded in these cases, will, I believe, be effectual for this purpose.

Very respectfully,

FRANK WHEATON,
Brigadier-General, Commanding.

CASES TRIED AT FORT RINGGOLD, TEX.

(1) Private John E. Cory, Troop C, Third Cavalry. (2) Private Sam Gordon, Seminole Negro-Indian Scouts. (3) Private Benjamin F. Roberts, Troop C, Third Cavalry.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, Tex., June 30, 1893.

GENERAL COURT-MARTIAL }
ORDERS, NO. 23. }

Before the general court-martial which convened at Fort Ringgold, Tex., pursuant to paragraph 1, Special Orders No. 67, current series, from these headquarters, with Lieut. Col. H. S. Hawkins, Twenty-third Infantry, as president, and of which Capt. F. J. Kernan, U. S. Army, is judge-advocate, were arraigned and tried:

(1) Private John E. Cory, Troop C, Third Cavalry.

Charge.—"Conduct to the prejudice of good order and military discipline, in violation of the sixty-second article of war."

Specifications.—"That private John E. Cory, Troop C, Third Cavalry, did maliciously, wantonly, recklessly, and repeatedly fire his carbine, loaded with ball cartridge, across the Rio Grande, in the direction of the Mexican bank of said river, thereby endangering the lives of the inhabitants in the neighboring and friendly Republic of Mexico. This at or near Fort Ringgold, Tex., on or about June 2, 1893."

Pleas.—"Not guilty."

Findings.—"Of the specification, 'Guilty, except the word 'maliciously' and of the excepted word not guilty.'" Of the charge, "Guilty."

Sentence.—"To forfeit to the United States \$10 of his pay per month for six months and to be confined at hard labor under charge of the guard for the same period at the post where his troop may be serving, or at such place as shall be designated by proper authority."

The sentence in the foregoing case of Private John E. Cory, Troop C, Third Cavalry, is approved and will be duly executed at Fort Ringgold, Tex.

(2) Private Sam Gordon, Seminole Negro-Indian Scouts.

Charge.—"Conduct to the prejudice of good order and military discipline, in violation of the sixty-second article of war."

Specification 1.—"In that Private Sam Gordon, Seminole Negro-Indian Scouts, did draw a revolver on Sergeant Bill Williams, Seminole Negro-Indian Scouts (said Sergeant Williams being in the execution of his office), and did threaten to shoot said Williams; it being necessary to overpower him and take away the revolver by force. This at camp at Carrizo, Tex., June 4, 1893."

Specification 2.—"In that Private Sam Gordon, Seminole Negro-Indian Scouts, did, without cause or provocation, strike Sergeant Bill Williams, Seminole Negro-Indian Scouts, on the head with a club, with intent to do him bodily harm (said Sergeant Williams being in the execution of his office). This at camp at Carrizo, Tex., June 4, 1893."

Pleas.—"To the first specification, 'Guilty, except the words 'said Sergeant Williams being in the execution of his office,' and of the excepted words not guilty.'" To the second specification, "Guilty, except of the words 'without cause or provocation,' and of the words 'said Sergeant Williams being in the execution of his office,' and of the excepted words not guilty.'" To the charge, "Guilty."

Findings.—"Of the first specification, 'Guilty.'" Of the second specification, "Guilty, except the words 'without cause or provocation,' and of the excepted words not guilty.'" Of the charge, "Guilty."

Sentence.—"To forfeit to the United States \$10 of his pay due or to become due."

The sentence in the foregoing case of Private Sam Gordon, Seminole Negro-Indian Scouts, is deemed inadequate to the offenses committed, but is approved and will be executed in order that the accused may not wholly escape punishment. Private Gordon will be restored to duty.

3. Private Benjamin F. Roberts, Troop C, Third Cavalry.

Charge.—"Conduct to the prejudice of good order and military discipline, in violation of the sixty-second article of war."

Specification.—"That Private Benjamin F. Roberts, Troop C, Third Cavalry, did maliciously, wantonly, recklessly, and repeatedly fire his carbine, loaded with ball cartridge, across the Rio Grande, in the direction of the Mexican bank of said river, thereby endangering the lives of the inhabitants in the neighboring and friendly Republic of Mexico. This at or near Fort Ringgold, Tex., June 2, 1893."

Plea.—"Not guilty."

Findings.—"Of the specifications, 'Guilty, except the word 'maliciously,' and of the excepted word not guilty.'" Of the charge, "Guilty."

Sentence.—"To forfeit to the United States \$10 of his pay per month for six months and to be confined at hard labor under charge of the guard for the same period at the post where his troop may be serving, or at such place as shall be designated by proper authority."

The sentence in the foregoing case of Private Benjamin F. Roberts, Troop C, Third Cavalry, is approved and will be duly executed at Fort Ringgold, Tex.

By command of Brigadier-General Wheaton.

J. P. MARTIN,
Assistant Adjutant-General.

Señor Romero to Mr Gresham.

[Translation.]

LEGATION OF MEXICO,

Tacoma, Wash., August 5, 1893. (Received August 12.)

Mr. SECRETARY: I have the honor to inform you that I have received instructions from my Government, dated at the City of Mexico, July 13, 1893, to present to the Government of the United States of America a complaint with regard to the invasion of the Mexican territory recently perpetrated by a party of armed men coming from Texas.

From official reports communicated to the Mexican Government by the governor of the State of Chihuahua, and by the Mexican consul at El Paso, Tex., it appears that on the 30th of June last, six armed men from Texas under the command of Capt. Frank C. Jones, invaded the Mexican territory in pursuit of Jesus Holguin, who took refuge in the house of his brother Antonio, situated in the town of Tres Jacales, District of Bravos, State of Chihuahua, where he joined his brother and his son Severo. Capt. Jones took possession of the houses adjoining that of Holguin, and in the fight Jesus and Severo Holguin were wounded and Capt. Jones killed.

On the evening of the same day, June 30, and on the morning of the following day, another party, also coming from the State of Texas, consisting of about sixty men, took hostile possession of the point called La Isla, opposite Tres Jacales, but withdrew on seeing a body of the neighbors, who had organized in the place where these events happened resolved to support the authorities.

In view of these facts the President of the United States of Mexico has given me instructions to present to the Government of the United States of America a formal remonstrance both concerning the invasion of the Mexican territory, and the pursuit which took place on it, the attack on the inhabitants of Tres Jacales in their own village, and also for the new invasion of the same village on the evening of June 30, and the occupation of the point called La Isla, in the morning of July 1.

I have also received instructions to ask for the punishment of the invaders, and to request that the Government of the United States of America issue such instructions as it may deem sufficient to prevent the future repetition of acts no less disagreeable than offensive to the sovereignty of the United States of Mexico.

Satisfied of the respect which the President of the United States of America entertains for the rights of foreign nations, I do not doubt that, as soon as the facts which serve as the foundation of this complaint come to his knowledge, he will take such measures as he may think best adapted to satisfy it.

Accept, etc.,

M. ROMERO.

Mr. Gresham to Señor Romero.

DEPARTMENT OF STATE,
Washington, August 5, 1893.

MY DEAR MR. ROMERO: I am in receipt by reference hither from the War Department, under date of the 3d instant, of a telegram from Brig. Gen. Frank Wheaton, commanding the Department of Texas, dated San Antonio, wherein it is reported that Eusebio Garcia, who with Catarino Garcia in the Tortillos fight in Mexico, was caught at San Ignacio on the 26th ultimo, and that Anicilo Vela, who was in the fight of December 10, was also captured in San Ignacio the 31st ultimo. Both are in the custody of the United States marshal.

Very truly, yours,

W. Q. GRESHAM.

Mr. Quincy to Señor Romero.

DEPARTMENT OF STATE,
Washington, August 12, 1893.

MY DEAR MR. ROMERO: I am in receipt of a letter from the Secretary of War, of the 9th instant, confirming a telegram from Brig. Gen. Frank Wheaton, commanding the Department of Texas, dated the 5th instant, wherein it is stated that Maj. Keyes, in command of Fort Ringgold, reports the arrest of Justo Vela, Anciano Sanchez, Felipe Trevino, and Sesstores Lemon, the two first being San Ignacio men, and the last two Garza men.

Very truly, yours,

JOSIAH QUINCY.

Mr. Gresham to Señor Romero.

DEPARTMENT OF STATE,
Washington, August 16, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 5th instant, complaining of the violation of Mexican territory by armed forces from the State of Texas, on June 30, and again on July 1, 1893, in pursuit of one Jesus Holguin, who had taken refuge in the house of his brother Antonio, near Tres Jacales, Chihuahua.

It appears from your note that Jesus and Severo Holguin were wounded and Capt. Frank C. Jones killed, in the fight which ensued on June 30, last. Adding that the complaint is being investigated, and that I shall address you further upon the subject,

I am, etc.,

W. Q. GRESHAM.

Señor Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,

Denver, Colo., September 6, 1893. (Received September 11.)

Mr. SECRETARY: I have the honor to inform you that I have received instructions from my Government to lay before that of the United States of America a formal complaint on account of the violation of Mexican territory, committed at Nogales, Mexico, during the afternoon of the 23d of July last, by John Roberts, deputy sheriff at Nogales, Arizona, in arresting Jesus Garcia, a Mexican citizen, who had had a fight with Celedonio Carrillo, likewise a Mexican citizen, within the limits of the latter of the above-named cities.

You will find a detailed statement of all that took place in connection with this unfortunate incident in the inclosed copy of a note from Mr. Mariscal, secretary of foreign relations of the Mexican Government, dated City of Mexico, August 4, 1893, and in the six documents accompanying the same, a copy of which I also herewith transmit.

It appears from these documents that Deputy Sheriff Roberts, accompanied by Alfonso Bachelier, a citizen of the United States, crossed over into Mexican territory for the purpose of arresting Garcia. Miguel Braka, also a citizen of the United States, told them in time, in a loud voice and in the presence of several witnesses, that they were in Mexican territory, notwithstanding which, Bachelier knocked Garcia down; Roberts beat him while he was prostrate and unable to defend himself, and both dragged him by the feet until they got him on the soil of Arizona, in doing which they were assisted by William Mehan, also a citizen of the United States.

The day after these unfortunate occurrences, i. e., on the 24th of July last, after Garcia had been under arrest for several hours, Roberts asked and obtained from Eugene K. Sykes, justice of the peace at Nogales, Ariz., a warrant for the arrest of Garcia, who was tried and sentenced to pay a fine of \$60, or to be imprisoned for sixty days, although several witnesses of both nationalities testified that the arrest had been made in the State of Sonora.

These proceedings caused such indignation on both sides of the boundary line that Judge Sykes thought proper, on the day after he had pronounced the sentence, to order Garcia's release.

The same deputy sheriff, on whose testimony Judge Sykes sentenced Garcia, did not state that he had arrested Garcia in United States territory, but said, as appears from the sentence pronounced by Judge Sykes (which I herewith transmit among the inclosures), that he had arrested Garcia on the line dividing the United States from the Republic of Mexico.

The President of the United States of Mexico has, consequently, given orders that this legation shall lay a formal complaint before the Department of State of the United States, not only on account of the offense done to Mexico by that U. S. officer in performing the functions of his office on Mexican soil, but also on account of the acts of violence and cruelty committed in the territory of both countries on the person of Jesus Garcia, and on account of the imprisonment to which Garcia was sentenced by Judge Sykes in defiance of all law and right. The President has further given orders that this legation be instructed to ask that Deputy Sheriff Roberts and his accomplices be punished as they deserve, and that a suitable indemnity be paid to the complainant.

My Government instructs me, furthermore, to call the serious attention of your Department to the frequency with which violations of the Mexican territory have recently been committed by U. S. officers, an instance of which is afforded by the entrance into Mexico of Texas rangers who advanced as far as the town of Tres Jacales in the State of Chihuahua, for the purpose of arresting Jesus Holguin.

Right, equity, and good neighborly relations require that the authorities of each country respect the territory, laws, and authorities of the neighboring nation. Abuses in such cases might give rise to serious conflicts, as well as to bad feeling and excitement on the frontier between two friendly countries whose governments desire to cultivate and draw closer their relations of amity, commerce, and neighborliness. The Mexican Government has been inflexible in punishing the guilty parties in such cases, and it therefore considers itself fully justified in asking the U. S. Government to see that the guilty parties in the present case are punished; feeling convinced, as it does, that the best way to put a stop to these outrages and to prevent their occurrence in future, is for both governments to be firmly resolved not to allow them to go unpunished, and to let this resolution be known.

Be pleased to accept, etc.,

M. ROMERO.

[Inclosure. Translation.]

Señor Aspiroz to Señor Romero.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Mexico, August 4, 1898.

During the afternoon of the 23d of July last John Roberts, deputy sheriff of Nogales, Ariz., crossed the boundary line, and at Nogales, Sonora, arrested, with the assistance of Alfonso Bachelier, a citizen of the United States, Jesus Garcia, a Mexican citizen who had had an unimportant fight with Celedonio Carrillo, likewise a Mexican, within the limits of the first named of the above cities.

Roberts and Bachelier were aware that they were committing an unlawful act in making the said arrest on foreign soil, because Miguel Braka, an American, who witnessed the act, told them in time, in a loud voice and in the presence of various persons, that they were in the territory of Mexico.

The sheriff, in making the arrest, beat Garcia, who was unable to defend himself and who made no resistance, because Bachelier had knocked him down, and the aforesaid Roberts and Bachelier together dragged him by the feet until they got him into Arizona, where they beat him again. While he was being taken to prison he was also beaten by William Mehan, another citizen of the United States.

On the following day, the 24th, Roberts obtained from Eugene K. Sykes, justice of the peace, a warrant for the arrest of the alleged offender, who was already under arrest; he took him before the said judge, who tried him. At his trial several witnesses of both nationalities testified that Garcia had been arrested in the State of Sonora. At the trial the consul of Mexico was present, accompanied by an intelligent lawyer, Mr. Eb. Williams, and protested against the arrest, showing that the proceedings were legally null and void, notwithstanding which Jesus Garcia was sentenced to pay a fine of \$60 or to be imprisoned for sixty days.

These acts caused general indignation on both sides of the boundary line, in consequence of which Justice Sykes decided to release Garcia, first explaining that he did so with a view to putting a stop to unfavorable comments touching the measures that had been adopted, and also to furnishing evidence that fraternal sentiments are entertained in Arizona toward Mexico. The consul, to whom notice of this was given, accepted Garcia's release, but took care to state that he should not consider it as a favor granted, but as a decision justly demanded and pronounced by the court in the discharge of its strict duty.

Inclosed you will find documents which fully prove the facts stated. On the basis of these the President has seen fit to order that you be instructed to lay a formal complaint before the Department of State on account of this unwarrantable violation of Mexican territory, of the acts of violence and cruelty committed, both in

and out of that territory, on the person of Jesus Garcia, and also of the wholly illegal arrest of that Mexican citizen. You will, moreover, ask that a suitable indemnity be paid to the complainant, and that Deputy Sheriff Roberts and his accomplices in the United States receive proper punishment.

The President has further directed me to instruct you to take this opportunity to call the serious attention of the Department of State to the frequency with which violations of the territory of Mexico are repeated by U. S. officers, in which connection you may refer to the recent case of the invasion by Texas rangers, who advanced as far as the town of Tres Jacales, in the State of Chihuahua, for the purpose of apprehending Jesus Holguin. These rangers, on meeting with resistance, occupied the houses of various residents in order to sustain a combat in which, although Capt. Frank Jones, of the rangers, lost his life, Holguin and one of his sons were wounded, great scandal being thereby caused, together with much injury to the inhabitants of the houses occupied.

Such invasions deserve severe punishment, and Mexico has been inflexible in enforcing her laws in the case of those of her citizens who have been concerned in them. They might give rise to very serious conflicts, as was on the point of happening at Tres Jacales, when quite large numbers of citizens of Texas and Chihuahua were preparing for a fight, the consequences of which would have been lamentable.

The documents which I herewith transmit are the following copies: Note No. 3, dated July 26, from the consul of Mexico at Nogales, Ariz. Warrant issued on the 24th July, by Justice Sykes, authorizing Deputy Sheriff Roberts to arrest Jesus Garcia, who had been arrested on the 23d. Docket of the court, and sentence of Garcia. Order for Garcia's release. Judicial inquiry held at Nogales, Sonora, relative to the arrest of the aforesaid Garcia. Letter from Garcia, asking that he may receive a pecuniary indemnity, and that the guilty parties may be punished.

I renew to you, etc.,

N. ASPIROZ.

[Sub-inclosure.]

Señor Pasalagua to Señor Mariscal.

No. 3.]

CONSULATE OF THE UNITED STATES OF MEXICO,
Nogales, Ariz., July 26, 1893.

I have the honor to inform you that on Sunday last, the 23d of July, between 5 and 6 o'clock in the afternoon, John Roberts, deputy sheriff at Nogales, Ariz., accompanied at his own request by Alfonso Bachelier, an American citizen, crossed the boundary line in pursuit of Jesus Garcia, a Mexican, and after having cruelly beaten him, they arrested him at Nogales, Sonora, within a few steps of boundary monument No. 122. As soon as they had the aforesaid Jesus Garcia in their power, they recrossed to the United States, taking him to the jail at Nogales, Ariz. While they were making that arrest in our territory, Miguel Braka, who was present, told Deputy Sheriff Roberts that he was committing an illegal act, and that he was incurring very grave responsibility by so doing; but Roberts paid no attention to his warning. When they had reached the territory of the United States and were taking Jesus Garcia to prison, Roberts, Bachelier, and another American named William Mehan, who had joined them, kept beating Garcia cruelly.

Jesus Garcia was arrested for some trifling offenses which he had committed at Nogales, Ariz., and he was pursued on that account.

As soon as I heard of the occurrence, which caused great indignation on both sides of the frontier, I addressed a communication to the municipal president of Nogales, Sonora, requesting him to furnish official data with proof, relative to the invasion.

The local judge of Nogales, Sonora, at once began an inquiry with regard to the occurrence, and took the depositions of a number of witnesses, some of whom were Mexicans and others Americans.

Jesus Garcia, the prisoner, was tried before Eugene K. Sykes, the American justice of the peace, on Monday last, the 24th instant. I went to court, together with an American lawyer named Eb. Williams, a respectable and intelligent person, for whose assistance I applied in view of the urgent and delicate nature of the case. Both my lawyer and I protested before the justice on account of that unwarrantable arrest. The justice paid no attention to our protests, and Jesus Garcia was immediately sentenced to be imprisoned for sixty days for the offenses which he had committed, and for resisting an officer.

Mr. Williams, the lawyer, advised me to address the district judge at Tucson without delay, asking for a writ of *habeas corpus* in the prisoner's behalf, and we were about to take that course when yesterday, Tuesday, the 25th, at 9 o'clock, a. m., I was summoned to the court on important business. Justice Sykes told me, on my arrival,

that he considered that Garcia had been legally and properly arrested, but that, as a special favor to Mexico, and owing to the bad effect which that arrest had had, he was going to release Garcia. I protested, telling the justice that he was doing no favor to Mexico by releasing Garcia, inasmuch as his arrest had been wholly illegal and arbitrary. Jesus Garcia was immediately surrendered to me and I, in person, accompanied by Lawyer Williams, took him to Nogales, Sonora.

I consider that my mission terminates here, for I do not think that it is any part of my duty to apply to the American authorities for the punishment of Deputy Sheriff Roberts; such a demand, in case it is made, should be made by the Department under your worthy charge.

On the 24th instant, in the afternoon, I addressed a long telegram to you, giving a report of the case. Yesterday, the 24th, I informed you likewise by telegraph that Garcia had been released.

My inclosure No. 1 is an official copy of all that has been done in this case by Justice of the Peace Sykes.

Inclosure No. 2 is a communication addressed to this consulate by Jesus Garcia, wherein he asks for an indemnity from Sheriff Roberts for the injuries suffered by him in consequence of his illegal arrest and of the bad usage which he received. His claim is, in my opinion, a very good one.

My inclosure No. 3 is an official copy of the preliminary proceedings held in this case by the justice of the peace at Nogales, Sonora, in which you will find a full statement of all the particulars connected with the matter which forms the subject of this note, which matter is, in my opinion, of the highest importance, and I do not doubt that the Government at Washington will cause the guilty parties to be punished as they deserve as soon as it is informed concerning the facts.

C. FERNANDEZ PASALAGUA.

[Inclosure 1 in sub-inclosure.]

In the justice's court. Precinct No. 18, county of Pima, Territory of Arizona.

TERRITORY OF ARIZONA, }
against } Complaint—criminal.
 JESUS GARCIA. }

Before Eug. K. Sykes, J. P. :

Personally appeared before me, this 24th day of July, 1893, John Roberts, of Nogales, in the county of Pima, who, first being duly sworn, complains and says that one Jesus Garcia, on the 23d day of July, A. D. 1893, at Nogales, in the county of Pima, did commit a misdemeanor by disturbing the peace by disorderly conduct in fighting.

All of which is contrary to the form of the statute in such cases made and provided, and against the peace of the people of the Territory of Arizona.

Said complaint therefore prays that a warrant may be issued for the arrest of the said Jesus Garcia, and that he may be dealt with according to law.

J. W. ROBERTS.

Subscribed and sworn to before me, this 24th day of July, 1893.

EUG. K. SYKES,
Justice of the Peace of said Precinct.

TERRITORY OF ARIZONA, COUNTY OF PIMA.

I hereby certify that the within is a true and correct copy of the complaint filed in my office in the case of Territory of Arizona v. Jesus Garcia.

EUG. K. SYKES, J. P.

TERRITORY OF ARIZONA }
v. } Disturbing the peace.
 JESUS GARCIA. }

Complaint made by John Roberts, July 24, 1893; warrant of arrest issued same day and placed in the hands of Deputy Sheriff John Roberts. Defendant brought into court same day. The Mexican consul appearing in court with his counsel, Eb. Williams, esq., on the part of the Republic of Mexico, demands the discharge of the prisoner on the ground that he is improperly before the court, because the said defendant is a citizen of the Republic of Mexico, and was arrested on the charge herein within the boundaries of the said Republic of Mexico without authority of

law. John Roberts, the officer making the arrest, was sworn, and testified that he arrested the defendant in the United States; that the defendant resisted arrest and broke away, and was rearrested by him, the said John Roberts, on the line dividing the United States from the Republic of Mexico. Motion for dismissal of defendant was overruled. E. B. Houston was sworn as interpreter and so served.

Defendant, through his counsel, refused to plead. Deputy Sheriff John Roberts testified for the Territory. The defendant produced no witnesses for the defense, and waived time for passing judgment.

JUDGMENT.

Wherefore it is hereby ordered, adjudged, and decreed that the defendant, Jesus Garcia, having proven guilty of disturbing the peace, be fined in the sum of \$60, or in default of the payment of said fine, then to be imprisoned in the county sub-jail for a period of sixty days.

And it is so ordered this 24th day of July, 1893.

COMMITMENT ISSUED.

JUSTICE FEES.

To taking complaint	\$0. 50
To issued warrant	1. 00
To docketing case .....	. 25
To swearing interpreter .....	. 25
To swearing witnesses .....	. 25
To final judgement .....	. 75
To issued commitment	1. 25
	<hr/>
	4. 25

SHERIFF FEES.

To serving warrant	\$2. 00
To mileage .....	. 30
	<hr/>
	2. 30

INTERPRETER'S FEES.

To one day's service	\$1. 50
	EUG. K. SYKES, J. P.

I hereby certify that the above is a true and correct copy of my docket in the case of the Territory of Arizona v. Jesus Garcia.

EUG. K. SYKES, J. P.

And now comes Eb. Williams, attorney for Consol Pasalagua, this 25th day of July, 1893, who makes a motion that the court reconsider the sentence imposed upon the above-named defendant. The motion was granted, and the sheriff instructed to bring the defendant into court, and also summon Consol Pasalagua. When the defendant and Consol Pasalagua came into court, the court delivered the following answer to motion of defendant's counsel:

A motion has been made by counsel for this defendant, asking that a reconsideration of the sentence imposed be taken by the court. The court has become aware of the fact that a good deal of unnecessary feeling has been aroused over the arrest and conviction of this defendant, and while the court is still of the opinion that the officer did nothing but his duty, and that the ruling of the court in the first instance was correct and the sentence just, still the court is willing, under the existing circumstances, to remit the balance of this defendant's sentence, and issue an order to the sheriff to release him. Our relations with our sister Republic have always been pleasant, and the court is grieved over the matter and hopes that the release of the defendant will indicate that the feeling on our side of the line is brotherly.

The balance of the defendant's sentence is remitted, and defendant released.

And it is so ordered this 25th day of July, 1893.

EUG. K. SYKES,
Justice of the Peace.

I hereby certify that the above is a correct and true copy of the supplement to my docket in case of Territory of Arizona v. Jesus Garcia.

EUG. K. SYKES,
Justice of the Peace.

[Inclosure 2 in sub-inclosure.]

To the citizen consul of the United States of Mexico, at Nogales, Ariz. :

I, Jesus Garcia, a Mexican citizen, respectfully inform you,

That on Sunday, the 23d instant, at about 5 o'clock p. m., I was arrested in Mexican territory by Sheriff John Roberts, of Nogales, Ariz., he being assisted by Alfonso Bachelier, an American citizen; that the aforesaid sheriff took me to the jail at Nogales, Ariz., where I was kept in confinement until Tuesday, the 25th, at 9 o'clock in the morning; that on the way, from the time of my arrest until we reached the jail, Sheriff Roberts, Alfonso Bachelier, and William Mehan kept beating me; Alfonso Bachelier and William Mehan assisted in my arrest at the request of Sheriff Roberts.

I therefore beg you to bring these facts to the notice of the department of foreign relations of the Republic, to the end that it may, in the usual manner, ask the U. S. Government that the guilty parties may be punished, and that I may be indemnified by Sheriff John Roberts for the blows, maltreatment, and illegal arrest to which I was subjected, the amount of the indemnity which I claim being \$2,000.

I beg you, sir, to accept the assurance of my respect,

FLORENCIO VAGA,
For Jesus Garcia.

NOGALES, ARIZ., July 30, 1893.

(Here follows copy of report of judicial inquiry held at Nogales, Sonora.)

Mr. Adee to Señor Romero.

DEPARTMENT OF STATE,
Washington, September 25, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant relative to the alleged violation of Mexican territory through the arrest at Nogales, Mexico, by John Roberts, deputy sheriff at Nogales, Ariz., of Jesus Garcia, a citizen of Mexico.

The governor of Arizona Territory has been asked to cause a searching investigation and to report the facts.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Gresham to Señor Romero.

DEPARTMENT OF STATE,
Washington, October 12, 1893.

SIR: Adverting to your note of August 5th last, relative to the alleged pursuit into the territory of Mexico on June 30th of one Jesus Hokin by Capt. Frank C. Jones and the protest of your Government occasioned thereby, I have the honor to say that I have received a letter on the subject from the governor of Texas, together with copies of reports named below, transcripts of which I send you herewith.

The governor of Texas writes as follows:

Complying with your request of August 16th, based on the complaint made by M. Romero, Mexican minister, of date the 5th of August, a copy of which you kindly transmit me, which in effect states that on the 30th of June and the 1st of July last armed men from this State invaded the territory of the Republic of Mexico, I have the honor to transmit to you herewith the following data, statement, and answer.

(1) Copy of a report from W. H. Mabry, adjutant-general of Texas, dated the 9th instant.

(2) Copy of a report made by Sergt. Kirchner, of the Texas Rangers, to Adj. Gen. Mabry, dated the 2d of July.

(3) Copy of a report from Jno. R. Hughes, captain Company D, Frontier Battalion of Texas, to Adj. Gen. Mabry, dated September 4.

(4) Copy of supplemental report of said Capt. Hughes, dated September 6, to Adj. Gen. Mabry, all bearing directly upon the complaint made by the Mexican minister.

These reports are corroborative of my own view and understanding of the facts and circumstances connected with the alleged trespass in controversy by Capt. Jones and his Rangers, to wit:

First. That the boundary line between the United States and Mexico has never been so definitely settled as to be known except by citizens of long residence on the border.

Second. That near the particular point where Capt. Jones was killed while engaged in the alleged trespass upon Mexican soil the Rio Grande once had its channel, but by flood in 1854 it was changed so as to make its bed since then about 6 miles this side thereof, leaving an island between the old and the new courses of several thousand acres, now inhabited by several hundred people.

Third. That this island (so called) is a convenient resort for the people of both Governments who wish to claim allegiance to or act in defiance of either Government.

Fourth. That the old river bed, the true boundary line between Mexico and the United States, has become filled up and so obliterated that it is practically impossible for it to be recognized.

Fifth. That Capt. Jones, recently transferred to the El Paso section, while in the performance of his duties in pursuit of Texas citizens charged with crimes in Texas courts, evidently feeling that he was still in Texas territory, perhaps passed beyond the old river bed, and if so, ignorantly, to a point a few hundred yards on the Mexican side, where he was ambushed and murdered by the criminal refugees.

Sixth. That on the next day a posse of Texas citizens, under the summons of the El Paso sheriff, went to the old river bed, the said line between the two Governments, and made demand on the Mexican authorities for the return of the dead body of Capt. Jones, which was properly and humanely complied with, so that, if there was a trespass at all, which is not clear, it was by Capt. Jones in crossing the old river bed on the 30th of June, while ignorant of where it was, in pursuit of American citizens charged with crime, when he lost his life a short distance over on the Mexican side. In the act there was no assault on Mexican citizens and no wanton nor intentional invasion of Mexican territory.

The law-abiding citizens of both sides have escaped all disturbance and intentional wrong by the officers of Texas or Mexico. These officers have acted for the protection of life, liberty, and property in the execution of their official duties to the satisfaction of the peaceful citizens along the border, but with terror, I am glad to say, to the criminal element who have so long created disturbances between the two Republics.

The officers and law-abiding citizens of Texas entertain the profoundest respect and increasing friendship for President Diaz and the authorities of Mexico and their able minister at Washington. They are in full sympathy with them in their efforts to maintain peace and friendly relations between the two Governments, and are ready and willing at all times to join them in honorable efforts to perpetuate this much-cherished condition.

He also adverts to the fact that frequently within the past few years the Mexican people along the border of the Rio Grande have similarly crossed the line in pursuit of Mexican criminals and alludes to the circumstances under which, by reason of the shifting bed of the river and the wild character of the country, these generally unintentional invasions occur. It is, of course, precisely this class of questions that the two Governments are intimately concerned in bringing to an end by the adjudication of the riparian boundary commission to be established under the convention of March 1, 1889. It is proper to state in this connection that Col. Anson Mills, U. S. Army, was yesterday nominated to the Senate as the commissioner of the United States under Article 11, of the Boundary Convention of March 1, 1889. It will be seen by the inclosed correspondence that there was no intention to invade the territory of Mexico in the case presented.

Accept, etc.,

W. Q. GRESHAM.

[Inclosure.]

*Gen. Mabry to Governor Hogg.*ADJUTANT-GENERAL'S OFFICE,
Austin, Tex., September 9, 1893.

I have the honor to acknowledge the receipt of your letter of inquiry of the 22d ultimo, relative to the complaint of the Mexican Government for violation of Mexican territory by an armed force from this State under command of Capt. Frank Jones, of the Texas Ranger force; also inclosures from the Hon. W. Q. Gresham, Secretary of State, dated August 16; and letter of complaint of the Mexican Government, made through Mr. M. Romero, minister from Mexico. This delay in answering same is due to my absence from the city.

Replying to subject-matter of inquiry, I have the honor to state that Capt. Frank Jones and his company of Rangers had been but lately transferred by this Department to that section of the State; and at the time he was killed he was in command of a detachment of his company scouting for American citizens, the Holguins, who had been and were known to be depredating upon property of citizens of this State. Having arrived with his company in that section less than ten days prior to this scout he could not know the boundary line between Texas and Mexico where same was not designated by the Rio Grande in its present channel. The little settlement near which the fight took place is situated on what is now known as "Pirate Island," with the alleged boundary line located about 300 yards this side—east, or north. The island is a section of land bounded by the river in its present channel on the east and north and by an old channel bed on the south.

It appears that the river in 1854 was changed to its present channel on Texas side by an overflow, with the then channel remaining as the boundary line. This old bed is now partly filled up, with trees and undergrowth growing all over it. It is not clearly defined and is unmarked by any device or surveyor's signs to designate it. Other old river beds are in same vicinity.

It is shown that Capt. Frank Jones, in command of a detachment of his Ranger company, was scouting in that vicinity for the criminals above named, and on reaching this settlement he had searched it for the purpose of arresting them, if found. Failing to find them, the detachment had started on its return to their camp. Over half a mile from the above settlement, on Texas territory, the Rangers came in view of two Mexicans, who, on being seen by the Ranger detachment, beat a hasty retreat down the road. This road crosses and recrosses the alleged boundary line many times. At one time it is 50 yards within Mexican territory and again as many yards within Texas territory. Under the circumstances, the officers of the law naturally followed in pursuit; and after chasing them about half a mile, the retreating Mexicans permitted themselves to be overtaken near an adjacent adobe house. Hardly had the demand for surrender been uttered before a volley was fired into Capt. Frank Jones and his men from this adobe house and from behind adjacent walls by parties there concealed. In the fight that ensued Capt. Jones was killed.

Capt. Jones and detachment at no time occupied this house, as erroneously stated in communication from the Mexican Government, but held their open ground until informed by a friendly Mexican that they were on Mexican soil. The adobe house was over on the Mexican side and the road in its windings ran in front of it. Up to the time of the above information the facts show that the Ranger detachment did not know that they were invading Mexican territory. There is no doubt but that Capt. Frank Jones and detachment were decoyed into this trap, just over the line into Mexico, by these criminals; and the plan was to murder not only Jones, but his entire detachment. These Holguins were not only in the fight, but one of them was of the party being pursued by the Rangers. Jesus Holguin is the man who led the detachment into the ambush; and the proof shows that his son, Severo Holguin, and kinsman, Antonio Holguin, were in the fight that followed, while the house where the murderers were concealed was the property of Antonio Holguin. These were the three American citizens for the arrest of whom the scout was made.

I find from official correspondence and reports that these Holguins were all citizens and voters of Texas, having been born and raised in El Paso County, this State. They are now fugitives from justice for crimes committed in Texas. Jesus Holguin and his son, Severo Holguin, are indicted and charged with theft of stock and assault to commit murder in El Paso County; while Antonio Holguin is an escaped convict from the penitentiary of this State, convicted of the crime of rape, but escaped before he had served out his time of sentence.

I inclose herewith copy of report made by Corp. Carl Kirchner, Company D, Frontier Battalion, dated July 2, 1893, and two letters from Capt. John R. Hughes, Company D, dated, respectively, 4th and 6th of September, 1893.

I also return herewith communications from the Hon. Secretary of State, W. Q. Gresham, and from M. Romero, Mexican minister.

I have, etc.,

W. H. MABRY,
Adjutant-General.

Report of Corp. Carl Kirchner to Gen. Mabry.

YSLETA, TEX., July 2, 1893.

As per instructions, will give you an account of our scout to Pirate Island, Capt. Jones's death, etc.

On the evening of the 29th of June Capt. Jones, myself, and 4 men left Ysleta, en route to what is commonly known here as Pirate Island, in search of Jesus Holguin and Severo Holguin, father and son, wanted for theft in El Paso County, Tex. Years ago the channel of the Rio Grande ran about 6 miles further south than now; and on account of continued changes, a line was established regardless of the river bed. Now Pirate Island is surrounded on one side by the State line, and on the other by the Rio Grande, it being about 6 miles from Texas line and several miles long, having a population of about 300 souls. We had searched several houses and were on our way back when we saw 2 men approaching us. When they saw us they began to retreat with all possible haste. Of course we followed at once, and only ran them about one-half a mile when myself and Private Saunders overtook them and demanded a surrender. By this time we were not 6 feet from an adobe building on the roadside. Two shots were fired at me from the house, and about 4 at the rest of the party. One of the shots fired at me struck my Winchester, but only ruined the magazine. We all at once dismounted and opened fire on them. Capt. Jones was hit the first volley, his thigh was broken, but he continued to shoot until shot in the breast and was killed dead on the spot about 15 feet from the door. We continued to fire on them until they retreated and hid in the building. Just then a friendly Mexican, who was with us in search of stolen horses, told me we were in Mexico just in the outskirts of Tres Jacales, a small Mexican town, and that the people had sent for the Mexican soldiers, who would be there in fifteen minutes. My first decision was to stay with our dead captain and kill or capture the Mexicans; but after waiting about forty-five minutes I saw from the appearance of everything we would be overpowered and murdered. So we retreated to this side, and thence to San Elizario where I found it impossible to get a single white man to assist me. I then went to New San Elizario on the railroad, and telegraphed the remainder of our rangers at Ysleta to come at once and bring as much help as possible. Some 3 men came along with them from Ysleta. Sheriff Simmons of this county, knowing the lawless element on this border well, had organized a posse of 16 men and started to San Elizario by special train. We then went to the State line and demanded the body of Capt. Jones, which had been taken charge of by Mexican officials, but they refused to give it up. We then made a demand on the chief officer at Juarez, Mexico, who acted very nice (I am told by Sheriff Simmons who made the demand), and ordered the body delivered to us at the State line. The body was at once conveyed to Ysleta and interred, having been in a hot adobe house, without even having the blood washed off, from 8 a. m. June 30, until about 10 a. m. to-day. We thought of course at the time we were fired upon from the house that we were on Texas soil, the line being only an imaginary one. Three of the murderers are under arrest in Mexico, 2 of them being the men we were looking for, wanted for theft in this county, and American citizens. There is no doubt that they had a scheme laid to kill us all, and sent the men up the road only to entice us into the trap.

Hoping this report will be satisfactory,

I am, etc.,

CARL KIRCHNER,
Corporal, Company D, Frontier Battalion.

Report of Capt. John R. Hughes to Gen. Mabry.

YSLETA, TEX., September 4, 1893.

Your letter of the 2d instant came to hand to-day, and will answer at once in regard to the Holguins. Jesus Maria Holguin is charged with theft of cattle in El Paso County, and other charges. Severo Holguin is charged with theft of cattle and other charges. Antonio Holguin is an escaped convict from the Texas State penitentiary, where he was serving out a sentence for rape.

In regard to the line between the United States and Mexico at that place, there is absolutely nothing by which a person can tell where the line is; and if there ever was any marks put there, they are gone. And it has not been proven yet that Capt. Jones was killed in Mexico, although it is supposed that he was. I am confident that he never knew he was in Mexico.

The Holguins were all born and raised in Texas at San Elizario, and were voters at that place until they became fugitives from Texas. I will go to El Paso to-morrow

and look over the records of the court, and make inquiry of some of the oldest citizens, and get all the information possible; then make a report to you, which will be more complete. Hoping that will be satisfactory, I will close.

Respectfully, etc.,

JNO. R. HUGHES,
Captain Company D, Frontier Battalion.

Report of Capt. John R. Hughes to Gen. Mabry.

YSLETA, TEX., September 6, 1893.

In compliance with your order of 2d instant to inform you of the nature of the crimes of the Holguins, my report of September 4 covers almost all the facts in the case. I went yesterday to El Paso and examined all papers in the cases of the Holguins on file in district clerk's office, and find that Severo Holguin was indicted at January term, 1893, docket No. 1500, for assault on murder R. E. Bryant, deputy sheriff of El Paso County, who was performing his duty by trying to arrest Severo Holguin for theft of cattle in indictment, docket No. 1463. All witnesses in both cases are living and present in El Paso. Jesus Maria Holguin was indicted January term, 1893, for resisting an officer. He is not indicted for theft of cattle, but is charged by affidavit of a citizen of El Paso County, before a justice of the peace, with theft of cattle. Docket number of indictment for resisting an officer is No. 1501. There is nothing on record in district clerk's office showing that Antonio Holguin was ever indicted or convicted; but Mr. Charles Corder, who lives about half a mile from my camp, was sheriff at the time that Antonio Holguin was convicted of rape and sent to the penitentiary. Mr. Corder says it was about 1874 or 1875, and that Holguin served about two years when he escaped from the penitentiary and returned to this county, but remained in Texas only a short time, then went to Mexico and has made his home in Mexico ever since, but has been in Texas many times since that date.

All three of the Holguins were born and raised in El Paso County, Tex. Jesus Maria and Severo Holguin are in jail at Juarez, Mexico, as American citizens. District Attorney O. A. Larazola made out extradition papers for them and gave them to the proper authorities at Juarez. Papers have been sent to Mexico to be examined by President Diaz, and not yet returned.

In regard to the dividing line between the United States and Mexico, there is an old river bed, where the water has not run since 1854, except when water is very high, that is recognized by citizens of both nations as the line between the United States and Mexico. This old channel is very indistinct, and there are 2 or 3 others very near like it on the island. Capt. Jones was killed about 200 yards on the Mexican side of this old channel that is recognized as the line, but there are no marks of any international survey to show where the line is. H. N. Royden, second lieutenant Twenty-third Infantry, U. S. Army, from Fort Bliss, under orders from Gen. Wheaton to investigate this matter, came by my camp en route to the island; and I sent R. E. Bryant and E. D. Aten, 2 members of my company, who were with Capt. Jones when he was killed. I sent them with Lieut. Royden as guides. They inspected the ground thoroughly, and from their report, my own observations, and the records of the El Paso County court, I have gathered the facts to make this report.

I could have gotten certified copies of indictments, also statement from penitentiary to prove that Antonio Holguin was an escaped convict, but did not think it necessary.

Very respectfully, etc.,

JNO. R. HUGHES,
Captain Company D, Frontier Battalion.

Señor Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, October 13, 1893. (Received October 13.)

MR. SECRETARY: I had to-day the honor to receive your note, dated yesterday, in which, with reference to that from this legation of August 5 last, you inclose extracts from a communication from the governor of

the State of Texas with regard to the invasion of the Mexican territory at the point of Tres Jacales by Texas Rangers, under command of Capt. Frank C. Jones, in pursuit of Jesus Holguin, and you include copy of the four reports annexed to the said communication.

While the governor of the State of Texas admits that Capt. Jones crossed into Mexican territory in pursuit of Jesus Holguin he is sure, from reasons stated in said documents, that he did so not knowing that he had entered the Mexican territory, and therefore without intention of violating that territory or of offending the sovereignty of the country.

The Government of Mexico in complaining of that violation of its territory not only proposed, as indicated to you in my aforesaid note, that proper reparation should be made for this transgression of its territory, but that the respective authorities of the United States should be especially recommended to take care to prevent similar invasions for the future, and, although no mention is made of this incident in your note, nor in the portion inclosed in it of the communication of the governor of Texas, it is believed that the case of Capt. Jones will serve as a warning to avoid the repetition of such transgressions.

I forward to-day to my Government copy of your note and of the documents annexed to it.

I do not doubt that the Government of Mexico will see with satisfaction the appointment made by the President of the United States of Col. Anson Mills as commissioner of this country on the international boundary commission to be organized in accordance with the convention of March 1, 1889, since that commission will contribute to prevent some of the difficulties that have arisen on the frontier. The Government of Mexico on its part had already appointed its commissioner, as I had the honor to inform you in yesterday's note.

Accept, etc.,

M. ROMERO.

Mr. Adee to Señor Romero.

DEPARTMENT OF STATE,
Washington, October 17, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 13th instant further relating to the pursuit of marauders on June 30 last by Texas Rangers across the boundary line into Mexico, and to say that I have made known its contents to the governor of Texas.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Señor Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, November 15, 1893. (Received November 15.)

MR. SECRETARY: I have the honor to inform you that I have received, by cable, instructions from Señor Mariscal, secretary of foreign affairs of the United States of Mexico, to report to the Government of the United States of America that during last week some bandits

attacked the custom-house at "Las Palomas," about 90 miles west of Paso del Norte, robbed the funds that were there, and then crossed the river Bravo, taking refuge in the territory of the United States.

It is stated that a band is organizing near Silver City, N. Mex., to make another incursion into Mexico.

For this cause, reserving the communication to you of further details of this affair as soon as they are received, I am instructed to bring these facts to your knowledge, and to request that the Government of the United States will prevent parties arming in its territory for the purpose of attacking Mexico.

Accept, etc.,

M. ROMERO.

Señor Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, November 17, 1893. (Received November 17.)

Mr. SECRETARY: The consul of Mexico at El Paso, Tex., advises me to-day by telegraph that some twenty-five men, armed and mounted, have assembled at San Elizario, Tex., and other neighboring villages, and are prepared to attack some unprotected place on the Mexican territory, and he is of opinion that if the Federal forces from Fort Bliss should proceed to San Elizario and the neighboring villages they would be able to arrest the individuals who, in violation of the neutrality laws of this country, are preparing to invade a friendly nation.

I deem it proper to communicate this information to you in order that in view of it you may decide what is proper to be done.

Pray accept, etc.,

M. ROMERO.

Mr. Gresham to Señor Romero.

DEPARTMENT OF STATE,
Washington, November 18, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 15th instant, touching a robbery committed at Las Palomas, and the escape of the perpetrators into the United States; and also regarding the alleged organization of a band near Silver City, N. Mex., for similar operations in your country.

I have addressed the Secretary of War and the governor of New Mexico with a view to preventing the outrages you apprehend.

Accept, etc.,

W. Q. GRESHAM.

Señor Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, November 19, 1893. (Received November 19.)

Mr. SECRETARY: Mr. Mariscal, secretary of foreign relations of the United States of Mexico, advises me last night by cable instructing me to inform the Government of the United States of America that although the Mexican consul at El Paso, Tex., gave timely infor-

mation to the authorities of Texas of the assemblage of highwaymen on the territory of the United States of America, 65 men, headed by one Lujan, assembled at San Elizario, Tex., and invaded the territory of Mexico, which fact causes the Mexican Government to fear that there exists among those authorities indifference or dissimulation.

Pray accept, etc.,

M. ROMERO.

Mr. Uhl to Señor Romero.

DEPARTMENT OF STATE,
Washington, November 20, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 17th instant, and to say that I hastened to bring to the attention of the Secretary of War the telegraphic report which you communicate relative to the alleged assemblage of armed men at San Elizario, Tex., and thereabouts, having designs on the peace of Mexico. I have since received your note of the 19th instant, stating that as you learn from your Government an actual invasion of the Territory of Mexico had already been made by the bandits assembled at the place named, I have accordingly, at once, brought the matter to the notice of the Secretary of War and the Attorney-General.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Uhl to Señor Romero.

DEPARTMENT OF STATE,
Washington, November 20, 1893.

MY DEAR MR. ROMERO: I beg to say that I have received a letter from the War Department of 18th instant, communicating an announcement from Col. Z. R. Bliss, Twenty-fourth Infantry, dated 16th instant, that Companies B and I, at present encamped at Grant, have been ordered to Deming, N. Mex., by rail, where they should have arrived on the 17th instant, with a view of proceeding immediately to the international boundary for the purpose of protecting American interests. Should violations of our neutrality appear, the additional instructions to the commanding officer on the border will meet the case.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Uhl to Señor Romero.

DEPARTMENT OF STATE,
Washington, November 21, 1893.

SIR: I have the honor to inclose with reference to your note of the 17th instant, a copy of letter from the Secretary of War of the 20th instant, and of the telegrams which he communicates of the 18th and 19th instant, by which it appears that U. S. troops visited San Elizario but found no armed party there of any kind.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

[Inclosure.—Telegram.]

General Ruggles to Commanding General Department of Texas.

Telegraphic advices from Mexican consul at El Paso report an armed and mounted force of 25 men at San Elizario, Tex., preparing to invade Mexican territory. Use the force at your command to prevent this invasion. If these men are armed with the manifest intention of invading Mexico, apprehend the party, disarm it, and report by telegram. Acknowledge receipt.

By command of Major-General Schofield.

RUGGLES,
Adjutant General.

[Telegram.]

*Gen. Wheaton to Adjutant-General U. S. Army.*SAN ANTONIO, TEX., *November 18, 1893.*

Dispatch of 18th received. Maj. Henton, with company of infantry from old Fort Bliss in wagons and detachment of 30 cavalry from Fort Hancock, ordered to San Elizario.

WHEATON,
Brigadier-General, Commanding.

[Telegram.]

*Gen. Wheaton to Adjutant-General U. S. Army.*SAN ANTONIO, TEX., *November 19, 1893.*

Maj. Henton left Fort Bliss at 10 o'clock Saturday night with company of infantry in wagons and arrived at San Elizario at sunrise Sunday morning. After careful investigation and conference with mayor, city marshal, and postmaster, he reports that no armed party of any kind has appeared in that vicinity, nor have any strangers visited the village for the purpose of creating a disturbance. Maj. Henton also reports Mexican inhabitants quiet and peaceful and without arms of any kind. Lieut. Corcoran, Seventh Cavalry, with detachment of 30, from Hancock, reached San Elizario at 2 o'clock Sunday morning, having scouted the surrounding country without finding any trace of armed party. Maj. Henton has been ordered to leave his command at San Elizario pending further investigation, and return himself to El Paso for conference with Mexican consul, with view to locating party referred to by that official, and thereafter to take necessary measures to apprehend and disarm the party if found.

WHEATON,
Brigadier-General, Commanding.

Mr. Uhl to Señor Romero.

DEPARTMENT OF STATE,
Washington, November 24, 1893.

SIR: I have the honor to say that as appears from a reference by the Secretary of War of 23d instant, communicating a telegram from Gen. Wheaton of 20th instant, no information had reached him that any armed party is assembling on the American side "to cross the Rio Grande."

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

[Inclosure.]

General Wheaton to the Adjutant-General.

[Telegram.]

SAN ANTONIO, TEX., *November 20, 1893.*

Your dispatch this date received. Commanding officer at Old Fort Bliss had already been ordered to confer with commanding officer Mexican troops at Juarez and other Mexican officials. No information has as yet reached me that any armed party is assembling on our side to cross the Rio Grande. In order to more effectively guard the Upper Rio Grande, I recommend construction of barracks and quarters for two troops of cavalry at New Fort Bliss.

FRANK WHEATON,
Brigadier-General, Commanding.

Mr. Uhl to Señor Romero.

DEPARTMENT OF STATE,
Washington, November 28, 1893.

SIR: I have to say in further reference to your note of the 17th instant, that, as I learn by a telegram of 24th instant referred to me by the Secretary of War on the 25th, the commanding officer of the troops at San Antonio, Tex., is "of opinion that no armed party has crossed into Mexico from the United States at any point in the vicinity of El Paso," and adds that "Col. Lazelle is now in control of matters at that point, from whom a report is expected very soon as to the expediency of returning the cavalry to its post."

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Uhl to Señor Romero.

DEPARTMENT OF STATE,
Washington, November 28, 1893.

SIR: I have the honor to say, with further reference to your note of the 15th instant, that as appears by his letter of November 23d last, the governor of New Mexico has "given instructions to the sheriffs of the different counties bordering upon Mexico, to ascertain the truth of the statements" that persons having designs against the peace of Mexico are organizing in that quarter for the unlawful purposes apprehended, and to take immediate steps to prevent any violation of the neutrality laws, and in case of their inability to suppress such organization, to inform him of the fact.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

THE NETHERLANDS.

Mr. Thayer to Mr. Foster.

No. 360.]

LEGATION OF THE UNITED STATES,
The Hague, November 3, 1892. (Received November 14.)

SIR: I have the honor to inclose herewith three copies (with translation) of the naturalization bill which has just passed the Second Chamber and is now under consideration in the First Chamber of the States-General.

As I learn on good authority that there is no manifest opposition to the bill in the chamber where it is now being considered, and as the First Chamber has no power of amendment, I hasten to send you a full text of the measure, which is likely to become a law within the coming few days.

The present naturalization law has been in force since the year 1850, except as the same has been amended slightly at different times since that date, though without touching the radical defects of the law, which the Second Chamber, after several months discussion, has aimed to cure in the bill which it has just passed.

You will observe that articles 1 and 2 of the bill define the status of citizenship in the Netherlands, and article 13 prescribes the conditions under which a residence may be acquired in the Kingdom.

Article 3 of the bill recites, in substance, article 6 of the Netherlands constitution, which provides that naturalization in the Netherlands can only be obtained by special act of Parliament.

It will be observed that the bill provides that every applicant for naturalization must produce a certificate setting forth the fact that he has paid into the royal treasury the sum of 100 florins; that he has obtained the age of majority under Dutch law, and has either lost his citizenship, or has been a resident of the Kingdom or one of its colonies for five years immediately preceding the date of his application; also, where the applicant is a foreign subject, he may be required to show that the laws of his country do not prohibit him from becoming a Netherlands subject.

It is proper that I should note in this connection that the general law provides that unmarried persons attain their majority at 23, and that the minority of married persons under age ceases from the date of marriage. You will also observe that in case the applicant for naturalization is a married man the benefit of his naturalization extends by operation of law to his wife during life, unless within a year after dissolution of the marriage she notifies the proper authority of her desire to the contrary; also that should a woman who is a Dutch subject lose her nationality by reason of marriage to a foreigner, she may recover her citizenship, in case of dissolution of the marriage, by making application to the civil authorities of the place where she last resided in the Netherlands, or the Dutch minister or consular officer in the country

where she happens to be, within one year after dissolution of the marriage.

It will be further noticed that the law provides that the child of a naturalized Dutch citizen, born before the father's naturalization, whether legitimate, legitimized, or acknowledged, becomes thereby a Dutch citizen after reaching the age of majority, unless within the period of twelve months thereafter said child notifies one of the officials named in the bill of its desire to the contrary; the same rule obtaining in the case of the child of a widow who is naturalized after her husband's death and the birth of the child.

Article 7 recites the causes which produce the forfeiture of citizenship, one of the most noteworthy being an absence from the Kingdom or its colonies for a period exceeding ten years, unless previous to the expiration of said time the absentee notifies one of the officials named in the bill that he has no intention to abandon citizenship.

Lastly, it will be observed that naturalization may be granted in extraordinary cases for reasons of state. In each case the law specifies the conditions on which the privilege is bestowed.

One of the most important features of the bill in question is, that it establishes an entirely different rule from the one now in existence, which makes every child born in the Kingdom a Dutch subject.

I have, etc.,

SAMUEL R. THAYER.

[Inclosure in No. 300.—Translation.]

LAW RELATING TO NETHERLANDS CITIZENSHIP AND RESIDENTSHIP.

ARTICLE 1. A Netherlands citizen by birth is—

(a) The legitimate, legitimized, or acknowledged child of any man who at the time of the birth of the child was a Dutch citizen.

(b) The legitimate child of a Dutchman whose death occurred within the three hundred days immediately preceding the birth of the child.

(c) The acknowledged illegitimate child of any woman who at the time of the birth of the child was a Dutch subject.

(d) Any illegitimate child born within the Kingdom and not acknowledged by either father or mother.

ART. 2. A Netherlands citizen is (a) any child born in the Netherlands the offspring of a resident of the Kingdom (either father or mother, according to the rules of article 1), the said father or mother being the child of a resident of the Kingdom, unless it can be shown that the parent or parents of the child are foreign subjects.

(b) Any foundling or deserted child in this Kingdom, provided there be no evidence of parentage, or evidence that it is the legitimate, legitimized, or acknowledged child of any person.

ART. 3. Naturalization in the Netherlands can only be acquired by special law.

Every application for naturalization shall be accompanied by the payment of 100 florins into the royal treasury.

Every application for naturalization must be accompanied by a certificate showing—

(1) That the applicant has attained to the age of majority under the Dutch law.

(2) That he has either lost his citizenship, or has resided in the Kingdom, its colonies, or possessions in other parts of the world for the five consecutive years immediately preceding the date at which the application is made.

(3) That he has deposited with the proper receiver of registration the sum of 100 florins.

And further, where the applicant is a foreigner it may be necessary that he show that the laws of his country do not bar his naturalization in the Netherlands.

In cases where naturalization is not granted the 100 florins deposit shall be returned to the applicant.

ART. 4. Naturalization may be granted for reasons of state. In such cases the provisions of article 3 have no application.

The law granting this right of naturalization specifies in every such case the conditions on which it is bestowed.

ART. 5. A married woman shall be accounted of the same nationality as her husband during marriage.

No married woman shall make application for naturalization.

Naturalization granted to a married man extends by operation of law to the wife.

In cases of dissolution of marriage the provisions of articles 8 or 9 come into force.

ART. 6. The legitimate, legitimized, or acknowledged child of a naturalized Dutch citizen, and born previous to the father's naturalization, is also included in the act of naturalization and continues to be regarded as a Dutch citizen after attaining majority, unless the said child, within twelve months after coming of age, notifies the burgomaster, or the proper authority of the place where it last resided in the Kingdom, its colonies, or possessions in other parts of the world, or in lieu thereof the Dutch minister or official in the foreign country, that it no longer desires to be considered a Dutch citizen.

This provision applies in like case to the child of a widow who becomes naturalized after her husband's decease and the birth of the child.

ART. 7. Netherlands citizenship shall be forfeited—

(a) When a Dutch subject becomes naturalized in a foreign country, or in case of minors by participation in the naturalization of either father or mother. (*See the distinctions made in article 1.*)

(b) By marriage in the case of a woman (*see article 5*).

(c) By voluntary naturalization in a foreign country.

(d) By entering the service or army of a foreign power without special royal permission.

(e) By residence outside Dutch territory, provided such residence be not in an official capacity, for a period exceeding ten consecutive years, in cases where the person in question fails to notify the burgomaster or proper authority of the place where he last resided in the Kingdom, its colonies, or possessions in other parts of the world, or in lieu thereof the Dutch minister or consular official in the foreign country, that it is not his intention to abandon citizenship.

Such notification dates the commencement of a new period of ten years.

The ten-years period shall commence for minors from the day on which they attain majority according to the Dutch law.

ART. 8. Any woman who has forfeited her nationality by marriage may recover the same, in case of dissolution of marriage, by making application to the burgomaster or proper authority of the place where she last resided in the Kingdom, its colonies, or possessions in other parts of the world, or in lieu thereof to the Dutch minister or consular official in the foreign country, within a period not exceeding one year after the dissolution of the marriage.

ART. 9. Any woman who has become a Dutch citizen by marriage remains such in case of dissolution of marriage, unless she notifies the burgomaster or proper authority of the place where she last resided in the Kingdom, its colonies, or possessions in other parts of the world, or in lieu thereof the Dutch minister or consular official in the foreign country, of her desire to the contrary, within a period not exceeding one year from the date of dissolution of the marriage.

ART. 10. The legitimate, legitimized, or acknowledged child of a Dutch citizen born previous to the parent's naturalization in a foreign country, and having consequently participated in the forfeiture of citizenship, may recover the same by applying therefor to the burgomaster or proper authority of the place where the child last resided in the Kingdom, its colonies, or possessions in other parts of the world, or in lieu thereof to the Dutch minister or consular official in the foreign country within one year of attaining majority according to the Netherlands law.

This provision applies in like case to the child of a Dutch woman who becomes naturalized in a foreign country after her husband's decease or after the birth of the child.

ART. 11. Once a year the minister of justice shall publish in the official organ ("de Staatscourant") the notifications made under the provisions of this law.

ART. 12. All persons who are not Dutch citizens according to this law are foreigners.

ART. 13. All persons who have resided in the Kingdom, its colonies, or possession in other parts of the world for the last eighteen months become residents of the Kingdom.

ART. 14. All rights accorded residents of the Kingdom cease on the removal of such persons to a new domicile outside the Kingdom.

ART. 15. Any minor under Dutch law, whose father or guardian is a resident of the Kingdom (*see article 13*), has the same status as the father or guardian in that respect; and should he after attaining majority establish a domicile in the Kingdom, he continues to be a resident thereof.

ART. 16. Whenever in any laws provisions exist relating to the privileges of

residents of the Kingdom, such provisions shall be only applicable to the subjects treated of in those laws.

Supplementary provisions.

With exception of those who, by the law of September 2, 1854, are regarded in the Netherlands Indies as natives, or on an equal footing with natives, all persons who at the time at which this law comes into operation have the status of Netherlands citizens, continue as such until they forfeit their citizenship by the provisions of the same.

All persons residing outside the Kingdom, its colonies, or possessions in other parts of the world, shall date the commencement of the period mentioned in article 7, clause 5, from the day on which this law comes into operation.

Any person born in the Kingdom, the child of parents not residents in the Kingdom, and not twenty-four years of age when this law comes into force, may become a Dutch citizen by notifying the burgomaster of the place where he resides within twelve months therefrom, or within a year of his attaining his majority, of his intention to remain in the Kingdom.

Foreigners who, at the time when this law comes into force, have conformed to the requirements of article 8 of the civil code, shall possess equal rights as Netherlands citizens in so far as relates to civil rights and privileges accorded by article 19 of the law of August 13, 1840.

Final provisions.

With the exception of reservations made in the aforementioned provisions, the law repeals articles 5 to 12, inclusive, of the civil code, as also the laws of July 28, 1850, May 3, 1851, and the law of December 21, 1850.

Wherever the law speaks of "Netherlands citizens," either in the language of the civil code or the law giving effect to article 7 of the Constitution, the said words shall be changed to "Netherlands citizens as defined in the law relating to Netherlands citizenship and residentship;" except in article 22 of the law of April 6, 1875, where the words: "according to the civil code" shall be changed into: "according to the law relating to Netherlands citizenship and residentship, the same applying to persons born of parents born of parents residing in the Netherlands colonies or possessions in other parts of the world.

The law shall take effect from and after July 1, 1893.

Mr. Thayer to Mr. Foster.

No. 367.]

LEGATION OF THE UNITED STATES,

The Hague, December 30, 1892. (Received January 10, 1893.)

SIR: Referring to my dispatch, No. 360, dated November 3, 1892, relating to the naturalization bill under consideration in the first chamber of the States-general, I have the honor to state that the said measure has passed both chambers of the states-general and received the royal sanction.

I have, etc.,

SAMUEL R. THAYER.

PERSIA.

Mr. Sperry to Mr. Foster.

No. 10.] LEGATION OF THE UNITED STATES,
Teheran, Persia, January 16, 1893. (Received February 28.)

SIR: I have the honor to report that on the 10th January instant, a complaint was received at this legation from the Rev. Lewis F. Esselstyn, in regard to an insult received the day before, the 9th of January, in the streets of Teheran by Mrs. Lewis F. Esselstyn, his wife, and a request made that the offender be arrested and punished.

On the 22d October 1892, just after Mr. Fox had left Teheran, a complaint of the same general nature was received at this legation from Mr. Esselstyn, in regard to himself. Mr. John Tyler, interpreter, who was in charge of the legation at that time, promptly took such measures as secured, in that case, satisfactory reparation and justice. I inclose the correspondence in that case.

Mrs. Esselstyn's case was promptly brought to the attention of the police, and arrest was made, but not of the right person; this error was promptly rectified by arresting the real offender, who was brought to this legation, identified, and his guilt proven, and adequate punishment administered, under such circumstances and conditions as are fully set forth in the report of the matter which I made to Mr. Esselstyn on the 14th January. I take pleasure in stating that the public authorities of Teheran supported and cooperated with the legation in every respect.

The munshi of this legation was sent as an official witness of the punishment. A copy of his report in Persian and English accompanies this dispatch.

The bond taken from the culprit and his relatives for the future good behavior of the boy (he is 18 years old) is on file in the police office of this city, and a true copy has been placed on record at this legation. I send herewith a copy of this bond in Persian and English.

I also send a copy of Mr. Esselstyn's reply to the report which I made to him on Saturday, the 14th January.

It was annoying to me that this affair occurred so soon after my arrival, and while I was still engaged in making the long round of ceremonial visits upon the officers of His Majesty's Government. I believe that by making a responsible officer of police a party to the examination I have succeeded in creating the impression here that this legation desires for American residents in Persia nothing further than that safety from insult and injury which is secured to American citizens, residing abroad, by all friendly nations. The necessity for the punishment of the boy was as frankly admitted by the public authorities of Teheran as it was evident to me, although heretofore the duty of whipping men or boys has never been laid upon me.

I have, etc.,

WATSON R. SPERRY.

[Inclosure 1 in No. 10.]

*Mr. Esselstyn to Mr. Tyler.**Teheran, Persia, January 10, 1893.*

DEAR MR. TYLER: I am loth to take Mr. Sperry's time and attention with matters like the following, while at the same time I can not let it pass unnoticed, hence I impose upon your kindness. If need be, in your judgment, I will make formal complaint to Mr. Sperry.

Yesterday afternoon Mrs. Esselstyn, accompanied by a man servant, a woman servant, and a soldier, was down in the district known as the Mahal-i-Arabhan, just south of the gas-works street, just to the east and south of the Cannon Square. She was there hunting up some poor people we had heard of, in order to help them. At the time of the occurrence I will mention she was near the house of the Son-ed-Dowlah.

A young man by the name of Akbar Khan, son of Hajii Amir Akbar, of the Mohamed Dowlah (Shahzadeh Farad Mirza), without the slightest provocation, used insulting language to my wife. Upon being politely requested to keep still and go away he increased his insults to the most extreme degree of vileness and obscenity, both by language and gesture. My wife was compelled to take refuge in a house near by.

I beg you to take whatever steps may be necessary to bring the offender to justice and punish him to the full extent of the law.

The bearer, my servant, was with Mrs. Esselstyn at the time, and I have told him that if you desire he is to accompany an officer to find and identify the offender.

Yours, etc.,

LEWIS F. ESSELSTYN.

[Inclosure 2 in No. 10.]

*Mr. Esselstyn to Mr. Tyler.**TEHERAN, October 22, 1892.*

DEAR SIR: Yesterday afternoon I was coming up the street from the direction of Sabze Maidan towards the Shams-el-Amereh. A short distance south of the Shams-el-Amereh a good-sized boy ran out of a shoe shop on the east side of the street, stealthily came up behind my carriage, and struck me a fairly hard blow in the back. I went back and demanded redress from the master of the shop into which the boy fled. The boy was identified, but I could get no satisfaction.

You can identify the boy by applying to Ustad Petros, a Protestant Armenian who has a tailor's shop on the west side of the street near where the thing occurred, and was a witness to it.

Will you take the necessary steps to identify the boy and give him all necessary punishment?

Yours, etc.,

LEWIS F. ESSELSTYN.

P. S.—I'm leaving for Hamadan next Tuesday.

[Inclosure 3 in No. 10.]

*Mr. Tyler to Mr. Esselstyn.*LEGATION OF THE UNITED STATES,
Teheran, October 22, 1892.

DEAR SIR: In reply to your letter just received, I beg to express my regret at the insult and the assault to which you have been subjected at the hands of a Persian boy, and at the same time to assure you that I shall take steps to have the boy apprehended and exemplary chastisement administered to him.

I remain, etc.,

JOHN TYLER,
Interpreter in Charge.

[Inclosure 4 in No. 10.]

*Mr. Tyler to Mr. Esselstyn.*LEGATION OF THE UNITED STATES,
Teheran, October 25, 1892.

DEAR SIR: I beg to inform you that the boy who committed the assault on you in the Jabba Khaneh street on Friday last is now at the legation, in the custody of the police.

If you will kindly come to the legation and identify and affirm that he is the actual boy, with the view to his being punished, I shall be much obliged.

I remain, etc.,

JOHN TYLER,
Interpreter in Charge.

NOTE.—The boy having admitted the offense charged against him was taken to the place where the assault was committed, and some stripes with a stick were administered to him, and at the same time the boy's master was bound over to be responsible for the boy's good behavior in the future.

JOHN TYLER.

[Inclosure 5 in No. 10.]

*Mr. Sperry to Mr. Esselstyn.*LEGATION OF THE UNITED STATES,
Teheran, January 14, 1893.

DEAR SIR: In the matter of the complaint made by you to this legation on the 10th of January in regard to certain insults offered to Mrs. Esselstyn, your wife, in the streets of Teheran on the 9th January, I have the honor to report to you the following as the result of your complaint, and the official proceedings which in consequence took place:

Your note regarding the occurrence reached this legation on the 10th of January. Your statement of the affair was transmitted officially to the chief of police on the evening of the 10th, and was accompanied by a request from this legation that the young man complained of, one Ali Akbar Khan, be immediately arrested and brought to this legation.

On the afternoon of the 11th of January it was reported by the police to this legation that the arrest has been made, and the reply from this legation was to bring the boy here that evening. This was thereupon done, and you and Mrs. Esselstyn being present, it was at once discovered that the person arrested was not the one complained of, but his younger brother, one Ibrahim Khan. The police were then requested to rectify their error, and to bring before this legation Ali Akbar Kahn. On the 12th of January the police reported that they had Ali Akbar Khan in arrest, and that he was at the disposal of the legation.

A request was thereupon sent to the police that he be brought to this legation that evening, the 12th January, and that some superior officer of police be permitted to accompany the squad, in order to watch the proceedings and to aid the legation with his judgment. Gen. Mirza Hassan Khan came to this legation on the evening of the 12th January as the representative of the police, in answer to this request, and the person complained of was duly brought here. Mrs. Esselstyn and other witnesses being present, the examination then proceeded. It was shown that Ali Akbar Khan was the person complained of; that he had used grossly indecent language within the hearing of Mrs. Esselstyn and others; that he had evidently directed this language at Mrs. Esselstyn, and designed it to injure and wound her feelings, she at the time being upon an errand of mercy, and in no wise having injured or even annoyed Ali Akbar Khan; neither had her servants injured or annoyed him. The insult being thus shown to be unprovoked and wanton, and being of gross quality, it was concluded, with the ready assent of Gen. Mirza Hassan Khan, that the boy must be punished. This, I believe, was also your judgment.

It was thereupon decided that the boy must be whipped on his back, he wearing at the time only one shirt and one thin coat, and that bonds for his permanent good behavior must be taken from him and from his responsible relatives.

The munshi of this legation was sent to the police office as an official witness of this punishment, which was inflicted that same evening of the 12th January, Gen. Mirza Hassan Khan recommending this prompt course. The munshi's report is, in substance, as follows: That he went to the police office at my orders; that Ali Akbar Khan was whipped upon the back and shoulders in his presence with a cat of five tails, eighteen blows being given with the cat; and that the punishment was so

severe that the culprit was overcome by it. The bonds for future good behavior have also been made out, and at this date the originals are at this legation. These bonds have been given by Ali Akbar Khan, by his younger brother, and by his uncle. Copies of these bonds will be preserved in the archives of this legation, and the original bonds will be kept on file in the office of police. A true copy of the munshi's report and also a true copy of the bonds are inclosed with this statement.

I certainly hope that the proceedings which followed your entirely justifiable complaint and that the punishment which has been administered to the offender will prove to be satisfactory to Mrs. Esselstyn and to yourself. I learn that the punishment given to the young man is regarded as entirely just at the police office, and that the entire proceeding meets with the approval of the public authorities of Teheran. I regard this general approval by the authorities of this capital as in a considerable degree a guaranty against a recurrence of such annoyances and injuries as Mrs. Esselstyn received in this instance. If this result shall follow, one of the objects at which I aimed will be attained.

With the highest respect, etc.,

WATSON R. SPERRY.

[Inclosure 6 in No. 10.—Translation.]

BOND TO KEEP THE PEACE.

I, Ali Akbar Khan, the nephew of Hajii Amir-Akbar (master of the house), jointly with my uncle, Hajii Naib, and my brother, Ibraheem Khan, have undertaken and bound myself, at the office of police, that from this time onwards should I be seen or heard to insult any European, whether man or woman, I will endure one month's incarceration in the prison of the police and suffer 100 stripes of the bastinado.

These few words are set forth as a bond for my future good behavior.

Dated the 26th of Imamadi the second A. H. 1310.

ALI AKBAR KHAN. [SEAL.]
 HAJII NAIB. [SEAL.]
 IBRAHEEM KHAN. [SEAL.]

P. S.—Furthermore, it is undertaken that he shall not behave unseemly or impudently, especially towards any United States citizen.

ALI AKBAR KHAN. [SEAL.]
 HAJII NAIB. [SEAL.]
 IBRAHEEM KHAN. [SEAL.]

Note on the execution of justice by the chief of police.

Acting on the information of his excellency the minister of the United States, in conformity with a complaint made by Mr. Esselstyn, an American clergyman, that Ali Akbar Khan, nephew of Hajii Amir Akbar, had used insulting language to Mr. Esselstyn's servant reflecting most seriously on Mrs. Esselstyn (in her presence), in order to uphold the honor and respect of the legation, the necessary steps were taken by the police authorities to vindicate the claims of justice, and in order to give satisfaction to Mrs. Esselstyn, according to her wish, the said Ali Akbar Khan has been punished, and, by the bond of good behavior, his brother and his uncle bind themselves that so long as they live no unworthy behavior shall proceed from them.

Seal of the chief of police.

[Inclosure 7 in No. 10.—Translation.]

DECLARATION BY THE MUNSHI OF THE LEGATION.

I, Mirza Abul Kassin Khan, the chief munshi of the United States legation, in compliance with the orders of his excellency the minister of the United States, on the evening of Friday the 23 of Jamadi the second, A. H., corresponding to the 13th of January, 1893, went to the chief police office of this city for the purpose of being a witness to the punishment of Ali Akbar Khan, who had insulted Mrs. Esselstyn, a native of the United States of America, in the public streets, hereby testify that eighteen stripes with a cat of five tails (over a thin coat and shirt) were given on the back and shoulders of Ali Akbar Khan, and so severely was the punishment

inflicted that the culprit was overcome by it, and he cried and begged for mercy. Thereupon I, on the part of the legation and the lady insulted, ordered the boy to be released and be let go.

Then, in my presence, a bond was taken from the culprit, his brother, and uncle, binding him over to keep the peace toward Mrs. Esselstyn for the remainder of his life.

MIRZA ABUL KASSAN.

[Inclosure 8 in No. 10.]

Mr. Esselstyn to Mr. Tyler.

TEHERAN, PERSIA, *January 14, 1893.*

DEAR MR. TYLER: Please say to Mr. Sperry that I have received his inclosure. As you request, I hand you herewith twenty krans, anams (presents), for the policemen.

Will you kindly thank Mr. Sperry and yourself for your prompt action in the matter of the insults offered to Mrs. Esselstyn by Ali Akbar Khan.

Yours, etc.,

LEWIS F. ESSELSTYN.

Mr. Sperry to Mr. Foster.

[Extract.]

No. 13.]

LEGATION OF THE UNITED STATES,

Teheran, Persia, January 25, 1893. (Received March 11.)

SIR: I have the honor to transmit herewith a report from John Tyler, esq., the interpreter of this legation, in regard to a serious and unjustifiable interference with the rights of American missionaries at Tabriz. It will appear from Mr. Tyler's report that there were signs of hostility to the religious and educational work of the American (Presbyterian) mission establishment at Tabriz before Mr. Fox, vice-consul, left this legation. The open act of interference was committed, however, after Mr. Fox's departure, on the 6th of October, 1892. At the date of this act, 27th October, 1892, there was no one at this legation with official power to deal with the matter. Mr. Tyler, as interpreter, was in charge of the legation, and in the emergency he very thoroughly and ably took the business in hand. Although without official standing before the Persian Government, his long and respectable career in Persia, and the personal friendship which exists between him and the principal officers of his Imperial Majesty the Shah, and also the personal acquaintance which he has the honor to have with the Shah, enabled him to bring the subject effectively before the Persian authorities in this city. The matter was the more delicate because the work of the missionaries at Tabriz was interrupted under cover of the authority of the heir apparent, who is the governor of Tabriz. It is to be said that the disposition of the responsible ministers of His Majesty's Government was most friendly to the United States, but this fact does not diminish the credit due to Mr. Tyler for the promptness, thoroughness, and intellectual force with which he presented the case of the missionaries and urged that due reparation be made. The entire correspondence, which is very long, would make this even more evident than the summary which Mr. Tyler has made in his report.

To my mind the most serious aspect of this affair is its arbitrary quality. No complaints were made. The missionaries were not informed that they were pursuing a course which was offensive to the

native authorities. No opportunity was given for a comparison of the facts with the complaints. But after some informal and irresponsible talk, on the part of a subordinate, which did not rise in importance much above gossip, the seals were summarily placed upon both the school and the church, thus completely arresting the work of the missionaries, and in fact punishing them to that extent and degree while the question was being argued as to whether or not they deserved punishment. This was not only eminently unfair, but the later removal of the seals by the Persian Government shows that it was also unjustifiable. No conditions were exacted, or even mentioned, as the price of the removal. The wrong which it was thus conceded had been done was simply cured. But to cure the wrong did not carry with it amends for the protracted interval during which the missionaries were forced, by a secret and summary process, to endure the wrong.

There is probably much in the fanatical nature of the population of Tabriz, in the local atmosphere, which explains this act of summary suppression. But to explain the act is not to show that it may safely be allowed to be repeated. On the contrary, the explanation shows that the Government of the United States ought to make more effective provision for the safety of its citizens residing in Tabriz. Some officer of the United States should be there with power to receive and examine complaints, and to transmit them in authentic shape to this legation, in case the matter goes so far as that; and all this should be done, and required to be done, before punishment is inflicted. Otherwise the work of the missionaries at Tabriz is liable to summary and prolonged interruption at any moment.

For some time the missionaries at Tabriz have been looking to the English authorities in that city for such assistance as they might require. You will recall what efficient assistance was rendered by Col. Stewart, at that time consul-general in Tabriz (now at Odessa, Russia), at the time of the murder of Mrs. Wright.

Under our treaty with Persia the United States have the right to have a consul at Tabriz. This right is not now exercised, and, I believe, never has been exercised. I have ventured to write to the Rev. Mr. Wilson, asking him to suggest the name of some responsible man living at Tabriz who would serve as the official representative of the United States in that city. Any suggestions that he may make will be at once forwarded to Washington for your consideration and that of the President. I am clear in my own mind that there ought to be an official representative of the United States in Tabriz, no matter how limited his powers may be.

Before American churches and schools in Persia are closed and placed in disuse there ought to be official knowledge of the matter by an authorized representative of the United States, to whom the Persian authorities, even the most fanatical, would feel bound to go and to explain before the act of interference occurred, to the end that the condemnation may not come first and the hearing afterward.

I inclose herewith a copy of a resolution adopted at Tabriz in regard to my own relation to the removal of the seals. The work had been done when I arrived by Mr. Tyler, and the resolution of thanks to him is the more important.

The thanks of the missionaries have been sent to the Shah and his Government.

I have, etc.,

WATSON R. SPERRY.

[Inclosure I in dispatch No. 13.]

*Mr. Tyler to Mr. Sperry.*LEGATION OF THE UNITED STATES,
Teheran, Persia, January 26, 1893.

SIR: I have the honor to present for your information a report on the facts and circumstances which developed themselves in connection with the closing and sealing by the authorities, on the 27th of October last, of the doors of the American Presbyterian mission church and boys' school in Tabriz.

For some time previously to these extreme measures being taken it appears that there had been considerable opposition to and agitation against the work of the mission, though not against the missionaries in their private capacity. In a letter addressed to me as early as the 4th of May Mr. Wilson, one of the missionaries, complained of the highhanded and unjustifiable behavior of the Armenian bishop of Tabriz, who had taken and forcibly detained a young Protestant girl, a member of the mission church. This Episcopal dignitary had not, it appears, confined his interference and annoyance to the American missionaries only, for Mr. Wilson states in his letter that both the French and Turkish governments formally protested against him to the Shah's Government.

Shortly after this Mrs. Wilson, writing to the missionaries in Teheran, expressed her apprehension that the Mohammedan population might be incited against them. On Mr. Fox's first interview with the foreign minister after his return from his tour in the south, he spoke to his excellency on the subject, who promised to make inquiries, and if it should appear that there was a just cause for complaint or any ground for fear on the part of the missionaries, he would immediately communicate with the prince governor, the heir apparent. From this time no official report was made to the legation until the 10th of November, when a dispatch, covering a letter from Dr. Vanneman, the medical officer in charge of the mission, was received from the acting English consul-general in Tabriz, informing the legation that the mission church and boys' school in that city had been closed and sealed by the orders of the prince governor.

Dr. Vanneman, in his letter to the acting English consul, states that for several days preceding the sealing of the church and boys' school, the mirza (native secretary) of the foreign office representative came to the school and told the Armenian teacher, who was present, that complaints had been made against the ornamental entrance to the roof of the church, about the ten commandments being printed on the walls inside, that Mohammedan children attended the school, and that Moslem women came to the houses of the missionaries. On being shown the entrance to the roof of the church, the ten commandments printed inside the church, and on receiving assurances that no Moslem children attended the school, and that Persian women only attended Dr. Miss Bradford to be treated professionally, the mirza seemed satisfied and left. Dr. Vanneman remarked that as no complaint was either made to himself or to his associate, Mr. Brashear, they paid little attention to the visit of the mirza or his conversation with the teacher. Dr. Vanneman furthermore states that the doors were closed and sealed without any communication whatever being made either to himself or any other person responsible for the management of the mission. Immediately on his becoming aware of what had been done by the authorities he at once sent word to the acting English consul, who sent his mirza to the foreign office representative with a request to have the seals removed, at least until the return of Mr. Wilson (the oldest member of the mission), who at that time was on a visit to Hamadan, to attend the annual meeting of the mission. He was, however, put off with some evasive reply. Dr. Vanneman himself sought and obtained an interview with the foreign office representative and demanded to know why such an unusual and unjustifiable step had been taken.

He was told that the valiahd (heir apparent) had given the orders without assigning any reason.

The acting English consul-general in his dispatch to the legation expresses himself very freely on the subject. He states that the whole matter was traceable to the agitation by the Armenian priests, and that they bribed the officials to induce them to close the church and school. He adds that they did not produce and prove one specific case, and that it was an attempt to interfere with the right of Persian subjects to worship in that form which their consciences approved.

Immediately on receipt of the acting consul's dispatch I wrote to the foreign minister requesting the favor of an interview as soon as possible, but in consequence of a death in his family and the usual funeral ceremonies not being concluded, he could not see me until two days afterwards.

In my interview with his excellency I mentioned the various charges that had been brought against the missionaries, and the explanations and denials which they had

given, and I ventured to express my conviction that there was no ground for the action taken by the authorities, and that I hoped he would give orders to have the seals removed without any formal representation being made from the legation to the foreign office. He replied that as the prince governor was concerned in the matter he could not cancel an order given by him without first bringing the facts of the case to the notice of the Shah, and asked me to put in writing what I had just stated to him verbally. On the following day I sent a dispatch in Persian and English, in which I stated that from the information I was able to gather from the letter of Dr. Vanneman, Mussulman women did not attend the services of the church, although they did visit the lady doctor (Dr. Bradford), but only to be treated professionally; that Moslem boys did not attend the school, which was entirely devoted to the education of Armenians and Nestorians; that the missionaries had not the least desire either to offend the religious sentiments or the artistic tastes of the Government authorities, in adopting that peculiar style for the entrance to the roof of the church of which complaint had been made; that it seemed difficult to raise any objection to the ten commandments being printed on the inside of the wall of the church, as that was a custom generally observed in most Christian countries, and that they merely inculcated man's duty to God, to his parents, to his neighbors, and to mankind; that the missionaries regretted that these complaints were not made directly to them, and an opportunity afforded them of giving explanations. I added that I thought it would be evident to his excellency that the missionaries had in no way departed from that sphere of benevolent work among native Christians, which had been graciously permitted and recognized for so many years past by the Government of His Imperial Majesty the Shah. In conclusion, I begged his Excellency to take such steps as he might deem advisable to have the seals removed, and the work and worship of the missionaries be allowed to go on as usual.

On the 14th of November, I addressed a letter to Mr. Paton, the acting English consul-general, thanking him for the interest he had taken and the efforts he had made to have the matter settled.

The Rev. S. G. Wilson, having heard, at Hamadan, of the closing of the church and school, wrote to me on the 9th of November, giving certain particulars relating to the building of the church and other matters, all of which I found useful in my communications with the foreign office. I replied to this on the 17th, informing Mr. Wilson of the arguments I had used with the foreign minister in refutation of the complaints that had been made against the mission, and assuring him of my intention to do all I possibly could to remove the impediment that had been raised against their work.

Considering that I had already waited sufficiently long to allow the foreign minister to institute inquiries in Tabriz, I sent a verbal message to the under secretary of state, on the 5th of December, asking when I might expect a reply to my letter of the 13th of November. He replied that he hoped all would be satisfactorily arranged. Not getting any written communication from the foreign minister, I sent a formal memorandum to the foreign office on the 9th, in which I reminded the Department that in my dispatch of the 13th of November, I had proved that there was no justification for closing the church and school, and I had hoped that when it had made the inquiries an order would be given to remove the seals. I remarked, further, that in consequence of the rains, and access to the roof being closed, considerable damage had been done to the church. In order to emphasize my arguments I added that the matter had been reported to the board of foreign missions in America, and I begged that the seals might be removed before it was brought to the notice of the U. S. Government.

On Sunday, the 14th of December, I received the reply of the foreign office to my two communications, which I will presently analyze in detail, and also give a summary of my reply sent in parallel columns of Persian and English; but in order to preserve some continuity in my report I will briefly state, that in reply to a telegram from Mr. Wilson I observed that the foreign minister considered the question a serious one, and that he evidently would not on his own responsibility order the church and school to be opened; and as the Shah had been out of Teheran for nearly three weeks on a hunting expedition, some unavoidable delay had been caused.

I inclosed in this letter a copy of the foreign office memorandum, and requested Mr. Wilson to read over the document very carefully, and make such remarks on the charges brought forward as he might consider advisable, and forward them to me as soon as possible.

The charges preferred against the missionaries, in the memorandum referred to above, were contained in a report from the foreign-office representative addressed to the minister of that department, and in substance are as follows:

That the missionaries had built the church without the permission and sanction of the Government authorities; that they had added a spire to the edifice, with the object of hanging therein a nakoos; that they had been preaching in the church; that they admitted Armenian children to the schools, and taught them the rules

and principles of the Protestant faith; that Mussulmans had been converted to Christianity; that Mussulman children attended the school in opposition to the laws of the religion and the state; that they published a curriculum of the lessons given in the school; that Mohammedans had been converted to Christians in Oroomiah and Salmos; that all persons before entering the service of the missionaries were compelled to be baptized; that Persian (Mussulman) women attended the services of the church; that Mr. Easton (one of the missionaries) had had the photo of a Mohammedan woman taken in a group of his family; that Protestants had a church for their worship and preaching contrary to the laws of the state; that certain Armenians were induced by improper methods (by payments of money) to send their children to the schools; that the Armenian bishop and priests had complained to the authorities on the subject.

In commenting upon and refuting these charges I took occasion first to thank the foreign office for instituting inquiries as to the truth or falsehood of the accusations brought against the missionaries; but I remarked that, as these proceedings had not resulted in the removal of the seals from the church and school, and that as the report of the foreign office representative was in such conflict with the information supplied by the missionaries, a reply in some detail seemed to be unquestionably demanded. Briefly stated it was as follows:

First. With regard to the charge that the missionaries had built the church without the permission of the Government authorities, I replied that this was not correct, as they held a paper given to them for that purpose.

Secondly. To the charge that they had added a spire to the church, with the object of hanging therein a nakoos (a heavy plank of wood suspended on hinges, and struck with a mallet to call to prayers). I denied that such was the case, and it was simply and solely intended as an entrance to the roof.

Thirdly. As to the complaint that the missionaries had been guilty of preaching in the church, I observed that the construction of a church presupposed the holding of service, and that preaching formed a necessary and important part in them.

Fourthly. In reply to the complaint that Armenian children attended the schools, I admitted that the missionaries did not deny the fact; but I added that as the rules of faith and conduct were identical in these two sections of the Christian church, there could be no objection to their being taught in the school.

Fifthly. With regard to the assertion that Mohammedans had been converted to Christianity, I stated that no such report had reached the legation, and that I very much doubted if such an event had taken place.

Sixthly. In answer to the charge that Mussulman children attended the school, I said the missionaries declared that it was not true, with the sole exception of the foreign-office representative's mirza's son, who merely went to learn English; but I added if the mirza disapproved of his son's going, he could have ordered him to stay away, and there would have been an end of the matter. If his object, however, in sending him to the school was to have a pretext for bringing a charge against the missionaries or stir up ill feeling, it was for the foreign office to judge whether the missionaries or the mirza was in fault.

Sevently. Regarding the publication of the curriculum of the studies in the school, I replied that these missionaries denied that such was the case, or that any order was given to them to discontinue the teaching as was asserted. Indeed, they complained that these charges were not made to them personally, and so an opportunity afforded them of making an explanation. In fact both the church and school had been closed without any direct communication being made to them on the subject.

Eighthly. With regard to the conversion of Mohammedans to Christianity in Oroomiah and Salmos, I reminded the foreign office that missionaries had been located amongst the Nestorians in those places for upwards of fifty years without any charge whatever being brought against their moral character, and it was possible that during that long period some cases of conversion had taken place, just as many Christians had become Mussulmans; but I thought that the foreign office would perceive that this question had little relevancy to the subject at issue.

Ninthly. With reference to the accusation that all persons entering the service of the missionaries were first compelled to be baptized, I observed that the foreign office knew as well as the legation that baptizing a man (supposing the charge to be true, which the missionaries denied) no more made him a Christian than did the pronouncement of the name of Mohammed make a man a Mussulman.

Tenthly. To the charge that Mussulman women attended the services of the church, I replied that the missionaries denied this, but admitted that some did visit the lady doctor to receive advice and assistance, but with no other motive or intention whatever.

Eleventhly. In noticing the accusation that Mr. Easton had had the photo of a Mussulman woman taken in the group of his family, I stated that I felt sure that Mr. Easton had not the remotest intention of infringing the laws of the country, or

that he supposed this act would be made a pretext for closing the doors of the house of God, and I was convinced that if he had had the faintest idea that such a result would have followed he would not have committed so serious an act of indiscretion. Moreover, he left Tabriz in the spring, and was in no way connected with this church.

Twelfthly. On the question that Protestants had built themselves a church, I ventured to observe that through the favor of His Imperial Majesty the Shah, peoples of various religions were allowed to have churches in which to worship God in their own way, and I was quite certain that it was neither the wish of the Shah nor his Government, nor that of the crown prince, that Protestants should be denied this privilege.

Thirteenthly. To the charge that certain Armenians were induced by unlawful means to send their children to the school, I maintained that if their parents were satisfied that these children were thereby made better citizens and subjects, which were points of great importance in the Christian religion, no real damage was done to the state.

Fourteenthly. Regarding the complaints of the Armenian bishop and priests, I held it probable that if these persons were to pay more attention to the improvement of their system of education, and make greater efforts to carry it into effect, the children would most likely be sent to their schools instead of to those of the missionaries.

In commenting on these charges I remarked that I felt it necessary to make each one the subject of some observations and explanations, which I trusted would be found satisfactory to the imperial foreign office, and that it would be admitted there was no further necessity for keeping the church and school closed. I added, moreover, that the legation in considering these charges (the first that had been brought against the missionaries) felt, without in the least desiring to give trouble to the Government, that it would have been preferable had the authorities, before taking this extreme step, made some communication to the legation, that it might have instituted inquiries as to the truth of the charges made against the missionaries of infringing the laws of the country. In conclusion, I remarked that the legation had taken and would continue to take the profoundest interest in all that concerned the happiness, prosperity, and stability of the Kingdom, and would cooperate with the Imperial Government in preventing dissensions and disputes between their respective subjects and so perpetuate that harmony and good feeling which it was the utmost desire of the U. S. Government to foster and consolidate.

Simultaneously with the above memorandum I had the honor to announce to the minister of foreign affairs the receipt of your telegram from Vienna and the probable date of your arrival at the Persian port of Enzelli, and I hoped that this information would induce the authorities to see the wisdom and justice of opening the church and schools without further delay.

On the 17th of December I received from the foreign office a memorandum in the form of a reply to mine of the 14th, in which the minister asserts his belief that his representative in Tabriz had given an unprejudiced report of the circumstances that had been the cause for sealing up the church and school, and that the missionaries had been obliged to use their particular arguments in order to make their case good. Peremptory orders, continued the memorandum, had been sent to Tabriz to have the seals removed, but at the same time the legation was desired to warn the missionaries against allowing Mussulman women and children to visit them or enter the church and school, and by no means to transgress the laws of the religion and the state, and not to neglect the advice of the representative of the Foreign Office, who was only solicitous for their safety, lest troubles and difficulties might follow.

Not feeling sure that the minister's orders would be executed, even if they were sent, on the 19th I asked Mr. Wilson by wire whether the seals had been removed, and to my regret on the following day I received a reply that they had not. The next day I addressed a memorandum to the foreign office expressing my extreme surprise and disappointment at the refusal on the part of the Tabriz authorities to carry out the minister's orders, and at the missionaries still being deprived of their place of worship. On the 21st the foreign minister sent a telegram to the legation, with a request that I would myself have it dispatched to the foreign-office representative in Tabriz, ordering, in the most peremptory manner, the immediate opening of the church and school. I had it sent off at once, and at the same time apprised Mr. Wilson of the fact and asked him to let me know the result. On the 23d I received a telegram from Mr. Wilson informing me that instead of the minister's orders being carried out, the mirza of the foreign-office representative had called at the mission and pretended to read a telegram he alleged had been sent by the foreign minister ordering the doors of the church and school to be kept closed. I immediately addressed a memorandum to the foreign office expressing the greatest astonishment at this inexplicable behavior of the Tabriz authorities, and respectfully requested, in the most unequivocal manner, that the seals be at once removed. Late the same day I received from the foreign minister a telegram written by him-

self ordering, in the most indignant and peremptory terms, the seals to be taken off without any further question or hesitation. On the 25th the foreign-office representative replied to the telegram of the minister, to the effect that he had shown his excellency's orders to the prince governor, who had commanded him in equally strong language to leave the seals on, adding that he had sent a detailed telegram of all the circumstances to the prime minister, and until his reply came the doors were to remain closed. This last telegram was sent through the legation, and in forwarding it to the foreign office I took occasion to observe that from the tenor of the telegrams sent to Tabriz I had had the greatest hope that the matter would be settled, and that I still trusted that the doors would be opened before your arrival, that you might enter upon your tenure of office free from complications of any kind. Not receiving any reply to these communications I addressed a further memorandum to the foreign office stating that I had received two letters and two telegrams from the missionaries within the last few days who complained that they had no church in which to conduct their religious services; and I repeated my expressions of extreme surprise that, notwithstanding the peremptory orders of the minister, the doors of the church and school were still closed, yet I felt sure that from the well-known feelings of friendship which his excellency had toward the legation, and in view of the speedy arrival of the new minister, he would not allow the church to be kept shut up. I added, moreover, that the following day being the first day of the new year the legation had the greatest desire that the church should be opened for services. On the 6th of January, the day of your arrival, I received a private note from one of the under secretaries assuring me that orders had been sent to open the doors of the church, and on the following day Mr. Wilson sent you a telegram reporting the removal of the seals.

From a consideration of all the circumstances of the case, and viewed in the light of statements and reports contained in lengthy communications received from Mr. Wilson and Dr. Vanneman, and from information which I had been able to gather from other sources, it was clearly evident that there was great antagonism and opposition on the part of a portion of the Armenian community, including the bishop and priests, to the work of the missionaries; and that they had, by liberal bribes, incited certain of the officials in Tabriz to get up an agitation, and by misrepresentations prevail upon the crown prince to close the church and school, and thus put a stop to missionary enterprise in Tabriz altogether. Consequently it was only natural that these corrupt and bribed servants of the Crown should hold out as long as possible, and do all in their power at least to save appearances and to present a certain justification for the bribes they had received. I was perfectly aware of the force of the pecuniary argument, and, therefore, was prepared for some delay.

There was, moreover, a prevailing impression in Teheran that this was an initiatory move against all missions, and that similar measures would, if this succeeded, be adopted against the missions in Oroomiah and other places. I felt sure, however, that the Shah and his Government were too anxious to stand well with foreign governments to take a reactionary step of such very questionable policy. Still the prince governor of Ispahan had expelled an agent of the "English society for the propagation of Christianity amongst the Jews," and the British minister had not been able to get him reinstated.

In one letter I received from Dr. Vanneman my opinion was asked as to the expediency of preferring a claim for damages against the Tabriz authorities, for unlawfully entering and forcibly closing the church and school. In replying, however, to this proposal I took the liberty to state that I was afraid, in view of the present unsettled state of the country, an application of that kind to the Government would have little prospect of success and might possibly do harm rather than good. I added that I should not like, and I did not think it was advisable to make a demand on the foreign office which could not be supported by the authority of the U. S. Government, and to be obliged to acquiesce in a refusal would weaken the position and moral influence of the legation, which at the present time it seemed necessary to strengthen and increase as much as possible.

It is a pleasure to me to bear testimony that in the conduct of these delicate and difficult negotiations (for some members of the Persian Government and a vast proportion of the population are very susceptible and sensitive on religious questions) I had the hearty cooperation and assistance of the missionaries in Tabriz; and it was a source of great satisfaction that I could always refer to the purity of their intentions, their prudence and moderation, and to the blamelessness of their moral character, without the least fear of refutation.

It will be only just to observe, too, that in all my communications with the foreign office I was treated with great courtesy, although it might have justly refused to recognize my position, as I had never been introduced to the Shah or his Ministers, even as the official interpreter of the legation. I trust, however, that what I have done in this matter meets with your satisfaction, and will not be disapproved by the Secretary of State.

Before closing I should like to put on record that the munshi of the legation rendered me very valuable advice and assistance in the Persian correspondence, for which I feel that, at the least, he deserves this recognition of appreciation.

I have received from the committee of the Tabriz mission the following resolution with regard to my action in this matter:

"At a meeting of the American missionaries held in the city of Tabriz on the 7th instant (January), the following resolution was passed:

"We desire to express to Mr. John Tyler, interpreter in charge of the U. S. legation, our most heartfelt thanks for the deep interest and sympathy which he has manifested, and the wise and masterly manner in which he has represented before the Persian authorities our case in regard to the closing of the church and school.

"And we feel that he has richly earned this respect and attention, as witnessed in his bringing to a successful issue this unhappy affair of gross injustice and indignity to a number of American subjects.

"We congratulate him most heartily on his triumphant vindication of what seemed to be simple justice.

"We have also observed and appreciated not only the energy and business-like way of following up each step in the progress of the case, but especially in his keeping us so well informed, both by telegrams and letters, of the receipt of our communications and his action in respect to them.

"For this all he deserves and we hereby gladly give expression to our grateful thanks.

"W. S. VANNEMAN, M. D.

"W. L. WHIPPLE,

"Agent of American Bible Society,
Committee.

TABRIZ, 9th January, 1893.

I have, etc.,

JOHN TYLER,
Interpreter.

[Inclosure 2 in dispatch No. 13.]

At a meeting of the American missionaries, held in Tabriz, Persia, on the 7th instant, the following action was taken:

Resolved, That we, as American citizens, having heard of the arrival of his excellency the Hon. Watson R. Sperry, the United States minister to the court of the Shah, hereby send our cordial greetings and warm welcome to Persia and extend to him our best wishes for a long and successful administration.

We note also in this connection, with pleasure, the auspicious coincidence of his excellency's arrival and the removal of the seals and the opening of the doors of our church and school, the closing of which was the cause of so much annoyance and anxiety to us all.

We also request his excellency, if he can do so conveniently, to express to His Imperial Majesty the Shah of Persia and his ministers of state the sincere thanks of the Protestant community, as well as our own, for their gracious favor in this unhappy affair.

W. S. VANNEMAN, M. D.,

W. L. WHIPPLE,

Agent of the American Bible Society,
Committee.

TABRIZ, 9th January, 1893.

Mr. Sperry to Mr. Foster.

[Extract.]

No. 18.]

LEGATION OF THE UNITED STATES,
Teheran, Persia, February 23, 1893. (Received April 5.)

SIR: I have the honor to report that Hajie Seyyah is now practically in asylum at this legation. Hajie Seyyah is *prima facie* a naturalized citizen of the United States. His papers are at this legation. These papers are certified copies of the record. They consist of the declara-

tion of intention and the decree of the court. The declaration is copied from volume 17, No. 364, of the fourth judicial district of the State of California in and for the city and county of San Francisco, and is dated, both as to the application and the certified copy, on the 11th day of June, 1875.

The present troubles of Hajie Seyyah, I think, are due to the fact that he did not disclose that he possesses these American naturalization papers until about the time of my arrival at this post. He belongs to a family of Moollahs, or Mohammedan priests, and himself wears the white turban of that order. By reason of his extensive travels in the United States and elsewhere (I think that there is no doubt that he had the required residence in the United States for naturalization) he has acquired notions of civil liberty, of which I have no doubt that he has spoken to his neighbors and friends. As he is well known in India, in Afghanistan, and in Persia, I fancy that he must have pointed out the differences between oriental governments and those of the western world pretty often. About four years ago one Malcolm Khan, who had been the Persian minister to London, and who had got into some troubles there, began to talk and write in favor of a republic in Persia. He issued a sort of paper or bulletin at intervals from Paris on this subject. This periodical he used to send regularly to Hajie Seyyah, but not at the latter's request. Doubtless Malcolm Khan regarded Hajie Seyyah as in intellectual sympathy with his own views. Of these periodical papers thus sent to Hajie Seyyah the latter received only one; the others were retained and suppressed by the Persian post-office. But that they were sent to Hajie Seyyah made him an object of suspicion to the Persian Government, and about two years ago he was arrested and kept in prison, in various places and under most uncomfortable and often painful circumstances, for nearly twenty months. Nine other persons were arrested and imprisoned at the same time, charged with being the disciples or adherents of Hajie Seyyah. Of these ten, two are still in prison here in Teheran, while the others were released at various intervals. Hajie Seyyah was released about three months ago.

When Hajie Seyyah was released from prison he found his temporal affairs in bad shape. One of his villages in the province of Ispahan had been robbed and some fields had been taken from him by a neighbor. Certain moneys were also owed to him, purely as the result of private business arrangements, and his debtors would not pay him. As his wife is a relative of the Shah, and as the eldest son of the Shah (not the heir-apparent) has always been friendly toward him, he finally secured some compensation for the trespass upon his village and had his fields restored to him; but in the matter of the debts he could make no headway.

It was then that he came to this legation and asked me to write to the prime minister that he was a citizen of the United States, and would he (the prime minister) see that he received justice in the matter of the settlement of his debts. This I did. The letter thus written by me appears to have been the first information conveyed to the Persian Government that Hajie Seyyah was no longer a Persian subject. This announcement was made eighteen years after the date of Hajie Seyyah's naturalization papers. The Persian prime minister made the objection at once, but verbally, that Hajie Seyyah was not a citizen of the United States. He stated that the Persian Government had never been informed by the United States Government of Hajie Seyyah's proposed change of nationality, and that therefore the purported change

was void. I replied that the United States Government was only bound to do what it had agreed to do, at the request of Persia or some other government, and asked if Persia or any other government had ever asked the United States Government to give prior notice in the case of granting naturalization to persons of foreign birth. The answer to this was that the old treaty of Turkoman Chai, between Russia and Persia, ratified near the beginning of this century, established this obligation of prior notice, and that the United States (by some unstated process of reasoning) had only the rights accorded by that treaty. I then procured a copy of this treaty in French. I discovered that it was a treaty of peace between Persia and Russia after a war, that it related to a partition of territory, and to the rights of the people of this territory under the new arrangement, and that there was not a word in it, so far as I was able to ascertain, relating to prior notice by either government in the case of the subjects of either government desiring to change their allegiance. I then wrote to the prime minister, asking him for an assurance that Hajie Seyyah's matters would remain in statu quo until I could submit his view to the Department of State, and also begging him to specify the article and clause in the treaty of Turkoman Chai upon which he relied to sustain his contention. To this letter I have, as yet, received no reply.

On Tuesday morning last Hajie Seyyah came to this legation and said that the Naib-es-sultanneh (the Shah's third son and the governor of Teheran) had sent him a note asking him to come and see him, so as to arrange his business. As part of the imprisonment of Hajie Seyyah was passed in the cellar of one of the Naib-es-sultanneh's houses, the former referred the matter of his complying with this invitation to me. After due consideration I told him to go, but before the visit could be made, word came that a dozen soldiers had been to the house of Hajie Seyyah to fetch him. Upon learning this I changed my mind and informed Hajie Seyyah that he could remain at this legation for the time being. This he was very glad to hear, as he evidently felt in danger from the abrupt methods which are sometimes employed in Persia. I should have telegraphed at once to the Department had I been provided with a code. As it was, not having one, and as all open messages sent to the telegraph office are subjected to the inspection of a Persian officer, I decided not to use the telegraph. An additional reason in favor of this course was that Hajie Seyyah's presence here was not known, and, while desiring to preserve him from any possible injury, I at the same time desired to avoid all unnecessary publicity in the matter.

My general plan at present is as follows: Mr. John Tyler, the interpreter of this legation and a thoroughly responsible and scholarly man, who knows Persia and the Persians well, is just recovering from a severe attack of fever. When he is able to go about, which I hope will be very soon, I shall send him to the Naib-es-sultanneh to have a full and friendly discussion of the whole situation. Time and a frank discussion, I trust, will adjust the matter. An unsettled question existing as to the civil status of Hajie Seyyah, and the papers which he has placed in my care creating a *prima facie* claim on his part to the protection of the United States flag, I have felt it to be my duty to extend to him such protection as would, without unnecessary irritation, preserve him from ill-treatment until this question can be fairly considered and an amicable conclusion reached. So far as I know there is no claim whatever that he has violated any local law or regulation or custom. I trust that my course may be approved by the Department, and that

if any uncertainty is felt by the Department in regard to the quality of Hajie Seyyah's papers, such inquiries may be made by it in San Francisco as will settle the matter, and that I may be promptly informed of his civil status as thus disclosed. Until further instructions I shall assume that so long as he obeys the local law he is entitled to the protection of this legation from all summary and arbitrary proceedings.

I have, etc.,

WATSON R. SPERRY.

Mr. Sperry to Mr. Foster.

No. 20.]

LEGATION OF THE UNITED STATES,
Teheran, Persia, February 27, 1893. (Received April 5.)

SIR: I have the honor to report, in continuation of my No. 18, that Hajie Seyyah is still at this legation.

Within a few hours after the departure of the last mail I received a communication from the Sadr-azem, or Persian prime minister, in regard to the business of Hajie Seyyah. The original of this note, together with a translation, is sent with this dispatch. The clause of the seventh article referred to is that which provides that "the diplomatic agent or consuls of the United States shall not protect, secretly or publicly, the subjects of the Persian Government," etc. It remains to be seen whether or not Hajie Seyyah is a subject of the Persian Government. In regard to the "misdemeanors and infringements of the laws (Persian)" charged against Hajie Seyyah, I have to say that these misdemeanors, etc., are political; that they have been expiated by a long imprisonment, as stated; that the Persian Government voluntarily released Hajie Seyyah from prison before this question of citizenship arose, and that I have received verbal assurances the most emphatic from the private secretary, or Moandes-el-mamalek, of the prime minister that Hajie Seyyah has in no wise transgressed against the local laws or public peace of Persia since his release from prison. It will be observed that the doctrine of once a subject always a subject is the basis of the prime minister's note.

In pursuance of the note of the Sadr-azem, private secretary, the Moandes-el-mamalek, called to see me. Instead of bringing the treaty of Turkoman Chai with him, he brought a citation which he said was from that treaty, and also a citation from the treaty between the United States and Persia, this latter being the same clause which I have already mentioned. These citations, with translations, are inclosed herewith. The net result of this interview was that the Persian Government denies absolutely that Hajie Seyyah is a citizen of the United States; that it will give no assurance of his peace and security (assuming that in every respect he obeys the local law meanwhile) until this question of his national status can be considered and adjusted; that it does not charge him with any new offenses, and that the full text of the treaty upon which the Persian Government relies for its contention is to be brought to this legation to-morrow Morning by the Moandes-el-mamalek for our joint examination. This interview was held on Friday, 24th February. Through the whole of it the Moandes-el-mamalek referred repeatedly to the treaty of Turkoman Chai as the basis of and authority for the Persian view. Yesterday (Sunday, 26th February) a note was received from the Moandes-el-mamalek by Mr. John Tyler, the interpreter of this legation, saying that the basis of the Persian contention is

not the treaty of Turkoman Chai, but another and a later treaty. A translation of this note is sent herewith. During this interview I stated that I did not assert that Hajie Seyyah is a citizen of the United States, but merely that I was bound by the seal of the United States court to regard him as a possible citizen of the United States until I could receive from the Department of State at Washington a definite and authoritative statement in regard to his national status. All I asked for was that this question might remain open until I could receive instructions from the Secretary of State. The Moandes-el-mamalek said that no assurances whatever of an official character could be given in regard to the treatment of Hajie Seyyah during this intermediate period, because to do so would be to concede that Hajie Seyyah is a citizen of the United States. Personally he believed that no harm would come to him. I may add that the Moandes-el-mamalek knows Hajie Seyyah well; that he has always been friendly toward him, and that he took part in having Hajie Seyyah released from prison. The Moandes-el-mamalek said that he knew nothing of the request made by the Naib-es-sultanneh for Hajie Seyyah to come and see him.

Hajie Seyyah states that he informed the Zill-es-sultan (the oldest son of the Shah, but not the heir apparent) ten years ago said that he (Hajie Seyyah) was a citizen of the United States. Hajie Seyyah concedes that this can not be proved, because he thinks that the Zill-es-sultan would not now acknowledge to have heard or to remember such a statement. Hajie Seyyah declares that he desires no damages for his imprisonment or for other injuries. He says that all he wishes is to be permitted to leave Persia in peace and safety. He says that he desires to go to Constantinople.

I have arranged so that Hajie Seyyah is technically my servant. He will be paid wages and I shall take receipts from him. I hope that the Department will send me instructions at the earliest moment and in the promptest manner possible.

I have, etc.;

WATSON R. SPERRY.

[Inclosure 1 in No. 20—Translation.]

The Prime Minister to Mr. Sperry.

YOUR EXCELLENCY AND KIND FRIEND: The meaning of your excellency's communication of the 25th of Rajah, A. H. 1310, with reference to the matter of the national character of Hajie Seyyah of the town of Mahallat has been understood.

As I have already informed your excellency, by messenger, that when anyone wants to change his nationality, according to the most important rule of the universal law, he shall first obtain the consent of his own Government; and so long as that permission is not granted he can not under any circumstances change the character of his nationality.

As you requested to see the provisions of the treaty between the governments of Persia and Russia, a copy shall be sent for your information. A copy shall be sent through the Moandes-el-Mamalek (Government Engineer) to your excellency.

According to the aforesaid provisions, now in force between the Government of Persia and the Government of Russia, and which are the foundation of treaties with other powers, a Persian subject, without the permission of his Government, can not enter the nationality, or become the subject of another State. And Hajie Seyyah of Mahallat, who is a subject of the high government it is evident can not, without first obtaining such permission, of his Government, be considered as the subject of another state.

Moreover, with reference to such a person, who, for misdemeanors and infringement of the laws, has been in prison for two years, and who only now has by the favor of the Government been released from prison in order that he might return to his native place.

In view of such a record your excellency should not in any way take the part of such an individual, even should you consider him as one of your citizens.

With reference to the subject about which your excellency made a communication, viz, that an official assurance be given that no harm or molestation be inflicted on the aforesaid Hajie Seyyah, this contention is contrary to the reasoning in the seventh article of the treaty, now in force between the governments of Persia and the United States, a mere glance at the end of which will establish this fact.

On this occasion, etc.,

[Seal of the Prime Minister, Sadr Azem.]
5th of the month Shaaban, A. H. 1310.

[Inclosure 2 in No. 20.]

Extracts from a treaty, consisting of four articles, concluded between Persia and Russia seventeen years after the date of the treaty of "Turkoman Chai" and known as the Mahajirat Nameh (emigration treaty).

ARTICLE I.

The subjects of the two Governments shall not from henceforth, without first obtaining high sanction and a passport of their own Government, pass over from the territory of one to the other (state).

ARTICLE II.

Any person being the subject of either state who shall pass from the territory of either state to the other without a passport shall be arrested and committed to the nearest frontier officer, or to the minister plenipotentiary or chargé d'affaires, or the consul of his own Government with his arms and whatsoever he may have with him.

ARTICLE III.

Any subject of the two states making a request with reference to emigration from his Government shall do so without the intervention of any foreigner.

Extract from the treaty between the United States and Persia. Article VII.

No diplomatic officer or consul of the United States of America shall either publicly or privately give protection to any subject of Persia.

[Inclosure 3 in No. 20.]

Extract from a private letter from the Moandes-el-Mamalek to Mr. John Tyler.

* * * With reference to the change of nationality when I said (at the meeting of the 24th of February) that it (the original Government's permission to change one's nationality) was mentioned in the "Treaty of Turkoman Chai," it is not so, but I should have said a treaty concluded between the Persian Government and the Russian Government, seventeen years after the date of the Treaty of Turkoman Chai and called "Mahajerat Nameh" (emigration treaty) and consists of four articles, a copy of which is in my possession.

You had better procure a copy in French, which you will, no doubt, find in the Russian legation so that on Tuesday next, when I come according to invitation, we can compare the two versions.

Yours etc.,

[Seal of the Moandes-el-Mamalek.]

Mr. Sperry to Mr. Foster.

[Extract.]

No. 23.]

LEGATION OF THE UNITED STATES,
Teheran, Persia, March 1, 1893. (Received April 7.)

SIR: I have the honor to report, in continuation of the case of Hajie Seyyah, as given in my No. 18, and No. 20, that yesterday morning,

February 28, I had an interview continuing for four hours, with the Moandes-el Mamalek, who represented the Persian prime minister during the latter's absence from Teheran.

The Persian view of the civic status of Hajie Seyyah, as disclosed by this interview, is this: That under the treaty between the United States and Persia the United States possess such rights as are accorded by Persia to the most favored nation, and no others; that the most favored nation, in respect to a transfer of allegiance, in its relations with Persia, is Russia; that the rights of Russia in such cases are determined by the treaty, concluded at Teheran on the 8th of July, 1844, between Persia and Russia, in regard to emigration; that the Persian word, which is expressed in French by *émigrer*, while it really means merely to migrate with one's goods for the purpose of acquiring a residence, does, in the third article of the Treaty of Teheran, include the idea of a transfer of allegiance, and of all that is necessary for such transfer of allegiance by the subjects of either nation; that under the said article third the prior consent of the government of origin is required in order to validate the naturalization of a Russian subject by Persia, or of a Persian subject by Russia; that this is the most liberal and only arrangement which Persia has made in regard to a change of nationality on the part of its subjects; that under the terms of the treaty between the United States and Persia the United States were and are bound by the third article of the Treaty of Teheran; that in respect to the alleged naturalization of Hajie Seyyah the United States did not obtain the prior consent of the Persian Government, as the United States were required to do under the Treaty of Teheran, and that therefore the said Hajie Seyyah is not a citizen of the United States, but is still a Persian subject, in every sense of these words.

M. Butzow, the Russian minister at Teheran, informs me that the interpretation of the Treaty of Teheran by the Persian Government, as stated above, is perfectly correct, and agrees with the usage of the two governments under it. I have not seen Sir Frank Lascelles, the British minister at this court, in regard to this point, but Mr. Crow, vice-consul at the British legation, informs me that Great Britain now concedes the authority of the convention between Russia and Persia in regard to emigration and naturalization, and declines all responsibility for Persians who, after having been made British subjects by naturalization without the consent of the Persian Government, return to their native land. Mr. Crow spoke as if Great Britain at one time had demanded more, but had yielded to the rule of the most favored nation. It is to be observed that in regard to the relations of both Russia and Great Britain to Persia this question is mainly one of frontiers. The Russian territory to the north and India to the east are each occupied by tribal families or races which require a strong government, and the mass of the Persian people have no knowledge of self-government. There is, therefore, a degree of reason in regulations which hold under government control all changes of nationality in this part of the world among these varied, excitable, and uninstructed peoples.

My reply to the representative of the prime minister was that I was bound, under my oath of office and under the act of Congress of July 27, 1868, by the seal of a United States court, affixed to the certified copy of the decree of naturalization issued to Hajie Seyyah, until otherwise instructed by the Department of State. The Moandes-el-Mamalek urged strenuously that I was competent to say that under our treaty with Persia the naturalization of Hajie Seyyah was not valid. It was

in vain that I pointed out that our treaty with Persia is a treaty of friendship and commerce, and not a treaty of naturalization. I entirely refused, however, to decide so delicate a question. I had Mr. John Tyler, the interpreter of this legation, translate certain passages from the dispatch of Mr. Bayard (November 28, 1885) to Mr. Cox, and from Mr. Fish's dispatch of February 13, 1872, to Mr. Nelson. The invariable reply to all was that the treaty settled the matter, and that the Persian Government would, from that time forward, regard Hajie Seyyah as a Persian subject.

This assertion of complete authority by the representative of the prime minister was accompanied by profuse promises in regard to Hajie Seyyah's safety and wellbeing, these promises of course being unofficial. The Moandes-el-Mamalek said that the Naib-es-Sultanneh would be requested not to annoy Hajie Seyyah in any manner; that the prime minister would take Hajie Seyyah under his own protection, upon Hajie Seyyah asking the prime minister to do so, the usual form being for a man asking this protection to place himself in the stables of the prime minister; and that the Shah would give to Hajie Seyyah a sum of money, so that the latter could go to his own village in comfort and safety. After the interview ended I laid the results of it before Hajie Seyyah, who still remains at this legation as my personal servant, for which he is paid weekly wages.

I stated to Hajie Seyyah that I should not send him away from the legation until I received instructions from the Department of State to do so, but that he was entirely free to decide for himself whether he would remain or go, and that I had no advice to offer to him on the subject. He decided to remain.

Hajie Seyyah still continues to manifest every desire to be regarded as a citizen of the United States. He says that when he was in India, to which country he went from the United States, he announced repeatedly that he was a citizen of the United States. He says that he has never had an American passport, one not being necessary upon his departure from the United States for India, and no passport being required in order to enter Persia from India. He also says that he declined after returning to Persia to accept a Persian title, on the ground that the laws of the United States forbid a citizen of the United States to accept foreign titles. (This is his statement.) He has thus far disclosed no intention of returning to the United States, but he has repeatedly said that he desires to leave Persia and go to Constantinople. Hajie Seyyah's real estate in Persia has consisted of two adjoining villages, numbering altogether about 30 families. This property was bought by him partly with money made by him in India and partly with money inherited by him in Persia. When his troubles came upon him, resulting in his imprisonment, he gave the property acquired by his inheritance to his brother, and the remainder of the real estate owned by him to his two wives and his children. I should say in regard to his having two wives that the first proved to be barren, and his statement is that this is the reason why he took a second one.

The case of Julio R. Santos, a citizen of the United States of Ecuadorian origin, which is cited by Mr. Bayard in his dispatch of November 29, 1886, to Mr. Hall, has confirmed me in my original intention to wait for instructions from the Department of State in regard to the case of Hajie Seyyah. It has been my effort to lay all the facts, as fast as acquired, before the Department. I respectfully trust that my course

may be regarded by the Department as prudent and judicious, and that instructions may be sent to me by the Department at the earliest moment possible.

I have, etc.,

WATSON R. SPERRY.

Mr. Sperry to Mr. Gresham.

[Extract.]

No. 28.]

LEGATION OF THE UNITED STATES,
Teheran, Persia, March 8, 1893. (Received April 14.)

SIR: The correspondence herewith transmitted explains itself. It consists, first, of a resolution adopted by the American missionaries at Tabriz on the 7th of January 1893; second, of my letter forwarding this resolution to the Persian foreign office, dated January 23; third, my letter to Mr. (Rev.) S. G. Wilson, under date January 23.

I have, etc.,

WATSON R. SPERRY.

[Inclosure 1 in No. 28.]

At a meeting of the American missionaries held in Tabriz, Persia, on the 7th instant (January, 1893), the following action was taken:

Resolved, That we as American citizens, having heard of the arrival of his excellency the Hon. Watson R. Sperry, the U. S. minister to the court of the Shah, hereby send our cordial greetings and warm welcome to Persia, and extend to him our best wishes for a long and successful administration.

We also note in this connection, with pleasure, the auspicious coincident of his excellency's arrival and the removal of the seals and the opening of the doors of our church and school, the closing of which was the cause of so much annoyance to us all.

We also request his excellency, if he can do so conveniently, to express to his Imperial Majesty the Shah of Persia, and to his ministers of state, the sincere thanks of the Protestant community, as well as our own, for their gracious favor in this unhappy affair.

W. S. VANNEMANN, M. D.,
W. L. WHIPPLE, *Agent of the American Bible Society,*
Committee.

TABRIZ, *January 9, 1893.*

[Inclosure 2 in No. 28.]

Mr. Sperry to the minister for foreign affairs.

LEGATION OF THE UNITED STATES,
Teheran, January 23, 1893.

It is with great personal pleasure that I transmit the inclosed paper to the ministry of foreign affairs. I cordially approve all that is expressed in the inclosed paper, in the way of thanks to his Imperial Majesty and to his ministers, for the removal of the seals from the church and school of the Presbyterian mission at Tabriz. And I beg to add my personal gratitude to the minister for foreign affairs of his Imperial Majesty for the energy and good will and promptness with which the minister for foreign affairs acted in this matter.

I have, etc.,

WATSON R. SPERRY.

[Inclosure 3 in No. 28.]

[Extract.]

*Mr. Sperry to Rev. S. G. Wilson.*LEGATION OF THE UNITED STATES,
Teheran, Persia, January 23, 1893.

MY DEAR SIR: Your note of the 7th of January reached me late Saturday evening, the 21st of January. Permit me first to thank you for the very handsome resolution adopted by your committee in regard to my relation (mainly mechanical) to the removal of the Persian seals from your church and schools, and then to say that no conditions whatever were imposed upon the removal of these seals, but that they were simply removed, and that is all.

What is told to you as conditions for the removal of the seals ought to be shown to you in authentic form, otherwise the statement is mere words and of no value. I can not believe that any conditions would have been imposed, in fact, without making them known to this legation, and I know that there is no authority in Persia to consider and decide about conditions of the kind in question except at this legation. As I have just said, I do not believe the Persian Government made any conditions whatever. I think they removed the seals for the simple reason that it was a right and friendly thing to do.

I write hastily, but with every consideration of respect and esteem.

I am, etc.,

WATSON R. SPERRY.

Mr. Sperry to Mr. Gresham.

[Extract.]

No. 34.]

LEGATION OF THE UNITED STATES,
Teheran, Persia, March 29, 1893. (Received May 5.)

SIR: I have the honor to transmit herewith two papers which have just been issued by the Sadr Azem, or Persian prime minister, in relation to the case of Hajie Seyyah, as stated in my Nos. 18, 20, 23, 26, and 34. The first of these papers is addressed to the Zill-es-Sultan (eldest son of the Shah), the governor of Ispahan, and is designed to make good to Hajie Seyyah such injuries as have been done to his village in that province, and to prevent similar injuries in the future; the second paper requires the payment to Hajie Seyyah of a certain salary or allowance which has hitherto been paid to him, but which during his recent troubles had been stopped. Translations of both these papers are herewith inclosed. This allowance in nowise made Hajie Seyyah a Persian officer, but was probably due to the fact that his father was a priest, that he belongs to the priestly class.

It is important to observe that no conditions whatever, either verbally or in writing, have attended the granting of these papers. The matter of Hajie Seyyah's nationality, as to whether he is a citizen of the United States by naturalization or a Persian subject, has not been raised or alluded to in connection with these papers. It is also important to observe that in substance these two papers yield to Hajie Seyyah more than half of the benefits which I asked for him, and in financial value far more than half. The only remaining part of his business which is unadjusted, so far as formal orders can adjust any matter in Persia, is certain claims in regard to current business (some small trading of various kinds), in all amounting to, say, \$300 or \$400. Practically, therefore, the request which I made to the Sadr Azem, that Hajie Seyyah's affairs should receive attention, has been granted, although this attention and adjustment have not been made directly through me, but to Hajie Seyyah personally.

As to the source of this better disposition on the part of the Persian Government, it undoubtedly lies in the fact of Hajie Seyyah's residence at this legation. He has remained here ever since my first announcement that I had taken him in from the dangers which threatened him. It has become known to every important man in Teheran that he was living here. The Shah has had knowledge of this fact. All the communications which have been made to Hajie Seyyah by the Persian Government have assumed that he was here. When the Sadr Azem sent a friendly request to Hajie Seyyah to come and see him, in order to speak about these matters, a servant of this legation accompanied Hajie Seyyah. Of late Hajie Seyyah has frequently left the legation grounds, both for exercise and in order to visit various friends in Teheran, but in each instance of this kind he has been accompanied by a legation servant. He has used no agents for communicating with the Persian Government except the servants of this legation. In substance, he has received these orders from the Persian prime minister precisely as if they had been given on the ground that he was a citizen of the United States, and in response to my request, but without formal acknowledgment by the Persian Government that such was the case. In fact, the entire question of Hajie Seyyah's nationality has been absolutely suppressed and ignored in all these later proceedings of the Persian Government.

I have, etc.,

WATSON R. SPERRY.

[Inclosure 1 in No. 34.—Translation.]

Prime minister to Mirza Jafer, financial secretary.

For what reason has his excellency Hajie Seyyah's salary, which he has hitherto enjoyed, and which has always been paid by the Government, not been entered in the accounts, and has, without orders, been struck out of the books? You will reenter it without fail, in the book in the same manner as before. You will also give him his receipt, properly sealed, so that he may have no further trouble in the matter.

[Seal of the Sadr Azem.]

Ramazan, A. H. 1310.

[Inclosure 2 in No. 34.—Translation.]

Prime minister to the governor of Ispahan.

YOUR IMPERIAL HIGHNESS: The excellent and worthy Hajie Seyyah is one of those who look upon it as a duty and a pleasure to pray for the continued health and happiness of His Imperial Majesty the Shah. It is therefore incumbent on your highness's subordinates to assist, protect, and watch over the interests of Hajie Seyyah.

It has been reported that Ismail Khan, one of your highness's servants, has, without any cause, seized the produce of his land, and that Mirza Abdollah Khan, deputy governor of the district of Mahallat, has persecuted and wronged the family of the above-mentioned Hajie. As it is highly important that he should enjoy peace and quietness, I beg to request that you will give orders that the produce of his land, which Ismail Khan has taken away, shall, after inquiry made, be restored to him, and whatsoever Mirza Ismail Khan has unjustly deprived the family of must be returned to them. Your highness will, furthermore, in the exercise of your kindness do all that is possible to satisfy and quiet the mind of Hajie Seyyah, so that he may from henceforth live in the enjoyment of peace and comfort.

Moreover you will be good enough to issue orders to the deputy governor of Mahallat that he shall not allow any person to interfere unlawfully with the land and fief

of the wife of the aforesaid excellent Hajie, to the detriment of the land and fief, of which she is now in possession.

You will also exercise a watchful care over the affairs of the above-mentioned Hajie Seyyah, that he may in tranquillity pray for the continued health of His Imperial Majesty the Shah.

[Seal of the Sadr Azem.]

Dated Ramazan, A. H. 1310.

Mr. Gresham to Mr. Sperry.

No. 33.]

DEPARTMENT OF STATE,

Washington, May 17, 1893.

SIR: Your dispatches Nos. 18, 20, 23, and 34, diplomatic series, of the respective dates of February 23 and 27, and March 1 and April 29, have been received. They report the case of Hajie Seyyah, stated to be "in asylum" at your legation, and ask instructions in the matter.

Briefly, Mirza Mohamed Aly, otherwise styled Hajie Seyyah, a native Persian, appears to have been admitted to American citizenship by the fourth district court of San Francisco, June 11, 1875. Soon afterwards he quitted the United States, went to India, where he amassed some fortune; and thence returned to Persia, where he has invested his means in the purchase of two villages, aggregating some thirty families. He is a "Mollah," or Mohammedan priest of high rank. He has two wives, one of whom is a relative of the Shah. He appears to be domiciled in Persia, and to have fully adopted Oriental customs and life. He has never had an American passport, and until a very recent date would seem to have made no assertion of the status he acquired by naturalization in the United States.

Having shared, to some extent, in the recent political agitation of a seditious nature, initiated by Malcolm Khan, and having had seditious publications addressed to him, he was some two years since arrested and imprisoned in various places for nearly twenty months. On his release he found his affairs involved, one of his villages having been robbed, fields taken from him and debts due him withheld.

Seeking redress, restitution of the realty was effected, but he seems to have been unable to collect the moneys owing to him. At this juncture he sought your assistance in the recovery of these debts, alleging his American citizenship, and you addressed the prime minister asking that justice be done him. The minister denied your right to intervene, asserting that under Persian law, fortified by certain treaty provisions with Russia, which are held to constitute the measure of privilege under the most favored nation clause of our treaty with Persia, Hajie Seyyah's naturalization is invalid because he emigrated without his sovereign's consent. Fearing arrest (for what cause is not shown), Hajie Seyyah appealed to you for shelter, and became an inmate of your legation, nominally as a salaried servant. As the result of several interviews had by you with the Persian authorities, orders have been issued permitting this person to return unmolested to his villages, but his status as a naturalized citizen and his "asylum" in your legation had been formally denied; and the relief reported in your No 34 is unaccompanied by any admission in these regards.

Hajie Seyyah has expressed a wish to return to the United States.

Two distinct and somewhat conflicting questions appear to be involved, Hajie Seyyah's claim to protection as an American citizen, and his claim to enjoy asylum against process of Persian law. As to

the first, the uniform rules and precedents of this Government make Hajie Seyyah's claim to protection as a *bona fide* citizen of the United States extremely doubtful. He quitted this country soon after having been naturalized and has lived abroad, latterly in his native land some seventeen years, without manifesting his American citizenship or performing its duties. His domicil interests, membership in a purely oriental hierarchy, mode of life and polygamous marriage, suggest no affiliation with the social organization of this country. Were he within the jurisdiction of the United States, he would be amenable to criminal process for bigamy.

All the circumstances of his case suggest a merely colorable acquisition of American citizenship for the purpose of evading the obligations of his original Persian allegiance, and were he an applicant for a passport as a citizen of the United States you would be unhesitatingly instructed to decline its issuance.

As to asylum, the United States does not claim such a right under international law and discourages the practice even in countries where it has become a local usage, as in certain Spanish-American States. Nothing in your dispatches suggests that the local usage so exists in respect to other foreign legations and consulates in Persia as to justify by parity of custom, a resort by your legation to this vicious practice of sheltering an alleged offender against the local laws, if indeed this man be such an offender. You state no political or criminal charges against him; and the action of the authorities in restoring him to possession of his property excludes any supposition that such charges now exist. As far as shown, he seems to be merely a civil litigant appealing to Persian law for recovery of certain private debts.

You make the point that the question whether Hajie Seyyah is in fact a Persian subject, is the vital issue in the case. The effect of naturalization under the laws of the United States, is no wise dependent upon or affected by the laws of the alien's country. So far as we are concerned, it is perfectly immaterial whether Hajie Seyyah had or had not the Shah's permission to emigrate, if he be lawfully admitted to American citizenship; and his rights would be effectively respected in the United States and protected in a third country. But when he voluntarily returns to his native country, presumably knowing the law thereof in his regard, he becomes the subject of a conflict of laws. The legality of his naturalization in the United States is not to be questioned except by allegation of fraud in its procurement, which does not enter into the present case.

The claim of the Persian minister that the naturalization here is not valid, because lacking the prior consent of Persia, can not be admitted, but on the other hand and in the absence of a treaty of naturalization, its validity may not be practically enforceable in Persia against the counter claim of that Government, that under its law the man has not lost his original allegiance.

The emigration treaty of July 3, 1844, between Russia and Persia, which the minister invokes, has no relation whatever to the naturalization of Persians according to the laws of the United States; for the widest expansion of the favored nation doctrine could not make a treaty between two foreign states the measure of the validity of a judicial act done in the United States in conformity to our municipal law.

To sum up, I have no hesitancy in regarding as unworthy the claim of Hajie Seyyah to be protected as a person who has *bona fide* conserved the rights and discharged the reciprocal duties of American citizenship, however lawful be the act of his naturalization. I am equally

indisposed to countenance an exceptional claim of "asylum;" and, indeed, I do not regard the term as pertinent to the circumstances you narrate.

I am unable to see in what way the good understanding which I am glad to believe Persia desires to maintain equally with the United States, is to be subserved by your continuing to shelter this person, especially when assurances have been furnished, unaccompanied by any conditions as to his nationality, that he is permitted and aided to return unmolested to his home, with recognition of his property-rights. The sooner you end this anomalous and very objectionable situation, by causing Hajie Seyyah to take up his residence elsewhere than under your official roof, the better it will be from every point of view.

I am quite unable to sanction your subterfuge of employing him as a nominal servant of the legation. Whatever rights your representative office may possess in regard to the freedom of official dependents from molestation while performing necessary service, must be asserted in good faith to command due respect.

I am, etc.,

W. Q. GRESHAM.

Mr. Sperry to Mr. Gresham.

No. 74.]

LEGATION OF THE UNITED STATES,
Teheran, Persia, August 12, 1893. (Received September 16.)

SIR: I have the honor to send to you herewith a copy of my note to the Persian prime minister, announcing to him your decision in regard to the civil status of Hajie Seyyah, who claimed to be a United States citizen under naturalization papers issued to him by a U. S. court in San Francisco in 1875. No reply to my note has yet reached this legation, probably because the prime minister is away in the mountains with the Shah, and during these annual summer journeys only the most necessary business is usually attended to.

I have, etc.,

WATSON R. SPERRY.

[Inclosure in No. 74.]

Mr. Sperry to the prime minister.

LEGATION OF THE UNITED STATES,
Teheran, Persia, July 21, 1893.

YOUR HIGHNESS: I have the honor to state to you that the Government of the United States has decided that Hajie Seyyah is not a citizen of the United States. The Hon. Walter Q. Gresham, Secretary of State, in the course of his decision on the subject, writes to me as follows:

"The effect of naturalization under the laws of the United States is in no wise dependent upon or affected by the laws of the alien's country. So far as we are concerned, it is perfectly immaterial whether Hajie Seyyah had or had not permission to emigrate, if he be lawfully admitted to American citizenship; and his rights would be effectively respected in the United States and protected in a third country. But when he voluntarily returns to his native country, presumably knowing the law thereof in this regard, he becomes the subject of a conflict of laws. The legality of his naturalization in the United States is not to be questioned except by allegation of fraud in its procurement, which does not enter into the present case.

"The claim of the Persian minister that the naturalization here is not valid because lacking the prior consent of Persia, can not be admitted, but on the other hand, and

in the absence of a treaty of naturalization, its validity may not be practically enforceable in Persia against the counterclaim of that Government that under its law the man has not lost his original allegiance. The emigration treaty of July 3, 1844, between Russia and Persia, which the minister invokes, has no relation whatever to the naturalization of Persians according to the laws of the United States, for the widest expansion of the most-favored-nation doctrine could not make a treaty between two foreign states the measure of the validity of a judicial act done in the United States in conformity to our municipal law. To sum up, I have no hesitancy in regarding as unworthy the claim of Hajie Seyyah to be protected as a person who has *bona fide* conserved the rights and discharged the reciprocal duties of American citizenship, however lawful be the act of his naturalization."

Your Highness will observe that my Government sustains me in the position which I took during my friendly discussion of this subject with his excellency and your representative, the Moandes-el-Mamalek, and that as to the point which I expressly avoided, as to whether or not Hajie Seyyah was in law a citizen of the United States—I saying in this respect that I would not and did not assert that Hajie Seyyah was a citizen of the United States—my Government decides that Hajie Seyyah is not a citizen of the United States, on the ground that the rights which he acquired by receiving a certificate of naturalization from a court of the United States have been lost because he never made any use of these rights. The rights acquired by him in the United States would be good if he had used them, but not having used them, he has lost them, and therefore he is now as much a subject of His Imperial Majesty as he would have been if he had never stepped across the Persian frontier. Permit me to acknowledge in this formal manner the uniform personal courtesy and friendliness for the United States with which your highness and your representatives conducted the discussion in regard to the civil status of Hajie Seyyah. Persia and the United States have so long been good friends that nothing, I am sure, will be permitted to weaken their friendly regard for each other. This is certainly my hope.

Please to accept, etc.,

WATSON R. SPERRY.

Mr. Adee to Mr. McDonald.

No. 16.]

DEPARTMENT OF STATE,
Washington, September 21, 1893.

SIR: The Department has received Mr. Sperry's No. 74 of the 12th ultimo, and the copy which he inclosed of his note of 21st July last to the foreign office, in the case of Hajie Seyyah, who was then receiving a certain protection at the legation.

Mr. Sperry misunderstood the instruction of May 17, 1893 (No. 33), in this case. The Department did not decide whether Hajie Seyyah had lost his United States citizenship, still less whether he had become reclothed with Persian citizenship. According to instruction No. 33, in the absence of evidence that Hajie Seyyah had *bona fide* conserved American citizenship, he could not be regarded as entitled to the protection of the United States, while continuing to dwell in the land of his origin; nor is there anything in that instruction to sustain the terms of Mr. Sperry's conclusion. Naturalization being a judicial act, the executive branch is without competence to annul a decree of naturalization, and cannot declare forfeiture of citizenship in the absence of legislation to that end.

You will call the attention of His Majesty's Government to Mr. Sperry's note, and will point out wherein it fails to represent the views of this Department.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. McDonald to Mr. Gresham.

No. 26.]

LEGATION OF THE UNITED STATES,

Teheran, Persia, October 21, 1893. (Received November 25.)

SIR: I have the honor to invite your attention to the accompanying communication to His Majesty the Shah from me.

The occasion of it was the atrocious murder of Aga Jan Khan, an Armenian Christian, a man of prominence and character at Oroomiah, Persia.

The piteous appeal of the wife of the murdered man, reciting the horrible particulars, was forwarded to me by Americans in Oroomiah with the request that I transmit it to His Majesty the King. In doing so it will be seen that I disclaim any official authority in the matter, but act merely in a personal capacity and in the interest of humanity.

A copy of another paper, an appeal to the vali ahd (heir apparent), the governor of Tabriz, a son of the Shah, from American citizens at Oroomiah, forwarded to me through the British consulate at Oroomiah and the British legation in this city, will also be found as an inclosure of this dispatch.

In this it will be seen that the missionaries say "the Christians have been obliged to shut themselves in their homes for fear of another similar incident taking place." Supposing that this remark embraces the American citizens, I have called the attention of His Majesty to it in my official capacity, invoking the interposition of his authority and power in their behalf.

I have, etc.,

ALEX. McDONALD.

[Inclosure 1 No. 26.]

Mr. McDonald to the Shah.

YOUR IMPERIAL MAJESTY: Disclaiming any authority or purpose to act officially in the matter, I yet beg in the interest of justice and mercy to transmit to Your Majesty the accompanying pathetic petition, which was forwarded to me for that purpose, by a grievously wronged and irreparably injured woman. Despoiled and deprived by brutal violence of her loved and honored husband, she cries to your exalted Majesty for redress and succor. An inhuman outrage seems to have been committed, which, I can not doubt, if as stated, will excite the sympathy and arouse the indignation of your justice-loving and crime-hating Majesty. I may here state that other accounts of this terrible outrage have reached me through other sources, not only corroborating the story of this humble and stricken woman, but presenting the horrible details in a more ghastly and repulsive light.

As one residing near Your Majesty, who admires your many excellencies and respects your power, not in my official capacity, as I have stated, but unofficially and privately, I beg to be permitted to obey the behests of humanity and lay this petition at the feet of your august Majesty, hoping and believing that it will meet with such treatment at your hands as in your supreme wisdom it may seem to merit and demand.

I beg permission here also to represent to Your Majesty that in another communication that has come to me on this subject, through the British consul at Tabriz, and the British legation of this city, from some of my countrymen, American missionaries at Urmi, after reciting the awful details of the murder, it is stated that the Christians there have been obliged to shut themselves up in their houses for fear of another such terrible incident.

This statement, as the representative of American Christians in Persia, I invite the serious attention of Your Majesty to, and beg that such orders will be given as will insure their safety and guarantee their protection as peaceable and law-abiding citizens in the peaceful pursuit of their holy calling.

I have, etc.,

ALEX. McDONALD,
United States Minister.

[Inclosure 2 in No. 26.—Translation.]

The Petition of Leah to His Imperial Majesty the Shah: This petition sheweth that this humble one and her relations, viz, Ain-es-Sultaneh, who is in Paro, and Gehanghir Khan and Neriman Khan, who are in the royal train fulfilling their duties and spending their lives in the service of their King, and who have always been and still are home born and living under a covenant of salt in loyalty to the high functionaries of the eternal and triumphant state, under these circumstances, then, how does it come to pass that with Your Imperial Majesty's exalted sense of justice and righteousness the husband and master of this humble one, by name Khajeh Aga Jan Khan, was, within half an hour after leaving his house to go to his shop for business, by a mob of wicked people of Oroomiah, on a false accusation, surrounded and treacherously, from hatred and enmity, dragged from his shop into the mosque, where, from the blows of sticks and stones and the stabs of daggers, he was brutally slain and almost torn to pieces. His body was then drawn by ropes to the outside of the city and thrown into the very water of the moat, and afterwards his body was sold for money, and his shop and goods in it plundered, whilst I, the humble and helpless one, from fright and terror, dare not go to my home. The soldiers also who have surrounded his house are destroying his property and giving much trouble to his friends, and by no means hesitate to cause loss, grief, and pain.

Finally this humble one lifts up beseeching hands to the skirts of justice and honor of Your Imperial Majesty, who, according to your ideas of cherishing your subjects and meting out justice, I pray, may do whatever is thought necessary on behalf of my late husband whose photograph I inclose.

[Inclosure 3 in No. 26.—Translation.]

Petition sent by the American missions of Urmi to his imperial highness, the Vali Ahd.

We beg to state that your royal highness' justice sun, which is fair and shines all over the Aderbejan province, and since your royal highness always desires the peace and comfort of your subjects and nations: We therefore think it necessary to state the true facts in regard to Aga Jan Khan's case, a christian merchant; and we hope your royal highness will be kind enough to give justice in this matter and order the punishment of the guilty parties. Aga Jan Khan had an office in the caravansarah of the late Suja & Dowieh. As usual, he comes in the morning and sits in his office. A few merchants came to his office for business and went away; besides these a Mussulman and a Christian also came to his office, and whilst these two men were in his office two Persian women came to him and spoke to him about some loan transactions, but they did not come to any decided conclusion about the loan, and the two Persian women left his office. After a quarter of an hour a party of Syeds, mullah students, and others came from Jumah Musjed to the caravansarah, and they ascended to a watchmaker's shop, which is situated on top of Aga Jan Khan's shop, and there they had some consultation (unknown to us). Then they came down to Aga Jan Khan's shop, and without any words or questions they seized him by the collar and dragged him into the caravansarah compound; then they started to beat him most shamefully all round, and from there they drag him to Jumah Musjed.

The head mullah, seeing the state of affairs, gets into the crowd, takes Aga Jan Khan from them and puts him into a room and shuts the door well. At the same time the governor and kargozar were informed. They had sent four or five men (forashes), but the men did nothing in the matter to give any help; for three hours Aga Jan Khan was kept in that room like a prisoner; in the course of the three hours the state of affairs was continually being communicated to the governor, kargozar, and the serperast, but they neither took steps to prevent the mobs nor tried to carry him away to the Government house.

After three hours' imprisonment a few Syeds and others break into the room and stab him in several places, then bring him out into the compound and all the audience that were present there again start to stab and kick him most cruelly and, furthermore, thinking that these tortures are not sufficient, they tie a rope around his neck and feet and pull him through the streets and bazars out of the city and there they throw him in a water pool full of dirty water coming from the Persian Hamams. Then they start to stone him there. Such cruelty was never known yet.

At last we had to offer a sum of money, and by the help of the governor's and kargozar's men the body was taken out from the dirty water; further we beg to state that the cause of this poor man's murder was simply for an untrue fact and

gossip, and many men can give evidence to this effect, that all charges made against him are untrue. We also know well that all charges made against him were untrue, and further beg to say that he could never commit such a crime in an open caravanary, moreover in his shop, which can be looked into from three sides.

Such cruel murder is against the laws of the Government, but it is owing to the weakness of governors that such events take place.

In conclusion, we beg to state that the Christians have been obliged to shut themselves in their homes for fear of another similar incident taking place.

The men who have murdered are all well known and can be easily discovered.

DOCTOR COCHRANE.

Mr. McDonald to Mr. Gresham.

[Extract.]

No. 27.] LEGATION OF THE UNITED STATES,
Teheran, Persia, October 26, 1893. (Received November 29.)

SIR: Referring to my dispatch, No. 26, concerning the murder of the Armenian Christian, Aga Jan Khan, at Oroomiah, I have the honor to report that I have received a most kind and satisfactory letter from the Shah, a copy of which is herewith inclosed. I have written thanking His Majesty for the prompt and complete manner in which he has responded to my request; but I beg to inquire whether the case is not one which would justify a telegram direct from the Department? I am sure it would gratify and strengthen him in like action in similar cases. I believe His Majesty is kindly disposed, and that his leanings are in the direction of liberality and justice.

I consider the position and action of His Majesty in this murder case as very gratifying and encouraging in the line of protection to Christians.

I have, etc.,

ALEX. McDONALD.

[Inclosure in No. 27.—Translation.]

The prime minister to Mr. McDonald.

YOUR EXCELLENCY: Your sincere communication respecting the murder of Aga Khan, a Christian, which was perpetrated at Oroomiah, has been laid before and perused by His Imperial Majesty the Shah—may his reign be permanently established—who has instructed me to send you a reply.

It is evident from your representations that you have been actuated in this matter by kindness of heart and good will towards this country. About the time that your letter reached His Majesty, in conformity with his benignity of disposition and royal sense of justice, he had given stringent orders that the perpetrators of this crime should be arrested and the necessary punishment awarded to them.

On receiving your excellency's communication, His Majesty was deeply grieved at this event, and he gave imperative orders to his imperial highness the valiahd (heir apparent), who was going to Oroomiah to make a special investigation into this case and have those who have committed this deed arrested and exemplary punishment inflicted upon them, and also to take every necessary and possible measure for the protection and quietness of others.

[Seal of the Sadr Azem.]

OCTOBER 24, 1893.

Mr. McDonald to Mr. Gresham.

No. 30.] LEGATION OF THE UNITED STATES,
Teheran, Persia, October 29, 1893. (Received December 6.)

SIR: Touching my correspondence with His Majesty concerning the Oroomiah murder, I have the honor to forward, in addition to what has already been sent, as inclosures, a copy of my last note to the prime minister, and also of one from the foreign minister to me.

I beg to state that the missionaries are desirous that the Shah's assuring letter be published for the benefit of their friends at home; and if there is no reason to the contrary, I would second their request that it be given to the press.

I am, etc.,

ALEX. McDONALD.

[Inclosure 1 in No. 30.]

Mr. McDonald to the prime minister.

LEGATION OF THE UNITED STATES,
Teheran, October 28, 1893.

YOUR HIGHNESS: With profound sensibility I acknowledge the just and wise and noble sentiments of His Imperial Majesty's reply, through your highness, to my letter of the 18th of October concerning the murder of the Christian Armenian, Aga Jan Khan, at Oroomiah, and return my deep and heartfelt thanks for the same.

I have forwarded a copy of your highness' letter to Washington, where it will not fail to excite the liveliest feelings of satisfaction and approbation in the breasts of his excellency the President and his ministers.

With the hope that the reign of His Exalted Majesty may be long, peaceful, and happy, I beg to subscribe, etc.,

ALEX. McDONALD.

[Inclosure 2 in No. 30—Translation.]

The minister for foreign affairs to Mr. McDonald.

TEHERAN, PERSIA, *October 26, 1893.*

SIR: I have to acknowledge the receipt of the "petition" which your excellency, in your communication of the 7th of Rabi-es-sani, desired me to lay before His Imperial Majesty, and to inform you that a reply will be sent through his highness the prime minister to your excellency.

I beg to repeat, etc.

[Seal of the Kavamed Doulah, minister for foreign affairs.]

Mr. McDonald to Mr. Gresham.

No. 36.] LEGATION OF THE UNITED STATES,
Teheran, Persia, November 9, 1893. (Received Dec. 15, 1893.)

SIR: I have the honor to submit herewith a copy of note sent by me to the prime minister, as per your dispatch No. 16, correcting Mr. Sperry's misinterpretation of your instructions in No. 33 in regard to the Hajie Seyyah case.

I am, etc.,

ALEX. McDONALD.

[Inclosure in No. 36.]

*Mr. McDonald to the prime minister.*LEGATION OF THE UNITED STATES,
Teheran, Persia, November 6, 1893.

YOUR HIGHNESS: I am instructed by the Department of State to inform you that a copy of Mr. Sperry's note addressed to you on the 21st of July last with reference to the case of Hajie Seyyah has been received.

In Mr. Sperry's communication to your highness he refers to instructions which he had just received from the Department relative to this subject; but from a careful consideration of the terms of the dispatch of the Secretary of State, and the light thrown on it by the letter which I have just received, there can be no doubt that Mr. Sperry misunderstood the instructions addressed to him on the 17th of May.

The Department did not decide whether Hajie Seyyah had lost his United States citizenship, still less whether he had reverted to his original nationality. Furthermore, in the absence of evidence that Hajie Seyyah had *bona fide* conserved American citizenship he could not be regarded as entitled to the protection of the United States while continuing to dwell in the land of his origin. Naturalization being a judicial act the executive branch is not competent to annul a decree of naturalization, and can not declare forfeiture of citizenship in the absence of legislation to that end. In view of this circumstance it will be evident to your highness that Mr. Sperry is in error when he asserts, as in the first paragraph of his note, "that the Government of the United States has decided that Hajie Seyyah is not a citizen of the United States;" and also further on, where he concludes, after a quotation from the dispatch in question, that "my Government decides that Hajie Seyyah is not a citizen of the United States, on the ground that the rights which he acquired by receiving a certificate of naturalization from a court of the United States have been lost because he never made any use of those rights. The rights acquired by him in the United States would be good if he had used them, but not having used them he has lost them, and therefore he is now as much a subject of His Imperial Majesty as he would have been if he had never stepped across the Persian frontier."

Your highness will, I am sure, readily admit that the quotation in question hardly justifies Mr. Sperry's interpretation, and at the utmost can only be construed as an exposition of the law and situation, and that there is no abrogation by the Government of the naturalization of Hajie Seyyah. When the Secretary of State remarks that he has "no hesitancy in regarding as unworthy the claim of Hajie Seyyah to be protected as a person who has *bona fide* discharged the reciprocal duties of American citizenship, however lawful be the act of his naturalization," from which Mr. Sperry probably drew his conclusion, his excellency does not decree that Hajie Seyyah had forfeited his citizenship, which would have been an assumption of power that the laws of the United States have not delegated to him; but that Hajie Seyyah's claim to protection in Persia could not under the circumstances be entertained.

Your highness will, therefore, be pleased to observe that the Secretary of State does not decide whether Hajie Seyyah is or is not a citizen of the United States, but merely that my predecessor was not justified in giving to him the protection of the legation.

Notwithstanding its being my duty to point out the error into which my predecessor has fallen in this matter, yet it is the utmost satisfaction to me to feel that I can join with him in the belief that the close friendship which has existed so long between Persia and the United States will be ever increased and perpetuated.

I take, etc.,

ALEX. McDONALD.

*Mr. McDonald to Mr. Gresham.*No. 41.] LEGATION OF THE UNITED STATES,
Teheran, Persia, November 23, 1893. (Received January 2, 1894.)

SIR: I have the honor to transmit herewith for your information a copy and translation of a letter from the prime minister in response to mine of the 5th instant, written under Mr. Addee's instruction (a copy of which, under cover of No. 36, dated the 9th instant, was sent to the Department), relative to the case of Hajie Seyyah.

It will be observed that the Persian Government, in defiance of the right or doctrine of expatriation, still maintains that Hajie Seyyah always was and will continue to be a Persian subject, unless, as admitted in the discussion and negotiations with Mr. Sperry, he had secured the permission of his Government to emigrate, which is probably never given, except to persons whose conduct and continued presence are objectionable.

As the Persian Government has evidently made up its mind to adhere to this contention in spite of reason and the common usages of nations, and as any attempt to controvert its position might possibly involve Hajie Seyyah, the person most concerned, in difficulties and loss, I have not thought it advisable, or even necessary, to send a reply. If in its wisdom, however, the Department should decide that the question should be reopened and the discussion continued for the sake of upholding the certificate of naturalization of Hajie Seyyah I await its instructions, although it can scarcely be hoped, I fear, that anything but friction and irritation would result. Persians, like their laws of old, never change.

I have, etc.,

ALEX McDONALD.

[Inclosure in No. 41.—Translation.]

The prime minister to Mr. McDonald.

TEHERAN, November 19, 1893.

YOUR EXCELLENCY: In reply to your letter dated the 27th of Rabbi II, 1311, with reference to the case of Hajie Seyyah, Mahallâti, I beg respectfully to say that Hajie Seyyah, of Mahallât, is a veritable subject of Persia whether he be resident in Persia or he depart for a foreign land. Under no circumstances can there be any change in his nationality, and wherever he may be he will be a citizen of Persia.

I send this reply so that there may be no objections raised in the future.

Accept, etc.,

[Seal of the prime minister.]

Mr. Uhl to Mr. McDonald.

No. 29.]

DEPARTMENT OF STATE,

Washington, November 28, 1893.

SIR: I have received your No. 26 of 21st ultimo relative to the murder at Oroomiah, Persia, of Aga Jan Khan, an Armenian Christian, under circumstances not entirely clear. The peculiar atrocity of the act has obliged the Christians there, some of whom you understand to be American citizens, to "shut themselves in their homes;" and your interposition on their behalf was proper, if only to quiet their natural apprehensions.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Uhl to Mr. McDonald.

No. 30.]

DEPARTMENT OF STATE,

Washington, December 5, 1893.

SIR: I have received your No. 27, of 26th October last, in further relation to the anxiety of the Christians at Oroomiah—among them,

as your No. 28 indicates, being over thirty Americans—occasioned by the atrocious murder of the Armenian Christian Aga Jan Khan, at that place.

You will please apprise the foreign office of the high appreciation with which this Government learns of His Majesty's benevolent interest in the matter and of the steps taken to protect our citizens.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Uhl to Mr. McDonald.

No. 37.]

DEPARTMENT OF STATE,
Washington, January 5, 1894.

SIR: I have received your No. 41, of 23d November last, and the copy therewith of a note of the foreign office in continuance of correspondence regarding the nationality of Hajie Seyyah.

You may say to the minister of foreign affairs that so far as the case of Hajie Seyyah is concerned the incident was terminated by the announcement that this Government was indisposed to regard him as entitled, under all the circumstances of the case, to protection as a person *bona fide* conserving his acquired rights as a citizen of the United States.

This being so, it does not appear to be necessary or expedient to discuss the abstract question of the right and duty of the Government of the United States toward its lawful citizens.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

PERU.

Mr. Hicks to Mr. Gresham.

No. 482.]

LEGATION OF THE UNITED STATES,
Lima, April 3, 1893. (Received April 22).

SIR: Late on the evening of Monday, March 27, a report reached Lima that a serious riot had occurred at Mollendo, a small village about 400 miles from Lima, in the south of Peru, in which the American consular agency was sacked and the acting consular agent wounded by a bullet. I at once telegraphed Mr. A. J. Daugherty, consul at Callao, to ask if he had received any report from the consular agent. He had not, and then, at my suggestion, after the arrival of the steamer, he telegraphed the consular agent as follows:

HENRY MEIER:

Acting Consular Agent, Mollendo:

Are you wounded? Was consulate invaded? Nothing received from you by mail.
DAUGHERTY.

Two holidays intervened when no business was done, and on April 1, Mr. Meier replied:

Bullet in the left leg. Office partly destroyed. Archives saved. Wrote to-day. Feel better.

MEIER.

When the next steamer arrives from the south, which will probably be to-morrow, the 4th, Mr. Meier's report will be received and will then be transmitted to this legation. Pending its receipt I can only wait for further information.

As reported by the newspapers and by the officers of the Masonic grand lodge of Peru, the unfortunate affair is explained in this way: Señor de Cazorla, a prominent Peruvian and member of the Peruvian Senate, a resident of Mollendo, died at La Paz, Bolivia, a short time before, and his remains were brought home and buried. The Masonic lodge at Mollendo, of which Señor de Cazorla had been a member and at the time of his death was the master, made arrangements to pay their respects to the memory of the deceased by public funeral exercises, to be held in the lodge room on Saturday evening, March 25. About 150 persons were present, men and women, composed of some of the leading citizens of Mollendo. A traveling company of musicians, called the *Estudiantina Americana*, en route to Lima, offered its services and took part in the musical programme of the evening. About 8:30 p. m. the lodge room was attacked by a mob, which threw stones and clubs at the doors and windows, broke up the meeting, drove the audience into the street, and created a period of terror and consternation. As soon as the people had left the Masonic hall the mob entered, took possession of the furniture in the lodge room, as well as the musical instruments of the *Estudiantina Americana*, and removed the furniture

and instruments to the street below, made a bonfire of the whole property, and burned it to ashes. Several houses and offices in the immediate vicinity were sacked in the same manner.

The office of Henry Meier, the acting consular agent of the United States, was near the lodge room and suffered from the attack. Several persons were reported seriously wounded by stones and Mr. Meier is said to be suffering from the effects of a bullet in his leg. One person is said to have been killed.

It is said that the action of the mob grew out of a bitterness felt by the people against the Masonic fraternity, and it is also further alleged that one or more priests were present at the time of the attack and urged the rioters to their work.

It is also further stated in the Lima newspapers that the subprefect of Mollendo was absent at the time and that the police force was limited to seven men, and that these seven men were present at the time of the attack, but did nothing to prevent it.

Without having the official report of the acting consular agent at hand, I am of the impression that the attack was a domestic affair growing out of religious differences, and that the damage or injury to the consular agency was incidental to the attack upon the Masonic meeting.

As soon as the official report is received from Mr. Meier, I shall give it prompt attention.

I am, etc.,

JOHN HICKS.

Mr. Hicks to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Lima, April 5, 1893. (Received April 5.)

Mr. Hicks reports that the consulate of the United States at Mollendo was incidentally invaded in the course of a riot during which the masonic lodge was attacked and sacked and the furniture burned on the street by a mob. The archives of the consulate were saved from injury but the furnishing was destroyed and the consular agent shot in the foot. He says that there was a squad of Peruvian police present but that it looked on without interfering with the acts of the mob. He announces the mailing of particulars.

Mr. Gresham to Mr. Hicks.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 6, 1893.

Mr. Gresham directs Mr. Hicks to enter a protest against the lack of protection to the consulate on the part of the authorities, and in the event of the circumstances being found to have been as reported, to ask that reparation be made for the injury inflicted on the person and property of an American, regret expressed, and offenders promptly prosecuted,

Mr. Hicks to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Lima, April 9, 1893. (Received April 9.)

Mr. Hicks reports that he has received a reply to a note that he had addressed to the Peruvian government before sending his telegram of the 5th to the Department and in which he had asked for information and called attention to the grave nature of the incident; that reply expresses regret, promises that reparation will be made for damage sustained and the guilty parties at Mollendo punished, and announces the removal of the subprefect in charge. He suggests that in view of equity displayed in the reply protest should not be made unless so directed by the Department.

Mr. Gresham to Mr. Hicks.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 10, 1893.

Mr. Gresham expresses gratification at the promises made by the Government of Peru in regard to the incident at Mollendo and the confidence with which it is expected these promises will be speedily fulfilled. He directs him to report on that point.

Mr. Hicks to Mr. Gresham.

No. 485.]

LEGATION OF THE UNITED STATES,
Lima, April 10, 1893. (Received May 1.)

SIR: Referring to my No. 482, of April 3, I have to say that on the 5th instant the official report of the acting consular agent at Mollendo was received, giving full particulars of the riot and attack on the consular agency of the United States on the 25th ultimo. I at once directed to the minister of foreign affairs a note calling attention to the serious feature of the affair—that while the mob was primarily a domestic affair with which I had nothing to do, yet where the sanctity of the consular agency of the United States was invaded and its acting consular agent wounded in defense of the office, it became a grave international offense, which was heightened by the presence of Peruvian gendarmes, who made no attempt to defend the consular agency or repress the riot.

On the same day I had transmitted to the Department a telegram containing a brief account of the affair, and on the 6th instant I received a reply from the Department, directing me to make a protest and, if the facts were well established, to ask an expression of regret and an assurance that the guilty parties would be punished and reparation would be made.

Inasmuch as my note of the 5th to the foreign office, while not couched in the form of a protest, practically answered the purpose, I decided

to await the reply of the minister before communicating with him further. I was induced to this course by an informal notice from the foreign office to the effect that the minister in reply to my note would concede exactly the points which I was directed by the Department to request.

Late on the evening of the 8th instant I was waited upon by a clerk from the foreign office who presented the reply of Doctor Don Cesareo Chacaltana to my note. As I had anticipated, the minister regrets the incident, which is distinctly disavowed by the Government. He also announces that the subprefect in charge at Mollendo has been removed and will be submitted to an examination so that his guilt or responsibility may be determined, and that all the parties concerned in the affair are to be prosecuted and reparation will be made to the victims. The note is expressed in friendly terms and I think was written in a genuine spirit of equity and good feeling toward the United States.

As soon as I could make a translation of the minister's note, I dispatched to the Department a telegram stating the receipt of the note, and that in my opinion it fully met the purposes of a protest, and declaring that, unless the Department directed otherwise, I did not now consider any protest necessary.

I shall wait a reasonable time for further advice by telegram from the Department, and then nothing further having been received, I shall reply to the minister, expressing my satisfaction at the prompt and voluntary apology and promise of reparation which he has given, and the hope that the incident may be closed to the mutual satisfaction of both countries.

I append in this connection a copy of the correspondence, with a translation of the minister's note, as well as a copy of the telegrams sent by the legation to the Department, and the telegram received by this legation from the Department.

I have, etc.,

JOHN HICKS.

[Inclosure 1 in No. 485.]

Mr. Meier to Mr. Daugherty.

CONSULAR AGENCY OF THE UNITED STATES,
Mollendo, April 1, 1893.

DEAR SIR: By cable you will have been informed, no doubt, of the disturbances that occurred at this port Saturday night (25th instant), during which I unfortunately was wounded in the leg by a bullet, in my attempts to extinguish the fire that threatened to declare itself in the balcony of the adjoining house. Fortunately this could be avoided.

My wound is not very serious, and I have been allowed to leave the bed to-day, hoping to be able to walk in a few days more.

My house and office, which is next to the one where the lodge was assembled, has been nearly completely destroyed, and my iron safe was intended to be broken, but proved too much for them. The archives of the consulate were of no interest to the mob and have not suffered.

If nothing further happens I do not intend to make a claim of any importance, but trust that as well yourself as Mr. Hicks will assist me to be refunded by the Government for the actual damage suffered.

During the outrage of the mob there were stationed eight soldiers with a major in front of the people, as it seemed protecting them, and with strict orders from the subprefect not to interfere, according to the explanation of the officer on being called upon to avoid such excesses.

Unfortunately we are exposed to much more serious occurrences. The urban guard that was formed has been disbanded by order of the prefect of Arequipa,

and with the threat "to be dissolved by firing on them" added by the subprefect here.

The prisoners taken by the judge, who understands the matter, were put into liberty by the subprefect, and this model authority appears to remain in his place.

In sight of these facts we can not know what remains in store for Mollendo, and being without any guaranty of life or property, we must look for help from our representatives in Lima and Callao. A cablegram will most likely be sent to this effect to-day by the consular body here.

Excuse the hurry I am writing in, and believe me,

Yours, most truly,

ENRIQUE MEIER,
Acting Consular Agent.

[Inclosure 2 in No. 485.]

Mr. Hicks to Señor Chacallana.

LEGATION OF THE UNITED STATES,
Lima, April 5, 1893.

MR. MINISTER: It is with feelings of regret that I am compelled to lay before your excellency an official report from the acting consular agent of the United States at Mollendo, Mr. Enrique Meier. This report presents the details of a most distressing event, in which the sanctity of the American consular agency seems to have been grossly violated by a mob, the property of the acting consular agent destroyed, and his person put in jeopardy, even to the extent of gunshot wounds. According to the said report this unfortunate outbreak took place in the presence of the official representatives of the Government of Peru, that is, the *gensd'armes*, under command of an official of the army, all said to be acting under the order of the subprefect. It is said that these officials, instead of quelling the mob and affording protection to the defenseless victims, actually aided the rioters in their work and thus for the time gave official approval to the outrage.

So far as the riot was concerned in its relations generally to the parties attacked I have nothing to say, further than to express the regret which all good citizens must feel at such an unfortunate occurrence. But when the consular representative of the United States is maltreated and the consular building, bearing the shield of the United States, is invaded, insulted, and its contents partially destroyed, contrary to the spirit of good will existing between two friendly nations, the affair becomes one of grave international importance, especially when these unfortunate acts seem to have been committed under official sanction. I have felt it my duty to transmit to my Government a report of the occurrence by cable, and I shall also send by mail a copy of the report of the consular agent and of this note to your excellency.

I need not assure your excellency that in so doing I am actuated only by a sense of responsibility to my Government, and personally I have no doubt that your excellency's Government will as soon as practicable favor me with a full explanation of this most deplorable affair, which I will be most happy to transmit to my Government.

I am, etc.,

JOHN HICKS.

[Inclosure 3 in No. 485.—Translation.]

Señor Chacallana to Mr. Hicks.

DEPARTMENT OF FOREIGN RELATIONS,
Lima, April 8, 1893.

MR. MINISTER: The undersigned has received the courteous note of your excellency dated the 5th instant, referring to the event which occurred in Mollendo on the 25th of March last, and the inclosed copy of the report sent to your legation by Mr. Henry Meier, acting consular agent of the United States at that place.

Your excellency represents that the immunity of the said consular agency has been violated, the property of the consular agent has been destroyed, and the life of the consular agent has been put in danger; that officer having been wounded by a bullet in the leg. Your excellency adds that these acts of injustice having

occurred in the presence of the gens d'armes and the officer acting under the orders of the subprefect, it would seem that they were in a certain sense authorized.

Your excellency considers that these acts become invested with a grave international importance when considered as outrages, violations, and insults consummated on the person of the consular representative of the United States, and on the habitation of that official, expressing a contempt for the relations which exist between two friendly nations. Your excellency announces that you have forwarded to your Government a report of these transactions, and you conclude by expressing the hope that my Government will furnish a detailed explanation of these deplorable events.

The Government of the undersigned, moved to-day as always by the spirit of a just and elevated policy in its relations with friendly powers, does not hesitate to furnish to your excellency the explanation which you solicit, and it does this with great pleasure, not only suggesting the most efficacious means of repairing the injury, but with the constant purpose which it has to give confidence to its own citizens and to foreigners, and especially to the official agents of friendly states, by the earnest efforts which it displays to make effective the sacred guarantees of universal laws and the laws of the country.

It follows, then, that the Government of the undersigned would have been the first to deplore the riot at Mollendo, and the consequent outrages which followed, for these events merit, from the beginning, its most explicit reprobation. It decided to dictate the necessary measures, within the sphere of its constitutional powers, to punish the guilty and to provide just reparation to the injured. The Government resolved, in fact, when the first intelligence was received of these events, to order the prosecution of the authors and accomplices in the mob, as well as the assailants of the house of the consular agent of the United States. It resolved, likewise, to put in exercise the powers which the law gives it to prosecute the case with all the activity called for by the satisfaction due to those persons whose guarantees were trampled upon.

In regard to the attitude taken by the police force, the Government is without sufficient data to enable it to accept the theory that the police were the accomplices of the assailants. The subprefect of the province, under whose orders it was, in his official report of the affair, which he has sent in, explains the passive attitude of his subordinates by their reduced number, and states that in his belief they were powerless to contend against the crowd.

The Government of the undersigned, nevertheless, inspired by the necessity of a better and clearer statement of the facts, decided to order that the subprefect should be submitted to trial in order that his conduct and responsibility should be thoroughly ventilated and that in the meantime he should be suspended from the duties of his office.

The Government of the undersigned, painfully impressed by the affair at Mollendo, has deplored in a special manner the incident affecting the consular representatives of the United States and the building in which is situated his office. The undersigned is very glad, however, to remind your excellency that in this affair the tumult and disorder were not inspired by a spirit of hostility against the consular representative of the United States. The outbreak was caused in the beginning by motives and tendencies of an entirely different spirit and one which implied not the slightest feeling of antagonism to the good and loyal friendship of Peru toward the country which your excellency so worthily represents. The injury to the consular functionary and his office was almost incidental. It occurred in the midst of disorder and was brought about solely by the proximity of the office to the building which was the direct object of attack. It was committed by a group of persons whose actions had merited in every case the reprobation of the Peruvian society and the Peruvian Government. Animated always by a desire to strengthen the bonds of friendship with the nation and with the Government of the United States, such acts have not received for a single instant, nor can they receive, official sanction.

With these considerations in view, your excellency can be assured that the events referring to the consular agent of the United States in Mollendo, and the measures adopted by the Government of the undersigned, can not weaken the bonds of reciprocal affection which have existed between the two countries for so many years.

The Government of the undersigned, yielding to the inspirations and to the highest interests of justice, has been moved, as can be seen, to take measures for the clearing up of these acts, for the punishment of the guilty, and the consequent reparation due to those, like the consular agent of the United States, who have been the victims of the outbreak.

I am, etc.,

CESAREO CHACALTANA,

Mr. Hicks to Mr. Gresham.

[Extract.]

No. 486.]

LEGATION OF THE UNITED STATES,
Lima, April 15, 1893. (Received May 8.)

SIR: Referring to my No. 485 of April 10, I have to say that on the 11th I received a telegram from the Department expressing gratification at the reply of the Peruvian foreign office, and the hope of a speedy fulfillment of its promises. I then replied to the note of Dr. Chacaltana, minister of foreign affairs, conveying the substance of the telegram, and requiring as forcibly as was consistent with the dignity of the subject a speedy settlement of the affair.

In order that there should be no reasonable excuse for delay, I verbally directed the consul at Callao, Mr. A. J. Daugherty, to direct the consular agent to present his claim for indemnity at once, and I have received a note from Mr. Daugherty, in which he states that on the 13th he cabled the consular agent to send in his claim, and that he has received a reply to the effect that the claim would be sent in immediately.

I have reason to believe that if the claim presented by the consular agent is reasonable, the Government will settle it at once.

I append a copy of my note to the foreign office and of the telegram received from the Department.

I have, etc.,

JOHN HICKS.

[Inclosure in No. 486.]

Mr. Hicks to Señor Chacaltana.

LEGATION OF THE UNITED STATES,
Lima, April 11, 1893.

MR. MINISTER: I have the honor to acknowledge receipt of the note of your excellency, dated April 8, in regard to the recent attack upon the consular agency of the United States at Mollendo. I have read with much pleasure the courteous and friendly statement therein made to the effect that the Government of your excellency expressly asserts its reprobation of the action of the mob at that time, as well as regret for the inefficiency of the police force and the failure of the *gens d'armes* to give the necessary protection to the consular agent of the United States. I am also greatly pleased at the promise of your excellency that the Government of Peru will at once order a judicial examination of the affair, to the end that the guilty participants may be punished and the sufferers may be indemnified for their injuries, and that the subprefect in charge at the time will be put upon trial to determine whether or not he was guilty of complicity in the unfortunate affair.

While the eminently fair and honorable position taken by your excellency in this matter is in strict accord with the line of conduct followed by all high-minded nations, and is exactly what I had expected from your excellency, it affords me additional satisfaction to know that your proposition for a settlement of this unfortunate affair was entirely spontaneous, and if it is carried out in the same friendly spirit it will serve to strengthen the good feeling which has so long existed between the two countries, and will be particularly gratifying to the Government which I represent.

I will add for your excellency's pleasure that on receipt of yours of the 8th instant I at once notified my Government by cable of its contents and have received a prompt reply to the effect that the President is gratified at the promises conveyed in your excellency's note, and that he confidently awaits their prompt fulfillment, which I am directed to report at once.

I trust, therefore, that I shall soon have the great pleasure of notifying the Department at Washington that the Government of your excellency has complied with the propositions made in your note and that the incident is terminated to the mutual satisfaction of all concerned.

I improve, etc.,

JOHN HICKS.

Mr. Hicks to Mr. Gresham.

No. 493.]

LEGATION OF THE UNITED STATES,
Lima, April 29, 1893. (Received May 19.)

SIR: Referring to my No. 482 of April 3, 1893, No. 485 of April 10, 1893, and No. 486 of April 15, 1893, I have the honor herewith to inclose* a copy of the claim for damages against the Peruvian Government, submitted through Mr. A. J. Daugherty, consul at Callao, by Mr. Henry or (Enrique) Meier, acting consular agent, growing out of the attack upon the consular agency of the United States at Mollendo, March 25, 1893. This claim I at once forwarded to the foreign office and also had an interview personally with the minister of foreign affairs, urging a prompt settlement of the same.

I append also a copy of my note to the minister of foreign affairs, transmitting Mr. Meier's claim.

I am, etc.,

JOHN HICKS.

[Inclosure in No. 493.]

Mr. Hicks to Dr. Chacaltana.

LEGATION OF THE UNITED STATES,
Lima, April 29, 1893.

MR. MINISTER: Referring to the courteous and honorable communication of your excellency, dated April 8, in regard to the lamentable incident at Mollendo, and my note of the 11th instant, replying thereto, I now have the honor to transmit herewith the account of Señor Don Enrique Meier, acting consular agent of the United States at that port, for the actual cost of repairing the damages to his office caused by the mob, and for the injuries received to his person by reason of a gunshot wound in his leg. I am assured privately by Señor Meier that he is still in great danger from the effects of this wound, and at times there have been grave fears that the injury would result in the amputation of the limb.

The account which Señor Meier has rendered is substantiated by the necessary affidavits, and it appears not only to be made out in proper legal form, but that its charges are exceedingly fair and reasonable.

Your excellency will at once agree with me that the account of Señor Meier can not be considered in the same light as an ordinary claim for damages. Señor Meier stands as the representative of the authority of the United States, the legal representative of a friendly nation, who, resting in fancied safety under the ægis of the national escutcheon, was rudely attacked by a mob of disorderly citizens in the presence of the police of Peru, who utterly failed to afford him any protection. Your excellency, with a noble spirit of equity and justice, promptly disavowed any intention of injury and promised the prompt condemnation of the act by the punishment of the offenders and the indemnification of the injured.

The President of the United States, who was informed of the proceedings and of your excellency's courteous reply, expressed to me by telegraph his satisfaction with the benevolent sentiments which your excellency expressed, and signified his confident expectation that your excellency's Government would at once fulfill the promises made, which he instructed me to report to him at once by telegraph.

I trust, therefore, my dear Mr. minister, that I may at once have the pleasure, as well by the kindly feelings I have always entertained for this country as by the sincere desire I have that this incident should be harmoniously closed, of notifying my Government that your excellency has promptly fulfilled the gracious and praiseworthy promises contained in your excellency's letter.

With assurances, etc.,

JOHN HICKS.

* Inclosure omitted.

Mr. Gresham to Mr. Hicks.

No. 289.]

DEPARTMENT OF STATE,
Washington, May 3, 1893.

SIR: I have to acknowledge the receipt of your No. 485, of the 10th ultimo, inclosing copy of the note from the Peruvian foreign office, apologizing for the attack made by the mob on our consular agency at Mollendo and promising to punish the guilty parties and make due reparation to the agent.

As stated in my telegram of the 10th ultimo, the Department is gratified to receive these promises from the Government of Peru, and confidently awaits their prompt fulfillment.

The facts as reported justify our belief that the just and friendly disposition of that Government will prevail to insure due punishment of the offenders and reparation for the loss accruing to our consular agency.

The Department approves Mr. Meier's purpose not to ask anything beyond compensation for property actually destroyed.

A tender by Peru of reimbursement of his expenses of medical attendance, etc., consequent upon his wound, would be a gracious act and probably acceptable.

I am, etc.,

W. Q. GRESHAM.

Mr. Hicks to Mr. Gresham.

[Extract.]

No. 496.]

LEGATION OF THE UNITED STATES,
Lima, May 8, 1893. (Received June 1.)

SIR: Referring to my Nos. 486 of April 15, 1893, and 493 of April 29, 1893, I have now to transmit a copy of the reply of the minister of foreign affairs acknowledging receipt of my note of April 29 transmitting the claim of Enrique Meier, acting consular agent at Mollendo, with a translation of the same.

The minister states that the Peruvian Government is awaiting the official report of the Mollendo authorities on the attack on the consular agency and that as soon as such report is received the Government will make a "definite and precise answer respecting the claim of Enrique Meier."

I have been to the foreign office this afternoon in regard to this matter and I am told by the chief clerk that the municipality of Mollendo is expected to make a detailed report of the affair, with an estimate of the amount of damage done to different persons, and it is this report for which the Government is waiting.

I have, etc.,

JOHN HICKS.

[Inclosure in No. 496.—Translation.]

Señor Chacaltana to Mr. Hicks.

FOREIGN OFFICE,
Lima, May 4, 1893.

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's attentive note of April 29, with inclosures, referring to incident in Mollendo occurring to the consular agent of the United States on the night of the 25th of March.

My Government expects to complete its documents regarding this case. To this end it has repeated the respective orders to the Mollendo authorities, and, as soon as it receives this latest data required for the solution of this affair, I will then, without delay, give your excellency a definite and precise answer respecting the claim of Mr. Enrique Meier, as always in agreement with the ideas expressed in my note of the 8th of last month.

I have, etc.,

CESÁREO CHACALTANA.

Mr. Hicks to Mr. Gresham.

[Extract.]

No. 499.]

LEGATION OF THE UNITED STATES,

Lima, May 20, 1893. (Received June 13.)

SIR: The new cabinet was duly installed on the 13th, and for the first few days the ministers were receiving and making the visits of ceremony incident upon a change of cabinet. I have made three visits to the foreign office, having in mind the final settlement of the claim for indemnity presented by the acting consular agent of the United States, Don Enrique Meier, growing out of the assault upon the consular agency on the night of March 25 last.

To-day I succeeded in getting a good interview with the minister, and discussed with him the claim of Mr. Meier at length.

Naturally the minister knew little or nothing about the matter, his knowledge having been obtained solely from newspaper reports of the affair when he was not in office, and he admitted that he had not read the official reports sent from Mollendo. I therefore related to him the incidents of the affair and mentioned my note to the minister, his predecessor, my telegram to the State Department, and the reply of the Department.

The minister then said that the law of Peru compelled the authorities, in case of damages by a mob, to begin a judicial process against the offenders and that Mr. Meier's recourse was in a civil action against the leaders of the mob.

I assured him that the case of Mr. Meier was not an ordinary claim for damages, but it involved a point which, perhaps, had escaped him. Mr. Meier's claim was not based simply upon the fact that he had suffered damage to his house, his goods, and his person at the hands of a mob. The affair was far more grave than any ordinary outbreak, and the facts gave it an international importance which would continue until disposed of by the action of the Peruvian Government in complying with its promises.

The *gravamen* of the case was that the consular agency of the United States was invaded and the acting consular agent had his house partially destroyed and was seriously wounded in the leg by disorderly persons, who committed this outrage in the immediate presence of the *gendarmes* of Peru, who claimed that their noninterference, it is said, was by command of the subprefect, an official directly under the control of the President. While I did not believe for a moment that the act of the subprefect and the passiveness of the soldiers were authorized by the Government, yet, until the reparation promised by Peru and accepted by my Government was duly consummated, the responsibility was upon the Government of Peru.

The minister expressed his regret at the occurrence and inquired if his predecessor, Dr. Chacaltana, had expressed any opinion to me on

the affair. I then explained that he had entirely disavowed any indorsement of the outrage, apologized for it, and had removed the subprefect and promised complete indemnity for the damages. Later, when his attention had been again called to it by me, Dr. Chacaltana had explained his delay by the statement that he was awaiting the receipt of the official report from Mollendo. However, I informed the minister the report was now on his desk ready for his action, as I had been told the day before by his chief clerk. He then inquired the amount of the claim. I informed him that it was 5,963.90 sols. I said, in addition, that Mr. Meier had been told by several parties that he had made his claim ridiculously small; that the amount asked for would not pay the expenses of a journey to Europe for surgical treatment, which might be necessary, and that he ought to have made a claim for 50,000 sols at least. I added that I had told Mr. Meier to make out his claim at a reasonable figure, not too large nor too small, and I was convinced that the sum was very reasonable.

The minister inquired if I could not get him to accept a smaller sum, as the country was very poor and it was with the greatest difficulty any money could be raised. I replied that if the Government was ready with cash in hand to make any reasonable offer of a settlement, even if it were less than the amount claimed, I would transmit the offer to the State Department and the claimant, with a view to an acceptance, although I believed the sum named was as small as the Government ought to expect in a case as serious as that of Mr. Meier.

The minister then explained that he personally was in favor of a prompt and satisfactory settlement of the case and on Monday he would take it up and give all the documents in the case a careful reading. But, he said, it was a matter of grave importance and must be dealt with by the President and the council of all the ministers. The President is now very ill and it may be several days before he is well enough to attend to any business. He assured me with great courtesy that the matter should receive prompt attention and he would be very glad to have it closed in a manner satisfactory to both parties.

I have, etc.

JOHN HICKS.

Mr. Gresham to Mr. Hicks.

No. 302.]

DEPARTMENT OF STATE,
Washington, June 9, 1893.

SIR: I have received your dispatch No. 496, of the 8th ultimo, in further relation to the destruction by a mob of the property of the United States consular agency at Mollendo.

The facts stated, and the proofs of injury and loss submitted by Mr. Meier, appear to leave the matter in good shape for offering reparation for property destroyed, and for a voluntary tender by the Peruvian Government of a fitting indemnity to Mr. Meier. My instruction of May 3, (No. 289), which you have probably received by this time, will have suggested to you the measure and manner of indemnification which would be acceptable to this Government.

The Peruvian representative in this capital has spoken to me on the subject and assured me of the best disposition on the part of his Government to do all that international comity and a due sense of equity can suggest as right and proper. I told him that the prompt and

friendly-promise of Peru, in advance of formal demand, to make all appropriate redress for the wrongs suffered, had been highly appreciated, and that I felt confident that his Government would, of its own motion and without pressure, do everything that could be reasonably expected, both as regards the property destroyed and the personal injuries sustained by our agent. Gen. Canevaro positively promised this, adding, however, that the straitened resources of Peru might lead his Government to expect some indulgence from us touching the time of payment, and he intimated that your pressure for an immediate settlement was embarrassing, because tending to limit the good desires of his Government in regard to the reparation to be tendered to Mr. Meier.

In this relation, I should also acknowledge your No. 493, of April 29, touching the extent of Mr. Meier's injuries and losses. The claim thus made does not fully comport with Mr. Meier's original announcement of his purpose not to ask anything beyond compensation for property actually destroyed. His statements, supported as they are by concurrent testimony, furnish good ground for expecting an adequate offer of reparation, the amount of which may be determined in friendly conference with the minister of foreign relations, without undue pressure and subject to such reasonable latitude as to the time and manner of payment as may appear to be proper.

I am, etc.,

W. Q. GRESHAM.

Mr. Hicks to Mr. Gresham.

No. 506.]

LEGATION OF THE UNITED STATES,
Lima, June 12, 1893. (Received July 1.)

SIR: Before the receipt of Department's No. 289, of May 3, 1893, I had a long interview with Dr. Jimenez, the minister of foreign affairs, in regard to the outrage upon the consular agency at Mollendo, in which I requested some action immediately, as my term of service was drawing to a close, and I wished to terminate the incident before I left. The minister, with great fairness, acknowledged the regret that Peru had for the affair and pleaded the extreme poverty of the country as a reason why no large indemnity could be paid. I assured him that the U. S. Government was not after money at all; that his predecessor had voluntarily proposed to pay the necessary expenses growing out of the disturbance, and that my only desire was to have the incident closed on terms equally satisfactory to the two Governments. I also assured him that if he would make me any proposition he chose, I would take great pleasure in transmitting it to the Department. Upon this, the minister promised to take it into immediate consideration and notify me as soon as a decision was reached.

Upon receipt of Department's No. 289, of May 3, 1893, I was instructed as follows:

A tender by Peru of reimbursement of his (Mr. Meiers') expenses of medical attendance, etc., consequent upon his wound, would be a gracious act and probably acceptable.

Inasmuch as the Department on May 3 had not received the papers in the full claim submitted by Mr. Meier, I judged that this suggestion possibly might be a little milder than the Department would have made had all the documents in the case been at hand.

I at once called upon the minister again, and while courteously expressing the same desire to do complete justice to the United States and to its representative at Mollendo, he stated that according to official reports received from his subordinates in Mollendo the damage sustained by Mr. Meier personally had been greatly exaggerated and that the extent of the injury to his property had also been unduly increased through the connivance of personal friends; and further, that at the time of the attack the escutcheon of the United States was not in its place upon the front of the building, thus establishing the hypothesis, if his information is correct, that the mob did not know that the building was, and for the purposes of, a consulate.

I assured the minister that I could not personally vouch for the correctness of Mr. Meier's claim; that it was the minister's right and duty to investigate thoroughly all the circumstances; that the Government of the United States cared more for the maintenance of the friendly relations between the two countries than for any pecuniary indemnity, and that I felt under the instructions recently received that I could safely leave to him the question of the amount. He then expressed the belief that 1,000 sols would be about the proper sum, and I agreed to telegraph the offer to the Department and advise its acceptance. The minister promised to make the written proposition in a few days, and the interview closed.

On the 9th instant I received a note from the minister, couched in exceedingly friendly terms, and raising the amount offered to 2,000 sols. I replied at once to the minister and sent by telegraph to the Department a synopsis of the minister's offer. A copy of the notes to and from the minister is attached herewith.

I am now awaiting Department's instructions. Should my action and the minister's proposition receive the Department's approval, I feel like extending congratulations to all concerned, because I consider the action of the Peruvian Government exceedingly fair and even generous.

I am, etc.,

JOHN HICKS.

[Inclosure 1 in No. 506.—Translation.]

Señor Jimenez to Mr. Hicks.

MINISTRY FOR FOREIGN AFFAIRS,
Lima, June 9, 1893.

Mr. MINISTER: In the note of April 8th last Señor Chacaltana, my honorable predecessor, expressed to your excellency the regret of the Peruvian Government for the attack against the consular agent of the United States at Mollendo, on the 25th of March, and the measures which had been voluntarily taken for the punishment of the guilty parties, and the consequent reparation for the damages suffered by the said agent.

With this view your excellency was pleased to transmit on April 29th the account of Señor Meier, who believes this a just claim for the material injury to his house, for expenses of curing the wound he received, and for the consequences which may happen to him.

Mr. Chacaltana expressed to your excellency, on receiving advice of the said communication, that he hoped to complete the data asked for from the Mollendo authorities, and repeated the same to your excellency in the various conferences which he had the honor to maintain on the same subject.

Having received the necessary documents the last day of the past week, when we had another interview, I am pleased to give your excellency a definite and equitable answer, proposing to give Señor Meier the sum of 2,000 sols, as a total pecuniary indemnity.

I consider that this amount is proportionally in keeping with the injury suffered, and that the first report of 5,963 sols and 90 cents was exaggerated, as claimed for

damages and a wound that appears already cured without grave complications, and again allowing him to continue in his usual occupation.

I shall not finish this note without thanking your excellency for the high sentiments of equity which you have observed in concluding this question in a manner equally satisfactory to both Governments.

I am, etc.,

JOSE M. JIMENEZ.

[Inclosure 2 in 506.]

Mr. Hicks to Señor Jimenez.

LEGATION OF THE UNITED STATES,
Lima, June 10, 1893.

MR. MINISTER: I am pleased to acknowledge receipt of the courteous note of your excellency, dated June 9, in which your excellency tenders, in settlement of the damages growing out of the unfortunate affair at Mollendo on the 25th of March last, the sum of 2,000 sols to be paid to Enrique Meier. Better than the offer of the money payment are the generous and kindly expressions of good will with which your excellency makes the tender, and for which I am sure the Government of my country will be greatly pleased. For my part, I am deeply grateful to your excellency for this mark of kindness.

I have this day transmitted your proposition to the Department of State, at Washington, by telegraph, and have counseled its acceptance. As soon as I receive further instructions on the subject I will at once advise your excellency.

JOHN HICKS.

Mr. Hicks to Mr. Gresham.

No. 512.]

LEGATION OF THE UNITED STATES,
Lima, June 17, 1893. (Received July 6.)

SIR: Referring to my No. 506, of June 12, I now have the pleasure of announcing that the Peruvian Government has paid to me the sum of 2,000 sols in full settlement of the claim of Enrique Meier, acting consular agent at Mollendo, for indemnity on account of damages to his person and property, caused by a mob on the night of March 25, 1893.

Inasmuch as this is the first payment made by Peru, to my knowledge, on account of claims for damages, during my residence of four years in the country, I feel greatly pleased at the result. The whole affair has apparently engendered only the kindest feelings on the part of the Peruvian Government, and instead of resulting in coldness and estrangement it has, to all appearances, had the effect of producing a cordial feeling towards the United States.

In order that the Department may understand the whole matter, I inclose a copy of my notes to the foreign office and the reply of the minister, with the decree of the President, my note to Mr. Meier and finally, a receipt for the cash from Messrs Grace Brothers & Co., a duplicate of which was forwarded to Mr. Meier.

I have, etc.,

JOHN HICKS.

[Inclosure 1 in No. 512.]

Mr. Hicks to Señor Jimenez.

LEGATION OF THE UNITED STATES,
Lima, June 14, 1893.

MR. MINISTER: Referring to your excellency's note of June 9, 1893, in regard to the unfortunate affair at Mollendo on March 25, I am directed by my Government to accept the proposition made by your excellency to pay to Enrique Meier the sum of

2,000 sols in full payment of all claims for damages arising from injury to the building in which was the consular agency of the United States, as well as for the damages to the person and property of Mr. Meier, the acting consular agent, growing out of the unfortunate affair before mentioned.

As I expect to close my official relations with Lima within a few days, it would be extremely gratifying if the payment of the sum mentioned could be consummated as soon as possible.

I have, etc.,

JOHN HICKS.

[Inclosure 2 in No. 512.—Translation.]

Señor Jimenez to Mr. Hicks.

FOREIGN OFFICE, *Lima, June 15, 1893.*

Mr. MINISTER: His excellency the President of the Republic has issued a decree yesterday (No. 196), of which I inclose to your excellency an authentic copy, ordering the payment of 2,000 sols to the consular agent of the United States at Arequipa, Mr. Enrique Meier, thus settling the claim made by him for damages caused him through the lamentable occurrences of the 25th of last March.

I have, etc.,

JOSÉ M. JIMENEZ.

[Inclosure 3 in No. 512.—Translation.]

Lima, June 14, 1893.

The claim presented by the envoy extraordinary and minister plenipotentiary of the United States of America for an indemnity to Mr. Enrique Meier, consular agent of that Republic at Mollendo, for damages and a wound received by him on the night of the 25th of March, having been arranged by the decision of the council of ministers, and in fulfillment of the diplomatic arrangement that appears from the notes exchanged in reference to this matter, it is decreed: That the general treasury shall pay to the said Mr. Meier, or his representative, the sum of 2,000 sols, to be placed to the debit of the extraordinary expenses of the foreign office. To be communicated, registered, and sent forward to the ministry of finance for its execution.

[Sign-manual of the President of Peru.]

JIMENEZ.

Correct.

CARLOS WIESE,
Chief Clerk.

[Inclosure 4 in No. 512.]

Mr. Hicks to Señor Jimenez.

LEGATION OF THE UNITED STATES,
Lima, Peru, June 17, 1893.

Mr. MINISTER: I have the honor to acknowledge the receipt of your excellency's esteemed note of June 15, transmitting a copy of the decree issued by his excellency the President of the Republic on the 14th instant, ordering the payment of 2,000 sols to the order of Enrique Meier, acting consular agent of the United States at Mollendo, in full settlement of his claim for indemnity growing out of the lamentable affair of the 25th of March.

I have also to acknowledge receipt of the 2,000 sols by the hand of Dr. Don Carlos Wiese, chief clerk.

I beg to congratulate your excellency upon the happy and honorable termination of this affair.

Be pleased, etc.,

JOHN HICKS.

[Inclosure 5 in No. 512.]

Mr. Hicks to Mr. Meier.

LEGATION OF THE UNITED STATES,
Lima, June 17, 1893.

SIR: I have the pleasure of inclosing herewith a receipt from the house of Messrs. Grace Brothers & Co., showing that I have this day deposited to your credit the

sum of 2,000 sols, being the amount received from the Government of Peru in full settlement of your claim for indemnity on account of the attack upon the Mollendo consular agency, March 25, 1893.

Please acknowledge receipt of this.

I have, etc.,

JOHN HICKS.

[Inclosure 6 in No. 512.]

LEGATION OF THE UNITED STATES,
Lima, Peru, June 17, 1893.

Received from John Hicks, U. S. minister to Peru, the sum of 2,000 sols silver, to be deposited to the credit of Don Enrique Meier, acting consular agent of the United States at Mollendo.

GRACE BROS. & Co.,
Per JAS. BROOKE.,

Duplicate sent to Mr. Meier.

Mr. Gresham to Mr. McKenzie.

No. 9.]

DEPARTMENT OF STATE,
Washington, July 7, 1893.

SIR: I have received Mr. Hicks, No. 512, of the 17th ultimo, reporting the final settlement of the claim of Enrique Meier, our acting consular agent at Mollendo, by the payment to him for the claimant of 2,000 sols from the Peruvian Government, and am gratified to learn that the settlement was reached in this straightforward and friendly way.

I am, etc.,

W. Q. GRESHAM.

Mr. McKenzie to Mr. Gresham.

No. 50.]

LEGATION OF THE UNITED STATES,
Lima, October 23, 1893. (Received November 13.)

SIR: I have the honor to transmit to the Department of State a copy of a law in regard to "Immigration," together with translation thereof, which passed the Peruvian Congress on the 7th of October, 1893.

I have the honor, etc.,

J. A. MCKENZIE.

[Inclosure in No. 50.—Translation.]

IMMIGRATION.

The President of the Republic:

Whereas Congress has passed the following law:

The Congress of the Republic of Peru, considering: That the natural sources of wealth of the Republic will be better turned to account by a system of immigration attracting labor and capital to the country, has passed the following law:

ARTICLE 1. The State protects and encourages immigration.

ART. 2. Those considered immigrants are: (1) All foreigners to Peru of white race, being under 60 years of age, who came to the territory of the Republic for the purpose of establishing themselves, and who place themselves under the dispositions of this law and exhibit to the authorities appointed by the Government the corresponding certificate furnished them by the Peruvian consuls or agents abroad concerning their morality, trade, or profession. (2) Colonists uniting the requisites mentioned in the preceding paragraph are specially contracted to settle given spots in the Republic.

ART. 3. Immigrants are entitled to: (1) Board and lodging at the nation's expense during the first seven days after their arrival in Peru. (2) To introduce free of duty all articles intended for their personal use, clothes, articles for their domestic use, firearms for hunting, agricultural implements, tools used in the exercise of their respective arts and trades, in such number as the Government shall prudently fix.

ART. 4. In addition to the concessions mentioned in the foregoing article the colonists will be entitled to the following: (1) A free passage, third class, on board such ships as are going to Peru. (2) The number of hectares of land as the Government shall assign to them at the place to be settled. (3) To be conveyed at the expense of the Government after their arrival in Peru or from their lodging to the spot to be settled. (4) To be maintained at the expense of the Government for three months from their arrival at the settlement. (5) Exemptions from all direct taxation for the term of five years. (6) To be supplied but once with agricultural implements and tools designated by the Government.

ART. 5. The supreme Government is empowered to contract colonists in Europe at such places as it may deem convenient.

ART. 6. The board of directors of the department of public works shall be charged with the care of immigration and colonization.

ART. 7. There shall be established a central board of immigration and colonization in the capital of the Republic, to be composed of 25 members, to be appointed by the Government, for the purpose of promoting, to encourage, and to develop immigration in the nation.

ART. 8. The central board shall be empowered to establish auxiliary immigration and colonization boards in those provincial and district capitals as it may deem convenient.

ART. 9. The said board shall adopt a system of rules and regulations to be the base of their organization, the same to be submitted to the Government for its approval; it shall also establish rules and regulations for the boards depending upon it.

ART. 10. The duty of the members of the board of immigration and colonization is to give counsel, and they are obliged to serve for the term of four years, and the post can only be vacated before the authority that made the appointment when a just cause has been found to exist.

The boards will be renewed every two years; that is to say, half at a time, the renewal of the first half being effected by drawing lots, that of the following by law.

ART. 11. The central board of emigration and colonization shall present to the Government once a year, and when required, a report upon the conditions and requirements of the different centers of colonization, embracing the data and information supplied by the provincial boards as regards the branches of industry actually existing, or such as are about to be established, salaries, climate, and other matters referring to colonization.

ART. 12. That the same boards as regards emigration be vested with the initiative expressed in art. 17 of the law of decentralization from the central government as far as it concerns the services and modes of dispensing the same, best adapted to protect the work of colonizing with emigrants.

ART. 13. The Government shall appoint such technical commissioners as are indispensable for the study and encouraging colonization.

ART. 14. The consuls-general of the Republic appointed in foreign countries shall, at their respective offices, open bureaus of information, in order to make known the advantages of emigrating to the Republic.

ART. 15. During the arrangement of buildings for the reception of the colonists, the Executive is authorized to provide 60 cents a day for the support of adult emigrants, and 30 cents for children under twelve years of age.

ART. 16. The emigrants brought to Peru under the authority of the law of November 23, 1889, as referring to colonization and the prolongation of the Oroya Railroad are not included with those who are entitled to the benefits of this present law.

Let this be communicated to the Executive, so that the necessary steps for rendering it effective may be taken.

Given at the House of Congress this 7th day of October, 1893.

FRANCISCO ROSAS,
President of the Senate.

MARIANO NICOLAS VALCARCEL,
President of the Chamber of Deputies.

LEONIDAS CARDENAS,
Secretary of the Senate.

ELISEO ARANJO,
Secretary of the Chamber of Commerce.

To His Excellency the Constitutional President of the Republic.

I consequently order the impression, publication, circulation, and due carrying out.

Given at the Government House in Lima on the 14th day of October, 1893.

REMIGIO MORALES BERMUDEZ,
ALFREDO GASTON.

RUSSIA.

Mr. Foster to Mr. Wurts.

No. 212.]

DEPARTMENT OF STATE,
Washington, August 23, 1892.

SIR: I inclose herewith a statement with accompanying certificates made to this Department by Mrs. Jennie Goldstein, of New York City, concerning the alleged arrest and imprisonment of her husband, Jacob Goldstein, at Kharkov, Russia, on the ground that he "is amenable to militia duties."

The records of the Department confirm this statement of Messrs. C. B. Richard & Co., that Mr. Goldstein received a passport, No. 35320, from this Department. It was issued February 23, 1892, and sent to Messrs. Richard & Co., to be forwarded. From Mr. Goldstein's application it appears that he was born at Tszelecz, in Russia, July 4, 1862; emigrated to this country in 1879, and was naturalized before the superior court of the city of New York, October 8, 1888; his certificate of naturalization having been duly produced with his application for a passport.

I will thank you to apply in the proper quarter for information concerning the reported arrest of Mr. Goldstein and the nature of the charges against him. Should his case fall within the purview of the standing instructions of your legation, you will take such action as may be necessary and proper to protect Mr. Goldstein's interest.

I am, etc.

JOHN W. FOSTER.

[Inclosure in No. 212.]

Mrs. Goldstein to Mr. Foster.

NEW YORK, August 17, 1892. (Received August 18.)

HONORABLE SIR: On February 23, 1892, one Jacob Goldstein left this port by steamer *Sprea* of the Bremen line. On the same day, the said Jacob Goldstein paid to Messrs. C. B. Richard & Co., bankers, No. 61 Broadway, New York City, certain moneys to procure for the said Jacob Goldstein a passport, and at the same time delivered to them his citizenship papers, all of which will more fully appear by the certificate of the said Messrs. Richard & Co., herewith inclosed; that said passport was issued to the said Jacob Goldstein, and the same was, together with his citizenship papers, sent to the said Jacob Goldstein by the said Messrs. Richard & Co., and as I have been informed the same was received by the said Jacob Goldstein upon his arrival on the other side; that a few days after his arrival he, the said "Jacob Goldstein," an American citizen, "was arrested by some government [officer] at "Kharkov, Russia," and his passport and citizenship papers taken away from him, and still is detained at said place.

As I have been informed, the cause of the detention of the said Jacob Goldstein is that the Russian Government claims that the said Jacob Goldstein is amenable to militia duties.

Inclosed please find two photographs of the said Jacob Goldstein for the purpose of identification, also a letter from the Hon. Charles Smith, the present alder-

man of the Eighth assembly district, in which the said Jacob Goldstein has resided for over twelve years, also a letter from the lodge that the said Jacob Goldstein is a member of.

I am the wife of the said Jacob Goldstein and reside with the children, of which I am the mother and the said Jacob Goldstein the father, at No. 43 Delancy street, New York City.

By giving this your earliest attention,
I remain, etc.,

JENNIE GOLDSTEIN.

N. B.—Please address all communications to Mr. Philip Gratz, jr., No. 333 Grand street, New York City, and oblige, etc.,

JENNIE GOLDSTEIN.

[Inclosure 1.]

Mr. Smith to Mr. Crawford.

NEW YORK CITY, August 11, 1892.

Honorable U. S. Consul to Russia:

DEAR SIR: Mr. Jacob Goldstein, a citizen of the United States, has been arrested in Kharkov, Russia, and is illegally detained there. He has his passport with him.

He has a wife and children and mother here (New York City). You will perceive by the foregoing facts that he is illegally detained there, and is a breach of the treaty between these United States and Russia. He has been living in my district for over twelve years, and I have known him to be a good and loyal citizen. You will kindly look into this matter and secure the release of said Jacob Goldstein. By so doing you will confer a personal favor on,

Yours, truly, etc.,

CHARLES SMITH,
Alderman for Eighth Election District of the City of New York.

[Inclosure 2.]

NEW YORK, August 11, 1892.

Hon. U. S. Consul to Kharkov, Russia:

DEAR SIR: This is to certify that Jacob Goldstein, who is illegally detained in your city, is a member of our congregation (The Congregation Adosholum Urientzer) of New York City. He is a citizen of these United States, and we have known him to be a good and loyal citizen. He has a mother, wife, and children here.

Yours, etc.,

A. WEINSTEIN,
President.
N. BEAURTIES,
Secretary.

[Inclosure 3.]

NEW YORK, August 12, 1892.

To whom it may concern:

This is to certify that Jacob Goldstein purchased of us on February 20, 1892, one steerage ticket to Bremen per steamer *Spree*, sailing February 23, and on the same day paid us the amount for a United States passport, which we procured for him from Washington and mailed to him *poste restante* Bremen.

C. B. RICHARD & Co.

Mr. Wurts to Mr. Foster.

No. 239.] LEGATION OF THE UNITED STATES,
St. Petersburg, September 7, 1892. (Received September 22.)

SIR: Your instruction, No. 212, of the 23d ultimo, on the subject of the reported arrest and detention at Kharkov of Jacob Goldstein was duly received, and I at once represented the case to the Russian for-

ign office with the request that an investigation be made and information thereof be furnished me.

In all probability the cause of the arrest will prove to be as surmised, that Goldstein "is amenable to militia (that is military) duties."

As you are aware, this legation has had to deal with a number of cases of this character, the result of which has, if my memory does not betray me, been the same, a refusal of the Russian Government to waive its right to punish a former subject on his venturing again within its jurisdiction for offense committed prior to his naturalization as the citizen or subject of a foreign state. The arguments used by us have not made the slightest impression here, and seem to be rather exhausted. I shall of course do all in my power with them, but must respectfully beg the Department, if possible, to furnish me with some new ones, in preparation for the response of the Russian Government that Goldstein is charged with and liable to punishment for escaping abroad when close upon the age for military service, in order to evade that service by becoming an American citizen.

The penalty for this offense is exile to Siberia, but, while this Government has closely adhered to the principle involved in cases such as this is supposed to be, it has never been applied to an American citizen. The last case of the kind, which is on file at the Department, was that of Kempinski, in 1889, the result of which was that no concession was made by the Russian Government, and Kempinski was condemned, but released on his successful petition for the clemency of the Emperor. It might be well for the friends of Goldstein to advise him to prepare to follow Kempinski's example.

I have, etc.,

GEORGE W. WURTS,
Chargé d'Affaires ad interim.

Mr. Wurts to Mr. Foster.

No. 249.]

LEGATION OF THE UNITED STATES,
St. Petersburg, October 17, 1892. (Received November 4.)

SIR: Referring to my dispatch, No. 239, of the 7th ultimo, in relation to the case of the alleged citizen of the United States, Jacob Goldstein, held in arrest at Kharkov, I have the honor to transmit to you herewith a copy and translation of a note from the Imperial foreign office in response to my communication on the subject, by which it will be seen that there is a conflict of testimony as to the identity of the person in question, the Russian authorities affirming that he is not Jacob Goldstein but Yankel Zlotow, and that he is accused of coming to Russia with a false passport.

Mr. Heenan, our consul at Odessa, has sent me copies of his correspondence in this case with the authorities at Kharkov, which, it appears, has also been transmitted to the Department. In this correspondence Goldstein states that he is a native of Germany; that he emigrated when very young to the United States, and that he came to Kharkov on business last June. He does not state whether this was his first visit or not to Russia. The inspector of the Kharkov prison points out, however, in his letter to Mr. Heenan that Goldstein speaks Russian fluently, which is a very suspicious circumstance. Awaiting further instructions from you in the matter,

I am, etc.,

GEORGE W. WURTS,
Chargé d'Affaires ad interim.

[Inclosure in No. 249—Translation.]

*Mr. Chichkine to Mr. Wurts.*IMPERIAL MINISTRY OF FOREIGN AFFAIRS,
DEPARTMENT OF THE HOME RELATIONS, *St. Petersburg, October 3-15, 1892.*

MR. CHARGE D'AFFAIRS: You addressed yourself to the Imperial ministry in order to know what reasons had determined the Imperial authorities to arrest, at Kharkov, Mr. Goldstein.

I have, in consequence, the honor to inform you that the individual in question, who pretends to be an American citizen, is accused, by the terms of article 977 of the penal code, of having arrived in Russia with a false passport, his real name being Yankel Zlotow.

Accept, etc.,

CHICHKINE.

Mr. Foster to Mr. White.

No. 12.]

DEPARTMENT OF STATE,
Washington, November 7, 1892.

SIR: I have received Mr. Wurt's No. 249, of October 17 last, in regard to the case of Jacob Goldstein, an American citizen, imprisoned at Harkov (Kharkov).

The statements of the reply of the Russian foreign office, appear to be a repetition of the allegations made by the authorities of Harkov in their communication to the United States consul at Odessa, dated September 11-28, 1892, copy of which was sent to your legation with the other correspondence by Mr. Heenan.

It is noted that, by the admission of the Russian authorities themselves, Mr. Goldstein's passport and certificate of naturalization have been sent to New York for investigation.

This proceeding naturally occasions some surprise, and is only explicable on the conjecture that the Russian authorities are ignorant of the Federal character of these papers. The Government of the United States is the sole judge of the competence and validity of the passport which it issues and of the evidence of national citizenship on which it is granted. It does not pertain to the authorities of New York to examine the validity of a United States passport.

If any question were raised as to the identity of the bearer or the legality of his naturalization this Government would be happy to investigate any offered testimony throwing doubt on the case, upon the request to that end, through the proper channel. So far as concerns any charge against the prisoner of fraudulent impersonation of the Jacob Goldstein to whom the passport purports to have been issued it is proper to say that the evidence now furnished to this Department states that Jacob Goldstein's mother, wife, and children reside in New York City, while the mother of Yankel Zlotow, the fugitive with whom Goldstein is confounded, still resides in Harkov, and it would seem fails to identify her alleged son.

The application upon which passport No. 35320 was granted to Jacob Goldstein, or Zheikop Goldschtein, as he signs his name, avers his birth at Cszelec, in Russia, on or about July 4, 1862, and his naturalization, before the superior court of the city of New York, October 8, 1888. The place of birth so given conflicts with Mr. Goldstein's allegation of German birth made in his petition addressed to Mr. Heenan who will be directed to make inquiry in this regard.

The name Cszelec appears to be Hungarian or Galician, but the town is not identified on any map in this Department.

I am, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. White.

No. 19.]

DEPARTMENT OF STATE,
Washington, November 26, 1892.

SIR: Referring to my instruction, No. 12, of the 7th instant, in relation to the case of Jacob Goldstein, detained at Harkov on charges reported in Mr. Wurts's No. 249, of October 17, last, I have now to inform you that Baron Schilling, Russian chargé d'affaires *ad interim*, called, informally, this morning, on the Second Assistant Secretary, and exhibited to him Mr. Goldstein's passport, No. 35320, issued by this Department February 23, 1892, with a view to ascertaining its genuineness. Baron Schilling, at the same time produced the original certificate of naturalization, before the superior court of the City of New York, October 8, 1888, with a view to making like inquiry in regard thereto.

Mr. Adee advised Baron Schilling that official response would be made to such inquiries, if the request to that end were addressed by the legation to the Secretary of State. As a matter of fact, the passport appeared to be genuine, and the certificate of naturalization to agree with the Department's record, upon which the passport had been issued, but he, Mr. Adee, could not competently declare those facts.

It thus appears that, instead of the passport being "sent to New York for investigation," the Russian legation here has been intrusted with the inquiry.

No previous instance is recalled of such a proceeding on the part of the Russian Government. I should regret were it to form a precedent. The passports issued by the Secretary of State, under the seal of this Department, being *prima facie* evidence of the facts therein certified, the purpose for which they are issued would be defeated were foreign authorities at liberty to disregard them until certified anew by the issuing authority. Their examination and visé is properly the function of the legation of the United States in the country where the bearer may chance to be.

In several recent instances, notably in Austria and Turkey, this Government has had occasion to remonstrate against the inconvenience and restriction of personal liberty to which the holders of United States passports have been subjected by the dilatory action of the local authorities in detaining them and sending their passports to the American legation for attestation. In the present case, by forwarding the passport and certificate of naturalization to this country for a like purpose, the holder, Mr. Goldstein, would seem to have been needlessly restrained of his liberty for several weeks longer than he would have been had application been seasonably made to your legation for the desired information. Moreover, the occasion for the inquiry is not apparent, for the ascertainment of the genuineness of the passport and certificate of naturalization granted to Jacob Goldstein neither proves nor disproves his alleged identity with Yankel Zlotow, of Harkov, nor establishes whether the present holder of these papers himself acquired them lawfully as Jacob Goldstein, or is falsely impersonating the individual to whom they were issued.

As already intimated in my instruction No. 12, of the 7th instant, this Government stands ready to cooperate in the investigation of any case where reasonable evidence of the fraudulent use of a United States passport may be forthcoming. You may say to the minister of foreign affairs that where there may be good ground to believe that a passport has been forged or tampered with, or is held by another than the person

to whom it was lawfully issued, your legation will cheerfully render assistance so far as an examination of the authority of the document is concerned, and will, in case of need, refer the matter to this Department, but that otherwise it is the just expectation of this Government that its passports will be duly respected abroad as *prima facie* evidence of the facts therein stated, and that its validity is only to be traversed by competent proof.

For your further information I inclose a copy of Mr. Goldstein's application to this Department for a passport.

I am, etc.,

JOHN W. FOSTER.

Mr. White to Mr. Foster.

No. 21.] LEGATION OF THE UNITED STATES,
St. Petersburg, December 15, 1892. (Received December 31.)

SIR: Referring to your dispatch No. 12, of November 7, regarding the submission of Jacob Goldstein's passport to the Russian legation at Washington rather than to the American legation here, I went the day after receiving it to the foreign office and called the attention of Mr. Chichkine to the subject. He explained that the matter came up during the interim between Mr. Smith's departure and my arrival and that it was therefore thought best to refer it directly to Washington.

Upon this I presented your view of the delay thus caused, and of the injury involved, not merely in the case of the person claiming to be Jacob Goldstein, but in other cases should this novel action of the Russian Government be considered as a precedent.

He received my statement in a very satisfactory manner, assuring me that in future such cases would be referred to the American legation here and not to the State Department at Washington.

I have, etc.,

ANDREW D. WHITE.

Mr. White to Mr. Foster.

No. 22.] LEGATION OF THE UNITED STATES,
St. Petersburg, December 16, 1892. (Received January 5, 1893.)

SIR: As already stated in my dispatch, No. 21, relative to the passport of Jacob Goldstein, I confined myself in my interview with Mr. Chichkine at the foreign office to the point I was instructed to urge, namely, the injury done or likely to be done by forwarding passports taken from suspected persons to the Russian legation at Washington rather than to the American legation at St. Petersburg.

The question regarding the rights and present position of the person detained at Kharkov and claiming to be Goldstein, I thought it not best to raise until I could secure additional facts.

This, indeed, is the only course which promises anything for the person now detained at Kharkov, claiming to be Jacob Goldstein, but declared by the local authorities to be Yankel Zlotow, who has thus far avoided military service.

As the case now stands it presents the following difficulties, which, as the case is new to me, I trust that you will excuse my recapitulating.

In his letter to our consul at Odessa, dated July 20-August 1, 1892,

the person under arrest gives the country of his birth as Germany, but in his application for a passport, six months before, the applicant swore that he was born in Russia.

In the letter above referred to the person under arrest also says that he is unable to fix the year of his arrival in America because he was taken there when a child; but the person who applied for and received the Goldstein passport swore that he went to America in July, 1879, at the age of 17 years.

In addition to these troublesome discrepancies in the two statements claiming to be made by the same man only a few months apart, the letter from the prison authorities at Kharkov to our consul at Odessa dated September 16-28, 1892, alleges that the person under arrest has been detected in feigning such knowledge or want of knowledge of the Russian and other languages as might give color to a fraudulent impersonation. And the letter also conveys the idea that the Russian authorities have no doubt as to the identity of the detained person with Yankel Zlotow.

As an application for his release to the foreign office, would, if made at present, certainly be wrecked upon the above facts and allegations, I at once telegraphed Consul Heenan, at Odessa, asking him to wire me any new information he might possess on the subject, or that he might be able to secure by wire or mail from Kharkov. I also wrote him fully authorizing him to send to Kharkov a discreet and careful man to make inquiries and report on the case, suggesting the name of a gentleman especially recommended to me by our consul-general at St. Petersburg, but leaving Consul Heenan free to choose any other person whom he might think more fit.

I suggested in my letter that very careful examination be made as to the testimony identifying the person in possession of the Goldstein passport as Yankel Zlotow, and especially as to the statement of the person arrested that Zlotow's mother failed to recognize the said arrested person as her son, and also as to the probability or possibility of collusion between the mother of Zlotow and the arrested person.

To my telegram I have just received answer by wire that the consul has no new facts in the case, but that he is telegraphing Kharkov.

From my letter, and from the special messenger sent to Kharkov, I hope to secure some facts which will enable me to present the matter at the foreign office here, with more hope of a favorable result than the facts at present before me enable me to anticipate.

I shall continue to give constant attention to the matter, in the hope of remedying any injustice to an American citizen on one hand, and of preventing any prostitution of American citizenship on the other.

I have, etc.,

ANDREW D. WHITE.

Mr. White to Mr. Foster.

No. 48.]

LEGATION OF THE UNITED STATES,
St. Petersburg, January 25, 1893. (Received February 13.)

SIR: I have the honor to transmit to you herewith the application of William Lassonne for a new passport and to request instructions thereon.

Mr. Lassonne informs me verbally that it is his desire to go to the United States this summer, but whether on a visit or to settle there permanently, he is unable to make positive statement.

I am, sir, etc.,

ANDREW D. WHITE.

Passport application.

NATURALIZED.

No. —.

Issued —, 18—.

I, William Lassonne, a naturalized and loyal citizen of the United States, hereby apply to the legation of the United States at St. Petersburg for a passport for myself.

I solemnly swear that I was born at Hamburg, Germany, on or about the 15th day of May, 1845; that I emigrated to the United States, sailing on board the — from Hamburg on or about the — day of —, 1862; that I resided six years uninterruptedly in the United States, from 1862 to 1868, at New York; that I was naturalized as a citizen of the United States before the — court of common pleas for city and county of New York, at New York, on the 28th day of September, 1868, as shown by the accompanying certificate of naturalization; that I am the bearer of passport No. 390,321, issued by Hon. William H. Seward on the 2d day of October, 1868, which is returned herewith; that I am the identical person referred to in said certificate and passport; that I am domiciled in the United States, my permanent residence therein being at —, in the State of —, where I follow the occupation of —; that I last left the United States on the — day of October, 1868, on board the *Holsatia*, arriving in Hamburg the — day of —, 1868; that I have resided in Moscow, Russia, since the — day of —, 1871; that I am now temporarily residing at Moscow, and that I intend to return to the United States when able to, with a purpose of residing and performing the duties of citizenship therein.

I desire the passport for the purpose of business.

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.

WILLIAM LASSONNE.

Legation of the United States at St. Petersburg.

Sworn to before me, this 25th day of January, 1893.

GEORGE W. WURTS,
*Secretary of Legation.**Description of applicant.*

Age, 48 years; stature, 5 feet 5 inches, Eng.; forehead, low; eyes, blue; nose, long and sharp; mouth, large; chin, small; hair, brown; complexion, fair; face, oval.

Identification.

I hereby certify that I know the above-named — personally, and know h— to be the identical person referred to in the within-described certificate of naturalization and that the facts stated in h— affidavit are true to the best of my knowledge and belief.

(Address of witness.)

Mr. White to Mr. Foster.

No. 55.]

LEGATION OF THE UNITED STATES,
St. Petersburg, February 13, 1893. (Received February 27.)

SIR: I beg to submit to you herewith the application of Hugo Sundel for a new passport, and I request instructions thereon.

In view of the failure of Mr. Sundel to produce his certificate of naturalization, as also of the brief period passed by him in the country of his adoption and the many years in that of his birth after obtaining, as he states, citizenship in America, I am unwilling to issue to him a new passport except under direction by the Department.

I have, etc.,

ANDREW D. WHITE.

Passport application.

NATURALIZED.

No. —. Issued —, 18—. I, Hugo Sundel, 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 Tauroggen, Russia, on or about the — day of August, 1851; that I emigrated to the United States, sailing on board the *Calabria*, from Hamburg, on or about the — day of May, 1865; that I resided eight years, uninterruptedly, in the United States from 1865 to 1873, at Warren City, Pa.; that I was naturalized as a citizen of the United States before the — court of — at —, on the — day of —, 1872; the certificate of naturalization was stolen in 1881; that I am the bearer of passport No. 304, issued by the Legation at St. Petersburg on the 25th day of August, 1882, which is returned herewith; that I am the identical person referred to in said certificate and passport; that I am domiciled in the United States, my permanent residence therein being at — in the State of —, where I follow the occupation of —; that I last left the United States on the — day of August, 1873, on board the —, arriving in Bremen the — day of August, 1873; that I have resided in Moscow since the — day of September, 1873; that I am now temporarily residing in Moscow, and that I intend to return to the United States within two years with a purpose of residing and performing the duties of citizenship therein.

I desire the passport for the purpose of traveling.

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.

HUGO SUNDEL.

Consulate of the United States at Moscow.

Sworn to before me, this 10th day of February, 1893.

N. W. HORNSTED,
U. S. Vice-Consul.

Description of applicant.

Age, 42 years; stature, 5 feet 11 inches; Eng.; forehead, low; eyes, light-brown; nose, medium; mouth, medium; chin, round; hair, brown; complexion, dark; face, oval.

Identification.

MOSCOW, 1893.

I hereby certify that I know the above-named Hugo Sundel personally, and know him to be the identical person referred to in the within-described certificate of naturalization, and that the facts stated in his affidavit are true to the best of my knowledge and belief.

LUDWIG WEISS,
Moscow, Sretenke, Ulensky Paralog house, Praskowsky.

Mr. White to Mr. Foster.

No. 58.]

LEGATION OF THE UNITED STATES,
St. Petersburg, February 16, 1893. (Received March 6.)

SIR: The Imperial rescript recently published appointing the heir to the throne president of the trans-Siberian railway commission is a document which, brief as it is, seems worthy of careful note.

Nothing has recently occurred in Russia of more direct importance to the internal development of the Empire, and of more indirect importance to the commerce of the world.

The thought and words of the rescript find echoes on all sides in the Russian press.

Two points are clearly brought out in it. First, the intention to press forward the trans-Asiatic railway. The Emperor lays stress upon the fact that the heir to the throne has already visited Vladivostock to make a formal beginning of the work at its Pacific terminus, and the whole document is clearly in the nature of a guarantee of the Imperial determination to make this railway one of the special claims of his reign to honor in history.

The second point which comes out clearly, is the intention to promote a colonization of Siberia with peasants now in need of land.

This is accepted in various quarters as the decision of a question which has for some time been debated and as to which no clear indication of the Imperial will had hitherto been made known to the public.

One phrase used by the Emperor in addressing his son is specially significant; it is as follows:

I charge you to bring to a happy conclusion this work of peace and civilization of Russia in the East.

This has been echoed especially in the press. The idea underlying it is one which has evidently taken strong hold upon the more thoughtful minds of Russia.

It is on this point that Western Europe seems to have no adequate understanding of Russian feeling. From various conversations which I have had with men in important positions here, I am satisfied that there is a genuine conviction among those who have something to do with directing the affairs of the Empire that Russia has a great civilizing mission in Asia. During such conversations I have never failed to bring out a statement of the conviction by suggesting an analogy between the work of the United States on the American continent and that of Russia in Asia.

The mistake into which the newspapers of Central Europe and Great Britain largely fall is that Russia is animated in Asia by a mere brutal love of military conquest and domination; this is, at least, an utterly inadequate statement of the case. After conversations with two of the eminent explorers in Asia; with the general who, more than any other, has been connected with Russian railway enterprise in Asia; with ministers who have had the work in charge, and with other persons of influence, I feel sure that there is a very strong feeling in Russia akin to what in the United States a generation or two since was known as "the manifest destiny idea," and, whatever other desires this feeling may promote among Russians, it is evident that there is a constantly growing sentiment in the highest quarters that Russia should be respected in carrying on this work, whose value was recognized even as far back as the time of Catherine the Great, and which is now to be pressed more earnestly than ever.

The use of the great Island of Saghalien for penal purposes seems likely to remove the taint which was attached even to the fairest portions of Siberia.

The second point, regarding the promotion of colonization, is also a matter of very great importance; a certain analogy between this plan and that carried out as regards colonization along the line of our own great transcontinental railway, so far as its general scope is concerned, is evident.

Not the least important feature in the whole matter is the probable effect of this and similar enterprises on the question of a European war.

Hardly anything can be more favorable to European peace, so far as Russia is concerned, than to have her national pride and her interests

bound up in great civilizing enterprises of this kind, whose development will require large financial resources, such as can only be secured by a long period of peace. There is much reason to hope that the feeling of the Emperor, which clearly comes out in this rescript, must incline him very strongly to peaceful councils.

The ultimate bearing of this new trans-Asiatic railway on our own trans-American system is so evident as to require no discussion by me.
I have, etc.,

ANDREW D. WHITE.

Mr. Wharton to Mr. White.

No. 60.]

DEPARTMENT OF STATE,
Washington, February 28, 1893.

SIR: I transmit herewith, for your information, copies of correspondence* recently exchanged with the Russian minister here, in relation to the refusal of the consul-general of Russia at New York to attach his visa to the passport of Mrs. Minnie Lerin, a naturalized citizen of the United States, because she is of the Jewish faith.

The avowal of Prince Cantacuzène that the action of the Russian consul-general is under instructions from his Government which interdict the authentication of passports of foreign Jews, presents a question as embarrassing as it is painful when arising with a nation for whose Government and people such intimate friendship has so long been manifested by the American nation.

It is to be inferred from Prince Cantacuzène's note that the declaration of Mrs. Lerin's religious profession was elicited from her by some interrogative process on the part of the Imperial consul-general.

It is not constitutionally within the power of this Government, or of any of its authorities, to apply a religious test in qualification of the equal rights of all citizens of the United States; and it is therefore impossible to acquiesce in the application of such a test, within the jurisdiction of the United States, by the agents of a foreign power, to the impairment of the rights of any American citizen or in derogation of the certificate of this Government to the fact of such citizenship.

On several occasions in the past this Government has made temperate but earnest remonstrance against the examination into the religious faith of American citizens by the Russian authorities in Russia, the asserted right of territorial sovereignty over all sojourners in the Empire has, to our deep regret, outweighed our friendly protests.

His Majesty's Government, however, surely can not expect the United States to acquiesce in the assumption of a religious inquisitorial function within our own borders, by a foreign agency, in a manner so repugnant to the national sense.

I can not but surmise that some strange misapprehension exists in this regard in the mind of His Majesty's Government, which your accustomed ability and tact may explain and perhaps remove.

It does not appear needful to my present purpose to consider whether a special phase may not be given to the question by the circumstance that Mrs. Lerin was born in Russia. Mr. Foster's note of the 16th instant to Prince Cantacuzène indicates a disposition to consider and discuss an explanation based on the former political status of the individual. The reply of the minister announces that with certain unspeci-

* For these inclosures see p. 547

fied exceptions the prohibition in question applies to "foreign Jews." The sweeping character of this statement suggests inadvertence, and confirms my assumption that the matter is misapprehended by the Russian Government or by its agents in the United States. For this reason I have contented myself with a simple acknowledgment of Prince Cantacuzène's note, under the reserve necessarily imposed upon this Government by the Constitution and the laws, and by its just expectation, that its passports shall be respected as authoritative evidence of citizenship.

In this connection you may conveniently consult Mr. Bayard's instruction to Mr. Wurts, No. 140, of September 11, 1888, in relation to a previous refusal of the Russian consul-general to authenticate legal documents for use in Russia when applied for by a Jew. On this general subject you may examine Mr. Evarts's No. 55 to Mr. Foster (March 3, 1881) and Mr. Blaine's No. 87 (July 29, 1881).

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Wharton to Mr. White.

No. 64.]

DEPARTMENT OF STATE,
Washington, March 2, 1893.

SIR: I have to acknowledge your No. 55, February 13, relating to the application of Hugo Sundel for a passport, and requesting instructions.

Mr. Sundel avers that his certificate of naturalization, obtained in 1872, was stolen in 1881, and that passport 304 was issued him by our legation at St. Petersburg August 25, 1882. The inference naturally is that satisfactory proof of the fact of naturalization was then made, for at that time the alleged loss of the certificate had already occurred. Whatever impediment the absence of the certificate of naturalization may now offer would seem to have existed in 1882 with equal force. There is no record of any passport being issued by the Department in 1872 or 1873, between Sundel's naturalization and departure for Europe. The Department has no record of the passports issued by our legation at St. Petersburg in 1882, but the grounds for issuing may perhaps be determined by the records at your legation.

The fact that Sundel lived but a short time in the United States beyond that required to obtain naturalization, and that since then he has resided in the country of his origin for a period of twenty years, seems to require proof of *bona fide* conservation of his American status beyond his general statement of an intent to return to this country within two years with the purpose of fulfilling the obligations assumed by his naturalization.

Unless Hugo Sundel shows to your satisfaction that the statement of his intention of returning is made in good faith and is likely to be fulfilled, you may withhold the issuance of a passport to him.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Gresham to Mr. White.

No. 76.]

DEPARTMENT OF STATE,
Washington, March 24, 1893.

SIR: I have received your No. 48, of January 25 last, inclosing the application of William Lassonne for a passport.

After a careful examination of this application, the Department is clearly of opinion that it should be denied.

As stated by Mr. Lassonne himself, the grounds upon which he bases his claim for the issuance of a passport are exceedingly slight.

He emigrated from Hamburg, his birthplace, to New York in 1862, when 17 years of age; resided in the United States until 1868, when he became a naturalized citizen, and then went to Russia, where he has since uninterruptedly resided. He merely states that he intends to return to the United States "when able to."

It would be difficult to conceive of a clearer case of a foreigner availing himself of the liberal laws of the United States to acquire the rights and privileges of an American citizen to be used for his protection and advantage in a foreign country, and enabling him to evade the duties of citizenship equally in the country where he was naturalized and in the country where he has been domiciled for twenty-five years.

His very vague intention of returning to the United States is altogether too indefinite to be entitled to serious consideration.

When this intention is corroborated by the fact of his acquiring a residence or domicile here, which shall appear to be in good faith, it will then be proper to consider his claims for the issuance of a passport.

I am, sir, etc.,

W. Q. GRESHAM.

Mr. White to Mr. Gresham.

[Extract.]

No. 81.]

LEGATION OF THE UNITED STATES,
St. Petersburg, April 11, 1893. (Received April 26.)

SIR: Referring to Mr. Wharton's dispatch No. 60, of February 28, 1893, in regard to the case of Mrs. Minnie Lerin, a naturalized citizen of the United States born in Russia, to whom a visa was refused at the Russian consulate-general in New York, I have taken no action for the reason that there seems little chance at present of securing anything either in behalf of the person above named or of the doctrine for which our Government has so long contended in vain. While ready to seize any favorable opportunity to bring up the subject and to urge views favorable to the doctrine which we would naturally like to see established, I have thought it wise to await the return of the minister of foreign affairs, M. de Giers, who can speak and act with an authority on subjects of this kind which the acting minister can hardly be expected to possess.

I have, etc.,

ANDREW D. WHITE.

Mr. White to Mr. Gresham.

Nc. 96.]

LEGATION OF THE UNITED STATES,
St. Petersburg, May 12, 1893. (Received June 1.)

SIR: As the Department has been already informed, the famine in Russia, though not so extended as last year, has been in some governments very severe and, in a few, even more distressing than ever before.

It was in view of reports regarding this state of things that the honorable E. S. Stuart, mayor of Philadelphia, wrote me soon after my arrival, requesting more exact information and suggesting that in case of need aid might be sent from America.

I found that there was a preliminary question of some delicacy to be settled before answering his letter; the Russian Government has naturally its own national pride, and confidence in its own resources, and anything that might look like a request for aid on the part of that Government from another would naturally meet harsh criticism.

I found some sensitiveness existing on this point, but when the whole matter was placed on the ground of simple charity from American citizens to their fellow men who were suffering from the famine in Russia, that difficulty was disposed of.

After examining carefully into the condition of things, and especially after a report to me made by our consul-general regarding the state of things in Finland, I informed Mr. Stuart of the great distress existing in the afflicted districts.

Thereupon he placed at my disposal a contribution, mainly, if not wholly, made by charitable citizens of Pennsylvania, amounting very nearly to 41,000 roubles.

I immediately summoned to my aid a committee composed of the consul-general, Dr. Crawford, Count André Bobrinskoy, and the Rev. Mr. Francis, pastor of the British-American church here, each of whom during the past year had visited some part of the famine-stricken districts and had familiarized himself with the distribution of relief.

This committee held stated meetings at the legation under my chairmanship, and has proved to be of the greatest use.

While large sums have been distributed by the Government, there can be no doubt that this sum sent from Philadelphia has prevented much suffering, and even saved many precious lives.

The above sum having now been fully distributed, I have rendered an account of the same to Mr. Stuart, and the whole matter is closed, at least for the present; but as it seems to me that there should be some record of the whole matter in the Department, I send you this statement, inclosing a copy of my letter to Mr. Stuart on the subject.

It is perhaps proper to say that I have steadily, from first to last, taken pains to have it understood that I was not acting at all in an official capacity in this matter, but as an American citizen happy to be an intermediary between his charitable fellow-citizens in America and his distressed fellow beings in Russia.

It gives me pleasure to add that I have been requested both by the Emperor and the Grand Duke, heir to the throne, to convey their thanks to the donors of the sum herein referred to.

I am, sir,

ANDREW D. WHITE.

[Inclosure in No. 96.]

*Mr. White to Mr. Stuart.*LEGATION OF THE UNITED STATES,
St. Petersburg, March 21, 1893.

SIR: I have delayed reporting upon the distribution of the Philadelphia relief fund until I could give full details.

Immediately after receiving it I called upon the persons especially recommended to me as officials of the highest character in possession of the widest and most accurate information, and who had last year taken an especial interest in the relief of the Empire—Count Worantsoff-Dashkoff, the minister of the Imperial household, and Mr De Pleve, assistant minister in the department of finance.

From these I received lists of persons whose statements could be confided in and who could be relied on to do effective work in distribution.

I then formed a small committee to aid me in the practical work of securing information as to where the need of aid was most pressing and the methods of bringing it to bear upon the districts selected.

These three gentlemen were the consul-general of the United States, Mr. Crawford, Count André Bobrinskoy, and the Rev. Mr. Francis, pastor of the British-American chapel in this city. Each of these gentlemen was familiar with all that had been done last year, each had visited some of the most afflicted districts, and all enjoy the highest confidence of all who know them.

I had hoped to have from the beginning the aid of Mr. J. P. Blessig, who proved himself so faithful and capable last year. Unfortunately he did not arrive in St. Petersburg until after the committee had been several weeks at work, but he gave us the benefit of his advice, meeting with us frequently.

The meetings of the committee have been held on Tuesday morning of each week, at the legation, and, when needed, at other times.

Acting upon the general lines recommended by the Philadelphia committee, I decided to make a distribution of a considerable proportion of the sum to each of the three parts of the country specially named in your letter, namely, Finland, the Volga governments, and Bessarabia; but on looking over the matter carefully it seemed best neither to divide the whole sum into three equal parts nor indeed to give to the three equal amounts. It will be observed by the receipts which I inclose that 10,000 roubles were given to Finland. This was with the advice and consent of the committee after a careful report by Consul-General Crawford, who visited Finland and made careful investigations as to the best course to be taken. The sum was paid over to Gen. Von Daehm, the representative of Finland at St. Petersburg, whose receipt you will find inclosed, as also a letter from him stating that the Emperor requested him to convey through me his sincere thanks to the donors.

As to Bessarabia, the committee had before them the Rev. Provost Faltin, of Vischenen, well known to Mr. Blessig, who made a very careful statement, but in view of the pressing demands of other parts of the Empire, it was decided to give to Bessarabia 6,000 roubles in two instalments. For this I also forward receipt.

As to the Volga governments, considerable sums were placed in the hands of Counts Vladimir and André Bobrinskoy and Mr. Pissoreff, the gentlemen especially named in your communication.

The remaining sum has been distributed in various parts of the country in accordance with information derived from personal interviews and letters from trustworthy persons.

At the outset the committee passed various rules, of which the two following are perhaps the most noteworthy: First, no aid shall be distributed except to persons who have already shown their fidelity and capacity, and who have already in existence an organization and arrangements for effective distribution.

This was in order to prevent the waste of money in setting up new soup kitchens, baking ovens, etc.

The second of these rules was, no discrimination as to race or creed shall be made in the distribution; it shall be made to Jews and Christians without distinction.

It will be observed that there are no vouchers for expenses of machinery of any sort. The bills for printing of blanks, for postage, etc., have been borne by Count André Bobrinskoy, who has shown the greatest zeal in the matter, as have also his colleagues, the Consul-General Crawford, and the Rev. Mr. Francis.

Pains were taken to make every rouble go as far as possible; in a very few cases small sums were given to needy and meritorious families in temporary distress, but, as a rule, the distribution was made to persons actually at work in famine-stricken districts.

Thanks to the energetic and enlightened efforts of the committee of the three gentlemen above named, the donors can enjoy the conviction that their gifts have been bestowed as carefully as it was in human power to bestow them.

As to the recognition of the whole noble gift from Philadelphia, in addition to that by the Emperor, above referred to, the Grand Duke Nicholas, the heir to the throne, expressed his thanks, and various leading newspapers have spoken in most hearty terms regarding the American action in the premises.

Allow me, then, to tender to you and to your associates once more the thanks of all the persons above named, who are naturally deeply interested in the welfare of the country, and with them the thanks of a very large number of people who have been rescued from distress, and, indeed, of some who have certainly been saved from death by your noble efforts and gifts.

I am, etc.,

ANDREW D. WHITE.

Mr. White to Mr. Gresham.

No. 97.]

LEGATION OF THE UNITED STATES,
St. Petersburg, May 19, 1893. (Received June 1.)

SIR: Referring to my No. 22 and previous dispatches relating to Jacob Goldstein, I have the honor to state that a letter from Mr. Consul Heenan, at Odessa, informs me that the local court at Kharkoff has decided in Goldstein's favor, but that he "took French leave" last December, has not been since heard of, and that his present whereabouts are unknown.

I am, sir, etc.,

ANDREW D. WHITE.

Mr. White to Mr. Gresham.

No. 99.]

LEGATION OF THE UNITED STATES,
St. Petersburg, May 19, 1893. (Received June 3.)

SIR: I have the honor to submit the cases of David Waldenberg, and of his son Jacob, based on documents received this morning. They apply for new passports under the following circumstances:

It appears that David, the father, went to the United States forty-two years ago; that after five years' residence he was naturalized, and that he finally left the United States in 1864. He has now resided in Poland nearly thirty years, and it is clear from the accompanying papers that he has no intention of returning to resume the rights and duties of an American citizen.

As to his son Jacob, the documents show that he was born in Poland in July, 1872; that he has never been in America, and, although he swears, in making his claim for citizenship, that he intends to "return" to the United States within two years, his letter shows clearly that he has no such intention.

Further light is thrown upon the young man's case by the fact that although he has finished a course of study in a German university, and affixes to his name the title of doctor of philosophy, he does not appear to have prepared himself for exercising the rights and duties of an American citizen by learning the English language; both his letter and that of his father are sent to me in a translation from Warsaw.

It will be observed that the father is not molested. Our consul, Mr. Rawicz, speaks of him in very high terms as "an honest business man, well liked in the community, and really a square and upright man."

As to the son Jacob, whom the authorities propose to exclude from Russia, the main difficulty in the case doubtless comes partly from the

general tendency to discriminate against Jews, but mainly from the question arising as regards his evasion of military service.

I have already asked through the foreign office that the family of Mr. Waldenberg, including his sons Isidore and Jacob and his daughter Emily, shall be allowed to remain with him, stating the case as strongly as possible in their favor, asking that this permission may be made permanent, or that as regards Jacob it may be continued at least two years, he having sworn that within that time he intends to take up his residence in the United States.

I need hardly say that in so far as any action taken against Waldenberg and his family may be actuated by prejudice of race or religion, my whole nature revolts at it and my sympathies are deeply with him; but the question which presents itself is whether there is not here an attempted prostitution of American citizenship, an attempt to secure its immunities and privileges without the discharge of its duties.

The Russians know as well as we that were this worthy man a German, and had he returned to the country of his nativity at the date of his return here he would, over twenty-five years ago, have lost his right to claim American citizenship; they also know the other weak points in the case, and especially that the *animus revertendi* is conspicuously absent from it.

This being the case, although my predecessor, Mr. Smith, granted passports to both these claimants two years ago, I have decided, while asking the ministry of foreign affairs to use its good offices in their favor as above stated, at the same time to ask the Department for instructions.

I have, etc.,

ANDREW D. WHITE.

Mr. White to Mr. Gresham.

No. 100.]

LEGATION OF THE UNITED STATES,
St. Petersburg, May 22, 1893. (Received June 3.)

SIR: On May 10 I received a letter from one Joseph Glowacki, dated at Kempen, province of Posen, Germany, making a statement to the effect that being an American citizen in the employ of a manufacturing establishment at Gzerstockowa, government of Petikow, Poland, he had been summarily expelled on eight hours' notice by the local police; thrown into prison and kept there four days, from which he was only released on his signing an agreement not to return to Russia under pain of banishment to Siberia; and then taken over the Austrian frontier and set free. He declares that the only reason assigned for the treatment he has received is a charge made by a drunken employé, who had been discharged from the factory, to the effect that he had spoken disrespectfully of the Emperor. This he says that he has never done and that all the other workmen would testify that they had never heard him utter a disloyal sentiment. He further says that he has been obliged to leave behind him his aged mother, of whom he is the only support.

The letter is well written in fairly good English, and while, of course, I could know nothing as yet of the other side of the case, it raised in my mind so strong a presumption in his favor that I at once addressed a note to the foreign office, urging the earliest possible examination of the case, and the young man's speedy restoration to his situation and

to the support of his mother, if the facts are found as stated. At the same time I wrote to Glowacki, informing him as to the steps which had been taken here, but took the liberty of suggesting the question whether in case the matter presents any doubtful features and the decision upon it is delayed, he might not well reenter into the enjoyment of his rights and the discharge of his duties as an American citizen within the country of his adoption. The fact that his letter is so well expressed and that his employers think so well of him that they are holding his place open for him, would seem to indicate abilities on which he could rely to secure him a situation quite as well remunerated in the United States.

The Department shall be informed regarding any further developments of interest in the case.

I am, etc.,

ANDREW D. WHITE.

Mr. Gresham to Mr. White.

No. 99.]

DEPARTMENT OF STATE,
Washington, June 3, 1893.

SIR: I have to acknowledge the receipt of your No. 97, of the 19th ultimo, reporting that Jacob Goldstein had been acquitted by the local court at Kharkov, but that he had, in December last, escaped, and had not since been heard of.

The case thus appears to be removed from further consideration.

I am, sir, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. White.

No. 103.]

DEPARTMENT OF STATE,
Washington, June 6, 1893.

SIR: I have to acknowledge the receipt of your No. 99, of the 19th ultimo, in regard to the application for passports made in behalf of David Waldenberg and Jacob, his son.

On the facts as stated, all presumption of conservation of right to continued protection as a naturalized citizen of the United States is conspicuously negatived in the case of the father, David Waldenberg, he having resumed and maintained permanent domicile in the country of his original allegiance; as for the eldest son, Jacob, his right to protection after coming of age has not been established by conclusive evidence of intention to come to the United States after attaining the age of 21 years in July next. If he makes his purpose in that regard clear by taking the necessary steps to effect it by actual removal to the United States, here to dwell and perform the duties incumbent on a good citizen, he may have a passport to come to the United States, not otherwise.

The dates of the birth of the other children, Isidore and Emily, do not appear in your dispatch, but, inferring that they are minors, they should have the benefit of the doubt, and be secured recognition of the status of American citizenship under section 1993, Revised Statutes, until they come of age and become competent to exercise the option of domicile which belongs to them.

In this connection, I inclose for your information copy of my instruction * No. 84, of April 28 last, to the minister to Japan, in regard to the applications for passports of Alex and Basil Powers, both of Russian origin.

I am, sir, etc.,

W. Q. GRESHAM.

Mr. Webb to Mr. Adee.

No. 123.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 9, 1893. (Received August 24.)

SIR: I have the honor to inclose herewith a list of the passports issued by this legation from January 1, 1893, to June 30, 1893, inclusive, together with the applications and evidence on which they were granted.

There are one or two cases wherein I am in doubt as to whether a passport should be issued, notably that of Simon James Gordon, No. 30, April 13, and on this case I should like instructions for the future. Gordon (real name said to be Polish), a Pole, was naturalized in the United States in November, 1872. He left in December and has not been back since. He has been away for twenty-one years. He came to this legation in the time of Mr. Wickham Hoffman with a woman to whom he wished to be married. Mr. Hoffman obligingly performed the ceremony and declared them man and wife. Later the woman (with her baby) returned with a pitiful tale and, thinking it a poor rule that wouldn't work both ways, asked for divorce.

A more conservative order of things prevailed and she was informed that whereas her marriage was illegal she needed none. Gordon has recently married a Russian lady of wealth and ancient name. All this I knew and I issued the passport on his sworn statement that he wanted it in order to go to the United States at once, but he is still here. I have made, for the benefit and assistance of myself as well as future secretaries, a "black list" of persons to whom passports have been denied and it appears to me that Mr. Simon James Gordon's name should be added thereto.

I am, etc.,

G. CREIGHTON WEBB,
Chargé d'Affaires ad interim.

Mr. Webb to Mr. Gresham.

No. 129.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 25, 1893. (Received September 13.)

SIR: Referring to dispatch No. 100 of this legation, I have the honor to inform you that a note bearing date June 29, from the imperial foreign office, informed this legation that Joseph Glowacki would be permitted to return to the Empire, but could not again inhabit the village of district Chenstockova from which he had been expelled. This concession was as much as could be asked for, it being hardly to be expected that the return in triumph of one of the proscribed class (Glowacki is a Hebrew) to the scene whence he had been summarily ejected would be permitted, in view of the bad effect it would have on the morale of the community.

A few days ago, however, I received a letter from Joseph Glowacki,

* For this inclosure, see p. 401.

dated from a point in Germany, near the frontier, in which he states that after five days of continual effort to enter Russia, during which time he was kept constantly moving from station to station along the frontier, his passport was taken from him, the permit thereon inscribed under orders from the minister of the interior blotted out, and he was once more ejected from the Empire. His letter stated, as before, that his mother, 78 years of age, of whom he was the sole support, was ill and in great want, and he only asked to be able to reach her in order to take her away from Russia once and for all.

I immediately addressed a note on the subject to the imperial foreign office and in a personal interview with Mr. Chichkine received assurance that instant attention would be paid to the note and permission for Glowacki to cross the frontier accorded unless new and unfavorable evidence in his case had come to light.

I shall inform the Department of further developments in the case.

I am, etc.,

G. CREIGHTON WEBB,
Chargé d'Affaires ad interim.

Mr. Webb to Mr. Gresham.

No. 134.]

LEGATION OF THE UNITED STATES,
St. Petersburg, September 5, 1893. (Received September 20.)

SIR: Referring to dispatches Nos. 100 and 129 of this legation regarding the case of Joseph Glowacki, an American citizen, I have the honor to state that the matter is at last satisfactorily settled.

You will remember that Glowacki, after having been expelled from the Empire, receiving permission, through the intercessions of Mr. White, to return to Russia, and that at the frontier, while seeking to avail himself of this permission, the order inscribed on his passport by which only he could be enabled to do so was erased by the officer in command at that post.

To-day, in response to several communications, and as the result of several interviews, and after a delay of only two weeks from the time that the matter was brought to its notice, I received from the foreign office full permission for Glowacki to reenter Russia, together with a handsome expression of regret that the misunderstanding at the frontier had taken place. I have issued a new passport to Glowacki which has been duly indorsed at the foreign office, and this would seem to close the case.

I am, etc.,

G. CREIGHTON WEBB,
Chargé d'Affaires ad interim.

Mr. Adee to Mr. White.

No. 123.]

DEPARTMENT OF STATE,
Washington, September 21, 1893.

SIR: I have to acknowledge the receipt of Mr. Webb's No. 134, of the 5th instant, reporting that Mr. Joseph Glowacki has been again granted permission to enter Russia.

The Department is gratified to learn that the case is thus closed.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. White to Mr. Gresham.

[Extract.]

No. 153.]

LEGATION OF THE UNITED STATES,

St. Petersburg, November 7, 1893. (Received November 22.)

SIR: I have this day received from the nobility of St. Petersburg, through their marshal, Count Alexis Bobrinskoy, an address to the people of the United States.

This address, which is in the English language, embodies in terms fitly chosen the thanks of the Russian people to the American for the aid sent to this country from our own during the famine periods of the last two years. It is beautifully engrossed and its illumination embraces water-color drawings which render it a most attractive work of art. It is superbly bound, and inclosed in a case.

In my formal answer to the nobility of St. Petersburg I have thanked them in the name of the American people, and have promised to transmit this evidence of kind feeling to the State Department, not doubting that it will be placed where visitors to the national capital can see it.

It is certainly a monument not only of an international transaction, but of an epoch in human history which can not but appear more and more creditable to our country as time goes on.

I am, etc.,

ANDREW D. WHITE.

[Inclosure in No. 153.]

Address of the nobility of St. Petersburg.

In the annals of Russia for 1892, painful though the memory be, history will point out many a bright and joyful page scattered throughout the Empire, on which will be written in letters of gold the beautiful story of brotherly love as exemplified by the good people of the United States of America.

Hardly had human voices been heard calling for bread in certain governments of Russia that had suffered from drought, hail, and untimely frost, ere that friendly people across the Atlantic, moved by an earnest desire to help the afflicted and to feed the hungry, collected from every State in the Union, as if by one accord, shipload after shipload of corn and dispatched them, one after the other, on their errand of mercy and relief.

Deeply grateful for such evident signs of evangelical feeling and interest, the assembly of nobles of the Government of St. Petersburg, as representatives of the intellectual class in Russia, has resolved to express their warm and heartfelt gratitude to those friendly people who form the great nation of the United States of America.

May the Lord bless and keep all those kind-hearted Americans, men, women, and children, who took part in that great and good work of charity, and may the Hand that giveth unto us all reward them bountifully and ever keep them from a like misfortune.

The marshal of the nobility of St. Petersburg,

COUNT ALEXIS BOBRINSKOY.

[SEAL.]

Mr. Uhl to Mr. White.

No. 143.]

DEPARTMENT OF STATE,

Washington, November 24, 1893.

SIR: I have received your No. 153, of the 7th instant, reporting that the nobility of St. Petersburg, through their marshal, Count Bobrinskoy, have presented to you a beautifully engrossed and illuminated

address to the people of the United States, expressing the thanks of the Russian people for the aid sent to Russia from this country during the famine period.

The Department is extremely gratified to learn of the receipt of this testimonial of the appreciation entertained by the Russian nobility for the efforts made in this country to aid the sufferers from famine in that Empire.

The address, when received, will be most carefully preserved.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

CORRESPONDENCE WITH THE RUSSIAN LEGATION AT
WASHINGTON.

Mr. Foster to Prince Cantacuzène.

DEPARTMENT OF STATE,
Washington, February 16, 1893.

MY DEAR SIR: The Department is advised that the consul of Russia at New York City has peremptorily refused to visé a passport, No. 46250, issued on the 6th instant to Mannie Lerin, a duly naturalized citizen of the United States, born at Odessa, Russia. Miss Lerin explains that she desires to visit her parents in Russia, and the action of the consul, of course, precludes all possibility of her doing so.

It is inferred that the consul bases his action upon the general instructions of his Government, allowing him to decline to visé a passport of a former subject of Russia who had left his native land without permission to escape military service. If this theory is correct it is not perceived how this condition can apply to the case of a woman, and I shall be glad to learn, if you please, the reason of the consul's action in this particular instance.

Awaiting, etc.,

JOHN W. FOSTER.

Prince Cantacuzène to Mr. Adee.

LEGATION OF RUSSIA,
Washington, February 20, 1893. (Received February 21.)

DEAR SIR: In reply to your note of February 16, concerning the refusal of our consul-general in New York to visé the passport of Mrs. (not Miss) Mannie Lerin, a naturalized citizen of the United States, I beg to say that it appears from the information I just received from our consul-general that the said Mrs. Lerin declared herself to be a Jewess.

In the present circumstance Mr. Olarovsky acted according to the instructions of his Government, interdicting to visé passports of foreign Jews, with the exception of certain cases, under which Mrs. Lerin can not be placed.

Accept, etc.,

CANTACUZÈNE.

Mr. Wharton to Prince Cantacuzène.

DEPARTMENT OF STATE,
Washington, February 28, 1893.

SIR: I have had the honor to receive your note of the 20th instant, in reply to Mr. Foster's of the 16th, concerning the refusal of the Russian consul-general at New York to visé the United States passport of Mrs. Mannie Lerin.

In view of your statement that the visa in question was refused because Mrs. Lerin "declared herself to be a Jewess," and in accordance with the instructions of the Imperial Government "interdicting to visé passports of foreign Jews, with the exception of certain cases under which Mrs. Lerin can not be placed," I limit myself for the present to acknowledging your communication under the reserve necessarily imposed upon the Government by its constitution and laws, and by its just expectation that its certification of the character of American citizenship will be respected.

Accept, sir, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

SIAM.

Mr. Boyd to Mr. Gresham.

[Extract.]

No. 67.]

LEGATION OF THE UNITED STATES,
Bangkok, July 17, 1893. (Received September 2.)

SIR: I have the honor to inclose a report of the fight between the French gunboats, on the one side, and Siamese gunboats and forts on the other, which took place at the mouth of the Menam on the afternoon of Thursday, the 13th instant. This report is clipped from the Bangkok Times, the local Government organ, and may be considered correct; it also contains the correspondence carried on between the minister for foreign affairs and the French minister upon the subject of the French gunboats being granted permission to come up to the city, which correspondence took place previous to the engagement of the 13th instant.

The report in the inclosure, stating that the French merchant steamer *J. B. Say* had probably been disabled by a shot from the Siamese guns, has since proved correct. After the fight her crew were endeavoring to pump out the water let in by the shot and thus save her from sinking, when she was boarded by Siamese officers, who arrested the crew and prevented any further work being done to save her; and after hoisting the Siamese flags over her, left with their prisoners, who have, however, since been liberated. The French minister has demanded reparation for loss of the steamer.

Since the engagement several conferences have been held between the French minister and the Siamese officials, and as I am informed this morning in an interview with the general adviser to the Siamese Government, Mr. Jacquemyns, somewhat of a *modus vivendi* has been agreed upon, and no further hostilities on either side will be indulged in for the present, pending further negotiations.

I have, etc.

ROBERT M. BOYD,
Vice-Consul General.

[Inclosure in No. 67.]

[The Bangkok Times, Saturday, 15th July, 1893.]

A deplorable conflict occurred on Thursday evening at Paknam, which was occasioned by the forced entrance into the Menam of two French gunboats, and notwithstanding the opposition of the Siamese Government duly notified to them. We are enabled to give herewith a reproduction of official documents showing that this untoward event was due to an unfortunate misunderstanding which could have been avoided if the French men-of-war had consented to wait one or two days longer for further instructions. The net result of their failure to do so is that of the French sailors 3 have been killed and 2 wounded, while on the Siamese side 15 have been

killed and 30 wounded, including a Siamese woman who was shot dead while in a railway carriage by a French bullet. Without further comment we give the letters and telegrams already referred to above, which will enable the public to form their own opinion as to the responsibilities of either party:

M. Pavie to Prince Devawongse.

[Translation.]

July 10, 1893.

MR. MINISTER: I have the honor to inform your highness that I have been invited by my Government to make known to the Government of His Majesty that the English Government having decided to send several ships to Siam, alleging as the motive for this measure the disturbed situation and the necessity of protecting their countrymen, the Government of the Republic have resolved for the same reasons to follow this example.

Two ships of the naval division are, in consequence, ordered to join the *Lutin* at Bangkok.

In charging me with this communication M. Develle has also invited me to state precisely that the action is exclusively of an identical measure with the dispositions which England and other powers have taken in the initiative.

The two ships put en route are the *Comète* and the *Inconstant*, and they have been announced to me by the admiral to arrive at the bar on the 15th July. I have, consequently, the honor to ask your highness to be kind enough to give the necessary orders for them to be provided with pilots on their arrival.

Accept, etc.,

A. PAVIE.

M. Pavie to Prince Devawongse.

[Translation.]

July 10, 1893.

MR. MINISTER: I have the honor to inform your highness that I have been advised on the part of Admiral Humann that the *Inconstant* will pass the bar on the evening of the 13th July.

I ask, consequently, that you will be kind enough to give the necessary orders, as I have asked of you in my letter of this date. The admiral insists strongly as in conformity with the treaty that this ship may go as far as the capital, the Government having made known to him that they considered this as an unquestionable right.

Accept, etc.,

A. PAVIE.

Prince Devawongse to M. Pavie.

FOREIGN OFFICE, Bangkok, 10th July, 1893.

MR. MINISTER: By the letter of to-day you inform me that the English Government having decided to send several men-of-war to Siam, alleging as a motive for this measure the disturbed situation and the necessity of protecting their countrymen, the Government of the French Republic has resolved for the same reasons to follow the example, and that consequently two ships of the naval division, *la Comète* and *V Inconstant*, must rejoin the *Lutin* at Bangkok. You add that they are announced by the admiral as intending to arrive at the bar on 15th July.

In reply, I have the honor to state that His Majesty's Government has not till now received any notification from the English Government of any intention to send to Bangkok or even to Paknam or anywhere into the Menam other men-of-war than the *Swift*, which is now anchored before the British legation in the same equidition as the *Lutin* is anchored before the French legation. And, as you say that M. Develle invites you to declare precisely that the exclusive object of the intended measure is to act identically in the same way as England and other powers, the logical conclusion which I infer from this declaration is that as long as no other powers will have more than one man-of-war in the Menam, France will not insist on sending other men-of-war besides the *Lutin*.

Let me add that the first man-of-war that came to Bangkok, among those which are here now, is the *Lutin*, and it is thus not exact to say that other powers took the initiative as to such a measure.

I need not remind you under what threatening circumstances the *Lutin*, which arrived here on 14th March, and which even on 20th March announced the intention of leaving on 21st, was on the same day ordered to stay until further instructions, and I think there is a general conviction that if the *Lutin* left Bangkok no other foreign man-of-war would stay here, and the disturbed situation would be changed into a very quiet one.

Accept, Mr. Minister, the renewed assurance of my high consideration,
 DEVAWONGSE VAROPRAKAR,
 Minister for Foreign Affairs.

P. S.—This letter was written when I received your note of this evening at half-past 10, whereby you inform me that *V Inconstant* will be at the bar on the evening of the 13th July. I trust that for the reasons which are set forth above, you will telegraph to the admiral to show that the fact on which the sending of the ship is founded is erroneous.

I must also object to an interpretation of the treaty which would give to any power an absolute right to send into the territorial waters of Siam and to the capital of the Kingdom as many war vessels as they should like. The spirit of the treaty can not be that Siam should be deprived of the natural right of any nation to protect itself, and the French Government will easily understand that under present circumstances we can not, without abdicating our right to exist as an independent state, adopt such interpretation.

DEVAWONGSE.

Mr. Pavie to Prince Devawongse.

[Translation.]

BANGKOK, 11th July, 1893.

MR. MINISTER: I have the honor to acknowledge the receipt of your highness' letter dated yesterday, in which you replied to the two letters which I addressed to you on the same day on the subject of the two French ships on their way to Bangkok.

I have not failed to inform my Government and the admiral of the objections made by the Government of His Majesty to their entry into the river.

I have equally made known that I have insisted, with your highness, that the *Inconstant*, whilst waiting a reply, anchors at Paknam conformably to the treaty.

In order to avoid all mistake, I shall ask your highness to be kind enough to receive me to-morrow at your usual hour.

Accept, etc.,

A. PAVIE.

Prince Devawongse to Mr. Pavie.

[Translation.]

FOREIGN OFFICE, Bangkok, 11th July, 1893.

MR. MINISTER: I am in possession of your note of to-day at 7 o'clock p. m. and will have the honor to receive you to-morrow at 6 o'clock in the afternoon.

I feel, however, obliged to state without any delay and in order to avoid any misunderstanding that my objections against *V Inconstant* passing the bar are of a general nature and apply to its anchoring at Paknam as well as its going up to Bangkok.

Indeed, as no English ship besides the *Swift* is staying in or expected to come into any part of the Menam, the main reason which induced your Government to send the *Inconstant* and the *Comète* is failing in the case of Paknam, as well as in that of Bangkok. And the reasonable interpretation which, I think, ought to be given to the treaty as not depriving Siam of the essential right of any state to watch over its own safety and independence is applicable to any part of our territorial waters.

Accept, etc.,

DEVAWONGSE VAROPRAKAR.

Prince Devawongse to Mr. Pavie.

[Translation.]

FOREIGN OFFICE, Bangkok, 12th July, 1893.

MR. MINISTER: Notwithstanding your insistence in our interview of to-day on having the *Inconstant* and the *Comète* admitted to anchor at Paknam, it is my duty to maintain my peremptory objections, which I made in my preceding letter, against their entering the waters of the Menam, and to declare that, under present circumstances, the Government of His Majesty is unable to consent to the presence in this river of more than one war vessel of any state. All necessary instructions to that effect have been given to our naval and military authorities.

As it is understood between us, a steam launch of our navy will be to-morrow morning at the French legation, to be put at your disposal for meeting the *Inconstant* and transmitting all information which you will judge necessary.

Accept, etc.,

DEVAWONGSE VAROPRAKAR.

Prince Devawongse to Prince Vadhana.

[Telegram.]

BANGKOK, 11th July, 1893. (11:30 a. m.)

Your telegram No. 35 received. The French minister in Bangkok made another call yesterday evening; gave me two notes. It is announced that as Great Britain has sent gunboats to protect its subjects, so France, to follow by the initiative, intends to send two gunboats more on the 15th of July. French minister in Bangkok informs me by letter that they expect to be well supplied with a pilot and permit to come up to Bangkok according to the treaty. We are compelled to refuse, as no more than one British gunboat is in the Menam, and to protest against such interpretation of the treaty as inconsistent with the integrity and independence of Siam. I maintain our right to disallow gunboats passage into our territorial water for menacing purpose. Represent the matter to the minister for foreign affairs, and telegraph me the result.

Prince Vadhana to Prince Devawongse.

[Telegram.]

PARIS, July 12, 1893 (5:15 p. m.). (Received 10:50 a. m. July 13.)

Have informed the minister for foreign affairs according to your telegram of the 11th instant, and the minister assures me that they have no intention to send gunboats to Bangkok for menacing purpose, but only to act the same as the British Government would do. The minister for foreign affairs has told me that in consequence of my representation he will telegraph immediately to countermand order with regard to gunboats, and his excellency also assures me that France had no intention to send troops or attack Siam in any manner. On the contrary, they had an intention to send some one to Bangkok very soon in view of friendly arrangement, and the minister for foreign affairs said, "I have every hope everything will be arranged satisfactorily very soon." I have written a letter to his excellency confirming this interview.

Let us add some of the indications resulting from a perusal of the official reports concerning the circumstances of this conflict. It will have been seen from the foregoing correspondence that only one French gunboat, the *Inconstant*, was announced as due to arrive at the bar of the Menam on the evening of the 13th instant. Instead of this, two vessels, the *Inconstant* and the *Comète*, reached there coincidentally. Now, it will also have been seen that M. Pavie, the French minister here, would advise the *Inconstant* of the peremptory objections that had been made against the retention in the Menam waters of more than one gunboat from each power, and that a steam launch would be put at his disposal to enable him to issue instructions to this effect.

The commandant of the *Inconstant* accordingly received, at a quarter to 5 on the afternoon of the 13th, a message inviting him to await further information. It

appears, however, that, thinking he had to follow the instructions of his admiral literally, he proceeded about 5:30 p. m. to enter the river under the direction of the *J. B. Say*, which acted as a pilot, and in this capacity took part in the action. The weather at the time was overcast and rainy. Seeing two men-of-war approaching contrary to instructions, the defenders of the fort fired a blank charge and afterwards sent 8 or 9 shots wide of the approaching vessels so as to afford full warning. After this the firing began in earnest, and was returned spiritedly by the two French ships. The loss sustained by the Siamese may be explained by the fact that the fort offered a good target, being clearly discernible through the mist, while the gunboats, steaming at full speed with a favorable tide, offered only uncertain marks, though they did not escape unscathed. Our old friend, the *J. B. Say*, which had, as we have said, borne her part in the action, seems to have been the victim of her own daring. She has capsized at the entrance to the river, and it is believed—although we have no official verification—that this is the result of a shot. We can not help reflecting that these misfortunes would not have occurred if, as was first announced by the French legation, the two gunboats had not arrived until the 15th, as by that date all French colonial and naval authorities would have been in receipt of the telegraphic instructions promised by the French minister for foreign affairs as a countermand to the order issued regarding this entrance into the Menam.

ROYAL PROCLAMATION.

The following is a translation of the Siamese manifesto which was placarded all over the city and suburbs yesterday morning:

[Translation.]

By His Majesty's orders:

When the disputes regarding the frontier between the French possessions and Siam commenced, the French sent one man-of-war to guard the interests of persons under their jurisdiction. They did this for a long time, and now, alleging that an English man-of-war has come to protect English interests, they have asked that two other men-of-war should be allowed to enter the river for this object. The French minister in Bangkok asked for permission that the two boats might enter the river; but it being our opinion that the present time was not opportune to have more than one man-of-war of each nation anchored in the river we consulted with him, and a telegram was sent to the French Government in Paris, and a reply was received that they would not insist on sending more men-of-war into the river. On his side the French minister at this capital agreed that the vessels should be informed of our objections and required not to come up. He asked for a steamer for an officer to go out and inform the vessels of this state of things. The two vessels, however, proceeded up to Paknam, at the Chula Chom Klao fort. The officers in charge fired a blank shot in the usual way. The two vessels took no notice, but returned the fire and proceeded up the river and anchored at the French legation.

There is every reason to hope that a mere misunderstanding has occurred, as the telegram from Paris clearly states that the foreign minister would avoid everything calculated to give offense to his majesty the King. Let the people, therefore, not be alarmed, or fear that a state of war will arise in Bangkok. There are now three French men-of-war in the river, and we feel assured that they will not try to take advantage of any harm which they may inflict upon us. We can not suppose that the 300 men in their boats will undertake to land and attack the numerous soldiers who have to defend our populous city. But it appears that the fear of the people is aroused by the fact that they do not know all particulars. Under these circumstances His Majesty has been pleased to order the local government department to take the necessary measures to have private and public property protected against evil characters. His Majesty has himself inspected the troops, and was greatly pleased to notice that all measures have been taken to protect his loyal and honest subjects. Regarding the whole question, conferences still take place between His Majesty's Government and the Government of the French Republic, both in Bangkok and in Paris, as may be seen from the diplomatic correspondence relating to this subject. Therefore let all people remain quiet and live in peace among themselves and with those foreigners of all nationalities who are living amongst us under His Majesty's protection.

Mr. Boyd to Mr. Gresham.

[Extract.]

No. 68.]

LEGATION OF THE UNITED STATES,
Bangkok, July 26, 1893. (Received September 7.)

SIR: I have the honor to now inclose a copy of the French ultimatum to the Siamese Government and the latter's reply thereto.

The French minister, after placing the French subjects under the protection of the Netherlands representative and notifying the representatives of the foreign powers resident in Bangkok, left yesterday on board a French gunboat, followed by the two other gunboats that had so recently fought their way into the city.

I have, etc.,

ROBERT M. BOYD,
Vice-Consul-General.

[Inclosure 1 in 68.—Translation.]

M. Pavie to Prince Devawongse.

BANGKOK, 20th July, 1893.

MR. MINISTER: I am ordered by my Government to hand to your Royal Highness the following communication:

The French Government exact—

First. The acknowledgment by the King of Siam of the rights of the Empire of Annam, and of the Kingdom of Cambodia, on the left bank of the Mekong and on the islands.

Second. The withdrawal of the Siamese posts established on the left bank of the Mekong, in a delay which will not exceed one month.

Third. The satisfaction which is due for the incidents of Thung Xieng Kham, Kham Muan, and the aggression committed against our ships and our sailors in the river Menam.

Fourth. The punishment of the culprits and the pecuniary indemnity due to the families of the victims.

Fifth. An indemnity of 2,000,000 francs for the various damages caused to our countrymen.

Sixth. The immediate deposit of a sum of 3,000,000 francs in dollars to guarantee the pecuniary reparation and this indemnity, or in default of this deposit the remittance as a pawn of the collection of the farms or taxes, or income of the provinces of Battambang and Siemraph.

The Siamese Government must inform in a delay of forty-eight hours if they accept these conditions; in this case, it will be stated by an exchange of letters between Prince Devawongse and the French minister, in default of an answer, or in case of refusal, at the expiration of the delay the minister of France will leave Bangkok and will go on board the *Forfait*.

The blockade will immediately be declared on the coasts of Siam.

If during the way from Bangkok to the bar a hostile act is committed against our gunboats the Siamese Government are notified that they expose themselves to reprisal.

Accept, etc.,

PAVIE.

[Inclosure 2 in No. 68.—Translation.]

Prince Devawongse to M. Pavie.

BANGKOK, July 22, 1893.

MR. MINISTER: In reply to communication which, by order of your Government, you handed to me on Thursday, the 20th instant, at a quarter to 7 o'clock in the evening, I am instructed by His Majesty, the King, my august master, to make the following declaration:

First. His Majesty regrets that no distinct definition was ever given to him of what he is to understand by the "rights" of the Empire of Annam and of the King-

dom of Cambodia, on the left bank of the Mekong, and on the islands. He always was prepared to abandon any territory to which such rights should be proved, and already five months ago he proposed to defer any contested points to international arbitration. Now, however, he submits to the pressure of circumstances, and in order to restore peace to his people, and security to the numerous trading interests engaged in this country, he consents that, in the delimitation of the frontier between Siam and Annam or Cambodia, the whole territory on the left bank of the Mekong, situated south of a line drawn from the most northern Siamese military post, recently occupied by Franco-Annamite troops, to a point situated at the same latitude, say 18 degrees of northern latitude on the left bank of the Mekong, will be considered as Annamite or Cambodian territory, the river below this point being made the dividing line between the neighboring States.

Second. The Siamese military posts still existing in the aforesaid territory will be evacuated within one month.

Third. His Majesty sincerely deplores the loss of lives which on both sides was the consequence of the incidents of Thung Kieng Kham, of Khannam (Kengchek) and of the fatal collision which occurred at the entrance of the Menam. The Bangbion will be released and other satisfaction will be given if necessary, as far as they are compatible with ordinary justice and with the independence of the Siamese Government which the French Government has declared it will respect.

Fourth. The persons found guilty of individual aggression contrary to national or international law against French subjects, condignly punished and any pecuniary reparation due will be given to the families of the victims.

Fifth. A long correspondence was exchanged between us relating to certain claims made by French subjects for damages which they allege to have suffered by the fault of Siamese officials. I contended in the name of the Siamese Government that no damages were due, because we considered there was no fault on the part of the Siamese officials. Now His Majesty, guided by the same consideration as aforesaid, consents not to insist on the question of principle, and to pay to the Government of the French Republic a sum of two millions of francs to cover the amount of damages which may be found to have been really suffered in all or any of the above-mentioned cases. The Siamese Government would suggest, without making it a condition therefor, that the appreciation of these amounts and of the pecuniary reparation whereof question in the fourth paragraph might be deferred to a joint commission.

Sixth. An immediate deposit of three millions of francs, in dollars, as a guarantee for the aforesaid pecuniary reparation and for the indemnity, will be made concurrently with the exchange of notes between us.

His Majesty's Government having reason to believe that the estimate of three millions of francs considerably exceeds the amount of pecuniary reparation and indemnity which may be found due after full inquiry, trusts in the justice of the French Government, or the returning of such part of the deposited money which may remain after a full settlement of all cases.

His Majesty's Government trusts that the compliance with the demands of the French Government resulting from the foregoing declarations will be considered as proving their sincere desire of living in good and friendly terms with the French Republic, and of settling in a complete and definite manner all questions pending between the two governments.

Accept, etc.,

DEVAWONGSE VAROPRAKAR.

Mr. Boyd to Mr. Gresham.

No. 69.]

LEGATION OF THE UNITED STATES,
Bangkok, July 27, 1893. (Received September 7.)

SIR: I have the honor to report that all vessels now lying in port have been given notice by the various consuls to leave to-day, or else be prepared for a blockade, which the French are supposed to establish to-day. The different ports, such as Singapore and Hongkong, have also been notified in regard to it.

This may be the last dispatch I will be able to get off for some time, as, of course, if the blockade is established there is no telling how long it will last.

I have, etc.,

ROBERT M. BOYD,
Vice-Consul-General.

Mr. Boyd to Mr. Gresham.

[Extract.]

No. 70.]

LEGATION OF THE UNITED STATES,
Bangkok, July 31, 1893. (Received September 6.)

SIR: On the 27th instant I received a notification from the commanding officer of the French fleet now in the Gulf of Siam, that on the day before (or the 26th instant), at 5 p. m., an effective blockade would be established at all Siamese ports between point Chulai and point Lem Kra Bang to the northward (these points: the first, $13^{\circ} 3'$ and $97^{\circ} 43'$ E. Paris meridian; the second, $13^{\circ} 5' N.$ $98^{\circ} 31' E.$ Paris meridian). This practically includes all ports of any importance.

Three days' grace was given all merchant vessels flying the flag of a friendly power to leave port if they so desired.

Yesterday a British ship from Hongkong by special permission was permitted to enter this port. She clears to-day, hence the opportunity for this dispatch.

The island of Koh Si Chang, in the Gulf of Siam, 25 miles from the mouth of the river Menam, and which is known as the King's summer resort, has been occupied by the French. This, however, is supposed to be only temporary, to give them a convenient place to rendezvous while keeping up the blockade.

I have, etc.,

ROBERT M. BOYD,
*Vice-Consul-General.**Mr. Boyd to Mr. Gresham.*

[Extract.]

No. 71.]

LEGATION OF THE UNITED STATES,
Bangkok, August 5, 1893. (Received September 29.)

SIR: On the 4th instant I received from the admiral commanding the French fleet in the Gulf of Siam notification of the raising of the blockade of the Siamese ports on the 3d instant at 12 noon.

In an interview this morning with the general adviser to this Government I learned that after the diplomatic relations were broken off in Bangkok and the French minister, M. Pavie, had taken his departure, the Siamese Government opened negotiations direct with Paris, which have resulted in Siam agreeing to the French demands, a copy of which I had the honor to inclose in my dispatch No. 68, with the further stipulation that the French were to occupy the port of Chantaboon, situated in latitude $12^{\circ} 35' N.$ on the east coast of the Gulf of Siam, to thus guarantee the good faith of Siam.

The French minister arrived in Bangkok to-day on board a French gunboat and diplomatic relations have been reestablished between France and Siam.

I have, etc.,

ROBERT M. BOYD,
Vice-Consul-General.

Mr. Boyd to Mr. Gresham.

No. 73.]

LEGATION OF THE UNITED STATES,
Bangkok, August 23, 1893. (Received October 2.)

SIR: I have the honor to report that on the 16th instant M. Le Myre de Vilers, special envoy from France arrived in this city. The object of his visit is the drawing up of a treaty settling all questions pending between France and Siam.

The distinguished Frenchman expects to remain a month or more in Siam, during which time it is his intention to visit different parts of the Kingdom. He has been received in audience by His Majesty the King, and other marks of distinction have been shown him.

Affairs are rapidly resuming their normal condition.

The English and Dutch gunboats have left port, and only one gunboat, a German, besides the one bringing the special envoy, remains in the harbor.

I have, etc.,

ROBERT M. BOYD,
Vice-Consul-General.

Mr. Boyd to Mr. Gresham.

No. 79.]

LEGATION OF THE UNITED STATES,
Bangkok, October 23, 1893. (Received December 9.)

SIR: I have the honor to transmit herewith a copy, in French, of the text of the treaty, as drawn up and signed by the plenipotentiaries, respectively, on the 3d October, 1893, between France and Siam.

The occupation by the French of the town of Chantaboon, on the east coast of the Gulf of Siam in accordance with their ultimatum, viz, until Siam vacated the country so recently ceded to France, has been thoroughly carried out on the part of the French, so much so that reports are received in Bangkok to the effect that they are fortifying the place to a considerable degree, and the prevailing opinion is that they will never vacate it; indeed, the fact that Siam has already completely vacated the Mekong country, and yet the French are still in Chantaboon, would seem significant.

The article (III) in the treaty inclosed, relating to the provinces of Battambang and Siam Reap, more particularly concerns the great lakes along the border of these provinces and Cambodia, noted for their great fisheries.

I have, etc.,

ROBERT M. BOYD,
Vice-Consul-General.

[Inclosure in No. 79.—Translation.]

Treaty.

His Majesty the King of Siam and the President of the French Republic, desiring to put an end to the disputes which have recently arisen between the two countries, and to consolidate the relations of friendship which have existed for centuries between Siam and France, have appointed as their plenipotentiaries, to wit:

His Majesty the King of Siam, his royal highness Prince Devawongse Varoprakar, knight of the Order of Maha Chakrkrri, grand officer of the Legion of Honor, etc., minister of foreign affairs;

And the President of the French Republic, M. Charles Marié Le Myre de Vilers, grand officer of the Legion of Honor and of the White Elephant, minister plenipotentiary of the first class, member of the House of Deputies;

Who, after having communicated their full powers to each other, and having found them to be in good and due form, have agreed upon the following articles:

ARTICLE I.

The Siamese Government renounces all claim to all the territory on the left bank of the Mekong and to the islands in the river.

ARTICLE II.

The Siamese Government pledges itself not to keep and not to cause to sail armed boats or vessels on the waters of the Great Lake, of the Mekong, or of their affluents lying within the limits mentioned in the following article.

ARTICLE III.

The Siamese Government shall build no fortified post or military establishment in the provinces of Battambang and Siam Reap, and within a radius of 25 kilometers on the right bank of the Mekong.

ARTICLE IV.

Within the zones mentioned in Article III, police surveillance shall, as has hitherto been the custom, be exercised by the local authorities with such contingents as may be strictly necessary. No armed force, whether regular or irregular, shall be kept there.

ARTICLE V.

The Siamese Government pledges itself to commence, within six months, negotiations with the French Government with a view to the adjustment of the customs and commercial régime for the territories mentioned in Article III, and to a revision of the treaty of 1856. Until the conclusion of this agreement no customs duties shall be established in the zone mentioned in Article III. Reciprocity shall continue to be granted by the French Government to the productions of the aforesaid zone.

ARTICLE VI.

Inasmuch as the development of navigation on the Mekong may require the performance of certain work on the right bank, or the establishment of relays of boats and of stores of wood and coal, the Siamese Government pledges itself to furnish, at the request of the French Government, all the facilities necessary to this effect.

ARTICLE VII.

French citizens or subjects, or persons under French jurisdiction, may travel freely and engage in trade in the territories mentioned in Article III, provided they are furnished with a pass issued by the French authorities. Reciprocity shall be granted to the inhabitants of said zones.

ARTICLE VIII.

The French Government reserves to itself the right to establish consulates where it may think proper in the interest of its subjects, and particularly at Korat and Muang Nan.

ARTICLE IX.

In case of any difficulty of interpretation, the French text shall be the sole standard.

ARTICLE X.

This treaty shall be ratified within four months from the date of signature, in testimony whereof the above-named plenipotentiaries have signed this treaty in duplicate, and have thereunto affixed their seals.

Done at the palace of Vallabha, at Bangkok, October the third, 1893.

DEVAWONGSE VAROPRAKAR,
LE MYRE DE VILERS,

SPAIN.

Mr. Foster to Mr. Snowden.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 5, 1893.

Mr. Snowden is advised that the Caroline claim should not be connected with any other question, and that the President desires a satisfactory settlement without delay. He is directed to report progress by telegram.

FOSTER.

Mr. Snowden to Mr. Foster.

No. 59.]

LEGATION OF THE UNITED STATES,
Madrid, January 7, 1893. (Received January 23.)

SIR: I have the honor to inclose for your information a copy of my first communication to the Marquis of Vega de Armijo relating to the claims presented through this legation for the restoration of the missionaries and their compensation for property destroyed or taken from them by the Spanish authorities in the Caroline Islands.

I wrote this note previous to the arrival of Commander Taylor as an entering wedge to future personal negotiations which I shall inaugurate at once.

You will observe that in my note to the minister of state I do not go beyond a reply to the argument presented by the Duke of Tetuan in the note of January last.

My first endeavor in making a personal presentation of the case will be to obtain permission for the immediate return of the missionaries to Ponapé, after which I shall press for a suitable indemnity for the losses sustained and for the personal injuries inflicted.

The evidence on file in this legation is so complete and exhaustive as to require nothing further in making a clear and unanswerable presentation of the case to the Spanish Government. Nevertheless the presence of Commander Taylor at this juncture will serve an admirable purpose; especially as indicating the unusual interest our Government takes in a prompt and honorable settlement.

I shall follow instructions in the exercise of "prudence and patience" in pressing the case, but if I shall find no indication of a willingness on the part of the Spanish Government to meet our just expectation in a speedy redress of the grievous wrongs inflicted upon unoffending and helpless American citizens I shall deem it a duty to request such instructions as will indicate clearly the purpose of our Government to submit no longer to the denial of justice.

Some claims between nations may be permitted to drag along for many years awaiting settlement, without loss in national self-respect,

But the case under consideration, involving as it does, not only the redress of grave injuries inflicted, but to some extent our national honor and prestige, has been permitted, in my judgment, to await for too long a period a settlement that should have been promptly and generously accorded by the Spanish Government on its first presentation.

I sympathize in the desire of the President and the Department for an early adjustment of the case, and to that end I shall give earnest and persistent endeavors.

I have, etc.,

A. LOUDON SNOWDEN.

[Inclosure in No. 59.]

Mr. Snowden to the Marquis de Vega de Armijo.

LEGATION OF THE UNITED STATES,
Madrid, January 3, 1893.

MR. MINISTER: I beg to call your excellency's attention to the note of the Duke of Tetuan, addressed to this legation on the 16th of January, 1892, and in particular to point out the fact that since that date no further communication has been received from His Majesty's Government concerning the adjustment of claims of the American missionaries in Ponapé, which my Government was led from the concluding terms of that note to expect.

I am unable to discover in the note of the late Secretary of State any new facts that materially modify those so clearly set forth in the note from this legation dated November 4, 1891, to which it was a reply.

I would refer your excellency to the recapitulation of the entire case contained in that note and its accompanying inclosure. It would seem unnecessary to add any argument to the case as therein presented.

I gladly take cognizance of the felicitous terms employed by the Duke of Tetuan in his note as indicating the disposition of His Majesty's Government to deal justly by the American missionaries, and to conform fully to the assurances repeatedly and warmly given to my Government from the time the arbitration of His Holiness Pope Leo XIII confirmed the Spanish sovereignty in those islands down to the present time; these assurances we are persuaded are merited by the good work done by the missionaries amongst the native population, as well as from their loyal desire to conform in all respects to the lawful authority of the Spanish Government.

Of the three points made by your excellency's predecessor in his note of January 16, the first states that the church and other American properties had no sign whatever to show their foreign nationality.

It can hardly be seriously pretended that there was or could be any ignorance or doubt in the minds of the officers commanding the Spanish forces or of the civil authorities as to the identity of the American property.

In the town of Ponapé, virtually a hamlet, the character and ownership of the American mission buildings was so notorious that the absence of a conventional outward sign would hardly serve as an excuse for their destruction.

The second point presented is that the destruction of these buildings took place in lawful defense, as the native insurgents had taken refuge therein and fired from them on the troops, and further that the object of their destruction was to prevent the said buildings from being used in the future (*sic*) for a like purpose.

The allegation that the natives used these buildings in their resistance to the Spanish troops is not conceded, but even if they were so used the missionaries could not be held responsible, as they had left the island some days before with the approval of the governor.

In considering this point it must be remembered that these buildings were erected for peaceful purposes and dedicated to the work of civilizing and christianizing the natives, and that if they were improperly used by belligerents for unlawful ends it was done, not only without the authority of the missionaries, but in spite of their earnest exhortations and entreaties, which had always been for peace and submission to the constituted authorities.

If there existed a military necessity for dislodging the belligerents, as is claimed, all must agree that no greater injury should have been done to the property than was absolutely necessary to accomplish that purpose. Any destruction beyond this was

wanton, and in violation of the rights of the owners, who are, therefore, entitled to damages for the loss thus inflicted.

The Duke of Tetuan admits that the total destruction of the buildings which took place was not necessary to accomplish the dislodgment of the belligerents, but to prevent their possible use in the future for a similar purpose by the natives. This would seem to be a surrender of the whole case.

Indeed I am quite convinced that a careful consideration by your excellency of the frank admission of the Duke of Tetuan on this point will lead you to the conclusion that, if the purpose of the Government in destroying the buildings of the missionaries was, as is stated, to avoid their possible future use by insurgents or belligerents, it must follow that the innocent owners, being in no way responsible for the past or future misuse of their property, are entitled to compensation for losses sustained in its wanton destruction.

To deny responsibility or compensation for losses sustained under such circumstances would be to assert that a government would be justified in equity, or under the law of nations, in destroying a church, warehouse, or merchant ship within its jurisdiction, the property of a foreign owner, on the assumption that this property might, forsooth, be used for improper purposes in the future.

I am sure your excellency will agree with me that such an assumption of irresponsible power can find no authority of law or justice to sustain it in this enlightened age, and most certainly should find no countenance in the action of our two governments.

I must, therefore, assume, as before stated, that in this confession by the Duke of Tetuan of the real purpose that led to the destruction of the property at Ponapé there was a tacit admission, intentionally made, that compensation and restitution were due these poor missionaries.

I need not add what your excellency will readily concede that if there be individuals of any nation that are entitled to especial sympathy and protection it is the self-denying missionaries, who, to extend the civilizing and ennobling influence of Christianity, cross wide seas, penetrate heathen lands, face innumerable dangers, suffer untold hardships in an unselfish desire to spread the gospel of Christ.

The third point developed in the note of your predecessor is that the protest presented by the American missionaries, regarding the establishment of the Spanish mission at Ona, did not allege on their part any right of property in the land on which the Spanish mission was to be erected.

I must be pardoned for regarding this point as one not seriously pressed, in view of the facts as developed in the case.

It is doubtless true, as claimed, that the protest concerning property rights, as presented, may not have been in "strictly legal form," as, indeed, under the circumstances it was almost impossible it could be, but it certainly will not be successfully denied that the Spanish authorities in the island had a thorough knowledge of the fact that the land was claimed by the American missionaries and had been in their possession for a number of years. So far from pleading ignorance on this point at the time the subject was under consideration, the governor took occasion then and there to deny the right of the missionaries to the land, thus showing clearly that the point had been raised or at least was not overlooked by those exercising authority on the island.

Besides, it should be remembered that during this period the only American missionary at Ponapé was Miss Palmer, a young and inexperienced woman.

It is not surprising if in the trying circumstances in which she was placed she failed technically to guard all the rights and interests of the mission.

Am I not justified in adding that in the absence of any representative of the mission its rights should have been sacredly guarded by the authorities in the island?

The claim that the missionaries did not "allege any property right in the land" becomes especially weak in view of the fact that more than two years prior to its confiscation the governor had required the missionaries to deliver to him their title deeds to the lands, for the purpose, as was stated, of sending them to the governor of Manila. I may add that these deeds have not been returned, as was solemnly promised at the time.

It is impossible to conceive what stronger proofs could be furnished or demand made as to the ownership of the land claimed by the missionaries than the title deeds, then in possession of the Spanish authorities. This effort to establish a technical defect as to the ownership may be dismissed as having no real force.

The conclusion of the note of January 16 states that His Majesty's Government is awaiting some information asked from the governor of the Philippines, in order to take a decision as soon as possible, and in accordance with equity and justice.

It is, therefore, presumed that during the full year that has elapsed since the information was asked from the governor, the Spanish Government has possessed itself of every fact necessary to proceed in the sense promised.

My Government, in view of the importance attaching to an early settlement of

the case, has sent to Madrid Commander Taylor, a distinguished officer of our Navy, who was in command of the U. S. S. *Alliance* at Ponapé during the occurrence of the regrettable incidents, and of whose full reports copies have been furnished His Majesty's Government by this legation.

The purpose of Commander Taylor's visit is that he may be placed at your disposal to furnish such verbal testimony, or submit to such examination as your excellency may desire, to the end that your Government be placed in possession of every fact in the case and be enabled thereby to reach a speedy and satisfactory settlement. Commander Taylor is expected to reach Madrid in a few days. Upon his arrival I shall communicate the fact to your excellency and place him at your disposal.

Acknowledging and giving credence to the friendly expressions of His Majesty's Government, I allow myself to hope that your excellency's disposition to satisfactorily and justly dispose of this long-pending question may even exceed my own.

I can not disguise from His Majesty's Government that the long delay in settling this claim, in itself not great, is producing an unfavorable feeling amongst a large and influential class of my countrymen, who are deeply interested in the issue pending. It is very desirable, therefore, in the interest of both countries, that this too long-pending question have an early and satisfactory adjustment.

In inviting your excellency's attention to this subject I beg to suggest that on the arrival of Commander Taylor an early day be fixed for discussing the case in all its bearings, with a view to arriving at the amount of damages due for the property destroyed as well as the character of the redress for the personal violence offered by the Spanish officials, particularly in the case of the venerable Mr. Doane, whose death was hastened by the treatment to which he was subjected.

I avail, etc.,

A. LOUDON SNOWDEN.

Mr. Snowden to Mr. Foster.

No. 63.]

LEGATION OF THE UNITED STATES,
Madrid, January 14, 1893. (Received January 30.)

SIR: I have the honor to inform you that on the arrival of Commander Taylor I wrote to the Secretary of State, as promised in my note of the 6th instant, informing him of the fact and requesting that he indicate an early day to receive us and enter into an examination of the Ponapé incident. No reply coming within a reasonable time, I requested an interview, at which the minister informed me that he had been so much occupied with the Morocco incident that he could not indicate a time at which he could take up the case. He added that the Morocco affair was about closed, and he would give immediate attention to my request.

I took occasion to point out to him the very serious view taken of the Ponapé incident in America, of the President's having referred to it in his annual message to Congress, and the great importance attaching to an early settlement. I suggested as a preliminary to our consideration of the case, as to the injury inflicted upon the persons and property of the missionaries, that his Government give orders authorizing their return to the island, in which for nearly forty years they had exercised their educating and Christianizing efforts. He answered by saying that he feared the return of the missionaries to the island was the most difficult point in the whole case, as public opinion had been inflamed by the belief that their presence was the cause of the death of so many Spanish officers and soldiers.

I answered that national obligations must be observed in spite of popular prejudice; that in the case under consideration Spain had given unqualified guaranties as to protecting the rights of the missionaries before and after its formal occupation of the islands, and that the missionaries had given no occasion for any change of policy, nor

for the prejudice he referred to as existing against them. On the contrary, their efforts had been exerted for the maintenance of peace between the natives and the Spanish authorities, of which there was abundant evidence; that they were in every sense entitled to their good will and kindly protection, instead of which they were made to suffer the greatest injuries.

I waived a further discussion at the time by saying that for his convenience I would submit at our next meeting a statement giving without argument a narration of events from the arrival of the missionaries at Ponapé in 1852 until the day they were forced to leave.

It was my intention, and I think I succeeded in impressing the minister with the importance our Government attaches to an early and honorable settlement of this most unfortunate incident.

Unless I hear from him to-morrow I shall again request an audience, at which I will present Commander Taylor and press the case with vigor.

I have, etc.,

A. LOUDON SNOWDEN.

Mr. Foster to Mr. Snowden.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 20, 1893.

The President has inquired the progress being made in Caroline settlement. It should be pressed to early conclusion.

FOSTER.

Mr. Snowden to Mr. Foster.

[Extract.]

No. 70.]

LEGATION OF THE UNITED STATES,
Madrid, January 25, 1893. (Received February 13.)

SIR: I have the honor to append, on the overleaf, copy of a cable sent to the Department, giving the substance of an interview with the Marquis of Vega de Armijo, minister of state, in relation to the Carolines incident. In several previous interviews I referred in general terms to the facts in the case, as briefly outlined in my communication of January 6, and as previously presented to the Spanish Government through this legation.

My general purpose in these interviews was to hasten consideration by indicating the deep solicitude manifested by the President and Department in the early settlement of this case, a solicitude which, I pressed upon the minister, was shared by a large and influential class of our countrymen. At these interviews he pleaded the pressure of the Morocco and other important matters as intervening to prevent his giving the attention he desired to bestow to the study of the case.

It must be admitted that the pressure upon the new government, owing to diplomatic changes and other important questions has been very great. I, however, persisted and, at length, named the 24th instant, the day following the King's name day, as a favorable time for presenting Commander Taylor and seriously taking up the case,

The minister in assenting smilingly referred to my persistency in pressing the case and added that he would take all the time he could spare in the two intervening days for a careful study of the question. At the time named I was at the palace, accompanied by Commander Taylor, whom I presented to the minister and immediately proceeded to a discussion of the case by requesting permission to have read a carefully prepared chronological statement of events transpiring in Ponapé from 1852, when the missionaries first landed there, until 1890, when they were forced to abandon the island. After concluding the reading of this paper, which was a simple statement of facts, I requested Commander Taylor to give an account of his experience and observations on the island and of the evidence he had collected to disprove the charges made by the authorities of the island that the missionaries had instigated the natives to rebellion against the Spanish Government. At the conclusion of Commander Taylor's interesting recital, in which I developed by questions all the material and vital points of the case, the minister of state said that he was much interested in the very clear presentation of the case which I had presented in my communications of January 3, and in the memorandum submitted as well as in the statement of Commander Taylor, but with all due respect to our honest opinion he must say that the evidence on file in his office, given by the Spanish authorities, was sadly at variance with that submitted as to the conduct of the missionaries in influencing the natives to revolt.

The evidence in his possession seemed clearly to indicate, whether so intended or not, that the presence of missionaries acted as a stimulant to revolt and bloodshed. That since they had voluntarily retired there had been no disturbance on the island, and that, therefore, His Majesty's Government was of opinion that their presence at Ponapé had stimulated to a disturbance of the peace, and as they had voluntarily left, it was a grave question whether with an earnest desire to meet the wishes of our Government, it would be prudent to allow them to return. I replied that as the testimony in my possession clearly disproved the charge that the missionaries had ever done anything to cause the revolt—indeed, on the contrary, that they had exerted themselves to induce the natives to submit peacefully to Spanish rule, and as the only objection to their return, on the part of his Government, was that they might cause a disturbance of the peace, I would suggest that they be permitted to return, on giving sufficient guaranties of their future loyalty to the Spanish Government. That this would be cheerfully given, as the missionaries claimed always to have given loyal adherence to the authorities, and would meet the objections raised against their return by securing their future good conduct.

I again referred to the return of the missionaries to the island, under the condition I had mentioned. He said he would open immediate communication with the Governor-General of the Philippines, and obtain his views as to the propriety of such action; that if the missionaries could be returned without endangering the peace of the island, he would be pleased to meet my wishes. Thus closed this interview, the importance of which you are fully able to estimate.

I have reopened the case and will forward copy of my letter addressed to minister of state.

I shall call again to-morrow upon the secretary of state for a further conference.

I have, etc.

A. LOUDON SNOWDEN,

Mr. Snowden to Mr. Foster.

No. 72.]

LEGATION OF THE UNITED STATES,
Madrid, January 30, 1893. (Received February 13.)

SIR: I have the honor to inclose translated copy of a communication from the Marquis of Vega de Armijo, minister of state, making a formal tender to our Government of the caravel *Santa Maria*.

This reproduction of the vessel in which Columbus sailed in his voyage of discovery to the New World is well constructed and cost the Spanish Government over \$30,000.

The friendly considerations that induce His Majesty's Government to make this generous offer and the flattering terms employed in communicating its wishes, must awaken the liveliest sentiments of appreciation on the part of our Government and people.

I have, etc.,

A. LOUDON SNOWDEN.

[Inclosure in No. 72.—Translation.]

The Marquis de Vega de Armijo to Mr. Snowden.

MINISTRY OF STATE,
Palace, January 24, 1893.

EXCELLENCY: The Government of His Majesty, wishing to give an expression of its especial regard for the United States, has agreed to offer for the acceptance of that Government the caravel *Santa Maria*, a reproduction of the one used by Columbus in his discovery of the New World.

No other than the great American nation can so worthily assume the duty of preserving as an object of historic interest the above-mentioned vessel. This, with the other two models of the *Nina* and *Pinta*, will remain as a precious souvenir of that unparalleled and memorable expedition.

Whilst informing your excellency of the action of His Majesty's Government, it is very pleasant to me to reiterate the assurances of my most distinguished consideration.

THE MARQUIS DE LA VEGA DE ARMIJO.

Mr. Snowden to Mr. Foster.

No. 73.]

LEGATION OF THE UNITED STATES,
Madrid, January 30, 1893. (Received February 15.)

SIR: I have the honor to inclose, for the information and files of the Department, the chronological statement of events occurring in the island of Ponapé, from 1852 to 1890, which was read at my interview with the Marquis of Vega de Armijo on 24th instant, and should have been inclosed in my No. 70.

I have, etc.,

A. LOUDON SNOWDEN.

[Inclosure in No. 73.]

MEMORANDUM.

Chronological statement of events occurring in the island of Ponapé, one of the eastern Carolines, from its first occupation by the American missionaries in 1852 until they were forced to leave in November, 1890, on account of the persecutions to which they were subjected.

In 1852 an American Protestant mission was established at Ponape Island under the auspices of the American board of commissioners of foreign missions. This

organization embraces many of the Protestant churches throughout the whole of the United States.

Ponape was then unoccupied by any civilized nation, being peopled by savages.

In 1853 the smallpox raged in Ponapé and adjacent islands, 5,000 deaths occurring before the disease was checked. During the prevalence of this scourge the mission successfully introduced vaccination, which saved the islands from complete depopulation.

In 1854 the Rev. Mr. Doane arrived and took charge of the mission.

From this time forth the work of civilizing and Christianizing the native tribes was earnestly and successfully prosecuted.

No attempt was made, however, to interfere with the government of the island by its tribal chiefs, the policy of the missionaries being at all times confined to educating the tribes and elevating the minds and conscience of the people.

In 1860 the first converts to Christianity were made, and the work of preparing some of them to act as teachers among the tribes was begun.

About this time a written language of the Ponapeian dialect was invented and taught in the native schools by the missionaries.

In 1865 the mission was moved from Kiti, in the southwest part of the island, to Ona, on the east coast, where it remained peacefully and earnestly, carrying on its sacred work for a quarter of a century until forced to leave in 1890.

In 1874 the Reverend Mr. Rand arrived to be Mr. Doane's colleague. In this year native converts previously prepared were, for the first time, sent out from the mission to teach among the tribes.

In 1882 Miss Fletcher arrived and established schools for native girls, where they could live for several years at a time, learning to read and write, to sew and cook, and becoming skilled in all domestic work.

Thirty years had now elapsed since the arrival of the missionaries in the island, and their beneficent work was manifest in the results.

A large proportion of the natives had joined the Christian religion, and the entire population were rapidly adapting themselves to peaceful pursuits.

In 1885 Miss Palmer a young girl, who was sent to the island as an assistant to Miss Fletcher, arrived and began her work of teaching the native girls.

In 1885 a German war vessel hoisted the German flag in the Caroline Islands, claiming sovereignty in that archipelago. This being disputed by Spain, the question was referred to His Holiness the Pope of Rome, as arbitrator, who decided that to Spain belonged the sovereignty of the Caroline Islands.

In 1885 the minister of the United States at Madrid, under instructions from his Government, inquired what would be the status of the American missionaries when those islands should be occupied by Spain, and whether they would be protected in their work or whether they would encounter opposition.

In reply to this inquiry the minister of state of Spain, on the 15th October, 1885, informed the U. S. legation at Madrid that "nothing was further from the intention of the Spanish Government than to seek to hamper or embarrass in the slightest degree the work of Christianizing and teaching to which the chargé d'affaires (of the United States) had referred, it being determined, on the contrary, to favor and promote such beneficent results to the extent of its ability."

Replying to further inquiry from the U. S. Government, Mr. Valera, Spanish minister in Washington, on the 12th March, 1886, in a note to Secretary of State Bayard, alluded to and confirmed the promises of his Government of October 15, 1885.

Again, in respect to the mission lands and other rights acquired before Spanish occupation, Mr. Muruaga, Spanish minister to the United States, on the 4th of May, 1886, in a letter to Secretary of State Bayard, writes as follows:

"Concerning the treatment which American citizens are to receive in the Caroline and Pelew islands, Her Majesty the Queen Regent, in conformity with the resolution of her ministers in council, has been pleased to direct the undersigned to inform the honorable secretary of state that the treatment which American citizens are to receive in those archipelagoes will not be less favorable than that accorded to Germans and other foreigners."

The rights thus accorded to American citizens, identical with those of Germans, were, as per article 4 of Spain's treaty with Germany, as follows:

"All their acquired rights of property and land shall be preserved."

It will thus be seen that before the occupation of Ponapé Island by the Spanish Government in July, 1886, repeated assurances had been given in the most solemn manner as to the full protection of the missionaries and their rights in the island—not only as to their religious and educational work in which they had been engaged for thirty-five years, but also as to their persons and property.

In 1886 a Spanish war vessel hoisted the Spanish flag in the Carolines and assumed the sovereignty of that archipelago.

In March, 1887, a Spanish transport arrived, bringing a governor, 6 priests, and 75 soldiers. The seat of Government was established at Jamestown harbor, on the

north side of the island of Ponapé. In making this establishment, certain lands belonging to the American Protestant mission were taken by the governor for the use of his headquarters, with the intent to occupy these lands permanently with houses, barracks, and other buildings and inclosures. The American mission held the proper deeds for these lands, its right and title to them having been fairly and justly required from the native chiefs before the occupation of the island by Spain.

The Rev. Mr. Doane having notified the governor that the American mission owned these lands, and having submitted to the governor's inspection the "deeds" and other proofs of his statement, and having thereafter failed to receive any satisfactory reply, wrote to the governor a respectful letter, reminding him of the pledges made by Spain to the United States concerning the acquired rights of American citizens, and protesting against being deprived of this property without compensation and without due consideration for the rights of the mission.

In this letter Mr. Doane made use of the word "arbitrary," in speaking of the governor's acts, without any intention to give offense. The governor, however, declared the use of the word to be an act of disrespect to him, and on April 14, 1887, he ordered Mr. Doane to be arrested and imprisoned on board the transport, and later he sent him a prisoner to Manila for trial by the governor-general there.

Thus, after thirty-five years of arduous and faithful labor, this worthy and then venerable clergyman was removed by force 3,000 miles from the scene of his life's work, and subjected to long delays and fatiguing examinations and trials.

That these persecutions, injurious to his health and involving at his advanced age fatal consequences, were without justification, is a fact which subsequent events clearly established.

In July, 1887, three months after Mr. Doane's deportation from the island, the natives rose and killed the governor (Señor Posadillo) and many of the Spanish troops.

The discontent which led to this sad event was a natural result of the domination of a civilized nation over tribes hitherto accustomed to a life of perfect freedom. They disliked the idea of taxes, were unwilling to labor for the Government without pay, and especially feared being conscripted to serve as soldiers in the Spanish colonial army.

In September, 1887, the Rev. Mr. Doane was acquitted by the governor-general at Manila and was sent back with honor to Ponapé, being entirely exonerated from all blame. His health, however, was broken, and he never entirely recovered from this shock to his aged system.

In November, 1887, Governor Cadarso assumed the government of the Eastern Carolines, with his headquarters at Jamestown Harbor, Ponapé Island.

In January, 1889, the Rev. Mr. Rand departed for the United States on a long leave.

In February, 1890, the Rev. Mr. Doane departed for Honolulu on sick leave, his health not having been restored.

In May, 1890, Mr. Doane died in Honolulu. In the same month a force of one lieutenant, one priest, one assistant, and 30 soldiers left the headquarters at Jamestown Harbor, proceeded to Ona, and there began the building of a Catholic church and priest's house on the land which belonged to and had been occupied by the American Protestant mission for a quarter of a century. They here selected a site for the Catholic church, in immediate proximity to the Protestant mission church.

Ona is 7 miles distant from Jamestown Harbor. A rough and mountainous country intervenes, covered with almost impassable forests.

In fact, the two localities are completely separated, and there appears to have been no reason for the establishment of a Catholic mission at Ona, except the fact that the American mission was already there, as the whole island was open to their occupancy.

Attention is now invited to the fact that at this time the Rev. Mr. Doane had been absent from the island for five months, and had just died in Honolulu; and further, that his colleague, the Rev. Mr. Rand, had been absent in a far distant part of the world for one year and five months. There had been for a long time past only Miss Palmer and Miss Fletcher at the Ponapé mission, and at this time Miss Palmer was then alone with her native girls.

She was teaching these girls to read and sew; she knew nothing of political affairs in the island. She had no power nor influence among the natives. Such was the state of affairs when on June 25, 1890, the natives who were working at the foundation of the Catholic church at Ona, embittered by the enforced and unpaid labor demanded of them and by the insults and menaces of the soldiers that guarded them, rose in the night and massacred the whole force at Ona, except 6 soldiers, the priest, and his assistant.

These persons were saved by Miss Palmer and the native teachers, who hid them in the buildings of the American mission until an opportunity occurred to help them to escape. This was done by Miss Palmer at the risk of her life, for the rebel tribes were enraged at the escape of the Spaniards and suspected Miss Palmer of giving them shelter.

During June and July, 1890, the native rebels held their position at Ona. Spanish troops attacked them without success and, with further loss of men, Governor Cadarso sent to Manila for reinforcements. Miss Palmer, alarmed by the threatening attitude of the Spanish troops and their menaces, wrote to the U. S. consul at Manila, who informed Rear-Admiral Belknap, U. S. Navy, at Yokohama, and the latter ordered the war vessel *Alliance* to proceed to Ponapé.

Miss Palmer labored continually during this period to persuade the rebels to submit loyally to Spanish authority, but without effect.

It should here be noted that the worst troubles and disturbances in Ponapé occurred during the absence of the missionaries from the island, their presence and influence with the natives having always worked against rebellion and disorder and in favor of peace and loyalty to Spain.

It is evident that the Spanish authorities also held this opinion of the missionaries, for when on the 20th of August, 1890, the Rev. Mr. Rand returned after nineteen months' absence, he was at once employed by Governor Cadarso to act as intermediary between himself and the rebels, and during the period from August 20 to September 10 he was continually passing between the governor and the rebels, carrying letters and messages and using the most earnest efforts to prevent further bloodshed and to induce the rebels to submit to the governor's authority.

On September 1, 1890, three war vessels arrived from Manila with a reinforcement of 600 soldiers.

On September 11 some of the mission, principally ladies, who had arrived August 20 in the vessel with Mr. Rand, sailed for Strongs Island to await cessation of hostilities. On that date, September 11, Mr. Rand, despairing of peace and fearing another battle at Ona obtained permission of the governor to take the remaining people of the mission from Ona to Kiti, in the southwest part of the island.

About this time Governor Cadarso began, without reason or evidence, to accuse Mr. Rand of treachery to Spain, of assisting rebels with military advice, and of inciting them to rebellion, and of supporting the rebellion in various ways.

On September 12, 1890, Governor Cadarso proclaimed martial law in Ponapé.

On September 13, 1890, the Spanish ships began shelling the villages of the Metalamin tribe of rebels south of Ona.

On this day occurred the death of the colonel commanding the troops and of other officers and men. On September 19, 1890, the Spanish war ships and the transport anchored at Ona.

On September 20, 1890, 300 troops landed at Ona, dispersed the rebels, and subsequently burned the property of the American mission there.

On October 1, 1890, Miss Palmer, fearing for her life, requested the governor's permission to leave the island, which was refused by him.

On October 11, 1890, the governor forbade the missionaries to hold any meetings with any of the natives, rebel or loyal, whether for religious, educational, or other purposes, thus stopping all the mission education and the church services.

On October 15, 1890, the U. S. S. *Alliance* arrived. Governor Cadarso assured her captain that the American mission was the cause of the whole rebellion. The captain of the *Alliance* demanded suspension of any action against the missionaries until he could investigate the affair. He examined the case thoroughly from all sides, native, foreign, missionary, and Spanish. He found the charges against the missionaries absolutely without foundation, they having taken no part except to urge the natives to submit to Spanish authority.

The captain of the *Alliance* informed the governor on October 23, 1890, of the missionaries' entire innocence, and called his attention to the destruction of their property and to other persecutions. He reminded the governor of Spain's former pledges to the Government of the United States of protection to United States citizens in Ponapé, and he made formal inquiry as to when these persecutions were to cease.

The governor replied, reiterating charges against the missionaries, but giving no proof, while the captain of the *Alliance* offered unquestioned proof of their innocence.

Considering the governor's answer to be entirely unsatisfactory, the captain of the *Alliance*, on October 30, 1890, informed the governor officially that he would not permit these missionaries to remain any longer in a position unworthy of citizens of the United States, and would therefore remove them from the Island of Ponapé, waiving none of their claims or rights, and would refer the matter to his Government.

On November 3, 1890, the *Alliance* sailed from Jamestown Harbor for Kiti, in the southwest of the island, and then embarked the missionaries and their followers.

On November 4, 1890, the *Alliance* sailed for Strongs Islands, landed the missionaries there, and having seen as far as possible to their comfort, sailed on November 10, 1890, for Nagasaki, Japan.

Thus closes a chapter of events the perusal of which must be as painful to His Majesty's Government, as the events themselves have been distressing to the Government and people of the United States.

Mr. Snowden to Mr. Foster.

[Extract.]

No. 77.]

LEGATION OF THE UNITED STATES,
Madrid, February 2, 1893. (Received February 17.)

SIR: I have the honor to send on overleaf copy of my cable giving substance of the second important interview with the Marquis of Vega de Armijo on the Carolines incident.

At this interview the conversation took a wide range, embracing international obligations and the right of a nation to exclude from its territory the citizens or subjects of another.

I said that the exclusion of the missionaries from the island, after nearly forty years of faithful labor in the cause of civilization and Christianity, and especially in view of the pledges of his Government as to the protection to be afforded them, could not, in my judgment, be justified on any theory.

That the exclusion of citizens or subjects of one country by another could only be justified when their presence was a menace to civilization or dangerous to good morals or the public peace. That in view of the facts I had presented there could be no doubt that the labors of the self-sacrificing men and women composing the band of missionaries at Ponapé had been in the interest of good government and of civilization, as well as of Christianity.

He again referred to the right and duty of a government to exclude from its territory any person or persons who might, in the judgment of the authorities, endanger its peace; that whether it was so intended or not, the presence of the missionaries on the island encouraged the natives to believe that they would have their support and that of their Government, in case they revolted against Spanish authority; that it was most unfortunate, but nevertheless true, that in the opinion of the governor of the Islands the missionaries could not continue their work without endangering the peace of the island. Further, that when the assurances were given in 1885 and subsequently by his Government, as to the protection of the missionaries in their work, there was every reason to suppose that their presence on the island was calculated to promote the welfare of the natives and the harmonious relations between them and the Spanish authorities; that much to the Government's regret the contrary was the result, and as the missionaries had voluntarily abandoned the island, His Majesty's Government must be assured of the pacific result of their return before permission would be granted to enable them to resume their work.

He took especial care to emphasize the fact that the mission had left the island of their own accord, having asked permission of the governor to do so.

I said the retirement of the missionaries from the island was because the commander of the U. S. war vessel believed their personal safety required this step; that the abandonment of the island by the missionaries was not voluntary in the true meaning of that word; that their property had been confiscated, their mission buildings destroyed, and their lives believed to be in danger; that under these circumstances a truthful statement would be that, having lost nearly all for which they had labored for over thirty-five years, and believing their lives to be in danger, they consented, under the advice of the U. S. officer, to leave the island in his vessel, which had been sent there for their protection. He replied that there was no evidence of any threatened danger to their persons when they left the island.

He again referred to the rights of a Government to exclude persons from entering its territory when their presence was undesirable, and instanced the "extreme legislation" of our country in excluding the Chinese which, he insisted, had been done in violation of the terms of the treaty which the United States had been anxious to make with China. I replied that the laws which a civilized country might enact to exclude from its territory Mongolians and kindred people should not be quoted as an example to justify a Christian nation in excluding from its borders persons whose only purpose was to advance civilization and spread the Gospel of Christ.

He replied that the avowed purpose of the missionaries, with which he had much sympathy, could not be taken into consideration when, as in this case, the evidence clearly established the fact that, whilst claiming to be preaching the gospel of peace, their presence had stimulated to bloodshed; and further, that whilst he had quoted our anti-Chinese legislation as an example in point, he believed our Government held the right to exclude any person coming from any nation, Christian or otherwise. I replied that I could not conceive that my Government would assume the attitude he assumed for his in regard to the incident under discussion.

That he must remember that for more than a third of a century the missionaries on Ponapé had been doing a noble work in civilizing and Christianizing the natives, whilst his Government, which claimed sovereignty over the island, had neglected to do anything to advance their intellectual or moral condition.

On again referring to his obtaining information from the governor of the Philippines as to the return of the missionaries, he said he had made the request of that official.

He further said that whilst not conceding the full amount of our claim for the destruction and confiscation of property, he thought a reasonable indemnity was due.

I have, etc.,

A. LOUDON SNOWDEN.

Mr. Foster to Mr. Snowden.

[Extract.]

No. 101.]

DEPARTMENT OF STATE,
Washington, February 7, 1893.

SIR: I have to acknowledge the receipt of your dispatches numbered 59 and 63, of January 7 and 14, relative to the case of the American missionaries in the Caroline Islands.

It would seem sufficient to simply call your attention to the note of the Duke of Tetuan to Mr. Grubb, dated January 11, 1892, transmitted to the Department January 16, in which he said:

However, the Government of Her Majesty, aspiring to please that of the United States, lays aside such charges and trusts that the continuance of the American missionaries in the Carolines will not give rise to any difficulties as to progress and peaceful development of that Spanish colony. In this intelligence it will continue dictating further instructions.

With respect to the question of damage to Mr. Doane, the Duke of Tetuan then adds that his Government simply "awaits some evidence which must soon come from the governor-general of the Philippines in order to settle the same with all haste possible and in the most just and equitable manner."

This Government understood from this note that Her Majesty's Government withdrew any objection which it might have had to the return of the missionaries to Ponapé. If instructions in that sense had been promptly sent to the colonial authorities, as the Duke of Tetuan's note would seem to have promised, the incident except as regards the question of damage might have been regarded as closed. On the 20th of October, however, this Department was informed that the missionary vessel had called at Ponapé with the missionaries once or twice within the past two years, and that the governor had declared himself unable to welcome the missionaries back until he had authority from Spain.

The frank assurances given by Her Majesty's Government in 1885, and its specific assurance of January 11, 1892, this Government expects will be faithfully and promptly carried out. It especially expects that there will be no delay in sending the proper instructions to the governor of the East Carolines to permit these missionaries to return to their homes at Ponapé. That having been satisfactorily arranged there remains the question of damages for past injuries, as regards which the instructions already sent you would seem to be sufficiently explicit.

I am, etc.,

JOHN W. FOSTER.

Mr. Snowden to Mr. Foster.

[Telegram.]

LEGATION OF THE UNITED STATES,
Madrid, February 14, 1893. (Received February 14.)

Mr. Snowden anticipating a possible refusal of payment of reasonable indemnity or return of the missionary and further postponement of decision on the part of the minister for foreign affairs with whom he expects to have an interview on Thursday, asks whether he will be authorized to propose arbitration of the whole case. He asks for definite instructions as to what he should do if the Spanish Government should reject that proposition.

Mr. Foster to Mr. Snowden.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 14, 1893.

Mr. Snowden is informed that the United States rely on the sense of justice of Spain to meet our just expectations. The assurances given by Spain in 1886 make arbitration as unnecessary as it is unacceptable.

FOSTER.

Mr. Foster to Mr. Snowden.

[Extract.]

No. 116.]

DEPARTMENT OF STATE,
Washington, February 20, 1893.

SIR: I have to acknowledge the receipt of your several dispatches, No. 70 of January 25, No. 73 of January 30, and No. 77 of February 2, in regard to the Caroline Islands incident and the reclamations of

the United States arising therefrom. Your telegram of the 14th instant, intimating possible recourse to arbitration as an alternative solution, has also been received and answered by cable. Your reports of your interviews with the Marquis of Vega de Armijo show your keen appreciation of the importance of a just solution of this long-standing question, while the memorandum or historical statement of events in the Caroline Islands in connection with the settlement of American citizens there is in truthful and self-convincing fortification of the position we have assumed and consistently maintained. No countervailing proof or argument has been adduced to shake in the slightest degree the firm conviction here felt in the complete justice of our remonstrances and claims, or to diminish in any wise the President's confidence that an equitable and friendly adjustment of the contention must prevail at no distant day.

With one exception only has this Government relaxed the vigor of its remonstrances and demands, and then only so far as Mr. Wharton's instruction No. 198, March 24, 1892, to Mr. Grubb held out a favorable prospect by permitting the inference that the Duke of Tetuan had conceded the return of the missionaries and had offered to further consider the question of indemnity on receipt of certain information called for from Manila; an inference which, as you say in your note of January 25, 1893, to the minister of state, would seem to be justified by the terms employed by the Duke of Tetuan in his note. The hope that the matter was entering upon a much more satisfactory phase which promised its speedy disposition "in accordance with equity and justice" was so far justifiable at that time as to enhance the great regret of this Government that the subsequent position of the Spanish Government has constrained renewed recourse to argument and postponed a settlement.

His Excellency the Marquis is pleased to allude to Mr. Blaine's supposed admission of the right of a nation to exclude persons from its territory. No record exists here of any such admission. I can not admit that my honored predecessor could have made such a statement with the especial significance which Mr. Muruaga seems to have attached to it.

As you appear to have rightly intimated to the Marquis of Vega de Armijo, the naked and unqualified enunciation of the theory can have little relevancy to its application to the facts, which should not only be precise and incontrovertible, but should leave no room to doubt the necessity and justice of acting upon the theory in accordance therewith. That the facts in the present case justified arbitrary resort to such a theory is disproved by all the evidence in the possession of this Government which has been elaborately presented to that of Spain. Of countervailing proof there is none, beyond the vague assertions that the presence of the missionaries on the island "had stimulated to bloodshed," and that "in the opinion of the governor of the island the missionaries could not continue their work without endangering the peace of the island." In advancing these assertions the minister of state could hardly have had in mind the fact that the missionaries had, on repeated occasions, been the efficient instruments of the Spanish authorities in preserving tranquillity; that at the time of the revolt which forms the central feature of the incident the chief missionaries were not in Ponapé, Dr. Doane having died in a distant land and Mr. Rand being for some time absent; and that the remaining representative of the mission, Miss Palmer, risked safety and life in her earnest endeavors to avert the conflict.

It may be proper, moreover, to advert to the reiterated argument of

the Marquis of Vega de Armijo, that the missionaries abandoned the island of their own accord. The facts, on the contrary, show that their departure was under stress. The treatment they had received from the Spanish authorities must be remembered. Their operation, conducted under the solemn pledges of the Spanish government, had been arbitrarily impeded, their property converted to Spanish use without compensation, their mission buildings destroyed, and they themselves accused of treason. With martial law over them, with daily manifestations of the hostile sentiments of the Spanish soldiery and clergy against them, with an inflamed native element threatening renewed outbreaks, their dwellings and property in ruins and themselves driven from the field of their peaceful and civilizing labors for many years past, their situation was necessarily so grave as to warrant and demand the action of the U. S. Government, through its naval commander, in removing them to a place of security for the time being. Under such circumstances and so performed, the act of deportation can not be pleaded against their just demands, nor impair the right of this Government, as their natural protector, to claim in their behalf the fullest reparation. Moreover, the Government of Spain makes itself a confirming and enforcing party to the exile of these American citizens by forbidding their return.

It is not, however, my purpose in this instruction to travel anew over ground so often and wearily trod in the effort to obtain common justice for these innocent and maligned laborers in the cause of civilization and Christian advancement, whose self-sacrificing lives have been devoted to spreading peace on earth and good will to man. Enough has been said to show that the Government of the United States does not and can not abate its earnest efforts to secure from the Spanish Government due reparation for these unfortunate sufferers and that full observance of the guaranties of 1885 and 1886 which it is convinced it has a right to ask.

Your note of the 25th ultimo to the Marquis of Vega de Armijo, reopening the case at his request, puts our position in the true and consistent light. The instructions heretofore given you are ample for your guidance, while your own treatment of the question so far manifests your deep conviction of its importance and your ability to press it to a settlement. His excellency's significant announcement, that he had again called for information from the government of the Philippines as to the return of the missionaries, and his admission that "whilst not conceding the full amount of our claim for the destruction and confiscation of property, he thought a reasonable indemnity was due," are hopeful indications of a disposition to recognize the moral and vested rights involved in this question. As I said in my telegram to you of the 14th instant, we rely on the Spanish sense of justice to meet our just expectations.

I am, etc.,

JOHN W. FOSTER,

Mr. Snowden to Mr. Foster.

No. 102.]

LEGATION OF THE UNITED STATES,
Madrid, February 28, 1893. (Received March 14.)

SIR: I have the honor to inclose copy of my note to the Marquis de la Vega de Armijo accepting, on behalf of my Government, the *Naó Santa Maria*, which was omitted in my dispatch No. 72.

I have, etc,

A. LOUDON SNOWDEN,

[Inclosure in No. 102.]

*Mr. Snowden to the Marquis de la Vega de Armijo.*LEGATION OF THE UNITED STATES,
Madrid, February 6, 1893.

EXCELLENCY: I had the honor to communicate the generous proposal of His Majesty's Government to deliver, as a souvenir to my Government, the Nao *Santa Maria*, after she has performed her unique part in the naval review in New York Harbor and subsequently in the ceremonies which are to take place at Chicago on the arrival of this vessel and her consorts, the *Niña* and *Pinta*, and am instructed, in accepting the custody of this interesting reproduction of the most memorable vessel in history, to convey to your excellency an expression of the high appreciation of my Government at this mark of distinction which has been conferred, and to assure the Government of His Majesty, which you so worthily represent, that the vessel will be preserved, not only as a souvenir of an illustrious event in history, but as an evidence of the cordial good feeling existing between our two Governments.

I avail, etc.,

A. LOUDON SNOWDEN.

Mr. Snowden to Mr. Foster.

[Extract.]

No. 106.]

LEGATION OF THE UNITED STATES,
Madrid, March 3, 1893. (March 16, 1893.)

SIR: I have the honor to inclose, herewith, copy of a memorandum submitted to Señor Sagasta, at our first private interview in relation to the Carolines incident, in which are enumerated the guaranties given by the Spanish Government to the United States as to the rights and privileges that were to be enjoyed by the American missionaries in these islands. At that interview I agreed to submit to His Excellency a brief history of the events occurring on the Island of Ponapé from 1852 to 1890.

I also transmit a copy of a note submitted to the Marquis de la Vega de Armijo, secretary of state, giving the amount of money expended by the American Board of Foreign Missionaries in the mission at Ponapé, with the amount claimed as damages for property taken and destroyed.

I have, etc.,

A. LOUDON SNOWDEN.

[Inclosure 1 in No. 106.]

Memorandum, submitted at an interview between Mr. Snowden and the prime minister, setting forth the assurances given by the Spanish Government as to the protection that would be accorded the American missionaries in the Caroline Islands. At this interview the note of the Duke of Tetuan, dated January 11, 1890, with other data bearing upon the same subject, was submitted.

In September, 1885, before the right of Spain to the sovereignty of the Caroline Islands had been decided, my Government, after recounting the beneficent work of the missionaries in civilizing the natives, sought to know what protection these American citizens would have under Spanish rule.

In reply the Spanish minister of state gave the amplest assurance that the missionaries would not be molested in their civilizing and christianizing work.

On February 10, 1886, your minister at Washington, Señor Valera, transmitted to the Department of State a copy of the text of a protocol concluded between Spain and Germany, by the mediation of His Holiness, Pope Leo XIII, recognizing the sovereignty of Spain over the Caroline and Pelew Islands.

In acknowledging the receipt of this communication the U. S. Secretary of State used the following language in addressing the Spanish minister:

"As your Government is aware, the citizens of the United States have been actually engaged in disseminating information among the inhabitants of that quarter with a view to their prosperity, and it is not presumed that their treatment under the rule of Spain, which this arrangement recognizes and confirms as between Germany and Spain (and which has never been contested by the United States), will be any less favorable than that of Germans or other foreigners commorant therein."

To this Señor Muruaga, succeeding Señor Valera as minister at Washington, replied for the Spanish Government, under date of May 4, 1886, as follows:

"Her Majesty the Queen Regent, in conformity with the resolution of her ministers in council, had directed the United States to be informed that the treatment American citizens were to receive in the islands would not be less favorable than that accorded to German or other foreigners."

The protocol between Germany and Spain, dated Rome, December 17, 1885, gives to German subjects on the islands "the fullest protection to their rights of person and property," and declares further that "all their acquired rights of property and land shall be safeguarded" (that is, guaranteed).

Under the assurances given by the Spanish Government, under date of May 4, 1886 (before stated), the American citizens on the islands were guaranteed the same rights and protection as that accorded the Germans under the terms of the protocol signed at Rome.

It will thus be seen that before and after the decision of His Holiness the Pope, awarding the sovereignty of these islands, the attention of the Spanish Government had been directed to the work of these American missionaries on the islands and the fullest guarantees had been given by His Majesty's Government as to the protection of all their rights and privileges and of their person and property.

FEBRUARY 19, 1893.

[Inclosure 2 in No. 106.]

Mr. Snowden to the Marquis de la Vega de Armijo.

LEGATION OF THE UNITED STATES,
Madrid, February 21, 1893.

EXCELLENCY: In accordance with my suggestion at the last interview your excellency was good enough to grant me for a discussion of the Carolines incident, I submit herewith a statement giving the approximate amount of money expended by the American Board of Foreign Missions in establishing and maintaining the mission on the Island of Ponapé as well as a statement of the value of land and buildings in the island, with the value of the property taken and destroyed by the Spanish authorities:

Money expended from 1852 to 1890, in planting and sustaining mission on Ponapé.....	\$366, 921
Paid in 1891 to missionaries and on ships employed for Ponapé.....	20, 000
Value of land seized at Kenan, being the amount agreed to be paid by Spanish authorities of the island.....	5, 000
Total value of the buildings.....	25, 000
Value of buildings destroyed by Spanish authorities.....	15, 000
Value of land granted to missionaries elsewhere than at Kenan.....	30, 000
Total.....	\$446, 921

Provided the missionaries are permitted to return to Ponapé, the American Board of Missionaries ask, as a full compensation for property destroyed and land seized and occupied by Spanish authorities, \$25,000.

If the missionaries are not permitted to return, it indicates a loss of all money expended, say, \$446,921, and could not in any case be less than \$250,000.

I avail, etc.,

A. LOUDON SNOWDEN.

Mr. Wharton to Mr. Snowden.

No. 132.]

DEPARTMENT OF STATE,
Washington, March 6, 1893.

SIR: I have to acknowledge the receipt of your No. 72 of January 30 last, inclosing a copy of a note from the Spanish minister of state

making a formal tender to the Government of the United States of the caravel *Santa Maria*.

A copy of your dispatch was at once transmitted to the Secretary of the Navy, and I now inclose copy of his reply, dated the 2d instant, stating that it will give that Department great pleasure to receive into its custody this valuable and interesting reproduction of the largest caravel of Columbus at such time and place as may be eventually decided upon for its transfer.

The President desires you to express to the Spanish minister of state his warm appreciation of this act of international courtesy at a period of such historical significance to both countries.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

[Inclosure in No. 132.]

Mr. Tracy to Mr. Wharton.

NAVY DEPARTMENT,
Washington, March 2, 1893.

I have the honor to acknowledge, with thanks, the receipt of your letter of the 15th ultimo, inclosing copy of a dispatch recently received from our minister at Madrid, reporting the offer made by the Spanish Government to present to the United States the caravel *Santa Maria*, and asking for such suggestions as I may desire to make.

In reply, I have the honor to say that it will give the Navy Department great pleasure to receive into its custody this valuable and interesting reproduction of the largest caravel of Columbus at such time and place as may be eventually decided upon for its transfer, and I take this occasion to express, in the name of the Navy Department, its high sense of the cordial disposition evinced by the Spanish Government in offering the *Santa Maria* to the United States.

I have, etc.,

B. F. TRACY,
Secretary of the Navy.

Mr. Gresham to Mr. Snowden.

No. 144.]

DEPARTMENT OF STATE,
Washington, March 18, 1893.

SIR: I have to acknowledge the receipt of your 106 of the 3d instant, inclosing a copy of the memorandum you submitted to the prime minister of Spain in relation to the guarantees given by his Government as to the rights and privileges of the American missionaries in the Caroline Islands; also a copy of your note to the minister of foreign affairs giving the amount of the money expended in establishing and maintaining the mission in Ponape.

The Department regards your memorandum as a terse and reasonable statement of the guarantees given in 1885 and 1886.

I am, etc.,

W. Q. GRESHAM,

Mr. Snowden to Mr. Gresham.

[Extract.]

No. 119.]

LEGATION OF THE UNITED STATES,
Madrid, March 25, 1893. (Received April 22.)

SIR: In my dispatch No. 109,¹* I intimated that I was about to make another move, with a view of hastening a settlement of the Caroline incident. This was to request of the minister of state that as Gen. Blanco, the newly-appointed governor-general of the Philippines, was to be in Madrid to receive instructions previous to his departure to Manila, a consultation be had between himself, the minister of the colonies, the prime minister, and the new governor-general, out of which conclusions might be reached that would enable His Majesty's Government to authorize the immediate return of the missionaries without the long delay that must result if the proposal of the minister of state to refer the matter to Manila for investigation and report was followed.

After a consultation with a member of the cabinet as to the course proposed, it was approved with the additional suggestion that as a preliminary step the minister of state be requested to refer the whole matter to a cabinet council.

This course I had previously suggested, but at that time it was not thought advisable. I therefore, on the 11th instant, sought and obtained a special interview with the minister of state and found him much disturbed by my statement of February 21, in which I gave the expenditure of money by the American Board of Foreign Missions in establishing and maintaining the mission at Ponapé. He said he understood from my note that my Government expected a payment of \$250,000 as indemnity for losses incurred. I directed his attention to the statement as indicating the money expended and the value of the property taken or destroyed, but repeated what I had previously stated, that the indemnity would not exceed \$25,000 if the missionaries were permitted to return, but if this was denied them, in spite of their rights and the guarantees of his Government, the amount of indemnity claimed would be at least \$250,000, as it would have to cover a large portion of the expenditures, all of which would be lost if the missionaries were driven from their field of labor and the natives permitted to return to the condition in which they were found by the missionaries over forty years ago, and to which condition I understood they were fast tending. I further said that the main point with our Government, the importance attached to which I could not overstate, was the return of the missionaries, and that if this was promptly conceded the indemnity could be settled for a sum not much exceeding \$20,000.

After this I made my request that the subject be referred to the council of ministers, with the purpose of seeing if a settlement could not be reached without delaying until the governor-general could report from Manila.

He readily assented to my suggestion, saying that he would be exceedingly glad to be released from further responsibility. He seemed in the interview to be more reasonable in regard to delays than at our former meetings.

After this interview with the minister of state I addressed a confi-

* Not printed.

dential note to the prime minister, copy inclosed. I also inclose copies of his reply and of my response.

From this correspondence you will see that the case as it stands is now hopeful of an early solution.

I have, etc.,

A. LOUDON SNOWDEN.

[Inclosure 1 in No. 119.]

Mr. Snowden to Señor Sagasta.

LEGATION OF THE UNITED STATES,
Madrid, March 11, 1893.

EXCELLENCY: One hour since I had the honor of an interview with his excellency the Marquis de la Vega de Armijo, minister of state, in regard to the Carolines incident. In this I requested that the return of the missionaries to the island of Ponapé be submitted to a council of ministers.

I have taken this course in view of the approximate arrival at this capital of the distinguished Gen. Blanco, recently appointed captain-general of the Philippine Islands, in the belief that through a consultation between yourself, the minister of the colonies, the minister of state, and Gen. Blanco conclusions may be reached which would meet the approval of His Majesty's Government, and through which these poor missionaries may have an early return to the field of their labors. If we are to await the arrival of Gen. Blanco at Manila and his securing information from Ponapé, which is 3,000 miles distant therefrom, and upon which a report is to be based as to the advisability of allowing the return of the missionaries, over six months will elapse before this report can be received at his capital.

Surely His Majesty's Government does not desire to cause such a delay in the return of the missionaries to the island, which was practically conceded more than a year since by the Duke of Tetuan, late minister of state.

The new captain-general on his arrival at Manila and in establishing the liberal policy which at all times has characterized the administrative career of your excellency may at the same time fix such measures as will insure perfect peace in those remote islands.

Knowing your desire to reach an early settlement of this irritating incident, I take the liberty of calling your excellency's attention to the plan which I propose and through which I trust we may reach an early settlement which will be satisfactory to both governments.

I avail myself, etc.

A. LOUDON SNOWDEN.

[Inclosure 2 in No. 119.—Translation.]

Señor Sagasta to Mr. Snowden.

PRESIDENCY OF THE COUNCIL OF MINISTERS,
SUBSECRETARY'S OFFICE,
Madrid, March 14, 1893.

EXCELLENCY: Complying with the wishes of your excellency, as manifested in your kind letter of day before yesterday, I have reported the subject therein mentioned to the council of ministers, which body, animated, as myself, with the best wishes to give it a happy issue, has agreed to await the arrival of his excellency Gen. Ramon Blanco y Erenas, the new governor-general of the Philippine Islands, so that, in view of his information, an understanding may be reached in relation to the solution best suited to the interests represented by the Government and to the purpose of maintaining the most cordial and sincere relations with a friendly nation. Trusting and hoping that this reply may satisfy your excellency,

I renew, etc.,

PRAXEDES MATEO SAGASTA.

[Inclosure 3 in No. 119.]

*Mr. Snowden to Señor Sagasta.*LEGATION OF THE UNITED STATES,
Madrid, March 17, 1893.

EXCELLENCY: I have the honor and sincere pleasure to acknowledge your esteemed favor of the 14th instant, announcing that the ministry of His Majesty the King has seen fit to look favorably upon the suggestion I had the honor to make you, that a conference be held with Gen. Blanco, captain-general of the Philippines, before his departure to his post of duty, with a view to arriving at satisfactory conclusions in relation to the return of the American missionaries to the island of Ponapé.

I need not assure your excellency how gratifying to me is this declaration of the ministry of which you are the enlightened and honored chief, nor can I overstate the satisfaction your action will afford to my Government and to the people of the United States, if it results, as I trust and believe it will, in an early return to the field of their long and arduous labors of the devoted men and women whose lives are dedicated to the education and elevation of the savages in that remote part of the world.

I beg your excellency will convey to your honored colleagues my profound appreciation of their action.

I avail myself, etc.

A. LOUDON SNOWDEN.

Mr. Gresham to Mr. Snowden.

No. 155.]

DEPARTMENT OF STATE,
Washington, April 4, 1893.

SIR: Referring to Department's previous instructions in the matter of the claims of the missionaries in the Caroline Islands, I inclose copy of a letter just received from the secretary of the American Board of Commissioners of Foreign Missions urging that you shall press the claims to the just and honorable solution we confidently claim.

I am, etc.

W. Q. GRESHAM.

[Inclosure in No. 155.]

*Mr. Smith to Mr. Gresham.*AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Boston, Mass., March 28, 1893.

Permit me to lay before you the main facts respecting the question which is now under diplomatic discussion between U. S. Minister Snowden and the foreign eign minister of the Government at Madrid. In this conference Commander H. C. Taylor is, by special arrangement, associated with Minister Snowden as being personally familiar with the main facts connected with the expulsion of the American missionaries from Ponapé in the autumn of 1890 and the destruction of the mission property on the island of Ponapé at the same time.

In the correspondence between myself and the Department of State in previous years these facts have been very fully set forth, and I would refer you to that correspondence for the material facts in the case. There is also on file in the Navy Department the report submitted by Commander Taylor to Admiral Belknap, and transmitted through Admiral Belknap to that Department, reciting the facts as Commander Taylor found them on his visit to Ponapé in the autumn of 1890. In a word, the situation is summed up as follows:

When the Spanish jurisdiction over the Carolines was acknowledged by our Government it was with the special stipulation, heartily assented to by Spain, that the American missionaries at work in these islands should be protected in their person and property and in the continuance of their work upon the same conditions as they had enjoyed in previous years. Soon after the first Spanish governor took up his residence on Ponapé he became suspicious of Mr. Doane, the senior missionary

resident there, without any sufficient reason, and caused his arrest and deportation to Manila. After negotiations between our country and Spain Mr. Doane was set at liberty, freed of all the charges which had been made against him, and by the Spanish authorities returned to his home and accustomed work on the island of Ponapé. The claim which our Government made upon Spain for losses incurred by Mr. Doane in connection with this injurious treatment has been acknowledged by Spain, but has never been paid.

In 1890 Mr. Doane, having withdrawn from the island and having died, and Mr. Rand, the only other male missionary on the island, being absent, the mission premises being for the time in the charge of an unmarried American woman and an assistant, there was a new outbreak on the island. The disturbance of three years before had been wholly a conflict between the Spanish authorities and the natives of this island, who resented the oppressions to which they were subjected. The same cause led at this time to a fresh outbreak and a more serious one, and in the progress of the fighting the Spanish forces were at length directed to obtain possession of the houses occupied by the missionaries, and, as they allege, were forced to destroy them for fear the natives might use them as a place of defense. In the midst of these occurrences Mr. Rand, with his wife, accompanied by two American women, returned to the island and exerted himself to the utmost to effect some reconciliation between the rebellious natives and the Spanish authorities, but without success.

Gradually the Spanish authorities turned their suspicions upon Mr. Rand, and limited his personal liberty and the sphere of his work, and at the time when Commander Taylor arrived Mr. Rand was virtually a prisoner of war.

In view of all the circumstances, after somewhat extended negotiations, Commander Taylor deemed it prudent to take all the American missionaries on board his steamship and carry them to Kusaie, an island 300 miles distant, to await the decision of the question pending between the United States and Spain. The claim which has been made upon the Spanish Government in view of these events is twofold: First, that the missionary property destroyed in the course of this conflict shall be made good; second, that our missionaries shall be permitted to return to Ponapé and resume their work under the same conditions under which they were laboring when the jurisdiction of Spain was established. The Spanish authorities have endeavored to bring a charge upon our missionaries of complicity with the natives in their rebellion, but without a shadow of proof, as the documents submitted by Commander Taylor will abundantly show.

The negotiations now in progress under the care of Minister Snowden have proceeded so far that substantially all our claims are conceded by the Spanish Government, and it only needs that the demand be pressed firmly to an issue, and the settlement will be made, peace will be restored, and the dignity of our Government in the Pacific waters will be vindicated and reestablished.

I regret to have taken so much space to set forth the situation, but it is almost impossible in a few words to state the facts so that they shall be understood in their bearings. I am assured of the hearty purpose on the part of our Government to maintain the rights of American citizens in every part of the world; and the condition of these missionaries, few in number and far removed from their own friends, makes a peculiar appeal to our Government to exert itself to the utmost in their behalf. That appeal I am sure will not be made in vain, and now, when a long course of action is at the point of a successful issue, I venture to urge upon our State Department that it see to it that the matter is pressed to an early and happy conclusion and that our missionary laborers again enjoy their stipulated rights in the Caroline Islands.

I am, etc.,

JUDSON SMITH,
Foreign Secretary A. B. C. F. M.

Mr. Snowden to Mr. Gresham.

[Extract.]

No 139.]

LEGATION OF THE UNITED STATES,
Madrid, April 17, 1893. (Received May 20.)

SIR: I have the honor to append on the overleaf copy of a cable forwarded after an important interview with Señor Moret, minister of state *ad interim*.

In this interview I received the direct and positive assurance of the

minister of state that the missionaries would be permitted to return to Ponapé and a reasonable indemnity paid for property, etc. The minister said this had been agreed upon and that as soon as the governor-general reached Manila, under an understanding had before his departure a cable would be received from him upon which the authority for the return of the missionaries would be based. This cable was expected within forty or fifty days from the date of the departure of the governor-general from Madrid. In giving this assurance he said he spoke for the prime minister, Señor Sagasta.

This action of the prime minister and minister of state was a compromise between my request that an agreement for the return of the missionaries be reached before the departure of the governor-general to Manila and the determined purpose of the late minister of state and the minister of the colonies that all action looking to a final adjustment of the case be postponed until the governor-general could make a personal examination of the facts and report to the home Government on the same, which would consume at least six or eight months.

The conclusion thus happily reached will save at least four months of time in reaching a settlement, not to speak of the probability that, during this protracted period, other occasions or excuses for further delay would be found in a change of ministry or through the machinations of those who have labored without ceasing, and often with most unworthy weapons, to defeat my efforts for the return of the missionaries to Ponapé.

At the earliest possible moment I shall endeavor to arrive at an agreement as to the amount of indemnity to be paid. To this end I am endeavoring to arrange an early meeting with the minister of state and the minister of the colonies. The amount of indemnity to be paid is, in my judgment, of small importance in comparison with the conceded return of the missionaries—which to some extent involved our national prestige and self-respect, as well as the suspension of the beneficent work on the island and the consequent return of the natives to that barbarous condition from which they were being rescued after long years of patient Christian work by the self-sacrificing efforts of the missionaries.

I have, etc.,

A. LOUDON SNOWDEN.

Mr. Snowden to Mr. Gresham.

[Extract.]

No. 162.]

LEGATION OF THE UNITED STATES,
Madrid, May 28, 1893. (Received June 12.)

SIR: I append on overleaf copy of telegram* sent the Department announcing the settlement of the Carolines incident, which has been pending for more than six years, having had its inception under the previous administration of President Cleveland.

The case has perhaps received more attention for various reasons than any other that has been presented through this legation for very many years.

During the terms of office of four of my predecessors and two chargé d'affaires, who manifested sincere interest in the case, no near approach was made to a settlement.

* Not printed.

President Harrison in his last message to Congress referred to the subject, and, as you are aware, I received on assuming charge of this legation most explicit and earnest instructions on the subject.

The files of the Department present the evidence of my earnest efforts to close this case, and, as I desired to meet its wishes, and because I believed it was one involving to some extent our national self-respect and prestige in the Pacific Ocean. After months of unusual labor I was able, on April 12, to cable you that I had the positive assurance of the prime minister that the missionaries would be permitted to return to Ponapé; and I also had the promise of an early consideration of the question of indemnity.

It was agreed that to arrive at satisfactory conclusions a conference must be had, at which the minister of state and the minister of the colonies were to participate.

On the 26th instant I received a note from Señor Moret, naming 3 o'clock of the following day for the proposed conference.

At the hour named I was at the state department, where the minister of state was shortly joined by the minister of the colonies, who had fortified himself with voluminous notes and data.

After I had set forth our claims, giving an itemized statement of losses of property in the buildings and their contents, as furnished by Commander Taylor, I proceeded to present an estimate of the land taken and the indemnity due Mrs. Doane.

At the conclusion of my statement the minister of the colonies, who became spokesman, said that he had with him the sworn statement of witnesses that the land at Kenan was not the property of the missionaries. Among the affidavits was one to that effect from the chief from whom Mr. Doane claimed to have made the purchase. Another affidavit that Mr. Doane had confessed that he had no titles to the land until immediately before the Spanish Government took formal possession after the award of Pope Leo XIII, etc. To this I made reply that in the whole discussion of this question with His Majesty's Government, extending over six years, this averment had never been made. That so far from its having any force it was disproved by the proffer of Governor Cadarso to pay \$2,000 for the land; further, that he had taken the deeds from Mr. Doane, and although promising to return them, never had done so.

He replied that the evidence in his possession was entirely opposed to our continuation and asked for more time for a careful consideration of this point.

To this I rather impatiently replied that too much time had already been consumed on such pleas, and that we must settle the matter then and there as no new facts could be elicited.

He then referred to the destruction of the property at Ona as a necessary incident of war. That the missionaries had abandoned it and that there was no indication to show the character or ownership of the property.

I answered that the character and ownership of the buildings were so notorious that it required no designation to establish the same, that such an argument fell of its own weight. As to the destruction of the buildings being a necessity of war, I respectfully referred him to the note of the Duke of Tetuan of June 11, 1892, in which he admitted that the destruction of the buildings at Ona took place after the rebels had been driven therefrom, and was done to prevent their future misuse by the natives.

It followed from this admission that their destruction was not justifi-

fied by the law of nations—was not required by the exigencies of the case—but was wanton, and therefore his Government must be held responsible for the losses resulting therefrom.

When the case of Mr. Doane was taken up the minister promptly said that he thought there was a small sum due his family.

After discussing the subject for over two hours I proposed to again return to each item of our claim for indemnity and settle each in succession. To this the minister would not assent, for the reason that on one or two points of indemnity he could not go before the Cortes to ask for an appropriation with any hope of success.

He was willing to agree to a lump sum which we could apportion as we saw fit, and he could ask for the appropriation to cover all our claims without specifying any item.

As this was agreeable to me the only question that remained was as to the amount. The minister of the colonies named a very small sum, I claiming \$25,000. After a protracted discussion I came down to the sum named in my cable, to wit, \$17,500—which I said was the minimum sum we would accept. At this juncture the minister of state spoke to his colleague, saying there was no use in further discussion; that he was willing to accede to my figures. After some hesitation the minister of the colonies assented, and thus was happily ended a controversy which has lasted for many years.

I will obtain from the minister of state a written confirmation of the conclusions reached, which I will forward to the Department.

Having succeeded in eliminating the Caroline incident as a cause of contention between the two governments, I am now prepared to quit Madrid with the assurance that my labors have not been in vain.

In the happy termination of this long-pending and irritating incident I am sure both governments are to be congratulated.

I have, etc.,

A. LOUDON SNOWDEN.

Mr. Bonsal to Mr. Gresham.

[Extract.]

No. 4.]

LEGATION OF THE UNITED STATES,
Madrid, June 5, 1893. (Received June 17.)

SIR: I beg to inclose a copy in English of Mr. Snowden's note to the minister of state, in regard to his interview of May 27, under date of May 31, and also the reply in Spanish and English from the minister of state, under date of June 2.

I have, etc.,

STEPHEN BONSAI.

[Inclosure 1 in No. 4.]

Mr. Snowden to Señor Moret.

LEGATION OF THE UNITED STATES,
Madrid, May 31, 1893.

EXCELLENCY: Referring to the happy results arrived at on the 27th instant, in the conference I had the honor to have with your excellency and his excellency the minister of Ultramar on the Carolines incident, I write to say that under my instructions the conclusions reached and the terms agreed upon are satisfactory to my Government.

In our conference it was agreed:

First. That the American missionaries are to be permitted to return to Ponapé and resume their civilizing work, under conditions that will afford protection to their persons and property.

Second. His Majesty's Government agrees to pay to the United States the sum of seventeen thousand five hundred dollars (\$17,500) in full settlement of all claims of the missionaries.

I beg your excellency will honor me with a note confirming the above-named agreement entered into by the representatives of His Majesty's Government and myself as the representative of the United States of America.

I avail myself of this opportunity to assure you of the pleasure I experience at the happy termination of an unfortunate and irritating incident long pending between our two countries and to convey to your excellency an expression of my hearty appreciation of your generous and effective efforts which so largely conduced to its final adjustment.

I seize, etc.,

A. LOUDON SNOWDEN.

[Inclosure 2 in No. 4.—Translation.]

Señor Moret to Mr. Snowden.

MINISTRY OF STATE,
Palace, June 2, 1893.

MY DEAR SIR: On acknowledging receipt of your excellency's note dated May 31 last, I have the pleasure to confirm the good impressions caused to your excellency by your interview with the minister of the colonies and myself, which took place on the 27th of May last. In said interview we in fact agreed that in consideration of the delivery of \$17,500 every claim presented to Spain either by the Methodist missionaries who resided during the last years in the Caroline Islands, or by Mr. Doane and by the United States Government would finally be ended.

With regard to the return to the island of Ponapé of the above-mentioned missionaries your excellency will doubtless remember that in the alluded-to conference my colleague, the minister of ultramar (the colonies) insisted upon the idea that this matter was considered by him entirely separated and independent from the settlement of the pending disputes relating to the pecuniary indemnity. In spite of this it is my duty to say that the Spanish Government never placed any obstacle to said return, nor does it place any now, but it has always stated that it (the Government) would consider the said return dangerous as long as the authorities of that island do not give the Government the assurances that it has at its disposal permanent means to guarantee their absolute safety.

It is therefore definitely understood that the Government reserves the right of fixing the moment when the above referred to missionaries may return to the island of Ponapé, and that if they should return before that moment the Spanish Government rejects all responsibility for the dangers which may be run by their persons and properties.

For my part it is very gratifying to me to state also to your excellency the pleasure with which his majesty the King's Government sees the happy termination of a long-pending controversy and which gave occasion for unpleasant discussions between both countries.

The United States Government and your excellency, as its worthy representative, have shown with this motive the friendly dispositions which Spain gladly acknowledges and which tend to render more intimate the intercourse with both countries.

I avail, etc.,

S. MORET.

Mr. Taylor to Mr. Gresham.

[Extract.]

No. 33.]

LEGATION OF THE UNITED STATES.

Madrid, August 19, 1893. (Received September 11.)

SIR: I have the honor to acknowledge the receipt of your dispatch of the 27th ultimo (No. 26),* touching the Caroline incident, in one of

* Not printed.

the inclosures of which you say, "that the conclusion of the matter devolves upon Mr. Taylor, the new minister, whose instructions on file are ample for his guidance in obtaining proper guarantees for the returning missionaries." In anticipation of such a communication I have made it my business to make this incident the subject of a careful investigation, which has included the reading of every paper on file touching the subject. In the light of the instructions given to my predecessors, coupled with the intimation which you have given me for my guidance, I have addressed to the Spanish Government a note, of which the following is a copy:

MADRID, *August 18, 1893.*

EXCELLENCY: I have the honor to inform you that, in a recent dispatch, I have been specially instructed by the Department of State to address myself to the final adjustment of the painful incident, so long pending between the two countries, which arose out of the expulsion of the American missionaries from the island of Ponapé.

The correspondence on file discloses the fact that there is a lack of exact agreement as to the terms of the settlement which has been virtually reached, through the interview which took place on the 27th of May last, between the minister of ultramar and yourself on the one hand and Mr. Snowden, my predecessor, on the other. On the 31st of May Mr. Snowden addressed you a note in which he set forth his understanding of what had occurred on the 27th. On the 2d of June you replied, setting forth your understanding of what had occurred on that occasion. These two clear and explicit statements eliminate every matter but one from future controversy. Mr. Snowden and yourself both agree that it was understood and settled (1) that the missionaries should return to the island of Ponapé; (2) that a pecuniary compensation of \$17,500 should be paid for the injuries inflicted upon all of them. The only matter which you say was left unadjusted was as to the exact point of time when their return should take place, as you have expressed it. "It is therefore definitely understood that the Government reserves the right of fixing the moment when the above referred to missionaries may return to the island of Ponapé; and that if they should return before that moment the Spanish Government rejects all responsibility for the dangers which may be run by their persons and property."

It is as to the prompt and final settlement of this one unadjusted question that I now address your excellency.

After years of waiting the missionaries are anxious to return, and they have asked the Government of the United States to inform them as to the time at which and the circumstances under which they may return. It therefore becomes my duty to request your excellency to indicate to me an early day at which the missionaries may return to the island of Ponapé, and also to indicate the circumstances under which their return may be effected. After that question has been settled the Government of the United States will be happy to receive the pecuniary indemnity agreed upon.

I seize this occasion to renew to your excellency the assurances of my highest consideration.

This note embodies what I understand to have been the contention of the Government of the United States from the beginning and the conclusion upon which it now insists.

The note which I have just addressed as to the Caroline incident reduces that matter to the single issue of payment and performance as concurrent acts.

I would be happy, therefore, to receive an intimation as to the attitude which you desire I should assume as to these matters, whenever it may become necessary for me to take personal action at all. If replies do not come within the usual time shall I press for them? Is it your desire that I should, at the proper time, have personal interviews as to these matters with the minister of state?

I have, etc.

HANNIS TAYLOR.

Mr. Adee to Mr. Taylor.

No. 26.]

DEPARTMENT OF STATE,
Washington, July 27, 1893.

SIR: I inclose for your information a copy of a letter from the secretary of the American Board of Commissioners for Foreign Missions at Boston of the 24th instant, and of my reply of the 27th, in regard to the reported settlement of the missionary troubles at Ponapé.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

[Inclosure 1 in No. 26.]

*Mr. Smith to Mr. Gresham.*AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Somerset Street, Boston, Mass., July 24, 1893. (Received July 25.)

SIR: I notice the following statement in a paper published on the Pacific coast under date of July 13, 1893:

"It is also stated in dispatches that Spanish papers express their satisfaction that U. S. Minister Snowden, before his departure, had successfully adjusted the negotiations for the readmission and compensation of the missionaries on the Caroline Islands."

This news is very important if true. Permit me to request of you the favor that you will kindly inform me whether this dispatch is according to the facts. Has Mr. Snowden returned to this country from Madrid, and in what state did he leave the Caroline Islands question? If the matter has indeed been brought to a definite and happy conclusion, according to the tenor of the above dispatch, it is occasion for most sincere satisfaction.

I should be glad also to learn, in case the settlement as reported has actually been made, whether the Spanish Government has sent full and explicit information of the same to the governor on the Caroline Islands, and what arrangement has been made, if any, for the due return of the missionaries and their reestablishment in their homes and work on Ponapé.

Awaiting with deepest interest your reply,

I am, etc.,

JUDSON SMITH.

[Inclosure 2 in No. 26.]

*Mr. Adee to Mr. Smith.*DEPARTMENT OF STATE,
Washington, July 27, 1893.

SIR: I have received your letter of the 24th instant in regard to the reported settlement of the missionary troubles at Ponapé by Mr. A. Loudon Snowden, lately U. S. minister at Madrid.

In reply I have to state that the last exchange of notes before Mr. Snowden's departure from Madrid disclosed a want of exact agreement as to the terms of the settlement which has been virtually reached, and that the conclusion of the matter devolves upon Mr. Hannis Taylor, the new minister, whose instructions on file are ample for his guidance in obtaining proper guarantees for the returning missionaries.

I am, etc.,

ALVEY A. ADEE,
*Acting Secretary.**Mr. Adee to Mr. Taylor.*

No. 35.]

DEPARTMENT OF STATE,
Washington, September 22, 1893.

SIR: I have to acknowledge the receipt of your No. 33, of the 19th ultimo, in relation to the Caroline incident.

This Government has patiently awaited the fulfillment in this case of the assurances given six years ago, that the rights and operations of the American citizens established in the Caroline Islands would be respected. A satisfactory conclusion seemed about to be reached at the time of Mr. Snowden's departure, but the dispatches of the legation at and since that date show that the awaited settlement remained unaccomplished in its most vital particulars, namely, the return of the Americans and the reenjoyment of the property and other rights acquired by them during some half a century of civilizing and beneficial endeavor among the islanders.

This settlement, for which Mr. Snowden, like his predecessors, earnestly labored, is to be dealt with as a whole. The modest indemnity asked and tendered for direct injury to property of Americans at Ponapé can not be dissociated from the question of their restoration to their rights, and can most evidently, not be taken as a just measure of the value of the sum total of their large and ramified interests in those islands, from the peaceable enjoyment of which the Spanish authorities appear to seek to indefinitely exclude them. You will press this matter to a settlement in all proper ways, by correspondence or interviews, or by both together, as may seem most expedient, expressing the profound disappointment of the President that the business has not before now reached the satisfactory adjustment that but recently seemed to be so near. The ample instructions on file in your legation suffice to show the earnestness of this Government in pressing for a just remedy of this conspicuous grievance and the firm reliance here felt in the merits of our case.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Taylor to Mr. Gresham.

No. 40.]

LEGATION OF THE UNITED STATES,
Madrid, October 6, 1893. (Received October 19.)

SIR: I have the honor to acknowledge the receipt of your No. 35 in reply to my No. 33 of the 19th of August, in which I inclosed a copy of the note, lately addressed by me to the Spanish Government, touching the Caroline incident.

It is pleasing to me to know that my note accords in every particular with the views which you have so clearly expressed as to the rights of the missionaries and as to the manner of their enforcement. You will observe that my note maintains that the return of the missionaries to their original status and rights is the condition precedent which must precede the payment of the modest money indemnity which has been tendered and accepted upon that basis. By requesting the minister of state to fix a time in the near future at which the missionaries may return to the enjoyment of their rights, I hoped to bring the most serious aspect of the case to a definite issue.

As I have so far received no answer to my note, I have to-day addressed a second, requesting an early response. I shall press the matter earnestly.

I am, etc.,

HANNIS TAYLOR.

Mr. Taylor to Mr. Gresham.

No 43.]

LEGATION OF THE UNITED STATES,
Madrid, October 14, 1893. (Received October 27.)

SIR: Since my No. 40, touching the Caroline incident, I have received from Señor Moret a reply to my note of the 18th of August, a translation of which I inclose herein. Awaiting your commands,

I am, etc.,

HANNIS TAYLOR.

[Inclosure in No. 43.—Translation.]

Señor Moret to Mr. Taylor.

MINISTRY OF STATE,
Palace, October 12, 1893.

MY DEAR SIR: I have the honor to answer your courteous note of the 18th of August last, which reached me with some delay, and in which, referring to the settlement of the Caroline Islands affairs, already arranged between the two governments, you requested that of Her Majesty to fix a date for the return of the Methodist missionaries to Ponapé.

Great as may be the wishes of the Government which you so worthily represent for the realization of this event, those of Her Majesty's Government are not less so, because in that way it would make manifest once more the friendship it feels for the United States.

The Government of Her Majesty does not pretend to delay the return of the missionaries without very powerful reasons; but it would incur great responsibility if, under the present circumstances, when the consequences resulting from the past regrettable events have not as yet disappeared, it were to grant its consent to the proposed return of the missionaries, exposing them, as it appears from the reports of the governor-general of the Philippines, to contingencies never to be sufficiently deplored.

The Government of Her Majesty can not, therefore, by virtue of the law of prudence, guarantee the safety of the persons and property of the Methodist missionaries should they now return to the island. Nor can it do so until the opinion, now rooted in the minds of those inhabitants, that the missionaries will never again establish themselves there, disappears, which opinion is undoubtedly supported by the manner in which the island was abandoned by the said missionaries. In this connection I must also remind you that the missionaries were not driven from the island, as it has been said. On the contrary, indisputable testimony proves that they absented themselves voluntarily in spite of the efforts of the governor to dissuade them from that purpose, promising them full liberty to hold their meetings as soon as the exceptional state of affairs brought about by the past deplorable events should cease.

Another proof of the benevolent sentiments which the Government of Her Majesty entertains toward the missionaries may be found in the fact that other similar Methodist missions continue to be established in other islands of the east group, such as Husai Walan, Truck, Mokil, and the group Moslock, in which, fortunately, the sad causes which to-day determine the danger of their return to Ponapé, are not opposed to the safety of the missionaries there.

The Government of Her Majesty adheres to what it has already promised, and as soon as the reports from the superior authority of Philippines (who has been again consulted) permit it, it will take a special care to announce to the Washington Government the date at which the missionaries may effect their return to Ponapé without risk.

I have only to add that the Government of Her Majesty considers this case as definitely ended, and that not wishing to retain in its hands a sum which already does not belong to it, as is the sum agreed upon as indemnity for those interested in this affair, this Government expects that the legation of the United States will name a person to whom the said sum is to be delivered.

I avail myself, etc.,

S. MORET.

TURKEY.

Mr. Foster to Mr. Thompson.

No. 11.]

DEPARTMENT OF STATE,
Washington, December 9, 1892.

SIR: I send herewith copy of a letter recently received from the Board of Foreign Missions, which explains itself.

The detailed arbitrary acts of certain Turkish officials in seizing mission property and in closing schools are, as you will observe, specific instances to the general nature of which I adverted in my instruction No. 3* as being a fruitful source of complaint and regret on the part of American missionaries and teachers in Turkey.

I have no doubt that the general tenor of my recent instructions and the knowledge you will have acquired of the action of your predecessors in analogous cases will enable you to clearly present to the consideration of the Turkish Government the acts of injustice complained of by the Board of Foreign Missions, and to secure prompt and effective redress.

The course pursued by the governor of Latakia in confiscating the mission property at Jendairia without notice or form of trial appears to be a peculiarly aggravated instance of the arbitrary and inexcusable exercise of authority by a local official, and should receive your prompt and earnest attention. After familiarizing yourself with the features of the case you are instructed to present to the Sublime Porte an urgent request that the property may be at once restored to the owners in trust for the Board of Foreign Missions. Whether the circumstances warrant a demand for indemnification or justify any proceedings against the governor of Latakia I must leave to your good judgment.

The case of the El dainey mission property appears to be similar in character, and the course to be pursued by you in this connection will probably be the same.

The numerous schools which have been illegally closed, contrary to the clearly-defined rights of Americans to establish and maintain them, should be reopened without delay by special order or decree of the central Government. I entertain no doubt that courteous but decided representations on your part will result in the issuance of the necessary firman by the Porte.

I commend these cases to your prompt and careful consideration and action, and trust that you will soon be enabled to report to the Department that they have been satisfactorily settled.

I am, etc.,

JOHN W. FOSTER.

* See Foreign Relations for 1892, p. 609.

[Inclosure in No. 11.]

*Mr. Somerville et al. to Mr. Foster.*126 WEST FORTY-FIFTH STREET,
New York, November 30, 1892. (Received December 3.)

SIR: We are instructed by our Board of Foreign Missions to lay before the Department of State again a statement of the unjust and illegal opposition of the local authorities in Latakia, Syria, to the American mission there. We are aware that our former statement was duly forwarded in April of this year to Minister Hirsch, with an approval of his energetic efforts to remedy this condition, and with further instructions. But so far nothing has been accomplished. Schools that have been legally in operation for years are arbitrarily closed, teachers are arrested and thrown into prison at the caprice of the governor, and property belonging, not to natives, but to loyal American citizens, is confiscated, although paid for and held by properly executed deeds.

It is peculiarly gratifying to read of the immediate action taken in the case of Dr. Bartlett, of Konieh, Asia Minor, and to learn that the demand for indemnity for the loss of his house and the punishment of the guilty parties will be enforced. But certainly to have our mission property taken away and restored to its former owners without even the form of law is as great an outrage as would be its destruction by fire.

Our reason for presenting this renewed application for protection and redress is not simply the fact of fresh outrages, but because a recent letter from Constantinople informs us that the American legation can not act further in the matter without special instructions from Washington.

The facts then are as follows:

JENDAIRIA PROPERTY.

First. A primary school for boys was opened in said village in the year 1865, and was kept open every year until closed by the general order of the Turkish Government in the year 1887.

In the fall of 1883, as no suitable place could be found in the village for the ever-increasing work, the mission decided to purchase a lot and erect suitable buildings. At that time we had not as yet been required to get a firman before building or opening a school, so the missionaries then stationed in Latakia, Dr. A. J. Dodds, Rev. W. J. Sproull, and Rev. Henry Eason, bought the ruins of a house and the ground belonging to it from three brothers, and secured the deed of sale in their names, witnessed by the chief of the village and others, according to the custom of the place and time, the three brothers being present. The paper was drawn in the names of the missionaries, because the Turkish Government will not give a deed of property to a board located in a foreign land.

The local government knew that the house was built by and owned by the American mission at Latakia, and the Government officials have used the house while staying in the village, as it was the only comfortable and clean place to be found there.

Second. In 1887, by the general order above mentioned, the school there, as well as other schools, were closed, and our mission, at the request of the American legation, presented the diplomas of teachers and programme of studies taught in our schools to the local board of education, and these were forwarded by said board to the vali of Damascus, and afterwards returned to Beirut when the new vali was formed, and there they lie even till this day.

About the same time samples of all the books used in the mission school were sent to the vali, and no book is used in those schools that does not bear the sanction of the Turkish Government.

Minister Straus, after a two years' conflict, secured an agreement permitting the reopening of all schools where the missionaries had complied with Article 129 of the Turkish school law, and, as our mission had done so, it was instructed by Consul Bissinger, of Beirut, to reopen the schools, and did so.

The present governor of Latakia district, a year or so after, forbade the teachers to work for the American mission, and as he denies the existence of a school where the mission does not own the building, he thought he would be safer if he confiscated the property in the mountain. So he decided to begin at Jendairia, and in October, 1891, without form of trial or even a notice to the mission, he took the mission property from the agent and gave it to the former owners, who, of course, were very glad to receive it.

Our mission appealed to the vali at Beirut and the American consul there, but could get no redress, so the case was carried to the legation at Constantinople, and Minister Hirsch, we understand, wrote an official note to the Sublime Porte, demand-

ing the restoration of the property to the mission. Time passed and it was not restored. On returning to the United States, Rev. Henry Easson called at the legation. The minister was absent in America, but the chargé d'affaires asked him to restate the case and he would call the attention of the Porte to it. He promised, as Mr. Easson tells us, to do all he could, not only to secure the restoration of the property, but also to secure their rights to our missionaries, as they had complied with the law in all respects.

EL-DAINEY PROPERTY.

In November, 1891, the same governor, Zea Bey, gave orders for the seizure of the mission's property in the village of El-dainey in the kaimakamate of Mahallbey, but through the vali of Beirut the mission secured a stay of that order. But it appears from a letter recently received from Dr. J. M. Balph, our medical missionary in Latakia, that the governor is growing bolder. Writing on October 17, 1892, he says: "An order has been given to bring down teacher Isa Hamani, one of our licentiates, his son, and their families, and to give the house and property to the 'Felahins,' the former owners." Dr. Balph at once telegraphed the consul and received a reply to the effect that the vali had ordered the mutasseriff of Latakia not to touch the property if deeds exist. On the 20th he succeeded in getting the house cleared and secured the keys, locking it up, although the former owners were quite determined to take advantage of the governor's order and repossess themselves of the property. "The mutasseriff," writes our missionary, "although instructed to leave the property alone, has never countermanded his order, at least not openly, but has allowed the time to go by without enforcing it. No doubt the felahin will either possess or destroy it if arrangement can not soon be made to put some one in the house."

The deed for this El-dainey property, as we are told, is regular in every way,, and so far as the mission knows, no flaw in the title.

SCHOOLS ILLEGALLY CLOSED.

All the schools, closed a second time and so illegally, after the agreement between the Sublime Porte and the United States Government, should be publicly re-opened by a special firman, mentioning the name of each school, namely:

(1) On the plains near Latakia; the schools in the villages of Jendairia, Ain Leba, Set Marcho, and Mshairafey.

(2) In the kaimakamate of Sahyoun; the schools in the villages of Gunaimia, Ishtingo, Muzaira, Dabbyash, and Aldamey; and Bahamra, in the kaimakamate of Gebley.

(3) In the Valiyet of Aleppo, in the kaimakamate of the Jisser, the school in the village of Inkzik.

These are all old schools, having been in existence from fifteen to twenty-eight years, and our mission has complied with the school law in each case. All of these schools were reopened by the order of the American legation, and it seems to us that the honor of our Government is pledged to see that our mission is allowed to carry on the school work without obstruction, in accordance with the agreement of the American legation at Constantinople and the Sublime Porte.

We are ready to give the Department of State any further information called for, and, if necessary, we will go to Washington for that purpose.

I have, etc.

R. M. SOMMERVILLE,
Corresponding Secretary,
WALTER S. MILLER,
Treasurer,
Committee.

Mr. Foster to Mr. Thompson.

No. 18.]

DEPARTMENT OF STATE,
Washington, December 15, 1892.

SIR: I transmit a copy of a letter of H. M. Michaelian and of the naturalization papers to which he refers. Mr. Michaelian's family

is now in Constantinople, and it appears that their present address is known to the legation. You will use your good offices to secure permission for Mr. Michaelian's family to leave Turkey, as desired.

I am, etc.,

JOHN W. FOSTER.

[Inclosure in No. 18.]

Mr. Michaelian to Mr. Foster.

DECEMBER 2, 1892. (Received December 10.)

To the Honorable the Secretary of State of the United States:

Your petitioner, Hachik M. Michaelian, respectfully shows, that on the 5th day of March, A. D. 1892, he made and forwarded to the Department of State his petition and affidavit, stating the facts that he came to United States from Armenia, in the Dominion of Turkey, leaving his wife and children behind him in Armenia, who were anxious to come to the United States, and requesting the assistance of the Government to aid him in getting permission from the Turkish authorities for his family to leave for the United States, and further stating that he had made application to become a citizen of the United States, which petition was politely responded to by said Department, but nothing was done to aid your petitioner.

Your petitioner further shows, that since said 5th of March his wife and three children have left Bitlis, their home in Armenia, and crossed the Black Sea, and for two months last past have been in Constantinople at a heavy expense. That on this 2d day of December, A. D. 1892, your petitioner became a duly naturalized citizen of the United States.

That your petitioner is sorely distressed because he can not get permission of the Turkish authorities for his family to depart from Turkey, and he respectfully prays for the aid of this powerful Government and the intercession of your Department in his behalf.

Petitioner shows that his wife, Sima Michaelian, has been on several occasions to the office of the American minister plenipotentiary in Constantinople and requested the interposition of that office in her behalf, and on each occasion has been informed they had no instructions or authority to assist her, and your petitioner now requests that he be instructed to intercede in her behalf, and hopes that the same may be done promptly, as he is a poor man, and the expenses very great as his family is now situated.

Your petitioner shows that, if required, he is ready and willing to pay all expenses of telegrams concerning this matter.

Very respectfully, yours,

HACHIK M. MICHAELIAN.

STATE OF CALIFORNIA, *County of Fresno, ss:*

On this 2d day of December, A. D., 1892, before me, M. Farley, a notary public in and for the county of Fresno, State of California, duly commissioned and sworn, personally appeared Hachik M. Michaelian, personally known to me to be a credible person and a good citizen, who, being by me first duly sworn, deposes and says that he has heard read the foregoing petition and knows the allegations thereof, and that the same are true.

HACHIK M. MICHAELIAN.

Sworn to and subscribed before me this 2d day of December, A. D., 1892, and certificate of naturalization attached hereto.

M. FARLEY,

Notary Public in and for the county of Fresno, State of California.

IN THE SUPERIOR COURT OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA.

Present, Hon. S. A. Holmes, judge.

In the matter of the application of H. M. Michaelian, an alien, to become a citizen of the United States of America.

In open court, this 2d day of December, A. D. 1892.

It appearing to the satisfaction of this court, by the oaths of Paul H. Azadian and G. H. Michaelian, citizens of the United States of America, witnesses for that

purpose, first duly sworn and examined, that H. M. Michaelian, a native of Turkey, has resided within the limits and under the jurisdiction of the United States five years at least, last past, and within the State of California for one year at least, last past, and that during all of said time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and it also appearing to the court, by competent evidence, that said applicant has, in due form of law, and more than two years prior to this date, declared his intention to become a citizen of the United States of America, and having, now here before this court, taken an oath that he will support the Constitution of the United States of America, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever, and particularly to the Government of Turkey:

It is therefore ordered, adjudged, and decreed that the said H. M. Michaelian be, and he is hereby, admitted and declared to be a citizen of the United States of America.

S. A. HOLMES,
Judge.
H. M. MICHAELIAN.

Attest:

A. C. WILLIAMS,
Clerk,
By S. J. ASHMAN,
Deputy Clerk.

STATE OF CALIFORNIA, *County of Fresno, ss:*

I, A. C. Williams, county clerk and ex-officio clerk of the superior court in and for the county of Fresno, State of California, said court being a court of record having common-law jurisdiction and a clerk and seal, do certify that the above is a full, true, and correct copy of the original act of naturalization of H. M. Michaelian on his application to become a citizen of the United States, remaining in my office upon the records of said court, of the whole thereof.

In witness whereof I have hereunto set my hand and affixed the seal of said court, this 2d day of December, in the year of our Lord one thousand eight hundred and ninety-two.

[SEAL.]

A. C. WILLIAMS,
Clerk,
By S. J. ASHMAN,
Deputy Clerk.

Mr. Thompson to Mr. Foster.

No. 24.] LEGATION OF THE UNITED STATES,
Constantinople, February 5, 1893. (Received February 27.)

SIR: I have the honor to report the following facts which have this day came to my knowledge. I have received the following telegrams to-day from the disturbed district:

AMASSIA, *February 2.*

Mr. THOMPSON,
American Minister, Pera, Constantinople:

Two native teachers of the Anatolian College have been arrested; bail is not accepted; threats of annihilating the college have been repeatedly heard.

The German vice-consul,

CARLMAN.

This was followed by the following telegram:

MARSOVAN, *February 2, 1893.*

The AMERICAN MINISTER,
Constantinople:

We confirm the telegram sent you yesterday from Amassia. Last night our new building having been set on fire was destroyed. The security of our safety is respectfully requested.

HERRICK.

This was followed by the following telegram:

SIVAS, February 3, 1893.

AMERICAN MINISTER,
Constantinople:

Mr Herrick telegraphs from Marsovan that the new college building was destroyed Wednesday night by incendiary.

JEWETT.

On receipt of these despatches I at once called on his excellency Said Pasha, minister of foreign affairs, and made their contents known to him. His excellency informed me that he had just received information of the destruction of the college building, and that steps would be taken at once to bring the guilty parties to justice, and that no pains would be spared by the Ottoman Government to protect the college from any outbreak that might be attempted. He expressed the opinion that the trouble had been caused by the Armenians in that section. I called his attention to the posting of inflammatory proclamations in Marsovan and the surrounding districts of Asia Minor on January 6; one of said proclamations was posted on the college building and that the governor of the province, when his attention was called to it, said to the college authorities, "You done that." The college authorities applied at the post-office to purchase stamps in Marsovan, and were refused with the statement, "You used up your stamps in sending out these proclamations," showing to his excellency that the matter was not sudden or unexpected, but one that had been threatened since January 6. I informed his excellency that the property destroyed was the property of an American missionary society, and must be protected at all hazards, as well as the persons who are threatened; to all of which he agreed, and promised to have an investigation of the matter at once and to acquaint me with the result of such investigation, saying he hoped to be able to give me information in a very short time.

It is unfortunate that neither the United States nor Great Britain has a consul or consular agent near the disturbed district. The nearest United States consul is Jewett, at Sivas, which is distant from Marsovan about six days travel or more.

I have applied to Prince Radolin, the German ambassador, asking him to instruct the German consul, Carlman, at Amassia, to investigate the matter of the burning of the college building at Marsovan, and to give all the protection in his power and make a report, Amassia being distant about six hours from Marsovan. This his highness readily agreed to do and he promised to telegraph the German consul at Amassia such instructions.

I felt authorized to take this course under my instructions from the State Department. In the meantime I shall have to wait for further information from the disturbed district.

I have, etc.,

DAVID P. THOMPSON.

Mr. Foster to Mr. Thompson.

No. 30.]

DEPARTMENT OF STATE,
Washington, February 6, 1893.

SIR: In connection with instruction, No. 3,* of 29th November last and other instructions to your legation relative to the position and the rights of American citizens resident in the Ottoman Empire, two of

*See Foreign Relations, 1892, p. 609.

the more important of which are referred to in No. 3, above mentioned, I now transmit for your information a copy of a letter from the foreign secretary of the American Board of Commissioners for Foreign Missions relating especially to the status of American citizens residing there "who are engaged in religious and philanthropic work."

I have informed Mr. Smith that the three special matters of which he writes, viz, the domicil rights of these citizens, their subjection to arrest and detention, and their rights in property, appear to be covered by existing instructions.

I am, etc.,

JOHN W. FOSTER.

[Inclosure in No. 30.]

Mr. Smith to Mr. Foster.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
CONGREGATIONAL HOUSE, 1 SOMERSET STREET,
Boston, February 2, 1893.

DEAR SIR: I have the honor to acknowledge your favor of the 20th ultimo, relating to the position and rights of those American citizens residing in the Turkish Empire who are engaged in religious and philanthropic work in behalf of the people of the Empire.

Without attempting at this time to touch upon all the points in that communication that merit consideration, permit me to offer a few suggestions that seem to be called for at once. In the statement recently submitted to the Department of State, and which was the occasion of your favor above acknowledged, the effort was carefully made to guard against the thought that we were asking protection for missionaries in their distinctively missionary work, such as preaching and teaching. We simply asked for protection in person and property for citizens of the United States who are missionaries, but who have not lost their citizenship or the rights that pertain thereto by becoming missionaries. It would be an entirely different question were they annoyed for preaching or teaching Christianity, or if any of the charges brought against them by the Turkish Government pertained to them in their missionary capacity. It is possible that in such a case appeal might be taken to the "freedom of worship" clause of the Berlin treaty to show that their act was no crime; but as no such charge has ever been made, no such appeal is taken.

As far as we are aware no charge, actual or implied, has been preferred against these men, so that it is not a question of toleration or nontoleration of Christian instruction or of proselytism. These missionaries ask only the protection in home, in person, and in property which other American citizens in that country enjoy, and which any American citizen would have a right to ask were he traveling through that country, or temporarily residing there with his family. They do not feel and we do not believe that our Government desires to maintain that by being missionaries they thereby sacrifice their rights to American protection in the above respects. They urge these three points:

(1) In the matter of domicil rights there are treaty regulations for entering and searching the domicil of American citizens and capturing and carrying away from the same private effects, and they only ask that these regulations be observed by the Turkish officials.

(2) In the matter of personal arrest and detention there are treaty regulations that cover such cases, and the missionaries feel that they have a right to ask that these be observed in their case.

(3) In the matter of the ownership of real estate, and the erection of buildings upon the same, and the confiscation of personal property by the Turkish Government, they desire that only the rights in the premises which have been observed from of old in relations with foreigners, and some of which are covered by treaty or capitulation, be conceded to them, and that in these rights they be protected by their own Government.

This is the protection that is asked, and it was to call the attention of our Government to these points that the recent memorial was prepared and sent to the Department of State. If there are no usages, capitulations, concessions, or treaties which cover the above cases, then we are ready to make direct and urgent appeal for the securing of adequate treaties, and of the protection they should afford, at the earliest possible day.

We shall hope soon to learn that our missionaries in Turkey are not mistaken in continuing to look to their Government for the protection which has been enjoyed in the past, and which is accorded to American citizens in every country where the representatives of the Government are received.

I am, etc.,

JUDSON SMITH,
Foreign Secretary American Board of Commissioners for Foreign Missions.

Mr. Thompson to Mr. Foster.

No. 25.]

LEGATION OF THE UNITED STATES,
Constantinople, February 6, 1893. (Received February 27.)

SIR: I have the honor to inclose some extracts from letters I have from Cesarea, Asia Minor, which recent events that have occurred at Marsovan causes me to fear that trouble will occur at Cesarea unless means are taken at once to prevent it.

(1) The populace are disposed to use violence towards all Christians indiscriminately.

(2) The police have been fired upon at Beleyesi, 13 miles from Cesarea, the governor has armed the populace and sent them to bring the villagers to terms—no news of result.

(3) Populace in Cesarea attacked an Armenian who was bringing dried meat to market; took it away from him and divided it among the crowd; thereupon all the Christians closed their shops and fled in panic. January 23.

(4) The Armenian teacher of the Cesarea high school was cut down with a sword by a Mohammedan in the street, who instantly ran away. The teacher who lives in Mr. Farnsworth's house has a deep gash across his face. This has so alarmed the students that they wish to go home. January 19.

(5) Large numbers of Armenians are imprisoned and are put to torture in order to extract confessions.

(6) An Armenian from London is said to be at the bottom of the trouble, but has not been found.

(7) Government is doing well in trying to restrain unruly Mohammedans, but matters are very near to a dangerous outburst of fanaticism.

These statements come from a reliable source, and appear to be a part of the scheme connected with the posting of the incendiary proclamations of January 6.

I have called the attention of his excellency, Said Pasha, minister of foreign affairs, to them, and requested him to have the matter investigated, with a view of preventing further trouble in the distracted district.

I have also thought it advisable to cause the same information to be conveyed to British and German ambassadors, who are equally interested with the United States in protecting the Christians in the disturbed districts, and they each propose to take such action as will inform the Porte that the disturbances threatened must be prevented.

I have, etc.,

DAVID P. THOMPSON.

Mr. Thompson to Mr. Foster.

No. 27.]

LEGATION OF THE UNITED STATES,
Constantinople, February 7, 1893. (Received February 27.,

SIR: I have the honor to report that I have received the following telegram from Jewett, U. S. consul at Sivas:

SIVAS, February 6, noon.

American Minister, Constantinople:

German vice-consul at Amassia telegraphs it is necessary to come at once. I leave to-morrow morning.

JEWETT.

In view of the fact that it will take Jewett several days to reach Marsovan I have not thought it advisable to dispense with the services of Carlman, German vice-consul at Amassia, at least until the arrival of Jewett at Marsovan.

There is no doubt but the aspect of affairs in that section is serious for the Christian population, and I have called the attention of the British and German ambassadors to it, each of whom has promised active cooperation for the Christian population.

I have, etc.,

DAVID P. THOMPSON.

Mr. Thompson to Mr. Foster.

No. 28.]

LEGATION OF THE UNITED STATES,
Constantinople, February 8, 1893: (Received March 16.)

SIR: From representations made to me by Consul Jewett, of Sivas, in regard to the destruction by fire of the American college at Marsovan, I have sent to him the inclosed letter of instructions. The only means I now have of obtaining information from the disturbed district is by telegraph.

The Turkish officials claim that they have the right to open letters and examine them at any time when there is a disturbance in the section of country the letters are sent to or from, and it is by no means certain this letter of instructions will reach Consul Jewett.

I hope my action in sending this letter will be approved and also the telegram I have sent him to make the investigation thorough and complete.

I have, etc.,

DAVID P. THOMPSON.

[Inclosure in No. 28.]

Mr. Thompson to Mr. Jewett.

LEGATION OF THE UNITED STATES,
Constantinople, February 3, 1893.

SIR: I have received two dispatches in relation to the destruction of the college building at Marsovan. I approve of your course in visiting Marsovan to investigate the condition of affairs at that place and to determine the causes which led to the destruction of the building and imprisonment of the two native teachers; also the conduct of the governor of Marsovan and the attitude of the officials generally towards the school. Make the investigation as thorough as possible, and so far as

is practicable act in concert with any person who may be appointed by the Porte to make the said investigations.

I have prepared the following telegram, which I will send you to-morrow: "Make thorough investigation and report fully. Letters sent to you."

I have, etc.,

DAVID P. THOMPSON.

Mr. Thompson to Mr. Foster.

No. 29.]

LEGATION OF THE UNITED STATES,
Constantinople, February 9, 1893. (Received February 27.)

SIR: I have the honor to report that Jewett, U. S. consul at Sivas, Asia Minor, left Sivas for Marsovan on the 7th of February. I have instructed him to make a thorough investigation of the troubles at that place and especially to investigate the burning of the college building and imprisonment of two native teachers who were employed at the Anatolian College, and to act if practicable, with the Turkish officials (who I have been informed by his excellency the minister of foreign affairs have been appointed for the purpose of making an investigation), and report fully to me the result of such investigation.

I have, etc.,

DAVID P. THOMPSON.

Mr. Foster to Mr. Thompson.

No. 31.]

DEPARTMENT OF STATE,
Washington, February 9, 1893.

SIR: I have received your No. 12, of the 7th ultimo, in which you report that in view of the Department's instruction, No. 18, of the 15th December last, in relation to the coming to the United States of the family of Hachik M. Michaelian, a naturalized citizen of the United States, and having satisfied yourself of Mrs. Michaelian's intention to come immediately to the United States to join her husband, you have issued to her a passport.

Your action in this regard would appear to have exceeded the instructions contained in the Department's No. 18. In authorizing you to use your good offices to secure permission for Mr. Michaelian's family to leave Turkey, I contemplated your intercession, so far as might be practicable and proper, with the Ottoman authorities, whose inaction or prohibition was detaining Mrs. Michaelian and her children in Constantinople, at much expense and inconvenience to them.

The legislation of the United States in regard to naturalization (Title XXX, Revised Statutes) is silent as to the naturalization of an alien wife by the husband's act in becoming naturalized. Section 1994 (under Title XXV, in regard to citizenship) provides that "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." The decision of the Supreme Court in the case of *Kelly v. Owen et al.* (7 Wallace, 496) is to the effect that the concurrence of the fact of marriage with the fact of the husband's citizenship, whether native or by naturalization, operates *ipso facto* to naturalize the wife, she being a free white woman (or under present legislation also a person of African descent).

It is to be noticed that this cited case, the three women, whose rights

were under consideration, were in this country at the time of their respective marriages. The decision on its own recital applies to parties within the jurisdiction of the United States at the time of their becoming citizens by the existence of a state of marriage.

In an opinion, June 4, 1874 (Ops. Attys. Gen., XIV, 402), Attorney-General Williams, responding to inquiries put by Mr. Fish, then Secretary of State, recites the above opinion and also two others (one being a North Carolina decision), concludes that the authorities he cites "go to the extent of holding that, irrespective of the time or place of marriage or the residence of the parties, any free white woman, not an alien enemy, married to a citizen of this country, is to be taken and deemed a citizen of the United States."

Although not questioning the doctrine thus broadly enunciated, yet in view of the obstacles to claiming for the laws, judicial decisions, and executive opinions of the United States effective validity beyond the jurisdiction of the United States, this Department prudently refrains from asserting its application to the case of an alien wife continuing within her original allegiance at the time of her husband's naturalization in the United States, inasmuch as the citizenship of the wife might not be effectively asserted as against any converse claim of the sovereignty within which she has remained. The result would naturally be a conflict of private international law, wherein the State within whose actual jurisdiction the wife remains might be found to have the practical advantage of the argument.

As to the minor children of Mr. Michaelian, the case is clear. Section 2172 provides that 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. Mr. Michaelian's minor children have, admittedly, never dwelt in the United States at any time; and, following the uniform decisions of this Department, are not entitled to passports as citizens of the United States. It does not, however, seem advisable at present to qualify your action as regards Mrs. Michaelian or to disapprove your certification of the citizenship of her minor children, for it may very probably turn out that your issuance of the passport in question will have resulted in permission for their departure from Turkish jurisdiction, and in such case it would be impossible for this Government to restore any of the parties to Ottoman control, even were the issuance of the passport admitted to be an excess of authority on your part.

Should the Turkish Government, however, contest the evidence of your passport, your good offices to present the equities of the situation would have to be reverted to, as originally contemplated in my instruction, No. 18, of December 15, 1892. If a favorable result be not attainable you should content yourself with referring any Turkish counterclaim to the Department for instructions.

I am, etc.,

JOHN W. FOSTER.

Mr. Thompson to Mr. Foster.

No. 30.]

LEGATION OF THE UNITED STATES,
Constantinople, February 14, 1893. (Received March 7.)

SIR: I have the honor to transmit to you communications which have been addressed by me to his excellency the minister of foreign

affairs on the subject of the censorship of the Ottoman Government and the printing of Christian publications in Turkey, showing the injustice of such censorship.

I also send you examples of the mutilations of publications which have been made, which, as you will observe, render them of no value for religious instruction.

I hope my action in this matter will meet with your approval.

I have, etc.,

DAVID P. THOMPSON.

[Inclosure 1 in No. 30.]

Mr. Thompson to Said Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, February 14, 1893.

EXCELLENCY: I have the honor to call the attention of your excellency to the matter of the publication of books by the European Turkey Mission of the American Board for Foreign Missions, using the Bulgarian language, and the long delay that is caused by the censorial department to which it is necessary that these books should pass before being published.

The delay in that department is so great that but one form in three weeks is all that is passed, and for seventeen months but twenty-five forms have been passed by the censor of the books of commentaries of the New Testament. These forms contain sixteen pages each. At the present rate of examination it will require ten years to publish the three proposed volumes. I would most respectfully urge your excellency to cause a sufficient number of persons to be placed on this censorship as to pass at least one form per week.

It is very evident also that the present censor is incompetent to do the work, because of the matter stricken out by him, which would not be done were he competent to rightly interpret the Bulgarian language. I would most earnestly urge the attention of your excellency to the importance of appointing a mixed commission to pass as censors of these publications, and that, as they are wholly concerning the Christian Religion, a member of that denomination be placed on the commission. The publications of this society are wholly of a religious character, either the Bible itself or Christian history and religious commentaries, and your excellency will readily see the necessity of a censor who is not only well acquainted with the Bulgarian language, but also with the character of the subject to be examined.

The appointment by your excellency of such a commission as I have suggested, to examine the publications of all Christian books, would not be an innovation to have Christian readers for purely Christian literature, because such a provision, I am informed, was at one time made when the board of censorship was instituted. At first representatives from all the Christian bodies were on the council of the department, and purely Christian works were first read by Christian readers and then submitted to the mixed commission, composed of Mohammedans and Christians. I would again most earnestly urge your excellency to cause this commission to be again appointed to examine those Christian books, so as to expedite their publication, because, as must be apparent to your excellency, the rate of publication which is now rendered possible by the delays of the censor amounts to virtual prohibition in its results.

I hope Your Excellency will give this subject the attention its importance deserves.

I inclose to your excellency a few examples of the mutilations of the publications, showing the absurdity of the work of the censors, and there are hundreds of others equally as damaging to these publications, and which I feel sure would not be objected to by your excellency, if properly examined by a competent censor.

Please accept, etc.,

DAVID P. THOMPSON.

[Inclosure 2 in No. 30.]

Messrs. Spence and Dwight to Mr. Thompson.

CONSTANTINOPLE, December 12, 1892.

SIR: Remembering the many declarations of the Imperial Ottoman Government which provide religious liberty for its subjects of all classes, and gladly bearing in mind also the many instances in which the Government has shown by its measures at once the sincerity of these declarations and the liberal interpretation which it places upon them, we venture to beg your attention to a state of affairs in connection with the censorship of Christian religious books, which amounts to the refusal of essential religious privileges to the Protestants of the Empire.

The duties of the censors of the press, as defined by law, relate to the prevention of publications politically or morally bad. Latterly we are informed by various Protestant societies engaged in the publication of religious literature in Turkey, the censors, departing from the usage of the past, have extended their sphere to include the destructive modification of religious books of an absolutely unexceptionable character. Some of these censors appear to be unacquainted with Christian doctrine, and some unable to understand the language of the books upon which they are expected to render judgment. The result is a painful trifling with things held sacred by all Christians. The exposition of Holy Scripture in commentaries has been restricted; statements of Christian doctrine in books for the instruction of Christians have been erased or changed; the quotation, in religious works, of the words of Scripture requisite for proof or illustration of doctrine, has been subjected to the will of the censor; single words or phrases in purely religious works have been suppressed, without regard to their context, on the ground that in some other context these words might be used with political significance; the use of some of the ordinary Scriptural titles of our Lord Jesus Christ has been forbidden; and even the printing of religious books has been objected to on the ground that since Christians are graciously allowed to use the Holy Bible, they need no other books of religion.

Appeal from the decisions of the censors is practically unavailing, since there is no one in the council of censure to urge the injustice and needless harshness of such decisions upon the attention of the Mohammedan members of the council.

We inclose herewith (Inclosure A) some examples of this interference with Protestant religious books by the censors, and we beg special attention to the destructive mutilation of the Commentary on the New Testament in Bulgarian, practiced by the Censor Vehmi Effendi, and to the refusal of the censors to permit the publication for the Armenian and Greek Protestant Bible classes in the Empire (numbering over 16,000 members) of the index list, in Armenian, Armeno-Turkish, and Greco-Turkish to the lessons from Holy Scripture prepared by the British Sunday School Union for the year 1893.

A fundamental principle of Protestant usage in all lands is the untrammelled study of the Holy Bible, with all accessible aids to the mastery of its requirements by all the members of the community, as a means to moral and spiritual culture. Religious literature of an expository, doctrinal, and devotional character, applying the principles of Holy Writ to life and conduct, is an inseparable element of the exercise of religion among Protestants. Any refusal of permission to publish such purely religious literature is therefore a direct denial to Protestants of the right to exercise their religion. We do not question in any way the suppression of political matter deemed injurious by the Government, nor do we claim any relaxation of the rule against the publication in religious works of controversial attacks upon other creeds. But we do claim, and we believe that the claim will be admitted as just by all fair minds, that no obstacle may be placed in the way of the publication for Christians in Turkey of the religious books in use among their coreligionists abroad. Such interferences with the liberty to pursue religious culture as we have here set forth are incompatible with the imperial edicts granting to Christians in Turkey freedom to exercise their religion.

We do not hesitate to presume upon your interest in this freedom of the exercise of religion. Its intrinsic importance is nearly equalled in Turkey by its relation to the peaceful progress of the Empire. Friendly representations to the Sublime Porte in behalf of its maintenance have often been made by your predecessors with beneficent results. Hence, in last resort, we venture to beg that you will take into consideration the propriety of pointing out to the Ottoman Government the unhappy impression which must be produced upon the people of Europe and America by the acts of petty officials which rightly or wrongly will be interpreted as attempts to hinder Christians in the study of the basis of their own religion. And our suggestion would be that representations be made to the Sublime Porte in the direction of securing, besides the obvious and urgent requirement that quotations from Scripture in religious books be protected from the hands of the censors, the further desider-

atum that censors charged with the control of religious works of Christian origin should be themselves Christians, competent by education and experience for the duty, and able to avoid the mistake of characterizing the ordinary doctrines of Christianity as unwarrantable or prohibiting them as pernicious.

In behalf of the Constantinople branch of the Evangelical Alliance.

DAVID BROWN SPENCE, *President*.
HENRY O. DWIGHT, *Secretary*.

[Inclosure A.]

EXAMPLES OF THE MUTILATION OF RELIGIOUS BOOKS.

In the Bulgarian Commentary on the New Testament, from the exposition of the words, "Prepare ye the way of the Lord" (Matt., iii, 3), the following was stricken out:

"Reference is here made to the sending of men before a king or general to remove any obstacles that may be in the way along which he is to pass, to repair the road, to level its steep places, and so to make it suitable for the king or the army to pass along."

On the words, "The kingdom of Heaven suffereth violence, and the violent take it by force" (Matt., xi, 12), the following was stricken out:

"The kingdom of Heaven suffereth violence like a fortified place; but not because it itself is surrounded by a wall, but because men themselves are beset by sins and prejudices, so that only those who strive—the earnest, the zealous, those who hunger and thirst after righteousness, and who are ready to take up the cross and follow Christ—are able to seize it or enter therein."

On the words of the Jews at the trial of Jesus, "His blood be upon us and our children" (Matt., xxvii, 25), the following was stricken out:

"And how completely these words were fulfilled in the later history of the nation. Forty years after these events many of these same people and thousands of their children died in the siege of Jerusalem from the sword, famine, and pestilence. So, also, thousands suffered the same death which they were inflicting on Jesus. So large was the number of those condemned to crucifixion that Josephus says there was no room for the crosses, nor crosses enough for those condemned. And from that time to this day the nation has been left to suffer many heartless persecutions at the hands of various enemies."

On the phrase "The Queen of the South" (Matt., 12:42) the following explanation of the position of Sheba was stricken out:

"A land in southern Arabia, abounding in gold, precious stones, and spices."

This censor insists that the scriptural phrase "Kingdom of Christ" may not be used by Christians, and that Jesus Christ may not be called King in the scriptural sense.

Wherever the word Jew occurs, Vehmi Effendi strikes it out, making nonsense of the context. For instance in the following examples, the words in italics are ordered to be erased: "Josephus' *Jewish* Antiquities;" "Golgotha is a word in the *Hebrew* tongue;" "Many *Jews* were settled at Cyrene, in Africa;" "But some think that it was only a *Jewish* idea that these persons were possessed with devils;" "According to *Jewish* law."

The unfitness of this censor to be given the decision of what matter shall be permitted to enter the religious instruction of Christians needs no further proof. Yet pages might be filled with similar examples of his work. Upon complaint being made of these meaningless mutilations of a valuable book, Vehmi Effendi informed his superiors that these phrases were violent attacks on the Jewish religion. The destructive meddling of this censor with the commentary on the gospel of St. Matthew has already delayed its publication for a whole year, and it may be found necessary on account of this obstructiveness to abandon the plan of giving the Bulgarian people the commentary for which so many are ready to subscribe.

The index list of the Bible lessons for 1893 is simply a table of contents prepared by the British Sunday School Union, compressed into the smallest possible space, and containing no word of comment. The censors have refused to permit the publication of this index list unless some fifty of the titles are erased, or modified into a form at variance with the matter of the lessons, or expanded to a degree impossible in a brief table of contents. The following are typical specimens of the requirements of the censors:

St. Luke, 4:14-21, "Gospel liberty." The word "liberty" must be erased.

Jeremiah 33:7-16, "Sorrow turned to joy." This title must be suppressed.

Haggai 2:1-9, "Encouraging the people." This title, which refers to the Divine encouragement given to the people in the work of rebuilding the temple in the days of Zerubbabel, must be erased.

Psalm 33:10-22, "Wicked devices frustrated." This title must be stricken out.
 Esther 4:1-9, "Sorrow in the palace." This title must be suppressed.
 Romans 4:1-8, "Saved by grace." This title must be modified to read "Saved from sin by grace."

Psalm 38: 8-15, "Hope in distress." This title must be suppressed.
 Joshua 1:1-9, "Fear not." This title can not be allowed.
 Romans 8:31-39, "Rejoicing in persecution." This title must be erased.
 Romans 15:25-33, "A benevolent object." This title can not be allowed to stand unless the object is stated. If a full statement of the object is made and it is found to be compatible with the interests of the Ottoman Empire, the title will be allowed to stand with its explanation.

The titles of religious books in common use throughout Christendom are often prohibited and often modified to suit Mohammedan ideas. Of such are the titles of Prof. Drummond's *The Greatest Thing in the World*, and Montfort's *The Divine Name, The Law Still Binding*, etc. In each of these cases the title of the work was spoiled by the prejudice or incompetence of the censors.

Mr. Wharton to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 27, 1893.

Mr. Wharton telegraphs Mr. Thompson that the incident at Marsovan is so grave as to warrant his making earnest representations to the Turkish Government and in availing himself of the cooperation of the representatives of Germany and Great Britain to secure the repression of disorders, the punishment of offenders, and the protection of life and property.

Mr. Thompson to Mr. Foster.

No. 39.] LEGATION OF THE UNITED STATES,
Constantinople, February 28, 1893. (Received March 16.)

SIR: I have the honor to acknowledge the receipt of your No. 31, dated February 9, 1893, in which my action in issuing a passport to the family of Hachik M. Michaelian, a naturalized citizen of the United States, is disapproved by the State Department.

In your No. 18 of the 15th of December, 1892, I was directed to use my "good offices" to assist Mrs. Michaelian and family in joining her husband in the United States. My reason for issuing said passport was because of the fact that such a course is recognized by the Ottoman Code in relation to the families of citizens of foreign countries, and reads as follows:

Législation Ottomane, Vol. I.

Law on Ottoman Nationality, p. 7, art. 7.

The Ottoman woman who marries a foreigner may, if she becomes a widow, recover her quality as an Ottoman subject by making her declaration to that effect within the three years that follow the death of her husband. Anyhow, this provision is applicable to her person; her real estates are submitted to the general laws and regulations which govern them.

The case of Mrs. Michaelian appeared to be one covered by the above provision, and her passport is recognized by the Turkish authorities. As a matter of course your decision in this case will be the rule in issuing passports in similar cases hereafter. Yet, under my instructions from the Department in this case to use my "good offices" in securing

to this woman and family a right to be allowed to leave Turkey to join her husband, who was a citizen of the United States, it was most easily and effectively done by issuing a passport that was recognized by the Turkish authorities under the above quoted law.

I have, etc.,

DAVID P. THOMPSON.

Mr. Wharton to Mr. Thompson.

No. 44.]

DEPARTMENT OF STATE,
Washington, March 1, 1893.

Sir: Your dispatch No. 24, of the 5th ultimo, did not reach the Department until the 27th. Your later dispatches on the same subject, Nos. 25, 27, and 29 of February 6, 7, and 9, respectively, have also been received.

In view of the serious apprehensions aroused by the wanton destruction of the Anatolian College at Marsovan, and by the perturbed condition of that region of Armenia lest these outbreaks against foreigners may spread beyond control and imperil the lives and property of peaceable American citizens, I cordially approve your overtures for the coincident action of your British and German colleagues looking to affording protection to foreigners residing in that distant and isolated country.

The visit of Mr. Jewett to the scene of disturbance, in obedience to the intimation of the German vice-consul at Amassia, is approved, and you will instruct Mr. Jewett to submit a statement of such proper expenses as he may actually and necessarily incur in the line of the duty thus suddenly devolving upon him, for adjustment by the Department.

You will continue your urgent representations to the minister for foreign affairs, and in the proper case to the grand vizier also, claiming the immediate adoption of repressive and punitive measures which shall enforce due respect for the persons and property of American citizens in Armenia, as in any other part of the Ottoman dominions, and secure for them due reparation for such injuries as they may suffer through the failure of the authorities to afford them adequate protection and prompt redress. A state of things so alarming and so calculated to impair the confidence of this Government in the ability of Turkey to maintain order and security within its territory, can not long continue without a grave responsibility resting upon the Imperial Government.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Thompson to Mr. Foster.

No. 41.]

LEGATION OF THE UNITED STATES,
Constantinople, March 1, 1893. (Received March 16.)

SIR: I have the honor to transmit to you for your information copy of a report made by Consul Jewett to Consul-General Hess, and which the latter has sent to me.

On receipt of this report I called on the minister for foreign affairs and furnished him with a copy of Consul Jewett's report, which he asked might be furnished him.

I protested to him most earnestly against the manner in which the examination at Marsovan was being conducted and informed him that what I wanted was to ascertain the cause of the destruction of the building, whether by incendiary or accident; if the latter, who the guilty parties were and the causes that led to the same; that in the examination of witnesses the consul and his dragoman should be present, that witnesses should not be intimidated, and that the examination should be conducted with a view of showing who the guilty parties are, and if it was of incendiary origin. I also informed him that letters were opened before being delivered and in some cases not delivered after being opened, and that such interference with correspondence would not be tolerated without my most determined protest.

On receipt of this report from Jewett I had a conference with the British and German ambassadors in regard to the matter, and each of them promised active cooperation in taking such steps as would insure protection to the Christian population and the American schools and teachers in the disturbed district. The German ambassador asked me for a copy of the report, which I gave him, because he had been very willing to have the German consul at Amassia go to Marsovan at the time of the burning of the college building and do everything in his power for the protection of American interests at that place, which, however, was not required, because of the arrival of our own consul at Marsovan.

The minister of foreign affairs promises me such reports as he obtains from Marsovan as soon as received by him. In the meantime I will instruct Jewett to remain at Marsovan until the investigation is complete.

I have, etc.,

DAVID P. THOMPSON.

[Inclosure in No. 41.]

Mr. Jewett to Mr. Hess.

[Written at Marsovan.]

No. 16.]

CONSULATE OF THE UNITED STATES AT SIVAS.

SIR: In accordance with my dispatch No. 15, I left Sivas on the 7th instant and arrived here on the 12th.

I find affairs in a very critical condition, and much anxiety is felt by the American citizens here.

Since the posting of inflammatory placards of January 5 there has existed at Marsovan a state closely resembling that of siege. Hundreds of arrests of Armenians have been made in this region. People do not dare to open their shops. Trade is largely stopped. Houses are searched right and left. The streets are patrolled night and day by large numbers of police. Communication by letter and telegraph is largely prohibited. Persons leaving the city are searched for letters. All this is calculated to stir up excitement and lead to violence and all seems to be done with an evil intent. Hosref Pasha, who was charged by the vali to investigate affairs in a friendly way and to protect American interests, seems to be acting in a contrary manner. There is plenty of testimony reported that he has expressed great animosity toward the college and has expressed also his determination to destroy it. Before the burning of the college building such threats were reported, and since then they have been repeated. Yesterday we learned on good authority that there was an effort being made to get or compel Armenians in large numbers to sign a paper stating that the college was the cause of all the trouble, a hotbed of revolutionary ideas and must be destroyed.

In this connection I would state that at Amassia I was informed that the chief of police of that city made the statement that he had no confidence in the *zapties* sent there by Hosref Pacha, because he knew they were sent there with instructions to set fire, and his opinion was confirmed shortly after by an attempt at burning the Government building.

Every means seems to be used to falsify the truth and make out a case against the college teachers who were arrested and against the college. We are told of the most corrupt means being used to manufacture evidence to criminate the teachers, and to show that the placards were manufactured at the college.

As far as I have been able to substantiate the facts, they are as reported to the minister in the letter sent from here February 4.

It seems to me that there can be little improvement in the condition of affairs until a change is made in the means and methods used in the so-called investigations.

The facts, as reported to me by the vali at Sivas, as having been reported to him, I believe to be false.

The attitude of the missionaries towards those making the investigation has been most circumspect, judicious, and, so far as could be, friendly.

The missionaries are fully loyal to the Government and want an honest and fair investigation. They have not opposed the officers in the discharge of their duty as has been represented to the vali, and they have stated to the authorities that if any of their teachers had been guilty of disloyalty to the Government or had been concerned in any revolutionary scheme they should suffer the just penalty of their crimes.

The building which was burned was owned for the college in the name of Dr. Melcom (the college physician or member of the faculty, and one of the local board of directors) because he could get the land at a more reasonable price than the Americans could and because he could obtain a building permit more readily. There is reason to believe that the purposes and real ownership of the building were well known to the authorities.

Detailed plans of a school building were submitted to the proper authorities when a building permit was asked for. Walls were built incorporating the new purchase with the old college grounds. Building supplies were brought through the college grounds and bought by the college purchasing agent. A Government scribe applied to the missionaries to sell them a water supply for the new building and the malmudiri stated on the college grounds in the presence of several witnesses that the building, although in the name of the doctor, belonged to the college and was part of the college property.

I have not yet received the letter of the minister which he telegraphed on the 7th he had sent me. I would be glad to have instructions as full and detailed as possible.

I hope you will acquaint the minister with all the important facts contained in my dispatches at your earliest convenience.

FEBRUARY 15.

A demand is made by the authorities for one of the employés, the gate-keeper, whose domicile is on the college grounds. They claim that they want simply to examine him, but there is little doubt that they wish to get him into their hands and imprison him.

The kaimakam refused to promise that he would not be imprisoned.

It is currently reported that charges are made against him which are unjust, unreasonable, and absurd. Knowing the malignity and unprincipled character of the examiners, I think I shall be right in refusing to let him be delivered up. I would like immediate instructions on this point.

There is no doubt that the officers will try to make capital of the fact that I oppose them, but I am of the opinion that I shall be right in refusing to allow the arrest of any one residing on the college grounds under the existing circumstances.

I send this despatch by special messenger in order to insure your receiving it as soon as possible.

I am, etc.,

M. A. JEWETT,
U. S. Consul.

Mr. Thompson to Mr. Foster.

[No. 42.]

LEGATION OF THE UNITED STATES,
Constantinople, March 1, 1893. (Received March 16.)

SIR: I have the honor of transmitting a copy of my second letter of instructions to Consul Jewett at Marsovan, as I was informed by him

that my letter of instructions to him, dated February 3, had not reached him, neither had his letters which he sent me on February 4, 11, and 14 reached me, although the mails were not interrupted by the severe weather to any considerable extent.

As you will observe, I have instructed him to allow the gate-keeper of the college to be examined by the Turkish authorities on the condition that he shall not be imprisoned unless found guilty of some crime, and that he (the consul) should be allowed to be present to cross-examine witnesses at the examination.

It will be understood the college authorities have no disposition to shield any criminal, but, on the contrary, wish the examination to be as thorough as possible, but to be done in a legal and just manner.

I have, etc.,

DAVID P. THOMPSON.

[Inclosure in No. 42.]

Mr. Thompson to Mr. Jewett.

LEGATION OF THE UNITED STATES,
Constantinople, February 28, 1893.

SIR: I am in receipt of yours of the 17th instant to me, and of yours to the consul-general of the 14th and 15th, of which he has given me copies and asked me for instructions.

In my instructions to you of February 3, sent to Marsovan in care of the Anatolian College, you were instructed to make an investigation of the causes of the destruction of the college building by fire; also to examine into the attitude of the officials generally towards the school.

I will now add, in addition to my said letter of February 3, that you ascertain the causes which led to the imprisonment of two native teachers of the college; the threats that have been made by the Turkish officials of Marsovan, and their attitude generally towards the school, and to obtain all the evidence you can as to the knowledge the said Turkish officials had of the ownership of the ground on which the building stood; if intimidation has been used towards witnesses by the authorities during the investigation.

The object of this investigation is for the purpose of ascertaining whether the building was destroyed by an incendiary or by accident; whether threats have been made by the officers of the Turkish Government against the property and persons of the missionaries and schools, and to take such evidence as will tend to determine, with as much certainty as possible, whether the building was destroyed by accident or by an incendiary, and, if the latter, the causes which led to it.

I hope you will take such evidence as will tend to show whether there are any grounds for the assertion that is being made that the incendiary proclamations which were distributed on the night of January 5, 1893, originated and were manufactured in the college buildings, or were in any manner the work of the teachers employed at the school, as is claimed to be the case by the Turkish officials; and when so engaged, to act with the Turkish officials in obtaining such evidence if they are disposed to aid you in such investigations.

You will allow the gatekeeper to be taken before the proper officers on condition that you are to be present at his examination and to demand the right to cross-examine him, and that he must not be imprisoned unless he shall have been found guilty of some criminal act by the evidence produced. You will inform the Turkish officials of your earnest protest against evidence taken by them in any way affecting the American college or the college officials in any manner unless you are present and be given permission to cross-examine the witnesses in all cases.

You will also protest against all attempts to intimidate witnesses. Keep such a record of the proceedings as will enable you to make a correct report to me, that I may transmit copies to the Department of State.

I have not received your letters of February 3 and 14.

I have, etc.,

DAVID P. THOMPSON,
U. S. Minister.

Mr. Thompson to Mr. Gresham.

No. 47.]

LEGATION OF THE UNITED STATES,
Constantinople, March 7, 1893. (Received March 27.)

SIR: I have the honor to inclose to you the report of Consul Jewett, who had been instructed by me to make a thorough investigation of the troubles at Marsovan in Asia Minor, to investigate the causes of the burning of the new school building and the general attitude of the authorities of the Ottoman Government at that place towards the school and teachers, to ascertain everything practicable that would make his report thorough and conclusive.

I have acquainted the British and German ambassadors with the result of the examinations and investigations of Consul Jewett, so they may be informed of the character of the Ottoman officials at that place, their attitude towards the school established there and towards Christians generally. I have had an interview with his excellency the minister of foreign affairs here, and made known to him the substance of the report made by Consul Jewett. He intimated to me he would like to be satisfied that the incendiary placards which were posted throughout a great portion of Asia Minor on the night of January 5 were not printed at the Anatolian College at Marsovan, and that an examination of the premises would allay the suspicion in that locality.

He also sent his chief clerk, Noury Bey, to me with a request that I authorize a search to be made of the college to ascertain if arms were not stored there as well as ammunition. This I refused to allow, but proposed to authorize Consul Jewett to act with the public prosecutor who had been appointed by his excellency to investigate the causes which had led to the burning of the college building, the threats made by Hosref Pasha, who is the chief the police force, and the whole subject, with permission to be present to examine witnesses and to cross-examine them; also that witnesses should not be imprisoned for giving testimony, and when this was completed the college buildings and buildings on the ground might be examined to ascertain whether there was evidence to show that the placards were printed at the college; also to ascertain whether an amount of arms sufficient to be a menace to the peace of the town was stored in the college buildings; but under no consideration should Hosref Pasha or any of his gendarmes be present, and that not more than five or six persons should be allowed to accompany Consul Jewett and the public prosecutor, or such official as might be selected to make the examination.

I informed his excellency that I had such information as showed to me that Hosref Pasha was a bad man; that he had been convicted of brigandage; that he had been guilty of the crime of murder, and that he was a most unfit man to be trusted in any capacity, and I earnestly protested against his having anything to do with the investigation, to which his excellency finally agreed, and promised to have a telegram drawn up for my examination to be sent by us to the public prosecutor and Consul Jewett, authorizing them to act together in making this investigation.

I also stated to his excellency the examination should proceed without delay, and that the ownership of the building destroyed was covered by the second paragraph of section 3 of the proclamation of the President of the United States of the protocol of June 10, 1869.

I beg to state that I find great difficulty in keeping up proper communications with Consul Jewett, and that by post and telegraph many of our letters to each other fail to reach their destination.

I submit Consul Jewett's report with the request that I be informed by telegraph of the decision of the Department as regards my instructions in this matter.

I have, etc..

DAVID P. THOMPSON.

[Inclosure 1 in No. 47.]

Mr. Jewett to Mr. Thompson.

CONSULATE OF THE UNITED STATES AT SIVAS,
Written at *Marsovan, February 21, 1893.*

SIR: Your letter of the 12th instant to Dr. Herrick, in which you say I have been instructed to send you a full report of affairs here, was received yesterday afternoon. That was the first real intimation of your wishes that I have received.

Your telegram of the 7th I could not fully understand, and your letter of the 7th has not reached me yet. The insecurity of letters is indicative of our own insecurity.

I have hastened to prepare a report of the state of affairs here and of the events which have taken place. The difficulty of getting direct evidence is very great while the present state of affairs continues. Practically, no men dare to openly testify, for they know that a word is sufficient to send them to prison. When the present high-handed injustice is stopped I think testimony in abundance will be obtainable to prove all the claims made in the letter of the 4th instant and subsequent letters.

The facts which I present to you in this letter it seems to me form a sufficient basis for strong and immediate diplomatic action.

My letters Nos. 16 and 17 to the consul-general, and my letter to you of the 17th instant, giving a copy of my letter to the Vali, are hereby confirmed.

I incorporate the statements made by the missionaries and signed by them, as a part of this dispatch and a part of my report, and I believe the statements made by them are true and reliable.

The case is presented in a somewhat disconnected manner, partly from the haste with which it is prepared, but I think you will be able to see the logical unity of the statements made.

The theory as to the origin of the movement expressed by me some weeks ago in a letter to the consul-general still seems quite reasonable to me. That the former Vali is in some way connected with it seems to me probable. The present Vali said that placards were posted in Circassian villages where no one but the Hakim or Kaimakam could read them; Mendoneh Bey stopped several days near Marsovan after his dismissal and while on his way to Constantinople. Those who are most bitter against the college are his creatures. The wideness and simultaneous distribution of placards indicate management and organization.

Hosref's wife stated on or about February 4 that eight letters from Mendoneh Bey had just arrived for Hosref Pasha. The Kaimakam of Marsovan said to Mr. N. that he received a telegram on February 3 saying placards will be posted and to be careful.

When the placards were handed to the Kaimakam he immediately said they originated at the college. It was common report, amounting to certainty, that Hosref Pasha used violent and threatening language against the college and said he would destroy it.

Mr. N. testifies that he heard Turks say that Hosref Pasha said that he would destroy the college.

Another man told Mr. N. that Hosref Pasha said all the trouble came from the college.

P. says, Hosref Pasha said to him, "I know all these things came from the college; if it is not destroyed there will be no end to this trouble."

Mr. N. further testifies that it was common talk in the market previous to the fire, that Hosref Pasha was going to destroy the college. His brother in Amassia asked his servant the day before the fire if the college had been burned? He says that during the fire he heard people say, "We must no go there, Hosref Pasha is burning the building."

A reliable man told Mr. N. that the Greek family living on the property adjoining the college property, saw about 50 Georgian Mouhagias, dressed and armed like Zapties, near the college wall during the fire.

Alb. testifies that the Kaimakam asked him to take a telegram to Hosref Pasha. When he came to the door he heard loud talking within, and he heard Hosref Pasha

say: "There is no other way, we must set fire; we must destroy that place." He says the fact was well known that Hosref Pasha distributed Government rifles to the Monhagias about the time of the fire. He saw soldiers going away from the fire after it was nearly or quite over; he says it is reported that the Monhagias talk of the fact that they were armed by Hosref Pasha, and were present at the fire, and that they say they were there with instructions to fire if there was any rising of the students or any insult to the Pasha.

F. testifies that he got up when he heard the noise of the fire, went out on the street, and heard people say, "Hosref Pasha set this fire and we had better keep away." Later he heard a Turk say, "Hosref Pasha burned this building, when he burns the rest perhaps his heart will be satisfied."

He further declares that now Turks and Armenians universally believe Hosref Pasha was the author or instigator of the fire.

A watchman tells him that on the night of the fire, Hosref Pasha, the Malmudiri, and others, took dinner at Kaleb Effendi's house. At about 5 o'clock at night (Tk) (about 11.30 p. m., European) a dozen armed men with their faces covered with dark cloth were at the house of Kaleb Effendi. After that he heard noise inside as of men doing something with guns. People of the neighborhood were frightened at the noise and went elsewhere to sleep. Later (time uncertain) he saw five armed men and three unarmed men leave the house and go up the street and turn a corner away from the Government building and in the direction of the college. They carried no light.

Testimony of college watchman to me.

Three days before the fire, while standing at the outer gate about 3 p. m. (Tk), he saw about a dozen armed men pass by talking among themselves; he heard one of them say with oaths, "These buildings do not get burned." Next day he talked with the cook about it and said there should be more watchmen. He discovered the fire when he was near the upper gate and ran down to the burning building; says fire burst out very rapidly. Hosref Pasha sent for him; he went out of the gate with him and the chief of police, Gukmen. Hosref Pasha left while fire was at its height; Gukmen took him and went along outside of the wall, ostensibly looking for foot-tracks, but the snow was all trodden down in the places where they went. While going along the wall he saw quite a company of armed men, perhaps 50, drawn up near a low place in the wall. He saw them march along towards the upper gate. He was taken to the Government house and examined by Hosref Pasha. Among other things the pasha said to him, "The missionaries had ammunition and powder stored in that building, and some students went there to smoke; they set fire to some powder, caused an explosion, and thus fired the building."

After the examination he heard the pasha say through a half open door, "Pity all the buildings had not burned." Says the pasha had a club brought in and tried by threatening, to make him make false statements.

Mrs. Riggs was awakened by the light of the fire; dressed hurriedly, and as soon as she was dressed, or perhaps before being fully dressed, she saw Hosref Pasha enter the grounds.

There is abundant and overwhelming indirect testimony that most corrupt methods are employed to manufacture false evidence. Four men have promised to-day to testify that they know three men who, instigated by Hosref Pasha, are trying to get signatures to a paper stating that the college is against the Government and should be destroyed. It is also said that a paper is being circulated among the Armenians (and they feel they must sign it or be imprisoned) stating that they are pleased with the conduct of Hosref Pasha. I have good evidence that a man has been sent in among the prisoners to try to induce them to testify against the college teachers; offers of liberty and of money have been made. Four men were told they would be released if they would testify that a letter shown to them came from Toumyan and Kyrian.

A letter from Mrs. Toumyian to her husband in which it was said, "I have collected so much money for the hospital," was reported to the Vali as saying "for the purpose." A man called to translate private papers of the teachers is held in prison. A man who reported efforts at bribery was sent off under escort to Tokat.

I have heard a great many reports of this sort but will not stop to relate them. If our theory is correct the point is important that the investigation is in the hands of men who are interested in covering up the truth and manufacturing false testimony. False reports were sent from here to the Vali and I have no doubt such reports were sent to Constantinople. I have it on good authority that yesterday the pasha telegraphed to the Vali for an order to arrest another of the college teachers.

Your telegram of the 7th speaks of my making propositions. Of course you will make such demands as you think proper. It seems to me that no amount of money indemnity will be a suitable compensation for the weeks of anxiety experienced by

our citizens, or adequate recompense for the insults and outrages against them. Hosref Pasha must be removed before any improvement in our condition can be expected. There can be no security for anyone so long as he holds his present office. We charge him with one of the greatest of crimes, and his trial should follow as a matter of course. It seems to me that the entire vindication of the college should be demanded, and its establishment on a secure foundation insisted upon, but first we require the removal of this obnoxious man. All departments are now under the control of this ex-brigand, once sentenced to life imprisonment for murder and robbery, and who obtained his pardon by killing one of his robber companions. There can be no security under such circumstances.

The gravity of the situation I do not think is magnified.

I understand from Mr. Dwight's letter that you have asked for suitable protection of Christians. What protection was given? The whole police force from Marsovan nearly to Cesaria is in the control of this man so noted for his corruption and unscrupulous wickedness; who has arrested hundreds of Armenians on false charges and has resorted to most corrupt methods to incriminate them; who has openly declared his determination to destroy American property, and has accomplished a part of his threat. The native Christians are becoming more and more alarmed; their petitions and complaints come to my ears until my heart becomes sick with the stories of their wrongs. They see no apparent improvement in the condition of affairs and they feel that if the American Government is impotent to stop slander and threatenings against its citizens, what hope of protection can they have? They see this man who, common report amounting to certainty declares has threatened and accomplished destruction of American property, still flourishing and carrying out his high-handed outrages.

Our Government has been outraged and continues to be outraged so long as this man is allowed to go unchecked and unpunished.

Please acknowledge receipt of this dispatch by telegraph. Having heard so very little from you, nothing sent during the last nine days, our people here feel decidedly uneasy.

I am etc.,

MILO A. JEWETT,
U. S. Consul.

The accompanying memoranda marked A, B, C, D, E, are herewith respectfully presented to Consul Jewett, as embodying what we regard as the most important facts, not already communicated, relative to our position at Marsovan since the opening of the most unexpected events of the last nearly fifty days.

We ask Dr. Jewett to use these papers at his discretion, adding what his own observations during the past ten days may in his judgment require.

T. F. SMITH.
GEORGE F. HERRICK.
EDWARD RIGGS.
GEORGE E. WHITE.

MARSOVAN, February 22, 1893.

MEMORANDUM A.

The past relations of the Americans resident in Marsovan to the local government and people, both Turks and Armenians.

The residence in Marsovan of two of our number, viz: Rev. T. F. Smith, dean of the Theological Training School out of which the college developed, and Miss E. A. Fritcher, principal, from the first, of the girls boarding school, extends over just thirty years, they having reached Marsovan in 1863.

The two schools, then the high schools of the Western Turkey mission, were transferred from Constantinople to Marsovan that year, but were not formally opened here till nearly two years later, i. e. twenty-eight years ago.

For the first six years these schools, then small in number, were accommodated, after a fashion, in separate rented houses in another part of the city from that where they and ourselves are now located. Twenty-two years ago the largest of our present college buildings was erected, the ground having been purchased the preceding year.

The girls' school found a temporary home the same year in a house at a little distance from this which we had hired and fitted up for the purpose.

The present quarters occupied by the girls' school were bought piece by piece, and the buildings built piece by piece till now the quarters have become altogether

too narrow. Additions to our premises on the side opposite those of the girls' school have from time to time been made.

Of our seven or eight buildings three are college buildings, not reckoning the porter's lodge, bath, shops, etc., three are dwelling houses, and the other, built at two different times, is the girls' school.

These repeated enlargements of our possessions and of our work have furnished an excellent test of the disposition of the people, Turks and Armenians, and of the local government towards us. On two occasions, both in the earlier years, jealousy was manifested, and in one of these instances Government opposition was made against the erection of a house.

On all other occasions either positive friendliness was shown or the fact that we are undeniably innocent people and our work eleemosynary and friendly, together with the fact that the Government receives increasing revenue from our taxes, has silenced all objections.

The erection of the new building last summer seems to have stirred up new jealousy. Our personal relations to people of all classes has always been friendly, and scores of pupils have been sent to the college from Gregorian-Armenian families of the city.

Calls, formal and informal, have constantly been exchanged between ourselves and leading Turks, as well as Armenians. That some of both races have always regarded us with jealousy is certain, and was to be expected.

Our exceeding slowness to believe in hostile intention against us in recent events finds its ready explanation in our own friendliness manifested during thirty years towards the Government, towards people of all classes and races in this little city.

MEMORANDUM B.

The purchase and ownership of buildings.

The property of the Americans in Marsovan has been purchased, piece by piece, during a period of twenty-three years.

At first the only possible manner of purchase was in the name of a subject of the Turkish Government, and after it was possible for foreigners to hold property directly, the plan of purchase through native hands was necessitated, because exorbitant prices were always demanded whenever we appeared as the party desirous of purchasing. In this way a plot of ground close by us, and which is now part and parcel of the new ground on which the new building stood, was purchased and is still held in the name of our college steward. The subsequent and larger purchase was bought by and in the name of Dr. Melcon Altoonian.

This gentleman is our own and the college physician, also a member of the college faculty and a member of the local board of managers; he is also the official Government physician.

After the purchase a plan of the building was made in detail and shown to the Government. The Government architect was sent upon the ground, Mr. Smith and Dr. Altoonian accompanied him, and Mr. Smith himself showed him where the building was to be and explained the details; the new premises were walled in by us last summer. All the material for the building passed through our grounds and was paid for by the college purchasing agent, the new grounds being opened on our side as they were closed on other sides.

This was eight months before the fire. A Turk, who is a scribe in the Government house, whose premises adjoin our new lot on the side opposite our houses, came to Mr. Smith and asked that he might be permitted to connect his sewer with the new one we were building; he also proposed to sell us water from his water supply.

On January 16 the malmudiri in company with certain Turkish gentlemen, came to the college and remained on the premises for two hours or more. There, in the presence of Mr. Smith, Kayayan Effendi, and Xenides Effendi, the malmudiri said: "This new building is held in the name of Dr. Altoonian, but it belongs to the Americans and is part of their schools and other buildings."

A small gate which connected this new ground with the city on the south was always kept locked by us. This is the gate Hosref Pasha with Ibrahim Gukmen forced on the night of the fire.

The permit for the new building was a permit for a "house" of so and so many rooms and of such and such dimensions. This is no subterfuge; it was to be a house inhabited by a family together with 50 boarding school girls—50 more or less. It was nothing new proposed, and no deceit whatever practiced. The girls of our school are now in too narrow quarters, and it was proposed to transfer them. It was as much not to embarrass Government officers as to save ourselves from embarrassment that we did not use the word "school." No new school was contemplated—no new work of any kind was proposed.

MEMORANDUM C.

The burning of the new building.

In preparing this memorandum, after receiving the letter of his excellency Mr. Minister Thompson of the 12th instant, in which we are cautioned against sending too much hearsay evidence which the Porte will term "bosh," we beg to be allowed very respectfully to make two preliminary remarks.

(1) Our letter of the 4th instant was prepared and dispatched under the gravest sense of responsibility. We knew very well what our charge meant; we had been assured over and over again, with great urgency, that our lives and our property were in imminent danger; by that day we were forced to believe this. We insisted on sending no sensational news, no alarmist telegrams. We were sure and we have been more sure every day since, that the presence here of Hosref Pasha was a dangerous menace to ourselves. We had and we have overwhelming evidence that his grip upon the city is seriously traversing the course of justice, and that right-minded Turks have every whit as much reason as we have to desire his instant removal. We confidently expected his removal before this time, but the strain is still on us and is growing more tense day by day.

(2) Men engaged in nefarious practices do not deliberately give themselves away, therefore very little of direct legal evidence of the charge we make can be obtained while Hosref is here in power, for reasons obvious to all persons familiar with judicial (?) investigations in this country under a reign of terror. No one here dreams of regarding this last expression as other than the simple statement of a known fact although it is evident that not even our own colleague, Mr. Dwight, of Constantinople, when he wrote on the 7th instant, fully realized our danger. Our evidence is circumstantial to a large degree, but supported as it is, by ample direct evidence not now producible, and contradicted by absolutely nothing, it seems to us at least, to be conclusive. We will try to give it connectedly and in detail, begging leave to refer again to our letter of the 4th instant. We should perhaps be the less surprised that no one at Constantinople has been able to think it possible that officers of the Government have been guilty of so base a crime as that of arson, together with the crime of a violent, persistent, libelous attack upon this American college, when we remember how slow we ourselves were to believe such things could be even with the evidence staring us in the face. On his way here Hosref Pasha, while at Amassia, came in conflict with a colonel there, who sent a telegram to the seras keriat (war office), this at least six weeks ago, making serious charges against Hosref, calling him among other things, a "building burner" (yaugan edjji) and saying that he was coming on here with three or four experienced incendiaries in his train. This has been told us by men of position in Amassia and reiterated by different persons and we are assured we may rely on its substantial truth. This gives a significance to an incident of the fire not mentioned before, because the above was not then known; and it was not till lately supposed by us that persons of an official character directly connected with Hosref Pasha actually *did* the incendiary work. On going upon the ground of the fire, as soon as he could get there after the alarm was given, a few minutes after the first blaze, Mr. Herrick met two men in *zapties'* (gendarmes) overcoats and carrying rifles, just at the gate of the gate of the nearest corner of the new grounds, a gate always open since summer. These men were going from the building quickly, not running, and very quietly as though anxious to get away unobserved, towards our street gate. This was before the little gate had been forced and Hosref Pasha had entered, and explains why two sets of tracks in the snow, traced from the top of our south wall to the building had no corresponding tracks from the building to the wall. Dr. Herrick instantly remarked to colleagues whom he met, as they now recall, "there are armed men on our premises;" and he himself looked right and left to see if there were more such men.

A few minutes later, probably ten minutes, it was announced "Hosref Pasha is on the ground, by the burning building."

We know now that Ibrahim Gukmen, chief of police, then entered our premises by an adjoining house, and forced the little outer gate on that side, and let Hosref in. Ibrahim himself said to Dr. Herrick and Mr. Riggs on Sunday, 5th instant, that he forced that gate and let the pasha in by it. Hosref and Ibrahim remained but a few minutes on the premises; left while the danger of the fire's communicating to the adjoining dwellings was at its height, taking with him, without our leave, from under our right of domicile, our night watchman and holding him in prison till near evening.

The following day when we sent word to the kaimakam that our watchman was necessary to us, he was released. Meantime he had been called seven several times and questioned concerning the building and the fire. His statements to us

concerning these examinations and what he saw and heard that night are as follows, so far as what is material is concerned:

Q. Was there any watchman in the building?—A. No.

Q. Why not?—A. There was no place for a man to stay—no floors or ceilings, no doors or windows.

Q. Was there a magazine to the building?—A. No.

Q. Anything stored in the building?—A. No.

Q. Any shavings, etc., in it?—A. No.

Q. Any work being done on it now?—A. No.

Q. The fire started from within, didn't it?—A. No; that is impossible.

Q. Why didn't you give the alarm sooner and have the fire put out?—A. I did give the alarm at once, but the flames spread instantly all over the building.

Q. How many pupils are there in the school? Are there 200?—A. I don't know how many.

Q. Are there 100?—A. I don't know how many there are.

The watchman was threatened with beating, and a cudgel brought in, but he held firmly to his statements. His further testimony before us, given as soon as he was released on the 2d instant, is important. He heard Hosref say as he (the watchman) was waiting outside a door ajar, "This building was burned because it had no permit; the other buildings have no permits and must be burned too."

When taken from the grounds the night of the fire, he was brought round on the outside of our outer wall and there saw soldiers, or men armed like soldiers, with Government rifles, as many as thirty, waiting by the wall, and he himself had no doubt that they were brought there before the fire. A person who was situated in precisely the way to know, but whose statements are under the seal of absolute confidence, testifies, not in our presence, that an hour or more before the fire he saw five armed men with three unarmed men coming in our direction. Another person, in our presence, and that of the consul's dragoman, also under pledge of secrecy, testified that he knew, and he was so situated as to have the fullest means of knowing, that the plan of burning the college buildings was discussed in a knot of men, consisting of Hosref Pasha and city officers whom he named, and he specifically states that on one occasion, and but one, he heard these plans discussed by those men with his own ears while waiting to deliver a message. The rest of his knowledge was based on the common talk among those connected with official circles, but not themselves officers.

It was the town talk before the fire that Hosref would destroy the college, and we were specially warned of danger to this building by our most judicious friends. After the fire it was said everywhere, in market and on the street, "Hosref burned this and is going to burn the others." On the night of the fire Turks were heard saying this to one another.

The day following the fire, e. g., a friend of ours tells us he was walking in the street behind two Turks, his neighbors, and one said to the other, "the bey has made a pretty big fire, but the air is not yet warmed."

Specific testimonies were mentioned in our letter of the 4th instant.

When the consul came, now ten days ago, we proposed to call those men who promised to testify before him, though they said they would not do so in a native court. The consul wished Hosref removed from here before he called witnesses. Now, as far as appears to the people, nothing is yet done and spies are said to be placed to see who comes to the consul, and no one of these men dares appear.

One man came to us yesterday, a member of the Evangelical Church, and told us in the consul's presence, under solemn promise of secrecy, what does not seem as important to us as it does to him, but which reveals the tenor of talk in official circles and the consequent terror in the town. Though the exact circumstances of the hearing of the remark made have been given to us, we do not write them here.

We recur to the burning of the building in order to add some specific statements relative thereto. The evidence that the building was, and was known to be ours, is given in Memorandum B.

There had been expended upon the building 500 liras (\$2,240) or more. It was walled and roofed in, much lathing done, cornice finished, and several hundred boards ready for floor laying, were in it. The building was of three stories, 100 feet long by 55 and 45, including verandah, wide. It is 110 feet from the nearest dwelling. The night of the fire the thermometer was at zero. One hundred and fifty persons, men, women, and children, pupils of all our schools, boys and girls, were sleeping in lea of the burning building. The senior teacher of the girls' school is in very feeble health. The flame flared full into her room. She received a shock from which she has not recovered.

Had there been wind, or had wind risen during the fire, the catastrophe which would have befallen us still makes us both shudder, and thank God. The moral evidence of deliberate arson committed by Government officers is not only overwhelming strong; it is absolutely self-consistent and unrebutted, except by the denials of the perpetrators.

MEMORANDUM D.

Theory concerning the origin and method of the recent attack upon the college as tested by the events of January 5 to February 20, 1893.

Somewhat more than five years ago we received official notice from the local government that we must, within six months, obtain imperial permit for our schools, on pain of suppression. We referred the matter to our legation with the statement that our schools had been repeatedly recognized by the Government for a period of more than twenty years, through custom-house, Department of Education, and local permits for erection of buildings, and that it seemed doubtful to us whether asking for a new permit would not vitiate a claim which we already believed valid. This was the ground taken by our legation, and the action taken and proclaimed by the Government, at the instance of our legation, is the warrant under which we exist.

About three years ago, when Menduh Bey came as vali to Sivas, on a visit here, Hosref Bey, or Pasha, in his train, he was reported to us to have declared "I'll get 500 liras from those Americans at Marsovan or I'll close the college." He was shown the official paper of agreement between our own and the Turkish Government, and said publicly, "This is a strong paper and is all you require". From that time on he appeared friendly, attended our commencement exercises in 1891, gave the graduates their diplomas with his own hands, and in a speech on that occasion, in reply to a suitable address we presented him said: "I am glad to indorse for myself, and especially in the name of my imperial master, your work of education in this school." With the girls school he seemed still more pleased, and in a personal interview the following day, expressed himself to Dr. Herrick in the most cordial manner, and made request for a girl from our girls' school as governess for his own children. This request, it was to our regret, found impossible to comply with, as no parent would consent to his daughter's accepting.

On his visit here last summer before commencement, the vali, though polite, seemed less cordial, and made no allusion to the matter of the governess. When, on the evening of the 5th ultimo, two papers of an inflammatory character, in Osmanli, and addressed to Osmanlis, which had been pulled off our gate and brought to the director of the college by persons from the college coming in from a prayer meeting in the church, our opinion was and continued for many days to be, that these papers most likely issued from a seditious society of young exiled Turks, who are found, we have been told, somewhere in Europe. We were astonished the following day to learn that the Kaimakan charged the issuing of the papers upon the college, and we regarded it as the passionate and unreasoning outburst of a man driven to his wits end to ferret out a matter which would work to his discredit. When we learned that hundreds of Armenians, and no others, had been arrested in this and adjoining towns and charged with complicity in this business, we thought this a blind to cover an apparently insurrectionary movement among Turks themselves. It was actually weeks before we could believe the Government officers serious in charging such a thing upon the college.

On the 16th ultimo we learned that Hosref Pasha, the chief of the gendarmes of this province, a man of most evil record in the past in this immediate vicinity (referred to before in this memorandum), had been sent here to investigate the matter of the placards, under very sharp orders, it was reported, from the Sultan himself.

This man's coming was the occasion of great distress in the city. It soon became the common talk that Hosref violently threatened the college and its teachers. He was going to come and search our premises; he would destroy the college; Mr. Riggs' cyclostyle printed the placards, etc.

On the evening of the 28th the senior professor of the college, Mr. Thoumaian, and on the 30th the teacher of Armenian in the college, Mr. Kayayan, were arrested, and our request to see them and also to have them let off on bail was refused. Meantime we were credibly informed that in two cases, one in Hadji-Keny and one in Amasia, where an Armenian testified to seeing a Mullah putting up the placards, it was instantly hushed up; the man in Amasia being thrown into prison for his pains. This, together with the persistent attacks on Armenians and the charge against the college, seemed to make it pretty certain that the placard business was a feint used by, if not originating with, the Government to furnish a basis for an attack on the college more directly in the person of its two teachers resident in town. This belief finds support from several facts, as follows:

Menduh Bey is known to have spent some ten days at Carza, near by, after his dismissal as vali last autumn. The malmudiri of Marsovan, who has for years been free to intimacy on college grounds, went to Constantinople in autumn, and since Hosref Pasha came here has been in constant communication with him, both being friends of the deposed vali. Menduh Bey is known to have claimed that he alone could bring this Armenian question to settlement. And, finally, the violence and persistence of the attack upon the college, the threats, the calumny, the incendiarism, the

imprisonments of teachers, and the means used against them are best explained in a bitter grudge cherished by a deposed and angry man. The whole course of the attack since January 5 has been avowedly "against the college" with intent to destroy it, and as the days have passed it has taken on the character of an unscrupulous attempt to fasten on the college the calumnious charge of complicity with sedition. When Consul Jewett declined to have our carpenter taken to the Government house, the moukhtar of the Protestants was forced to set his seal to a paper saying that the man refused to come. Also this past week, i. e., February 16 or 17, leading Armenians were called and bidden to prepare and sign a paper declaring the college injurious to them. That the main object of the fire was to develop sedition, force our pupils to arm, and so take possession of our premises, seems to be manifest from the special armed force massed outside our walls before the fire broke out; from the charge made the next day that we burned the building so as to destroy arms and ammunition and seditious books and papers; and that it was our sharpness of wit that we did not attack Hosref and his men.

MEMORANDUM E.

The case of the teachers.

It is of course manifest that educated Armenians, Gregorian or Protestant, love their people and seek their progress and prosperity; moreover, that they sympathize with all right and suitable efforts to secure such progress and prosperity. Can any man anywhere object to that? Should we desire as teachers in our college men who were indifferent, not to say opposed, to right and worthy national aspirations? Now note, that if, as alleged, there exists a body of men among the Armenians who wish to secure the good of their people, by unlawful means if they can not otherwise—and we avow it our belief that the importance of this movement, at least among Armenians in Turkey, has been immensely exaggerated and that confidence in the actual loyalty of the overwhelming majority of Armenians would be far better policy than that now pursued—it would be the most natural thing in the world for these insignificant men to try very hard to get into their number such men as Mr. Thoumaian and Mr. Kayayan. Then, when this scheme failed and the men in the society are hard pressed, they take their revenge on the men they could not entrap and trump up some plausible lie on the strength of which they hope to clear themselves, at the expense of better men. Who are in this society? I do not know, of course. I doubt if Mr. K. or Mr. T. know. If they do know and are unwilling to shield themselves by giving up their deluded and foolish countrymen, when everybody knows that they themselves have ever been loyal and counseled loyalty on all occasions, we might, I think, find reason to applaud, certainly not to condemn, their self-sacrifice, these men are innocent of the charge made against them; so far as we can learn no scrap of evidence has been found against them. False witnesses and forged documents are not evidence. It is most significant in their favor that, as far as we can learn, the Malmudiri, who, if anybody knows aught against them, certainly ought to know, has brought no evidence against them. We heard it to-day, February 20, from a reliable source, that the leading men of the Armenian community have been this day in consultation over a demand made of them by Government, that they sign a paper declaring that a letter from Cæsarea, purporting to be from Mr. Thoumaian and Mr. Kayayan, and which these gentlemen declare a forgery, is really from the said Thoumaian and Kayayan. Under evident danger of imprisonment and worse these men have, we are glad to say, declined to set their seals to what they know to be false.

Now the gravamen of the case of the teachers, as it appeals to us, is that they belong to the personnel of the college. They are part and parcel of the college. The attack on them is distinctly coupled with the assertion, repeated in Government circles, "The college is a center of sedition. It must be destroyed; from it on Mr. Riggs' cyclostyle the placards were prepared and issued." Their case is therefore our case, and no pause can be allowed until the college, with all its teachers, pupils, and belongings, is fully, amply, publicly exonerated and vindicated, and its permanent safety amply secured. That Hosref has been foiled hitherto in his attempts to stir up and then scatter the pupils is a cause of profound gratitude. We live in the heart of Asia Minor, among ignorant and fanatic Moslems. Deliberate effort by officers of the Government to blackball us, continued for weeks, is calculated to stir up even those who were friendly but who have no particular interest to side with us in a bitter and prolonged strife. As things now are matters can not be decided by any possible investigations here unless Hosref be taken away from the vicinity. Witnesses will not appear in his presence or while his grip is upon the town. The teachers have no shadow of hope of justice except under the very aegis of the power under whose protection the college exists—our own United States of America.

Mr. Gresham to Mr. Thompson.

No. 49.]

DEPARTMENT OF STATE,
Washington, March 8, 1893.

SIR: I transmit, with reference to Instruction No. 44 of 1st instant, a copy of a letter from Mr. Alden of the American Board of Commissioners for Foreign Missions, Boston, and of correspondence therewith, from United States citizens at Marsovan, relative to the recent destruction of their property by incendiaries. If our citizens are impeded in communicating with the legation you will if necessary, ask observance of their right in this regard.

I am, etc.,

W. Q. GRESHAM.

[Inclosure in No. 49.]

Mr. Alden to Mr. Foster.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
CONGREGATIONAL HOUSE, SOMERSET STREET,
Boston, March 2, 1893.

DEAR SIR: The inclosed extracts from correspondence from our imperiled missionaries at Marsovan, Turkey, just received, I send you in addition to documents sent you two or three days ago. We regard them as of very great importance, and you will see that our missionaries have notified the Government that they should appeal to the U. S. embassy. We are sure that you will do everything possible to secure prompt action in this matter.

Truly, yours,

E. K. ALDEN.

ANATOLA COLLEGE, MARSOVAN, TURKEY IN ASIA.

Translation of paper sent in to Governor, 5th February.

It is well known to you, sir, that the undersigned Americans, residing within the Imperial Ottoman Empire, have from the first till now lived and acted in a manner honorable and friendly, without fault or failure, in accord with treaty rights subsisting between the Government of the United States of America and the Imperial Ottoman Government; and that we have always, both by precept and example, taught all under our control to render absolute obedience and loyal fidelity to the Imperial Ottoman Government; and that, while so doing, it has been our uniform custom to rely upon the local government for the protection and defense of our persons, our property, and all belonging to us.

The known events of the past week, however, have compelled us to appeal to our own embassy; and that perfectly free communication with our embassy is one of our rights is evident.

This note is sent to remind you, in a formal manner, that this local government will be held responsible for any infringement of any right, or for any harm to our persons, our property, or to any of those dependent upon us.

GEORGE F. HERRICK.
J. F. SMITH.
EDWARD RIGGS.
GEORGE E. WHITE.

A true copy. Attest:

E. K. ALDEN,
Secretary,

Rev. George F. Herrick to Secretary Judson Smith.

[Extract of a letter, dated Marsovan, Turkey, February 8, 1893.]

Events here for ten days past have pressed so upon themselves and upon our own hearts and brains, attempts to bring our case before our own United States representatives have been so difficult to make culminate in success, the importance of doing the right thing at the right time, neither before nor after, the grave importance of the possible issues, the hourly duty of controlling and occupying all our pupils, presses so that no one, I presume, has even thought of writing directly to you as yet. Even now we may think best to write under much reserve, from reasons which you can partly guess. Two of the teachers of the college are in close prison confinement, all access to them on our part denied. Our new girls' school building is in ashes. Our own safety has been imperiled by the fire, the work of an incendiary, and also by culpable excitement stirred among the people. We have acted, or abstained from acting, with great deliberation. From the hour when our pupils learned that their senior teacher was in prison my best tact and fullest authority have been required to keep them both obedient and at work. They have come to me often. On the night of the fire they heeded my whispered word to abstain from the least word or act which could anger unreasonable men.

A good reason could be given, were it opportune to give it, why our paper was not sent in to the governor *before* the 5th.

A true copy. Attest:

E. K. ALDEN,
Secretary.

Mr. Thompson to Mr. Gresham.

No. 53.]

LEGATION OF THE UNITED STATES,
Constantinople, March 16, 1893. (Received March 30.)

SIR: I have the honor to inclose for your consideration the inclosed "Note Verbale" received by this legation from the Sublime Porte and the reply thereto.

From all information the legation has from Marsovan it is of the opinion that there is but one question to be considered and that is the burning of the school building belonging to the Anatolian College on the night of the 3d of February. All the claims that are presented by the authorities of the Ottoman Government at Marsovan as to the hostile attitude of the teachers of the college, the printing of the hostile placards which were posted over Asia Minor on the nights of January 4 and 5 last, by the teachers in the college, and the storing of arms and ammunitions therein, as well as the present complaint of the hostile attitude of the authorities at the college as well as the acts complained of, are made for the purpose of diverting attention from the real grievance complained of, i. e., the burning of the school building. I have instructed Consul Jewett who is now at Marsovan, to investigate the matter and report to me here daily as to the condition of affairs at that place. I inclose you a copy of the telegram sent by me to Consul Jewett which was agreed on between his excellency the minister for foreign affairs and myself.

I hope my action in this matter may meet your approval. I await further instructions.

I have, etc.,

D. P. THOMPSON.

[Inclosure 1 in No. 53.]

Sublime Porte to Mr. Thompson.

NOTE VERBALE.

SUBLIME PORTE, *March 14, 1893.*

It turns out from a report of the Governor-General of the Vilayet of Sivas, that the dragoman of the U. S. vice-consulate went and questioned the Kaimakam of Marsovan on the causes of the reinforcement requested by the local authorities, adding in a threatening way that on his side the vice-consul had also addressed himself in the proper quarter, in order to obtain an armed assistance. On the other side, two pupils of the Protestant college having forcibly taken away a lamb from the hands of a Mussulman boy, the Cavas of the vice-consulate, armed with a Martini Henry rifle, and about sixty pupils with revolvers in their hands, have attacked two Mussulmans who went to take it back, and they dragged all three to the school, where they shut them in and beat them to the applause of all the students, who indulged on that occasion in the most indecorous demonstrations.

The commander of the gendarmery and the public prosecutor of the court of appeals declare that seven or eight individuals have from the window of the chancery of the vice-consulate aimed Martini Henry rifles at the aforesaid Mussulmans, who were released only upon the solicitations of the parents of the boy.

Such incidents need no comment, and the minister of foreign affairs is satisfied that it suffices to bring them to the kind notice of the United States legation for it to take toward the culprits the proper measures and the requisite steps to prevent the recurrence of so reprehensible acts.

[Inclosure 2 in No. 53.]

Mr. Thompson to the Sublime Porte.

NOTE VERBALE.

LEGATION OF THE UNITED STATES,
Constantinople, March 15, 1893.

The legation of the United States has received the Note Verbale dated March 14, 1893, No. 4152 $\frac{1}{2}$, that the imperial ministry of foreign affairs did it the honor to address to it relating to transactions at Marsovan.

This legation, while taking notice of the statement furnished by the Sublime Porte, has furnished a copy of the same to the Government of the United States and awaits its instructions. In the meantime Consul Jewett, now at Marsovan, is fully instructed to make an investigation into the charges that arms are stored in the college building, and is directed to report daily by telegraph.

This legation hopes to receive a report from him within a day or two by telegraph, and avails of the opportunity to make known to the imperial ministry that there is no vice-consul of the United States at Marsovan.

[Inclosure 3 in No. 53.]

Mr. Thompson to Mr. Jewett.

[Telegram.]

LEGATION OF THE UNITED STATES,
Constantinople, March 13, 1893.

You will, with the public prosecutor and such other persons as he may select (excluding Hosref Pasha and the police force), not exceeding five or six men, make a search of the college buildings for evidence of the printing in the college of the placards posted on January 5, also whether arms and ammunitions are stored in the college buildings.

You are to examine into the causes which led to the destruction of the building by

fire; to have the right to examine and cross-examine witnesses as you wish to establish the truth as to the burning of the building and who the guilty parties are who caused its destruction. In case any of the teachers of the college give testimony you must be present. You will report your proceedings daily to this legation.

Mr. Gresham to Mr. Thompson.

No. 54.]

DEPARTMENT OF STATE,
Washington, March 17, 1893.

SIR: I have received your No. 28 of 8th ultimo, in which you inclose a copy of a letter of advice you have sent to U. S. Consul Jewett at Sivas, touching matters at Marsovan, and state your apprehensions that the letter may be violated by officials, who claim, you say, the right to open letters at any time of disturbance. It is difficult to suppose that under any circumstances the Turkish Government might so far lose sight of one of the most obvious and indispensable prerogatives of foreign diplomatic representation as to violate the privileged correspondence between recognized agents of the United States. Any infringement of your rights in this regard would furnish occasion for earnest protest, especially if official correspondence under your legation seal, addressed to a subordinate officer of the United States, be opened by Turkish agents.

In view of your No. 42, of 1st instant, just received, you will ask through the foreign office an investigation in respect of the failure of your letter of 3d ultimo to reach Mr. Jewett. Your No. 41, of 1st instant, is also received.

I am, etc.,

W. Q. GREESHAM.

Mr. Thompson to Mr. Gresham.

No. 58.]

LEGATION OF THE UNITED STATES,
Constantinople, March 22, 1893. (Received April 10.)

SIR: I have the honor to transmit to you a copy of a letter received by the legation from Consul Jewett at Marsovan. I had sent to Consul Jewett four copies of instructions for conducting the investigation into the troubles at Marsovan which caused the burning of the building belonging to the Anatolian College, at that place, by incendiaries on the night of February 3, all of which have failed to reach him. I have sent to him telegrams also, which are not delivered to him. I have protested against the interference with my mails en route to Consul Jewett (all of which I feel certain occur at Marsovan) to his excellency the minister for foreign affairs and his highness the Grand Vizier who I feel quite sure are trying to correct the unfortunate state of affairs at that place, and they have promised to have the matter investigated and the guilty parties who tamper with the mails punished.

Being unable to establish communication with Consul Jewett, I called on his excellency, the minister for foreign affairs, and informed him I intended to dispatch the secretary of this legation, Mr. Newberry, to Marsovan, to aid Consul Jewett in his investigations, and to include in his investigations the truth or falsity of the charges contained in the "note verbale" a copy of which I transmitted to you in my No.

53, of March 16, 1893. I also furnished Mr. Newberry a copy of telegram of instructions sent to Consul Jewett, a copy of which I have transmitted to you in my No. 53 of March 16.

I now transmit to you for your information a copy of my instructions to Mr. Newberry, for his government, and to say in addition thereto that Djemal Bey, an attaché of the foreign office of the Ottoman Government, has gone with Mr. Newberry to Marsovan to assist in the investigation. Mr. Newberry will arrive in Marsovan perhaps to-morrow.

It had been intimated that the acting U. S. consular agent at Samsoun, Asia Minor, knew something about the circulating of the revolutionary placards which were posted over a large district of Asia Minor on the night of January 6, of which the Department was informed by me in my No. 17, of January 25, 1893, and which Mr. Newberry was instructed to inquire into and report on.

On yesterday, March 21, I received the following telegram from Mr. Newberry at Samsoun:

SAMSOUN, *March 21.*

THOMPSON, *American Minister, Constantinople:*

I would recommend immediate dismissal of our consular agent for receiving from abroad incendiary placards for interior distribution. He begged to be retained until after Marsovan incident is settled, fearing to be called for examination.

NEWBERRY.

I have, since receiving the above dispatch, received the following dispatch:

SAMSOUN, *March 21.*

THOMPSON, *American Minister, Pera:*

Consular agent has resigned and turned over all Government property to Jewett. I have obtained possession of all books destined for missions which have been here in custom-house and forwarded to order. This cleans up all matters here.

Please wire me if you approve action so far.

NEWBERRY.

I have telegraphed to Newberry as follows:

NEWBERRY, *Samsoun:*

Your action approved so far.

THOMPSON.

In relation to the acting U. S. consular agent at Samsoun I will add that he has never been recognized by the Ottoman Government, but on the contrary it has refused to recognize him as such consular agent, he being a Turkish subject, and he has been refused permission to display the American flag over his place of business where he maintains his office by the local authorities.

I have been appealed to in regard to his being authorized to display the American flag over his place of business, but have refused to do so until he was officially recognized by the Ottoman Government.

I inclose copy of my letter No. 3, dated February 8, 1893, to the consul-general on this subject.

I have given as plainly as I can the reasons for sending the secretary of legation, Mr. Newberry, to Marsovan with instructions to investigate the whole subject of the difficulties at that place.

I hope my action may be approved, and I await instructions from you.

I have, etc.,

D. P. THOMPSON.

[Inclosure 1 in No. 58.]

Mr. Jewett to Mr. Thompson.

CONSULATE OF THE UNITED STATES AT SIVAS,
Marsovan, March 11, 1893.

SIR: I have not received any letter from you. Our condition of suspense and anxiety is very trying. No material change has taken place in the local situation.

It is said the kaimakam and the kadi have become disgusted with the conduct of affairs here and have reported to that effect. Other officials are using the most vile, blasphemous, and outrageous talk against the Protestants as a class and the missionaries in particular, and are stirring a feeling of bitter hatred against them. Talk of killing off the Ghiaours is made constantly and is not reassuring. On March 8 an incident occurred which the officers have been quick to seize upon and by greatly falsifying it are endeavoring to make capital out of it. Some students were out in a field near the college and got into a quarrel with a shepherd. Some Turks came running up and soon there was a general fight with sticks and stones. My cavass heard the row and went out. He saw a burly Turk beating some of the boys of the school with an ox goad, and heard one of the Turks say, "Don't beat him; kill him." He took the fellow with the ox goad, brought him into the college yard, shut him up in a room, and reported to me. In a few minutes the employés of the fellow came and guaranteed he would keep the peace, and he was sent off. The officers report that the students stole a sheep, attacked the Turks, seriously injured several of them, and that the consul is putting Turks in prison. It was a simple, boyish quarrel, but at this time an unfortunate incident, because the officers are using every means to create a feeling against us.

March 3 I telegraphed to you in English words written in Turkish characters, "Have you received dispatch No. 3? Have received no dispatches from you." I have received no answer to that telegram.

March 9 I telegraphed "Have received no answer to my telegram of the 3d, and none of your letters sent by post have arrived. Answer by telegraph." No answer has been received (5 o'clock p. m.). If you can not open communication by the ordinary means would it not be best to employ a private bearer of dispatches or adopt some other sure means of communication? I scarcely need add we hope vigorous action is being taken although we are wholly in the dark as to what is being done for improving the present unpleasant situation and that soon our anxiety may be relieved.

I am, etc.,

M. A. JEWETT,
U. S. Consul.

[Inclosure 2 in No. 58.]

Mr. Thompson to Mr. Newberry.

LEGATION OF THE UNITED STATES,
Constantinople, March 18, 1893.

SIR: You are hereby instructed to proceed by the quickest route to Marsovan, Asia Minor, via Samsoun, to investigate only—

(1) The facts leading up and subsequent to and the cause of the destruction by fire of the new unfinished girls' school building belonging to the Anatolian College, of Marsovan.

(2) As to the truth or falsity of certain reports as contained in a note to this legation from the ministry of foreign affairs, dated March 14, 1893.

(3) As to the truth or falsity of a charge made by the officers of the Anatolian College that certain Turkish officials were directly or indirectly concerned in the destruction of said building by fire.

(4) As to the truth or falsity of a charge made by the Turkish Government that arms and ammunition are stored in the college building in sufficient quantities as to be a menace to the public safety.

(5) You will also endeavor to ascertain the origin of certain revolutionary placards which were posted in and about the town of Marsovan on or about the night of January 5, 1893.

(6) You will render your report in writing, and in making the above investigation, so far as possible, act with Consul Jewett under the instructions sent him, but to consider yourself as superior in rank to the consul, and at the conclusion of your investigation return at once to Constantinople.

The following arrangements have been made and agreed to between the minister for foreign affairs and myself:

You will have as assistant to you, and acting under your orders, Djemal Bey, an official of the Turkish foreign office.

The governor of Samsoun has been instructed to afford you every facility of voyage, including a proper military escort from Samsoun to Marsovan.

The governor of Marsovan has been instructed to provide suitable quarters and rations for you and your suite while in Marsovan, and to afford all assistance in his power in conducting the investigation.

Trusting to your own good judgment in any matters not covered by these instructions,

I have, etc.,

DAVID P. THOMPSON.

[Inclosure 3 in dispatch No. 58.]

Mr. Thompson to Mr. Hess.

UNITED STATES LEGATION,
Constantinople, February 8, 1893.

SIR: I have the honor to acknowledge your No. 31, dated February 6, in which you call my attention to the action of the mutessarif of Samsoun in refusing to recognize Mr. Arzoglou as U. S. consular agent at that place, and his refusal to allow him to display the American flag. I will say in reply that it appears that Mr. Arzoglou is a Turkish subject and will not be recognized as consular agent at Samsoun, and unless so recognized has no right to raise the American flag if objected to by the Turkish authorities. If there is any proper man at Samsoun not a Turkish subject he should be recommended.

I have, etc.,

DAVID P. THOMPSON.

Mr. Quincy to Mr. Thompson.

No. 56.]

DEPARTMENT OF STATE,
Washington, March 25, 1893.

SIR: I transmit for your information, in connection with the general subject of alleged interference with the mail of American officers and citizens in Turkey, a copy of a letter from Mrs. L. A. W. Fowler, of Dedham (Mass.), and its inclosure.

Previous instructions will have shown you the earnest solicitude of this Government that the personal rights of our citizens in regard to private papers and correspondence should be respected. The special case of the inviolability of official correspondence has had serious consideration, and called forth very positive instructions to you, in view of the reported miscarriage of communications between yourself and Consul Jewett, in the Marsovan incident. This aspect of the question should be kept separate from the general subject of freedom of private correspondence, and pressed with vigor. Under no circumstances can this Government admit the competency of foreign authorities to obstruct or violate the right of official communication between its officers in Turkey; and the fact of such interference, if established, would be a hardly less grave international offense than would be the restriction of the minister's or consul's personal liberty by force.

Reverting to the complaint of Mrs. Riggs (in the inclosed letter), it may be found that it involves the question of censorship over foreign printed matter, a claim exercised by other governments than Turkey. The facts in this regard should, however, be ascertained and reported to the Department, with a request for instructions, if deemed necessary.

I am, etc.,

JOSIAH QUINCY,
Acting Secretary.

[Inclosure in No. 56.]

*Mrs. Fowler to Mr. Gresham.*EAST STREET, DEDHAM, *March 22, 1893.*

DEAR SIR: I am interested in the movement regarding the greater security of mail matter between the United States and Turkey. I have a friend and former pupil (at Elmira College, New York, where she graduated), who is the daughter of the late Dr. Parsons, of Turkey (who was murdered by the natives some years ago in his tent while traveling as a missionary), and wife of Prof. Charles Riggs, of Anatolia College. I have had no faith, for years, that books, pamphlets, magazines, and papers, which I mail to her, paying all the postage demanded, will ever reach her. In some instances it does; in others, and more, it does not.

Even packages sent by steamer in sealed boxes by the missionary association at the Congregational House are overhauled and opened before they reach her and despoiled.

There ought to be absolute security that sealed matter sent by mail will reach friends in Turkey.

I inclose a letter from her relating to a package of magazines that never reached her. It may have some weight.

Yours, truly,

L. A. W. FOWLER.

Mrs. Riggs to Mrs. Fowler.

[Extract.]

We have just got the news of the meeting of the board, that is by last mail, which comes on Mondays now. We send out mail for the United States of America Thursdays. I have not yet seen the magazines you sent unless it be the report of the "Perkins Blind Institute," that was among a lot of books that had been sent to Aleppo for examination. The Turkish Government is very particular about the books we have. The other day word came from Aleppo saying we could not have the Cyclopaedia of Missions, "but if we liked they would send it back to the United States of America."

It was a disappointment to us, for we had looked forward to the reading of that book. It was sent for the college.

With good wishes, lovingly,

LELLA.

Mr. Gresham to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 1, 1893.

Mr. Gresham informs Mr. Thompson that in the President's opinion the occurrence at Marsovan is one of a critical nature, for which the offending parties should be punished and reparation promptly made for the burning of the American buildings. The destruction of property was wanton and unlawful and the rights of the United States are not affected in any way by the allegation of prior acts of students in the college. He instructs him to let his demands exclusively bear on the main question and if necessary to keep open communication with the consul of the United States at Sivas by sending a special messenger, and to enter a protest and make an urgent demand that his official rights be respected, should his correspondence, which is inviolable, be suppressed or opened. He directs him to keep the Department advised by cable.

Mr. Thompson to Mr. Gresham.

No. 69.]

LEGATION OF THE UNITED STATES,
Constantinople, April 4, 1893. (Received April 28.)

SIR: I have the honor to acknowledge the receipt of the telegram from the Department of the 1st. Everything advised to be done in this telegram had already been done as the Department has heretofore been advised in my several dispatches on this subject.

Mr. Newberry, secretary of this legation, was sent by me to the aid of Consul Jewett at Marsovan because of my inability to communicate with him and he has been fully instructed to investigate the burning of the building. The land on which the building stood is in the name of a Turkish subject.

The permit to erect the building was also given to a Turkish subject, which makes the matter a difficult one to deal with, and there appears to be no good reason why the title should not have been in the name of the College Society or in the name of one of the American professors there, so the subject could be more directly dealt with. On the report being made by Mr. Newberry of the result of his investigations a copy of it will at once be submitted to the Department.

As to interference with the correspondence of the legation on the part of the postal authorities, I will say that I have protested in a most earnest manner to the Sublime Porte and the subject is now undergoing investigation. The Department has been fully advised by me on the subject. The superintendent of Turkish posts and telegraphs has called at the legation for the numbers of the registered letters that have been sent by the legation and not been delivered to Consul Jewett and the receipts which were given for the same have been submitted to him and I am assured most positively by His Highness the Grand Vizier the matter will be thoroughly inquired into at once.

While this communication appears to include more than one subject yet it is in reply to and acknowledging the receipt of the above telegram.

I have, etc.,

D. P. THOMPSON.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Constantinople, April 10, 1893. (Received April 10, 1893.)

Mr. Thompson announces the return of Mr. Newberry, whose report affords a sufficient basis for the following demands: The issuance of an *iradé* in favor of the school, the assurance of adequate protection, the immediate granting of a permit to build, and the payment of 500 Turkish pounds, value of the destroyed building, and requests instructions.

Mr. Gresham to Mr. Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 12, 1893.

Mr. Gresham instructs Mr. Thompson, in reply to the latter's telegram of the 10th, to demand—without waiving the right to demand at

a later date that the offenders be punished—that the school be granted a license and full protection, a permit be issued to immediately rebuild, and payment of the full value of the burned building effected.

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Constantinople, April 14, 1893. (Received April 15.)

Minister promises full satisfaction without formal demand before 22d. I have granted the time.

THOMPSON.

Mr. Thompson to Mr. Gresham.

No. 73.]

LEGATION OF THE UNITED STATES,
Constantinople, April 14, 1893. (Received May 8.)

SIR: I have the honor to inform you that on the completion of the report of Mr. Newberry, secretary of legation, who had been sent by me to Marsovan to investigate the charge made against the Turkish officials at that place of having caused the destruction of the unfinished school building of the American College by fire on the night of February 2, 1893, I called on his excellency the minister for foreign affairs and informed him of the purposes of my visit. He explained to me that as this was the season of the feast of Ramazan, which would terminate on to-morrow and would be followed by the feast of Bairam, which would last three days, during which time little or no official business is transacted, he would promise me full reparation for the loss (and compliance with the informal information I had given him as to the form of demand) on or before the 22d of this month, and asked me not to make the formal demand, but to give him an opportunity to make me the offer of reparation. On this promise of his excellency I granted the time asked for, and sent to the State Department the telegram of the 14th.

I hope his excellency the minister for foreign affairs will comply with his promise made to me. If it is not done the formal demand for reparation will then be made.

I have etc.,

D. P. THOMPSON.

Mr. Gresham to Mr. Thompson.

No. 63.]

DEPARTMENT OF STATE,
Washington, April 14, 1893.

SIR: Your No. 53 of 16th ultimo, in further reference to affairs at Marsovan is received, and I have to fully approve your conclusion that the burning of the school building, the property of the Anatolian col-

lege, on the 3d February last, is the one subject for present consideration.

I have also received your No. 47 of 7th ultimo, in which you inclose the report of Mr. Jewett, consul at Sivas, on the facts in the case. The zeal and intelligence displayed by Mr. Jewett in the investigation are commendable.

I am, etc.,

W. Q. GRESHAM.

Mr. Thompson to Mr. Gresham.

No. 76.]

LEGATION OF THE UNITED STATES,
Constantinople, April 21, 1893. (Received May 6.)

SIR: I have the honor to inform you that I am in receipt of a communication from his excellency the minister for foreign affairs, inclosing a note from his excellency the minister of public instruction, in reply to my note to him, which was transmitted to you in my No. 30 of February 14, 1893, in relation to censorship and mutilations of religious publications of the American missionaries in Turkey. The articles which were stricken out by the censors as objectionable have all been restored, and the time occupied in such examination has been satisfactorily arranged. So I am informed by Mr. H. O. Dwight, the secretary of the publication committee, who expresses himself as entirely satisfied with the present order of his excellency the minister of public instruction. This vexed question may be regarded as at rest, at least for the present.

I have, etc.,

D. P. THOMPSON.

Mr. Thompson to Mr. Gresham.

No. 78.]

LEGATION OF THE UNITED STATES,
Constantinople, April 24, 1893. (Received May 11.)

SIR: I have the honor to inclose herewith copy of a report of Mr. Newberry, the secretary of legation, referring to the late Marsovan incident. In connection therewith I beg to state that an earnest request has been made me by the minister for foreign affairs that I would delay presenting any demand in the case, which request I complied with upon his positive assurances that the demands you have instructed me to deliver would be anticipated by the Porte in a tender to our Government of a sum of 500 Turkish pounds and an *Iradé* for the school.

I trust to be able to cable you within a day or two of this amicable and satisfactory arrangement, and I sincerely further trust that my action in the matter will meet with the approval of the Department.

I have, etc.,

D. P. THOMPSON.

[Inclosure 1 in No. 78.]

*Mr. Newberry to Mr. Thompson.*LEGATION OF THE UNITED STATES,
Constantinople, April 12, 1893.

SIR: I have the honor to submit herewith a report giving the result of my investigations at Marsovan, Asia Minor, made under sections numbered 1 and 3 of your instructions to me, said investigations being conducted for the purpose of establishing the truth or falsity of a charge made by the faculty of the American school at Marsovan, that certain Turkish officials were directly or indirectly responsible for the destruction by fire of the unfinished girls' school building, the property of the Anatolian College at Marsovan, said fire occurring about 1 o'clock morning of February 2, 1893.

United States Consul Jewett, of Sivas, who had already proceeded to Marsovan under your orders, acted with me in the several investigations, and I beg to testify that the result of his work, as heretofore reported to you in his several dispatches, proved a hard and diligent labor, and that his assistance to me in the present investigations was most valuable.

As the charge of the college faculty was a most serious one, involving the crime of incendiarism, I deem it proper to call your attention to several events leading up to, at the time of, and subsequent to the fire as tending to establish a motive on the part of a certain Government official for the burning of the building.

(a) It has been known by the Government officials of the province of Sivas, in which Marsovan is located, that for a considerable time a formidable secret Armenian society has existed in the province, with headquarters at Marsovan; every effort has been made by these authorities to ferret out the officers and prominent members of this society. A substantial amount of evidence has been accumulated by them, throwing the greatest suspicion on two of the Armenian professors of the college, Messrs. Thoumayan and Kayayan, Ottoman subjects, that they were prominent members and even officers of this secret society.

(b) On or about the night of January 5, 1893, inflammatory placards were posted in several villages of the province of Sivas. These placards were printed on a cyclo-style, and the only instrument of the kind known to be in the province or even in Asia Minor, is owned by Mr. Riggs of the college.

(c) A street row occurred between several of the students of the college and some town boys. In investigating this matter the Turkish authorities produced evidence that proved to their satisfaction the existence of a storage of arms and ammunition in considerable quantities within the college precincts. (For a report on this incident proving the contrary, see inclosure No. 3.)

So much for the motive for the subsequent attack on the college.

These several incidents seriously disturbed the central government at Constantinople, and orders were sent to one Hosref Pasha, chief of the gendarmery of the province of Sivas, to proceed at once to Marsovan, and to find out and punish the originators of the placards. It will not be out of place to present to you some early history of this Hosref Pasha. He was formerly a noted brigand of the Trebizonde district, with a long record of crimes against his name, was finally arrested, tried, and condemned to death, but subsequently pardoned on account of his betrayal of his uncaptured confederates. He was then made an ordinary gendarme; promotion after promotion succeeded, until to-day he is the chief police officer of the province of Sivas with the title of pasha. He is credited by universal rumor with the burning of two other houses in the province, and his general reputation for thievery and shady transactions is unsurpassed.

Hosref Pasha, with an escort of some thirty zapties (police), left Sivas, en route to Marsovan. The first authentic information I was able to bring to light that his intentions toward the college were dangerous, came from the city of Amasia situated 25 miles from Marsovan. At this place the zapties of his escort made no pretensions of hiding those intentions. They openly stated that they were going to Marsovan to burn the college. The binbashi (local commander of police) of Amasia telegraphed the minister of police of Constantinople as follows:

"Hosref Pasha is here on his way to Marsovan with the intention of burning the American college." This officer was immediately dismissed by Hosref Pasha. The telegraphic operator of Amasia informed the German vice-consul, Mr. Krug, of the contents of this telegram. Mr. Krug testified to me that the facts as above stated were true, and as he considered the situation precarious he wired Consul Jewett to come at once to Marsovan, and also wired his embassy at Constantinople to obtain the necessary instructions in order that he might protect the American interests until Jewett's arrival. This, as you know, was done through the efforts of yourself and Prince Radolin, the German ambassador. Mr. Krug went at once to the gov-

ernor of Amassia, who also has jurisdiction over Marsovan, and told him he must at once take measures to protect the college.

This shows that the Turkish Government was officially notified of the danger, and so far as is known and the subsequent attack shows, the Government took no measures to protect American interests.

While at Marsovan I sent for this binbashi. He denied everything connected with the telegrams. He returned immediately to Amassia and at once began to talk about his examination before me. His remarks were about as follows:

"Yes, I had a great opportunity to get even with Hosref, but when it was known that Mr. Newberry wanted me I was called upon and promised my old position and a present of money if I would deny all."

At Marsovan I took the testimony of an Albanian who was living in the house of the local governor of the town. He testifies that on the evening preceding the fire he was given a telegram to carry to Hosref Pasha. He found him at the house of one Galeb Effendi, at dinner, at which the treasurer of the village, the president of the municipality, and one or two others were also present. The Albanian remained some little time listening to the discussion of how to punish the college, and distinctly heard Hosref Pasha say, "these Americans are protected, and the only way to punish is to burn them, and it must be done at once."

Drs. Riggs and Herrick testify that for several days preceding the fire numbers of the citizens of Marsovan, including Turks they had befriended, called and warned them that Hosref Pasha was openly boasting of his intention to burn the college.

The testimony of some 30 citizens of Marsovan, while generally unimportant as showing responsibility for the fire, tends to show that Hosref Pasha was making full preparations to burn the college, and was taking no precautions whatever to hide his intentions.

The college night watchman testifies that the fire broke out about 1 a. m. on February 2, that he gave an alarm and ran toward the building and saw Hosref Pasha and one Gukmen already on the ground; that these two left the grounds while the fire was at its height; that they then placed him under arrest and took him to the Government building, where they tried by threats and bribes and a threatened beating to make him sign a statement that the building was set on fire by students who were smoking therein.

Dr. Herrick testifies that he was one of the first arrivals at the scene of the fire, and as he was leaving his house to go to the burning building he saw two zapties skulking along a broken-down wall within the college inclosure, coming from the burning building and going toward the street. This aroused his suspicions and he walked around the burning building and found tracks in the snow of two men who had jumped over the outside wall and who had walked to the building, and no tracks of any kind going from the building.

This testimony, together with that furnished by Consul Jewett, leaves but one conclusion to arrive at, viz, that Hosref Pasha and his zapties were directly the cause of the destruction of the college building, and that the Turkish Government is responsible for their acts. Direct evidence is always impossible to have in crimes of this kind; the circumstantial evidence I consider strong. No other theory for the fire has been advanced even by the Turks, and all my allusions to Hosref Pasha made to the local authorities have been met with silence.

[Inclosure 2 in No. 78.]

Statement of loss from the burning of the girls' school building.

Total expenditure for the building.....	£t. 586
Salvage—estimated value of foundation, timber, and other material not consumed.....	86
Loss.....	500

This does not include any charge for a large amount of time spent by Mr. Riggs and myself in the purchase of material, superintending the work, and taking the accounts.

J. F. SMITH,
Treasurer.

MARSOVAN, April 3, 1893.

[Inclosure 3 in No. 78.]

*Mr. Newberry to Mr. Thompson.*LEGATION OF THE UNITED STATES,
Constantinople, April 12, 1893.

SIR: As will be seen by the section No. 2 of your instructions to me, I was to ascertain the truth or falsity of a charge made by the local government of Marsovan, as submitted to your legation in a note verbale of the Sublime Porte, a copy and translation of which note is hereby appended. This incident, if true, would tend to establish the fact that firearms were habitually kept in the college buildings in sufficient quantities as to be a menace to public security, and that the Turkish officials might with reason suspect the good and peaceful intentions of the college authorities.

At the examination of the several witnesses I invited the presence of the governor of Amasia, and the procureur-general, the last named being the official who sent the report to Constantinople, and upon which report the above-mentioned note verbale was based.

The following is, in all probability, the true facts of the incident:

Two boys of the town were leading a sheep across a field adjoining the college grounds, several boys of the college were playing in the college grounds, the usual town and gown feeling manifested itself, other town boys arrived, and a general scuffle ensued. In the midst of it Consul Jewett's kavass appeared, captured one of the town boys, and locked him up in a bakery building in the college grounds. Consul Jewett soon heard of the trouble, released the boy, and reprimanded the kavass.

The first witness called was the only one the Turks had for their side of the case. He testified to seeing 60 boys each armed with a revolver, the kavass armed with a Martini-Henry and several people in the college windows armed with rifles ready for action. A cross-examination of this Ananias was too much even for the Turkish officials, and the governor of Amassia advised him to go home and read his Koran over again.

The kavass testified he was not armed. The officers of the college testified that no arms existed in the college, but that it was possible some few day-scholars might have had pistols on their persons. After a discussion of the matter the procurer-general admitted that he was now perfectly confident that no arms or ammunition were *en dépôt* within the college precincts, and that his witness had grossly exaggerated matters. This statement he made in the presence of Djemal Bey, of the Turkish foreign office, Consul Jewett and his dragoman, and myself.

I have, etc.,

H. R. NEWBERRY.

Mr. Thompson to Mr. Gresham.

No. 81.]

LEGATION OF THE UNITED STATES,
Constantinople, April 27, 1893. (Received May 11.)

SIR: I have the honor to report for your information the receipt of a communication from U. S. Consul Jewett, of Sivas, stating that at last he has received all my dispatches connected with the Marsovan incident, the nondelivery of which is referred to in my No. 41.

These dispatches have been more than a month on the way from here to Marsovan, a distance of about 300 miles. I had earnestly protested to his excellency the minister of foreign affairs and his highness the grand vizier in regard to the delay, and they promised me all assistance possible, and I now feel assured they took hold of the matter seriously. The letters sent me by Consul Jewett are also all accounted for. This nonarrival and delivery of mail matter caused me much apprehension as to the dangerous position of our American interests at Marsovan and was the cause of my sending Mr. Newberry to the scene of action. Permit me to state that Mr. Newberry, in carrying out my instructions, acted with rare judgment and tact. He found the Turkish officials and population bitterly opposed to the college,

they (the former) believing that the college was the seat of a revolutionary movement.

This feeling was entirely allayed, a friendly mutual understanding was arrived at, and all parties at Marsovan expressed themselves as perfectly satisfied with the result.

Mr. Newberry's representations to me led me to suggest the removal of a number of incompetent Turkish officials and that a general amnesty be given to political prisoners.

In this connection I have great pleasure in stating that His Majesty the Sultan, together with his high officials, received these suggestions in the spirit in which they were given. A general change of local administration has taken place in Marsovan, and a full pardon has been given to some 700 political prisoners. Personal letters from the Americans of Marsovan show that the situation is perfect and that general satisfaction reigns. I have the same assurances from the missionary board of this city.

I have, etc.,

D. P. THOMPSON.

Mr. Thompson to Mr. Gresham.

[Extract.]

No. 82.]

LEGATION OF THE UNITED STATES,
Constantinople, April 27, 1893. (Received May 11.)

SIR: I have the honor to report that the Ottoman Government have paid to this legation 500 Turkish pounds to cover the loss sustained by the American College of Marsovan in the destruction by fire, on the morning of February 27, 1893, of the unfinished girls' school building belonging to the college. The receipt for this money you will find inclosed. The necessary *Irade* has also been issued, granting immediate permission to rebuild, and a further *Irade* is to be given to the college as soon as certain necessary formulæ are gone through with.

This later *Irade* (once given) is what the college has been trying to obtain for years, but unsuccessfully. It guarantees protection and exemption from taxation, most important for any school in the Ottoman Empire.

Hosref Pasha, chief of the gendarmerie of the province of Sivas, in which Marsovan is situated, has been removed and the chief of police of Marsovan has been imprisoned.

These two men are responsible for the fire and the troubles at Marsovan.

I have, etc.,

D. P. THOMPSON.

[Inclosure in No. 82.]

CONSTANTINOPLE, *April 26, 1893.*

Received from D. P. Thompson, envoy extraordinary and minister plenipotentiary of the United States, the sum of five hundred Turkish pounds (£T.500), being the amount paid by the Ottoman Government to cover the cost of the burned building at Marsovan, the property of the American Board of Commissioners for Foreign Missions.

W. W. PEEL,

Treasurer Missions of the American Board in Turkey.

Mr. Adee to Mr. Thompson.

No. 77.]

DEPARTMENT OF STATE,
Washington, April 29, 1893.

SIR: I have to acknowledge the receipt of your No. 69, of April 4, 1893, in which you refer to the anticipated action already taken and reported by you upon the points outlined in Mr. Gresham's telegram to you of the 1st instant.

I note your statement that the land on which the girls' school building at Marsovan stood is held in the name of a Turkish subject, while the permit to erect the building thereon was also given to a Turkish subject. There is force in your comment that "There appears to be no good reason why the title should not have been in the name of the college society or in the name of the American professors there, so that the subject could be more directly dealt with." The imperial rescript of 7 Sepher 1284 (January 18, 1867), expressly grants to foreigners throughout the Turkish dominions enjoyment of the same rights as Ottoman subjects in regard to holding real estate; and the Aarifi-Boker protocol of August 11, 1874, followed by the President's proclamation of October 29 of the same year, makes the recognition of such right to hold real estate in favor of American citizens a matter of conventional agreement entered into by the U. S. Government in the interest of its citizens and for their due protection.

If any valid reasons induced the American citizens who promoted the educational establishment at Marsovan to forego the rights secured to them in this regard, it may be convenient for your legation to be informed thereof.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Gresham to Mr. Newberry.

No. 84.]

DEPARTMENT OF STATE,
Washington, May 9, 1893.

SIR: I have received Mr. Thompson's No. 76, of 21st ultimo, by which the Department learns with extreme gratification that the Porte has taken action touching censorship of religious books which is satisfactory to the representatives of this missionary interest in Turkey.

I am, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Newberry.

[Extract.]

No. 86.]

DEPARTMENT OF STATE,
Washington, May 15, 1893.

SIR: I have received Mr. Thompson's dispatches numbered 78 and 82, of April 24 and 27 last, respectively. They relate to the recent Marsovan incident, the former inclosing your report as to the investigations made under instructions from the minister, and the latter conveying the

very gratifying intelligence of the payment by Turkey of a money indemnity of 500 Turkish pounds for the acts of its officials and the promise of two imperial firmans in favor of Anatolian College. In the matter of the trial of the two native teachers, it will be proper for you to endeavor by all suitable means to secure for them a fair trial, with every possible recourse for their defense, and to enlist, through the British ambassador, the kindly offices of Mr. Newton, the British vice-consul at Angora, to this end.

I congratulate you not only upon the ability and thoroughness of your investigation, but upon the very satisfactory termination of the incident itself, as well as upon the promise, as the Department perceives it, of the disappearance of occasion for future apprehension on the part of American missionaries when the firman granting protection and exemption from taxation shall have been issued.

I am, etc.

W. Q. GRESHAM.

Mr. Gresham to Mr. Newberry.

No. 87.]

DEPARTMENT OF STATE,
Washington, May 15, 1893.

SIR: In connection with the Department's instruction, No. 77, of the 29th ultimo, I herewith transmit a copy of a letter from the American Board of Commissioners for Foreign Missions dated Boston, the 10th instant, concerning the title to the missionary property at Marsovan, and the conditions proposed for securing an imperial *Irade* in favor of Anatolia College. From this letter it appears that all the real estate connected with the college, excepting the lot on which the recently burned building of the girls' school stood, is recorded in the names of American citizens. With regard to this lot, it is observed that it may by this time have been recorded in the name of the American owner; and if not, that it soon will be.

In the matter of the imperial firman, Mr. Smith remarks that the "trustees of Anatolia College, located at Marsovan, are members of the prudential committee of the American Board of Commissioners for Foreign Missions, resident in Massachusetts, most of them in the city of Boston," and suggests that "there are strong reasons why it would be well that the firman should be issued in the name of these American trustees of the college who are the real owners of the property."

The Department regards the explanation of Mr. Smith's letter in the matter of the title of the premises as satisfactory, and desires you to exert your good offices to secure the promised firman in the name of the American trustees of the college. Should the Turkish Government insist otherwise and prefer to have it issued in the name of the American missionaries at Marsovan, it is presumed that Dr. Dwight or Dr. Riggs can furnish you with the names of these gentlemen. It is possible that Dr. Smith may wish to submit the names of the individuals in each case, and if so, the Department will promptly make known the nature of his reply in this particular.

I am, etc.

W. Q. GRESHAM.

[Inclosure in No. 87.]

Mr. Smith to Mr. Gresham.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
1 SOMERSET STREET,
Boston, May 10, 1893.

SIR: Referring to your favor of the 3d instant, containing inquiries in respect to the tenure of missionary property at Marsovan and the conditions proposed for securing an imperial recognition for the college at Marsovan, I have to say that I have consulted Mr. Tracy, for twenty years a resident at Marsovan and for five years president of the college, and have his reply before me.

From his letter I gather the following facts: (1) All the real estate connected with Anatolia College, the Girls' Seminary, and the missionary residences at Marsovan, is held by American citizens and recorded in their names (most of it in Mr. Tracy's name), the only exception being the lot on which the burned building stood. That lot immediately adjoins the other premises, and was but recently purchased; (2) this lot, on which the building for the girls' school which was burned stood, was purchased, according to a prevailing custom in the country, by a native friend of the college, who was able to manage the bargain far better than the American missionaries could have done. At the time when the permit for erecting this girls' school building was obtained the property had not yet been transferred to the Americans at Marsovan, and as a building permit is always issued in the name of the owner of the property, this was granted in the name of Dr. Altoonian. This Dr. Altoonian is an Armenian, a native of the country, a warm friend of the missionaries, the physician of the college and the missionaries, and a member of the local board of managers for the college.

In all these transactions the Americans were principals. Dr. Altoonian was the agent, though not ostensibly, at the time. The land was really purchased by and for the Americans, and this was known at Marsovan and elsewhere, and is proved by the following circumstances.

(1) The lot on which the new building was to stand was walled in with the rest of the missionary premises soon after the purchase, and that without objection from any source. This removal of the boundary line shows possession—at least in Turkey.

(2) All the material for the building was brought through the American premises and stored on the American premises, and all the expense in building was paid directly by the Americans.

(3) The Turkish Government, in paying indemnity to the Americans for damage done to these premises by the fire, has already acknowledged the ownership to vest in the Americans. That Government would not stultify itself by indemnifying the Americans for damage done to one of its own citizens.

Mr. Tracy is not entirely sure that the lot has not already been recorded in the name of the American owner; but if that is not the case it is due no doubt to the disturbed condition of affairs at Marsovan during the last four months. This lot is a very insignificant fraction of the entire premises occupied by the American missionaries and their several buildings in Marsovan. It would be quite within bounds to say that nine-tenths, probably nineteen-twentieths, of all the land occupied by the mission on which the college buildings, the present girls' school building, and the missionary residences stand, has for a long time stood in the name of Mr. Tracy or of some other of the American citizens resident there. The answer, therefore, to your second question, namely, whether the firman which we desire is to issue in favor of American citizens or native subjects of Turkey as the owners of the realty and organizers of the institution, is that it is to issue in favor of the American citizens resident at Marsovan or to that one of them in whose name the property now stands recorded.

A further question may arise in connection with this matter of the imperial firman. The trustees of Anatolia College, located at Marsovan, are the members of the prudential committee of the American board of commissioners for foreign missions, resident here in Massachusetts, most of them in the city of Boston. There are strong reasons why it would be well that the firman should be issued in the name of these American trustees of the college, who are the real owners of the property which has been purchased at Marsovan, or which is comprised in buildings there, and now held in the name of Mr. Tracy or some other of our missionaries at that point. If the Turkish Government, however, insists, as it may, perhaps, that it should issue in the name of persons in Turkey, then the names of the missionaries now resident at Marsovan should be given and their successors.

I trust that these statements substantially answer the inquiries raised in your favor of the 3d instant. Permit me to add the expression of the wish shared by my associates and by all the officers of the American Board, that our Government will at

this juncture use all proper influence to secure from the Turkish Government the imperial firman recognizing the college at Marsovan and securing to it perpetuity of existence and protection by the Turkish Government.

I am, etc.,

JUDSON SMITH.

Mr. Quincy to Mr. Newberry.

No. 91.]

DEPARTMENT OF STATE,
Washington, May 24, 1893.

SIR: I transmit a copy of a letter of 20th instant, by which you will see that the American Board of Commissioners for Foreign Missions appears to be satisfied with the settlement of the difficulties which recently arose at Marsovan.

I am, etc.,

JOSIAH QUINCY,
Acting Secretary.

[Inclosure in No. 91.]

Mr. Smith to Mr. Gresham.

[Extract.]

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Boston, Mass., May 20, 1893. (Received May 23.)

SIR: It is with exceeding gratification that the substance of Mr. Thompson's dispatch of April 27 is noted, regarding the success of negotiations between our Government and the Porte, and the concession substantially of every point which has been included in these negotiations.

It is noted with especial gratification that in addition to the punishment of the incendiaries and the payment of indemnity and the authorization of the immediate erection of a building in place of the one that has been burned, the settlement includes a definite promise of a firman for the college at Marsovan. This we understand is delayed simply for the purpose of attending to needful formalities; but the pledge has been given and will be faithfully carried out. This adjustment, when completed, will be most gratifying to all our missionaries in Turkey, and especially to those in Marsovan, and equally so to the officers of the board here at home.

For the prompt attention given to this matter by the Department of State and the wise and effective instructions given to the minister at Constantinople, I desire to express my hearty appreciation, and to assure you of the special satisfaction which has been felt by all the officers of the board in this renewed evidence of the purpose and ability of our Government to protect its citizens in the Turkish Empire in all their rights and to maintain with firmness and dignity its own good name.

I am, etc.,

JUDSON SMITH.

Mr. Gresham to Mr. Terrell.

No. 5.]

DEPARTMENT OF STATE,
Washington, June 19, 1893.

SIR: I transmit a copy of a letter from Mr. Sommerville, of the Foreign Mission Board of the Reformed Presbyterian Church, in which he calls attention to numerous instances of illegal interference on the part of the Turkish authorities with the work of American missionaries in Syria.

It should be your earnest aim to secure full liberty and protection for the institutions which, like those now in question, have conformed to the often onerous and vexatious requirements of the Turkish Government in regard to worship and teaching. The recent recognition of the rights of such institutions and protection of their legitimate interests received at Bourdour and Marsovan, indicate a disposition to deal with this class of questions in a just and tolerant spirit.

Referring you to instruction No. 316,* of April 22, 1892, and No. 11,† of December 9, 1892, to your predecessors, on the general subject, I am, etc.,

W. Q. GRESHAM.

[Inclosure in No. 5.]

Mr. Sommerville to Mr. Gresham.

NEW YORK, *June 13, 1893.* (Received June 16.)

SIR: We have been instructed by the Board of Missions of the Reformed Presbyterian Church to call the attention of the Department of State again to what we regard as an illegal interference on the part of the Turkish authorities with our missionaries and their work in Syria.

The accompanying paper furnishes a statement in outline of the interference and relentless opposition of which we complain. It was laid before your Department on April 5, 1892, and again on November 30, 1892, with an urgent request for prompt action.‡

Will you not kindly look into this matter and send fresh instructions to the minister at Constantinople? At this crucial hour in the history of the American mission at Latakia prompt and decided action is necessary. We do not presume to dictate to the Government, but we respectfully urge that such steps be taken as will secure immediate redress.

If you can give us fifteen minutes any day next week we will go on to Washington. A personal interview would afford opportunity for questions that you might wish to ask and explanations that may be necessary on our part.

We have, etc.,

R. M. SOMMERVILLE, *Cor. Secretary.*
WALTER J. MILLER, *Treas.*
Committee.

[Inclosure.]

A restatement of facts relating to the unjust and illegal opposition of the Turkish authorities in Latakia, Syria, to the American mission there.

Attention is called, first of all, to the confiscation of mission property at Jendairia.

First. A primary school for boys was opened in Jendairia in the year 1865, and was kept open every year until closed by the general order of the Turkish Government in the year 1887.

In the fall of 1883, as no suitable place could be found in the village for the ever-increasing work, the mission decided to purchase a lot and erect suitable buildings. As they had not as yet been required to get a firman before building or opening a school, the missionaries then stationed in Latakia, Dr. A. J. Dodds, Rev. W. J. Sproull, and Rev. Henry Easson, bought the ruins of a house and the ground belonging to it from three brothers, and secured the deed of sale in their names, witnessed by two chiefs of the village and others, according to the custom of the place and time, the three brothers being present. The paper, which was drawn in the names of the missionaries, because the Turkish Government will not give a deed of property to a board located in a foreign land, was prepared by a Mohammedan, who has promised to bear witness at any time to its regularity.

The local government knew that the house was built by and owned by the Ameri-

* See Foreign Relations for 1892, p. 562.

† See present volume p. 589.

‡ See inclosure to Instruction No. 11, p. 590.

can mission at Latakia, and the Government officials have used the house while staying in the village, as it was the only comfortable and clean place to be found there.

Second. In 1887, by the general order above mentioned, the school there, as well as other schools, were closed, and our mission, at the request of the American legation, presented the diplomas of teachers and programme of studies taught in our schools to the local board of education, and these were forwarded by said board to the vilayet of Damascus, and afterward returned to Beirut, when the new vilayet was formed, and there they lie even till this day.

About the same time samples of all the books used in the mission schools were sent to the Vilayet, and no book is used in these schools that does not bear the sanction of the Turkish Government.

Minister Straus, after a two years' conflict, secured an agreement permitting the reopening of all schools where the missionaries had complied with article 129 of the Turkish school law, and as our mission had done so, it was instructed by Consul Bissinger, of Beirut to reopen the schools, and did so.

The present governor of Latakia district, a year or so after, forbade the teachers to work for the American mission, and, as he denies the existence of a school where the mission does not own the building, he thought he would be safer if he confiscated the property in the mountain. Accordingly in October, 1891, without form of trial or even a notice to the mission, he took the mission property from the agent and gave it to the former owners.

Our mission appealed to the Vilayet Beirut and the American consul there, but could get no redress. The case was then carried to the legation at Constantinople, and Minister Hirsch, we understand, wrote an official note to the Sublime Porte demanding the restoration of the property to the mission, but to this day it has not been restored, and we have been informed within a few days that no further action will be taken in the matter without fresh instructions from Washington. This delay is inexplicable, when it is well known that the property belonged, not to natives, but to loyal American citizens, and is held by properly executed deeds.

In the second place, attention is called to the mission property at Aldaim.

In November, 1891, the governor of Latakia gave orders for its seizure. Through Vilayet of Beirut, the mission secured a stay of that order, but the governor has never countermanded it, openly, at least. Besides, he has driven the teacher, one of our licentiates, and his son, with their families, out of the place and has allowed, if not encouraged, the Fellakin to occupy the grounds, so that the property will eventually be destroyed unless arrangements can soon be made to put one in the house. So far as the mission knows, there is no flaw in the title to this property.

In the third place, attention is called to schools illegally closed. We give below a list of these schools:

Jendairia, Ain Lebu, Sil Marcho and Mushaisafay on the plains near Latakia, Gunaimia, Ishbutgo, Muzaira, Dibbash and Al-dainay in the Kaimakamati of Gebley, and Inkzik in the Vilayet of Aleppo.

These are all old schools having been in existence from fifteen to twenty-eight years, and in every case the mission had complied with the Turkish school law. All of these schools were reopened by order of the American legation, and surely the honor of the Government of the United States is pledged to see that the mission is allowed to carry on school work without obstruction, in accordance with an agreement entered into between its representative at Constantinople and the Sublime Porte, April 20, 1887.

In the last place, the governor of Latakia is becoming every day more imperious in his demands, evidently determined to drive our missionaries out of Servia. The chiefs are forbidden under penalty of arrest and imprisonment to allow them to conduct any form of service in their villages. In this way he is exciting the people against them; and, if the people were to act on his orders, it would not be safe for our missionaries to go out among them.

R. M. SOMMERVILLE,

Secretary Foreign Mission Board of the Reformed Presbyterian Church.

Mr. Adee to Mr. Terrell.

No. 12.]

DEPARTMENT OF STATE,
Washington, July 3, 1893.

SIR: I transmit for your information a copy of correspondence with Mr. Fred. Perry Powers, of the Journal of Commerce, relative to the

proposed medical practice of Dr. Mary P. Eddy in the Ottoman Dominions.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

[Inclosure 1 in No. 12.]

Mr. Powers to Mr. Quincy.

NEW YORK, *June 27, 1893.* (Received June 30.)

DEAR SIR: I think that I addressed you a few weeks ago in regard to Dr. Mary Pierson Eddy, who is about to go to Turkey as a missionary physician. That letter did not call for any reply, but I write now to ask, if it is not too much trouble, if the Department of State has found it practicable to send any suggestions regarding Dr. Eddy to the minister of the United States in Constantinople?

The Ottoman Government has refused or neglected to grant licenses to physicians who are women to practice medicine except among women only or among children only. Dr. Eddy holds diplomas from the regents of the University of New York and the board of censors of Massachusetts. These give her the right of unlimited medical practice in New York and Massachusetts among men, women, and children. She has diplomas also from institutions that instruct especially in diseases of the eye, and her practice will be mainly in this line. But having diplomas granted under the authority of the States of Massachusetts and New York, she hopes to get an unlimited license to practice in Turkey, and I believe that the Turkish authorities will grant it if the American minister should manifest a decided wish to have it done, or if the Department of State would express the hope that it might be done.

Very respectfully, yours,

FRED. PERRY POWERS.

[Inclosure 2, in No. 12]

Mr. Adee to Mr. Powers.

DEPARTMENT OF STATE,
Washington, July 5, 1893.

SIR: Your letter of the 27th ultimo, on behalf of Dr. Mary Pierson Eddy, who is about to proceed to Turkey for medical practice, has been received. Your former letter is not of record in this Department.

The Turkish rules and regulations in regard to admitting alien physicians to practice may be found at page 708, Foreign Relations, 1889. I inclose a transcript thereof.

The Department is not informed of any Turkish requirement limiting female physicians to attendance on female patients, but, if there be, the subject would seem to be within the sovereign competence of the Ottoman Government to regulate within its own jurisdiction.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Gresham to Mr. Terrell.

No. 14.]

DEPARTMENT OF STATE,
Washington, July 5, 1893.

SIR: I send you herewith a copy of the correspondence between this Department and the consul at Jerusalem relative to the complaint of one Hyman Rose, a naturalized citizen of the United States, who alleges that he was prevented by the Turkish authorities from selling and conveying certain real estate owned by him in Jerusalem because he is a Jew.

Mr. Rose alleged that the discrimination against him was in consequence of an order or proclamation of the Turkish Government. As Consul Merrill stated that he had no official knowledge of such an order, Mr. Rose was requested to inform the Department of the exact nature and source of his information, and to furnish, if possible, a copy of the proclamation referred to. He has replied in a communication, just received, that his information was derived from a letter written by his father; that he had not seen the proclamation, and even doubted its existence, but presumed the restriction was in consequence of secret instructions. As it seems impossible to secure more definite information from Mr. Rose or from the consul at Jerusalem, you are directed to ascertain in such discreet way as suggests itself to you the position of the Turkish Government with regard to this matter, and to report to the Department the result of your inquiry for further instructions, if need be.

In this connection your attention is called to the real-estate protocol of 1874 (Treaty Volume, p. 824). This protocol has all the force of a treaty engagement and secures to foreigners the right to acquire, hold, and convey real estate upon compliance with the requirements of local laws and regulations on the same footing as native Turks. You will note that there is no restriction whatever placed upon the enjoyment of this right by aliens, save in respect to "subjects of Ottoman birth who have changed their nationality." It is declared that they "shall be governed by a special law." This Government has never been informed of this special law, but it can have no relation to a prohibition alleged to rest on a religious disqualification. If an American citizen be denied the right to acquire or dispose of real estate under the rescript of 1867 and the protocol of 1874 because he is alleged to be of a certain religious faith, this Government would be bound to protest against such a discrimination as inadmissible. No religious test can be recognized by this Government, and equal rights under treaties are claimed for all American citizens regardless of the faith they profess.

I am, etc.,

W. Q. GRESHAM.

[Inclosure 1 in No. 14.]

Mr. Quincy to Mr. Merrill.

No. 20.]

DEPARTMENT OF STATE,
Washington, March 28, 1893.

SIR: I inclose herewith a copy of a letter, received at this Department on the 23d instant, from Hyman J. Roos, of New York, who claims to be an American citizen, relative to certain landed property owned by him in Jerusalem, which he complains that he can not sell in consequence of a proclamation of the Turkish Government forbidding Jews to make transactions in real estate. You are instructed to investigate this matter, and if the case appears a proper one for your interference, you will do what you can to protect Mr. Roos's interest, if he be registered as a citizen of the United States.

The result of your efforts should be reported to the Department.

I am, etc.,

JOSIAH QUINCY,
Assistant Secretary.

[Inclosure in inclosure 1 in No. 14.]

Mr. Roos to Mr. Gresham.

NEW YORK, March 21, 1893.

SIR: Respectfully undersigned is an American citizen who owns some landed property in the city of Jerusalem, Palestine, Asia. Wanting to sell the aforementioned property he is unable to do so in consequence of a proclamation issued by the Turkish Government forbidding to Jews all transactions in real estate. Undersigned being a Jew is hindered in disposing of his lawful property.

Has the Government of the United States of America official knowledge of this arbitrary discrimination against citizens of the United States of America on account of their religious belief.

Is the Government of the United States willing to try inducing the Turkish Government to stop abridging the rights of American citizens?

I remain, etc.,

HYMAN J. ROOS.

[Inclosure 2 in No. 14.]

Mr. Quincy to Mr. Merrill.

No. 21.]

DEPARTMENT OF STATE,
Washington, April 10, 1893.

SIR: Referring to the Department's instruction No. 20, of the 28th ultimo, relative to certain landed property in Jerusalem owned by one Hyman J. Roos, who claimed to be an American citizen, I have to state that this Department is in receipt of his certificate of naturalization and that his name appears to be Hyman Rose, and not Hyman J. Roos, as given in his letter of March 23 last.

I am, etc.,

JOSIAH QUINCY,
Assistant Secretary.

[Inclosure 3 in No. 14.]

Mr. Merrill to Mr. Quincy.

No. 49.]

CONSULATE OF THE UNITED STATES,
Jerusalem, Syria, May 3, 1893. (Received June 5.)

SIR: I have the honor to acknowledge the receipt of your dispatches Nos. 20 and 21, dated, respectively, March 28 and April 10, 1893, both having reference to Hyman Rose and his inability to carry on transactions in land in this country because of a proclamation issued by the Turkish Government forbidding to Jews that right.

The Department is aware that by the treaty all matters pertaining to land, including buying and selling, mortgaging, building, repairs, rents, and the like, are entirely beyond the jurisdiction of the consulate, and are absolutely under the control of the Turkish authorities. They guard this right with the utmost jealousy, and resent anything that appears like interference with their legitimate province. Consequently, I have never seen such an order as Mr. Rose refers to, nor has the governor ever sent me any communication on this subject. All the consuls are treated alike in this matter. If the consul were to ask the governor about it, the question would be regarded as an impertinent one. Thus far I know officially nothing about such an order.

On the other hand, I know that the Jews have stopped buying and selling land, and the cause assigned is the same as that given by Mr. Rose. I have repeatedly urged some of our American Jews, since such an order was said to have been issued, to make a trial case, bring to me the usual papers, and I would forward them to the governor, and we would soon learn the facts. In every case they have declined to do this, fearing it might involve them in some slight expense. Had they presented such papers to be forwarded as usual, and they had been returned to me, I should then have had ground for action, and should have promptly reported the matter to Constantinople and Washington. The consul cannot base a report to the Department of State upon rumors alone.

I have conferred with Messrs. Frutiger & Co., bankers in this city, with regard to this matter and they say they have reason to think that the order referred to will very soon be modified or annulled altogether. I mention this because this particu-

lar firm has more to do with Jewish land transactions than any other firm or individual here. As soon as I become aware of any change I will notify the Department.

The Turkish Government claims the right of discriminating against what it regards as an objectionable class—in this case, the Jews—the same, they say, as the United States discriminates against the Chinese, and the fact that a Jew belongs to this or that nation does not remove him, in their estimation, from the class to which objection is specially made.

Whenever an American citizen wishes to buy land, he presents to the consulate a certain petition which is forwarded to the governor according to the two forms herewith inclosed.

I remain, etc.,

SELAH MERRILL.

[Inclosure in No. 49.]

Forms used in this consulate when an American citizen wishes to buy land.

To the consul of the United States, Jerusalem:

SIR: I, the undersigned, a citizen of the United States, beg to inform you that I wish to buy of Mr. _____ a piece of land of _____ dimensions, situated in _____, and I request you to transfer this petition to the local authorities and likewise to declare to them my citizenship.

(Signed by the petitioner.)

To his excellency the governor of Jerusalem:

EXCELLENCY: The foregoing petition has been presented to this consulate by Mr. _____, a citizen of the United States, who wishes to buy a piece of land as stated in his petition, and I humbly request you to transfer the same to the proper department for their action.

I take this opportunity, etc.

(Signed by the consul.)

Date and seal.

Mr. Gresham to Mr. Terrell.

No. 18.]

DEPARTMENT OF STATE,
Washington, July 7, 1893.

SIR: I inclose a copy of a letter from Mr. Judson Smith with reference to the statement of Mr. Thompson's No. 82 of 27th April last, that an *iradé* would be given, guaranteeing protection and immunities to the college at Marsovan. The Department would be pleased to know what progress has been made in that regard.

I am, etc.,

W. Q. GRESHAM.

[Inclosure in No. 18.]

Mr. Smith to Mr. Gresham.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Boston, June 29, 1893. (Received July 1.)

SIR: Recalling the history of events connected with our missionary work in Turkey, and noting with what slow steps promises made by the Turkish Government often reach fulfillment, I am led to refer to the pledges given by the Porte to Mr. Thompson in connection with the Marsovan affair, to the effect that an *iradé* would be granted the college as soon as the necessary formalities were concluded. Without attempting to determine just what these formalities are or what time may be required for their fulfillment, it is obviously of great consequence that our Govern-

ment should press this point upon the attention of the Turkish Government, and insist upon the early fulfillment of this pledge. Nothing has been satisfactorily settled in the Marsovan incident if this pledge fails of fulfillment, and I am sure that our Government will not hesitate in the least to bring the attention of the Turkish Government to this point and to secure an early fulfillment of this pledge.

Advices from Marsovan and from Constantinople reveal plainly enough the fact that our missionaries at Marsovan are to-day in great personal peril, due in no small degree to the recent disturbances and the still undefined position of the college in that community. Were the college covered by an *iradé* this peril would at once disappear and its future be well assured. In view of this situation and the other considerations already alleged, you will appreciate the reason for our feeling keenly the importance of having our minister at Constantinople instructed to press this matter to an early definite issue and to leave the Turkish Government in no doubt that the granting of this *iradé* is deemed by our Government as an essential element in the proposed settlement of the Marsovan incident. With warm appreciation of the kindly and prompt consideration given to matters brought to the attention of the State Department from these rooms in the past, and assured of the steadfast purpose of our Government to maintain both its own dignity and the welfare of its subjects in every land,

I am, etc.,

JUDSON SMITH.

Mr. Terrell to Mr. Gresham.

No. 10.]

LEGATION OF THE UNITED STATES,
Constantinople, July 20, 1893. (Received August 7.)

SIR: On July 1 I was shown by a resident missionary a telegram which stated in effect that a Miss Melton, an American teacher at the Mosul school, had been assaulted by unknown parties at Dáree, a mountain village which is near Amadia in Koordistan. Amadia is four days' ride from Mosul, where Dr. E. W. McDowell resides with his family. The village of Daree is located in a wild, mountain district of Koordistan, many hundred miles from here, near the extreme limit of the Ottoman Empire.

I immediately communicated to Mr. Gates the fact that the grand vizier had directed prompt measures to be taken for the protection of Miss Melton and for the punishment of her assailants.

On the 14th of July I received from Mr. Peat, of the missionary publishing house here, a letter from the Rev. E. W. McDowell, dated Amadia, Koordistan, June 21, 1893, a copy of which is inclosed and with it a paper marked "Facts bearing on the attack on Miss Melton," which I also inclose a copy of.

The letter and "statement of facts," considered in connection with a letter to Mr. Peat shown me, give information: (1) That Dr. McDowell and family went with Miss Melton to Amadia from Mosul for "a change of air." (2) That Miss Melton after her arrival at Amadia, left her companions, and with her nurse and a preacher spent the night at Daree, a mountain village. (3) That her tent was stretched on the top of a flat-roofed house in the village and in it she passed the night, neglecting the very necessary precaution of having near her an efficient protection. (4) In the night she was assaulted by two men with clubs, while accomplices near fired off their guns to frighten the villagers. (5) No protector was at hand, and after seriously bruising Miss Melton the robbers (if such they were) left without stopping to plunder. (6) The place in which the outrage occurred is notorious for its robberies.

It seems singular that two men armed with clubs, and having a frail woman in their power, did not inflict more serious injury, if to beat her was their only object.

The "statement of facts" I had translated, and delivered it to the grand vizier, and was again assured that energetic measures were in progress to arrest and punish the wrongdoers, which fact I communicated to Dr. McDowell by mail.

Yesterday the inclosed letter (inclosure 3), the original of which was mailed at Mardin, Turkey, and is dated July 3, was delivered to me by Mr. Peat, and I received by mail at the same time a copy of a letter from Dr. E. W. McDowell to Dr. Thom, who lives at Mardin. This letter appears to have been written at Amadia in Koordistan, June 21, 1893.

The letters contain the substance of a letter formerly shown me by Mr. Peat, and give a more detailed statement of the circumstances attending the outrage. Apprehensions of danger are reiterated, and the letter written at Koordistan only a few days after the assault on Miss Melton shows that Mr. McDowell immediately wrote to the board to secure action by cable.

Again, I visited the grand vizier, and requested a more particular statement of the steps taken by him to secure the safety of Miss Melton and her friends, and for the punishment of the wrongdoers.

He had his order interpreted to me sentence by sentence, as also the communication from the seat of trouble to him, and at my request promised that a written translation into French of both should be sent to my legation for the information of my Government, in the form of a note verbale. The translation of the papers received from the grand vizier is given in inclosure 5. In answer to my request for a vizirial letter to the local authority at Amadia and Mosul directing them to secure protection for my countrymen there (as our Government has no consul near), and which will make the local chief responsible for their safety, it was readily promised. Unless it is promptly forwarded I will advise you. Permit me to suggest that the missionary board in the United States, who are in communication with your Department, be informed that the missionaries in Asia, remote from a consular office of the United States, may each on writing to me procure such an order for themselves and families; for a vizirial letter compels the protection of the local chief, and is the most efficient means of protection in remote districts.

A cable dispatch from the United States two days ago, making inquiry about Miss Melton's safety, induced me to cable you. I refrained from informing you of the assault on Miss Melton, after being satisfied that this Government was doing all that was possible to secure her protection, especially as it could only tend to increase the excitement so recently started by religious propagandists at home over Armenian troubles. I am confident that the Government of the Sultan is at present sincerely desirous to secure full protection to all American citizens, and I am equally confident that the grand vizier and minister of foreign affairs are satisfied that the two Marsovan teachers were guilty of a treasonable conspiracy against their Government when under a pressure from England and America they spared their lives and banished them.

My cable dispatch referred to was as follows:

Grand vizier has done his full duty to protect teachers in Koordistan, and to punish for assault on Miss Melton.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 10.]

*Mr. McDowell to Mr. Terrell.*AMADIA, KOORDISTAN, *June 21, 1893.*

DEAR SIR: Yesterday by special messenger I sent letter to Mosul to be forwarded by post to you, informing you of an attack made by Koords upon Miss Melton, an American missionary, in which she was seriously, but not fatally injured. There are many desperate men here; the local government shows no disposition to give us redress or to arrest the perpetrators of the outrage. In consequence our lives are put in jeopardy and the situation seems to be more serious day by day.

Unless prompt action is taken bringing an order from the General Government to bear upon the local government insuring our protection until the case can be investigated, I fear there may be very serious consequences.

I gave the particulars in the letter referred to, and asked you to, secure such action if possible by telegraph to Mosul, our nearest mail and telegraph point, and which is four days away. I send this by different messenger, in view of possibility of my other man's being intercepted. I have also made provision to telegraph you in a certain contingency. There are 6 of us. Miss Melton, my wife, 3 little ones, and myself.

I earnestly hope you may be able to afford us relief, for which we shall all be deeply grateful.

Believe me, etc.,

E. W. MCDOWELL.

Address: Mosul, Turkey in Asia.

P. S.—We brought a letter with us from the vali of Mosul to the kaimakam of this place, so that we are here by the knowledge and consent of the government.

E. W. MCD.

[Inclosure 2 in No. 10.]

Facts bearing upon the attack made upon Miss Melton.

We have been in this country for several years, have made repeated visits to this district, and only last year spent some days in Darcce, the village in which the affair occurred. We have not thought there was any special risk in staying in these villages.

We have adherents to our church in these villages and so are clearly within treaty rights in visiting them to give religious instruction.

We have in no way given offence to any one, nor have we met with any opposition in the village in question. We were invited and cordially received by the entire village.

Other single ladies in Koordistan have visited villages, spending weeks and months in an unsettled region without other protection than their servants, and have not been molested.

Every precaution possible was taken to insure her safety, except that of taking a soldier. She did not take a soldier (1) because it did not seem necessary; (2) judging from experience a soldier would not have been given; (3) a soldier is no protection; (4) the low character of the soldiers.

It may be said that the Government can not protect us in this region. In answer to this I beg leave to submit the following:

Two years ago in an adjoining district there was a powerful Koordish agha who oppressed the Christian villages. The local government, in answer to petitions, said they were not able to deal with him. An order came from the General Government, a small detachment of soldiers was sent up to his village, he was arrested in his own castle and carried off from the midst of his own men, all for taxes.

This Government recently arrested two powerful chiefs in the mountains above here, taking them out of their stronghold, and held them here for months, the one of them against the attempts of his friends to release him.

This last summer the Sultan sent a special agent to Mosul to make certain reforms in government. He came without soldiers, had only the means at his command which were possessed by his predecessors, yet in two weeks, by energetic and indiscriminate application of justice of the power of the Government upon rich and poor, great and small, he inspired such a terror among evil doers, even in the recesses in the mountains, that lawlessness for the time practically ceased. The local government does not protect, but it is not because it can not, as the above incidents dem-

onstrate. A single application of justice to our case would afford us more protection than a soldier at our elbow every place we go.

I submit the following evidence as going to show that the perpetrators of this particular outrage are men of this city and probably soldiers.

The men stationed to fire off their guns to frighten the village in case of an outcry from the tent, their knowledge of the situation of the tent, their disregard of the villagers, would indicate an attack planned, and planned in reference to Miss Melton. The Koords from a distance could not have learned yet of her presence there.

The servant girl testifies that their clothing was that of Amadia.

Miss Melton's assailant, as did the rest, spoke in Koordish, but in swearing he used not "Ya Kludai," oh! God, as the mountain Koords would, but "Ya Allah," the Arabic term, which would be used by the soldiers or other Amadians who have been down upon the plain among the Arabic-speaking people.

The first impulse of a mountain Koord, when angry, is to use his dagger. There was no dagger used and none seen. A soldier habitually uses a stick on the villagers. The stick used upon Miss Melton was of the kind especially common to this place.

A mountain Koord, having made such an attack upon a woman, would not have left her alive. They also, in firing upon the village, would have done more than frighten the people.

At the place from which the guns were fired were found two cartridge shells and two cartridges which had missed fire and been thrown from the guns. Three of these were of the Martini rifle, which is the Government rifle, the fourth was also for a Government rifle, but of different pattern, one which has been recently introduced, and not one of which is to be found among the Koords.

To show the strength of this proof, in my first interview with the kaimakam and the judge I showed them these cartridges, whereupon they both exclaimed: "Why, this was done by men of this place!" and looked at each other. Instantly, seeing how it would involve them, they endeavored to weaken the proof by statements absurd on their face, and grew quite angry as I held to that position.

There are certain men here who are notorious for their robberies. They act as contrivers and receivers of the plunder. One of them is in the Government and has soldiers under him. Some of these men were opposed to our coming here as interfering with their business. There was talk among them about putting us out. Supposing the attack was made to intimidate us, this would explain the repeated beatings without killing, the sudden disappearance of the men after that had been accomplished without stopping to plunder, as they might easily have done, and as Koords would surely have done.

The one of these parties referred to as being in the Government manifested friendliness to me before the event, he knew of it surprisingly soon the next morning, happened in at all my interviews with the kaimakam, called when the officer came to take Miss Melton's testimony, asked strange questions from one of my men; all of which are not likely to have occurred under ordinary circumstances.

It is the opinion of other men here that it was done by men of this city and probably at the instigation of the one referred to.

In all probability the men are in this city. The governor himself thinks so. It ought not to be difficult to apprehend them. That the Government is doing nothing to do so ought to render very weak their statement to our Government that they can not protect us here. The strong probability that soldiers were implicated in it ought to be remembered when they say that we ought to take soldiers with us in going to the villages.

[Inclosure 3 in No. 10.]

Mr. Gates to Mr. Terrell.

AMERICAN MISSION,
Mardin, Turkey in Asia, July 3, 1893.

DEAR SIR: A few days since I sent you a telegram informing you of the brutal assault made upon Miss Melton, an American missionary of the Presbyterian board in the neighborhood of Amadia. I now inclose to you a copy of the letter of Rev. E. W. McDowell, of the same mission, regarding this outrage. Mosul was formerly a station of our mission and the relations between that mission and our own are very close and friendly, hence they wrote to us at once; and we are so impressed with the gravity of the situation that we feel constrained to entreat that you will use every effort to obtain redress in order that the lives of missionaries may be rendered safe in that region. It is only a few years since two missionaries of that same mission were attacked and robbed there, and we can not but fear that Mr. McDowell

and his family are in peril now unless stringent measures are taken to insure their protection.

Moreover, we are anxious concerning Miss Melton. She is a delicate little woman, although very brave. The shock of such an attack by night, the desertion of all her attendants, who were in terror for their own lives, together with the brutal beating she received, are quite enough to produce serious and lasting results of a character to mar her whole life; hence we wait for news of her condition with much solicitude.

I have written to Mr. Peat also concerning this matter, and I trust he will see you in regard to it.

Very sincerely, etc.,

C. F. GATES.

[Inclosure 4 in No. 10.]

Mr. McDowell to Dr. Thom.

AMADIA, KOORDISTAN,

June 21, 1893.

DEAR DR. THOM: We left Mosul June 1, reaching Amadia the 5th. I have now to tell you of an occurrence that will shock you. Miss Melton, a few nights since, was beaten quite badly by some Koords. The blows inflicted might well have killed her, but thanks be to God she was saved from any serious injury so far as we know. There were several scalp wounds which bled profusely, and bruises upon her body, especially upon her abdomen, one of them being the print of the entire head of the cane used. This was on the lower part of the abdomen. This is now the seventh day and she has apparently not suffered greatly from the shock, although weak. To-day she is not up, but her trouble may have no connection with the beating, sickness at the stomach and diarrhea. Later: Dr. Daniel says her trouble to-day is prostration from reaction. For several days her pulse was very strong, but to-day it is very faint. You will wish to know the particulars. Briefly they are as follows:

We reached Amadia Monday, June 5. On the following Friday she went to Daree, one of our villages less than an hour away, to work among the women. We thought it was perfectly safe, i. e., for this country. She had one of our best pastors with her, who has worked in the mountains for years amid dangers of various kinds, as her protector. Several other men slept about her tent, which was pitched upon a roof. On the following Wednesday, after midnight, she was awakened by a man in her tent. On seeing she was awake he began to beat her with his cane. The frame about her bed at first protected her. This angered him. He tore it away, and again beat her with one of the sticks of the frame (over an inch square). She was at first entangled in the net (for mosquitoes), but soon freeing herself, she got up, wrested the stick from his hands, and seized him by the hands, holding him for a moment. He threw her off with an oath, and again began to beat her. His accomplice came in at this moment, and taking him to be the pastor, Zecheria, on whom she had been crying for help, she ran to him, but was pushed aside. The two now began to gather up her things, and she ran outside, to find that everybody but her servant girl had deserted her, and she had been choked into silence. People had heard her cries, but they had accomplices stationed a few rods away among the rocks, who, when they saw everybody was out, fired off their guns to intimidate them, calling upon them not to come near and not to run.

They did run, however, all of them, including the pastor. The Koord seeing her outside the tent, again attacked her, this time giving her that terrible blow on the abdomen. In doing it he lost his balance and fell off the roof, unfortunately on the low side. Very unaccountably they now disappeared suddenly, taking only a few things from among the things under their hands, and those of little value. After they left, some of the people came back. She got the girl to pour water on her head, she was covered with blood, and then dressed it herself as best she could with tannic acid. They could not be induced to bring me a letter until daylight, at which time I got it as nicely and carefully written as for a school examination. I went at once to the kaimakam; he was not up; I awakened him, but as he was slow in coming, I went on and left Dr. D. to bring the necessary officers. I had the villagers with me, but an officer seeing me go, thought he ought to send some one with me, so of his own accord ordered out 3 men. They reached the village some time after I did. I found Miss Melton quite self-composed. We waited awhile, but the officers not coming we went into the city. On the way we found another subordinate sitting by the road. He had been sent by the kaimakam. The kaimakam at first refused to do anything, and affected to be angry because I took those first soldiers without consulting him. I neglected to say that I sent a message to him which brought out the fellow sitting by the road.

As soon as Miss Melton's wounds were dressed I went to the kaimakam. He at first was on his high horse. I talked plainly to him, and he soon promised to do all in his power to find the parties. This is now the seventh day and he has done nothing but take testimony. It is evident he does not intend to do anything. I have sufficient evidence to show that it was done by men of this place (Amadia), probably soldiers. The brother of the kaimakam has a reputation which would point him out as the contriver of the outrage; he has soldiers under him who would do the work. A Koord would have used his dagger when he got angry; a soldier is accustomed to beating people with a stick. The thing was planned by those who knew the situation. There are no Koorfts who could have known of her being there and have planned it. Her assailant said, not "Ya Khudai," as a Koord, in the mountains invariably does, but "Ya Allah," as a soldier or city Koord does. We found some cartridges and shells of the Martini rifle, and another pattern lately introduced, not one of which is in the hands of the Koords. When I showed them to the kaimakam and the kadi, they both exclaimed involuntarily, "Why, it was done by men of this place!" They at once saw the force of their words and tried to draw out of it, and grew quite angry when Dr. Daniel held to that position. Koords would have taken everything after they had terrorized the village, not only Miss Melton's things, but would have plundered the village as well. The fellows took only a few things; those doing the firing did not come down to the village at all.

They seemed to have business only with Miss Melton; when that was done they left. Their calling to the villagers "Don't come near, and don't run off," has that appearance. The Koords would have cleaned out the village. It is not like a Koord to beat a woman. It looks as though it was instigated here by some one to intimidate us. The situation looks serious; the more so as our presence here is unwelcome to the kaimakam, who has been plundering the people and threatening to burn our house in Dibi; also to other gentlemen who don't care to have too much light on their deeds. Others are put out because we brought no medicine. Dr. D., you know, was not going to stop, and, anyhow, he has no diploma. We have heard that there was talk of putting us out, which I don't think they will attempt. I have already sent off letters to our board asking them to secure action by cable, and telegraph to Mosul to secure our protection. If such action does not come we can not tell what will happen. Even the villagers are saying to us, "Your Government can not do anything for you. You have no king," etc. With this idea prevalent, and an indifferent and insolent kaimakam, it would not be surprising that there should something happen.

To retreat does not seem practicable or wise; the journey is a hard one, and it is very hot. Both the ladies are weak, and Philip not well. The road itself is just now very unsafe, and for us now especially, fleeing, as it were, from the Government. The effect on the work would be bad for the future. I have hopes that I can keep on good relations with the best of the big men, and so prevent any serious trouble until word comes from the United States. This is not certain, however. The strongest men here are notoriously wicked, and let them feel that we have no power at home and serious trouble does not seem impossible. The presence of the two ladies and the little ones adds to my dread of such a thing. There is undoubtedly danger, and possibility of a horrible catastrophe, which might have the most serious influence upon our work. If we telegraph and secure a prompt reply, securing our protection, it would have the most salutary effect upon the people and afford us protection for years to come. They would realize that we have a Government which can act, and act quickly. One common word is that our Government is so far away that it can not reach us. The kaimakam demands that we do not move from the city without asking him. If we wish a soldier we must put our request in writing and have it acted on by Migliss.

As ever, etc.,

E. W. McDOWELL.

[Inclosure 5 in No. 10.—Telegram.]

[Translation.]

Vilayet of Mosul to the Grand Vizier.

JUNE 18, 1893.

Telegram of June 16 received; though the American Missionaries did not address themselves with regard of the matter therein to the commissary, and the local authorities have made no communication to me, the so-called semasalma, who serves as dragoman to the missionaries, and who is here, having been called and interrogated, declared that some vagrants having threatened, under their tents,

the missionaries as well as the lady teacher, who had previously been with them at Amadia, the eve of the day when she addressed advices in a village at one hour distance from Amadia, to women who gathered there, the kaimakam of the place has started an inquest on this subject, and that the news of this incident was transmitted to Constantinople from the telegraphic bureau of Mardin, because the man the missionaries sent to Mosul to advise the vilayet, has, without calling on the imperial authorities, informed the French consul.

Then a capable Benluk Aghassi of the gendarmery accompanied by a sufficient number of policemen, has immediately been sent yesterday to the spot to effect an inquiry, arrest the culprits, and assure the perfect security of the missionaries.

As, according to appearances, this incident may have been provoked by Armenians of this region, I invited the kaimakam to investigate this affair and to take the proper measures.

Under the auspices of His Imperial Majesty the Sultan, it is certain that the culprits will be arrested and will receive the punishment they deserve. I reserve myself to communicate to your highness the result of the measures taken. Taking into consideration the animosity which at all times has existed between the Nestorian Christians and the Taiyaris of Hakkariy in the vilayet of Van and the Koords of Amadia, a battalion of imperial troops will be on an authorization obtained in consequence of a correspondence exchanged on the subject, forwarded this year, like the preceding years, on the spot for the maintenance of good order during the summer season.

[Inclosure 6 in No. 10.—Telegram.]

[Translation.]

The grand vizier to the governor-general of the vilayet of Mosul.

Telegram of the 18th–30th of June received.

It is claimed that the missionary girl has been beaten and that the aggressors are inhabitants of the village where the missionaries are to be found.

In view of the deplorable impression that assault and beating a woman are apt to produce in America, and as we have received no notice with regard to the arrest of the culprit, though fifteen days have elapsed since, I invite you to let me know without delay what has been done up to this time, if the culprits are really of the said village, and why they have not yet been arrested. You will immediately devise the measures proper to secure at any cost and as soon as possible their arrest, if it has not as yet taken place.

July 3d–15th, 1893.

[Inclosure 7 in No. 10.—Telegram.]

Governor-general of the vilayet of Mosul to the grand vizier, July 4–16, 1893.

Telegram of July 3 (old style, or 15th July) received.

Conformably to previous orders of your highness concerning the menace at Amadia to the American missionaries, a capable captain has been sent with ten or twelve zaptiehs, and peremptory directions have been at once sent to the kaimakam of the place for the discovery and the immediate punishment of the culprits.

While they were proceeding to the hearing of some of the prisoners arrested in the village where the missionaries are and the inhabitants are Nestorian and Jacobite Christians, the missionaries in their letters demanded the freedom of the men arrested, declaring that they had no suspicion of them, and that the real culprits are from Amadia itself. In consequence of these letters I have requested the kaimakam, as well as the said captain, to set at liberty the prisoners, to proceed with the arrest of those of the inhabitants of Amadia on whom the missionaries had suspicions, to let me know the result of the thorough investigation which will be conducted on their behalf, and send without delay and under escort to the headquarters of the vilayet the accused and those who may be implicated in the matter.

I recommended them at the same time to have the missionaries protected by a sufficient number of zaptiehs.

In reserving to myself to submit in a short time to your highness the result which will be obtained, I have the honor to inform you, as advised by the local authority, that under the happy auspices of His Imperial Majesty the Sultan steps have been taken for the safety of the American missionaries.

Mr. Terrell to Mr. Gresham.

No. 11.]

LEGATION OF THE UNITED STATES,
Constantinople, July 20, 1893. (Received August 7.)

SIR: I think it proper to inform you that Edward Albert Green has applied to this legation for a passport, claiming citizenship through the naturalization of his father. His father, Mr. Charles Green, was a native of Hungary. He was naturalized in the court of common pleas in Philadelphia on the 25th of July, A. D. 1855. He returned to Europe in 1857; was appointed vice-consul of the United States at Tulchia (Danube) in 1859, which office he retained four years. While his father was acting as U. S. consul the applicant for a passport, Edward Albert Green, was born. His brother is in the United States. He states under oath that he has been detained here only by his duty to provide for his mother and sister, and that he intends to return to the United States within six years. He is an industrious young man, of good character, and speaks our language well. Though born in a foreign land, it was under our flag, and I will issue his passport unless instructed otherwise by you.

I write and await your instructions, since this applicant has been formerly refused a passport at this legation.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

[Extract.]

No. 16.]

LEGATION OF THE UNITED STATES,
Constantinople, July 22, 1893. (Received August 7.)

SIR: Jacob Toprahanian, who is, I presume, by birth a subject of Turkey, informs me by letter mailed at New York, that under advice from your Department he appeals to me to procure a passport for his wife, who lives in Diarbekir, that she may join him in the United States. His certificate of naturalization is dated the 19th of April, A. D. 1893.

His letter also informs me that my predecessor, Mr. Thompson, had told him that under a law discovered only recently the Porte was compelled to permit his wife to join him, if she desired, in America. If you know of such a law please inform me of it.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

No. 18.]

LEGATION OF THE UNITED STATES,
Constantinople, July 24, 1893. (Received August 7.)

SIR: I am informed to-day through the grand vizier that his vizierial letter, issued at my request for the protection of American missionaries and teachers, was sent to the governor of Mosul. Mosul is a large city located on the river Tigris, about four days' ride south of Amadia, near which place Miss Melton was assaulted.

For the information of your Department I have obtained here the

limits of that governor's jurisdiction. The province of Mosul embraces the districts of Cheheizar and Suleimainé and Mosul. The district of Mosul embraces the following towns: Mosul, Dihoun, Zebibar, Seitchar, Zahon, and Akra.

The towns in the district of Cheheizar are Aebil, Raniech, Revandiz, Selahié, and Kenisandjak.

The towns in the district of Suleimainé are Bazban, Chehir, Bazar, Caradgh, Keilamber, and Merke.

These divisions of the province of Mosul are given because its jurisdiction as recognized by the Sublime Porte is not found on any map in this legation. The vizierial order that places all American teachers and missionaries under the special protection of the governor of Mosul within his jurisdiction may be of interest to the missionary boards of the United States. How many except the teachers at Mosul and Amadia are within that province I have no means of knowing. I am informed by Dr. Long, an eminent scholar and a professor in Robert College, that a vizierial letter is the most efficient means of protection; for the chief to whom it is addressed feels himself personally responsible, and through him all classes are informed that the Americans designated are under the special care of the Sultan.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

No. 22.]

LEGATION OF THE UNITED STATES,
Constantinople, July 28, 1893. (Received August 17.)

SIR: The grand vizier has just informed me that he has received a letter from the governor of the province of Mosul acknowledging the receipt of his formal order placing under his immediate protection those Americans who have no American consul near them.

Though the parties who assaulted Miss Melton have not been found, the governor states that they will be arrested in a few days, and will be promptly punished.

I have, etc.,

A. W. TERRELL.

Mr. Adee to Mr. Terrell.

No. 25.]

DEPARTMENT OF STATE,
Washington, July 28, 1893.

SIR: Miss Mary Pierson Eddy has presented to the Department her diplomas and certificates, duly authenticated, attesting her competence to practice medicine and surgery. These documents the Department has authenticated in accordance with its usual custom, and later they will be presented to you for the additional attestations of your legation, to give them validity within Turkish jurisdiction, so that Miss Eddy may practice her profession therein. The characters of the institutions issuing these documents is all that could be desired in the United States, and when they are fully attested, as they will be after you have placed on each the seal of your legation, they should, and, in the Department's judgment, no doubt will be accepted by the Turkish authorities as evidence of Miss Eddy's ability to follow her profession.

I refer to only one of these documents specifically, and that is the license issued to Miss Eddy by the regents of the University of the State of New York granting her authority to practice medicine and surgery. The high character and standing of that university is a sufficient guaranty of Miss Eddy's professional knowledge, and you will do everything you properly can to secure her recognition by the Turkish authorities.

It is understood that Miss Eddy has already taken her departure for Europe and the continent.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Terrell to Mr. Gresham.

No. 23.]

LEGATION OF THE UNITED STATES,
Constantinople, July 29, 1893. (Received August 17.)

SIR: On receipt of your dispatch No. 14 of July 5, 1893, with inclosure, and which directed me to ascertain the position of the Turkish Government regarding the right of Jews to purchase and sell land in Jerusalem, I called upon the grand vizier. He stated to me that the restrictions heretofore existing had been modified, and that no obstruction would be placed in the way of Mr. Rose to sell his land in Jerusalem if the sale is made to a citizen.

He stated that the Government desired to prevent the alienation of the land to nonresidents, and to those who wished to purchase for speculative purposes with no intention to reside upon the property when bought.

On his promise to remove any obstacle in the way of any one who, being the owner of land, desired to sell it to a purchaser not an alien and who wished to live upon it, I gave him the name of Mr. Rose.

The manifest policy of the Government is to prevent the acquisition of land in Jerusalem by nonresidents and to discourage its transfer for speculative purposes. Should further information be desired I will procure and transmit copies of the laws and orders pertaining to land transfers in Jerusalem.

I have, etc.,

A. W. TERRELL.

Mr. Adee to Mr. Terrell.

No. 28.]

DEPARTMENT OF STATE,
Washington, July 31, 1893.

SIR: I inclose herewith copy of a letter received from the corresponding secretary of the Foreign Christian Missionary Society of Cincinnati, Ohio, in relation to the case of Garabed Kevorkian, a missionary of that society in Marsovan, who, it is stated, is subjected to annoyances at the hands of the Turkish authorities.

You are instructed to investigate and report upon this case; but if it should develop, as appears by Mr. McLean's letter, that Mr. Kevorkian has merely declared his intention to become a citizen and then returned to his native land without perfecting his naturalization, he is

not a citizen of the United States, and therefore not entitled to claim protection as such. If, however, Mr. Kevorkian is a regularly employed native agent of an American missionary or educational enterprise, and his treatment should appear to be in prejudice of the legitimate operations of his employers, your good offices may be employed to cause the cessation of such interference or annoyance.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

[Inclosure in No. 28.]

Mr. McLean to Mr. Gresham.

FOREIGN CHRISTIAN MISSIONARY SOCIETY,
Cincinnati, Ohio, July 24, 1893. (Received July 28.)

DEAR SIR: This society has a missionary in Turkey who is in trouble. His name is Garabed Kevorkian, of Marsovan. He is an Armenian by birth, but is an American citizen. He signified his intention to become an American citizen in 1865. He has been at work in Marsovan since 1884. During all these years the American legation and the Turkish Government recognized his American citizenship. Recently, however, both the legation and the Porte have refused to recognize his American citizenship. Owing to the fact that the Turkish Government seems determined to annoy, if not to oust, all missionaries, this is for him a serious matter. If the authorities are acting according to the provisions of treaties, we have nothing to say. But if they are not and if anything can be done by you to protect a worthy man from needless annoyance this society will be very grateful for your good offices.

Very respectfully,

A. MCLEAN,
Corresponding Secretary.

Mr. Adee to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 31, 1893.

Mr. Adee informs Mr. Terrell that the Presbyterian board of foreign missions sends particulars of the assault on Miss Melton, strongly indicating culpability of Amadians, not Koords, that little energy was displayed by the authorities and that the object was intimidation and the breaking up of missionary work. He instructs him to press for peremptory orders to Mosul that strict justice be exercised and due protection afforded. He adds that gratification is felt at the assurances given by the grand vizier, but that deeds will tell better than promises.

Mr. Terrell to Mr. Gresham.

No. 26.]

LEGATION OF THE UNITED STATES,
Constantinople, August 1, 1893. (Received August 18.)

SIR: From the cable of the 31st of July, I infer that my dispatch No. 10, referring to Miss Melton's case, had not reached you when the telegram was sent. I received to-day a letter from Mr. McDowell at Amadia informing me of conditions there. I enclose it. He believes

that those high in authority were privy to the outrage, if indeed they did not instigate it. The letters convey information of the present safety of American teachers and confirm my impression that the grand vizier is sincere in his efforts to protect.

I will visit him at once or as soon as the session of cabinet ministers closes; the memoranda inclosed, or a copy thereof in French, I will leave with him to keep him mindful of what I will emphasize verbally. The fear of central authority is so slight in a remote province like Mosul that I desire some honest man invested with authority and armed with a military force to be sent there. I asked it in the beginning. The grand vizier thought his orders would suffice. I will press it again, nor will I relax my vigilance until somebody is hurt for assaulting that American lady.

I have, etc.,

A. W. TERRELL.

[Inclosure 1, in No. 26.]

Mr. McDowell to Mr. Terrell.

AMADIA, KOORDISTAN, July 4, 1893.

DEAR SIR: I beg to inform you that the vali of Mosul on receipt of a telegram from Constantinople sent 10 soldiers here as additional protection to us and to assist in the arrest of those concerned in the attack on Miss Melton.

In consequence of this action there is a decided change in the bearing of the government here toward us. The kaimakam has dropped his insolent bearing and now grants us the night guard which a few days ago he refused.

We have no apprehension for our safety so long as he shows this disposition.

I can not see, however, that he is doing anything more for the apprehension of the guilty parties, although he and all the prominent men in the government say freely that it was done by some one of this place.

There are indications that the person or persons who were the instigators of the affair are too powerful to be handled by the government here.

Some of the most influential men in the place are simply freebooters. Three of them are associated together for just such work. One of their number is a member of the kaimakam's council.

One of them was the principal in the murder of a priest three years ago. The murder was committed in daylight, within half an hour of the city, on a much frequented road, and before two witnesses. These two witnesses, Syrians, both well known to me, were so intimidated they have never dared to breathe the name of the murderers. Everybody here is said to know who it was, and yet nothing has been done to bring him to justice.

This fear of future vengeance prevents anyone bearing testimony or taking the initiative in securing the arrest of the offenders.

Suspicion points toward one or more of the men referred to, but, although I have used every means possible, having a prominent Koord in my secret service, I have not been able to secure any positive evidence against anyone.

I would like to ask if it would be possible to secure the arrest and punishment of one or more of these men on the strength of their notorious reputation. I presume not.

I am told that the chief men of the place fear the coming of officials of greater power who will hold them responsible for the matter until they have pointed out the guilty ones.

I should think this would be the most effective way, as there can be no doubt but that the guilty parties are known and that only fear or self-interest prevents others testifying against them.

I thank you most heartily for all that you have done, and especially for the promptness of the action which has greatly surprised the people here and will disabuse their minds of the idea that the United States is too far away to know what is done upon her citizens or to do anything for their protection.

Very respectfully, yours,

ED. MCDOWELL.

JULY 7.

This letter having been delayed, I add the following for your information:

The kaimakam being pressed to take some action, arrested as the perpetrators of the crime several Syrians of the village of Daree, where the affair happened. Of these, two were priests, one was crazy, and another an old man half blind and too weak to work.

We objected to this. They then prepared a paper for me to sign as a condition of releasing these men, who are our friends. This statement was so worded as to destroy our case against the Government and I refused to sign it.

This angered the kaimakam and his miglis, and they arrested all or nearly all the men of that village, and threw them in prison, giving orders to put those who were members of our church into the lower dungeon.

We have presented a formal statement to the effect that we have no charges to make against the men of Daree and even have no suspicion against them.

We received only an insolent answer to this, one remark of which was that perhaps we ourselves did it.

The outrageousness of this action is apparent in the light of the facts that this Christian village is itself terribly oppressed by the Koords of this place; that they are our people and friends; that there is not the slightest evidence against them, but, that, on the other hand, all the evidence is conclusively to the effect that it was Koords of this town of Amadia who did it; that the kaimakam and the kadi, only the day before they arrested them, told me openly that men of Amadia had done it.

It may be well to say that they justify themselves in this action on the ground that the vali of Mosul in quoting the telegrams sent to you from Mardin said "Mr. McDowell was beaten by the people of a village near Amadia" i. e., Daree and that therefore they have got to arrest those people. This is a mere technicality, but they are using it for all it is worth and they will, I think, make this their defense before the government at Stamboul that "the message sent was not true;" Mr. McDowell was not beaten at all; that "Miss Melton was only slightly injured;" that "they have not been in any danger;" that we have arrested the men of that village who did it to drive the Americans out of the village. By intimidation they have forced some of the villagers to say that they are not our followers and were not willing to have us come into the village.

But all this is absurd before the facts, which are becoming clearer every day, viz, that the thing was done by some of the chief men of this place, i. e., planned by them and done by their men.

We have evidence that the kaimakam and his council know the very parties who did it, but being complicated with them in other affairs do not dare to do anything, and for this reason are endeavoring either to squelch the affair by denying the truthfulness of the charge or by belittling it and putting it upon that Christian village.

The evidence referred to is: (1) A muleteer of this place, soon after the affair, said to two different parties in Mosul, that "it was well known who did it; that it was Abdul Aziz Agha, who sent two soldiers and three men of Amadia to do it." (2) An officer in the Government here, a stranger to this place, has made the statement here before two of my men, a physician and a preacher, that it was known by everyone here who did it, but that the kaimakam was afraid to arrest them; that he himself had said to the kaimakam he ought to arrest them. (3) Our secret agent has suddenly grown cold. His manner indicates that he is afraid to go further. Under pressure he told me that he suspicions three persons, but that he has no proof whatever against them and can not testify against them. He has given me these names and the names of their accomplices.

One of the three is the Abdul Aziz referred to. He is a member of the council. The three accomplices are the men who killed the priest a few years ago. Two of these answer to Miss Melton's description of the men who beat her. The other two principals with Abdul Aziz are Mustafa Effendi, another member of the council, and Sadullah.

If even a muleteer knows who it was and can give names, it is evident that our man not only has suspicions but knows, and that these names he has given as on suspicion are our men.

(4) The officer sent by the vali of Mosul on his arrival was ready for work, and said he had full authority to act in the case. The kaimakam on that day was broken down and did not venture to cross any of my statements, but only sought to clear himself. The next day, and ever since, we have been able to get nothing out of the special officers. The kaimakam has again become as bold as a lion.

These men are powerful and will stop at nothing to save themselves; but I am sure that, with a little patience and then a strong effort, they can be convicted.

The evidence given is not yet in such a shape that we can offer it to the Government, and we are not ready yet to prefer any charges against these men. But I hope very soon to be able to have such testimony that we can give these names to the Government at Mosul and demand their arrest.

Let these men be punished thoroughly for this crime, and I can assure you that there will be no further trouble in this region for years to come.

If they are not punished it will be very difficult for us to leave this place without loss of life or property.

May I ask you to use your influence to secure the release of the Syrian Christians of Darea. There is not the slightest foundation for any charge against them. They are suffering not only in person but in the loss of their labor in time of harvest. If they are held very long many of them will lose their winter store, upon which alone they have to depend for food.

I have written to Mosul to the vali, asking him to order their release. I have arranged, in case he does not, a special note, which I will write, will be forwarded to you. If such a note does not reach you, you can understand that the vali has attended to the matter, and that you need not take any action in reference to them.

Possibly, in what I have been doing and writing, I may be overstepping the bounds of what is proper in such cases. If so, I hope you will pardon me and attribute it to my ignorance and to the zeal to discover and punish the miscreants who assaulted an American woman.

I am, etc.,

ED. McDOWELL.

JULY 8.

I have made a last effort to secure the release of the Syrians. The government has refused to do so, except on one condition, that I write a statement dropping the case of Miss Melton. They have made this proposition repeatedly. They are now busy writing their side of the case for the Government at Constantinople.

They have tried to intimidate the Syrians again to-day to induce them to say that they were not willing to have us enter their-village. This failing, they promised to release them at once if they would so testify. The two priests have been released; whether or not they have made the required statement I do not know.

They are also in other ways trying to belittle the affair and throw it upon us—done by ourselves or servants.

If the telegram sent you said the men of that village attacked Miss Melton the mistake was made in writing the telegram.

Also, they emphasize another point in the telegram as not true, viz, that we were hedged in and could not escape. It was not our intention to say that armed men surrounded us, but that we could not leave Amadia by any road without great danger, it being known that Miss Melton had been beaten and that we could not get redress from the government. This is true to-day. We would not dare to go a day's journey from this place for fear of being attacked, robbed, and perhaps killed.

The men who committed the deed are here and in the miglis of the kaimakam, and are managing the matter in the government. If their declarations are accepted in Constantinople undoubtedly they will be emboldened to take revenge for pressing them so hard.

I earnestly intreat you to accept none of their statements. It looks somewhat as though they were being instructed by the higher Government in their present action.

It is true that Miss Melton was attacked by armed men; that she was severely beaten by one of them, and only escaped death by virtue of her strong constitution. It is true that unless that these men are arrested and punished we are in danger, and could not leave this place safely, even under escort of soldiers.

ED. McDOWELL.

[Inclosure 2 in No. 26.]

Mr. Terrell to the Grand Vizior.

LEGATION OF THE UNITED STATES,
Constantinople, August 2, 1893.

I renew my assurance of gratification at the prompt measures adopted by your highness to secure the punishment of those who assaulted Miss Melton near Amadia. I desire now to caution your highness against an effort now made by officials at Amadia to divert attention from the guilty parties, corrupt men holding high official position in Amadia directed, as I am informed, the brutal assault on Miss Melton. The same men, I am informed, are now, or were recently, preparing a report to divert attention from the guilty.

Against this conspiracy to smother justice I desire to place your highness on your guard. One of the men who is believed to have a guilty knowledge of the assault is

generally regarded as the murderer of a priest three years ago. His influence prevents his arrest.

The fear in Amadia is general that your highness will send there an honest official of superior power to punish the guilty.

If your highness will now send, as I at first requested, an honest official who will require the officials in power at Amadia to surrender to him the guilty parties, they will be delivered and punished. They promise that the guilty parties will be punished in a few days. What my Government expects when an American lady is outraged is the act of punishment, not the promise.

My confidence is in your sense of justice, which I know will prompt you to make the authority of His Imperial Highness the Sultan respected in that remote territory, I do not doubt the good intentions both of His Majesty and of yourself.

I have, etc.,

A. W. TERRELL.

N. B.—Since writing the above I am in receipt of a letter which indicates that the governor of the province of Mosul is an honest and faithful official.

T.

Mr. Adee to Mr. Terrell.

No. 29.]

DEPARTMENT OF STATE,
Washington, August 1, 1893.

SIR: Referring to your letter of the 8th ultimo, to our ambassador at London, asking him to request the foreign office to permit the recently appointed British consul-general at Sofia to look after the interests of our citizens in that country, I have to say that an instruction has been sent to Mr. Bayard directing him to make the desired application.

I am, etc.,

ALVEY A. ADEE
Acting Secretary.

Mr. Gresham to Mr. Terrell.

No. 30.]

DEPARTMENT OF STATE,
Washington, August 3, 1893.

SIR: The Department is in receipt of a letter of the 29th ultimo, from Mr. Joan Gillespie, secretary of the Board of Foreign Missions of the Presbyterian Church of the United States, a copy of which I inclose, relating to the assault made upon Miss Anna Melton, on or about the 14th June last, at the village of Daree, near Amadia, in the Pashalik of Mosul.

Mr. McDowell, in a letter which is inclosed in Mr. Gillespie's communication reporting the occurrence and his investigations made immediately thereafter to locate the responsibility for the assault, has accumulated strong evidence tending to incriminate not mountain Koords, who were at first supposed to be the assailants, but soldiers of the garrison of Amadia.

Mr. McDowell then states his conviction, that neither the vali nor the Porte will do anything, assurances notwithstanding, looking towards the punishment of the guilty parties, not, however, that the authorities are not fully able to cope successfully with such incidents occurring in remote provinces, for a number of recent cases in which Koordish chiefs and other offenders have been summarily punished are on record.

While this Department does not accept the writer's opinion as to the disinclination of the Turkish Government to fulfill its treaty obligations, and while it accepts the assurances given you by the grand vizier, as reported in your cablegram of the 20th ultimo, that he will take every step to insure protection to our missionaries and have those guilty of the present outrage brought to punishment, as most gratifying not only to it but to the very large part of our people who take a deep and earnest interest in the work of our foreign missions, it considers that immediate action on the part of the Porte is not only desirable, but most essential. From the spontaneous assurances given you to that effect by the grand vizier there can be no doubt that these are also the views of the Ottoman Government.

You will, however, press for the issuance of orders for an immediate and thorough investigation by the competent authorities of the circumstances of the case, for adequate punishment of those found guilty, and for the future protection of those of our missionaries residing in Koordistan. Such orders, which so clearly meet the views of the Turkish Government and which it will therefore, unquestionably be most anxious to make, if not issued already, will tend more than any promises to convince our people of the friendly feelings animating the Government of His Majesty the Sultan towards this country and those of its people residing within his dominions.

I append a copy of the cablegram sent you under date of July 31, of which the present instructions are an amplification and explanation.

I am, etc.,

W. Q. GRESHAM.

[Inclosure in No. 30.]

Mr. Gillespie to Mr. Gresham.

THE BOARD OF FOREIGN MISSIONS OF THE PRESBYTERIAN CHURCH,
53 Fifth Avenue, New York, July 29, 1893.

SIR: On the 17th instant a letter was received at this office from Mr. W. W. Peet, treasurer in Constantinople of the Turkey missions of the American Board of Commissioners of Foreign Missions, advising us of an attack made upon our missionaries at Amadia, in the Pashalik of Mosul, on or about the 14th of June, in which one of the ladies connected with this board, Miss Anna Melton, was seriously injured. Later letters from Mr. E. W. McDowell and Miss Melton, dated June 19, giving a full statement of the affair, were received here on the 24th instant. From these it appears that Miss Melton, on whom the assault was committed, was at a village named Daree, about one hour's ride from Amadia, a mountain town some 75 or 100 miles in a direct line north of Mosul. Miss Melton's tent was pitched on the roof of the house, a practice common in that country during the summer, the houses being low and flat and extremely hot.

At midnight she was aroused by noise within or without her tent, and when she came to herself discovered a man ransacking her baggage. When she spoke he immediately attacked her with a club, and beat her about the head and body so severely that she was much bruised and covered with blood. As she freed herself from him and rushed from the tent she passed another man. Several guns were fired by other men still not far away, no doubt to frighten the villagers.

We beg to call your attention to the very clear statement of facts, and the evidence implicating the officials at Amadia in this gross outrage as contained in the subjoined copies of the letters of Mr. McDowell and Miss Melton; which show that this attack was deliberately planned and executed by quite a body of men, not for the sake of plunder, but for the purpose of intimidation and to drive the missionaries away from Amadia. Rev. E. W. McDowell has been for six years a missionary of this board in Persia and Turkey, during which period he has proved himself persistent in his work, but wise and conciliatory in his method of pursuing it. For the past three years his residence for nine months of the year has been in Mosul, where a permanent missionary station of this board has been established. Mr.

McDowell with his family and Miss Melton, in company with a Nestorian physician, Dr. Daniel, left Mosul on June 1, intending to avoid the intolerable heat of the plains by spending the summer months in the mountain town of Amadia, where Mr. McDowell had purchased a native house. A few days after their arrival at Amadia, on June 5, on the 9th instant Miss Melton went to the Nestorian village of Daree upon the invitation of the people. This district has been visited by American missionaries repeatedly for more than forty years, and Mr. McDowell and Miss Melton spent some weeks there and in Amadia last summer. The fact that the attack was planned and executed so soon after her going to the village, points to the town of Amadia as the place from which it emanated.

Mr. Peet informs us in his letter of the 3d instant that his excellency, Judge Terrell had promptly brought this outrage to the attention of the Sublime Porte, and in a cablegram from Constantinople, dated July 20, Mr. Peet assured us that the Government was giving full protection to our imperiled friends. Protection, however, after the attack is over, without full redress in the punishment of the offenders, means to Turkish officers and people license to do what they please in the future. We rely on the good sense and firmness of Judge Terrell, supported by energetic instructions from Washington, to obtain such redress. Many cases must be well known to the State Department of criminal neglect, if not the active participation of Turkish officials, wherein citizens of the United States have been insulted with impunity and even put in peril of their lives because their Government is considered by the Turks so distant and ineffective. We may refer to the case of Dr. Reynolds attacked by Moussa Bey, but persistently shielded by the Turkish Government. And again to the affair of the Rev. E. W. McDowell and Dr. John Wishard, both of the American Presbyterian Mission, with its headquarters in Mosul, who in May, 1889, were robbed in broad daylight in a village well known, and by men who could have been named, and against whom evidence could have easily been established. The case was fully presented to Minister Straus, then in charge of the legation in Constantinople, who made complaint to the Turkish Government; but no redress was ever secured.

We believe it is to the interest of every American citizen entering Turkey, whether as merchant, traveler, or as a missionary, that our Government should take decided action in securing redress for these unprovoked attacks upon its citizens acting clearly within their treaty rights, carrying passports viséd by the Turkish Government, as well as Turkish passports.

We are pleased to acknowledge the good offices of the American ministers, backed as they have been by our Government at Washington in securing justice in the Marsovan incident, and in the case of Dr. Bartlett, of Smyrna.

Considering the remoteness of Amadia and the long time which must elapse for mail advice to reach that place, we would urge that your prompt and energetic instructions be sent to our minister at Constantinople by cablegram, as from experience we know the Sublime Porte pays ten times more attention to a cablegram than to a message sent by the slow process of the ordinary mails. Such action on your part would greatly contribute toward the speedy punishment of those who so nearly were the murderers of an American woman, and to the future safety of many other American families similarly exposed to wanton outbreaks in other parts of that Empire.

Respectfully yours,

JOHN GILLESPIE,
Secretary.

[Inclosure 1 in inclosure in No. 30.]

Miss Melton to Mr. Grant.

AMADIA, TURKEY, June 19, 1893.

MY DEAR MR. GRANT: I can not express the regret I feel in telling you of the events of the past week, and be assured that it is only the bearing they have upon the work of the Gospel that would induce me to do it.

Last summer, or a portion of it, Mr. McDowell and I spent in this region and were cordially received by the Christians. Especially did there seem to me advantage arising from our stay in Daree, a Syrian village within less than an hour of Amadia. On reaching this place, June 5, a cordial invitation came from Daree that I should come to their place. We had previously decided that in company with Kasha Zkhuria (Pastor Zacharias) and his sister I should visit the Christian villages around Amadia such as we considered safe and expedient. Daree seemed to be one of the best of these. We talked over the matter of taking a soldier. On the one hand seemed these reasons: The soldiers, such as they would give us from a place like

this, are especially degraded men. The Government does not wish to give them, and so we are repeatedly refused. The villagers are unwilling to have soldiers around. The soldiers are not always noted for bravery and it is impossible to carry on our work by such means. On the other hand, if anything should happen the Government could not say, "Why did you go without permission?" We decided not to ask for a soldier but to employ a servant, one of the principal men of the village, one of the old Nestorian church, but who is friendly to us. Having made such arrangements on Friday, 9th instant, we established ourselves in Daree.

My servant, Mar Yacoo, thought night watchmen wholly unnecessary, and, from past experience, I know they are usually asleep, especially when everything seemed as quiet as at Daree. Mar Yacoo repeatedly assured me he was up looking after things every hour of the night. All was quiet till Wednesday the 14th. No stranger had been in the village and no word of the kind to arouse suspicion had been heard. The people of the village were becoming more friendly every day. On Wednesday evening I was taken with a slight chill and retired soon after sunset, not gathering the women for prayers as usual. When the fever came on I fell asleep. Some time in the night I was awakened by what I thought was some one hammering on the shackles on the mule's feet. I raised up and listened, but, hearing some one walking in the direction of where my servant should be, I at once concluded it was he, and lay down with no suspicions. The fever had left me. The refreshing mountain air was blowing in upon me. The noise with the mule had ceased and I thought, Surely this is a place where one will get rest and strength for a hard winter's work; how pleasant it is to be here! and immediately fell asleep, to be awakened—I know not how long after—by some one fumbling in the hourage (bag) of provisions. Turning, I saw some one squatting by the hourage, Supposing it to be the girl Baharee, I said, "Is that you, Baharee?" There was no reply, but she has a way of not answering when first spoken to, so I repeated the question. When the figure rose up I saw it was a man, but, from general appearance, as I saw him in the dim light, I thought it was the servant, Mar Yacoo, and said, "Mar Yacoo, what are you doing here; what do you want?" He started toward the bed. I cried out, "Mar Yacoo, don't come here." He had a large walking stick, such as is in common use here, and began striking at me. The blows were warded off by a frame I have over my bed for supporting a curtain or net. At the first attack I began screaming and calling for Kasha. He broke the frame from the bed, and with one of the sticks—1½ inches square, with beveled corners—commenced beating me over the head. I was tangled in the net and was perfectly helpless, but freed myself, I don't know how it was, but grabbing the stick I wrenched it from him with ease. He immediately took hold of me with his hands, and it seemed to me he was Satan himself, and with more than natural force I loosened his grasp and held his hands so that he could do nothing. It was only for a moment, for, with an oath, he flung me across the tent. I then noticed another man whom I took to be Kasha. I ran to him, saying, "O, Kasha, help me;" but he put me aside and picked up the hourage and carried it, and I knew it was not Kasha. In the meantime guns had been fired on the mountain, above the village. The first man was picking up things to carry out, and striking me at long range. I went outside the tent, where I found Baharee beating her head and wailing, "O, why have they poured ashes on our heads?" Stunned, bewildered, and affrighted, I replied, "You know I have never poured ashes on any man's head; where is Kasha." "O, when you first cried he threw himself over the wall and fled, and Mar Yacoo has fled, and the whole village has fled, and we are all alone."

I had before this felt stunned and terrified as if in some terrible nightmare in which if I could only hold on till some one could hear and come I would be saved; but now to know that I, with this girl, was left alone in the hands of these men gave me such a feeling of despair as I can never describe. Baharee began begging mercy of the men in Koordish. The first man carrying out my bedding stepped toward me and gave me a terrible stroke across the abdomen with the head of his cane. In doing this he slipped and fell off the roof, and then for some reason, we know not why, they went away. They seem to have taken only those things they had in hand at the time, viz: A bedquilt, a native lantern in box, a tin box of candles, and an empty hourage. The contents of the tent had been taken outside ready to be carried away. Why they did not take them is a mystery.

As soon as they had gone, Baharee began beating her head and wailing, "O, you are killed, you are killed!" I looked and saw I was covered with blood and felt it running down from my head, and thought, What if I faint here alone with this girl and those men, come back? Shaking her by the arm I said, "Baharee, if I faint, you are to let me lie, and pour cold water on my head. Get the water now." She picked up a jug that was at hand, but wailed, "O, I can't, I can't pour it on you; you are so full of blood." "Yes, you can; you must." The doing of something definite seemed to give her more presence of mind and she cried out, "Come back; the robbers have gone. They have killed khanum (the lady); O, come back." The charm word,

"The robbers have gone," brought them back. I tried to get some one to carry the word to Mr. McDowell's, for I thought that if the Government could send soldiers after them at once they might be able to capture them, but no one would leave the village till morning light. I bound my head up in tannic acid, wrote a note to Mr. McDowell, and then, with the men in and around the tent with their guns, waited for the morning. As I looked around on the villagers and their guns, I felt there was not one among them but what if the robbers came back would take to his heels. Baharee says she was awakened by some one choking her and telling her to keep still, and she was so frightened she did so. Kasha says he was wakened by my cries for him and a gun was fired near his head. Having no weapon with which to defend himself, he thought the best thing was to run. He jumped off the roof and hurt his knee, and in trying to avoid the men he saw by the tent he fell over a wall and hurt his foot. Meeting Deacon Lanzer, who asked, "What shall we do?" he replied, "Save ourselves;" and that seemed to be the thought in everybody's mind, and the Lord looked on and saved us all. "With a strong hand and with a stretched out arm" He did save us, and more, He sustained us after He had saved us. In an incredibly short time after the messenger left Mr. McDowell came. We examined things to find all the evidence possible, which was meager indeed, and then came to Amadia, where Dr. Daniel dressed my head more skillfully than I had been able to do it. There were three broken places, the largest about the size of a 25-cent piece, but the top of my head and forehead were well bruised—one stroke by the left eye, one on the right cheek, and one on the chin. The left arm and shoulder were badly bruised, also a heavy stroke on right arm and on abdomen; but I am glad to say they are all healing rapidly and there is no sign of permanent injury.

No doubt I will be criticised by the stations of this mission and also by the church at home. It will probably be said, first, "Why were you in Daree?" I was in Daree for the same reason I am in Turkey. Second, "Why were you alone?" Mr. McDowell could not leave his family and there was no one else to be with me. Third, "Why were you so wholly unprotected?" I thought I was well protected. I considered Kasha Jkhuria the very best substitute for an American in all our field, and I can not tell you my surprise and disappointment at his utter desertion. Fourth, "Why did you take anything of value to excite the Koords?" The only thing of value I had was the mule, and they evidently did not want her, else they would have taken her. I should have said we could find no signs of hammering or tampering with the shackles, so we think that must have been a false alarm; but all the men of the village say they were not walking about the tent during the night. In the tent I had my bed and only necessary bedding and traveling table or chair, a hourse of provisions, including a small amount of flour, rice, etc., and in the other hourse rubber goods, a change of clothing, and a few books, writing material, and a small amount of medicine, by my bed a hand bag containing toilet case and small change for purchasing such things as the village afforded, milk, eggs, etc., also the lantern and candle boxes. Nothing of a suspicious appearance and nothing but what was necessary for a moderate degree of comfort. Fifth, "You ought to know the mountains by this time, that there is no safety in them." No one knows that better than we. We keep our schools in Mosul with threats hanging over our heads. We run a risk in going from village to village. We were robbed eleven and one half hours from Mosul. We were attacked in Hassan. Thieves were about us in Delhi. There is not a safe place in the field that we know of. If we do anything we must do it at a risk. If we are not to take risk we must quit the field. There seemed the least risk about this as about anything I could do. There may be many others that will suggest themselves to on-lookers after the event has happened. Those given here are, I should have had a light in my tent; I should not have spoken when I saw the man; I should have crept out the back way and run. These last are foolish. I give them only that you may know the way the people look at the matter. In their eyes one of the worst features is I didn't have enough ingenuity to run.

Mr. McDowell has told you of our situation here and the bearing this has upon the work. We can not tell you our sorrow and deep regret that this has been added to the already heavy burden laid upon our station in this region and it will extend to Mosul. It really seems if we can not be sustained better than formerly there will be a loud call for martyrs, and it may be this is the real need of the field, and that after the sacrifice has been made the mountains may be won for Christ. They are His and surely must return to Him.

Sincerely yours,

ANNA MELTON.

[Inclosure 2 in inclosure No. 30.]

Mr. McDowell to Mr. Grant.

AMADIA, TURKEY, June 19, 1893.

DEAR BROTHER: I am sorry to write what will give the Board great concern. Miss Melton has been beaten by some Koords. Her injuries might well have proved fatal, but we are thankful to say that they are not so serious as to endanger her life.

The facts are as follows: A few days after we reached Amadia, Miss Melton, in pursuance of the plan she had formed for her summer's work, took her tent and went to Daree, a Syrian village less than an hour from the city. There has been work in this village intermittently since the time of Dr. Lobdell, but it has been interrupted these last ten years. The people are friendly and were glad to have her come. She expected to spend a week or two there, return to the house for a brief rest, and then go to another village.

Her tent was pitched on the roof of a house of the village. Pastor Zkurya, a man in whom we had much confidence as to his bravery, was sent with her as protection and to help her in the work. He slept only a few feet from her tent. Her servants, the owner of the house, his brother, and their family, slept on a roof just below her. On other roofs, only a few feet away, there were other families. Besides these a man from Tiary slept on the roof with his servant, both of these having guns. Miss Melton, for the sake of precaution, suggested having a watchman at night, but her servant declared that such a thing was absolutely unnecessary, especially since there were so many men sleeping around her tent. As we had spent some days there last summer in perfect quiet she the more readily accepted his statement. Had she taken them she would only have added to the number of sleeping men.

Last Wednesday night (June 14) Miss Melton was awakened by some one in her tent. The man seeing she was awake, struck at her several times with a heavy cane. The wooden frame of her mosquito net protected her from these blows. This seemed to anger her assailant. He tore the frame away in a fury, seized one of the sticks (over an inch square), and beat her over the head and body. She was entangled in her net and for a moment was helpless, but in a moment she freed herself and, how she was able to do it she does not know, she wrested the stick from him and seized his hands. He called upon God several times before he succeeded in throwing her off. He then again beat her with his cane. She had been screaming for help, and another man entering the tent, she took him for Pastor Zkurya and ran to him for protection. He was another Koord, however, who pushed her aside, not at all roughly, and began to gather up the things in the tent. Her assailant thereupon did the same. Miss Melton rushed outside and found only her servant girl, the only one of all the village who had not fled. The Koord coming out of the tent and seeing Miss Melton again beat her with his cane, inflicting blows upon the abdomen which might well have killed her. The cane had a curved head. The next day the print of this was left entire upon her body.

In striking this last blow he fell from the roof, which was not high. At this they all disappeared suddenly.

Besides those who entered the tent there were others who played their part. One at the beginning, choked the servant girl, who was sleeping just outside the tent, and frightened her into silence. Others were stationed among the rocks, two or three rods away, who at the first outcry from Miss Melton fired their guns. At this, as was intended, the entire village fled, including all of Miss Melton's protectors, not except even the pastor, who rushed by the tent at the very time Miss Melton was being beaten and was calling upon him.

Koords in leaving carried off only a few things, and they of but little value. Why they left so suddenly and without carrying off other things is a mystery to us, as there was nothing to hinder their taking everything, not only of Miss Melton, but of the village.

After the Koords had gone, the villagers began to return, but still so frightened that none of them would stir from the village until daylight, when one was made willing to carry a letter to me. I went at once to the kaimakam (the governor of the city) who had not yet risen. I had him wakened, but as he was slow coming I left Hakim Daniel to inform him of the trouble and to ask him to send the proper officers and soldiers to investigate and act as might be necessary. Shortly after I reached the city, three soldiers came, sent, not by the kaimakam but by an under officer who did so on his own responsibility, seeing me leave the city.

The kaimakam reprimanded him for this and refused to send any one else. But on my sending another messenger from the village, he sent out another subordinate officer, whom we found sitting by the road on our return to the city.

On reaching Daree I found everything quiet; Miss Melton, wonderful to say, aside from her bandaged head, which she had dressed herself, gave no evidence of having passed through such a terrible experience.

I secured all the light possible on the affair, including some things left by the robbers, and then no officer appearing, accompanied Miss Melton to the city, where Hakim Daniel dressed her wounds.

I went again to the Kaimakam, who at first displayed some anger and was not inclined to do anything, on the ground that Miss Melton had no business to go to the village, and in going had not asked permission or taken a soldier with her. After some plain words on my part, however, he promised to do all in his power to discover and arrest the perpetrator of the outrage. He sent officers to take Miss Melton's testimony that day, i. e., Thursday. But not until Saturday did they go to the village. I went with them. The sum total of testimony was, "we were awakened by the guns, were frightened, and fled."

No one saw the men nor knew how many there were. Excepting the servant girl, they all, including those who slept not 10 feet from the tent, testified under oath, that they did not hear Miss Melton's cries. This, in spite of the fact that on their return to Miss Melton, they confessed to her that they did hear her.

At this moment, the woman of the house, who was the first to hear, and wakened the men, telling them that some one was killing Miss Melton, and who, after the affair came to her and saw her wounds and the night clothes drenched in blood, and who under oath and with the strongest imprecations upon herself if lying, declared she did not hear Miss Melton's voice, saw no blood and no wounds, that woman is just now with Miss Melton confessing that she and all the others who testified, lied, that they did hear her voice and were afraid to go to her help.

The examiners repeatedly expressed the greatest astonishment that such a thing could happen and those people sleeping so near not hear it. They are evidently going to make a scapegoat of the owner of the house, who, as I said, is Miss Melton's servant, the above testimony being so evidently a lie as to give them a pretext for this. The villagers had agreed among themselves as to this testimony, fearing that if they confessed having heard her cries and not having come to her assistance they would be held responsible. The first question is, who did it? We are satisfied that it was done by men of this city itself, and submit the following in evidence:

(1) There is nothing that would suggest outside Koords, and, on the contrary there are circumstances which preclude an attack from those most likely to do such a thing. They had not had time to learn of her position and to plan such an attack. The two bands of Koords most given to such work are just now out with the Amadians and would not venture in these regions except in force.

(2) These positive proofs: (a) It was a carefully planned attack by those who knew the village and the situation generally. (b) The servant girl in her struggle with one of them learned by sight and touch that the clothes of the man were those of the Amadians, not those of mountain Koords, the difference being great. (c) Miss Melton's assailant, as did the others, spoke in Koordish, but in swearing said not "Ya Khudai" (Oh God), which the mountain Koords invariably do, but "Ya Allah," the Arabic term. The soldiers here and others of the city, who have been on the plain more or less, use the latter term more as an oath. (d) The kind of stick used, while common through the country, is specially used by the Amadians. (e) The first impulse of a mountaineer when angry is to use his dagger. There was no dagger used nor none seen. The soldiers are using constantly just such sticks in beating the villagers, but never go so far as to use their daggers, which are not always carried by them. A Koord having begun in such a spirit would not have left her alive. It would be natural for a soldier, as he often does, to give a beating without killing. (f) At the place from which the guns were fired were found two empty cartridge shells and two cartridges, which had missed fire and been thrown out. Three of these were for the Martini rifle, the other for a rifle of another make. The first-mentioned rifle is the government rifle, a few of which are found among the Koords. The second has been introduced more recently, and there are absolutely none of them in the hands of the Koords. To show the strength of this evidence, I would say that in my first interview I showed these cartridges and shells, together with a pipe, to the kaimakam and judge. On seeing them they both involuntarily exclaimed, "Why, the thing was done by men of this city." Then, seeing what the admission meant, they endeavored to turn it aside and grew quite angry as we held to that position.

Again I showed these things to a Koordish agha here, a friend of ours, who on seeing them said at once it was the work of Amadians.

A pipe and a piece of bread were found at the place where the men fell from the roof, but as yet they afford us no light. All these things excepting the bread are in my possession.

The brother of the Kaimakam is such a man as would be suggested by the above evidence. He is a notoriously wicked man and is frequently engaged in robberies, as contributor or receiver of plunder. He is an officer of the Government and has soldiers under him.

He had called on me previous to the affair and expressed his friendship. He was on hand the morning after when I brought the matter before the government. He came to the house along with the officers who took Miss Melton's testimony, although he had no business whatever with it. Quite early in the morning before I had returned from Darea and before I had made complaint before the governor he went to Haikim Daniel and had a conversation with him on the subject, and in the conversation referred to what our Government would likely do or not do. There was something unnatural in all this. It is of very frequent occurrence in this city for soldiers to be used in just such affairs.

I should have added as having a general bearing against the men of this place, that some of the chief men of this city are very much opposed to our being here.

Supposing they wished to drive us out, as there is now talk of doing, this would explain the very curious departure of the men having beaten Miss Melton according to instruction, as an act of intimidation which might induce us to leave, they threw over their shoulders whatever came to hand. Those who fired the guns would have come down into the village and plundered it.

The act and the attitude of these men towards us, together with all the evidence, clearly point to some one here in the city. It might be the person mentioned above, it might be others. Miss Melton herself can give no other light than that one of them, her assailant, was a large man and had a short beard, the other was a small man.

The government here in all probability will do absolutely nothing towards punishing these men. The same is true of the government in Mosul and in Constantinople if left to their own wills. They will take the ground (1) that the letter we brought from the vali of Mosul stated only that we came to this place for health reasons and therefore had no business in the villages doing religious work. (2) That Miss Melton went without consulting the Government and without securing a soldier. (3) That the Government is not able to protect us in the villages.

How much weight should be given by our Government to these statements? If I may be permitted to express my opinion, none at all, so far as demanding satisfaction and protection for us is concerned.

(1) Whatever may have been stated by the vali in his letter to this government, we were clearly within the rights granted by the treaty to American missionaries. The people were under our spiritual oversight, had invited us to their village to give them spiritual instruction; there are no Moslems there and we were working solely for our own people.

(2) As to seeking permission and a guard, (a), there is no such obligation resting upon us every time we stir from the city, to go an hour's journey, the treaty certainly giving us the right to travel freely within such reasonable limits of Government protection. (b) Such a guard is not necessary in such a village, supposing the Government to be performing its ordinary duty in the prevention of crimes, duties clearly within its power even here, as there is abundant evidence to show. (c) The requirement is used by the Government to defeat the purposes of the treaty. They never find it convenient to give such soldiers as they have been refused to us; so that we are shut up to either abandoning the work or to go in disobedience to the orders of the Government (if we comply with this requirement it will in large measure hinder our work), which must, to a certain extent, be conceded to them, which, nevertheless, is a weight upon our work. The presence of soldiers with the missionaries in a village would create friction between the latter and the villagers, who are oppressed by the soldiers even when in the service of the missionaries. It is evident that the Government will never aid us in our work to the extent of putting a soldier at our elbow every place we go, and just as evident that if it would do so, the work could not go on under such a policy.

(3) As to the ability of the Government to protect us in the villages. The alleged inability is simply Government crookedness in dismissing offenders for a bribe. By reason not of inability of the Government, but of its culpable looseness, men are bold to commit such deeds.

To show that the government has power—two years ago, when we were in Bohtan, we were threatened by a strong Koordish agha in the mountains, and it was said the government could not protect us. But while we were still there the General Government sent its orders, a company of soldiers went up to his castle, took him from the midst of his own men, and carried him off, all for taxes.

This government, a few months ago, went up into Berwer and arrested a strong Koordish agha in his own house. He is here now on parole, at liberty to move about the city, and even to accompany government officers into the country, but does not dare to violate his parole. A still more powerful chief was arrested even further back in the mountains and kept here in prison until recently, when he was sent to Mosul.

Last summer the Sultan sent a special agent to Mosul to make certain reforms. He acted vigorously, punishing indiscriminately the little and great, the poor and rich,

and did this with no other means than were in the hands of previous governors. In a week's time the terror of his name spread throughout the mountains and deeds of violence ceased. Every road and every village was safe for the time being—the Koordish agha forgot to oppress the Syrian village; the poor man here could take his donkey and load of wheat and go, night and day, alone, without fear, to Mosul. I know these things from personal observations, for I was in the mountains at the time, both here and in Bohtan.

This government can govern and protect us, whether on the road or in the village, and that not by sending soldiers with us, but by governing. Had the men who robbed us in Tkhoma been punished, as they easily might have been; had the men who robbed us near Telkeif been punished, as they might have been punished, this affair would never have happened. It is a word in everybody's mouth that our Government never does anything for us, that we have no king. This is the persuasion of the local government.

We are not protected, not because the government here can not, but because our Government does not demand it. What can be done? As to final action I do not know, but as to immediate action looking toward our protection while the case is being investigated and until we are able to reach Mosul, which will not be till fall, I would respectfully suggest that the strongest influence be brought to bear upon the State Department to have them telegraph to Constantinople, demanding that orders be telegraphed at once to Mosul to take necessary steps to secure our safety until the case can be investigated. That such prompt and decided action is called for our situation shows.

Miss Melton has just narrowly escaped death and that, in all probability, at the hands of men in this city, possibly by a government officer. There are powerful men here who find our presence obnoxious to them as bringing light upon their wickedness. Threats have been made that they will put us out.

The government's inaction as to previous cases and now as to this, emboldens them as to still more desperate deeds.

In the present disturbed condition of the country they could have the deed done, and without positive evidence it would not be known on whom of a dozen different kinds of Koords to lay the blame. They can simply force us to leave the city without actually committing murder or robbery, and yet once outside of the city our lives would not be worth a farthing. Being forced out and being without government protection, there are any number of desperate men who would finish the work. We are not saying how great the danger is—only God knows that. The situation is as I have described it. It seems to us sufficiently serious to call for the above action.

The logic of human nature reaches the same conclusion. Just as truly as that, if unchecked, the liar will lie, the thief steal, the murderer commit crime, just so surely must we expect men, if unchecked, to commit such deeds upon us. None are more helpless just now than we; none, to their mind, offer a greater prize as a reward for such violence. Their religion as well as their nature spur them to the deed, rather than restrain them. If that is taken away violence will surely follow and the smaller deed will prepare the way for the greater until there will be a catastrophe too dreadful to contemplate.

I am driven to speak thus strongly by thinking of our women and children in the hands of brutish men or wandering alone among these hills to fall into the hands of even more desperate men or to die from exposure; these things, with the previous inaction of our Government. I am sure, remembering the little ones and how far from help they are, you will do all in your power to secure prompt and decisive action on the part of our Government.

I send by this mail letters to Constantinople to our U. S. minister, explaining the situation and asking him to do all in his power to secure the above action in advance from word of the home Government.

To telegraph from this side is out of the question, so that we are forced to wait on the slow mail to carry word to Constantinople.

Now, on the other hand, dear brother, I do not want you or other friends to be unduly exercised in mind for us. We are not in a panic. We are quite cheerful and going ahead with our usual work.

I visited a village as usual yesterday, the women having no hesitation about being left alone. We are hopeful that we can pass the summer without further serious trouble. We propose to take every precaution and use every means to secure the friendship of the better class of the chief men, by which we hope to be able to neutralize the enmity of the others. I had already exchanged calls with the most prominent of them and found them, with one exception, very pleasant.

Above all, in prayer we find a constant source of strength and grace. We have been made to realize the personal presence of Christ, who we feel to be all sufficient, let come what will. I am amazed at how Miss Melton has endured not only the injuries but the shock to her nervous system. God grant there may no evil after effects appear.

We shall pray incessantly that you may be able to secure such action as not only will secure our safety for the summer, but will also give us more freedom in our work.

I perhaps ought to add that I have a private detective on the track of the robbers, a Koord of more than usual intelligence, of high position, but hostile to the parties who are likely to have done the deed. He is our friend and has been the friend of our people for many years. He is confident that he can give us sufficient evidence to convict the parties. He is in a position to know everything going on and being talked of.

Very sincerely, yours,

E. W. McDOWELL.

Mr. Terrell to Mr. Gresham.

[Extract.]

No. 29.]

LEGATION OF THE UNITED STATES,
Constantinople, August 5, 1893. (Received August 19.)

SIR: In my dispatch No. 26 I informed you that I would visit the grand vizier to press for prompt action in the punishment of those who assaulted Miss Melton near Amadia. I have done so, and in leaving him called his attention to my memoranda, a copy of which I sent you on the 1st instant. He had, as usual, seen your telegram, of which he frankly informed me, and had telegraphed again to Mosul. In response he was told that the accused parties had been arrested and taken to Mosul for trial. The honesty of the governor of that province is indorsed by Mr. McDowell. The interview was full and, so far as promises go, satisfactory.

My information from Mosul derived from letters received here is that the missionaries have now a feeling of security they have not before enjoyed.

The distance from Mosul renders it uncertain when I can inform you of the results of the trial there, for I can not resort to the telegraph except in emergency.

I have, etc.,

A. W. TERRELL.

Mr. Gresham to Mr. Terrell.

No. 33.]

DEPARTMENT OF STATE,
Washington, August 8, 1893.

SIR: In connection with the Department's instruction No. 28, of the 31st ultimo, I inclose for your information a copy of a letter from the corresponding secretary of the Foreign Christian Missionary Society, dated Cincinnati, the 3d instant, further relating to the case of Mr. Garabed Kevorkian; also a copy of my reply of this date, in which I refer generally to the status of returning American citizens of Turkish origin to the land of their nativity and the difficulties that may be encountered in affording them adequate protection in the absence of a treaty of naturalization, specifically defining the rights of such citizens.

Mr. Kevorkian's case will, of course, be decided upon its merits after he shall have presented to you proof of his American citizenship.

I am, etc.,

W. Q. GRESHAM.

[Inclosure 1 in No. 33.]

*Mr. McLean to Mr. Adee.*FOREIGN CHRISTIAN MISSIONARY SOCIETY,
Cincinnati, Ohio, August 3, 1893. (Received August 5.)

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 31st ultimo in answer to mine of the 24th respecting Garabed Kevorkian. I have to say that Dr. Kevorkian has not been arrested. No charge of any kind has been made against him. Secondly, he perfected his naturalization before returning to Turkey. He is, therefore, in my opinion, entitled to the protection of an American citizen.

Very respectfully,

A. M. McLEAN,
Corresponding Secretary.

[Inclosure 2 in No. 33.]

*Mr. Gresham to Mr. McLean.*DEPARTMENT OF STATE,
Washington, August 3, 1893.

SIR: I have received your letter of the 3d instant further relating to the case of Garabed Kevorkian who, you state, has not been arrested, no charge of any kind having been made against him, and that he perfected his naturalization before returning to Turkey.

In the light of your explanation it would seem that the question is one of Mr. Kevorkian's ability to satisfy the United States legation at Constantinople of the validity of his claim to citizenship. Your letter adduces no proof that Mr. Kevorkian has perfected his naturalization, as averred, and the Department could not therefore instruct the legation to recognize his citizenship in the regular way by the issuance of a passport without such proof, which Mr. Kevorkian should furnish to Mr. A. W. Terrell, the minister to Turkey.

Moreover, it seems proper to add that there is no treaty of naturalization in force between the United States and Turkey defining the status of American citizens of Turkish origin who may return to the land of their nativity.

It is understood that, by the laws of Turkey an Ottoman subject can not divest himself of that character without the express sanction of the imperial government. If without such authority he accepts a foreign naturalization, it is regarded as of no effect both in reference to himself and his children.

It is further provided that every person who obtains naturalization abroad or enters a foreign military service without the permission of the Sultan may be declared to have forfeited his Ottoman character, and in that case is altogether interdicted from returning to the Ottoman Empire.

The legation of the United States at Constantinople is frequently called upon to intervene in behalf of returning naturalized citizens of Turkish origin as to whose allegiance conflicting claims exist under the laws of the two countries. Where circumstances place a person under dual obligations in the state of origin and in the state of adoption, it is not always practicable to cause the laws of one country in respect to citizenship to be recognized and applied in another country when they conflict with the laws thereof, and when the individual has voluntarily placed himself within the jurisdiction of the latter.

I offer these statements as illustrating the difficulties that may surround the case of Mr. Kevorkian, but of course it must be treated upon its merits when properly presented to Mr. Terrell, supported by indubitable proof of citizenship.

I am, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Terrell.

No. 35.]

DEPARTMENT OF STATE,
Washington, August 9, 1893.

SIR: I have received your dispatch No. 16, of the 22d ultimo, in the matter of request of Jacob Toprahanian for the use of your good

offices to obtain the departure of his wife from Turkey to join him in the United States.

The Department knows of no such law as that referred to by Mr. Toprahanian, compelling the Turkish authorities to permit the wife of a former subject to join her husband upon application to that end.

You will see by reference to the Department's instruction No. 31, of February 9, 1893, and by Mr. Thompson's reply of the 28th of that month, No. 39, that he granted a passport to Mrs. Michaelian who desired to join her husband in the United States.

It is not contemplated that your good offices shall extend that far. But where a naturalized citizen of the United States makes provision for the transit of his family your application to the Turkish Government in behalf of their emigration may have your kindly support as in Mr. Rusdigian's case.

The citizenship of the man and his residence in the United States gives him the right to ask the Department's intervention in such case, and where he makes proper provision for the departure of his family you may properly do whatever you consistently can to further the departure of the family and to support Mrs. Toprahanian's application for permission to emigrate, which should conform to the usual requirements.

I am, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Terrell.

No. 36.]

DEPARTMENT OF STATE,
Washington, August 9, 1893.

SIR: I have received your dispatch No. 11, of the 20th ultimo, in the matter of the application of Edward Albert Green for a passport, "claiming" you say, "citizenship through the naturalization of the father." It appears that his father, Charles Green, a native of Hungary, was naturalized as a citizen of the United States in the court of common pleas in Philadelphia, July 25, 1855, and that while discharging his duty as acting consul of the United States at Tulchia (Danube) in 1859, the son who now applies for a passport was born. Consequently this is not a case of claiming citizenship through the previous naturalization of the father.

That refers to children who, having been born aliens before the parent's naturalization, and being minors at the time, become, if residing in the United States, citizens by virtue of such naturalization. Young Green is, under section 1993 of the Revised Statutes of the United States, a natural-born citizen. It says:

All children heretofore born or hereafter born out of the limits and jurisdiction of the United States whose fathers were, or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

It accordingly remains for you before issuing the desired passport, to satisfy yourself as to the bona fides of young Green's conservation of citizenship and positive intent to return within some reasonable period for the purpose of assuming and performing his duties as such citizen.

I am, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Terrell.

No. 37.]

DEPARTMENT OF STATE,
Washington, August 9, 1893.

Sir: I have received your No. 10, of the 20th ultimo, in regard to the assault upon Miss Anna Melton at Daree, near Amadia, in Koordistan, in June last, and your action to effect the arrest of the guilty parties and secure their due punishment.

Your prompt action in this case, which appears to have anticipated the Department's instruction No. 30, of the 3d inst., is cordially commended.

The Rev. John Gillespie, corresponding secretary of the Board of Missions of the Presbyterian Church, has been advised of the purport of your dispatch, as well as of your successful efforts, reported in your No. 18, of the 24th ultimo, in securing a vizierial letter addressed to the governor of the province of Mosul, placing the American missionaries and teachers within his jurisdiction under his special charge.

This will no doubt be very gratifying to our citizens in the remote part of the Turkish Empire, no less than to their friends in the United States.

I am, etc.,

W. Q. GRESHAM.

Mr. Terrell to Mr. Gresham.

[Extract.]

No. 37.]

LEGATION OF THE UNITED STATES,
Constantinople, August 18, 1893. (Received September 4.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 30, of August 3, inclosing copy of letter from John Gillespie, secretary of Presbyterian Board of Foreign Missions, dated July 29; also copy of letter from Miss Melton dated Amadia, June 19, and copy of letter from Mr. E. W. McDowell written at Amadia, June 19.

The communications sent by these missionaries reveal nothing which was not already known to me and communicated to you in dispatches already sent. I informed you of the prompt measures taken by me to secure the safety of our countrymen, and I saw the telegrams to the grand vizier informing him of their safety and of obedience to his orders telegraphed for their protection. As I before advised you, the Sublime Porte is in this instance attempting to secure punishment for the offenders, who, unfortunately, can not be punished until they are identified. My last letter from Mr. McDowell, of some 20 pages, and too lengthy in view of its contents for an inclosure, gives no fact to fix guilt on any particular party. He suspects the "muidai unumy" is bribed, as I am informed by his telegram of the 16th. This I communicated to the grand vizier yesterday, who thinks the functionary referred to is the prosecuting officer. He has been ordered on business elsewhere, now. It should be remembered that this Government has on my request removed the entire investigation from Amadia to Mosul, a distance of 100 miles from the scene of the outrage on Miss Melton and from the homes of prisoners and witnesses. This was done on my being informed by Mr. McDowell that the officials at Amadia were cor-

rupt men. To me this has the appearance of an honest desire to investigate and punish.

I trust that as much good faith may be manifested to correct other wrongs and annoyances to American interests, and hope that, with prudent attention to them, unpleasant relations may be avoided.

I have, etc.,

A. W. TERRELL.

Mr. Gresham to Mr. Terrell.

No. 41.]

DEPARTMENT OF STATE,
Washington, August 19, 1893.

SIR: I have received your No. 23, of the 29th ultimo, concerning the complaint of Hyman Rose, an American citizen, in the matter of the refusal of the authorities at Jerusalem to permit him to sell his real estate.

It would appear that the objections of the grand vizier lie against the acquisition of lands by nonresidents for speculative purposes, and that in imposing upon Mr. Rose an obligation to sell his land to "a citizen" or to "a purchaser not an alien," his excellency is not to be understood as announcing any purpose to impede the bona fide purchase of lands in Turkey by American citizens under the existing real estate protocol.

I am, etc.,

W. Q. GRESHAM.

Mr. Terrell to Mr. Gresham.

[Extract.]

No. 40.]

LEGATION OF THE UNITED STATES,
Constantinople, August 21, 1893. (Received September 7.)

SIR: On receiving information from Marsovan that pledges were required of the missionaries that the Marsovan school property would not be used for church or school purposes before conveyances of title would be permitted, I at once wrote to the minister of foreign affairs to ascertain if this was required under his direction. A copy of my note is inclosed. No prompt answer being received I went in person to the Porte and saw both the grand vizier and the minister of foreign affairs. The situation seemed to demand some expression of the purposes of the Government. The detailed statement of the interviews at the Porte will be found in inclosures.

The Government here desires, as you will see, that you will consent that the issuance of the iradé and firman for the Marsovan school may be delayed for "two or three months," on account of the "unsettled condition of affairs among the Armenians" in Asia Minor, and (its belief) that the extraordinary privileges secured under an iradé, if granted now, would encourage the malcontents. This plea is evidently based on the belief that the college has been a nursery for secret revolutionary schemes, an opinion strengthened by the number of professors and students of that school who have been convicted.

To the request for delay I replied that I would submit it for the

consideration of my Government, and unless I informed him to the contrary it would be acceded to.

Unless instructed to the contrary I will, on the 19th of October, formally but respectfully, request the prompt fulfillment of the terms on which the Marsovan trouble was settled. The reasons given for asking time should appeal strongly (I thought) to a friendly power, especially as the right to demand a performance of the promise to my predecessor was conceded as being matter of right under the terms of the settlement.

I have preferred to embody in an inclosure the conversations at the Porte, both on account of their importance and to avoid unnecessary detail in this dispatch.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 40.]

Mr. Terrell to Said Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, August 18, 1893.

YOUR EXCELLENCY: I desire to call the attention of your excellency to the fact that vexatious conditions are imposed by the vali of Marsovan on the American who, with his own money, has paid for the land on which formerly stood the house which was burned at Marsovan. He is required to give a guaranty that this property will not be used for church or school purposes. No permit for the rebuilding of the burned house has ever been received, and I am now informed that the title to the property (paid for long ago) can not be acquired by the Americans unless they promise not to rebuild the burned annex of the school. In other words, that they must not do just what you promised to allow them to do by issuing a permit to that effect. Permit me to ask your excellency whether the conditions exacted by the vali of Marsovan are imposed with your knowledge or under your instructions? My predecessor informed my Government in a dispatch that your excellency had given positive assurances that the demands which he was instructed by the secretary of state to present would "be anticipated by the Sublime Porte by a payment to this legation of 500 Turkish pounds and an *iradé* for the school." Again, on the 27th April, my Government was informed by my predecessor that the sum of 500 Turkish pounds had been paid, and further, that an *iradé* for the school would be given. No such pledge as the one claimed from the Americans was asked from the British subject McLachlan, who bought property at Smyrna to establish schools; nor was it asked from another Englishman who bought property there for the same purpose. His Imperial Majesty the Sultan was recently complimented at Chicago as the patron of learning and progress. Whatever the policy of your Government may be, I indulge the hope that American citizens will enjoy the same privileges that are granted to the subjects of any other power.

I take this occasion, etc.,

A. W. TERRELL.

[Inclosure 2 in No. 40.]

Memorandum of interview with the grand vizier of Turkey.

[Extract.]

On Saturday, August 19, I called on the grand vizier, and, on account of the importance of the matter in hand, took with me my secretary of legation, who speaks French well. I informed his highness that his officials at Marsovan would not permit a conveyance of the land on which the burned building stood, unless a pledge was given that it would not be used for school or church purposes; that I had patiently waited until now for the *iradé* for the entire Marsovan college, and had come to call his attention to it.

He began, in response, an explanation of the terms of the agreement between the United States and Turkey, evidently intended to impress me with the idea that the

iradé was merely promised, but not as part of a settlement. To this I answered promptly: "Your Highness, governments contract only through official agencies. My Government, represented by my predecessor, and your Government, represented by his excellency Said Pasha, minister of foreign affairs, settled the question of indemnity for burning an American schoolhouse, which my predecessor claimed had been burned under direction of one of your officers, who had been a robber. My predecessor informed my Government of the terms of that settlement, which were that £500, Turkish money, should be paid by Turkey, and an *iradé* for Marsovan college should issue. The money has been paid, but the permit to rebuild, which was also agreed to, has not issued, and we have not heard your intentions regarding the *iradé*. When can I expect it?"

He answered, "It will be issued." I asked him "When?" adding, that he must admit that my Government had been patient, and now unless the desired paper issued within a week I would telegraph home for instructions. He quickly replied:

"I hope your excellency will not do that, for I will telegraph to our Minister Mavroyeni Bey, at Washington, to solicit from your Government a delay of two or three months. Armenian conspiracies are still threatening Turkey; five conspirators were recently arrested at Marsovan, and to issue an *iradé* for the Marsovan school now would, in the opinion of the Sultan, have the effect to encourage a seditious spirit among the people."

With apparent reluctance I answered, "Your highness gives a reason for delay that I had not expected. The missionary teacher is not a revolutionist, but if you think that delay is necessary for quiet among the Armenians, I will wait two months, unless instructed by my Government to ask prompt compliance with the terms of the settlement."

I then informed him that I had addressed a note to Said Pasha regarding the onerous conditions exacted in a conveyance of the land, and inquired if his attention had been called to it. For an answer he referred me to Said Pasha.

I then said: "I avail myself of this occasion to express my gratification at the promptness with which assurances are given here at the Porte for the redress of grievances, but it is evident that American teachers in the interior are subjected to more annoyances from subordinate officers than ever before." To this he answered, "Perhaps that is so, but the Government is having more trouble than usual."

I said to him, "your highness, it can not be possible that missionary teachers trouble you? They are not the men to excite revolutions. They come to Turkey with their wives and little children and settle in wild, remote villages; no arms or soldiers to guard them; they go about teaching, singing, and praying, and those who report against them lie to you. The American missionary is the only Christian now annoyed by your officers. The Gregorian Armenians, the Catholic Greeks, the Catholic Armenians, the Greek Church, the Roman Catholics, and the Jews, all have their spiritual chiefs here at your capital. Why are they able to preach and teach unmolested, while the American missionary alone is impeded in his employment?"

Your highness, these American teachers, with their wives and children, are scattered over Asia Minor, and are there protected by treaty stipulations. You must see the injustice of permitting them to be annoyed on account of mere suspicion. I must insist that they be permitted to enjoy in security all the privileges that have ever been accorded them. Complaints have been made of privileges denied. I wish to have every one redressed."

To this he answered, "Well, your excellency, present them and I will do all I can to satisfy you."

Remembering Mr. Thompson's prediction that serious troubles were in store for our citizens in Asia Minor on account of the Armenians, I said, "I know that your Armenians go to my country to be naturalized, because we have no treaty which suspends their relation to our country as its citizens on their return here, as would be the case under an act of Parliament, if they were naturalized in England. I have no authority to speak, but can say that I would communicate to my Government any desire you may have for new treaty stipulations on the subject." To this he answered that he would consider it in cabinet council and inform me. He added, "When the Armenians who are naturalized in the United States return here after this, they will not be permitted to remain in the country." To this I made no response, since Turkey has refused since 1869 to recognize the right of its subjects to expatriate themselves, except after permission given, and much future difficulty will be avoided if the naturalized Armenian remains away from here. In this connection I requested a suspension of his announced policy in favor of a young Armenian who was at the legation on that day, and who wished to rejoin his wife, some 700 miles in the interior. On my assuring him that I believed he was a good man who had avoided their revolutionary societies in New York, he consented and telegraphed the permit.

The interview, while serious, terminated with assurances of a desire to do all he could to remedy the grievances complained of by American teachers.

A. W. TERRELL.

[Inclosure 3 in No. 40.]

Memorandum of interview with Said Pasha.

After the interview with the grand vizier had terminated, I called at the foreign office and asked Said Pasha if he had received my note informing him that onerous pledges were exacted of the Americans before they were permitted to receive title to the Marsovan school property, for which they had paid. He answered, "Yes; and I am having it translated; I will answer it soon." It was sent in English and French, and his translation must be intended for the Sultan, who communicates only in the Turkish language. I informed him that I had discussed the matter of the *iradé* with the grand vizier and stated the result. I then added pleasantly, "When your Sultan issues his *iradé* for Marsovan college the owners can make little use of it if you make them pledge themselves not to teach or preach in it." He answered, "I will consider what answer will be made to your request that the owners shall be relieved from making a pledge not to teach on the property." I answered, "I hope your excellency will consider your answer carefully, for by it will be determined whether your contract with my Government made with my predecessor is to be observed." I then stated substantially to him what I had said in that regard to the grand vizier. His answer has not been received, but I feel confident it will be favorable. I then informed him that I would soon call his attention to all the various complaints that had reached me of wrong treatment to which American missionaries were subjected, and would ask that instructions issue that may prevent them in future. He answered, "I will gladly help to remedy them, but does not your excellency desire to see my list of complaints against the missionaries?" "Certainly," I answered, "and if they have done wrong, they must reform." This was pleasantry, but former conversations revealed the fact that he believed the Armenian missionaries engaged in teaching in American schools were dangerous to his Government.

The interview terminated pleasantly.

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

[Extract.]

No. 49.]

LEGATION OF THE UNITED STATES,
Constantinople, August 30, 1893. (Received September 19.)

SIR: I have just received from a fellow-citizen, Mr. Edward Riggs, a teacher in Marsovan College, a written statement of the embarrassments to which that institution is subjected by the Turkish officials, in the effort to rebuild the female annex. I inclose a copy.

I also inclose a statement (copy) from Mr. Riggs of the tortures practiced on a native cook, to compel him to bear witness against the American missionaries and implicate them in a sedition, the headquarters of which was doubtless at Marsovan, a city of some 20,000 people. Mr. Riggs is an educated American, who impresses me favorably as a calm, thoughtful man.

It really seems that there is to be no end of trouble for the Marsovan College.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 49.]

Memorandum concerning the rebuilding of the girls' school building in Marsovan, Turkey, destroyed by fire February 2, 1893.

When the Ottoman Government paid an indemnity of 500 Turkish pounds for the burning of the building newly erected for the girls' boarding school in Marsovan, it was mutually understood that authorization was thereby given to the missionaries to reconstruct the building. Considering that this permission was given in good

faith, the missionaries began to purchase material and to take the requisite steps for rebuilding. The land on which the building had been erected had been registered according to the old system in the name of a native of this country, Dr. Z. Melkon Altoonian, who is the physician of the missionaries and of their schools, and is a member of the faculty and also of the board of managers of the college. The local governor of Marsovan, Bekir Pasha, advised the missionaries, as a preliminary to the issuing of the permit to build, that they should have the land transferred to the name of one of themselves, and they were advised from Constantinople that this should be done both for this purpose and for the issuing also of the promised firman.

Accordingly the process was undertaken, and after innumerable delays and unexpected obstacles the preliminary processes were completed, the papers made out, and all that remained was the personal presence and affidavit of the parties in presence of the proper local functionaries. Here the missionaries were confronted with the demand that they give a written promise that on this land which they were thus said to be purchasing they would set up neither a church nor a school nor a hospital. Attention was called by the missionaries to the fact that their well-known purpose was to construct a school there, and also to the fact that this was not in reality a purchase, as the property had long been that of the missionaries, and had been so recognized by Government officials, so that the formal transfer was a mere technicality to bring the public records into line with actual facts.

After wrestling with this difficulty for some time and finding that it would not yield, the missionaries referred the matter to the governor-general, who had by that time returned from points farther west, to Marsovan. He stated that he knew nothing of the payment of any such indemnity or the granting of any authorization for the rebuilding of the school. But he promised to inquire of Constantinople by telegraph, and to give an early reply in accordance with the information he should receive. Days passed into weeks, and the governor-general left Marsovan, and still his reply was that he had not yet received any answer from Constantinople. One of the missionaries called on him in Kavza, five hours' distance from Marsovan, and received the same reply, and it would seem hopeless now to attain the object in this way. After the affairs in the winter and spring, when appeal was made by the missionaries to the U. S. consul and minister for protection, this governor-general told them that they should have appealed to him, and threatened that if they should again appeal to their national representatives against the Turkish officials it would be worse for the missionaries. They desired to do him proper honor and referred this matter to him, but it is manifestly not the way to accomplish the business.

On the occasion of the call in Kavza the governor-general took the opportunity to warn the missionary against Dr. Altoonian. He remarked that Dr. A. was a bad man, a leader in sedition, and a hypocrite, trying to deceive the governor-general himself as well as the missionaries. On the very same day he had an interview with Dr. Altoonian, in which he turned the matter quite around the other way, warning him solemnly against having anything to do with the missionaries, as they were sure to get him into trouble. He laid down conditions on which alone he would be willing to continue friendly relations with him; one was that he should break off his relations with the missionaries, and another was that he should claim the piece of land in question as his own property and refuse to transfer it to the missionaries or any one else, and promising that he should be free to use and enjoy it as his own.

The summer is well-nigh gone, the material for the school building is already suffering, and will soon suffer much more from exposure to the weather, and the girls' school is still deprived of the much needed building.

EDWARD RIGGS.

CONSTANTINOPLE, August 28, 1893.

[Inclosure 2 in No. 49.]

Memorandum concerning improper treatment of prisoners in Marsovan, Turkey.

The local police and gendarmes in Marsovan have for some time past been actively engaged in the endeavor to capture certain fugitives who, on account of real or supposed connection with insurrectionary movements, have been in hiding in the city. During the night of Sunday, August 13, having tracked three of these men to a certain house, they tried to get hold of them there. The fugitives attempted to escape by climbing from one house top to another. One succeeded in evading his pursuers, but two were surrounded and caught on the roofs of houses. One of these houses was the home of a man named Harootune, who is employed as cook in the American

college. The capture having been made on his premises, this man, though really innocent, was not very unnaturally arrested on suspicion of having connived at the attempt of the culprits to escape. Thus far the process appears to have been legitimate enough, but then followed scenes which beggar description, and for which a parallel must be sought in the early days of persecuted Christianity or in the blacker records of the Inquisition. Of four men who were similarly treated by a brutal soldiery, only the story of the one named above will here be given, as nearly as possible, in brief, in the words of the man himself, testified to by the ghastly marks of physical violence.

Instead of being taken to the common prison these men were locked up in certain filthy little cells in the decayed building assigned to the soldiers as barracks. The cell in which the cook above named was lodged was a windowless closet about 8 by 5 feet. The floor was sloppy mud, except at one end where the crumbling plaster from the wall had made a little pile of earth which was somewhat less soaked than the rest of the floor, and on which the wretched man tried to curl himself up from time to time for a snatch of sleep in the intervals of direct torture during the five days of his incarceration. As soon as it was ascertained that he was a Protestant and connected with the college his ankles were loaded with iron chains weighing about 50 pounds. After some preliminary questions he was commanded to make confessions implicating the college in sedition. Without giving him time to refuse, the process of beating was begun. A soldier seized the victim's head and held it under his arm, keeping him in a bowed position, while the captain (yuz-bashy) laid on heavy blows with a thick cudgel till he was tired, and then gave the club to another soldier to continue the process. This was repeated at intervals, and he was told what he must confess, namely, that arms, ammunition, bombs, etc., were kept in the college; that revolutionary committees were organized there, and that the missionaries were respectively heads of these committees, their names being individually mentioned. When the victim, under repeated torture, had reached the point of utter exhaustion, he indicated his willingness to comply with the demands of his captors. Pen and paper were put into his hand and he began to write. When he had completed a few lines, his guards, being unable to read his writing, demanded that he should tell them what he had written, and he began to read somewhat as follows:

"Under compulsion, and contrary to my own will, I write down the following falsehoods at the dictation of my guards."

The effect of this may be easily imagined; the barbarous treatment was renewed with increased violence.

Having reached a natural limit in the simplest form of torture, the self-appointed inquisitors proceeded to invent new methods of persecution. Tying ropes to his wrists and passing them through rings fastened high in the walls at opposite ends of the cell, they began to stretch his arms, continuing to raise him higher and higher, till the tips of his toes barely touched the ground. Raising the long iron chains which were attached to his ankles, they slung them over his extended arms, thus greatly increasing the weight pulling on his wrists. As long as he could bear his weight on tiptoe he could give a little relief to his tortured arms, but when the muscles of his feet became exhausted the entire burden came again upon the thongs with which he was suspended. The wrists were well-nigh dislocated, the hands became numb, and swelled nearly to bursting, while every individual bone and muscle in arms, neck, and shoulders was racked with unendurable pangs. The big town clock in the tower of the building in which this tragedy was being enacted enabled the victim to time his experiences, and for five consecutive quarters of an hour he hung thus between floor and roof. To reduce him to utter despair his guards went out of the room and shut the door, telling him that they were going to leave him so all night. He called out after them, "No, you are not; I am going to pray to my God for you and he will soften your hearts, so that you will soon come and let me down." And they did.

One more form of torture completes the horrid list. Two soldiers leaped upon his shoulders as he sat crouching on his little pile of earth, and, clutching his throat, pressed their thumbs against his windpipe, choking him until unconsciousness came to his relief, and he lay in the mud as one dead, how long he does not know. Livid spots of black and blue in the sides of his neck bore testimony, after his release, to the shape and power of those brutal thumbs.

When he came to tell his story to the missionaries they had him remove his clothing that they might see the witness of his treatment, the clothes adhering as they were being removed, and those who saw that back, torn and bleeding and black and blistered, can never forget it till their dying day. The man told his story with great coolness and graphic simplicity, but when he came to the point of displaying the vivid evidences of the truth of his story he broke down and wept like a child, and a palpable dimness came over some other unaccustomed eyes at the same moment.

When the missionaries heard of the treatment this man was receiving they sent word to the local governor (kaimakam), drawing his attention to the facts and ask-

ing him to interfere. He expressed his disbelief, saying that such things were incredible, but upon inquiry he found the facts as represented, and had the man released.

It may not be out of place to remark that his excellency Bakir Pasha, the present kaimakam of Marsovan, from the day of his arrival (in March last) to the present time, has manifested a spirit of courteous and considerate impartiality, with a firm and dignified manner, which has won for him the confidence and esteem of all parties. May His Imperial Majesty have many such agents to secure justice and equity throughout the realm.

EDWARD RIGGS.

CONSTANTINOPLE, August 28, 1893.

[Inclosure 3 in No. 49.]

Memorandum concerning the present attitude of the Imperial Ottoman Government toward the American missionary institutions at Marsovan.

Disturbances during the past winter in Marsovan, Asia Minor, culminating in the burning of the new building designed for the girls' boarding school, led to an official investigation, conducted by Mr. Newberry, secretary of the U. S. legation. As a result of that investigation the Imperial Ottoman Government paid an indemnity of 500 Turkish pounds, with authorization to reconstruct the building, and gave promise for the issuing of an imperial firman to the college of the American missionaries there. These facts, properly interpreted, serve to indicate that these institutions at Marsovan enjoy the favor of His Imperial Majesty and of the Ottoman Government, and this has been distinctly and repeatedly affirmed to the missionaries by the present governor-general of the province of Sivas, as also by his predecessors and by various other functionaries of the Turkish Government.

Through a painful process, extending through months past, the missionaries have been forced to the conviction that the exact opposite of this is the fact, and that a widespread and persistent effort is being made to break down and destroy these institutions and to hamper and check the legitimate business of the missionaries. This opposition appears to be based upon the unwarranted and unjust suspicion that the college and the missionaries are involved in the seditious movements which have recently been taking place among the Armenians of Asia Minor. The missionaries have uniformly shown themselves most friendly and loyal to the Ottoman Government, and while they have sought to forward the true interests of all the races of the Empire, they have never, for a moment, sympathized with the insurrectionary movements of some classes of the people. Indeed, if they have been at fault it has been in their slowness to believe that any persons could be so insane as to contemplate the projects of the revolutionists; and they have uniformly counseled and commanded their pupils to avoid all complicity with such movements. Officers of the Government have repeatedly noticed and read the warning which has been suspended on the walls of the college for several years past, forbidding the pupils to have or to express sentiments in anywise disloyal, or to own or have in their possession any book, paper, or manuscript derogatory to or disapproved of by the Government. Despite all this the suspicion has gone abroad that the college and the missionaries are at the bottom of all sedition, and government officials, instead of inquiring candidly into the facts, or accepting the results of the official investigations which have been made, have set themselves surreptitiously to work against the very life of the institutions which are doing all in their power to honor and maintain the Government. The following facts, taken from the experience of the past few weeks, will serve to show the character of the evidence which forces itself upon the missionaries, convincing them that the friendly assurances of the officials are insincere and that their institutions are in serious peril:

1. In such places as Yezgat, Chorum, Vizir Keupru, Amasia, and Ordon, Government officials have privately called the patrons of the college, and, in apparently friendly manner, have warned them against sending their youth to the schools in Marsovan, describing them as bad schools, etc.

2. In some of the same towns and in other places clerks and underlings in Government employ have let slip the statement that one after another new and stringent orders were continually coming from their respective centers of authority, cautioning against the college, and giving instructions as to dealings with students and others coming from Marsovan schools.

3. At the close of the last term in July a number of the college students on their way to Yezgat, Cæsarea, Angora, etc., on reaching Chorum, twelve hours distant from Marsovan, were arrested as a body and thrown into the common jail. After a

searching examination, in which all manner of questions were asked regarding the college, it was found that the personal vouchers and traveling permits of the young men were all right and they were finally allowed to proceed on their journey. (The duty of the officers is to inquire courteously for the papers, without arrest.)

4. Soon after the close of the term of July several of the young ladies connected with the girls' school—2 teachers and 2 or 3 pupils—went to make a visit in Vizier-Keupru, ten hours' distance from Marsovan. On reaching the place they were arrested by the police, and were subjected to a very humiliating delay and search, their clothing being stripped off from them in the presence of Turkish women, and examination made for some imaginary incendiary material.

5. More recently one of the missionaries having passed a few days at a mountain village, as a health resort, happened on his return to Marsovan to pass through this same town of Vizier-Keupru. He was there arrested and taken to headquarters of police. His passport was asked for, and when that was presented his traveling permit was demanded. This also being produced, it was pronounced unsatisfactory because it had not been specially registered for coming from Marsovan to Vizier-Keupru. As these places are in the same province (vilayet) and the same district (sandjak) it has never been customary to require such registration, and if there is a law requiring it, it is practically a dead letter. However, the missionary was compelled to pay a fine for the omission. Still the inventive genius of the chief of police provided another quibble, and he refused to let his victim go without bail. The missionary, though perfectly well known in the town, was obliged to get a native merchant to go bail for him. He afterward ascertained that in the bond thus given it was distinctly stipulated that for the space of one year from that date the said missionary should not go to any place where the Armenian question is prominent, nor go to America nor to certain other places. Had the missionary known of it at the time, he would not for a moment have assented to any such absurd limitation of his liberty, nor does he hold himself in any wise bound by it. Yet the incident shows the suspicious and unfriendly attitude of the Government, and the determination to identify the missionaries with the seditious movements of Armenians.

6. A few days later, two young men, one a senior in the college, and the other a recent graduate, also passing through the town of Vizier-Keupru, were arrested as suspicious characters, and when it was ascertained that they were connected with the college they were cast into irons and marched off to Amasia, the capital of the district (sandjak). The first five hours of the way, as far as the village of Kavza, they were compelled to walk. At that point a wagon was found and they were hustled into it and taken to Amasia. It is not known that any formal charge has been brought against them.

7. Among the persons arrested in Marsovan, on suspicion of complicity in insurrection, was the cook of the college. As soon as it appeared, in the course of his examination, that he was a Protestant and was connected with the college, he was at once heavily ironed and treated with barbarous severity. (The particular facts in his case are presented in a separate paper accompanying this.) It needs only be said that a violent effort was made to induce him to testify to the following points, viz, that there were arms, ammunition, bombs, etc., concealed at the college, that revolutionary committees were organized at the college, and that the missionaries were the chairmen of these committees. †

8. The scandalous charge made last January in haste and excitement by the local governor (kaimakam) of Marsovan, that the incendiary placards were printed on a cyclostyle owned by one of the missionaries, was, only a few days ago, distinctly and deliberately repeated to that same missionary by the governor-general of the province of Sivas.

9. A point might very properly be made of the most inexcusable discourtesies heaped by this same governor-general upon the U. S. consul at Sivas, but it is taken for granted that the facts on this point are already well known to the authorities interested. It may not be out of place to remark that the two items last mentioned constituted insults to American citizens and to the American name, as such should not fail to demand ample reparation.

10. The last point to be mentioned in this connection forms the subject of another separate paper, and it is only necessary here to mention that the promise made at the time of the payment of the indemnity, that permission should be given for the rebuilding of the destroyed school building, has not been fulfilled. After the events of the winter and spring, the governor-general expressed himself as displeased that the missionaries applied to consulate and legation for redress instead of appealing to his excellency the governor-general himself. In this case of the rebuilding question they adopted the method he proposed and referred the matter to him, but weeks have passed and he has done nothing but accumulate obstacles, and there is no further virtue in patience. He threatened that if the missionaries persisted in appealing to American authorities the consequences would be bad for them, and they were very desirous to avoid a break with him, but it has become so evident that his

purpose is to hamper and oppose them that they feel themselves obliged once more to call the attention of the legation to the above facts.

In the whole matter all that the missionaries desire is the fulfilment of promises already given. They desire the sincere favor of the Imperial Government, expressed in the proposed form of a firman, which should not only be put into the hands of the missionaries, but should be proclaimed to the provincial and local officials in such a way that they shall realize that its provisions are to be carried out. This involves the necessity of the entire removal of the unjust and painful suspicions harbored by the officials against the missionaries of complicity and seditious movements.

It has been the uniform practice of the missionaries, not only to be absolutely faithful in their loyalty to the Turkish Government, and to prescribe the most unreserved loyalty as a Christian duty of all their students, but also to have the whole administration and practice of the college, and of all their institutions, so open to the public as to allow of no suspicion on the part of anyone of anything secret or underhanded. Government officials have very often visited our institutions, and have always been received with courtesy and cordiality, and have been furnished every possible facility for inspection. A few days ago the missionaries called upon the local governor (kaimakam) of Marsovan, and in connection with the mention of the unfortunate rumors of the college having connection with seditious movements, they asked him as a personal favor to visit the premises himself, and so to satisfy himself of the falseness of such rumors. The invitation was given in all sincerity and was received by the kaimakam with the reply that for himself such evidence was entirely unnecessary, as he had perfect confidence in them. If this confidence could be shared in by all public officers our difficulties would be largely removed.

EDWARD RIGGS.

CONSTANTINOPLE, August 28, 1893.

Mr. Terrell to Mr. Gresham.

[Extract.]

No. 50.]

LEGATION OF THE UNITED STATES.

Constantinople, August 31, 1893. (Received Sept. 19.)

SIR: Since preparing the preceding dispatch, No. 49, and accompanying inclosures, I have visited the Porte and informed the grand vizier of the matters treated of in that dispatch. He was told firmly but respectfully that the torture of his own subjects to compel them to criminate American citizens could not be tolerated, and unless it ceased I would communicate the facts to my Government for instructions. I informed him also of the double dealings of his governor-general with the Armenian, who holds the title, and with the missionaries, and told him that I would, if necessary, expect him to compel the Armenian who holds the title to convey it.

I was assured that he would at once telegraph and establish proper relations between the officials and the missionaries, and on my informing him that the permit to rebuild must issue, and difficulties about transfer of title must cease, or I would ask instructions from home, he told me that he had telegraphed ordering permit and transfer of title.

I know Mr. Tracy, who has taken Dr. Herrick's place, and Mr. Riggs, one of the professors, and told the grand vizier I stood personally pledged for their law-abiding conduct. More arrests have been made at Marsovan for sedition, and everything in the city is suspected.

I see no peaceful way to prevent the destruction of the usefulness of the college, which they are attempting by terrorizing the patrons, except by securing the confidence of the Porte in the professors.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

No. 52.]

LEGATION OF THE UNITED STATES,
Constantinople, September 4, 1893. (Received September 21.)

SIR: When my predecessor conveyed to you his impression that kindly and safe relations were reestablished between the missionaries and the Porte he was deceived.

I learn from Gargiulo the interpreter of the legation and the Christian professors in the college here that petty annoyances have been gradually increasing for three years. In my dispatch, No. 51,* I omitted to inform you that I felt called on, during my last interview with the grand vizier, to warn him of the effects that would follow the efforts of local officials to destroy the patronage of the schools. This I did by quietly remarking that it was quite immaterial whether American school houses were destroyed by fire or by intimidating their patrons; in either event values were destroyed where investments had been made under the protection of solemn treaties—this view of the matter his highness should consider.

I hope that my hint thus conveyed may inspire action that will correct the growing prejudice against American teachers. Unless its effects are soon seen I will procure an audience of the Sultan and frankly tell him that the United States expects the same consideration for her missionaries and teachers that is accorded to those of the most favored nation.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

[Extract.]

No. 59.]

LEGATION OF THE UNITED STATES,
Constantinople, September 14, 1893. (Received Sept. 30.)

SIR: The inclosed extract from a letter to Rev. Edward Riggs, from Marsovan, under date of September 6, just shown me, conveys information that should be agreeable to the friends of Anatolia College in America. The statement made by the grand vizier, which I communicated in dispatch No. 50, August 31, was true, and his telegram from there to his Kaimakam has, according to the inclosed extract, promoted more kindly relations between the school and the local government.

With Marsovan annoyances I think we are done until the 19th of October, when I will respectfully ask for the firman, unless it is sooner delivered, and when, if it be not forthcoming, I will demand it, unless instructed to the contrary.

This settlement indicated by the inclosure must not be regarded as evidence of a more amiable feeling on the part of the Turkish Government toward missionaries. Their position throughout Asia Minor is more precarious than at any former period, and only two days ago a formal note from the Porte requested me to withdraw missionaries from Bussorah, a town on the northeast shore of the Persian Gulf, because

* Not printed.

of the prejudice there against them, and the alleged imprudence of their conduct.

I hope to arrange this matter, as I have others, without troubling you with it.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 59.]

Extract from a letter received by Mr. Riggs from a private correspondent in Marsovan, Asia Minor, under date of September 6, 1893.

Yesterday morning the kaimakam (local governor) sent for all the missionaries, saying that he had some good news for them. They went, and he informed them that he had telegraphic orders from Constantinople to have the property transferred at once and to give the permit for the building. "So," said he, "build as soon as you please, and put up a finer building than you had before." His orders from Constantinople also mentioned the treatment of Harootune (the cook who had been tortured), I believe—at least he mentioned it to the missionaries—and told him to be very polite to the missionaries. He asked the gentlemen whether he had ever been otherwise than polite to them, and said that he had always liked them and their schools, and had never believed any of the talk against them; that he regretted exceedingly the incident concerning Harootune, but he had stopped the brutality as soon as he had found it out. The gentlemen assured him that they had nothing against him at all. Well, he said, he wished to reply in this way to Constantinople and he wished to be sure that the missionaries would report the same thing. He asked that they would report to Constantinople that he had been polite to them. They replied that Mr. Riggs had gone to Constantinople intending to report well of him, and that they were always ready to acknowledge that. So now the property is transferred. That was finished yesterday. And now the plan of the new building in a revised form is presented, or is to be presented to the kaimakam to-day, and the permit for building to be obtained.

Mr. Gresham to Mr. Terrell.

[Extract.]

No. 60.]

DEPARTMENT OF STATE,
Washington, September 15, 1893.

SIR: Your dispatch No. 40, of August 21, in relation to the non-issuance of the promised *iradé* for Marsovan College was duly received.

The settlement of the Marsovan incident tendered by the Ottoman Government in anticipation of a demand on the part of the United States comprised a money indemnity and all necessary permits for the rebuilding of the school and the continuance of its educational work. These permits are a substantial part of the arrangement and can not be disregarded or ignored. This Government, relying upon the good faith of the Ottoman Porte, has awaited and still awaits fulfillment of these promises.

The proposed conditions can not be accepted as a compliance with the promises given, permission to rebuild the burned school building with the proviso that it shall not be used as a school; and an *iradé* in favor of the Anatolia College, coupled with a prohibition against teaching, would not be a fulfillment in good faith of the distinct understanding reached.

The delay of two or three months asked by the grand vizier has been consumed in fruitless discussion. There is now no reason discernible

why the pledges so frankly given and accepted should not be fulfilled to the letter. This is what the Government of the United States confidently expects and what you should courteously but firmly insist upon. Should the Porte evade or repudiate its own solemn voluntary agreement and fail to satisfy the just expectation of this Government, it will be time to formulate a demand as of right. But I can not believe it possible that His Imperial Majesty's Government will deliberately undo the good that was wrought by the cordial assurances that marked the outset of this question.

I am, etc.,

W. Q. GRESHAM.

Mr. Terrell to Mr. Gresham.

[Extract.]

No. 60.]

LEGATION OF THE UNITED STATES,
Constantinople, September 18, 1893. (Received October 6.)

SIR: On Friday, the 15th instant, I took with me to the Porte Mr. Edward Riggs, a professor in the Marsovan College, and introduced him to the grand vizier. The professor speaks the Turkish language fluently, and the grand vizier, who rarely comes in contact with missionaries, was evidently pleased with his interview. Mr. Riggs is a self-possessed, manly-looking American, and I took him to the Porte that they might see what manner of men they had been suspecting.

I asked that Mr. Riggs might take with him the vizierial letter to the governor-general of the province of Sivas placing under his protection Mr. Tracy, his family and associates at Marsovan. The letter had gone forward, but Mr. Riggs was permitted to go with an attaché of the Porte and inspect the record copy, which he reduced to writing from memory and delivered to me, a copy of which is inclosed.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 60.]

The following is the substance of the vizierial letter sent to the governor-general of Sivas early in September. It was read in the hearing of Mr. Riggs, at the Porte, on the 15th of September, 1893, and the following abstract of it is reproduced from memory:

"In view of certain complaints brought to the hearing of the central government of improper treatment of pupils of the American college at Marsovan, the attention of the governor-general is called to the facts relating to that institution. It having been understood that Dr. Herrick has been removed from the position of director of the college, and that Mr. Tracy is appointed in his place, no change is required in the relations of the Government to the college, but the governor-general is instructed to use all needed means for the protection of the said Mr. Tracy and family, and his associates, and for the defense of the rights of their pupils."

The document in the original occupied not more than three or four lines of Turkish, and had the appearance of an order such as might have been sent by telegraph, and it had evidently been received in Marsovan by September 5. I can not be certain of the exact form of the language. The official number of the order was given to me, 38.

EDWARD RIGGS.

CONSTANTINOPLE, *September 15, 1893.*

Mr. Terrell to Mr. Gresham.

No. 61.]

LEGATION OF THE UNITED STATES,
Constantinople, September 19, 1893. (Received October 6.)

SIR: The present vali of the province of Sivas, which embraces Marsovan, has rendered himself obnoxious to the Americans. The consul at Sivas, M. A. Jewett, in a letter to the consul-general here, requests his removal. He states that this vali (Halil Bey) is exciting the fanatical Moslem population and inducing them to believe that the Christians are enemies to the empire and are responsible for Armenian revolutionists. Mr. Jewett's letter, which is inclosed, contains specific allegations showing the unfriendly dispositions he (the vali) evinces towards Americans. It was written before he had been informed of the order from the Porte requiring the transfer of title and permit to rebuild.

I inclose my answer to the letter of the consul-general here, which called my attention to Mr. Jewett's letter, and directed him to forward a copy of my letter to Mr. Jewett.

I will call the attention of the minister of the interior to the propriety of removing the vali as a precautionary measure to avoid future trouble.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 61.]

Mr. Jewett to Consul-General Hess.

CONSULATE OF THE UNITED STATES,
Sivas, September 2, 1893.

SIR: Permit me to call your attention and the attention of the honorable minister Terrell to the following statements:

It seems to me that the welfare of American interests, the interest of foreign Christians generally residing in this province, and also the interests of the Turkish Government, demand the immediate replacing of the present vali, Halil Bey, by a more judicious, more honest, and less vindictive man.

Foreign Christians are under the protection of this governor, who is not only exciting the Armenians by his cruel, unjust, and unreasonable conduct towards them, but he is inciting the more or less fanatical Moslem population to believe that the foreigners are the enemies of the empire, the cause of all the present trouble and disorder.

He claimed just before leaving for Marsovan that there are still revolutionary teachers in the American College there.

While in Marsovan, it is credibly reported, he has continually talked to the people as though the missionaries were directly concerned in carrying on the seditious movement. Subordinate officers, taking their cue from him, talk in the same way.

Recently a "Kachak" was captured at Marsovan, or near there, with a dynamite bomb in his pocket. We are told that when the vali heard of it he declared that those bombs were introduced by the American missionaries.

Such talk as this is of the same sort and tone as that which preceded the burning of the college building last January. The ignorant, the fanatical, and the rascally portion of the community may easily be influenced by such opinions, expressed by the chief magistrate of the province, to acts of violence.

At Amasia he said to the people, "Why do you do business with foreigners? Why do you talk with them? They are the greatest enemies of the Turkish Government." This is like the talk which Hosref Pasha was reported to have made at Marsovan shortly before the destruction of the college building: "All these troubles come from the college, and there will be no peace until it is destroyed." It is reported I can not say that it is true, but it sounds as though it might be) that when the vali reprimanded Hosref Pasha for the trouble he had made at Marsovan last winter. Hosref Pasha replied, "I only did what you ordered me to do," and the vali was forced to be silent. So prevalent has the idea become among the Protestants that it is dangerous for them to have anything to do with the Marsovan missionaries, that they do not show to them the usual hospitalities when the missionaries visit their villages, and in some cases they have requested them not to visit the village, for fear

such a visit would call down upon them the wrath of the Government. This is a serious interference with the missionary business.

The vali seems to feel very sore over the "Marsovan incident," and seems determined to get even for that affair. He has blocked the issuing of the firman by various hindrances. He claims to know nothing of any indemnity having been paid or of any permit for rebuilding having been promised.

The fact that Mr. Rodigas (Belgian), United States vice and deputy consul, and the missionaries did not receive the usual invitation to the official reception on the Sultan's accession day, points to this disrespect or ill feeling towards foreign residents.

The governor's remarkable incapacity for handling the Armenian question finds many illustrations. He prohibited the Armenians from calling on the consul, and when he was reprimanded by the minister of the interior for his discourtesy, he put one of the most intelligent and popular Armenians, Dr. Karekeen, in prison because he supposed the doctor was responsible for his having been reported. The vali has another charge against him which, it seems to me, is probably false, upon which the arrest was made. From letters to me from the missionaries and the German vice-consul, as well as other letters from the relatives of the doctor, reporting the vali's continual bitter talk regarding this grievance which he thinks he has against the doctor, it seems to me plain enough that revenge is his chief motive. He said because the doctor reported the prohibition to me he should treat him as a traitor.

The propositions which the vali has made to Dr. Melcom, teacher and one of the board of directors of Marsovan College, is a good illustration of his bad methods of conduct. The vali told the doctor that unless he did these things he would put him in prison, viz:

(1) He must sign a paper stating that the college property now held in his name was not bought for the missionaries, but only for himself.

(2) He must give up his position in the college and all connection with the missionaries.

(3) He must furnish the names of some men who could be imprisoned.

These are the propositions as reported to me by the mission. I have not heard of his arrest yet. His nephew, Dr. Rupen, of Amasia, was imprisoned August 22 on the charge of having some knowledge of an assassination which occurred at Amasia a few weeks ago. Dr. Rupen is a graduate of the American College at Aintab. He spent several years studying medicine in America, and took out his first citizenship papers, but not his final papers.

The methods employed to detect political criminals is not conducive to pleasant relations, and does not seem to accomplish the desired ends. They come upon a house at night with a band of soldiers, burst in, frighten innocent people, seize the owners of the house and put them in prison. There, it is reported to me, they are beaten and tortured to compel them to give some information or confess to some knowledge of the seditious movement.

Large numbers of Armenians in Marsovan and Amasia have thus been dealt with, I am told, but I do not know how many. August 13th the German vice-consul wrote me, "About 70 have been put in prison," but he does not say in how long a time.

I judge he means in a few days. Of late, contrary to the usual custom, women have been put in prison, and the above authority says, "tortured and beaten."

This is a repetition of the methods which the vali employed in working up a case against Profs. Thoumayian, Cayayan, Preacher Mardaros, and other innocent persons.

It may be that the vali, instead of having an incapacity for doing good work, has a great capacity and well-defined plan for making trouble, and the idea, that he is acting as the agent for some party bent upon creating disturbance in Asia Minor, finds some foundation in his recent conduct, as in his conduct before he came here while he was vali at Van. There, I am credibly informed, he himself instituted various troubles and resorted to underhanded and corrupt practices with the special intent of creating disturbances.

In either case, it seems to me important that he should be removed.

I am, etc.,

M. A. JEWETT,
U. S. Consul.

[Inclosure 2 in No. 61.]

Mr. Terrell to Mr. Hess.

LEGATION OF THE UNITED STATES,
Constantinople, September 16, 1893.

Sir: I have received your letter dated yesterday, inclosing, copy of a letter from M. A. Jewett, U. S. consul at Sivas, to you, dated September 2. Since the date of his letter information has reached me from Marsovan that the title held by the

Armenian doctor had been conveyed and the permit to rebuild the college had been issued. An order has also gone forward to the local governor placing under his special protection the missionary teachers. I have been assured at the Porte by the grand vizier, that his orders would reestablish pleasant relations between the officials and the missionaries.

I have assurances that our missionary friends will in the future be properly treated in Marsovan. Their Armenian friends who complain of oppression must look primarily to the great European powers, unless they are naturalized American citizens. English consuls are always accessible, and I prefer that a knowledge of Turkish outrages shall reach the British embassy here through British informants.

Our missionary friends who became conspicuous in their sympathy for Armenians (who are not United States citizens) only provoke the resentment of the Turk and invite suspicion.

They must elect between a peaceful exercise of their professions by abstaining from all connection with revolutionists on the one hand and the ruin of their missionary enterprises by espousing the cause of those who are arrested for sedition on the other.

I have served notice on the Government that acts, such as torturing the cook to compel him to lie on American citizens and implicate them in sedition, would not be tolerated; and that sort of thing will, I think, occur no more; but at the same time our people should never, by their conduct, excite suspicions which lead to such barbarities. I know the prudence of Mr. Tracy, and these remarks are only meant to promote increased vigilance. Please send a copy of this to Mr. Jewett.

I have etc.

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

No. 68.] LEGATION OF THE UNITED STATES,
Constantinople, September 23, 1893. (Received October 14.)

SIR: In answer to a telegram to Mosul, I was informed by telegram by Dr. McDowell that the case against parties arrested for assault on Miss Melton was suffering from needless delay. The governor of the province, who the grand vizier says he regards as culpable, has been removed by him, and his successor, who lives here, has started to relieve him. He will require twenty days to make the journey, and the grand vizier assures me that on his arrival at Mosul speedy punishment will be inflicted upon the guilty parties.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

No. 70.] LEGATION OF THE UNITED STATES,
Constantinople, September 29, 1893. (Received October 16.)

SIR: The unsatisfactory condition of the treaty relations between the United States and Turkey on the subject of naturalization is daily becoming more embarrassing. The recent correspondence between the Turkish minister and yourself on the subject of Turkish policy in refusing to naturalized Armenian subjects the right to return here, had its origin in their belief that they returned only for seditious work. I am applied to almost daily to relieve returning Armenians from annoyance and arrest.

Thus far, while the Turk will not concede to those naturalized after 1869 the status of American citizenship, I have succeeded in securing in each case the relief needed. But in the nature of things this good fortune in evading trouble can not last long. The Asiatic scarcely ever becomes naturalized until he is ready to return. I have had

occasion to inspect a number of certificates of naturalization for Armenians issued on the eve of their departure from America.

Two cases are now before me of returned Armenians who went to America since 1869 without the consent of Turkey. One is, as I have just learned, in prison in Stamboul. I have instructed the consul-general, to whom he has appealed, to demand from the municipal authorities his release. If they refuse, I will demand his release at the Porte unless he is imprisoned on a charge of crime committed, and if it be refused telegraph you for instructions.

I had occasion in a former dispatch to refer to the danger, daily more apparent, arising from the defect in our treaty relations with Turkey on the subject of naturalization, and I desire to call attention to the policy of England as shown in her statute 33, Vict. c. 14. On every passport issued by Great Britain is printed this language: "This passport is granted with the qualification that the bearer shall not, when within the limits of the foreign state of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject, unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect."

The European emigrant in the United States generally naturalizes in good faith; the Asiatic very rarely does. I am in a position to know that it is the rule rather than the exception that the Armenian returns soon after he is naturalized, and comes back with the intention of remaining.

I said to the grand vizier only last week that when my country naturalized a man it followed him with its flag so long as he was honest, and that while I regretted the disagreement as to the status of Armenians naturalized since their law of 1869 without their consent, it could only be regulated as to the future by treaty, and as Turkey was the power most interested I awaited her propositions, for I had no instructions, and hence no propositions to make.

I am sure that the security of our Christian people in Asia Minor depends largely on wise treaty stipulations regulating the naturalization of Turkish subjects.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Constantinople, October 2, 1893.

Mr. Terrell reports the arrest by Turkish officers of two naturalized citizens of the United States born in Turkey on their return to that country. He says that they were bearers of passports issued by the Department, and that declining to discuss the right of expatriation he demanded and secured the release of the person that had been arrested in Constantinople. As to the other one he says that that man was arrested at and expelled from Salonica before information had reached the legation. He reports that he has refused to send away the former unless so instructed by Mr. Gresham, and that he will keep him until this telegram is answered. He adds that the Sublime Porte is desirous of negotiating a treaty by which its right of jurisdiction over returning natives will be recognized, and asks for instructions by cable.

Mr. Terrell to Mr. Gresham.

[Extract.]

No. 72.]

LEGATION OF THE UNITED STATES,
Constantinople, October 2, 1893. (Received October 19.)

SIR: I have to call your attention to recent outrages upon the naturalized citizens of the United States of Turkish birth who have recently returned to the Turkish Empire.

Through the consul-general here I have just ascertained that one A. Metzig, a native of Bourgas, was about the 20th ultimo arrested in Salonica, a Turkish town below the Dardanelles, by order of the governor-general there, who claims to be acting under instructions from the Porte. His passport, which was regular, describing him as a citizen of the United States, was indorsed by the Turkish consul in New York. He was imprisoned and afterwards removed (being compelled to pay his own fare) up to Uskut, from which place they intended to send him away, as a note from him informed the consul. He was seized at a hotel and not permitted to take with him his trunk and personal effects, including a check, which was his only means of support.

Here in Constantinople only a few days since, another man, Paul G. Redighian, a naturalized citizen of the United States, bearing the passport of the Government, dated 1st day of August, 1893, and bearing your signature, was arrested and deprived of his passport. On demand it was delivered to the consul-general, who demanded also his release. No offense was alleged, and the man was released on bail for one day. Since then no information regarding him has been obtained. I learned of his case yesterday.

I inclose for your information the copy of a letter from P. H. Lazarro, U. S. consular agent at Salonica, to W. B. Hess, consul-general, and copies of two notes from Metzig to the consular agent, each dated the 21st instant.

The certificate of the clerk of the district court for the district of Massachusetts shows that Redighian was naturalized on the 22d of July, 1893.

My interpreter and secretary have been unable to copy my note on this subject to the minister of foreign affairs with its translation in time for its delivery to-day, and I will go at once to the Porte and make my demand verbally, giving notice that it is prepared in writing and will be sent Monday. I will attach it as an inclosure.

September 30, 9 p. m.—Continuing the subject of this dispatch, I have to inform you that I called at the Porte this afternoon and made the demands referred to in inclosure 3. I demanded with emphasis but respect, that the man who had been arrested here should be delivered to me at the legation office, and that Metzig should be placed in possession of his personal effects and permitted to return to Salonica.

The laws of Turkey prohibiting emigration were urged as justifying arrests. This I refused to discuss, telling him that when he permitted his Armenian to stay five years in my country and procure a passport with your name and the great seal of state to it, the protection of the flag of the United States was over him and would protect him around the world.

The manifest reluctance to comply with my demands rendered it necessary that I should repeat in substance all that is contained in inclosure 3. Finally I agreed that his final answer might be deferred until to-morrow (Sunday) afternoon, for I had demanded that Redighian

should be brought to me there while I was at the Porte and finally formally delivered at the legation office. I proposed to keep him when delivered until your instructions could be received. I think the grand vizir and Sultan must be consulted, and also that the demand will be complied with.

The interview was protracted, and these arrests are evidently intended as a bold prelude to treaty stipulations, fixing the status of Turks hereafter naturalized. The necessity of such a treaty was suggested by Said Pasha, and since former dispatches from Secretary Bayard to this legation favored such treaty I readily consented to negotiate with him on the subject in subordination to your instructions, but with the distinct declaration that my demands must first be complied with and American passports respected by the delivery "to my hand" of Redighian. I will telegraph you to-morrow when the answer of the Porte is received.

Monday, October 2.—Yesterday passed and no answer from the Porte was received. This morning the man Redighian was delivered at the office of the consul-general. He is under my control until your answer to my telegram is received.

The transactions referred to in this dispatch were of so important a nature that I have included them in one dispatch in the order of their occurrence.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 72.]

Mr. Lazarro to Mr. Hess.

U. S. VICE-CONSULATE,
Salonica, September 22, 1893.

SIR: I beg to make you acquainted with the following facts: Yesterday morning, the 21st, I received a note which I inclose herewith in original, asking my help for a United States citizen, who alleges having been unduly imprisoned. The hour being a very early one, the clerk of the consulate whom I dispatched to the prison was unable to see any of the officials—had, however, an interview with the prisoner, who made the following statement: "I arrived two days ago from the United States where I have lived seven years, and was naturalized two years ago. Last night I was arrested at my hotel and brought here without knowing the reason of my arrest." My clerk managed to see the passport, unofficially, and declares the same to have been in good order issued by the Department of State, and indorsed by the Turkish consulate in New York. About noon I dispatched my clerk, this time accompanied by the dragoman of the consulate, to the director of political affairs, in order to ask for the delivery of said passport, and to make the necessary remarks on the illegal arrest of a United States citizen. At the same time I received a second note from the prisoner, which you will find here included. Youssouf Effendi, the director of political affairs, alleged that the person in question having been born in Turkey, Bourgas,* and being of Armenian nationality, could not be considered by the Turkish authorities as a United States citizen, and in consequence, could by no means "depend"† of the U. S. consulate. At the request of my clerk to see the governor-general himself, Youssouf Effendi replied that his excellency was not visible for the day, but gave his word to defer the expulsion of the prisoner, who was to be forwarded this morning to Uskut, and thence to the frontier, till I could have a personal interview with the governor-general.

This morning I saw his excellency, who informed me that he had given orders two days ago for the expulsion of the person in question, and he was himself obeying orders from Constantinople, concerning Armenians who had become naturalized

* A town in Bulgaria.

† This official is a Greek. His dispatch was doubtless in French, and the word "depend" used as in the original. It is intended, I presume, to mean "be a dependant" in this connection.—Terrell.

United States citizens. His excellency further answered me that he knew nothing of the promise made by Yousouf Effendi, on the day before, to delay the departure of the prisoner. The United States citizen in question was sent this morning to Uskut without my having been informed, and before my interview with the governor-general.

I avail myself of this occasion, sir, to ask instructions on my future conduct regarding these cases of contested nationality, which, I am sorry to say, are very often repeated. I further beg to draw your attention to the behavior of the director of political affairs, Yousouf Effendi, who loses no occasion to create difficulties in all affairs concerning the consulate.

I am, etc.,

P. LAZARRO.

[Inclosure 2 in No. 72.]

Mr. Metzsig to Mr. Lazarro.

SALONICA, *September 21, 1893.*

DEAR SIR: Please make it your business to see me before noon. I am a United States citizen; came here two days ago. The officers took my passport and put me in prison at Konak, not explaining why. Please see to me, help me out, and oblige,

Yours truly,

A. METZIG.

SALONICA, *September 21, 1893.*

DEAR SIR: I am really astonished not having seen you until now, as you promised. On the strict requirement of the police, I was obliged to pay my ticket to Uskut, where they intended to send me off. I do not know for what reason, and then I do not really know what to do. I have a trunk lying in the hotel and a check drawn on a banking house in London, which I would get cashed in the Imperial Ottoman Bank office. The cashier on my presentation of the same check asked me to bring them some reference. I am really vexed at the manner they treat me and am very unquiet, not having a second visit on your part. Asking your immediate kind help,

I am, etc.,

A. METZIG.

[Inclosure 3 in No. 72.]

Mr. Terrell to Said Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, September 30, 1893.

EXCELLENCY: I am reliably informed that about the 20th ultimo a United States citizen, A. Metzsig, was, without being charged with crime, arrested at Salonica by the Turkish officers, and at Konak was placed in prison. His passport was taken from him and after being imprisoned several days he was sent away without being permitted to take with him his trunk and personal effects, which were left in the hotel in which he was arrested. This man had just arrived from America, where he became a citizen of the United States two years ago. He bore a passport as a citizen of the United States, which was indorsed by the Turkish consul at New York. Yousouf Effendi, the local director of political affairs at Salonica, declared that Metzsig having been born in Bourgas, could not be regarded as a citizen of the United States, and could not be under the protection of the United States vice-consul at Salonica. The governor-general informed the vice-consul that he had ordered the removal of Metzsig beyond the Ottoman Empire, under orders from the Porte, and that his orders applied to all returning natives of Armenia. I am also informed, now for the first time, that other cases of a similar character have occurred at Salonica.

Paul G. Redighian, a citizen of the United States, while bearing a passport signed by the Hon. Walter Q. Gresham, Secretary of State, and attested by the broad seal of his office, was here in Constantinople on the 26th day of this month restrained of his liberty by an officer of your Government and deprived of his passport. The passport was, on demand of the consul-general, delivered at the consul's office, but what disposition has been made of the man is not known.

The arrest of the men can not be justified on the ground that they emigrated to America without obtaining the consent of His Imperial Majesty. Such men, naturalized as citizens of the United States, will, when they return to Turkey, be as jealously protected against arbitrary arrest as if they had been born in American territory, until the Government of His Imperial Majesty and the United States mutually agree to the contrary. The right of expatriation is held so sacred by the United States that it is beyond the pale of diplomatic negotiation. If an American citizen commits a crime against the laws of Turkey, he is liable to arrest and punishment under the forms prescribed by treaty, but not for the offense of becoming an American citizen. If the Government of His Imperial Majesty desires to send away naturalized citizens who return to Turkey they must be protected against imprisonment; this legation should be informed of that fact without their arrest, and then under instructions from Washington it can confer with you in the effort to reach an adjustment satisfactory to both Governments.

The uniform promptness with which his highness the grand vizier and your excellency have always acted in correcting any wrong brought to your notice, precludes me from believing that you directed these arrests:

The flagrant conduct of your officers in arresting and imprisoning American citizens who were peacefully sojourning here, and who have passports which are respected by all nations, compels me to protest against such conduct as unwarranted by precedent. I respectfully demand—

1. That the citizen arrested and imprisoned at Salonica be placed in possession of the personal effects of which he was deprived, and permitted to return to Salonica if he desires, until an adjustment of his case be made between Turkey and the United States.

2. That the citizen Paul G. Redighian be delivered to me at my legation. Reserving the right to make such other demands as my Government may require,

I am, etc.,

A. W. TERRELL.

Mr. Gresham to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 4, 1893.

Mr. Gresham requests further particulars and asks what the Turkish Government claims, what ground the arrest was based on, and whether the men were arrested because they violated some law or order of the Turkish Government by returning.

Mr. Terrell to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Constantinople, October 5, 1893.

Mr. Terrell reports that the Turkish Government claims that the persons referred to in his telegram of October 2 must be regarded as subjects of the Sultan. He says that the crime for which they were arrested is their having emigrated to, and become naturalized in, the United States without the Sultan's consent, and that the purpose of the arrest was that of expulsion from the country. He adds that he has given full particulars in a dispatch which follows.

Mr. Adee to Mr. Terrell.

No. 73.]

DEPARTMENT OF STATE,
Washington, October 10, 1893.

SIR: I have received your No. 61 of 19th ultimo and the copy which you inclose of a letter from our consul at Sivas to our consul-general at Constantinople, setting forth the unfriendly attitude and acts of the vali of Sivas, in which province Marsovan is situate, toward Americans there residing.

The continuance and development of good will at Marsovan will largely depend, as you point out, on the discretion and tact of the American officers of the college, but their efforts to commend their enterprise as law-abiding and beneficial to the community should not be neutralized by malevolent misrepresentations and treatment such as is attributed, apparently of actual knowledge, to the vali of Sivas.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Terrell to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Constantinople, October 11, 1893. (Received October 11.)

Mr. Terrell telegraphs that the absence of definite instructions makes his position embarrassing, and, stating that a reply to his telegram of the 5th is anxiously awaited, asks whether his demand for the release of the naturalized citizens who were arrested for leaving Turkey without the Sultan's consent is approved.

Mr. Terrell to Mr. Gresham.

No. 78.]

LEGATION OF THE UNITED STATES,
Constantinople, October 11, 1893. (Received October 27.)

SIR: I inclose you copies of two letters, one from Mardin, by Mr. Willis G. Dewey, dated September 25, the other from Dr. E. McDowell, written from Amadia, Koordistan, dated September 18, and both relating to the prosecution of suspected parties for the outrage on Miss Melton. These letters were both delayed in transit, but from them two things are apparent, viz: First, that no positive evidence has been found, and, second, that those people (if no one is punished) are in danger.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 78.]

Mr. Dewey to Mr. Terrell.

AMERICAN MISSION,

Mardin, Turkey in Asia, September 25, 1893.

DEAR SIR: Some three weeks ago a telegram came from you addressed to Mr. Gates, inquiring whether any one had yet been punished for the outrage upon Miss Melton. Mr. Gates was away at the time, and Dr. Thom repeated the telegram to

Mr. McDowell's agent in Mosul, who replied: "The suspected parties are in prison. Will inform you by post." Since that time two posts from Mosul have passed, but neither has brought us anything from Mr. McDowell or his agent. Three days ago I saw a young man who had just come from Mosul. He could not give me any very definite information, but thought the principal men of Amadia who had been in prison had been released and 20 others imprisoned. Our last letters from Mr. McDowell expressed fears, apparently well grounded, that the public prosecutor had been bribed and was doing all he could to block proceedings. The vali, however, was standing firm and doing all he could to press matters.

We have reason to fear correspondence has been intercepted, and perhaps Dr. Thom's telegram to you, repeating the telegram of Mr. McDowell's agent given above, as (the second day after it was sent) the chief of police of this city waited upon Dr. Thom with the salaams* of the mutessarif, and a copy of the telegram which had been sent back to the mutessarif by the vali at Diarbekir with a request to know what that Thom was telegraphing about? We should be glad to know that the telegram reached you. As for the failure to receive anything by the post from Mosul these past two weeks, it has happened before now that letters have been carried by, and two or three weeks later have come back to us with the post from above. This may be the case now, and then again it may not. Where duplicity is the rule rather than the exception, we are not to be surprised at anything.

I have written Mr. McDowell urging the importance of keeping you fully informed of the progress of the case. I suppose he will soon be returning to Mosul with his family, and in any case letters or telegrams addressed to him at Mosul will be promptly delivered to him, unless intercepted by the authorities.

In conclusion, allow me to express the very great gratification we all feel at the vigorous manner in which you are carrying on the case. In view of taunts sometimes thrown at us that our Government cares nothing for us, it quickens our national pride and makes us feel that indeed we are citizens of no mean country.

Very sincerely, etc.,

WILLIS E. DEWEY.

[Inclosure 2 in No. 78.]

Mr. McDowell to Mr. Terrell.

AMADIA KOORDISTAN,
September 18, 1893.

DEAR SIR: Our business in the government at Mosul, I am sorry to say, is being unnecessarily delayed.

There are certain parties here against whom there is strong suspicion that they were implicated in the affair, and among them those who actually assaulted Miss Melton. There is the same evidence against one of them that there is against those in prison, and the others are their tools, whom they have often used in such business. All of these men, at every approach of officers from Mosul, flee to the mountains and remain in hiding until they leave.

The first referred to is now under arrest for attempting to suborn a witness by offers of money and threats against his life to testify that the guilty parties were two certain Syrians and certain Koords of another district, who by force compelled him to guide them to Miss Melton's tent. This man fled to me for protection on last Sunday, as several Koords, including the one above mentioned, had gone down to his village to kill him. On Sunday and on Monday they made attempts to get him out of my yard. Yesterday we went before the kaimakan and made a statement in effect as above, and these parties were arrested. They include brothers of three of the prisoners in Mosul, and a servant of one of them.

It is to be supposed that this piece of business was done without consulting their friends in Mosul, as they themselves in Mosul are producing evidence putting the responsibility upon entirely different parties and from another district.

We now have two witnesses, one a Koord, the other a Syrian, who have testified before the government that these parties have offered bribes to give false testimony in order to clear themselves. Of more importance is their effort to bribe the vali of Mosul, which, I fear from the reports which reach me, will be successful.

The prisoners have written their friends here that they have about fixed their business, that they had given a certain sum of money, and that all that was lacking was a certain valuable horse here which the vali wanted, and that as soon as it is delivered they will be free. This testimony is corroborated by the facts that an agent of the vali, recently paid a visit to the Sheik who has been active in his efforts to

* Salaams means compliments.

release these men, and that the horse referred to has been taken from its owner and sent to Mosul.

We hear, too, that the prisoners have been removed from prison and placed in comfortable quarters, and even have freedom to walk in the city.

This report, while there is much to substantiate it, may be exaggerated. I have written to the vali about it and also to my agent at Mosul.

If it is incorrect and the vali is doing his duty, you will receive a telegram to the effect that the business is all right. A telegram to the contrary will give you the substance of this letter and be its confirmation on its reaching you.

I should have said that the vali promised to have the other parties arrested. He afterwards said he had sent the orders. The kaimakam denied receiving them. On asking the vali he said he had sent orders and would send stricter orders. The kaimakam denies having received them. I am satisfied that these orders have never come.

There has been a strange reluctance to arrest these parties, who are still at large; and much lying has been done by the government, both here and in Mosul, to avoid arresting them. There is no reason why this business should not be finished speedily. This delay is in keeping with the usual policy of this government, to let the case drag until they quietly let it drop.

If these men come back here unpunished all the money they have spent in bribes and expenses they will collect off of our friends, and sooner or later will undoubtedly kill some of them.

Their friends here say they will certainly kill me, if these men go unpunished. I have no doubt but that they will do it if they get the opportunity. If they are punished I have no fears for myself or our friends here.

The Koords all over this country have heard of this case and now fear our Government, and their chief men are making overtures of friendship.

If these men are punished it will make all this region comparatively safe for us, if not, this fear and respect for our Government will soon be dissipated.

We are very thankful to you for the firm attitude you have taken in the case.

I am, etc.,

ED. McDOWELL.

Mr. Terrell to Mr. Gresham.

No. 79.]

LEGATION OF THE UNITED STATES,
Constantinople, October 12, 1893. (Received October 27.)

SIR: I inclose for your information a letter from Prof. Edward Riggs, dated from Marsovan September 30, announcing that the last of the insurgents had been killed or captured. His information as to the conduct of the governor of Amasia (viz, that he was boycotting American schools), I will proceed to verify, and when its truth is ascertained will attempt to correct by requesting the removal of the governor.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 79.]

Mr. Riggs to Mr. Terrell.

MARSOVAN, TURKEY,
September 30, 1893.

YOUR EXCELLENCY: I take the liberty of announcing to you my safe return to my station more than a week ago. I found every one here rejoicing over the final collapse of the insurrectionary movement in this town. The last of the fugitives here have been killed or taken. Our kaimakam (local governor), Bekir Pacha, continues to act wisely and justly, but in other places opposition to our school continues. My associate, Rev. Mr. Tracy, has written you facts in this regard. We are told that the mutesarif (governor) of Amasia has very recently used very strong language against our institutions, intimidating those who would send their children here. I trust this, and the facts reported to you by Mr. Tracy, may be in due time set right.

I believe the general state of affairs is improved, and we shall hope to get into smooth waters when we receive our firman. We are preparing a statement of the property here which is to come under the firman, and will forward it to you duly.

We have tried so far as possible to avoid adding to the number of Armenians in our teaching force. As at present constituted, our faculty consists of four Americans, two Greeks, one German (half Armenian), and one Armenian.

Any of these facts which you may choose to present to his excellency the grand vizier, with my most humble salutations and congratulations, are entirely at your service.

I am, etc.,

EDWARD RIGGS.

Mr. Terrell to Mr. Gresham.

80.]

LEGATION OF THE UNITED STATES,
Constantinople, October 12, 1893. (Received October 30.)

SIR: I have the honor to inform you that I have finally secured the promise of this Government to recognize Garabed Kevorkian, a naturalized Armenian, as a citizen of the United States. He was the subject of your dispatch No. 33 of August 8, 1893. He was naturalized without the consent of the Sultan, long after the Turkish law of 1869, but made his declaration of intention to become a citizen of the United States before that date.

The recognition by the Porte of his citizenship, as dating from the time when the "declaration of intention" was filed, has not been without difficulty; especially since in this case about ten years was permitted to elapse before naturalization.

Mr. McLean, corresponding secretary of the foreign missionary society at Cincinnati (a copy of whose letter you inclose me) has manifested an impatience over this case which he would regret if he knew how tardy is the course of justice here, and how many things involving the prosperity of Christian enterprises in Turkey I would have been compelled to postpone, had I made a specialty (as I have for the last few days) of Kevorkian's case. This man's civil rights were not threatened. He had made a trade and wished himself described in the deed as a citizen of the United States.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

No. 81.]

LEGATION OF THE UNITED STATES,
Constantinople, October 14, 1893. (Received October 30.)

SIR: My dragoman, Mr. Gargiulo, was appointed and confirmed as interpreter for this legation in 1873. He declared his intention to become a citizen of the United States before the clerk of the supreme court for the District of Columbia on the 24th day of June, 1881. He has been continuously from 1873 to the present time in the employment of the United States, duly commissioned as interpreter, and living at the legation office under the United States flag. He wishes to become a naturalized citizen of the United States. If his corporeal presence within the territorial limits of the United States for five years be necessary to meet the requirements of section 2170 of the Revised Statutes of the United States, then he could not even now be naturalized.

The judicial powers conferred on the minister here must constitute him the judge of a court of record (See Revised Statutes sections 4083, 4084, 4085, 4086, 4090, 4103, 4109, 4110, 4125).

I am requested to inquire whether it is possible so to construe the doctrine of extra territoriality as that, Mr. Gargiulo may be regarded under section 2170 as having been "within the United States," and whether I, as minister here, by virtue of the judicial powers conferred on me, may administer his oath of allegiance, and give him the evidence of his citizenship.

It should be stated that Mr. Gargiulo came to this post from Washington under instructions from your department after his appointment as interpreter, that he has been thenceforth continuously an officer of the United States, residing at the legation office, and performing his official duties for twenty years, and could not, without violating his official duty, have lived five years on any territory of the United States outside of the legation office.

You are aware how the doctrine of extraterritoriality has been enlarged in its application to Oriental countries, and you may regard the inquiry as a matter of sufficient moment to obtain the opinion of the Attorney-General.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

No. 88.] LEGATION OF THE UNITED STATES,
Constantinople, October 21, 1893. (Received November 11.)

SIR: The naturalized citizen, Redighian, referred to in my dispatch No. 72, of September 30, was permitted yesterday, by mutual agreement, to go into the interior, as he desired. He will, of his own volition, return here in thirty days, en route for the United States. He returned here to remain, but finds surroundings uncomfortable.

The man Metzsig, referred to in the same dispatch, who was arrested at Salonica and taken to the frontier, has not since been heard from.

In the absence of a response to my telegram which asked for instructions, I have deemed it most prudent not to press further that man's case.

Even if we should admit the right of the Porte to punish our naturalized citizens by expulsion from the country for the offense of having left it without the Sultan's consent, still, if we mean to claim them as citizens, our consular courts under treaty stipulations alone have jurisdiction to try and punish.

The arrest and expulsion of Metzsig from Salonica, while bearing a passport from you, and against the protest of our consular agent there, done as it was under the direction of the Porte, seemed to me a deliberate and wanton disregard of treaty rights.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

[Extract.]

No. 90.] LEGATION OF THE UNITED STATES,
Constantinople, October 25, 1893. (Received November 11.)

SIR: Six days have now passed since I visited the Porte and respectfully but firmly reminded both the minister of foreign affairs and the grand vizier of the promise to issue the *iradé* for the Marsovan school "in two or three months," and that two months had expired. I was referred by Said Pasha, minister of foreign affairs, to the grand vizier, with the assurance of his desire to see my application granted. The grand vizier expressed the same desire, said that all matters of form that might further delay would be waived, and the whole matter closed as soon as the Sultan should act. I had sent to the Porte some days before a formal note, giving notice that on the 19th October I would formally apply for the paper. This, he informed me, he had delivered to the Sultan, and that he would see him again on the matter next day. He also requested that I send Gargiulo up to Yildéz palace and have him request the chief secretary to call the matter to the Sultan's attention. Two days afterward I was requested to furnish the Porte, for the Sultan's information, a statement showing (1) when the school was established; (2) the curriculum of study; (3) the names of the professors and directors; (4) a list of the books used, and one or two other things. To avoid mistake I telegraphed at once to Marsovan for the information. It has not reached me yet, and I fear that when it comes some further excuse for delay will be found, for the Turkish ambassador at London, whose recent interview in *The World* designated the Marsovan college as a hotbed of sedition, but expresses a belief too prevalent among Turks.

Your dispatch No. 60 of September instructs me that "should the Porte evade or repudiate its own solemn voluntary agreement * * * it will be time to formulate a demand as of right."

A favorable solution may be reached before you see this dispatch, for I had not failed to impress the Porte with the importance that you attach to the observance of its obligation. Should it be otherwise, I will telegraph, and make no formal demand without instructions.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 90.]

Mr. Terrell to the Imperial ministry of foreign affairs.

[Note verbale.]

The imperial ministry is informed that on the 19th of August last his highness the grand vizier was applied to for the firman for the American college at Marsovan, in pursuance of the conditions on which the claim of the United States for the destruction of the female branch of that college was so happily settled.

His highness desired that the issuance of the firman should be delayed for two months on account of the excited condition of feeling among the people of Marsovan. Although this legation was surprised at the reason given for delay, it appealed strongly to the sense of justice of a friendly power, and the United States has not disapproved of this legation's action in consenting to the delay.

This legation is informed by letters from Marsovan that the seditious men there who were led by a Russian Armenian have been killed or captured by Government

officers. No reason now appearing why the firman should not issue in compliance with previous contract, it will be applied for on the 19th day of the present month.

This evidence of the confidence of his Imperial Majesty in American citizens must tend to strengthen still more the bonds of friendship which unite the two Governments.

Mr. Terrell to Mr. Gresham.

[Extract.]

No. 93.] LEGATION OF THE UNITED STATES,
Constantinople, October 27, 1893. (Received November 11.)

SIR: I inclose copies of two letters recently received from the Rev. E. W. McDowell, who has charge, I believe, of the missionary school at Mosul.

These letters, like others which I did not think proper to forward, are chiefly remarkable for their failure to disclose any legal evidence that will fix guilt for the offense of assaulting Miss Melton on any particular individual.

I have secured the arrest of the officials in Amadia, their removal, with that of all witnesses, to Mosul, four days' journey, the appointment of a new governor sent from this city with instructions to "punish the guilty," and still, when the parties complaining do not know who the guilty parties are, I can not indulge much hope that punishment will be inflicted.

In this connection I may with propriety state that the instances in which a Turk has been punished under judicial process, except by imprisonment, for killing a Christian are extremely rare, even when the proof of malice is positive.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 93.]

Mr. McDowell to Mr. Terrell.

[Extract.]

MOSUL, October 3, 1893.

DEAR SIR: I beg leave to inform you that I brought my family back to Mosul last week. Miss Melton returned a few days before.

Your letter of September 5 I found waiting me here. In behalf of ourselves I thank you most cordially for the warm interest you manifest for us and our work and also for your valuable services in our behalf.

I already testified to their value to us and our appreciation of them, but I have reason to fear that the letter with perhaps others has been lost.

I think it is not too much to say that your prompt action by which Mosul soldiers were sent out so quickly to our relief saved us from a much greater disaster.

Our own observations and personal testimony of residents of Amadia go to show that our expulsion from the place had been determined upon before we came. The attack upon Miss Melton was for that purpose. Had we not gone and had no notice been taken of the assault, something more serious would have been done. As it was, for a few days before the soldiers appeared, the situation had grown critical. People were becoming more and more insolent, and the government not only more indifferent but hostile.

Personally I feel that I owe you very much when I think of what might have happened to my wife and little ones.

I perhaps ought to explain that at the time of the occurrence I was not sure that you had arrived in Constantinople; and knowing, too, how slowly this Government

responds as a rule, I thought best, in view of the seriousness of the case, to write to our board at New York asking them to inform our home Government of the facts to secure some action.

I regret any departure on our part from the proper method of procedure which our recent experience shows to have been necessary.

Your position, I am aware, is a difficult one, and no doubt is often complicated by the imprudence of others. I think our policy here agrees with the suggestions you make, and I shall endeavor to adhere closely to it.

We take special pains to teach not only submission to the Government in general, but teach and persuade to honest dealing with the Government as regards taxes. As you may be aware, it is common in this country for the people to give false returns to the Government in general as to the numbers of their sheep or persons in their household or to reduce their taxes by bribing a local officer.

We not only teach that this is wrong, but persuade them to give true returns and to avoid bribing. Many of our people—increasingly more every day—follow this rule, although it greatly increases their taxes and Protestants are acquiring accordingly a reputation for honesty above that of other sects.

There are two factors which enter into our relations with the people and Government, a knowledge of which will, I think, be of assistance to you in understanding our situation.

The first is the relation between our mountain Syrians and their Koordish neighbors. For centuries the Christian tribes, with a few exceptions, have been subject to the Koords in some places, their condition being practically that of slavery. To-day there are places in the mountains where Syrians are bought and sold. These oppressions have been increasing of late years. Formerly they were under one or two aghas, who, while they took from them, protected them from the lesser ones, and left enough for their own substance. Since the entrance of the General Government here the power of the great aghas has been broken, and any great man is free to take what he can from his weaker neighbor. Our presence and work in the mountains tend to check this, and the revenue of many influential Koords is being lessened thereby. You can readily see that, try as we may to create and foster friendship with these men, unless we in some way make good this loss we can not but meet with hostility in some quarters; combined with this is race and religious prejudice which materially opposes any elevation of the subject race.

A wholesome fear of our Government is the only effective prevention to manifestations of this hostility, and knowing the Koords as I do, and their attitude toward us since the Amadians have been imprisoned, bear me out in the opinion. I am sure that the punishment of Miss Melton's assailants is going to have great influence in not only preventing acts of violence but in inducing the friendship of many of the more influential Koords, which will assure our safety within the circle of their influence.

I have recently received overtures for friendship from a powerful agha with the voluntary promise that he would protect the Christians in his territory.

Of course there is a danger here for both the missionary and the people, i. e., Christians, in the abuse of such influence, which we shall try to guard against.

I have, etc.,

ED. MCDOWELL.

[Inclosure 2 in No. 93.]

Mr. McDowell to Mr. Terrell.

MOSUL, October 5, 1893.

DEAR SIR: Before I left Amadia, about two weeks ago, such discouraging reports reached us of our case here to the effect that a heavy bribe had been given to the vali, who had assigned the prisoners comfortable quarters and would release them on the receipt of a certain fine horse, I verified the facts that the vali's private agent was visiting the friends of the accused in the neighborhood of Amadia; that the horse in question had been sent to Mosul, and that the prisoners had been removed to comfortable quarters as I understand, not in the jail proper.

I wrote you the facts so far as I know them and I had a telegram sent from Mosul. An answer came back on the following day showing, it seems to me, conclusively the desire of the government of Stamboul to meet your desires in the case. It was strongly worded and probably prevented their release.

I also wrote you that the brothers of three of the prisoners, together with two of their servants, tried to induce a certain Syrian by means of bribes and threats to confess that he, together with two other Syrians and some Koords, had done the

deed. He refused and went to his village, whither they followed him. Fearing that they were going to kill him, as they had threatened, he fled to me for protection, informing me of their proposals. My servants can testify that they tried twice to get him out of my premises. The young man made affidavit of the same before the government in Amadia, and the parties were arrested but released at once on bail. I have brought the young man to Mosul and protect him.

On my arrival in Mosul I called upon the vali, but the interview was very unsatisfactory, so much so that I thought best to telegraph you, which I did Monday, the 2d instant, as follows:

"Vali says he has been removed and has turned our business over to the kaimakan. Our case is very, very cold. No further arrests have been made, and those under arrest say they will be released. This delay is unnecessary and dangerous. Have written particulars. We are in Mosul. Answer telegram received."

The circumstances which seemed to call for such action are as follows:

The vali on three different occasions assured me that he had sent orders to the kaimakan for the arrest of other parties thought to be concerned. The kaimakan stoutly denied having any such orders.

Indications that the vali had taken a bribe. While here in August the vali's private servant informed my agent that he, the servant, had been offered a large bribe by those men and that he had refused it. In Amadia a few weeks ago the friends of the prisoners became quite jubilant. Through a Koord I learned that the prisoners had sent them word that they had succeeded in "fixing the vali;" that they had given him a certain sum of money received of Reschid Bey, mira of Bermer, and that all that was lacking was a certain fine horse owned by a brother-in-law of one of the prisoners; that already they had been removed to comfortable quarters, where they were allowed to receive their friends, and that on the receipt of the horse they would be free. Their friends spread the report that they were coming, and would collect all the money they had spent from the people, meaning Syrians.

I verified the fact that the vali's man had gone to Reschid Bey and to the sheik of Banmer, both close friends of the prisoners, and that the horse in question had gone to Mosul; also that the prisoners were given comfortable quarters, etc.

In my interviews with the vali I alluded to the reports circulated by the men in Amadia. He denied having taken any bribe or having any intention of releasing the prisoners. He on one occasion acknowledged that he had taken something from them for the favor of giving them more comfortable quarters. He explained the presence of his man with Reschid Bey by saying he had sent him to have Reschid Bey, who is a mira, arrest certain parties against whom the prisoners had made information as being the guilty parties. "Why had he not sent to the kaimakan?" "Because the prisoners said if he should send to the kaimakan the men would hear of it and flee." In explanation as to the horse he said he had bought the horse and paid £35 for it. I was told in Amadia that the horse was valued at £100. The family is very wealthy and it is not improbable that they should own such a horse. But I have the word of only a few men as to the price. It is probably exaggerated some. But the fact remains acknowledged by the vali to me that he bought that horse from the brother-in-law of one of the prisoners. This with the other circumstances is sufficient to make it probable that he received something through the transaction even if he did pay £35, and this is doubtful.

In reference to the business with Reschid Bey, the prisoners gave the names of two Koords as the guilty parties. How they knew or why they had not given the information sooner does not appear. They asked that the arrest be made through the mira i. e., Reschid Bey, instead of through the kaimakan. Reschid Bey reports that the men have fled into Tiary, a tribe of wild and independent Syrians, where a force of five hundred men could not arrest them.

As I wrote you once before, a soldier gave testimony which threw the blame upon certain other Koords (who were out of reach), and exculpated the Amadians. When examined by the kaimakan he acknowledged before witnesses that he had been bribed by these men (the prisoners) to give this testimony. Besides his confession I have indirect confirmatory evidence. I have just told you of the more recent attempt to suborn another witness and of the arrest of the parties concerned.

This, in the light of all the circumstances, looks to me like a similar attempt.

Another bad symptom is that the vali seems utterly indifferent and says that he has nothing more to do with it, that he has turned the business over to the kaimakan.

He also intimated that the prisoners might be released on bail, but that if they were it was the business of the kaimakan.

In reference to this miglis we very much fear that the majority of its members have been "fixed" by the prisoners.

The members of this miglis are the Coyzer, the Mudir, Ulanum, and others.

In Amadia it was the general report that this miglis were espousing the cause of these men, having been given bribes.

In August, when I was here, the vali complained to me about this miglis that they were hindering him in this case. He said plainly some of them had been bribed and that their purpose was to demand that the case be submitted to them, which is the ordinary method of procedure, in which case the accusers of those under arrest would be called upon to give proof to substantiate their charges in failure of which, (which with them would be a foregone conclusion), the prisoners would go free, and if the law should be carried out we would be responsible for all the expenses incurred by the defendants and damages.

This information reached me not only through the vali—who as you know forwarded positive proof of the corruption of some of the miglis and secured the removal of the mudir ulamun—but also through a prominent mussulman who was in a position to know. Now that the vali has surrendered to them their conduct has been such as to confirm the above suspicions.

A few days before my return the government sent a blank to Miss Melton asking her to sign her name to it. Not knowing what it was she refused. She was pressed to sign it and was told that the Government in Stamboul was anxious about her and had sent an inquiry asking as to her whereabouts; this paper was simply a statement to this effect, etc. She again refused, but on being urged somewhat impatiently and, I am sorry to say, the paper being presented by our own agent, who had been either hoodwinked or corrupted, and vouched for by him, she wrote on it, "I am at present in Mosul, September 23, 1893."

Immediately on my arrival at Mosul, a zaptieh, who had been sent by the vali as escort to Mosul, on receiving his peskesh from me, handed me a slip of paper and asked me to sign it. I asked him what it was. He mumbled something about my safety, as I understood it a voucher that we had reached Mosul safely, thus releasing the Government or him from responsibility. I refused to sign it; not knowing clearly what it was. He insisted quite strongly, making remarks the purport of which was that it was only a small matter. I put it in my pocket, telling him I would read it first.

Miss Melton then told me of her paper. My suspicions were roused and I had them read. They were both summonses before the Government to appear on a certain day and hour against the men under arrest, charging us that in case of failure to do so we would be taken by force and fine, etc., inflicted. The paper was presented to Miss Melton several days after the date set in the summons, until it was presented to me more than a week after.

Later on the same day an official presented himself and again demanded that I sign that paper. I positively refused to do so. The next day as I entered the courtyard of the Government building on my way to the vali's the paper was again presented to me with still more persistence. Later I learned that the mudir ulamun (who was supposed to have been removed) went to the vali and complained against me for not signing it.

I called the attention of the vali to the matter and asked him why he had sent such a paper to Miss Melton. He at first denied it very shortly. But my agent who was present reminded him that he had given it to him for Miss Melton. "So, I did," he said, "but it was given to me by the makmuna." He assured me it was only a form and that they had no intention of bringing her before the court; that they would send an officer to her to take her testimony, etc. I informed him that as American subjects such processes could not be served upon us in that way. He replied that they could be and that it was common in Stamboul. I send you a duplicate of the paper signed by Miss Melton. Their design is not difficult to see.

I have not yet signed the paper and shall not do so.

Again a few days since we were informed by a friend who is in the government that the makmuna were going to bring up our case, and that the brother of the patriarch had been made mustontok *pro tempore* for the occasion. The official mustontok is here, but for some reason the brother of the patriarch answers their purpose better.

This morning the brother of the patriarch called, accompanied by a scribe. He said he wished to get what information Miss Melton could give that they might see if those under arrest were the guilty parties or if they should seek for others.

We refused to accept him as the proper official. He said he was a member of the miglis and had been appointed to take her testimony, because it was contrary to custom for the mustontok to take testimony except in the regular place.

There ensued considerable talk, and he went away dissatisfied. I informed him that I would call personally on the cazza and talk the matter over with him.

While I have no positive proof, I am perfectly satisfied that the cazza has been bribed.

In reference to the mudir ulaman, both the vali and mustontok (*pro tempore*) say he has been relieved from duty in this case, and that some one else has been appointed in his place. It is evident that he is still active, as he sent the summons to me and complained against me to the vali for not signing it.

Another circumstance in which you will be personally interested. Your letter, written September 5, was opened before it reached me. I inclose you the envelope. You will see that it was done by hand.

I took it to the chief of postal service, who denied all knowledge of it and insolently suggested that it was done by my servant or by myself. And again said perhaps it was done in Stamboul, "as they open suspicious letters there."

The letter, along with the rest of our mail, was taken out of the office by a young man of our congregation—a Saotze. The family is known by the missionaries in Constantinople, in whom we have absolute confidence, and who could have no reason whatever for opening the letter.

He gave the mail to Miss Melton's servant, who brought it to her. He, too, is of such a character that there could be no reason for his doing so.

The letter was taken from the office the 26th, twenty-one days after date of letter. It is just possible that the letter lay in the office a week.

I am under the impression, too, that all my letters to you have not reached you. At the beginning of the case I wrote you almost weekly.

Some of our letters to mudir were on the road a long time, and one letter, if not more, failed to reach its destination.

Most, if not all, my letters to you were registered. I shall look up the receipts.

Five other arrests have just been made and the men are here in Mosul. They are the brothers of those of the prisoners and two of their servants. The arrest was made not on the main charge, but on the effort to suborn witnesses, as I have related.

I called on the cazza to-day, 6th. He assures me that they are acting in a legal way and wish to apprehend the guilty parties. In spite of his protestations the circumstances are such, I am sure you will agree with me, as to give us good ground for suspicion that all is not right, and that in some way they propose to defeat the ends of justice.

I am, etc.,

ED. McDOWELL.

Mr. Gresham to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 27, 1893.

Mr. Gresham recognizes as an attribute of sovereignty the right of Turkey to exclude aliens, and to deport or expel undesirable classes or individuals; the absence of a treaty of naturalization makes it impossible to insist that the naturalization of Armenians in the United States shall be respected by that Government. He instructs Mr. Terrell to use his best efforts for the relief of arrested persons without losing sight of the foregoing.

Mr. Terrell to Mr. Gresham.

[Extract.]

No. 94.] LEGATION OF THE UNITED STATES,
Constantinople, October 28, 1893. (Received November 13.)

SIR: I inclose copy of your telegram of the 27th instant, in response to my telegrams of the 2d, 5th, and 11th instants, regarding the arrest and imprisonment of Paul D. Redighian, a naturalized citizen of the United States, of Turkish origin.

In demanding the release and surrender of the man to me, I acted under the authority of instructions from Mr. Bayard to my predecessor on the 28th November, 1885.

The contention at the Porte has been its claim of right to treat as

Turkish subjects these Turks who have been naturalized in the United States since 1869 without consent of the Ottoman Government.

Under the authority of the instructions to this legation above referred to, I could not do otherwise than regard the man Redighian as the equal of any native-born American citizen.

So regarding him, I could not do otherwise under the fourth article of the treaty with the Ottoman Porte of 1830, than claim for myself and the consul here the exclusive right to arrest and try him, and to deny utterly their right to imprison him if he had committed an offense.

While recognizing under the instruction of your telegram the right of the Porte to exclude returning Turks, I deem it necessary, in the interest of humanity, without waiting for instructions, to secure, if possible, the issuance of an order by the grand vizier to his subordinates, exempting our naturalized citizens from arrest unless they refuse to depart and requiring them in all cases to report the presence of undesirable citizens of the United States to the nearest consul or consular agent.

Of course, it will be difficult to formulate any rule that may apply to all cases; cases of great individual hardship will certainly occur.

I have, etc.,

A. W. TERRELL.

Mr. Gresham to Mr. Terrell.

No. 79.]

DEPARTMENT OF STATE,
Washington, October 31, 1893.

SIR: I have received your No. 78, of 11th instant, and the copies therewith of letters from Mr. Dewey at Mardin and Mr. McDowell at Amadia, Koordistan, expressing apprehensions of the escape from punishment of the assailants of Miss Melton, and consequent results.

It is confidently believed that the vizierial letter granted in favor of these American citizens in Koordistan will be effectively observed, and that the power of the Porte will be in good faith exerted in fulfillment of its assurances given, so that the apprehensions which Mr. McDowell and his associates express for their personal security may be dispelled.

I am, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Terrell.

No. 80.]

DEPARTMENT OF STATE,
Washington, October 31, 1893.

SIR: I inclose a copy of a letter of Mr. Judson Smith, of the American Board of Commissioners for Foreign Missions, expressing the appreciation with which the board regards your efforts on behalf of the college at Marsovan.

I am, etc.,

W. Q. GRESHAM.

[Inclosure in No. 80.]

*Mr. Smith to Mr. Gresham.*AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Boston, Mass., October 26, 1893. (Received October 27.)

SIR: I have great pleasure in acknowledging recent communications from the Department of State, the first dated September 25, the second October 18, both bearing upon affairs connected with the college at Marsovan.

It is very gratifying to learn with what energy and tact Judge Terrell has prosecuted the negotiations touching this matter and the good success which has attended his efforts thus far. The transfer of the title to the property at Marsovan to the missionaries is a very important step, and the issuance of the permit for the erection of the new school building is a still further assurance that the Turkish Government is intending to fulfill all its pledges.

The contents of the later communication, in which quotations are given from Judge Terrell's communication to the Department of State relative to this matter, are noted with special interest. Never for a moment have we supposed that Judge Terrell was not laboring under very great difficulties to secure the right result. Long experience with the Turkish Government has, perhaps, made us unduly apprehensive of delay in the fulfillment of pledges. But we have not questioned the purpose of our Government to maintain its own dignity and the interests of its citizens resident in the Turkish Empire, or the fidelity with which Judge Terrell has discharged his duties at the Porte. It gives me great pleasure to express the gratification which is felt, not alone by myself, but by all who are officially connected with the board, at the course thus far pursued by our Government in relation to this affair in Turkey. We cherish an assured confidence that this matter will continue to receive the attention of the Government till the desired end is reached.

The time which has been named to Judge Terrell for the issuance of the firman is now passed, and we hope soon to learn that his efforts in securing the fulfillment of this last and most important of the pledges of the Porte to our Government have been crowned with success. I shall take it as a special favor if you will advise me at the earliest date of tidings to this effect which have come to the Department of State from Constantinople.

I am, etc.,

JUDSON SMITH.

Mr. Gresham to Mr. Terrell.

No. 82.]

DEPARTMENT OF STATE,
Washington, November 2, 1893.

SIR: I have received your No. 81, of 12th ultimo, in which you inquire whether Mr. Gargiulo, who for the last twenty years has been living at the U. S. legation as its duly commissioned interpreter, may, by the doctrine of extraterritoriality, be considered to have been within the United States during that period, and whether the minister, by virtue of the judicial powers conferred on our ministers to Turkey, is judge of such a court as may naturalize him. You say that he declared his intention to become a citizen of the United States before the clerk of the supreme court of the District of Columbia in 1881.

Section 2165 of the Revised Statutes is explicit in requiring the application for admission to citizenship to be made before a circuit or district court of the United States or a district or a supreme court of the Territories or a court of record of any of the States.

Notwithstanding the judicial powers conferred on some of our ministers abroad, it is plain that they are not within any of the descriptions of courts above mentioned, nor is it possible to consider Mr. Gargiulo as having been constructively in this country during the past five years merely because he has been in the employment of this Government in Turkey during that time. The fiction of extraterritoriality can not be carried to this extent.

Mr. Gargiulo cannot, therefore, be admitted by you to citizenship. I observe, in further reply, that I do not deem it necessary to take the Attorney-General's opinion on this point.

I am, etc.,

W. Q. GRESHAM.

Mr. Adee to Mr. Terrell.

No. 86.]

DEPARTMENT OF STATE,
Washington, November 8, 1893.

SIR: Referring to your No. 80, of 12th ultimo, I have to say that I made known to Mr. McLean, of Cincinnati, secretary of the Foreign Christian Missionary Society, the success of your application on behalf of G. Kevorkian, and have now received a letter from that gentleman expressing great satisfaction with the result of your effort for Kevorkian's recognition as an American citizen.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Terrell to Mr. Gresham.

[Extract.]

No. 101.]

LEGATION OF THE UNITED STATES,
Constantinople, November 8, 1893. (Received November 24.)

SIR: I have the honor to inform you that a vizierial order which five years ago prohibited women from practicing as licensed physicians has been relaxed in the case of [Miss] Dr. Mary Pierson Eddy, and permission has been granted her to appear before the board of examining physicians for examination.

I have taken special interest in Dr. Eddy's case, both on account of the special instruction from your Department and her high character and attainments, which render her a fit representative abroad of American womanhood.

I took her diplomas (sent me by Mr. Adee) to the Porte and left them with the grand vizier for three weeks. He at first gave me no reason to hope for success, but I fixed his attention by announcing that you had instructed me to assist Dr. Eddy and by declaring my opinion that she was able to examine his examining board.

Not only is Dr. Eddy admitted to examination, but the grand vizier informs me that his vizierial order is prepared which removes the prohibition in favor of all women who are duly qualified to practice medicine.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

[Telegram.—Extract.]

LEGATION OF THE UNITED STATES,
Constantinople, November 15, 1893. (Received November 15.)

Mr. Terrell reports that the Turkish Government will relinquish the right of imprisoning returning Turkish subjects naturalized in the

United States without the consent of the Sultan since 1869 and will confine the assertion of its rights to expel undesirable persons or classes of American citizens to such subjects.

Mr. Gresham to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 18, 1893.

Mr. Gresham acknowledges receipt of Mr. Terrell's telegram of the 15th, instructs him to protest against punishment of Armenians who have become citizens of the United States as criminals, as well as against their being imprisoned on any ground for too long a time, although admitting that the Porte has the right to expel them and, incidentally, to arrest them for the purpose of expulsion.

Mr. Terrell to Mr. Gresham.

No. 107.]

LEGATION OF THE UNITED STATES,

Constantinople, November 18, 1893. (Received December 9.)

SIR: I have the honor to inform you of the action recently agreed upon at the Porte affecting Armenians who return to the Ottoman Empire from the United States. They had surrendered them when I demanded it, but continued to arrest, and for those arrested in the interior, remote from a consul or a consular agent, the prospect was gloomy. I found that the Porte was inflexible in the belief that they had the right to exclude returning Armenians who had emigrated without permission; though they would be surrendered on my demand, the arrests would continue, and this continued attrition must soon impair my capacity to exert influence for other interests.

Acting under your telegram of October 27, I made a virtue of necessity in a conversation with his excellency Said Pasha, the substance of which is inclosed and in which it was agreed that arrests should cease of the class of men above referred to, and that they should, on returning to Turkey, be permitted to land and be allowed a limited stay before returning. Also, that naturalized citizens of the United States, natives of the Ottoman Empire, should only be restrained of their freedom when they refused to depart on returning here hereafter, and then not as a punishment, but to secure their departure.

I think you will agree with me after reading the inclosure that I reconciled in a proper manner the concession agreed on with my demand successfully made at first for the unconditional release of naturalized citizens of the United States.

Unless some sort of notice can be given in the United States to the thousands of former subjects of Turkey now there, many will still return and suffer in the dungeons of the interior after eluding the vigilance of the frontier police.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 107.]

Memorandum of conversations with his excellency Said Pasha, minister of foreign affairs, and with his highness Djvad, grand vizier.

On the afternoon of November 14 I visited the Porte and said to his excellency Said Pasha: "I have complained here so often that I take pleasure in proposing to your excellency what I think will be agreeable. Something must be done to prevent this continued attrition here over Armenians naturalized since 1869, who are now returning. I have demanded their release from prison only because your officers have disregarded their passports. You claim them as subjects—we claim them as citizens. I will (on account of your suspicion that they may be the emissaries of revolutionists) concede your right to exclude them, if you will allow them to remain a limited time—say ten days—without imprisonment. Let them be taken before a consul or consular agent of the United States and there notified by your officers that they must leave in a time specified. Should they fail to depart from your territory, then restrain their freedom, not as a punishment, but to secure their departure."

His excellency Said Pasha, in answer, said: "I am greatly pleased at the proposal made by your excellency. This is, indeed, good news, and will prevent all future trouble." Much more to the same effect he said, and after telling him that I would embody what I had proposed in a memorandum, and send it to him, expecting him to state his approval, and expressly to restrict the claim of right to exclude to native subjects naturalized since 1869, I visited the grand vizier.

I said, in substance, to his Highness Djvad, grand vizier, what I have above stated as my declaration to Said Pasha. He answered:

"I am glad to hear you propose that. It was impossible for us to consent that those Armenians should return. Your statement gives an additional evidence of the friendly disposition of your Government. A few bad men have made all this trouble in Asia Minor. Only a short time ago the Armenian *hamals* you see here would leave their wives and children in the care of their Mohammedan neighbors when they came to Constantinople to seek work; now all is changed. Sedition has started enmity between the races."

I also called his attention to the fact that this concession of the right to exclude men bearing our passports was limited to those who were natives of the Ottoman Empire who had recently returned or who might hereafter come.

On the 15th I sent to the Porte a brief statement of the conditions on which the right to exclude our naturalized citizens would be limited, for inspection—not signed, and to be brought back by my dragoman. It has not been answered, as I desired, by being approved and incorporated in a note.

Mr. Uhl to Mr. Terrell.

No. 92.]

DEPARTMENT OF STATE,
Washington, November 21, 1893.

SIR: I have received your telegram of 18th instant, stating that "the order of the grand vizier prohibiting women to practice medicine has been rescinded" on your application, made on behalf of Miss Dr. Eddy. I have advised Mr. Fred. Perry Powers accordingly.

You will take occasion to express the appreciation of this courtesy which is felt by the Department.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Gresham to Mr. Terrell.

[Extract]

No. 93.]

DEPARTMENT OF STATE,
Washington, November 23, 1893.

SIR: I have received your No. 93, of the 27th ultimo, with copies of two letters addressed to you by the Rev. E. W. McDowell, in charge

of the missionary school at Mosul. Incidentally you remark the difficulty in securing the punishment of a Turk for an injury inflicted upon a Christian, and call attention to the apparent lack of evidence to convict the assailants of Miss Melton.

The Department agrees with you in much that you have said on this subject. With regard to your observation that "the parties complaining do not know who the guilty parties are," the circumstances attending the assault upon Miss Melton should be taken into consideration. Indeed, little is known with absolute certainty beyond the fact that she was attacked, and the evidence in that regard is, as you imply, almost wholly circumstantial. But this does not absolve the Turks from adopting all possible means to ferret out the assailants. Their duty in this respect is as clear as their obligation to punish them when found. This Government has a just right to expect that the Ottoman Government will omit no opportunity to ascertain the guilty person in this affair and, after fixing the responsibility in their case, inflict adequate punishment.

I am, etc.,

W. Q. GRESHAM.

Mr. Terrell to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Constantinople, November 25, 1893. (Received November 25.)

Mr. Terrell reports the disapproval by the Sultan of the verbal agreement made with the Sublime Porte that a refusal on the part of a naturalized citizen of the United States born in Turkey to leave would be the only ground on which such citizen could be imprisoned.

Mr. Terrell to Mr. Gresham.

[Extract.]

No. 114.] LEGATION OF THE UNITED STATES,
Constantinople, November 27, 1893. (Received December 15.)

SIR: My telegram of the 25th instant, a copy of which will be found in dispatch No. 113, was made necessary by the interference of the Sultan with my arrangement at the Porte for the humane treatment of returning natives of the Ottoman Empire who bear your passports.

That arrangement being verbal, I attempted ineffectually to have it recognized in writing. My last note to his excellency Said Pasha will be found inclosed, and also the answer of the grand vizier, Djevad, to whom I inclosed a copy of that note to Said Pasha.

While awaiting a confirmation of the agreement for humane treatment of returning Armenians, I was advised of the imprisonment of a young native of Marsovan, at Sansoum, for 22 days. He had just returned, with a passport as a citizen of the United States, from Chicago. On my demand he was released and brought here.

A notice conveyed to the Porte that indemnity would be demanded for the wanton imprisonment of any man entitled to and bearing a passport would, in my opinion, prevent much suffering.

If your answer to my telegram authorizes notice that indemnity will be demanded I will give that notice only after every effort has been used to induce the adoption of a humane policy.

The absence of a treaty of naturalization, and the great number of Armenians in the United States whose return is dreaded, makes my position more difficult than that of other representatives here, but I am confident that in some way I will solve the trouble, amicably.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 114.]

Mr. Terrell to Said Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, November 20, 1893.

YOUR EXCELLENCY: I informed your excellency on the 14th instant that if the Government of his Imperial Majesty could compel your police officers to take before a consul or a consular agent of my Government Armenians who return to the Ottoman Empire with passports from the United States, and would give them a few days' rest, my Government would not protest if you expelled them from the Empire. If they refuse to leave, then, and not before, they may be imprisoned, not as a punishment, but to compel their departure. I requested your approval of this just arrangement in writing, and have not received it, though you gave it verbally. Both Governments claim authority over that class of men, and the arrangement I proposed seems just until a naturalization treaty can be made.

This proposition was made from a respect for the desire of the Government of his Imperial Majesty that Armenians returning from New York should be excluded as a suspected class, and it contains nothing that can benefit the United States. If you accept the proposition be pleased to inform me in writing, that I may give corresponding instructions to consuls, and if from any cause the arrangement proposed does not now meet your approval be pleased to inform me.

I must insist that the passports of persons returning from America who are claimed as subjects of his Imperial Majesty shall be respected. If they refuse to depart after the delay we may agree upon, the consuls will take their passports from them or cooperate with your police to compel their departure.

I avail, etc.,

A. W. TERRELL.

[Inclosure 2 in No. 114.—Translation.]

The Grand Vizier to Mr. Terrell.

OFFICE OF THE GRAND VIZIER,
November 26, 1893.

MR. ENVOY: I have the honor to acknowledge the receipt, with its inclosure, of the letter which your excellency has been pleased to address to me.

The subject which you mention is under consideration at the council of ministers, and I will not fail to communicate the result of our deliberations.

Please accept, etc.,

DJEVAD.

Mr. Uhl to Mr. Terrell.

No. 101.]

DEPARTMENT OF STATE,
Washington, December 7, 1893.

SIR: Your communications in reference to the arrest by Turkish authorities, with a view to their expulsion, of certain native subjects of Turkey, who, after naturalization here, have returned to that country,

were duly considered, and you were instructed by cablegram, on the 27th of October, to exert yourself for their relief, bearing in mind, however, the recognized sovereign right of Turkey to exclude aliens, and to expel or deport undesirable persons or classes.*

The right of every government, in the absence of treaty provisions to the contrary, as inherent in sovereignty, to exclude or to expel from its territory foreign citizens or subjects whose presence is undesirable, is fully recognized by the United States. Our recent legislation requiring the expulsion from our territory of Chinese subjects who have not provided themselves with certificates of their right to remain here having been called in question before the Supreme Court, has given occasion for a declaration by that tribunal of the right of every government to exclude or expel foreigners from its limits.

The motive prompting the expulsion of foreigners, or the manner and circumstances under which it is accomplished, may be such as to indicate an unfriendly disposition in the nation which expels towards the nation whose subjects or citizens are expelled. If, for instance, Turkey were to expel an American citizen from her territory simply because of his citizenship, and for no other reason, that could not but be deemed an unfriendly act toward us. Nor can the recognition of the right of expulsion be construed as a waiver of our right to intervene in proper cases for the protection of our citizens in foreign countries, even where there is no treaty guaranteeing them special privileges. Or, if Turkey should punish or expel persons merely because of their naturalization in the United States when naturalization in other countries is not made the ground of similar treatment, it would be an act of unfriendly discrimination against this country.

The subject of the arrests for the purpose of expulsion to which you have referred has been brought to the attention of Mr. Mavroyeni, the Turkish minister at this capital, from whom I learn that the Imperial Government claims to act under the sixth article of the law relating to Ottoman nationality, which provides in substance that the Government may declare loss of the character of an Ottoman subject against any Ottoman who shall have been naturalized in a foreign country, or who shall have accepted military functions under a foreign government without the authorization of his sovereign, and that in such case the declaration of such loss shall *ipso facto* operate to deny the right to return to the Ottoman Empire of the person who shall have incurred it. I am also informed by Mr. Mavroyeni there is and shall be no detention of these naturalized citizens of the United States beyond such as is necessary for their expulsion, and that his excellency Said Pasha is in negotiation with you to reach a just understanding in the premises.

It is unnecessary to add that this Government will at all times intervene for the protection of its naturalized citizens in the enjoyment of the rights to which they are entitled as such.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Uhl to Mr. Terrell.

No. 103.]

DEPARTMENT OF STATE,
Washington, December 12, 1893.

SIR: I transmit for your information a copy of a letter of the Board of Foreign Missions of the Presbyterian Church in the United States, con-

veying its thanks for your exertions on behalf of Mary P. Eddy, M. D., who recently sought the privilege of practicing medicine in Turkey; and also commenting on the trial of the assailants of Miss Melton.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

[Inclosure in No. 103.]

Mr. Gillespie to Mr. Gresham.

BOARD OF FOREIGN MISSIONS OF THE PRESBYTERIAN CHURCH,
New York, December 7, 1893. (Received December 9.)

SIR: It gives me pleasure, in behalf of the Board of Foreign Missions of the Presbyterian Church in the United States of America, to convey to you, and also through you to Minister Terrell and Mr. Garginlo, the thanks of the board for the very efficient service rendered in securing from the Turkish Government permission for our missionary, Mary Pierson Eddy, M. D., to practice as a medical missionary in Syria. We can not but regard this as a marked triumph of skillful diplomacy and as evidence of the increasing influence of our Government with the Sublime Porte.

It may not be amiss for me to advise you further that we are still awaiting, with no little anxiety, the outcome in the case of the assault on Miss Melton at Amadia. Recent letters surprise us by intimating that the Turkish Government is looking to Mr. McDowell, our missionary, to furnish conclusive evidence of the guilt of the parties involved. In view of all the facts in the case, this strikes us as in the highest degree preposterous, and as indicating a desire on the part of the Turkish officials to shift responsibility. It is well known that all the information in possession of the missionaries was given promptly at the time and was quite sufficient to lead to the arrest and conviction of the guilty parties. Those in position to understand Oriental character assure us that the authorities could easily discover and bring the criminals to justice were they profoundly in earnest in the matter. The Board of Foreign Missions is of opinion that this can not be too much insisted upon by our Government.

The President's reference to the case in his recent message to Congress, as well as your own active interest in it, encourage us to hope that the matter will be pressed still further on the Turkish Government till such satisfaction is given as will assure the safety of at least those of our missionaries who are American citizens.

Again thanking you in behalf of the board for your prompt and cordial action in the past in matters affecting the rights and safety of our missionaries, and begging you to take such other steps as you may deem best in the case of the assailants of Miss Melton, so that the lives of American citizens may not be imperiled without redress,

I am, etc.,

JNO. GILLESPIE,
Secretary.

Mr. Gresham to Mr. Terrell.

No. 107.]

DEPARTMENT OF STATE,
Washington, December 22, 1893.

SIR: Referring to your telegram of 25th ultimo, of which I append a copy, and to instruction No. 101, of 7th instant, relative to certain citizens of the United States formerly subjects of the Porte, I have to say that the promise not to inflict penal imprisonment on these returning naturalized Armenians, nor to subject them to detention save such as may be incidentally necessary to their deportation, does not rest on your reported oral agreement alone, but is clearly inferable from the assurance given in Mavroyeni Bey's note of November 22 last, that the arrest in the cases which had theretofore arisen had been provisional only. An important precedent of fact is thus estab-

lished by the explicit declaration of the Porte through its representative here, and my acceptance of Mr. Mavroyeni's statement as fixing a rule in such cases was not questioned by him.

Copies of Mavroyeni Bey's note* and of the reply* thereto are inclosed for your information and the completion of your record in this relation. Acknowledging at the same time the receipt of your dispatch No. 114, of 27th ultimo, on the general subject,

I am, etc.,

W. Q. GRESHAM.

CORRESPONDENCE WITH THE LEGATION OF TURKEY IN WASHINGTON.

Mavroyeni Bey to Mr. Gresham.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington August 20, 1893. (Received August 23.)

MR. SECRETARY OF STATE: I desire to draw your excellency's friendly attention to the following considerations which, I am certain, will meet your approval:

Everybody knows that the greater part of the Armenians who take refuge in the United States have for their object to remain therein a short time in order to obtain American nationality and thereupon return to Turkey, to the end of there engaging in seditious acts against the public order and tranquillity of the Empire.

Assured of this fact, the Government of the United States has from the beginning, I must admit, been desirous of strictly conforming to the principles of the Monroe doctrine, which it so happily inaugurated, and, therefore, I have no doubt that your excellency will be pleased to share my view that the case of the Armenians in question would naturally give rise in the Department of State to a situation which would be incompatible with that doctrine from the moment that these agitators are authorized to become American citizens and to sojourn in the territory of the United States.

In this state of things, however, and inspired solely by a just sentiment of legitimate defense which every independent state has the right and the duty to entertain, the Imperial Government would, in its turn, find itself under the imperious necessity of refusing the return to Turkey of those Armenians who should claim to have changed their original nationality, even in the event of the American authorities having granted them passports to visit the Empire.

I am persuaded that, thanks to the well-known spirit of impartiality of your excellency and your profound knowledge of the conditions which may impose upon any Government the defense of its legitimate authority, you will be pleased to recognize the justice and good foundation of the considerations which I have had the honor to set forth in all frankness and with an absolute conviction.

Be pleased to accept, etc.,

MAVROYENI.

*For these inclosures see correspondence with the Turkish legation at Washington.

Mr. Gresham to Mavroyeni Bey.

DEPARTMENT OF STATE,
Washington, August 24, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 20th instant, in which you assert that everybody knows that the greater part of the Armenians who come to the United States do so for the purpose of speedily acquiring American citizenship and returning forthwith to Turkey to engage in sedition against the peace of the Empire. You also state that the naturalization of these agitators, and their permitted sojourn in the United States are not consistent with the principles of the Monroe doctrine, heretofore maintained by this Government, and that the Imperial Government may be constrained to object to the return to Turkey of Armenians who have changed their original nationality even when bearing American passports.

The Monroe doctrine simply relates to the freedom of the states south of the American Republic from European influences antagonistic to the United States; and I am unable to see the pertinency of that doctrine to the question you suggest. The naturalization laws of the United States are uniform in operation, and all aliens who duly comply with them are admitted to the benefits of American citizenship.

While this Government will not sanction any conduct of its citizens abroad whereby the peace of a foreign state may be disturbed, I can not admit that it would be just for the Porte to debar, as you suggest, a class of American citizens from peaceable entrance and sojourn in the Turkish Empire under the guarantees of treaties, because of the alleged wrongdoing of individuals of their race, any more than I can admit that the Government of the United States should withhold the privileges of peaceable sojourn and lawful naturalization from a large class of Turkish subjects.

Accept, etc.,

W. Q. GRESHAM.

Mavroyeni Bey to Mr. Gresham.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, August 28, 1893. (Received August 30.)

MR. SECRETARY OF STATE: I have the honor to acknowledge receipt of your note of the 24th instant.

I am perfectly in accord with you touching the definition of the Monroe doctrine, which you are pleased to give me. But this doctrine—and I hereby again appeal to an American doctrine—is based, I think, on the following general principles, namely that no one should mix himself either directly or indirectly in the affairs of others. It also rests upon the need of every country's defending its own interests, especially in whatever concerns the peace and tranquillity of its people whenever those interests require it. It is, therefore, in reality of this principle and this need that I intended to speak in my note of the 20th instant, and I cherish the hope that your excellency will be pleased to recognize their justice.

But in order for the present not to go outside of the question which formed the main object of my aforesaid note, I can assure your excel-

lency anew that the Imperial Government has no animosity against any of the races which make up the vast Ottoman Empire, and that, on the contrary, it seeks to satisfy them all within the limits of justice and of the general interest. The Armenians, therefore, as a race, are not here in question, as your excellency supposes. But they are in question as individuals, and my aforesaid note only related to these latter.

You tell me that all foreigners who conform to the laws of the United States in regard to naturalization "are admitted to share in the benefits of American nationality." But can not the Imperial Government, also, for its part, demand that its laws be respected? Can it regard as American citizens those among the Armenians who, without conforming to the Ottoman laws regulating the abandonment of Ottoman nationality and solely with a subversive motive, repair to the United States in order to fortify themselves behind a foreign influence? The Imperial Government has at all times had the greatest regard for that of the United States. It will not cease to show like regard in future. But you must, I think, admit that this amicable policy should constantly remain in harmony with the vital interests of the Empire. Now, it is a vital interest to maintain peace in our country. If you would be pleased to cause translations to be made of the articles in the Armenian journals published in London, in Marseilles, in Athens, and even in New York, you would clearly see what are the plans and the desires of those among the Armenians who expatriate themselves and who seek refuge in the territory of this great Republic. What would the Government of the United States itself do if, to give an impossible case, a large number of your Indians should think of forming an independent and free nation, and if, after having obtained in this or that country the legal support they sought, they were to return forthwith to the United States and give you trouble? Would not this Government be in the case of legitimate self defense, and would it not act accordingly? Certes, yes. And for this reason the conclusions of my note of the 20th instant appear to me to be logical and necessary.

Be pleased, etc.,

MAVROYENI.

Mr. Gresham to Mavroyeni Bey.

DEPARTMENT OF STATE,
Washington, September 2, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, in further relation to the question of the return of naturalized Armenians to Turkey, concerning which you addressed me on the 20th of August.

Inasmuch as you state that your reference to the Monroe doctrine was not so specific with regard to the doctrine itself as general with respect to the principle of non-intervention in the internal affairs of another country, upon which you deem the Monroe doctrine itself to rest; and inasmuch, also, as my note of the 24th ultimo sufficiently states the views of this Government upon the points touched by your notes, I limit myself for the present to this courteous acknowledgment of your explanations, which I shall duly bear in mind should occasion arise for discussing these general principles in connection with any specific case.

Accept, etc.,

W. Q. GRESHAM.

Mavroyeni Bey to Mr. Gresham.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
 Washington, October 26, 1893. (Received October 26.)

MR. SECRETARY OF STATE: I had the honor, a few days since, to inform your excellency that the newspapers published in New York in the Armenian language, by Armenians, and for Armenians, most of whom are naturalized citizens of the United States, always contain articles inciting the Armenians who live in Turkey to insurrection.

You told me in reply that you were not aware of that fact, and that you desired to receive proof of it. Inclosed your excellency will find the last two numbers of an Armenian paper called the "Haik," which appears twice a month in New York, together with a translation of certain passages therefrom. A perusal of these passages will give you an idea of the views and efforts of the Armenians in this country, the majority of whom become naturalized as American citizens for the sole purpose of securing the protection of the United States Government while entertaining, I repeat, the views set forth in the inclosed extracts.

I beg your excellency to be pleased to inform me whether you would like to receive similar extracts regularly, or whether the extracts now sent are sufficient to establish the correctness of the statement which I have had the honor to make to you.

Be pleased, etc.,

MAVROYENI.

[Inclosure: From the Haik. October 1 1893, No. 18, p. 280 *et seq.*]

If we were to adopt the principle of Mr. Tcheraz, viz, that of gaining a maximum of advantage for the nation with a minimum of loss for the Armenians, it is probable that we should neither be organized nor able to revolt in due season. . . .

It is impossible to keep up military spirit by means of words and articles. We must begin by disciplining. The best way to arouse a military spirit among young Armenians in foreign countries is to give them the military training which is the only means of preparing men for the field of battle.

. . . . We must lose, if necessary, one half of the nation for the sake of saving the other half.

Page 288: Experience has shown that the political reconstruction of the nation through diplomatic action is impossible. Positive and energetic means are needed in order to bring about diplomatic intervention. Those means are fire and sword, which call for soldiers and money. It is the nation that must furnish them. It must establish its center of activity in Russia or the United States. Just as there is an Armeno-Russian corps in the East, ready and organized, so must an Armeno-American corps, equally strong, be raised in the West.

[From the Haik, October 15, 1893, No. 19, page 303.]

A people is not aroused in a moment, as an electric lamp is lighted, it is true. Yet, the Eastern question, if it should again come upon the carpet, would be agitated for two years at least. At first there will be insurrectionary movements followed by repression, and, next, war, followed by a Congress of the Great Powers. If the Armenians get ready and make a beginning before the expiration of these two years, they may revolt in good time. I approve of the system of Hentchaguin, viz, to organize bands at once. When the Eastern question is revived these bands may unite. It would be well for them to organize as guerrillas, and to carry on operations in the mountains of Turkey in Asia. That would protect the population of the cities and of the rural districts.

Mr. Gresham to Mavroyeni Bey.

DEPARTMENT OF STATE,
Washington, November 2, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 26th ultimo, with which, in response to an intimation made by me in an interview a few days before that time, you communicate to me two numbers of the *Haik*, a semimonthly journal printed at New York in the Armenian language, with a translation of several extracts therefrom, indicating the feelings of Armenians in this country towards the Government of Turkey.

These extracts are sufficient for my present information and I shall not trouble you to send me further extracts regularly, as you kindly offered to do.

Accept,

W. Q. GRESHAM.

Mavroyeni Bey to Mr. Gresham.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, November 22, 1893. (Received November 23.)

MR. SECRETARY OF STATE: Your excellency will doubtless recall the interviews which I have had with you concerning the arrest of two individuals—one at Salonica and the other at Constantinople. In response to the telegrams on the subject which I thereupon sent to his Excellency Said Pasha, I have just received, this very day, his reply. Here it is:

Article 6 of the Law of the Ottoman Nationality gives to the Imperial Government the right to declare loss of the quality of an Imperial subject against any Ottoman subject who shall have been naturalized in foreign parts without the authorization of his Sovereign. In this case, by the terms of the said article, the loss of the quality of an Ottoman subject entails as of full right the interdiction of the return to the Ottoman Empire of him who may have incurred it.

On the other hand, it is known that our naturalization convention could not hitherto be put in operation on either part, so that we can not act at present in respect of such former Ottoman subjects as may return to Turkey after having acquired American nationality without prior authorization of his Imperial Majesty the Sultan, except by applying to them either the 5th article of the law in question, which authorizes the Imperial authorities to treat them simply in the character of an Ottoman subject as in the past, or the above-cited provisions of the 6th article of the same law.

The arrest of the two above-mentioned individuals is therefore thus explained. The Imperial Government, which had ground to suspect their political intentions as former Ottoman subjects, was constrained to decree their expulsion in application of the sixth article above cited. Their arrest, ordered to this end, has, moreover, been only provisional.

I hope that the foregoing explanations will satisfy your excellency, and that they will prove to you that the measures enforced by the Imperial authorities, are not arbitrary, but are in all points in conformity with the laws and regulations of the Empire.

His excellency Said Pasha informs me at the same time that he is in negotiation with Mr. Terrell to reach an understanding as to the status of persons coming within this category.

Be pleased, etc.,

MAVROYENI.

[Translation of the law concerning Ottoman nationality.—January 19, 1869—6 Cheval, 1285.]

ARTICLE 1. Every person born of Ottoman father and mother, or only of an Ottoman father, is an Ottoman subject.

ART. 2. Every person born on Ottoman territory of foreign parents may, within three years after attaining majority, claim as of right the character of an Ottoman subject.

ART. 3. Every major foreigner who has resided during five consecutive years in the Ottoman Empire may obtain Ottoman nationality by applying, directly or through an intermediary, to the minister of foreign affairs.

ART. 4. The Imperial Government may by extraordinary act confer Ottoman nationality on the foreigner who, without having fulfilled the conditions of the preceding article, should be deemed worthy of this exceptional favor.

ART. 5. The Ottoman subject who has acquired a foreign nationality with the authorization of the Imperial Government is considered and treated as a foreign subject; if, on the contrary, he is naturalized as a foreigner without the previous authorization of the Imperial Government, his naturalization shall be considered as null and of no effect, and he will continue to be considered and treated in all respects as an Ottoman subject.

No Ottoman subject can, in any case, naturalize himself as a foreigner except after having obtained a certificate of authorization issued in virtue of an Imperial *iradé*.

ART. 6. Nevertheless the Imperial Government may declare loss of the character of an Ottoman subject against any Ottoman subject who shall have naturalized himself in a foreign country or who shall have accepted military functions under a foreign government without the authorization of his sovereign.

In this case the loss of the character of an Ottoman subject shall entail, *ipso facto*, the interdiction of the return to the Ottoman Empire of the person who shall have incurred it.

ART. 7. The Ottoman woman who has married a foreigner may, if she become a widow, recover her character of an Ottoman subject by making declaration to that end within the three years following the decease of her husband. This provision is, however, only applicable to her person. Her property shall be subject to the laws and general regulations controlling the same.

ART. 8. The child, even when a minor, of an Ottoman subject who has naturalized himself as a foreigner or who has lost his nationality does not follow the status of his father, and remains an Ottoman subject. The child, even when a minor, of a foreigner who has naturalized himself an Ottoman does not follow the status of his father, and remains a foreigner.

ART. 9. Every person inhabiting the Ottoman territory is reputed an Ottoman subject, and treated as such until his character as a foreigner shall have been regularly proved.

[Circular addressed to the governors-general of the vilayets of the Empire.—March 26, 1869.]

I have personally transmitted to you the law of Ottoman nationality, promulgated on the 6th Cheval, 1285 (January 19, 1869). While this law, in its context, can not give rise to divergent interpretations, I deem it important to define to you the spirit which inspired its most important provisions.

I need not, in the first place, say to you that this law, like any other law, has no retroactive effect; all who have already been admitted to Ottoman nationality, and all native Ottoman subjects who have, either by virtue of treaties or by virtue of special arrangements concluded between the Sublime Porte and the foreign missions accredited to it, been recognized by the Imperial Government as having acquired a foreign nationality, remain, as heretofore, either Ottoman or foreign subjects.

The provisions set forth in articles 1, 2, 3, and 4 are plain enough to make any comment unnecessary. I shall merely remind you that since the "personal" law of each individual—that is, the law of the country of his origin—is that which determines the time of his majority, and since that law varies according to countries, the majority being reached in some countries at 25 years and above, and below that age in

others, it will be incumbent on all foreign subjects who may apply for Ottoman naturalization to prove that they are of age according to the law of the country of their origin.

Article 5 imposes on all Ottoman subjects who wish to acquire a foreign nationality the obligation of previously providing themselves with a written authorization, which will be delivered to them by virtue of an Imperial *iradé*, without which their naturalization shall always be considered as void and of no effect, and the Imperial Government will even have it in its power (art. 6) to declare them divested of the character of Ottoman subjects, which will, *ipso facto*, entail the interdiction of returning to the Ottoman Empire. The application of the penalty provided for in article 6 exclusively appertains to the Imperial Government. Imperial authorities will confine themselves to considering as void and of no effect foreign naturalization when acquired without previous authorization by a native Ottoman subject, and will take no steps looking to expulsion without having first received direct instructions from the Sublime Porte.

Inasmuch as the Ottoman woman who marries an alien ceases to be an Ottoman subject, she is granted, under article 7, the faculty of recovering her original nationality, in the event of her becoming a widow, by so declaring to the Ottoman authority within three years after her husband's decease.

Article 8 establishes that the father's naturalization does not carry that of his children, even though these be minors. The benefit of naturalization, when granted to the father, is not extended to his children, except so far as they wish it. If they are of age, they are at liberty to follow the father's status by making application therefor; if not, they may do so as soon as they reach their majority. - It is easy to understand that this provision, which is, besides, in conformity with that of the greater part of European legislation, is enacted for the very advantage of the children, who may occasionally find inconvenience or even detriment to themselves in their father's naturalization.

However, this provision does not apply to children born subsequently to the father's naturalization. These follow their father's status and form part of the nation to which they belong in consequence of his naturalization.

The last clause of the law exclusively bears on the case of individuals who may, for good reasons, be thought to be Ottoman subjects and would claim a foreign nationality without being in a position to support their claim. It is obvious that, in the event of dispute, it is incumbent on him who claims foreign nationality to adduce evidence thereof, and until such evidence is produced the Imperial authorities must, inasmuch as he is found on Ottoman territory, consider him and treat him as an Ottoman subject.

It is needless to add that article 8 affects in no way the rights secured by treaties to foreigners, and does not justify the Imperial authorities in departing from the regulations resulting from such treaties regarding their relations with foreigners.

I shall close, Mr. Governor-General, in bringing to your notice the fact that naturalization can not under any circumstances have for effect to free the naturalized person from civil or criminal proceedings that may have been instituted against him prior to the time when he was naturalized, before the authority of which he was a dependent theretofore.

You will please, Mr. Governor-General, to strictly conform to these instructions in enforcing the provisions of the new law. With a view to facilitating your duties this communication will also be sent to the foreign nations accredited to the Sublime Porte, in order that it may be brought to the notice of their agents in the provinces.

Mr. Uhl to Mavroyeni Bey.

DEPARTMENT OF STATE,
Washington, November 28, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 22d instant, in which you present certain considerations touching the treatment of persons of Armenian origin who may return to Turkey after having been naturalized in the United States.

The cited articles 5 and 6 of the Ottoman law of January 19, 1869 (6 Cheval, 1285), and the announced policy of the Turkish Government in the application thereof, have had my careful attention.

In proceeding under the sixth article, whereby declaration by the

Imperial Government of loss of Ottoman nationality is claimed to be followed by the right of exclusion or expulsion of the returning Armenians, the Turkish Government removes all question as to the citizenship of the person, and rests its action on the very generally conceded claim of the right to exclude or expel aliens whose coming within Ottoman jurisdiction may be deemed objectionable.

I am gratified to learn that, as was confidently to be expected, this treatment of the returning naturalized Armenian as an undesirable alien involves, in case he be found within Turkish territory, no other arrest or detention than such as may be necessary to accomplish the deportation of the individual, thus excluding the punitive phase, which might be open to serious contention.

Your statements quite agree with the reports on the subject which I have received from the United States minister at Constantinople, and my recent instructions to him cover the case.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

VENEZUELA.

Mr. Bartleman to Mr. Foster.

No. 375.]

LEGATION OF THE UNITED STATES,
Caracas, January 6, 1893. (Received January 21.)

SIR: I have the honor to inclose herewith copies and translations of two decrees, dated December 30, 1892, and January 5, 1893, relating to foreign commerce.

These decrees will be very damaging to the commerce of the Dutch island of Curaçao, as the transshipment of freight, which now takes place there for Venezuelan ports will, after March 1 next, be made at La Guaira and Puerto Cabello, Venezuela.

Merchandise from the United States and Europe, for Maracaibo, Coro, and other Venezuelan ports, which shall be transshipped at the island after the above-mentioned date, will have to pay differential duty of 30 per cent, as decreed by the law of June 4, 1883.

I have, etc.

R. M. BARTLEMAN.

[Inclosure 1 in No. 375.—Translation.]

UNITED STATES OF VENEZUELA, MINISTRY OF FINANCE
AND PUBLIC CREDIT, ORDER OF CUSTOM-HOUSES,
Caracas, December 30, 1892.

Resolved, The National Executive decrees that from the 1st of March, next, the productions, merchandise, and other articles exported from the United States of America, or from Europe, which are destined for the western ports in the Republic not visited by the vessels bringing them, said goods having to be transshipped at Curaçao in order to reach their destination, shall be considered as exported from that island for the purpose of payment of duty of importation; and, therefore, the executive decree of the 26th of January, 1883, referring to transshipments in foreign colonies, is modified in this particular.

Let it be known and published.
For the National Executive.

J. PIETRI.

[Inclosure 2 in No. 375.—Translation.]

UNITED STATES OF VENEZUELA, MINISTRY OF FINANCE
AND PUBLIC CREDIT, ORDER OF CUSTOM-HOUSES,
Caracas, January 5, 1893.

Resolved, The productions, merchandise, and other articles from the United States of America or from Europe which are destined for the western ports of the Republic, and are to be transshipped at La Guayra or Puerto Cabello in order to reach their destination may be landed in said ports, if for want of transportation the transshipment cannot be effected from vessel to vessel. In this case the merchandise, together with all the consular documents from the port of departure, shall be deposited in the stores of the custom-house, destined exclusively for this purpose, until they can be sent to their destination, which may be done in either national or foreign vessels in conformity with articles 3, 4, 5, and 6 of the law xxxviii of the "Codigo de Hacienda."

God and Federation.

J. PIETRI.

Mr. Foster to Mr. Partridge.

No. 5.]

DEPARTMENT OF STATE,
Washington, February 8, 1893.

SIR: Referring to Mr. Bartleman's No. 375, of the 5th ultimo, inclosing a copy of a decree issued by the Venezuelan Government on December 30, 1892, imposing, on and after March 1, next, a differential duty of 30 per cent on merchandise from the United States and Europe destined for the western ports of the Republic, but transshipped at Curaçao, I desire to call your attention to the correspondence exchanged between this Department and the legation at Caracas in 1881, 1882, and 1883, and published in the volumes of Foreign Relations for the years 1882 and 1883.

This correspondence related to the act of the Congress of Venezuela of May 27, 1881, imposing a similar differential duty of 30 per cent on all merchandise imported into the Republic which had been transshipped at any of the ports of the West India islands.

The act in question was found to be prejudicial to the interests of this country, and upon the representations of our minister was modified by executive decree of January 26, 1883, in a manner satisfactory to our business interests. (*See Foreign Relations, 1883, pp. 897-900.*)

You are instructed to make similar representations against the present decree, which, though more limited in its operations, is none the less objectionable.

I am, etc.

JOHN W. FOSTER.

Mr. Partridge to Mr. Gresham.

[Extract.]

No. 4.]

LEGATION OF THE UNITED STATES,
Caracas, March 8, 1893. (Received March 22.)

SIR: I have the honor to acknowledge the receipt of the Department's instruction No. 5, of the 8th ultimo, relative to a decree of the Venezuelan Government, dated December 30 last, imposing from the 1st instant a differential duty of 30 per cent on merchandise from the United States or Europe, transferred at Curaçao for the western ports of the Republic.

By the Venezuelan law of June 4, 1881 (*see Foreign Relations, 1882, p. 524*) a differential duty of 30 per cent was imposed upon "produce, merchandise, and chattels proceeding from foreign colonies and imported through the ports of entry of the Republic, as well as those proceeding from the ports of Europe or the United States of North America, destined for Venezuela and transshipped in said colonies into other vessels which are to bring them to this country."

Upon the earnest representations of this legation, this law was finally modified by a decree of the President and federal council, dated January 26, 1883 (*see Foreign Relations, 1883, p. 900*), so that it became inoperative with respect to shipments originating in the United States or Europe and simply transshipped in a foreign colony. The law remained in full force, however, with respect to shipments originating in such colonies. Since that decree, until the first of the present month, the Red D Line, an American corporation of Wilmington, Del., have

maintained a line of steamers between Maracaibo and Coro and the Dutch island of Curaçao, connecting there with their main line of steamers between New York and Curaçao, Puerto Cabello, and La Guayra. The steamers of the main line are of too deep draft to pass the bar at the mouth of Lake Maracaibo, where there is only 10 or 11 feet of water. The conveniences for transfer at Curaçao are very good. Labor can be employed day and night, and in case ships do not meet, the steamship company have sufficient warehouses on the docks for storing goods.

The decree of December 30, 1892, reported, in Mr. Bartleman's dispatch No. 375, of January 6, places goods shipped from the United States or Europe and transshipped at Curaçao in the same category as if originally exported from that island. The supplementary decree of January 5, reported in the same dispatch, provides that goods which are destined for the western ports of the Republic, i. e., Maracaibo and Coro, and are to be transshipped at La Guayra or Puerto Cabello, may, in case such transshipment can not be effected directly from ship to ship, be landed and deposited in the stores of the custom-house until they can be sent to their destination, which is permitted to be done in either national or foreign vessels. The principal object of these decrees probably was to injure the port of Curaçao, which, it is alleged, is used as a base for smuggling into Venezuela and as a rendezvous for Venezuelan political malcontents. At the same time it was very likely expected that the Red D Line would be compelled to transfer Maracaibo and Coro freight at Puerto Cabello, thus giving the latter port the benefit of the transshipment business. But the agents of the company here claim that there are not sufficient facilities for transfer at Puerto Cabello; that the company has no warehouses; that the custom-house storerooms are insufficient and unsatisfactory, and that labor is high and can only be employed, under the custom-house regulations, between the hours of 7 and 10 a. m. and 12 and 4 p. m. The first of the present month, therefore, the company began to run the *Maracaibo*, one of the steamships previously employed in the branch service, direct from Maracaibo to New York. She will probably call also at Coro, although the Coro business is very small. The English steamship *Hollinside* has been chartered for the same service.

Although I do not think that they were so intended, the present decrees are especially discriminatory against the United States. The law of June 4, 1881, until modified in 1883, discriminated against transshipment at any West Indian port and affected European as well as American commerce. The present decree, however, simply discriminates against transshipment at Curaçao and, practically, affects only the commerce of the United States. I am informed that the Royal Mail (English) transfer freight at the Barbados for La Guayra, that the Compagnie Générale Transatlantique (French) and other lines transfer at Trinidad for Ciudad Bolivar, and that the Compañía General Transatlántica (Spanish) transfer at Havana for La Guayra and Puerto Cabello. In addition, therefore, to the considerations which were urged during the discussion between the two governments in 1882 and 1883 (reported in the Foreign Relations of those years) against the transfer feature of the law of June 4, 1881, there may now be assigned also the invidious distinction above.

I believe that any representations by the legation would promise better results after the new minister of finance has had an opportunity to become more fully established in office; it seemed to me more prudent to delay making any protest for a short time. I shall, however, watch

the matter carefully and, unless you instruct me otherwise, I will, if necessary, later make proper representation to the minister of foreign affairs with respect thereto.

Trusting that my action in the premises may meet with your approval, I have, etc.,

FRANK C. PARTRIDGE.

Mr. Partridge to Mr. Gresham.

No. 6.]

LEGATION OF THE UNITED STATES,
Caracas, March 10, 1893. (Received March 22.)

SIR: I have the honor to transmit herewith a copy and translation (inclosure 1) of a contract concluded on the 7th ultimo, and published in the *Gazeta Oficial* of that date, between the Government of Venezuela and Alfred Fromentin, for the construction of a submarine cable from La Guayra, Venezuela, to some point on the coast of Florida; also, a copy and translation (inclosure 2) of a supplementary article concluded the following day and published in the *Gazeta Oficial* of February 21.

Mr. Fromentin is a Frenchman, and was formerly in charge of the office of the French Cable Company (*Société Française des Télégraphes Sous-Marins*) in this city. It is understood that he left their employ on account of some disagreement. He is not a man of much means, and it is doubtful if he will be able to enlist sufficient capital in the undertaking. There is great need of more direct cable communication between the United States and Venezuela, and I regret that the present enterprise is not more likely to succeed.

The impression here is that the contract is simply a speculative one, and that nothing will come of it.

It will be observed that it contemplates the ownership, and, presumably, the operation of the cable by the Venezuelan Government. Permission to land it in the United States would require, therefore, a special adaptation of the condition usually imposed in such cases. The object of the condition heretofore formulated with reference to private cable companies desiring to land a cable in the United States from a foreign country has been to prevent a permanent monopoly of such telegraphic communication. Hence, the principal condition has been "that neither the company, its successors or assigns, nor any cable with which it connects, shall receive from any foreign government exclusive privileges which would prevent the establishment and operation of a cable of an American company in the jurisdiction of such foreign government." (Report No. 964, House of Representatives, Fifty-second Congress, first session; Senate Ex. Doc. No. 51, Forty-eighth Congress, second session; Senate Ex. Doc. No. 122, Forty-ninth Congress, second session; also 22 Stat., 173 and 371.) The ownership by a foreign government of a cable having one terminal within its own jurisdiction and the other in the United States would, unless safeguarded by proper conditions, practically create a monopoly of the cable business between the two countries, for the pecuniary interests of such foreign government in the cable would naturally deter it from authorizing the landing of a competing cable from the United States.

In case, therefore, application is made to the Government of the United States, as contemplated in article 4 of the present contract, I have the honor to suggest that, in addition to the conditions usually

required, positive assurance should be given by the Government of Venezuela that it will permit to land, and will extend equal privileges to any cable which the Government of the United States may itself desire to lay or may authorize to be laid by private enterprise, between the two countries.

I have, etc.,

FRANK C. PARTRIDGE,

[Inclosure 1 in No. 6.—Translation.]

MINISTRY OF POSTS AND TELEGRAPHS,
Caracas, February 7, 1893.

The minister of posts and telegraphs being sufficiently authorized by the chief of the executive power and Alfredo Fromentin, celebrate the following contract:

ARTICLE I. Alfredo Fromentin pledges himself to construct alone, or associated with others, a submarine cable from the port of La Guaira to some point on the coast of Florida, in the United States, at the price of (B. 4,600) four thousand six hundred bolivars for each mile.

ART. 2. The Government pledges itself to pay to Mr. Fromentin, or to whoever represents his rights, the price of the work, i. e. (B. 5,980,000) five million nine hundred and eighty thousand bolivares, in the following manner: A quarter part shall be deposited in one of the banks of France or London as a guarantee which shall be paid to Mr. Fromentin when the Government, or its agent, shall have received the cable; another quarter when the engineer in chief of the construction has given a certificate that the cable is ready and in operation, and the other two quarter parts remaining, to wit, (B. 2,990,000) two million nine hundred and ninety thousand bolivares shall be paid to Mr. Fromentin, or his representatives, (6) six months after the work has been received by the Government, by an order or note bearing (6 per cent) six per cent interest annually, which will be accepted by the Bank of Venezuela for payment.

ART. 3. As the length of the cable is calculated to be (1,300) one thousand three hundred miles, in case it be less Mr. Fromentin shall return the difference of the sum expressed in the previous clause, and if it be greater, he shall receive the value of the difference at the rate of (4,600) four thousand six hundred bolivares the mile.

ART. 4. The Government, through the minister of foreign affairs, will communicate the present act to the consul of Venezuela in Washington, to the end that he may obtain the necessary permission to land the cable in that country.

ART. 5. Mr. Fromentin pledges himself to commence the work within (5) five months and to present the work completed to the Government within eight, both dates to count from the time of the deposit of the quarter part, as is indicated in this contract, and it is further understood that in case of casualties the Government shall be the judge of whether the time lost by Mr. Fromentin was his fault as respects the carrying out of the dates established by this article.

ART. 6. As a guarantee of the work to be accomplished, of the good quality of the cable, and of its perfect operation Mr. Fromentin will deposit in the Bank of Venezuela the sum of (B. 200,000) two hundred thousand bolivares, which sum is to receive (6 per cent) six per cent annually, and for which Mr. Fromentin or his representative is to be reimbursed within one year after the official inauguration of the work.

ART. 7. Every difference or controversy arising out of this contract shall be decided definitely by the tribunals of the Republic without the intervention of any foreign authority.

Made in duplicate, at Caracas, this 7th of February, one thousand eight hundred and ninety-three.

J. PIETRI.
A. FROMENTIN.

[Inclosure 2 in No. 6.—Translation.]

MINISTRY OF POSTS AND TELEGRAPHS,
Caracas, February 21, 1893.

Additional Article.

The minister of posts of the United States of Venezuela, being sufficiently authorized by the chief of the executive power, and Alfredo Fromentin, have agreed to

the following clause in addition to the contract celebrated the seventh of the present month:

Mr. Fromentin alone or associated with others, or the construction company with whom Mr. Fromentin may treat, must supply the means necessary for purchasing and laying the cable before the first quarter part of the guarantee has been deposited in the Bank of France or London, the Government of Venezuela pledging itself to reimburse the sum advanced to Fromentin or whoever may represent his rights in the following manner: Half in gold, one year from the date of advancement; and the other half by note to be accepted by the Bank of Venezuela, payable eighteen months from this same date.

In this case the Government pledges itself to pay Fromentin or his legal representatives 7 per cent interest annually upon the total sum advanced for the construction of the cable, interest to run from the same dates expressed above, to be paid in monthly installments.

Made in duplicate, at Caracas, February 8, 1893.

J. PIETRI.
A. FROMENTIN.

Mr. Gresham to Mr. Partridge.

No. 21.]

DEPARTMENT OF STATE,
Washington, March 23, 1893.

SIR: I have received your No. 4, of the 8th instant, reporting, in compliance with Department instruction No. 5, of the 8th ultimo, in regard to the Venezuelan decree imposing a differential duty of 30 per cent on merchandise from the United States or Europe, transferred at Curaçao for the Western ports of the Republic of Venezuela.

In view of your report, the Department is disposed for the present to await further developments.

I am, etc.,

W. Q. GRESHAM.

Mr. Partridge to Mr. Gresham.

[Extract.]

No. 23.]

LEGATION OF THE UNITED STATES,
Caracas, April 11, 1893. (Received April 20.)

SIR: I have the honor to report the final disposition of the legal proceedings instituted in the courts of Venezuela against the American steamship *Philadelphia* on account of the Mijares incident reported by Mr. Scruggs in his No. 355 of November 18, 1892.*

On the 2d of December last the national judge of finance at La Guaira imposed a fine upon the captain of the *Philadelphia* of 10,000 bolivars (about \$2,000). The judgment having come in regular course before the high federal court for revision, that tribunal, on the 12th of January, reversed it on the ground of irregularity of procedure, and sent the case back for a new trial. I inclose a copy of the decision of the high federal court and a translation thereof. On the 7th instant the chief of the executive power, with the advice of his cabinet, granted a pardon to the ship and her captain, which quashes the proceedings in the courts. (Copy of the decree and a translation thereof inclosed.)

I have, etc.,

FRANK C. PARTRIDGE.

* See Foreign Relations for 1892, p. 637

[Inclosure 1 in No. 23.—Translation.]

The United States of Venezuela. In its name, tribunal of the second instance of the high federal court.

Examined, together with the information in writing of the national fiscal of finance. This suit of confiscation was begun by the fiscal comptroller of the maritime custom-house of La Guayra, denouncing the fact that the American steamship *Philadelphia* had sailed from the port of La Guaira, on the 11th day of November last, without the legal dispatch papers of the custom-house, whereby it incurs the penalty of confiscation in virtue of provision of case 10, article 1, chapter 1, law 20, of the code of finance. The national judge of finance at La Guayra took the declaration of Thomas Golding, representative of the house of H. L. Boulton & Co., consignees of said steamship, who said:

That the dispatch of the American steamship *Philadelphia*, which was done without fulfilling the registry, that is to say the dispatch paper which the custom-house delivers for its sailing from port, was ordered to Capt. Chambers by the consul of the United States of America in accordance with instructions which he received from his minister, who, considering her having been detained as she had been for more than twenty-four hours, and being a steamship carrier of the mails, which is included in the postal treaty, regarded her like a ship of the American Navy in time of peace and as such could not be detained; that the agents of the steamship, whom the witness represents, called in due time to request of the custom-house the said document, and the same having been refused by the administrator of the custom-house, in accordance with orders which he had to apply to the consul reporting to him what was happening, that the agents stood aloof from the intervention with respect to the dispatch papers of the steamship, as those of the agency had been put on board in due season.

He also took the declaration of John Chambers, captain of the steamship, who stated "that on the 10th day of November aforesaid he landed the passengers who came to the port of La Guayra, those only remaining on board who were going to New York; that the administration of the custom-house demanded of him to land the passenger Mijares; that he refused to do this because he thought it was contrary to his duties; that therefore he communicated this to the American consul; that the latter in turn communicated it to his minister, and after the steamship had been detained twenty-seven hours the consul, by order of the minister, dispatched her, supplying sufficient papers for the voyage to New York."

Founded on these two declarations, the national judge of finance of La Guayra pronounced sentence the 2d of December last, in which he declared, "that it being proven that the steamship *Philadelphia* sailed from the port without legal dispatch papers and in virtue of article 2, chapter 2, case 7, law 20, of the Code of Finance he imposed on Capt. Chambers a fine of 10,000 bolivars." Said sentence having come for consultation before this superior tribunal, it is observed that it does not appear from the record whether the Venezuelan authorities demanded of the captain of the steamship *Philadelphia* the surrender of the passenger, Mijares, nor who was this authority, nor whether the consignees of the ship requested the dispatch of the custom-house and the latter refused it and for what motive; nor does the intervention appear to have been proved which is attributed to the consul of the United States, whose declaration ought to have been taken, as well as of all those who could have made known the facts. The judge also ought to have requested of the custom-house all the documents relative to this matter. The judge did not comply with that which is ordered in article 28 of the said law 20, opening the cause for proof, nor with that which said article otherwise provides. The national judge of finance does not decide in his sentence whether the steamship *Philadelphia* has incurred confiscation or not, because, although he says in his different considerations that it is proven that the steamship sailed from La Guayra without legal dispatch papers, and in addition that the captain has incurred the penalty of case 10, article 1, law 20, of the Code of Finance, in the mandatory part, he limits himself to imposing on Capt. Chambers a fine of 10,000 bolivars.

For the reasons explained, and having considered that the errors mentioned are substantial, administering justice in the name of the Republic and by authority of the law, the cause is restored to its summary state in order that the judge who will legally replace the national judge at La Guayra in conformity with the provision of article 7 of law 21 of the Code of Finance, and who will be called upon to take cognizance of it, may correct all the irregularities of procedure mentioned, and declare a new sentence. As it is provided by fifth article, case 4, of the Organic Law of the high federal court, there is imposed on the national judge of finance at La Guayra a fine of 250 bolivars for the grave error committed. This fine will be paid in the administration of the custom-house of La Guayra, in conformity with

the provisions of article 19, law 21, of the Code of Finance. Let it be returned in legal form.

Given in the court room of the high federal court, in the capitol at Caracas, the 12th of January, 1893, twenty-ninth year of the law and thirty-fourth of the Federation.

ATILANO VIZCARRONDO.
MANUEL RENDÓN SARMIENTO,
Secretary.

[Inclosure 2 in No. 23.—Translation.]

UNITED STATES OF VENEZUELA, MINISTRY OF FINANCE,
DIRECTION OF THE TREASURY AND SALT DEPOSITS,
Caracas, April 7, 1893.

Resolved, Having considered in cabinet the representation made the 17th of February last, in which Messrs. H. C. Boulton & Co., merchants of Caracas, petition the national executive, in their character of agents at La Guayra of the company of American steamships of the Red D Line, to which the steamship *Philadelphia* belongs, that it would be pleased to dictate a measure which may definitely terminate the cause which is pending before the national judge of finance at La Guayra in consequence of the Supervisor of the maritime custom-house of said port having denounced that the said steamship sailed from said port on the 11th day of November of last year without the legal permit of the custom-house, the chief of executive power, considering the peculiarity of the circumstances of the case and that the said line has always shown itself strictly observant of its duties, is pleased to grant pardon to said steamship *Philadelphia* and to her captain, John Chambers.

Let this resolution be communicated to the high federal court and to the national judge of finance in La Guayra, in accordance with case 2, article 195, of the Code of Criminal Procedure.

J. A. VELUTINI.

Mr. Partridge to Mr. Gresham.

No. 36.]

LEGATION OF THE UNITED STATES,
Caracas, May 11, 1893. (Received May 22.)

SIR: I have the honor to send you, under separate cover, two copies of the message of the chief of the executive power transmitted to the national constituent assembly the 8th instant; and also three copies of the Annual Report of the Minister of Foreign Affairs for 1893. Matters of interest to the relations of Venezuela with the United States will be found in the latter, on pp. 27-31, inclusive, 43, 44, 48, and 49-51, inclusive. I inclose herewith translation of the minister's remarks upon the subjects of reciprocity, the Hancox claim, and an extradition treaty I have, etc.,

FRANK C. PARTRIDGE.

[Inclosure 1, No. 36.—Translation.]

[From the Report of Minister of Foreign Affairs of Venezuela for 1893.]

Customs reciprocity.

Very soon after the installation of the Venezuelan legation the Department of State expressed the desire to celebrate with this country a treaty of reciprocity upon bases more acceptable than those formerly proposed, excluding in them certain articles or products which before constituted one of the principal difficulties in arriving at the agreement which was requested.

The prolix negotiation to which, from 1890 to 1892, this matter gave rise, transcendental of itself by reason of the great interest which it involves, sufficiently proves the delicacy and care with which we ought to proceed before taking any

step on the road to a treaty. Hence this ministry preferred to share the responsibility of the case with the officer of finance, where the new propositions were submitted to careful study, but without result so far favorable to the idea of a convention.

[Inclosure 2 in No. 36.—Translation.]

[From the Report of Minister of Foreign Affairs of Venezuela for 1893.]

Hancox claim.

The 19th of January, 1892, an agreement was signed by the plenipotentiaries of the two governments to submit to the decision of arbitration this old claim of the United States. Circumstances well known prevented the meeting of the Congress of that year, which ought to have given its approbation to the ratification and their respective exchanges.

The delay in their formality, in no matter dependent upon the executive power of Venezuela, has occasioned suggestion on the part of the Government at Washington in the sense of proceeding at once to the completion of the treaty or of seeking by some other means a way of repairing, to that end, the default of the legislative body. This ministry considering, as was natural, the precise precepts of our constitution, pointed out in its reply the impossibility in which the chief of the executive power found himself of arrogating to himself legislative faculties in diplomatic matters; and after some consideration regarding the convenience of recourse to arbitration, happily chosen for the definite solution of the Hancox claim, expressed the confidence which the Government of the Republic has that one of the first acts of the next constitutional congress will be to place in the way of immediate completion the treaty of the 19th of January, 1892.

[Inclosure 3 in No. 36.—Translation.]

[From the Report of Minister of Foreign Affairs of Venezuela for 1893.]

Extradition.

By means of its representative in Caracas the Government at Washington has just manifested the desire to celebrate with Venezuela a treaty of extradition.

The executive power disposed on its part to initiate formal treaties regarding such a matter has requested of the legation of the United States the basis upon which it was disposed to make an agreement, in order to study them in the light of judicial criticism which in that regard prevails among us, and to resolve beforehand the administrative or political difficulties which, on account of respective local laws, might embarrass from the start the course of the negotiation.

Mr. Partridge to Mr. Gresham.

[Extract.]

No. 40.]

LEGATION OF THE UNITED STATES,
Caracas, May 25, 1893. (Received June 10.)

SIR: With reference to the Department's instruction No. 5, of February 8 and my dispatch No. 4 of March 8, relative to the transshipment of freight at Curaçao, I now have the honor to report that on the 22d instant the Government of Venezuela issued a decree restoring the privilege of transferring freight at that island. A copy of the decree and a translation thereof are inclosed herewith. The reference therein to a possible new port on the west coast more suitable for transferring freight is not restrictive of the operation of the decree.

I have, etc.,

FRANK C. PARTRIDGE.

[Inclosure in No. 40.—Translation.]

UNITED STATES OF VENEZUELA,
 MINISTRY OF FINANCE, DIRECTION OF CUSTOM-HOUSE,
 Caracas, May 22, 1893.

Resolved, In view of the various inconveniences and difficulties which the importing commerce of the West now experience in making at Puerto Cabello the transfer of merchandise which is forwarded from Europe and the United States of North America in ships which can not enter the ports to which said merchandise is destined, the chief of the National Executive, desirous always of affording to commerce the greatest facilities for the execution of its legitimate operations, has been pleased to decree, that from this date and until there is furnished on the west coast of the Republic a more suitable port in which the transfer of such goods can be made conveniently on Venezuelan territory, they may continue being transferred in Curaçao in the same manner and upon the same terms as was permitted by the executive decree of January 26, 1883, which is declared in force in all its parts, the resolution of the 30th of December last, referring to this same matter, being in consequence annulled.

Let it be communicated and published.

By the National Executive.

EZEQUIEL GONDELLES AYALA.

Mr. Partridge to Mr. Gresham.

No. 46.]

LEGATION OF THE UNITED STATES,
 Caracas, June 6, 1893. (Received June 22.)

SIR: With reference to my dispatch No. 23, of April 11, relative to the Mijares incident on the steamship *Philadelphia*, I now have the honor to send you herewith, for the purpose of completing the record of the case, a copy and translation of the final judgment of the court dismissing the legal proceedings, without costs, in conformity with the Executive pardon.

I have, etc.,

FRANK C. PARTRIDGE.

[Inclosure in No. 46.—Translation.]

United States of Venezuela—In its name—Tribunal of the second instance of the high federal court.

Examined together with the information of the national *fiscal* of the treasury. On the 28th of November of last year this cause of confiscation was begun against the consignee of the American steamship *Philadelphia* for having sailed from the port of La Guayra without the proper legal dispatch. The cause having been opened to proof, the national judge of the treasury at La Guayra in due time gave judgment on the 2d of December of last year, imposing on the captain of the steamship *Philadelphia* a fine of 10,000 bolivars, which became effective. The sentence of the tribunal of the first instance having been brought up to this tribunal for review, the judge of the second instance, Dr. Atilano Vizcarrondo, ordered the cause to be restored to its summary state, to correct irregularities of procedure which appear in its sentence.

In this state, the National Executive, in the exercise of its legal attributes, upon the petition of Messrs H. L. Boulton & Co., issued a decree dated the 7th of April past, granting a pardon to the steamship *Philadelphia* and her captain, John Chambers, by virtue of which the national judge of the treasury at La Guayra, in compliance with this decree and in conformity with the prescription of article 194 and case 2 of 195 of the code of criminal procedure, pronounced sentence on the 15th of April, dismissing the present cause without condemnation in costs. This tribunal of the second instance finds this sentence dictated by the national judge of the treasury at La Guayra conformable to the merit of the pleadings and the legal prescription. Therefore, administering justice in the name of the Republic and by authority of the law, it confirms in all its parts the sentence reviewed. Let this be published and returned. Given in the court-room of the high federal court in the capitol at Caracas, the 11th day of May, 1893 thirtieth year of the law, and thirty-fifth of federation.

MARIANO HERRERA.

MANUEL RENDON SARMIENTO,
 Secretary.

Mr. Partridge to Mr. Gresham.

[Extract.]

No. 52.]

LEGATION OF THE UNITED STATES,
Caracas, June 23, 1893. (Received July 1.)

SIR: Within a few days the National Constituent Assembly has completed a new constitution which goes into effect at once. It has not yet been published, but I hope to be able to send you a copy by the following mail, with such explanations as may be required. It provides for a Presidential term of four years, dating from February next, when Constitutional President and Congress are to be installed. In the meantime by a separate act the assembly, on the 16th instant, continued General Crespo at the head of the executive power until the President, elected in accordance with the provisions of the constitution, enters upon the discharge of his functions. The provisional executive is also charged with the immediate organization of provisional governments for the several states. I inclose a copy and translation of that act.

The assembly on the 13th instant formally approved all of the acts of General Crespo as chief of the revolution and chief of the National Executive. (Copy of decree and translation inclosed.)

I have, etc.,

FRANK C. PARTRIDGE.

[Inclosure 1 in No. 52.—Translation.]

The National Constituent Assembly of the United States of Venezuela. Considering:

That the national constitution having been sanctioned, it is indispensable to establish the steps which must be followed in order that there may be organized in conformity with it, in the shortest possible period, both the Republic and the states which compose it; *Decrees:*

ARTICLE 1. The National Executive will be presided over provisionally by the chief of the revolution, General Joaquin Crespo, until the President of the United States of Venezuela, who may be elected in conformity to the constitution, enters upon the discharge of his functions.

ART. 2. The National Constituent Assembly will appoint the members of the council of government, of the high federal court and of the court of *Casación*, all of whom will continue in the discharge of their respective functions until they may be replaced, in conformity with the provisions of the constitution.

ART. 3. The Provisional Executive of the Republic will proceed immediately to organize the provisional governments of the states; and they, those of the respective districts.

Separate paragraph.—The chief of the national executive will also organize provisionally the federal district in such a way that it may enter at once upon the enjoyment of the autonomy which the constitution establishes with reference to the economical and administrative management of the municipality.

ART. 4. The provisional governments of the states will convoke the people to election, to name their respective constituent assemblies, in such way that said bodies may be installed the 1st day of October next, or as soon thereafter as possible.

ART. 5. The constitutions of the states having been sanctioned in perfect harmony with the fundamental charter of the Republic, the provisional governments will again convoke the people to hold their respective elections, to name their magistrates and constitutional bodies and deputies to the National Congress. These elections will take place at the same times which will be fixed by the law which the National Constituent Assembly is to enact for the elections of constitutional President of the Republic and deputies for the federal district to the National Congress.

ART. 6. The times to which the foregoing article refers will be fixed in such a way that the constitutional legislative assemblies of the states may be installed the 20th day of January, 1894, or as soon thereafter as possible; and in giving possession to the magistrates who may have been elected, all of the political entities of the Union shall be constitutionally organized.

ART. 7. The constitutional congress of 1894 shall be installed on the date fixed by the Constitution.

ART. 8. The Provisional Executive of the Republic will dictate his orders so that, from the date on which the provisional governments of the states organize, in conformity with the provision of the third article of this decree, they shall commence to receive the revenue which corresponds to them by bimonthly quotas, which will be calculated upon the amount given as the division of said revenue by the last general budget of revenues and expenses approved by congress.

ART. 9. While future constitutional congresses are harmonizing the national legislation with the new constitution, there remain in force all the laws which were in effect in the Republic on the 14th day of March, 1892, in so far as they are not opposed to the prescriptions of the fundamental charter.

ART. 10. The provisional interregnum which is established by this decree is not included in the prescription of article 71 of the constitution, which refers to constitutional periods.

Given in the hall of its sessions, in Caracas, the 16th of June, 1893, 30th year of the law and 35th of the federation.

President of the Assembly,

FELICIANO ACEVEDO.

Deputy secretary,

F. TOSTA GARCIA.

FEDERAL PALACE IN CARACAS, *June 21, 1893.*

Let it be executed, and let care be taken in its execution.

JOAQUIN CRESPO.

Countersigned:

The minister of internal affairs,

LEON COLINA.

[Inclosure 2 in 52.—Translation.]

The National Constituent Assembly enacts:

ARTICLE 1. All and each one of the acts of General Joaquin Crespo, as chief of the revolution and as chief of the national executive, are approved.

ART. 2. The contracts celebrated under the authority of the said chief of the national executive remain submitted to the consideration of the next Congress, in order that they may be approved or rejected by the legislative houses conformably to their constitutional powers, which this assembly as a constituent body lacks.

There will be submitted also to the next constitutional congress the acts emanating from the national administration during the next provisional interregnum.

Given in the hall of its sessions in Caracas, the 13th of June, 1893, 30th year of the law and 36th of the federation.

President:

FELICIANO ACEVEDO.

Deputy secretary:

F. TOSTA GARCIA.

Mr. Partridge to Mr. Gresham.

No. 55.]

LEGATION OF THE UNITED STATES,
Caracas, *July 1, 1893.* (Received July 12.)

SIR: The National Constituent Assembly, which was convened May 1, completed its work and adjourned *sine die* on the 24th ultimo. Its principal acts were:

First. A new constitution, which will be promulgated with appropriate ceremonies in Caracas and in each one of the states on the 5th of July, the eighty-third anniversary of the independence of Venezuela. I regret that it is not yet possible to obtain a copy for transmission to the Department.

Second. The formal approval of all of the acts of Gen. Crespo as chief of the revolution and chief of the national executive, reported in my No. 52 of June 23.

Third. The continuance of Gen. Crespo as provisional chief of the

executive until the inauguration of a constitutionally elected President in February next, also reported in the same dispatch.

Fourth. A law for the conduct of the national elections; and

Fifth. An act of general amnesty for all political crimes and offenses committed in the Republic to December 31, 1892, a copy and translation of which are herewith inclosed. Gen. Crespo by an executive decree, dated March 14, and reported in my No. 11 of March 18,* had previously granted a pardon to all those engaged in the late civil war, with the exception of 96 of the higher officials of the Andueza Palacio government.

I have, etc.,

FRANK C. PARTRIDGE.

[Inclosure in No. 55.—Translation.]

The National Constituent Assembly considering:

That it is sound policy to destroy from the root the ill feelings which the civil war engendered, by means of a grand example of magnanimity, as also to invite all Venezuelans to a new era of peace and fraternity, and that the chief of the executive power, in the account which he has just rendered, recommends an act of clemency in favor of those excepted from the pardon of the 14th of March of this year; decrees:

Single Article.

Full amnesty is conceded for all political crimes and offenses committed in the Republic to the 31st of December, 1892. In consequence the judgment of responsibility is remitted to which the executive decree promulgated March 14th last refers, and the precautionary dispositions are without effect which were dictated to effectuate said judgment.

Given in the hall of its sessions in Caracas, the 18th of May, 1893, thirtieth and thirty-fifth.

President:

J. A. VELUTINI.

Secretary:

F. TOSTA GARCIA.

Federal Palace in Caracas, the 24th of May, 1893, thirtieth year of the law and thirty-fifth of the federation.

Let it be executed, and let care be taken in its execution.

JOAQUIN CRESPO.

Countersigned, etc.

Mr. Partridge to Mr. Gresham.

No. 58.]

LEGATION OF THE UNITED STATES,
Caracas, July 10, 1893. (Received July 21.)

SIR: I have the honor to transmit herewith a copy and translation of a decree of the Venezuelan Government, dated the 1st instant, relative to the navigation of the Orinoco River. It closes all of the channels of that river to foreign commerce, except the Boca Grande, reserving the Macareo and Pedernales channels for the coasting trade, and absolutely prohibiting the navigation of its other channels.

I understand that the only American line at present running between the United States and Ciudad Bolivar is the Thebault line, of New York, whose steamer already passes through the Boca Grande. The Department, however, in its instruction, No. 308, of November 4, 1892, transmitted to this legation a copy of a letter from John H. Dialogue & Son, of Camden, N. J., in which they stated that they proposed to build

vessels to run between the United States and Angostora (Ciudad Bolivar), and that to make the connection as direct as possible, and to avoid unnecessary expense, they desire to utilize the navigation of the bayous of the Orinoco, which afforded the most convenient route. Before entering upon large expense they desire to know whether these different channels of the Orinoco were open to all flags, and especially the American, and whether that condition was likely to be permanent. The minister of foreign affairs replied, December 22, that by the executive decree of October 25, 1886, either domestic or foreign vessels were allowed to enter the Orinoco by any of its mouths.

The shortest course for steamships proceeding from the United States is to pass westward of the island of Trinidad and enter the Orinoco by the Pedernales or Macareo channels. These channels, I am informed, admit vessels of a draft less than about 14 feet, and for vessels of that class are safer entrances than the Boca Grande.

I have, etc.,

FRANK C. PARTRIDGE.

[Inclosure in No. 58.—Translation.]

Joaquin Crespo, chargé of the executive power of the United States of Venezuela, considering:

1st. That the Government ought to favor commercial interests in the Republic by dictating efficacious measures to regulate mercantile enterprises and to prevent contraband;

2d. That our immense maritime and fluvial littoral offers opportunities for contraband operations, to the positive prejudice of reputable commerce and the injury of the fiscal interests;

3d. That there are many and repeated denunciations and complaints against the contraband trade which exist in spite of the legal dispositions, through the different mouths of the Orinoco River and part of the coast of the Gulf of Guiría. Decrees:

ARTICLE 1. Vessels which have foreign commerce with Ciudad Bolivar may pass only through the Boca Grande (large mouth) of the Orinoco River, reserving the Macaceo and Pedernales channels for the commerce of the coasting trade, and prohibiting absolutely the navigation of the other channels of said river.

ART. 2. In order that the commerce of Ciudad Bolivar may not suffer in its mercantile operations, permission is granted to the lines of steamers only at present plying through the Macareo and Pedernales channels, in consideration of the sailing conditions of their vessels, which do not permit them to navigate the Boca Grande, to continue doing so through the Macareo and Pedernales channels until the 31st of December next, a term which the Government judges sufficient for the proprietors of said lines to modify their vessels so as to adapt them to navigation conformably to the disposition of this decree.

ART. 3. The maritime custom house of Pedernales is discontinued, in the place of which, for the business of the coasting trade, there is substituted a customs guard, dependent on the custom house of Ciudad Bolivar.

ART. 4. The customs guard of Manoa is transferred to the port of Sucupana, which will continue to be dependent on the custom house of Ciudad Bolivar.

ART. 5. The ministers of interior relations, of finance, and of war and marine are charged with the execution of this decree.

Given, signed with my hand, sealed with the seal of the national executive and countersigned in the federal palace in Caracas, this 1st day of July, 1893, eighty-three years of the independence and thirty-fifth of the federation.

JOAQUIN CRESPO.

Countersigned,
The Minister of Interior Relations,

FELICIANO ACEVEDO.

Countersigned,
The Minister of Finance,

J. A. VELUTINI.

Countersigned,
The Minister of War and Marine,

R. GUERRA.

Mr. Partridge to Mr. Gresham.

No. 59.]

LEGATION OF THE UNITED STATES,
Caracas, July 12, 1893. (Received July 21.)

SIR: With reference to my dispatch, No. 55, of the 1st instant, I now have the honor to transmit herewith three copies of the constitution of the United States of Venezuela, adopted by the National Constituent Assembly, June 12, and formally promulgated the 5th instant.

This constitution is based upon the last one of April 16, 1891, which was the same as that of April 27, 1881, except as regards the power of amendment. The principal administrative changes are with respect to the executive.

The president, instead of being elected by a federal council for a term of two years, is to be elected by a direct vote of the people for a term of four years. (Articles 63 and 71.) If no one receives an absolute majority of all the votes cast, Congress, voting by states, is to elect one of the two candidates receiving the highest number of votes (Art. 65.) Instead of a federal council of 19 members the present constitution provides for a council of government of one member from each of the 9 states. The concurrence of the council in the executive acts of the President is limited to the cases specified in articles 77 and 78. The president of the council is vice-president of the Republic (Art. 70.) I append a translation of articles 5, 9, 10, 11, 12, 141, 148, and 149, which are of international interest.

Article 5 declares the law of citizenship. Division (a), section 1, is the same as in the former constitution, and adopts the rule of *jus soli* in its entirety, declaring every person born in the territory of Venezuela a Venezuelan, whatever may be the nationality of his parents. Division (a), section 2, and Division (b), section 1, following the former constitution, make children born abroad of a Venezuelan father or mother Venezuelan citizens, provided they become domiciled in Venezuela and declare their desire to be such; but the two sections distinguish between children so born of a native Venezuelan parent and of a naturalized Venezuelan parent, declaring the former native and the latter naturalized citizens. Division (a), section 3, simply declares the principle of international law that a child born abroad of a Venezuelan citizen in the diplomatic service is a native citizen.

Division (b), sections 2 and 3, provide for the naturalization of foreigners, and like the last constitution distinguish between the forms required for natives of any of the Spanish American republics or of the Spanish Antilles and other foreigners. The last constitution (Article 6) provided that "those who fix their domicile and acquire nationality in a foreign country do not lose the character of Venezuelans." This declaration against the right of expatriation has been omitted from the new constitution.

Articles 9 to 12, inclusive, relate to the rights of foreigners in Venezuela and the responsibility of the Government to them. Articles 9 and 10 are the two declarations with respect to claims and diplomatic intervention approved by the International American Conference by a vote of 15 to 1, the United States voting negatively, and Hayti abstaining from voting (Minutes of the Conference, pp. 807-811). Mr. Trescott, a delegate of the United States, in his minority report against these declarations, says that he can not interpret them "in any other sense than the entire and absolute denial of the right to diplomatic reclamation between independent governments in vindication or protection of the rights of its citizens residing in foreign countries." (Minutes of the

Conference, p. 826.) If the necessity, therefore, should arise, I suppose that the Government of the United States would no more admit now than it would in 1888 that "its diplomatic intervention could be forestalled by an internal legislative limitation of liability," or that such domestic legislation, and not the principles of international law, can determine the responsibility of governments to one another (Foreign Relations, 1888, p. 491). But the most remarkable provision is that of article 11, that "the Government of Venezuela will not make any kind of treaties with other nations unless they recognize the principles established in the two foregoing articles." This article, strictly interpreted, would, to say the least, restrict the treaty relations of Venezuela with other countries within very narrow limits.

On the 7th instant I had an interview with the minister of foreign affairs relative to the extradition negotiations. As pertinent thereto, but without reference to the merits of the foregoing article generally, I adverted to it, saying to him that I supposed Venezuela would not refuse to make with the United States a treaty to which the principles formulated in articles 9 and 10 could have no applicability, but are wholly irrelevant, as, for example, the extradition treaty which we were negotiating, or a postal treaty. He assented to that view and said he thought it applicable rather to a general treaty, especially one giving foreigners the right to reside and do business in Venezuela.

Article 141, requiring an arbitration clause in international treaties, follows substantially article 109 of the former constitution, but is now applicable to treaties generally, while before treaties of "commerce and amity" were specified.

Article 148 is a copy of article 116 of the former constitution.

Article 149, requiring a clause to be inserted in public contracts that any dispute with reference to the same should be decided by the tribunals of Venezuela, conformably to the laws of the Republic, and that such contracts shall in no case afford a ground for an international reclamation, is new to this constitution, although it has been the usual practice for some time to insert such a clause in contracts.

I have, etc.,

FRANK C. PARTRIDGE.

[Inclosure in No. 59.—Translation.]

Constitution of the United States of Venezuela.

[Sanctioned by the National Constituent Assembly June 12, 1893.]

ART. 5. Venezuelans are such by birth or by naturalization.

(a) Venezuelans by birth are—

(1) All persons that have been or may be born on Venezuelan soil, whatever may be the nationality of their parents.

(2) The children of a Venezuelan father and mother by birth who may be born on foreign soil, provided that they come to the country to take up their domicile in it and declare before competent authority their desire to be such.

(3) Legitimate children that may be born on foreign soil or at sea of a Venezuelan father temporarily residing or traveling in the exercise of a diplomatic mission or attached to a legation of the Republic.

(b) Venezuelans by naturalization are—

(1) The children of a Venezuelan father or mother by naturalization, born outside of the territory of the Republic, if they should come to take up their domicile in the country and declare their desire to be Venezuelans.

(2) Those born or that may be born in the Spanish-American Republics or in the Spanish Antilles, provided that they may have fixed their residence in the territory of the Republic and manifested their desire to be Venezuelans.

(3) Foreigners who have obtained a letter of naturalization or citizenship conformably to the law.

ART. 9. Foreigners are entitled to enjoy all the civil rights enjoyed by natives; and they shall be accorded all the benefits of said rights in all that is essential as well as in the form or procedure, and the legal remedies incident thereto, absolutely in like manner as said natives.

ART. 10. A nation has not, nor recognizes in favor of foreigners, any other obligations or responsibilities than those which in favor of the natives are established in like cases by the constitution and the laws.

ART. 11. The Government of Venezuela will not celebrate with other nations any kind of treaties unless they recognize the principles established in the two foregoing articles.

ART. 12. The law will determine the rights and duties of foreigners not domiciled.

ART. 141. In international treaties there shall be inserted the clause that "all differences between the contracting parties shall be decided, without appeal to war, by the arbitration of a friendly power or powers."

ART. 148. The national executive will negotiate with the governments of America upon treaties of alliance or confederation.

ART. 149. No contract of public interest celebrated by the National Government or by that of the States can be transferred, in whole or in part, to a foreign government. In every contract of public interest there shall be inserted the clause that "doubts and controversies that may arise regarding its meaning and execution shall be decided by the Venezuelan tribunals and according to the laws of the Republic, and in no case can such contracts be a cause for international claims."

Mr. Partridge to Mr. Gresham.

No. 64.]

LEGATION OF THE UNITED STATES,
Caracas, July 22, 1893. (Received August 1.)

SIR: I have the honor to report that on the 7th instant, upon the petition of the general agents of the French Transatlantic Company, a decree was issued by this Government giving preference in facilities for loading and discharging cargo "to postal steamers, principally those which have postal agents on board named by the French Government." (Copy and translation of decree inclosed.) As such a preference would work to the disadvantage of the steamers of the Red D Line, which are under contract to carry the mails between the United States and Venezuela, their agent in this city made a representation with respect thereto to the minister of war. To-day they have received a reply to the effect that a supplementary decree will be promptly issued putting all mail steamers upon the same basis, and providing that they shall all be afforded port facilities in the order of their arrival.

I have, etc.,

FRANK C. PARTRIDGE.

[Inclosure in No. 64.—Translation.]

UNITED STATES OF VENEZUELA,
MINISTRY OF WAR AND MARINE,
DIRECTION OF MARINE,
Caracas, July 7, 1893.

Resolued, Having examined the petition which Messrs. C. Hellmund & Co., general agents for Venezuela of the General French Transatlantic Company, directs to this office, requesting of the Government a resolution by which the administrators of customs of the Republic, in their characters of captains of the port, may be sufficiently authorized, so that postal steamers, principally those which have postal agents on board named by the French Government, may be able to load and discharge in the ports of their itinerary in Venezuela without any delay which would prejudice their passengers and commerce through lack of connection with the different

steamers of the Pacific, which sail upon dates connected with the arrival of the postal steamers at Colon, and the cabinet considering the justice of the reasons adduced, the chargé of the executive power of the Republic has been pleased to accede to said petition.

Let it be communicated and published.
By the national executive,

R. GUERRA.

Mr. Partridge to Mr. Gresham.

No. 66.]

LEGATION OF THE UNITED STATES,
Caracas, July 25, 1893. (Received August 10.)

SIR: With reference to my dispatch No. 64, of the 22d instant, relative to port facilities for mail steamers, I have now the honor to transmit a copy and translation of the decree therein referred to, which appeared in the *Gazeta Oficial* of last evening.

I have, etc.,

FRANK C. PARTRIDGE.

[Inclosure 1 in No. 66.—Translation.]

OFFICIAL GAZETTE, *July 24, 1893.*

UNITED STATES OF VENEZUELA,
MINISTRY OF WAR AND MARINE, DIRECTION OF MARINE,
Caracas, July 21, 1893.

Resolved, Having considered in cabinet the petition which Messrs. H. L. Boulton & Co., agents of the American Red D Line of steamers, have addressed to this office, in which they request of the Government an equivalent resolution to that which this Ministry dictated under date of the 7th instant authorizing the administrators of the customs of the Republic, in their character of captains of the port, to concede preference in the ports and wharves to postal steamers of the General French Transatlantic Company of Venezuela for loading and discharging cargo, and considering that the steamers of the Red D Line are under identical conditions, because they are also postal steamers subsidized for that purpose by the Government of the United States of North America, the chargé of the executive power of the Republic has been pleased to accede to said petition, it having to be observed that in case of the arrival together of the mail steamers of these two companies that one shall take priority which first makes fast to the wharf. Let it be communicated and published.

By the National Executive.

R. GUERRA.

Mr. Adee to Mr. Partridge.

No. 48.]

DEPARTMENT OF STATE,
Washington, July 26, 1893.

SIR: I have read with interest the remarks contained in your No. 59, of the 12th instant, touching those provisions of the new constitution of Venezuela, promulgated July 5th, which have a bearing on international questions.

The provision that all persons born on Venezuelan soil are citizens, whatever the nationality of their parents, is found in many Spanish-American countries, being derived from the Spanish constitution of 1812. (*See Foreign Relations, 1880, p. 113.*) It is in most cases either expressly or tacitly qualified by the necessary condition of being or remaining within the jurisdiction of the country of birth. The Vene-

zuelan provision may be assumed to mean that children so born of alien parents possess a dual nationality, and that while in Venezuela their Venezuelan nationality prevails. In this light it is merely an enunciation of an obvious conflict of laws.

The one hundred and forty-ninth article, requiring the insertion in every contract of public interest of a clause providing that controversies thereunder shall be decided by the Venezuelan tribunals and according to the laws of the Republic, and that in no case can such contract be a cause for international claims, is a gratifying guarantee that, by the organic statute, aliens may assert their contractual rights by suit against the state or federal government. The inherent right of an alien to recur to the diplomatic protection of his government in the event of a denial of justice could not be regarded as impaired were the resort thus offered to him withheld or rendered nugatory.

Your general views regarding this class of questions appear to be, in the main, sound.

I am, etc.

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Mr. Partridge.

No. 50.]

DEPARTMENT OF STATE,
Washington, August 1, 1893.

SIR: Referring to your No. 58, of the 10th ultimo, reporting the decree of the Venezuelan Government closing to commerce all the mouths of the Orinoco River except the Boca Grande, I inclose a copy of a letter dated the 29th ultimo from John H. Dialogue & Son, of Camden, N. J., complaining that the decree will work hardship to them inasmuch as, acting on the assurances given by the Venezuelan minister of foreign relations to our legation in 1891 that all the mouths of the river were open to commerce, they built a vessel for the trade which is unfit to navigate the Boca Grande.

You will see whether anything can be properly done to remedy this apparent case of hardship.

I am, &c.,

ALVEY A. ADEE.
Acting Secretary.

[Inclosure in No. 50.]

Messrs. John H. Dialogue & Son to Mr. Gresham.

CAMDEN, N. J.,

July 29, 1893. [Received July 31.]

DEAR SIR: We have your favor of 26th to hand, all of which is noted; in reply would state that we regret very much the action of the Venezuelan Government in the matter of the decree of July 1st, affecting the navigation of the Orinoco River; we would state, that the vessel in which we have taken such an interest and which we built in our yard, was built especially for the navigation of the Orinoco River through the mouths adjacent to Port of Spain, and the vessel is utterly unfit to navigate the principal mouth, and there is no possible way of altering her to make her suitable for such navigation; this steamer was built with the assurance of the Venezuelan Government, that these mouths would be open to navigation by American vessels, contained in the Department's letter of January 11th, to you, copy of which

has been sent us. We trust you will use the offices of your Department to have the Venezuelan Government modify this order, at least to the extent of permitting American vessels already built to navigate the bayous adjacent to Port of Spain, as in the event of this decree being fully enforced after December 31st there will be much loss connected with the building of this steamer, as it is practically impossible to take her from the trade in which she is engaged.

Very respectfully,

JOHN H. DIALOGUE & SON.

Mr. Gresham to Mr. Partridge.

No. 57.]

DEPARTMENT OF STATE,
Washington, August 24, 1893.

SIR: I inclose extracts from a dispatch, No. 137, of the 10th instant, addressed to the Department by Mr. Philip C. Hanna, United States consul at La Guayra, concerning the difficulties experienced by American merchant ships, in view of the Venezuelan law which requires that all ships' papers shall be deposited with the customs officials of that Government.

The instructions heretofore sent to your legation during the protracted discussion of this important question are believed to be sufficient for your guidance.

It is sincerely hoped, however, that Mr. Hanna's anticipation of a more favorable disposition in dealing with the matter at the present time will prove to be well grounded.

I am, etc.,

W. Q. GRESHAM.

[Inclosure in No. 57.—Extract.]

Mr. Hanna to Mr. Quincy.

No. 137.]

CONSULATE OF THE UNITED STATES,
La Guayra, August 10, 1893. (Received August 19.)

SIR: I have the honor to call your attention to a matter which I deem of very great importance to our commercial relation with Venezuela. There is a Venezuelan law requiring that the masters of all ships, foreign as well as local, deposit with the collector of customs, on their arrival at a Venezuelan port, the original register, the manifest, the crew list, and all ship's papers of importance. Paragraph 150 of consular regulations requires that these papers of American vessels be deposited with the consular officer at each port which the vessel enters. But in Venezuela no American consul has possession of the papers of any ship and never has an opportunity to see such papers until the custom-house officials have cleared the ship and delivered the papers to the captain. This custom of Venezuelan authorities always has been a source of very great annoyance to our ships as well as to the consuls. It is a common occurrence for the custom-house here to lose some of the ship's papers, and in some cases the "register" has been lost. I think that eleven times since I have been consul in La Guayra American masters have complained to me of the Venezuelan officials having lost some of their "ship's papers."

Another remarkable fact connected with this subject is that nearly all the trouble we had in Venezuela over our merchant vessels during the late revolution grew out of the fact that Venezuelan officials held the papers belonging to our ships, or that they demanded them even when there was no regularly organized Government to deliver them to. There was trouble over the papers of almost every merchant ship leaving this port during the latter part of the revolutionary period, all caused by having to deposit our ships' papers in the hands of a foreign Government who were at war among themselves, and who made all the trouble they could to foreigners. These people often delayed our ships, which carry the mails, for hours, in order to allow some of their friends to escape from the country, in spite of the protest of captains and consul. I refer you to a serious case, that of the American steamship *Venezuela*, in port at La Guayra on or about the 22d day of September last. It became necessary to ask assistance of the United States naval fleet then in port.

The Mijares case, concerning which the newspapers of the United States and Europe had so much to say, came near being a much more serious case than what it was. I devoted my dispatch No. 108 to the subject of Mijares and the steamship *Philadelphia*.

I hope, now that this country is in a peaceable state, that the Government of the United States will see fit to enter into some satisfactory treaty providing for the deposit of the papers of our merchant vessels in the hands of our consuls. Unless some remedy is provided in time of peace we may expect renewed trouble with our ships in Venezuelan ports just as soon as the next revolution gets well under way. Foreign merchants are of the opinion that there will be revolutionary trouble here before many months, and I shall not be surprised if this country sees another war in less than a year. I believe there now exists with the present Venezuelan Government a most friendly feeling toward the United States, and that something might be done now satisfactory to our commerce and shipping interest.

I have, etc.,

PHILIP C. HANNA,
Consul.

Mr. Partridge to Mr. Gresham.

[Extract.]

No. 93.]

LEGATION OF THE UNITED STATES,
Caracas, October 10, 1893. (Received October 20.)

SIR: I have the honor to acknowledge the receipt of your instruction No. 57, of August 24, with respect to the Venezuelan practice of requiring all ships' papers to be deposited with the customs officials of the port. A few days since I had a conference with the minister of foreign affairs and Dr. Seijas, the legal adviser of the ministry.

The matter was new to Señor Rojas, but Dr. Seijas was minister of foreign affairs during the negotiations had by Mr. Baker in 1881 to 1884, and was thoroughly conversant with the question. He said that as minister he had once recommended the desired change, and had appeared before a committee of Congress in support of the same.

The reasons for the change were fully presented by Mr. Baker, Mr. Scott, and Mr. Scruggs, and the correspondence shows that they were tacitly admitted. Nor are the minister and Dr. Seijas disposed now to dispute the merits of our request. As the present practice, however, is established by law (Art. 44, Cap. 11, Ley XVI, Código de Hacienda; see p. 236, Tom. XI, Recopilación de Leyes y Decretos de Venezuela), they say it can only be changed by Congress. They were disposed to assent to my request that the matter should be urged again upon the attention of Congress at its next session in February. In the meantime nothing can be accomplished.

I have not attempted to present the matter formally or in detail, as that can be done much more effectively nearer the time of the meeting of the Congress. It can then take such form as further conferences with the minister and Dr. Seijas may suggest to be most useful.

I have, etc.,

FRANK C. PARTRIDGE.

Mr. Partridge to Mr. Gresham.

No. 97.]

LEGATION OF THE UNITED STATES,
Caracas, October 18, 1893. (Received October 30.)

SIR: With reference to the case of John H. Dialogue & Son., agents for Mr. E. Lee growing out of the closure to foreign commerce of all of the mouths of the Orinoco River except the Boca Grande, I

have the honor to report that under date of the 30th of that month, I received a letter from Mr. Lee regarding his American citizenship and his ownership of the vessel in question, a copy of the pertinent part of which I inclose.

On August 16 I gave to the minister of foreign affairs informally, in deference to his suggestion, a memorandum, a copy of which is also inclosed.

I have inquired of him several times concerning the matter, but have received no satisfactory reply. On the 14th instant, therefore, I addressed him a formal note as per copy inclosed. Hoping that my action will meet with your approval,

I have, etc.,

FRANK C. PARTRIDGE.

[Inclosure 1 in No. 97.]

Mr. Lee to Mr. Partridge.

TRINIDAD, August 30, 1898.

SIR: I have your favor of the 23d instant, and in reply, I herewith inclose certificate of the U. S. consul at this port, which I trust will be found a satisfactory reply to most of your inquiries; but I will state further in reply to your questions of citizenship, that you will doubtless find evidence in the legation that I was U. S. consul at Guayaquil in the years 1867 to 1868, and that you will also find, in the archives of the legation, copies of the correspondence between the State Department and Maj. Scott (one of your predecessors) evidence to the same effect.

If the above is not sufficient please notify me, and further shall be forthcoming. The consular certificate will state that I am sole owner of the *Delta*. John H. Dialogue & Son are the contractors who built the vessel for me, and have acted and are still acting as my agents in the United States in matters connected with my steamboat interests in Venezuela. In regard to the progress in construction of the *Delta*, the vessel is now afloat, the boilers and most of the machinery are on board, the upper decks are now well advanced, and if there was probability of getting soon to work, the finishing strokes would not be far off.

The consular certificate gives the tonnage of the vessel as taken by the proper authorities in Philadelphia. The length is 160 feet, beam 40 feet, and depth of hold 9 feet. She is a stern wheeler, and although well able to navigate the waters of the Gulf of Paria, it would be dangerous to send her to the high seas.

Yours, etc.,

E. LEE.

[Inclosure 2 in No. 97.]

Certificate of Consul Pierce.

CONSULATE OF THE UNITED STATES OF AMERICA,
Trinidad, West Indies.

I, the undersigned, William P. Pierce, consul of the United States of America at Trinidad, hereby certify upon satisfactory proof produced to me that the vessel called the *Delta* now lying in Port of Spain, Trinidad, was in whole or part constructed at the shipyard of John H. Dialogue & Son, shipbuilders at Camden, State of New Jersey, United States; and according to bill of lading produced at this consulate and found to be genuine was subsequently shipped by E. Lee in pieces to Trinidad, where it has been built or reconstructed by the said E. Lee and his agents.

I further certify that a receipted account rendered against the said E. Lee and signed by the said John H. Dialogue & Son, the genuineness of which paper I do not doubt, has been produced to me at this consulate and the items of the account satisfactorily show that the said John H. Dialogue & Son acted under contract as the agents of said E. Lee in manufacturing or obtaining the said material out of which the said *Delta* has been built.

I further certify that according to an official certificate of admeasurement produced to me and the genuineness of which I do not doubt, dated at the "District of Phila-

delphia, port of Philadelphia, March 9, 1893," and signed "John J. Franklin, "deputy surveyor," the said vessel is described in part as a stern-wheel steamer with one deck and no masts, gross tonnage (466.07) four hundred and sixty-six and $\frac{1}{10}$ tons, and net tonnage (322.33) three hundred and twenty-two and $\frac{33}{100}$ tons.

I further certify that the said E. Lee is a citizen of the United States of America. Given under my hand and the seal of this consulate the 10th day of August, in the year one thousand eight hundred and ninety-three.

[Seal of consulate.]

WILLIAM P. PIERCE,
Consul.

CONSULATE OF THE UNITED STATES OF AMERICA,
Trinidad, West Indies, August 29, 1893.

This is to certify that the foregoing is a true and genuine copy of a certificate as recorded at this consulate, and which was duly executed and granted under my official seal and signature substantially as provided for by paragraph 313 of the U. S. Consular Regulations.

Given under my hand and the seal of this consulate the day and year hereof.

[Seal of consulate.]

WILLIAM P. PIERCE,
U. S. Consul.

[Inclosure 3 in No. 97.]

PRO MEMORIA.

November 21, 1892, Mr. Scruggs sent his excellency Dr. Rojas a copy of a letter from John H. Dialogue & Son, of Camden, N. J., who contemplated building vessels for transportation purposes between the United States and Ciudad Bolivar. They desire to navigate the bayous of the Orinoco River, and before entering upon large expense they wished to know whether those bayous, as well as the main channel, were open to all flags, and especially the American, and whether the condition would likely be permanent. Mr. Scruggs therefore asked to be officially informed upon the subject.

His excellency Dr. Rojas replied on the 22d of December, 1892, to the effect that foreign vessels bound for Ciudad Bolivar were allowed to enter the Orinoco River by any of the mouths and return likewise by any of them.

This assurance was communicated to the Department of State at Washington, December 24, 1892, and by it to John H. Dialogue & Son, January 11, 1893.

On the 1st of July, 1893, the Government of Venezuela issued a decree closing the mouths of the Orinoco to foreign commerce except the Boca Grande, and reserving the Padernales and Macareo channels for the coasting trade.

It now appears from a letter of John H. Dialogue & Son, dated July 29 last, that, acting upon the assurance of the Venezuelan Government, they have built a vessel "especially for the navigation of the Orinoco River through the mouths adjacent to Port of Spain; that the vessel is utterly unfit to navigate the principal mouth, and that there is no possible way of altering her to make her suitable for such navigation." The decree in question recognizes the fact that vessels adapted to the navigation of the lesser mouths would not be suitable for the navigation of the Boca Grande.

The preliminary inquiry of Dialogue & Son evidences their good faith in the matter. The assurance given them was definite, and they, relying upon it, have undertaken large expense. The circumstances seem to suggest that unless some way can be found to relieve this particular ship from the operation of the decree of July 1, great damage would unjustly be done her owners.

FRANK C. PARTRIDGE.

LEGATION OF THE UNITED STATES,
Caracas, August 16, 1893.

[Inclosure 4 in No. 97.]

Mr. Partridge to Señor Rojas.

LEGATION OF THE UNITED STATES,
Caracas, October 14, 1893.

MR. MINISTER: Referring to our previous conversations with respect thereto, permit me to again call your attention to the memorandum which I sent you, August

16, relative to the case of John H. Dialogue & Son, agents for Mr. E. Lee. For your convenience I inclose another copy of the memorandum.

I would add that the *Delta*, the vessel in question, is a stern-wheel steamer, with one deck and no masts, about 160 feet long, 40 feet beam, and 9 feet depth of hold. Her gross tonnage is 466.07 tons, and her net tonnage 322.33 tons. Being unfit for ocean travel, she was shipped in pieces from the shipyards of Dialogue & Son, at Camden, State of New Jersey, United States of America, to Trinidad, where she has been reconstructed by her owner, Mr. Lee. According to my advices of the last of August, the vessel was afloat, the boilers and most of the machinery were on board, and the upper deck well advanced. She is intended for service between Trinidad and Ciudad Bolivar, and is capable of navigating the gulf of Paria, in order to enter the Padernales and the Macareo mouths, but not of navigating the high seas, as would be necessary to enter the Boca Grande. Nor could she be adapted to, or sold for, some other trade, as she can not be sent across the seas.

Briefly, the case stands thus: A citizen of the United States desiring to construct some vessel for the navigation of the Orinoco River to Ciudad Bolivar, and familiar with the widely different necessities of a vessel suited to the navigation of the lesser mouths and the navigation of the Boca Grande, frankly stated his purpose to his "Government, through his agents, and that he did not desire to undertake the necessary expense involved without assurance that the navigation of the lesser mouths would be permitted." The Government of the United States thereupon, through this legation, formally inquired with respect thereto of the Government of Venezuela, and received through the medium of your excellency the desired assurance. This information was communicated to the agents of the owner and he, relying upon it, has undertaken large expense, which the decree of July 1, unless modified at least with respect to the *Delta*, will render practically valueless.

Upon a mere statement of the facts I submit to your excellency whether common justice and good faith does not require the Government of Venezuela to permit the *Delta* to navigate the lesser mouths or else to save her owner harmless in some other way? The form which the relief is to take must determine the present course which it is best for Mr. Lee to pursue in regard to his vessel. As it is, he is left wholly in doubt. I therefore earnestly renew my request that your excellency will inform me what the purpose of the Government of Venezuela is in the premises.

I avail myself, etc.,

FRANK C. PARTRIDGE.

Mr. Partridge to Mr. Gresham.

No. 109.]

LEGATION OF THE UNITED STATES,
Caracas, December 27, 1893. (Received January 6, 1894.)

SIR: With reference to my dispatch, No. 97, of the 18th of October last, I have the honor to inform you that since then I have had several informal conferences with the minister of foreign affairs relative to the case of J. H. Dialogue & Son, agents for Mr. E. Lee, arising out of the closure to foreign commerce of the lesser mouths of the Orinoco River. The matter has lately been under consideration by the cabinet, and during a conversation with Señor Rojas at the ministry yesterday he said to me that he expected that the case would be satisfactorily settled within two or three weeks by a revocation of the decree of July 1. This is the disposition of it most to be desired, and the one which in our conferences I have urged upon the minister, in so far as I could with propriety, as the best course for Venezuela, irrespective of foreign interests. I am convinced that the decree instead of preventing contraband would increase the opportunities for it.

I have, etc.,

FRANK C. PARTRIDGE.

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